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ENHANCING THE EFFECTIVENESS OF SOCIAL DIALOGUE ARTICULATION IN EUROPE (EESDA)

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ANS	Asociácia nemocníc Slovenska (Slovak Hospitals Association, sector-level employers' association)
AŠN SR	Asociácia štátnych nemocníc Slovenskej republiky (Association of State Hospitals of the Slovak Republic, sector-level employers' organization)
AZZZ	Asociácia zamestnávateľských zväzov a združení (Association of Employers' Federations)
APZ	Asociácia priemyselných zväzov (Association of Industry Federations, peak-level employers' organization in Slovakia)
CEE	Central and Eastern Europe
EAHM	European Association of Hospital Managers
EFBWW	European Federation of Building and Woodworkers
ETUCE	European Trade Union Committee for Education
Eurocoop	European community of consumers cooperatives
EZA	European Centre for Workers' Questions
FIEC	European Construction Industry Federation
HOPE	European Hospital and Healthcare Federation
HSR	Hospodárska a sociálna rada (Economic and Social Council)
IOZ	Integrovaný odborový zväz
ISU	Iniciatíva slovenských učiteľov
KOZ SR	Konfederácia odborových zväzov Slovenskej republiky (Confederation of Trade Unions of Slovak Republic)
LOZ	Lekárske odborové združenie (Doctors' trade union federation)
MLG	Multi-level governance
MRP	Medzirezortné pripomienkové konanie
NCZI	Národné centrum zdravotníckych informácií
NKOS	Nezávislé kresťanské odbory Slovenska (Independent Christian Unions of Slovakia)
NŠO	Nové školské odbory
OZ KOVO	Odborový zväz KOVO
OZPBGNP	Odborový zväz pracovníkov baní, geológie a naftového priemyslu
OZPOCR	Odborový zväz pracovníkov obchodu a cestovného ruchu
OZPŠaV	Odborový zväz pracovníkov školstva a vedy
OZSaPA	Odborový zväz sestier a pôrodných asistentiek (Trade Union Federation of Nurses and Midwives)
PB	Priemyselná bipartita
PN	Poslanecké návrhy (legislative proposals by members of the parliament)
RHSD	Rada hospodárskej a sociálnej dohody (Council of Economic and Social Accord)
RHSP	Rada hospodárskej a sociálnej pomoci
RÚZ SR	Republiková únia zamestnávateľov (Employers' Union of the Republic, peak-level employers' organization in Slovakia)
SAMO	Slovenská aliancia moderného obchodu
SEA	Slovenská elektromechanická asociácia
SD	Social Dialogue
SKSaPA	Slovenská komora sestier a pôrodných asistentiek
SKU	Slovenská komora učiteľov
SOS	Spoločné odbory Slovenska
SOZZaSS	Slovenský odborový zväz zdravotníctva a sociálnych služieb
SŽZ	Slovenský živnostenský zväz
ZAP SR	Zväz automobilového priemyslu SR
ZHTPG	Zväz hutníctva, ťažobného priemyslu a geológie SR
ZMOS	Združenie miest a obcí Slovenska
ZO	Základné organizácie
ZOCR	Zväz obchodu a cestovného ruchu
ZPS	Združenie podnikateľov Slovenska

ZSP	Zväz strojárského priemyslu (Federation of Mechanical Engineering, sector-level employers' organization)
ZSPS	Zväz stavebných podnikateľov Slovenska (Federation of Construction Entrepreneurs of Slovakia, sector-level employers' organization)

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1. Introduction

This report focuses on the organization and functioning of social dialogue (SD) in Slovakia, including the articulation of social dialogue between (a) the national and the EU-levels, and (b) the national and sector levels. Following Kahancová et al. (2019), the social dialogue in this report refers to various forms of interactions, including *negotiation, consultation or exchange of information, between or among social partners and public authorities* (c. f. European Commission, 2015a; 2015b). Social dialogue articulation refers to the ways in which social dialogue functions at different levels; the interaction between these levels, and the channels through which social dialogue outcomes at one level influence the social dialogue processes and outcomes at other levels. Original empirical evidence for the analysis of national-level SD has been collected exclusively for the purpose of this project. Evidence for the analysis of sector-level SD arises partly from the original interviews conducted with social partner representatives of particular sectors and partly from the authors' earlier analyses of social dialogue in these sectors.

In line with the research goals of the EESDA project, this report focuses on answering the following research questions:

- How is social dialogue organised in Slovakia and at what levels, and who are the actors involved?
- How does social dialogue at the European level affect decisions, outcomes and the position of actors at the national and sub-national levels, and vice versa?
- What are the determinants of an effective social dialogue articulation in the context of Slovak social dialogue?
- What are the best practices of social dialogue articulation that can be identified in the case of Slovakia? Are there sector-specific differences in social dialogue articulation and its effectiveness?
- What lessons can be derived from these insights? What are the future opportunities and risks?

The authors collected empirical evidence for this report in 19 original face-to-face interviews with social partners in Slovakia involved in various levels of social dialogue (see Table 1). In addition, the authors interviewed 5 other relevant social partners within their earlier research projects on sectoral social dialogue in healthcare, retail, construction and education sectors.

The formation of social dialogue in Slovakia is closely linked to the country's post-socialist history and the development of democratic interest representation in the early 1990s.

Table 1 Overview of interview respondents

National level stakeholders (tripartism)					
Interview code	Organization name	Organization type	Involved in tripartism	Respondent	Interview date
NAT1	Konfederácia odborových zväzov Slovenskej republiky (KOZ SR)	Trade union	Economic and social council (national tripartite committee)	Chief negotiator in the metal sector and KOZ SR representative in EU-level social dialogue meetings	09.11.18
NAT2	Konfederácia odborových zväzov Slovenskej republiky (KOZ SR)	Trade union	Economic and social council (national tripartite committee)	Vice-president	21.02.19
NAT3	Asociácia priemyselných zväzov (APZ)	Employers' association	Economic and social council (national tripartite committee)	General Secretary	21.02.19
NAT4	Asociácia zamestnávateľských zväzov a združení (AZZZ)	Employers' association	Economic and social council (national tripartite committee)	Ecosoc member on behalf of AZZZ	12.03.19
NAT5	Asociácia zamestnávateľských zväzov a združení (AZZZ)	Employers' association	Economic and social council (national tripartite committee)	Manager for social dialogue, Deputy general secretary of AZZZ	12.03.19
NAT6	Republiková únia zamestnávateľov Slovenskej republiky (RÚZ SR)	Employers' association	Economic and social council (national tripartite committee)	Head of the Social Dialogue Sector, representative of RÚZ SR in Business Europe meetings	25.01.19
NAT7	Nezávislé kresťanské odbory Slovenska (NKOS)	Trade union	State and public services (national level social dialogue), education sector (sector-level social dialogue)	Head of the trade union, involved in peak-level social dialogue for state and public service	21.03.19
NAT8	Združenie miest a obcí (ZMOS)	Federation of Cities and Municipalities - Employers' association	Economic and social council (national tripartite committee)	Executive vice-president	18.03.19
NAT9	Sekretariát Hospodárskej a sociálnej rady, Úrad vlády, Ministerstvo práce, sociálnych vecí a rodiny (HSR)	Government	Economic and social council (national tripartite committee)	Secretary of the Tripartite Council	29.05.19
Sector level social partners - Construction					
Interview code	Organization name	Organization type	Social dialogue involvement	Respondent	Interview date
CON1	Integrovaný odborový zväz (IOZ)	Trade union	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	President of IOZ and KOZ SR representative in national tripartism	05.03.19
CON2	Zväz stavebných podnikateľov Slovenska (ZSPS)	Employers' association	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	President of ZSPS	28.08.19
CON3	Ministerstvo dopravy a výstavby Slovenskej republiky (MDV)	Government	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	General manager of the housing section at the Ministry, general secretary of sectoral tripartism in construction	18.09.19
Sector level social partners - Healthcare/hospitals					
Interview code	Organization name	Organization type	Social dialogue involvement	Respondent	Interview date
HEALTH1	Slovenský odborový zväz zdravotníctva a sociálnych služieb (SOZZaSs)	Trade union	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	Head of trade union, KOZ SR representative in national tripartism, member of the EPSU steering committee at EU-level social dialogue	26.08.19

Interview code	Organization	Type	Tripartism	Function respondent	Interview date
HEALTH2	Odborový zväz sestier a pôrodných asistentiek (OZSaPA)	Trade union	Bipartite collective bargaining, especially at the hospital level, national wage campaigns	Head of trade union	Regularly interviewed by the authors as SD experts in the sector
HEALTH3	Lekárske odborové združenie (LOZ)	Trade union	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	Head of trade union	Regularly interviewed by the authors as SD experts in the sector
HEALTH4	Asociácia štátnych nemocníc Slovenskej republiky (AŠN SR)	Employers' association	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	Authorized representative, negotiator in collective bargaining	Regularly interviewed by the authors as SD experts in the sector
HEALTH5	Asociácia nemocníc Slovenska (ANS)	Employers' association	Sectoral tripartite social dialogue, bipartite sectoral collective bargaining	Vice-president of the employers' association, member of national tripartism via the peak-level organization RUZ SR	Regularly interviewed by the authors as SD experts in the sector
Sector level social partners: Education					
Interview code	Organization	Type	Tripartism	Function respondent	Interview date
EDU1	Odborový zväz pracovníkov školstva a vedy (OZPŠaV)	Trade union	Sectoral tripartite social dialogue, participation in national social dialogue as KOZ SR representative, collective bargaining for public services	Head of the trade union, KOZ SR representative in national tripartism	19.09.19
EDU2	Nové školské odbory (NŠO)	Trade union	No	Member of the board	14.08.19
EDU3	Iniciatíva slovenských učiteľov (ISU)	Non-union stakeholder	No	Head of organization	Regularly interviewed by the authors as SD experts in the sector
EDU4	Zväz pracovníkov školstva a vedy v rámci Nezávislých kresťanských odborov Slovenska (NKOS)	Trade union	State and public services (national level social dialogue), education sector (sector-level social dialogue)	Head of the trade union	21.03.19
Sector level social partners: Commerce					
Interview code	Organization	Type	Tripartism	Function respondent	Interview date
COM1	Odborový zväz pracovníkov obchodu a cestovného ruchu (OZPOCR)	Trade union	Sectoral bipartite social dialogue and collective bargaining	President	18.09.19
COM2	Slovenská aliancia moderného obchodu (SAMO)	Employers' association	No	President	18.09.19
COM3	Zväz obchodu Slovenskej republiky (ZOCR)	Employers' association	Sectoral bipartite social dialogue and collective bargaining	President	13.08.19

Granting labour representatives access to policy making in exchange for social peace was an important part of the economic and political transition in embedded neoliberal economies in the Visegrad region including Czechia, Hungary, Poland and Slovakia (Bohle and Greskovits 2012). The current structure of social dialogue is characterized by a transparent structure of actors, a stable legislative system supporting the functioning of social dialogue and collective bargaining and little vertical coordination between social dialogue at national, sectoral and

company levels (Kahancová et al. 2019). In the last two decades, tripartite social dialogue has increasingly faced a dual challenge. On the one hand, the influence of tripartism has been weakening after 2000 when peak-level social pacts ceased to exist due to lack of cooperation between the social partners, tripartism became increasingly disconnected from collective bargaining and the role of the tripartite committee has been adjusted on several occasions to serve as an advisory body to the government without legal enforcement of its decisions.

At the same time, the role of SD has been increasing as a platform to facilitate the legal changes of both unions and employers. The past 10 years has seen an increasing focus on legislative solutions that were previously subject or likely to be subject to collective bargaining (Kahancová 2015; Kahancová and Martišková 2016). While legislative solutions are perceived as more enforceable by social partners, legislation instead of negotiated outcomes has also increasingly become the political strategy of the incumbent government coalition after 2012. This has opened new opportunities for social partners to shape legislation via all possible channels including national tripartite SD. The remainder of this report analyses the functioning and effectiveness of SD in Slovakia in light of these broader trends. The time frame of the study is limited to most recent developments and the role of SD in the period of 2015 – 2018.

The report is divided into the following sections. The first section introduces the actors, structures and procedures within Slovak SD, identifies the forms of involvement of national social partners in the EU level SD structures and the involvement of sectoral social partners in EU-level sectoral SD structures as well as national-level social structures. It also analyses the effectiveness of SD and its articulation between the covered levels of analysis. The analysis of the modes of interaction between the social partners and the effectiveness of SD and its articulation between the national and the EU-levels draws on the EESDA project's analytical framework (Kahancová et al. 2018). The second section focuses on the analysis of SD procedures and SD articulation and its effectiveness at the sector level and between the sector and the national level. An account is taken of the effectiveness *of SD* and *of SD articulation*. While the *effectiveness of SD* refers to the credibility and relevance of SD as such, the *effectiveness of SD articulation* refers to the ability of social partners from various levels to interact and transpose the outcomes reached at one level to other levels of SD (Kahancová et al. 2019). The third section offers a comparative analysis of SD articulation and summarizes the main findings.

2. Understanding national SD and its articulation in Slovakia

SD in Slovakia remains a relevant feature of formalized interactions between the state and representatives of employers and employees. The tradition of SD is embedded in Slovakia's transition to democracy and market economy after the fall of state socialism in 1989, when the incumbent government was seeking social peace in exchange for policy influence granted to employer and employee representatives via formalized tripartite consultations. This compromise between social peace and access to policy making is a key characteristic of embedded neoliberal capitalist countries including Slovakia (Bohle and Greskovits 2012).

The hierarchy of SD in Slovakia comprises established SD tripartite and bipartite structures at the national and sectoral levels. At the national level, tripartite SD has been practiced since 1990, while bipartite SD was launched in 2013 between the five largest industry employers' federations and the sector-specific representatives of the leading trade union confederation (see Section 2.2 on Actors).

While the forms of national-level SD do not include collective bargaining with binding outcomes in form of collective agreements, collective bargaining is a prominent feature of national tripartism in relation to the public sector. In the public sector, two collective agreements are signed by representative actors on an annual basis: one for public service (*Kolektívna zmluva vyššieho stupňa pre verejnú správu*), and one for state service (*Kolektívna zmluva vyššieho stupňa pre štátnu správu*). In the private sectors, sectoral SD is reasonably well-established, but collective bargaining often occurs at the multi-employer or even company-level rather than reaching full sectoral coverage. Multi-employer bargaining is also common in the hospital sector, which after the 2000 reforms, is no longer covered by public sector bargaining.

2.1 SD legislation

The legislative framework underpinning the functioning of SD dates back to 1990 when the Council of Social and Economic Accord of the Slovak Federative Republic (*Rada hospodárskej a sociálnej dohody Slovenskej federatívnej republiky, RHSD*) was first established (Kunická a Kýpeťová 2013). A similar tripartite council operated at the federal level, since Slovakia was until 1993 part of the Federative Republic of Czechoslovakia (ibid.). Although the seminal Act No. 2/1991 on Collective Bargaining did not directly regulate the operation of tripartite SD, it influenced the structure of SD and collective bargaining at the sector level.

The RHSD signatory parties were the Slovak government, the Confederation of trade unions (*Konfederácia odborových zväzov SR, KOZ SR*), the Confederation of art and culture and the Council of entrepreneurs' associations and federations that later became the peak-level

Federation of Employers' Associations (*Asociácia zamestnávateľských zväzov a združení, AZZZ*). During the 1990s, General Agreements, including wage stipulations, formalized the key outcomes of tripartite SD despite the fact that RHSD operated as an interest reconciliation body based exclusively on the moral commitments of all signatory parties and without formalized legislative underpinning its operation.

With government change and the autocratic efforts to decrease the influence of social partners on reform policies throughout the 1990s, the role of tripartite SD weakened and the implementation of wage stipulations from national SD often lacked government commitment (Uhlerová 2012). In 1997, tripartite SD stopped all operations while trade unions demanded a continuation of a dialogue with the government.¹ After the subsequent government change, tripartite SD relaunched at the end of 1998. While all involved partners expressed their commitment to SD, the importance of a formal legislative underpinning was increasingly important. As a result, **Act No. 106/1999 on Economic and Social Partnership** formalized the operation of tripartism, introduced representativeness criteria for social partners and outlined the scope and competences of SD. Nevertheless, this legislation turned out to negatively influence the effectiveness of SD because of challenges in the voting criteria (e.g., if some representative social partners were not represented at tripartite meetings, the committee could not reach an outcome) slowing down the legislative process waiting for inputs/comments resulting from tripartite SD.² As a consequence, the operation of tripartism according to Act No. 106/1999 ceased to exist in 2004. Nevertheless, all actors expressed their commitment to the continuation of tripartism in a more effective form and their efforts lead to the re-definition of tripartism in form of the newly established Council of Economic and Social Partnership of the Slovak Republic (*Rada hospodárskeho a sociálneho partnerstva SR, RHSP*). The Declaration founding RHSP and the statute of its operation was signed in late 2004 by representatives of the government, KOZ SR, AZZZ and the newly established peak-level National Union of Employers (*Republiková únia zamestnávateľov SR, RÚZ SR*). Additional regulation on the mechanism how RHSP commented on legislative proposals and negotiated outcomes was signed in 2005. These formal rules were applied after the government change transferred to a new legislation on tripartism (**Act No. 103/2007 on Tripartite Consultations at the National Level**, commonly referred to as the 'Act on Tripartism'). The name of the tripartite council changed to its current name, the Economic and Social Council (*Hospodárska a sociálna rada, HSR*).

¹ Source: HSR website, <https://www.vlada.gov.sk/hospodarska-a-socialna-rada-sr/> [accessed 4 November 2019].

² Ibid.

2.2 Actors

The structure of actors involved in SD in Slovakia comprises from a set of peak-level social partner associations that have demonstrated their representativeness for national-level tripartism. While Act 106/1999 defined representativeness criteria in *relative terms*,³ the currently valid Act No. 103/2007 on Tripartism stipulates the following *defined* representativeness criteria for employers' associations and trade unions⁴:

- (a) Representative employers' associations are those that organize employers from several sectors or operating in at least five territorial units (*kraje*), together employing at least 100,000 workers in employment contracts or with similar contracts.
- (b) Representative trade union federations are those that organize at least 100,000 workers in employment or a similar contract from several sectors

There are two noteworthy points to be discussed related to representativeness criteria. First, the change from a relative to an absolute setting of representativeness criteria in fact brought a decrease in the representativeness threshold. Employment data from the Slovak Statistical office and Eurostat show that the number of employed persons has exceeded 2million on a stable basis for a number of years. Whereas the relative stipulation on representativeness of 10% thus equalled to approximately 200,000 workers on both the trade union and the employer side, the current absolute level of representing at least 100,000 workers (for unions) or companies employing at least 100,000 workers (for employers' associations) in fact halved the threshold for representativeness. In fact, the national tripartite committee underwent fragmentation on the side of employers, where four employers' federations were considered representative for national tripartism, whereas the total number of seats assigned to employers remained stable.

The second noteworthy point related to representativeness is the differentiated effect of the regulation on employers and on trade unions (Barošová 2013). While employers need to organize companies *employing* at least 100,000 workers, trade unions actually need to *organize* more than 100,000 workers. With a low union density in Slovakia, this means a significantly higher coverage of union presence in companies. This discrepancy in the regulation of representativeness for unions and for employers may have an effect on trade

³ National representativeness for employers has been defined through organizing employers (a) from most sectors, (b) employing in total at least 10% of employees in the economy, and (c) with a territorial scope of activities embracing at least 5 higher territorial units (*kraje*). Representativeness for employee representatives is exclusively granted to trade unions that (a) organize workers in employment or similar contract in most economic sectors, (b) demonstrates at least 10% net union density (10% of the total employed persons) in Slovakia, and (c) its activities cover at least five higher territorial units (*kraje*). Source: Act No. 107/1999.

⁴ Source: Act No. 103/2007.

union access to tripartism in the future, especially in the conditions of decreasing union membership and density.

Each representative party has seven seats in the 21-seat **national tripartite committee**. Seven seats belong to representatives of the government (involved Ministries alternate depending on the topic), seven seats to trade unions and seven seats to employers. While on the side of unions only KOZ SR participates in tripartism with seven seats, on the side of employers the structure is more fragmented. Since 2018, four employers' associations have been represented: AZZZ with 3 seats, RUZ SR with 2 seats, the Association of industry federation (*Asociácia priemyselných zväzov, APZ*) with 1 seat, and the Federation of Towns and Municipalities (*Združenie miest a obcí SR, ZMOS*) with 1 seat.

Prior to 2018 when APZ joined tripartism after proving its representativeness, AZZZ and RUZ SR were considered the largest employers' federations with an equal number of seats in national tripartism. ZMOS, established in 1990, has been a stable part of tripartism as the largest representative of local government and as an employer of 150,000 municipal employees.⁵

An additional nationally relevant actor, currently not a representative for participation in national tripartism, is the Independent Christian Trade Union of Slovakia (*Nezávislé kresťanské odbory Slovenska, NKOS*). In the past, NKOS cooperated with KOZ SR and used to be invited to pre-plenary discussions with KOZ SR to coordinate the opinions of trade unions before KOZ SR represented these in tripartism.⁶ Although NKOS valued this informal interaction and informal outreach onto tripartism, this initiative faded away as KOZ is no longer inviting NKOS representatives to listen to their perspectives and coordinate the unions' side before engaging in a dialogue with employers and the government.⁷ However, NKOS remains a relevant actor in public sector bargaining: together with other involved unions and the government, NKOS regularly signs the collective agreement for public services (*Kolektívna zmluva vyššieho stupňa pre verejnú správu*).

Besides national tripartism, in 2013, Slovakia saw the emergence of a **cross-industry bipartite SD structure** (*Priemyselná bipartita, PB*). The parties signing the founding declaration and the procedural rules for PB included five of the largest industry federations in electromechanism, automotive, steel, extraction and geology, and construction and heavy machinery industry (*Slovenská elektromechanická asociácia - SEA, Zväz automobilového priemyslu SR – ZAP SR, Zväz hutníctva, ťažobného priemyslu a geológie SR - ZHTPG, Zväz stavebných podnikateľov*

⁵ 2,784 of 2,929 municipalities (equalling to 95 per cent) are ZMOS members. Source: ZMOS website (<https://www.zmos.sk/zmos.html>), accessed November 4, 2019).

⁶ Source: Interview NAT7.

⁷ Source: *ibid.*

Slovenska – ZSPS and Zväz strojárského priemyslu SR - ZSP) and three of the largest industry trade unions in the metal sector, the mining, geology and oil industry, and in construction and transport (*Odborový zväz KOVO – OZ KOVO, Odborový zväz pracovníkov baní, geológie a naftového priemyslu – OZPBGNP, and Integrovaný odborový zväz - IOZ*). The aim of PB is the further development of industry in the light of social peace as well as lobbying activities vis-à-vis the government in support to these industries that create over 80% of Slovakia's GDP.⁸

Actors' resources that facilitate their involvement in SD are mainly (a) institutional and (b) structural. **Institutional resources** to tripartism derive on the one hand from the above-described legislation that supported the institutional power of social partners through establishing transparent rules on representativeness, competences and modes of reaching an outcome in national tripartite and bipartite SD. On the other hand, some social partners were drawing additional resources from political alliances in order to gain influence in policy-making, which is important in the perspective that tripartite SD has increasingly served only an advisory role to the government (Myant 2010; Uhlerová 2012). KOZ SR has been criticized by employers for its memorandum of cooperation with the government led by the political party SMER, which has been in the government since 2006 (with the exception of 2010-2012). Employers have claimed that tripartism is then biased when the government is more eager to accept trade union proposals due to a broader set of shared values and memorandum on cooperation. Finally, the role of EU-level SD as an additional institutional resource for Slovak social partners has been explicitly mentioned in our interviews (NAT1 and NAT8).

Structural resources relate to the market power of particular associations and the sectors in which they operate (Levesque and Murray 2010). In terms of structural resources, employers' associations have benefitted from Slovakia's recent economic growth, especially in the industry and business services, which equips employers with more voice to reach their demands. Some weakening effect on the structural power resources relates to recent fragmentation of representative employers' associations in national tripartism and the lack of coordination between these during periods preceding plenary tripartite sessions.⁹ The structural power of unions grew moderately for the same reason – due to increasing demand for labour, which has however been sector specific and concentrated in sectors with traditionally strong unions (i.e., metal/automotive, steel, public services). Moreover, an increase in the unions' structural resources has been counterbalanced by the general trend of decreasing union density. Union density has declined from 70.7 per cent in 1993 to 16 per cent in 2009 and 10.7 per cent in 2016, while employers' association density has remained

⁸ Source: Establishment of Industry Bipartism, at <http://zhtpg.sk/2013/05/27/vznik-priemyselnej-biparity/> [accessed November 4, 2019].

⁹ Source: Interviews NAT3, NAT4, NAT5, NAT6, NAT8.

relatively stable over the past two decades and reached 37.46 per cent in 2015.¹⁰ The fragmentation of unions further weakened the union movement as such, especially in the public sector (health and education), but this weakening played out more importantly in sector-level SD than in national tripartism where a single union confederation represents the workers' side.

Finally, our analysis shows that the relevance of **organizational resources**, related to unions' and employers' leadership and internal democracy (c.f. Levesque and Murray 2010), is marginal for national tripartism. The reason for this is that tripartism is highly formalized with strictly defined criteria, and all actors meeting the representativeness criteria are involved regardless of their internal structure and quality of leadership. Interesting differences are found in the internal decision-making procedures in preparation for plenary tripartite meetings among employers' associations, discussed in Section 2.5.

2.3 Topics

The agenda for tripartism derives from the legislative plan of the government in a particular calendar year, which is extended by topics proposed directly by social partners. The general principle for tripartism is to include any topic into the agenda that social partners raise (NAT9). Given the broad legislative scope, some topics are not strictly related to working conditions or other direct interests of social partners. Nevertheless, with years of learning from the functioning of tripartism and the associated preparatory procedures, social partners find it relevant and are open to discuss even seemingly irrelevant topics. Topics proposed for the agenda of tripartism are first evaluated by the presidency of tripartism, which meets before plenary tripartite meetings. Besides regular monthly plenary meetings, extraordinary tripartite meetings are organized upon social partners' request. A discussion of the proposed state budget for the following calendar year is always subject to an extraordinary tripartite meeting (NAT2). In addition, the topic that recently was subject to discussion in an extraordinary tripartite meeting was the legislative proposal of pay supplements for night work and weekend work. In this case, the prime minister wished to participate and discuss this legislative proposal with social partners (NAT2). The legislative amendment of the Labour Code that reflected these increased payments was adopted in 2018, with two phases of implementing the increases in 2018 and 2019.¹¹

¹⁰ Source: ICTWSS Database, Version 6.0 (July 2019), <http://uva-aias.net/en/ictwss> [downloaded November 4, 2019].

¹¹ Source: Príplatky za prácu v noci, počas sviatkov a víkendov od 1. 5. 2019, in <https://www.podnikajte.sk/pracovne-pravo-bozppriplatky-za-pracu-noci-sviatky-vikendy-1-5-2019> [accessed November 6, 2019].

Our interview analysis reveals that the topics, which social partners prioritize for discussion in tripartism, can be clustered into three groups:

- Topics that correspond with the EU-level SD agenda, but lack a clear articulation between the EU-level SD and national-level SD
- Nationally specific SD topics that are not directly related to the EU-level SD agenda
- Topics vertically articulated from EU-level SD to national-level SD (topics that national social partners picked up based on the outcomes of EU-level SD)

Topics overlapping but not articulated with EU-level SD

A number of SD topics that social partners perceive as crucial also resonate in the agenda of EU-level SD structures and/or EU-level social partner organizations. These topics are related to digitalization (especially skill adjustment in a digitalized economy, interviews NAT4, 5, 6, 7 and 8), posting workers, non-discrimination (NAT7), health and safety regulations (NAT3 and 7), environmental issues (NAT6 and 8), working time and its flexibility (NAT2 and 3), and the issue of minimum wage setting and levels of minimum wage. A particularly prominent topic among all interviewed employers is the dual education and challenges derived from current mismatch between the education system and labour market needs (NAT3, 4, and 5). These topics are broadly aligned with the most important topics identified in EU-level SD, embracing working conditions, skills and employability and health and safety issues (Kahancová et al 2019).

Nationally specific SD topics

The second group of topics relates to issues of national relevance without a clear link to EU-level SD agendas. One of the major concerns of all interviewed social partners is the trend of filing **legislative proposals by members of the parliament** (*poslanecké návrhy, PN*). This issue is a greater concern for unions than for employers: from the total number of cases when PNs were mentioned in our interviews, 71.4 per cent of cases were mentioned by trade union respondents. The practice of PNs has been increasingly used to circumvent tripartite SD, since PNs are not subject to SD and can facilitate legislation in a much faster way than the standard legislative process going through several steps of negotiations at various levels between ministries and the tripartite committee before reaching the parliament. The increasing importance of PNs as a legislative process, and especially its challenge for SD, has been a concern to both unions and employers' associations, while unions have expressed their

concerns in the interviews more often. From the total number of cases when **bypassing SD** has been mentioned in our interviews, 67.7 per cent was in interviews with trade unions. While PNs are perceived as placing SD under pressure, at the same time they open opportunities for social partners to diversify their activities by direct lobbying to particular Members of Parliament or political parties instead of tripartite SD.

Other topics of relevance to national social partners include the recently introduced obligatory holiday vouchers, which have been criticized by employers (NAT 4 and 5). The strict registry of Partners of the Public Sector has also been mentioned in the interviews as a Slovak specificity without any links to the EU-level SD agenda. Employers have also proposed a discussion on the employment conditions of third-country nationals (non-EU citizens), which is an important topic of discourse in conditions of current labour shortages (NAT3, 6 and 8).

Topics articulated from the EU-level

While some interviewed social partners consider the topics addressed in EU-level SD abstract and not exactly a priority for Slovakia's SD (NAT2, NAT8), based on the analysis of our interviews, we identified two cases of clear top-down articulation of SD topics from EU-level SD to national SD. The first one concerned the implementation of the 2007 **Framework agreement on harassment and violence at work**, signed by the European Trade Union Confederation (ETUC), the Confederation of European Business (BUSINESSEUROPE), the European Association of Craft Small and Medium-sized Enterprises (UEAPME), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP). Recommendations to address harassment and violence at work in this agreement were picked up in national SD, debated by social partners and facilitated amendments to the national antidiscrimination legislation (Act No. 365/2004).¹² The second topic with clear articulation of EU-level SD and national-level SD concerned the **European Pillar of Social Rights**, which was subject to dialogue also in national tripartism. While social partners in general welcome the articulation of topics from EU-level SD to national SD, employers point at the issue of gold-plating where national policy makers interpret EU-level recommendations resulting from SD in much stricter terms and transpose it into the domestic agenda and legislation in a way that is more binding than it should be (NAT6).

¹² Source: interview NAT2.

2.4 SD outcomes

National SD in Slovakia underwent legislative changes, which weakened its capacity to deliver binding outcomes. Currently, the formally established tripartite SD committee does not deliver any binding outcomes, but discusses all kinds of legislative proposals and formulates joint statements and recommendations for the government. It is then the government's discretion to turn these recommendations into particular policies with a binding or non-binding character.

This fundamental characteristic of Slovak tripartism, coupled with other recent developments that weaken SD, e.g., the increased number of direct parliamentary legal proposals by members of the parliament, and shortened legislative procedures for implementing particular legislations, motivates social partners to seek other forms of influence than via national tripartite SD.

The analysis of interviews shows that despite the default **outcome of national tripartism is non-binding recommendations** for the government, all interviewed social partners prefer a legislative solution to regulate employment conditions. Evidence shows that social partners have found various ways to gain legislative influence and reach binding outcomes, even though they are not formally the outcome of the national tripartite committee. A recent example from the interviews illustrates such a case of a **non-binding outcome of SD which however did have a binding legislative impact**:

“A recent case was when there was a legislative proposal by a member of the Parliament to introduce an extraordinary tax for retail chains. Here we found a consensus with employers that we both would not support this proposal. Even though it was not obligatory to discuss this proposal in national tripartism, we did discuss it, because we as social partners requested this point to be included in the agenda and addressed it formally in our statements [and showed our negative approach to this tax in our communication with the public and media]. Based on almost identical negative approaches within the tripartite committee, we then agreed to organize a joint meeting where we signed a declaration to support the Slovak food industry, agricultural production and processing industry and we publicly declared our opposition to the proposed tax.” (NAT2, trade union representative from national tripartism)

Another example of social partners' activities leading to binding outcomes that cannot be however presented as outcomes of formalized tripartism include legislative changes concerning employment of foreigners (NAT3). In contrast to national tripartism which is highly

regulated and its competences are legally trimmed, **national bipartite SD joint statements** of unions and employers have more flexibility to be presented as an outcome of actual SD rather than individual lobbying activities or social partners' atomized action in the process of commenting on legislative proposals in cross-sectoral legislative proceedings (*medzirezortné pripomienkové konanie, MRP*). Interview respondents presented the following example as a direct outcome of bipartite SD:

“At the Industry Bipartism, we managed to support each other and deliver a request to the Ministry of Economy and achieve a legislative stipulation that 100% of the costs for research and development will count as a deductible unit in the companies' tax claim.” (NAT1)

Next to a general preference of all peak-level social partners for legislative solutions and thus binding outcomes, two noteworthy specificities in the approach of employers' federations deserve attention. First, the RUZ employers' federation welcomes top-down articulation of legislative proposals from the EU-level to the national legislation. However, reservations are claimed towards so-called **gold plating** in the Slovak national legislative process (NAT6). Gold-plating refers to a situation when the legislative process, using the argument of necessity because being aligned to the EU legislation, in facts goes beyond the legislative requirements set by the EU. Second, the oldest peak-level employer federation AZZZ supports binding outcomes of SD via legislation, but considers the role of the **legislation only to set minimum standards** in order to leave enough manoeuvring space for collective bargaining between unions and employers at the sector and company level (NAT5). In this light, AZZZ maintains that legislation is currently excessive and regulates issues like wage setting, pay for night work and overtime or the mandatory distribution of holiday vouchers to employees, which should instead be subject to collective bargaining.

Finally, a common point of all involved stakeholders is that in conditions with weak enforcement, binding legislation is the most effective form of making sure that the particular regulation will actually be implemented and enforced. It is thus a paradox that despite this agreement, and despite the established structure of SD at the national level, its competences are formally limited to deliver non-binding outcomes.

2.5 Actors' interaction

At the national level, all interview respondents reported correct and fair interaction, which is best interpreted as **interactive bargaining with elements of value sharing**. Despite this general finding, we find that **interaction is dependent on the topic discussed**: while in some

topics social partners undertake long negotiations (and despite them do not reach a shared value), in others, interactive bargaining tends to lean towards competition where it is more unlikely to see joint action or an agreement. Internal democracy and forms of interaction within a single peak-level federation point at interesting **differences in internal democracy** of unions and employer's associations. Below, we focus on several channels of actors' interaction within national tripartism. These are fundamental to understand the effectiveness of national tripartite and bipartite SD.

Interaction between trade unions

The peak-level trade union presence, activities and policy influence is clearly under the **control** of the KOZ SR confederation. KOZ SR speaks with 'one voice' on behalf of their members, meaning that prior to bipartite and tripartite negotiations, KOZ SR clarifies its position internally with its sectoral member organizations (NAT2 and NAT9). In addition, elements of **competition** exist in the interaction of KOZ SR with NKOS, a national-level trade union which lacks representativeness for tripartism. NKOS and KOZ SR signed a cooperation agreement and NKOS was invited to informally discuss the position of trade unions prior to formal SD meetings where only KOZ SR had participated (NAT7). NKOS welcomed this initiative to extend mutual information sharing and **value sharing** among trade unions, but this practice is no longer in place. NKOS maintains that the extent of cooperation depends on the personal interests of union leaders, who facilitate informal cooperation (NAT7). KOZ representatives maintain that healthy competition, instead of hostile rivalry, is actually effective for trade unions. All unions represent workers' rights but they all compete for the same membership, which in fact pushes unions to making improvements in their actions (NAT1).

Interaction between employers' organizations

The fragmentation of employers is reported as one of the key structural challenges of the current functioning of Slovak tripartism. While **informal relationships** are **cooperative**, the official action of each organization suggests that their relationship is best described as **competitive**. Just like on the side of unions, employers' associations compete for their members and policy influence. Recently, there is more pressure on employers to make them cooperate more closely, so indeed more interactive bargaining between these organizations is expected (NAT4 and NAT9). Indeed, **cooperative relationships are more obvious in content-driven specific interactions**, e.g., meetings within management boards of particular Ministries, Supervisory boards, and similar platforms where various employers are represented (NAT8). The national seminar within the EESDA project, where representatives from three out of four peak-level employers' associations were present, also confirmed that

actually the diverse employers' federations **share the same values** and have similar opinions on a number of issues (also NAT5 and 6). Indeed, more informal coordination would likely facilitate more cooperation on the employers' side.

Interesting differences were also found in internal democracy of particular employers' federations. In their preparation for tripartite SD meetings, some organizations requested a statement of all their member federations and use the principle of the majority vote, which is then presented as the official stance of the peak-level federation. Other organizations call an ad hoc expert committee from among its member federations, which elaborate on the official stance of the organization that is then presented in SD. Yet, the third option is to adopt the views of the strongest sectoral federations and present them as the views of the peak-level organization. Employers admit that it is a great challenge to come to an internal agreement within the organization:

“...they started pushing on us [employers] to [cooperate more] and come with a single attitude [to national tripartism], but in fact we are happy to reach a single attitude within our organization.” (NAT4).

Interaction between unions and employers

The informal relationship is reported as cooperative both from unions and employers. The analytical category best describing this relationship is **interactive bargaining**, although the fundamental role of unions and employers' associations is to represent two different interest groups. As discussed above, the extent of actual **value sharing is topic driven**: while on certain topics, there are principally different attitudes of employers and unions (e.g., questions concerning the statutory minimum wage), on other issues cooperation is more likely and in fact did lead to outcomes of SD (e.g. the refusal of surplus tax for retail chains, handling research expenses in tax provisions, environmental questions and questions about the actual role of tripartism and its weakening role due to the increased number of legislative proposals by members of the parliament).

Cross-border interactions of unions and employers

There is little cross-border interaction between social partners besides their individual formal membership in relevant EU-level social partner organizations. An exception to this is ad hoc, or project based cooperation either between employers or between unions from neighbouring countries. A noteworthy example was the 2017-2019 initiative of a high number of CEE trade unions on articulating the topic of minimum wage to EU-level SD, which was in

fact picked up in the ETUC agenda. This is in line with the relevance of the regional dimension of social partners' cooperation for the articulation of topics from national to EU-level SD (Akgüç et al. 2019). Other examples of interaction included regional cooperation of unions in the healthcare and construction sectors. Employers tend to seek external cooperation on an ad hoc basis, dependent on the particular topics of interest that facilitate some joint action (NAT3).

2.6 Slovak social partners and EU-level SD

The findings on the involvement of Slovak national social partners in EU-level SD structures as well as the articulation of topics from national SD to EU-level SD is based on two sources: (a) the EU-wide EESDA survey, in which 8 social partners from the overall number of 10 respondents from Slovakia participated; and (b) interviews with social partners (see Table 1).

From among eight survey respondents, four respondents are trade unions and four were employers' associations. Out of these four, three organizations do not participate in the EU level SD (two unions and one employers' association), whereas five organizations (three unions and two employers' associations) are involved in various EU-level SD platforms (see Table 2). This participation rate is similar to other Visegrad countries where out of 18 organisations, 14 reported involvement in EU-level SD. The interview findings reveal that from the total number of mentioned EU-level SD involvement (almost 79 per cent), is related to trade unions and 21 per cent to employers.¹³

Slovak survey respondents that claimed no involvement in EU-level SD structures indicated their lack of involvement is due to financial resources (two respondents), capacity constraints (one respondent) and language barriers (one respondent). Most common barriers to participation from the interview analysis reveals that trade unions more often perceive capacity barriers (65.2 percent of capacity constraints were mentioned in interviews with trade unions), while employers are more concerned with the financial barriers of participation (61.5 percent of financial constraints were mentioned in interviews with employers). At the same time, both social partners perceived a lack of interest in EU-level SD topics (55.6 percent of mentions in TU interviews and 44.4 percent of mentions in interviews with employers' associations).

¹³ Source: authors' analysis of transcribed interviews using Dedoose software.

Table 2 Slovak social partners' involvement in EU-level SD structures (survey results)

Organization	Type of organization	European semester meetings	ECOSOC	Tripartite meetings	European SD committee	European sector SD committee	Sector EU level organization
Trade Union Confederation of Slovak republic (KOZ)	TU				yes		
Integrated Trade Union (Integrovaný odborový zväz)	TU						yes
Trade Union of Workers in Education and Science of Slovakia (Odborový zväz pracovníkov školstva a vedy na Slovensku)	TU					yes	yes
Federation of employers' associations of the Slovak Republic (Asociácia zamestnávateľských zväzov a združení SR)	EO		yes				
Slovak Employers Association (Republiková únia zamestnávateľov)	EO			yes			yes

Source: the authors, EESDA survey 2019

Concerning topics of EU-level SD, respondents emphasized skills and working conditions as very important topics. At the same time, respondents indicated that topics are either discussed appropriately given their importance or indicated that an even higher frequency of discussion would be welcomed. Similar results hold for other Visegrad countries where the most relevant topics tend to be working conditions for both unions and employers. At the same time, this is the area where social partners would welcome more discussion in EU-level SD structures. In the interviews, respondents from both unions (NAT2) and employers (COM3) mentioned that they find EU-level SD topics too abstract.

Survey findings also reveal that employers are in general more satisfied with non-binding forms of outcome of EU-level SD (e.g. joint opinions, declarations, guidelines), while trade unions, in contrast, call for less non-binding agreements and prioritize the creation of binding agreements (e.g. Directives and Autonomous agreements). Such a dichotomy in the outcome structure is in line with survey findings from the other Visegrad countries (Czechia, Hungary and Poland). From the point of view of resources, this finding confirms our interview evidence that outcomes from EU-level SD create an additional power resource for trade unions for their role and legitimacy in the domestic SD structures. In the context of declining union membership and a weakening institutionalized role of tripartism in the last two decades, trade unions welcome the EU-level SD as an additional power resource that increases their leverage in domestic SD and in their interaction with their respective government regarding legislative changes and policy implementation.

Respondents were also asked to rate their opportunities to initiate topics for discussion at the EU-level SD forums. Most survey respondents indicated that initiating a topic is possible. For example, trade unions in cooperation with other unions from Visegrad countries consider it a major success that they succeeded in raising the topic of a European minimum wage in the European Trade Union Confederation (ETUC) and the topic was picked-up in the ETUC agenda as well as in EU-level SD fora and is subject to ongoing discussions (NAT2) and was the main topic of the 2016 campaign of “Pay rise” of the ETUC. In sum, Respondents named the Working time directive, the emission trading scheme, industrial strategy, outcomes related to posting of workers, GDPR, and the Framework agreement on harassment and violence at work. According to survey respondents, EU-level SD meetings lead to tangible effect sometimes (4) and often (1). When it comes to informing member organizations about discussions at the EU level, employers often use more regular information via meetings or newsletters, while TUs indicated ad hoc meetings and newsletters being used more often.

While the survey revealed that 4 out of 5 organizations indicated positive experience with EU-level SD, evidence also shows critical responses where articulation between EU-level SD and national-level SD failed. On the employers’ side, an initiative among employers’ federations from Slovakia, Czechia and Germany was launched on the challenges of digitalization, but none of the partners took the initiative to articulate this topic more actively at the EU-level (NAT3). The ZMOS employers’ association also reported disappointment with the involvement of social partners in the European Semester (NAT8). Seeing involvement in EU-level SD as ineffective, ZMOS is reconsidering its strategy and considering actions that directly target the EC (NAT8).

The future of EU level SD was rated differently by employers and TUs. Interestingly, employer’s representatives either do not expect changes (1) or expect SD will become more important (1), while trade unions indicated that EU level SD should become more important, but lacks the capacity to reach this state (2) or did not expect changes in the future. This is in line with the stance on the future chances of EU level SD indicated by the overall Visegrad group: out of 11 TUs, 6 mentioned that EU level SD should become more important but lacks the capacity to reach this state (3 CZ, 2 HU, 1 PL), while 1 Czech TU expects no changes and 1 Czech TU even expects EU level SD to become less important. Again, Czech respondents seem to answer in the least positive way.

2.7 Perceived effectiveness of SD

All involved partners perceive national tripartism as a forum for formal policy influence and as part of the legislative process. The highly formalized structure of national tripartite SD

significantly influences its effectiveness. In fact, the exclusively non-binding character of formal outcomes of tripartism leaves the question of its effectiveness contested. Nevertheless, since non-binding outcomes are also a legitimate part of this study, below we evaluate all types of reported outcomes and agreements between the social partners, even if they cannot be formally ascribed to the national tripartism.

In general, social partners are transparently organized and their interaction is structured, with long-established informal relationships that positively contribute to the potential effectiveness of their dialogue. Addressing the effectiveness question from the resources' perspective, we conclude that given the highly structured and formalized character of national tripartism, its **(in)effectiveness derives more from institutional rules** than from the structural and organizational power resources of the involved social partners. The agenda of tripartite meetings is defined in advance and covers a large scope of legislative proposals. Therefore, a competition between topics proposed by particular social partners based on their structural or organizational resources is marginal. A somewhat higher possibility to influence the SD procedures and their effectiveness exists in the less regulated industry bipartite structure. Here, the participating actors are motivated by a joint interest of promoting industry development and formulating joint policy recommendations. This value sharing eliminates any room for competition that would hinder the effectiveness of SD. Finally, a comparison between the effectiveness of EU-level SD and national SD reveals that national SD, in the eyes of interviewed social partners, is more effective because of a greater pressure to adopt regulatory measures:

“At the national level, we have to reach an outcome, because the legislation has to function and has to move forward. Concepts, strategies and legislation have to be adopted. At the EU-level, if you do not adopt anything, nothing will happen”
(NAT1).

Nevertheless, **organizational resources**, especially on the side of the government, are important for shaping SD effectiveness in the public sector. If a particular minister is eager to foster SD, it tends to be regular, productive and bear signs of effectiveness (NAT9). As presented in the Second part of the report, the role of the state is weaker in sectoral SD. As a result, social partners are more motivated to make SD effective because there is no fall-back option that state-driven regulation will replace the function of SD with. This makes sectoral SD more effective than the national one. The challenge to the effectiveness of sectoral SD lies in structural conditions: in the private sector, the effectiveness of SD depends on the willingness of the parties to come to an agreement. However, in many sectors, employers are not organized or organized in several associations, thus SD is limited or multi-employer rather

than sector-wide. In this context, company level collective bargaining is increasing in importance.

Other factors that turn out to be important in explaining the lack of effectiveness of SD include the following:

- (a) While the organization of preparatory steps for national SD has improved (e.g., use of electronic mail, better planning of plenary sessions, higher commitment of government representatives, see NAT9), the interviewed social partners considered the **time period of 10 days available for preparations for plenary SD meetings as inadequate** (too short): they often have only a few days at their disposal to study the materials proposed for discussion in the tripartite committee. Each social partner organization has different internal procedures to discuss the proposed topics internally and due to the short time available they are often unable to deliver their own expertise and come to an informed evidence-based argument due to the short time available. In turn, **tripartism is seen as ineffective since it is the ‘peak of the iceberg’ where decisions mostly on legislative changes are formally discussed but in reality, cannot be influenced any longer.**
- (b) SD currently **lacks pre-plenary (informal) interactions** between the involved social partners, that would help clarify their positions and facilitate more joint statements for a more effective SD. Several interview respondents suggested that it would be effective to introduce so-called ‘meta-meetings’ that precede the meetings of the tripartite coalitions and where social partners would jointly discuss various proposals and their stances on them. Such meta-meetings would lead to more agreement on fundamentally different opinions on some topics of SD (e.g. minimum wage rise is one of the topics where the interests of employers and trade unions systematically differ and an agreement is unlikely due to the legally stipulated indexation mechanism which sets the minimum wage in case social partners do not find a compromise). This argument is also captured in the following quote:

“A platform for less formal discussion does not exist, and that’s why things are dealt with on an ad hoc basis, through lobbying, and this is not systematic. We now propose certain topics, but are not sure whether there is abroad societal consensus about them, as this will become clear only during the tripartite meeting. In my view, only ‘ready’ items should make it to tripartism, those that have already been discussed in bipartite structures, to avoid non-acceptable proposals from being made that the people do not even want.” (NAT1).

- (c) The **fragmented structure of employers' associations** contributes to the lack of effectiveness of SD despite the above identified potential for more cooperation and informal value sharing. Some employer associations have expressed the need for establishing a single broad umbrella organization representing employers' interests, but this is currently not the case (NAT6).
- (d) The effectiveness of SD is also negatively influenced by the **strong interference of the state into SD topics and procedures** before these are discussed in bipartite interaction between the unions and the employers. In 2019, the official dialogue on minimum wage increases had not even started yet and the Ministry of Labour had already publicly announced its preferred level of the minimum wage for 2020. Seeing this as a political step in the year preceding parliamentary elections, both unions and employers, found this inadequate and undermining SD procedures and their effectiveness.
- (e) A large extent of control of the state over the implementation of SD outcomes pushes social partners to find other channels of policy influence than SD. Their **excessive focus on direct legal regulation** via lobbying and commenting on proposals before they reach SD platforms instead of SD weakens the overall role of SD and decreases its effectiveness.
- (f) Currently **social partners lack capacities to engage in expert analyses that would inform their decisions presented in SD fora**. Therefore, they are often accused of superficial and politically motivated action that lacks in-depth analyses (NAT6).

In terms of **effectiveness of SD articulation**, this can be evaluated in two channels: (a) between the EU and national level, and (b) between the national and the sector level. Despite this critical perspective on the EU-level SD effectiveness, social partners admit that although reaching an agreement in EU-level SD is a long and arduous process, if such an outcome is reached it resembles an additional institutional resource for national social partners in their strategies and interactions within national SD (NAT1). The effectiveness of SD articulation is greater between the national and sectoral level, but is sector-specific. In those sectors where their social partner representatives are involved in national bipartite SD, articulation has an opportunity to be more effective than in sectors where such a relationship is not-existent. Nevertheless, the general picture confirmed by respondents is that the national level SD is not extensively coordinated with sectoral SD nor with the agenda of particular social partners.

2.8 Assessment of the national SD structure through a multi-level governance perspective

Within the multi-level governance (MLG) framework which we studied in the EESDA Analytical framework (WP1.1), Curry (2016) distinguished between structural and relational factors of actors' involvement in SD (input and throughput legitimacy) and their impact on results implementation (output legitimacy). Through these categories, national-level SD in Slovakia can be characterized by a rigid structure where the degree of social partners involvement is defined by legislation and where social partners do not have the possibility of defining how binding each particular result will be.

In terms of interaction among actors, the fact that the government possesses discretion over the implementation of the outcomes of SD establishes highly hierarchical relationship among social partners and the government. The low level of flexibility in actors' involvement and **high degree of control given to the government makes SD at the national level only partially efficient** for social partners interests' articulation. As a result, social partners search **other channels of articulation** - both at the national and at the EU levels. At the national level, it is mostly by **commenting on the proposed legislative changes already in earlier phases** before they reach the agenda of national tripartism, but also by **lobbying** among politicians and members of the parliament. For social partners, the EU level represents an additional channel for the articulation of their interests. The analysis in this study shows that in some cases, the bottom-up and especially the top-down articulation between the EU and the national level social partners serves as an important, yet not frequently used, channel for attaining tangible results in national-level SD.

2.9 Suggestions for improvements

Possible improvements in the **articulation of SD between the national and European level** of SD is perceived according to Slovak employers' associations that responded to the EESDA survey in the structure of who participates in EU-level SD, in the agenda discussed in the committees (2), in the relationships between organizations (1) and in the follow-up procedure after implementation (2). Trade union representatives have emphasized the need to improve the depth of SD, more negotiation instead of only information exchange (2), in the type of outputs (2), and in the implementation of follow up procedures (3).

Improving the **effectiveness of SD and its articulation within Slovakia** requires embracing the following suggestions collected from respondents and analysed within the EESDA project:

- (a) A **clearer hierarchy of SD** that would enhance the articulation of SD between sectoral and national level: a topic should first be discussed in sectoral bipartism before making it to national bipartism and only then to national tripartism. Currently, a number of topics is being directly discussed in national tripartism without prior consultations at lower levels (NAT1).
- (b) Both unions and employers agree that a **greater proactiveness** on their part would benefit national tripartism. Currently a number of topics within tripartism are proposed by the government and social partners feel that their role in tripartism is passive to approve or not approve the government proposals (NAT2).
- (c) Effectiveness can be further enhanced by the **professionalization of SD** through better internal debates within social partner organizations, longer time periods available for preparation, more flexibility to actively propose topics and more internal engagement in expert analyses in order to justify their arguments in SD (NAT4, 5 and 8). This requires expert capacity building on the side of social partners.
- (d) Limit the number of topics discussed in national tripartism and eliminate unimportant topics. For example, each tripartite meeting would facilitate an **in-depth discussion on a single topic** instead of approving/disapproving 25 to 30 topics on the agenda, which decreases the role of tripartism to a 'voting machine' (NAT2).
- (e) Facilitate so-called '**meta SD committees**' prior to formalized plenary meetings where social partners would have the opportunity to professionally discuss their attitudes and possible solutions in an informal way and thus be better prepared for the formal SD meetings to deliver outcomes in an effective way (NAT1 and NAT5).

3. Sectoral case studies

Slovakia belongs to a small number of CEE countries where sectoral SD and collective bargaining exists despite the all-European challenges of bargaining decentralization (OECD 2019). Nevertheless, Slovakia is still characterized by a **clear sector-specific hierarchy of social partner structure**.¹⁴ An important aspect in understanding the sectoral SD and its effectiveness is the relationship between sectoral and company-level organizations. After 1989, union structures were decentralized and a high autonomy was granted to base organizations in companies (*základné organizácie, ZO*) (Myant 2010). This made vertical coordination between sectoral bargaining and company bargaining increasingly difficult. On the side of employers, sectoral federations often face the challenge of how to represent diverse interests of individual employers, e.g., between larger multinational firms and smaller domestic firms. As a result, SD is viable and practiced even if the bargaining elements therein are weaker in some sectors.

While sectoral SD exists and is viable, in contrast to national SD, a key element in the agenda of sectoral social partners is **collective bargaining**. Sectoral bargaining is characterized by lack of regular pattern setting and a weak involvement of peak-level social partners that participate in the tripartite committee. In other words, there is no direct coordination between national-level SD and sector-specific collective bargaining. Sector-level bargaining is widespread in the public sector and in a number of private sectors, including the metal/automotive, steel, electronics, chemicals, construction and transport sectors. In some sectors, the crisis contributed to the consolidation of SD and bargaining, including the automotive industry, steel, electronics and public healthcare (Kahancová 2013). In other sectors, including tourism, retail, and agriculture, a decentralization trend is being observed, with sectoral collective agreements existing but remaining very general and often lacking wage stipulations in order to meet the diverse interests of various stakeholders in the sector.

The analysis below reviews SD practices in four selected sectors, including construction, education, healthcare and commerce. These sectors were selected because of their importance for employment, capturing developments both in the private and public sectors

¹⁴ Recent cross-sector initiatives include the establishment of a new union confederation *Spoločné odbory Slovenska* (SOS), which is not representative for national tripartism. SOS organizes unions from healthcare, police and part of the automotive industry. Some sectoral union organizations, in particular, OZ KOVO and IOZ, also expanded their activities in a cross-sectoral sense. OZ KOVO, despite its prime role in the metal, steel and electronic sectors, also embraces part of the transport sector and has recently started representing agency workers and organizing employees in the retail sector.

and offering diversity in terms of how SD is organized and practiced.

3.1 Commerce

The commerce sector, specifically focusing on commerce in retail, comprises 8% of employees of the whole economy, of which 27% work in multinational companies (Gregory and van Klaaveren 2019). The sector offers a large share of flexible contracts, and attracts workers with a low education background as well as a large share of female workers (see Table 3). The high **flexibility of employment contracts** affects both working conditions and workers organizing. Employment in the sector is also associated with high fluctuation and is one of the reasons why trade unions experience difficulties in increasing membership. Moreover, trade unions do not aim to eliminate precarity in the sector through the elimination of flexible contracts, but instead they are trying to ensure **equal working conditions at the workplace regardless of the employment contract type and increase low wages**. In recent years social partners made a significant effort to reduce opening hours during holidays which is also regarded as a step towards the elimination of precarious working conditions (Kahancová 2016).

Recent legislative changes also increased labour costs for the sector significantly, through **increases of minimum wage and wage compensations for night work and work during the holidays and weekends**. In 2018, the sector also faced an attempt to introduce an additional taxation on multinationals, similar to Polish and Hungarian measures which in all three cases were cancelled by the EC being against the EU competition law.

Table 3 Employment and wages in the commerce sector (retail)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Retail employment	198.9	195.2	189.9	187.8	205.5	191.3	194.5	207.1	194.9	206.6
Retail employment as a share on total employment	8.4%	8.5%	8.2%	8.1%	8.9%	8.1%	8.1%	8.4%	7.8%	8.2%
Female workers in retail	74.3%	75.7%	73.5%	74.3%	74.9%	76.0%	73.4%	69.7%	71.7%	72.2%
Average wage in the sector* (in EUR)	527	527	547	554	562	570	585	604	635	677

Source: Eurostat (Ifsa_egan22d), retail employment NACE G47, *Slovak statistical office, NACE G47

3.1.1 Actors

Social partners in the sector are long established stakeholders but also newly emerged players. Despite established sector level collective bargaining, a higher importance for working condition regulation lies in company level agreements. An estimated employer

organizations' density is between 15-16% while trade union density oscillates around 5% (see Table 4).

Table 4 SD in the commerce sector (retail)

Commerce sector SD characteristics	
Dominant bargaining level for collective agreements	Sectoral and company level
Estimated employers' organization density in retail/wholesale	ZOCR: 15-16%
Estimated trade union density in the sector	6% (2018)
Sectoral bargaining coverage	15% (2018)

Source: Kahancová et al. (2018)

Industrial relations in retail are summarized in

Table 5. On the employers' side, the last years saw **fragmentation** when 5 multinationals operating in the sector formed new organization SAMO in 2016 (now associating Billa, Kaufland, Lidl, Tesco, Metro, DM Drogerie and Terno). However, SAMO is established as a non-for-profit interest organization and does not fulfill the legal requirements of an employer association entitled to engage in collective bargaining. Therefore, bargaining in the member companies of SAMO occurs exclusively at the company level (Kahancová et al. 2018). All three organizations associating employers are **members of the nationwide employers' association RÚZ through which they have access to the tripartite meetings.**

Despite low membership rates, **two higher level collective agreements** (*kolektívne zmluvy vyššieho stupňa - KZVS*) have been signed between COOP Jednota and the trade union OZ POOCR, and between ZOOCR and trade union OZ POOCR. Estimated sector level bargaining coverage was in 2018 15 % (Kahancová et al. 2018). KZVS of COOP Jednota covered around 14 thousand employees in 2018¹⁵ and KZVS of ZOOCR and OZ POOCR cover another 20 thousand employees (authors' estimate). The majority of employees in multinationals are thus not covered by the sector level collective agreements, although in some of them company level collective agreements are concluded (e.g. Tesco, Metro, Billa) and interestingly, the sector level trade union organization OZ POOCR signs some of these company level collective agreements (COM1). SAMO, the third employers' organization in the sector does not bargain collectively.

¹⁵ The number of employees in COOP Jednota was 14 046 in 2018, of which 11 000 were shopfloor workers and 1102 employees worked in the logistic centers (source: COOP Jednota annual report 2018: <https://coop.sk/files/media/documents/coop-jednota-vs-2018-online-1745682508.pdf>)

Table 5 Social partners in the commerce sector

	Name of the organization	Membership in peak level organization	Membership in international organization	Participation at the sector collective bargaining
Trade unions	Trade Union Federation of Employees in Retail and Tourism (OZ POCR)	KOZ SR	UNI Europa	yes
Employers' associations	Federation of commerce and travel (ZOCCR) 88 members in 2019	RÚZ SR	None (left Eurocommerce)	yes
	COOP Jednota 30 cooperatives in 2019	RÚZ SR	Eurocoop, Consumers Cooperative Worldwide	yes
	Slovak Alliance of Modern Retail (SAMO) 7 members in 2019	RÚZ SR	Eurocommerce	No (not entitled to bargain)

Source: interviews with social partners and their websites

The content of the **higher-level collective agreement** does not imply significantly higher protection compared to labour legislation and extension of the collective agreements is not applied because of various interests on the employers' side. Consequently, **real improvements of working conditions are set at the company level collective bargaining or through labour legislation amendments**. At the company level, trade unions predominantly focus on collective bargaining at multinationals, which comprise one third of the sector's employment. Most of the multinationals avoid sector level collective bargaining, company level bargaining is thus at high priority of the trade unions. Moreover, company level bargaining covers all establishments in the country, trade unions thus **reach similar coverage rates through company level collective bargaining than through sector level bargaining**. A trade union representative admitted that in recent years, collective bargaining at the company level is difficult, the main reason being labour costs increases imposed by the legislation:

"It is difficult to ask for wage increases at the company level bargaining. Every time we open this debate we immediately get a list of recent wage increases because of the legal regulations" (COM1).

Two out of the three employers' organizations are **members of an EU level organization**, while the remaining one has left the EU level organization in 2016. COOP Jednota is associated to **Eurocoop** and to **Consumers Cooperatives Worldwide**, SAMO is a member of **Eurocommerce** (COM2). ZOCCR has left Eurocommerce three years ago, the main reason was **dissatisfaction with the possibilities to address the topics of their priority at the EU level** (COM3). As an example, our respondent mentioned the statutory minimum wage increases, which Slovak employers in retail perceived as the most striking issue, but they did not find anyone interested in dealing with their requests within Eurocommerce:

"They treated us as younger brothers, there was no opportunity to explain our problems and get support so we decided to leave". (COM3).

As our respondent mentioned, they also had difficulties in forming coalitions with other countries with similar problems:

"There were Czechs and Poles in Eurocommerce, but they either did not have the same problems or they did not request to consult them at the EU level. Moreover, at that time, minimum wage was considered solely a national competence, which is changing now, obviously." (COM3)

As a substitute to membership in Eurocommerce, ZOCCR appeal to **Eurocoop – the European community of consumers cooperatives**. Personal interlinkages between ZOCCR and COOP Jednota allow ZOCCR to use this channel if anything needs to be discussed at the international level (COM3 2019). *"If we need to appeal to the EC, we go through Eurocoop, there we can articulate our needs and issues, but this connection is solely based on personal linkages, as ZOCCR we are not official members of the Eurocoop."* (COM3)

On the other hand, the **newest employers' organization SAMO** is active at the EU level through membership in Eurocommerce and **highly appreciate this connection especially when they seek support in national level topics**. The last example was the introduction of additional taxation on multinationals in retail valid since January 2019:

"When they approved it in the parliament, we immediately appealed the EC. They already knew what was going on because similar measures were approved in Poland and Hungary and cancelled shortly after its introduction because of breaking equal competition rules of the EU. International appeal helped us cancel the measure before it was active thus saving a significant amount of money to

our members. Thanks to international ties we knew what to do and we got support.” (COM2)

As the representative further claimed, in this specific case, the support of the social partners (RÚZ and KOZ) helped them to **attain the attention of the EC and reach quick policy cancellation.**

The trade union organization is a member of UNI Europe and declare active participation at meetings and projects. Of similar importance to the EU level sector organization is their participation at the **European work councils (EWC) of multinationals.** The frameworks agreements concluded at EWCs help trade unions ensure similar working conditions across the chains, despite not regulating wages. Moreover, trade unions from the same multinationals form working groups within UNI Europe where particular claims and suggestions for further steps are discussed.

Membership in the EU level organization is used by the Slovak social partners as an additional power resource. International appeal is important mostly because of the increased presence of multinationals in the sector. **For trade unions,** it is an additional power resource when other means to resolve employees’ maltreatment, such as SD at the workplace, fails. The **employer’s association appreciates** membership in the EU organization because it allows them to coordinate among multinational retailers who seek to find a common approach across the EU countries:

“If one country is successful in implementing additional taxation in retail, within one year you will have several countries to where it will have spread. Our aim is to prevent such measures from the EU level and protect the interests of our members across the EU.” (COM1).

3.1.2 Topics

The two interviewed employers mentioned among recent topics measures increasing labour costs such as **minimum wage,** or increased **wage compensations for night work and work during the weekends and holidays,** or planned a new system of the deposits on plastic bottles or an attempt to impose additional taxation on multinationals. One of the employer organization and trade union representative appreciated the **closure of retails during the public holidays where social partners found an agreement.**

When it comes to the topics articulation, the topic is firstly discussed among members in the organization and then alliances are formed either among social partners or with MPs. Both

our respondents, from employers and trade unions, mentioned as an example, a discussion about **shop opening hours on Sundays**:

“We know we have the support of trade unions, and even Christian democrats in the parliament, but we do not want to form alliances with Christians. But first we need to agree in our organization and then we will get in touch with relevant MPs to discuss how to approve our proposal” (COM2).

A similar mechanism of the bottom-up articulation was confirmed by the trade unions. Also, **active participation at parliamentary committees** are important parts of employers’ agenda articulation. Besides, sector social partners have an opportunity to articulate their positions on governmental proposals through their peak level organization at the tripartite meetings or through inter-ministerial commenting procedure. All our respondents also confirmed high importance of informal tights:

“It is important to know whom to call or meet. It was important in the times of communists and it is important now as well” (COM3).

3.1.3 Outcomes

Formalized sectoral SD produces binding outcomes, which are however poor in content. Moreover because of the limited coverage, it is not perceived as an efficient mean for agenda articulation, social partners thus rely on other channels of articulation which produce more binding outcomes such as legal regulations. Both employers and trade unions combine **formal and informal ways to transform their agenda into legal proposals**. All respondents agreed that a **tripartite body but also sector collective bargaining**, are the least appropriate places where the topic can be proposed, while **informal discussions** with MPs, government representatives and other stakeholders was perceived as better way how to propose the topic and reach tangible outcome. As a first step, when proposing the topic, social partners seek the MPs support, as well as other social partners through separate meetings and discussions. It is also important to gain support from the peak level organizations or employers and trade unions, respectively. Finally, after agreeing on the measure the proposal, it is submitted officially as a legal amendment. Then it is officially discussed either as a government proposal (in this case also a subject to discussion at the Tripartite meeting), or it is proposed by MPs directly in the parliament. All respondents agreed that **once there is an agreement between social partners, it is much easier to implement the proposal**:

“Despite the lobbying strategy is not that official as tripartite consultations, we reach satisfactory results this way, because at Tripartite consultations the

government and trade unions are much more powerful than we are, but we have a possibility to deliver binding outcomes through MPs proposals.” (COM3).

3.1.4 Actors' interaction

All respondents confirmed the importance of **cooperation to attain binding results** as a legal regulation. In terms of assessment of their interactions, negotiation in collective agreement is institutionalized but not the most relevant form of interaction. Interestingly, **information sharing, mutual support and informal tights bring more binding outcomes in the form of legal amendments.** In recent years, social partner's cooperation has intensified, the main reason being the pressure on the sector. Both employers and trade unions representatives confirmed that with the support of the counterpart, the result is much more easily achieved.

At the EU level, **social partners mostly interact within their membership organizations.** When it comes to coalition building at the EU level, this is not the preferred way of increasing leverage at the international level; none of the social partners confirmed coalition building at the international level.

3.1.5 Perceived effectiveness of SD and its articulation

We take into account the two analytical categories to assess effectiveness: SD effectiveness and effective SD articulation. **Sector level SD in the form of collective bargaining produce very limited improvements.** With **constant effort to regulate working conditions through legislation** the margin bargained in collective bargaining is shrinking. This was confirmed by the trade unions which experienced difficulties in increasing wages at company level bargaining. From this perspective, we can assess the **effectiveness of SD to be poor, despite that SD is institutionally well established.**

Employers assessed SD as inefficient, consultations with the government and trade unions at the tripartite level were perceived as irrelevant because of the **strong government discretion over the final outcome.** This explains why **lobbying, an informal way of agenda articulation is a well-established method among social partners instead of SD.**

Despite low SD efficiency, the **mechanism for articulation** of the topics and ability of the agenda to travel between different levels **can be assessed as effective.** Several examples of **successful bottom-up articulation** emerged in our interviews. Both social partners employ internal discussion mechanisms before articulation of the specific agenda and also have developed channels of articulation towards their peak organization. In recent years, coalition building proved to be a necessary condition for successful adoption of the articulated agenda.

In the retail sector, we found **effective SD articulation, while the effectiveness of SD itself was assessed as poor**. The main reason is that sector level collective bargaining brings very weak outcomes and **increasing importance of legislation continues to undermine SD in the sector**. On the other hand, social partners through mutual cooperation search for **joint leverage to government proposals which enhance their ability to interact efficiently**. Despite claiming political neutrality, the future of SD in the sector depends on the government's position. To overcome this drawback, social partners will need to transform the mutual interaction from information sharing to producing more binding outcomes through negotiation. This should be done through increasing the depth of SD in its content as well as its coverage. Forming strong SD in the sector would shelter social partners from exposure to swinging political will.

3.1.6 Conclusions

To sum up, social partners apply **bottom-up articulation** and combine **formal and informal interaction** in articulating their points of interests. Interestingly, tripartite consultations and sector SDs are perceived as the least suitable forums where the topics can be articulated, while the **best outcomes are reached in legal regulations through coalition building and lobbying**. Sector level actors also highlighted the **importance of cooperation with peak level associations** at the national level.

For the majority of social partners, **membership in the EU level organizations is an additional power resource**, the main reason is the high share of multinational retailers operating in Slovakia. Both employers and employees are engaged in their EU level membership organizations while their participation on ESSD meetings is limited. In one case, however, EU level participation was not perceived as useful because discussed topics were considered irrelevant and the possibility to articulate one's own agenda limited, which was also the reason for leaving the EU level organization.

Suggestions for improvement are based on the finding of **effective SD articulation**, but a **poor effectiveness of SD itself**. The main reason is that sector level collective bargaining brings very weak outcomes and **increasing importance of legislation continues to undermine SD in the sector**. On the other hand, social partners through mutual cooperation search for a **joint leverage to governments proposals which enhance their ability to interact efficiently**. Despite claiming political neutrality, the future of SD in the sector depends on the government position. To overcome this drawback, social partners will need to transform the mutual interaction from information sharing to producing more binding outcomes through negotiation. This should be done through increasing the depth of SD in its content as well as

its coverage. Forming strong SD in the sector would shelter social partners from exposure to swinging political will.

3.2 Construction

The construction sector in Slovakia has experienced continuous expansion since 2000, but was significantly affected by the post-2008 crisis because of the decrease in public investments, the general stagnation in demand for construction, and the insolvency of some construction companies. The quick recovery of the Slovak economy after the crisis again brought a boom to the construction sector including employment growth, but the sector is aware of fluctuations in demand and responds to it via the flexibility of hiring and firing construction workers. A wide usage of self-employment is an inherent feature of the construction sector. Table 6 shows that while the total number of construction workers decreased between 2010 and 2018 by 7%, this was in fact a **structural redistribution of employment towards smaller companies** (from 0 to 50 employees) and a massive decline of employment in companies with more than 500 construction employees.

Table 6 Average number of registered employees in construction (by company size)

Company size (employees)	2010	2011	2012	2013	2014	2015	2016	2017	2018
0 - 9	18 236	12 938	17 089	15 585	17 923	17 672	19 328	22 736	25 569
10 - 19	4 288	8 573	5 914	7 962	8 470	8 447	9 033	8 683	8 645
20 - 49	10 299	12 117	10 149	10 906	10 843	10 496	11 825	12 121	13 223
50 - 99	10 303	8 732	7 881	8 246	8 389	8 810	8 293	9 120	7 993
100 - 249	10 952	10 285	8 822	6 814	5 718	5 815	6 041	5 190	5 825
250 - 499	4 537	4 006	3 574	2 785	1 903	2 616	2 339	3 802	3 124
500+	10 114	7 884	7 556	7 291	6 077	5 533	5 640	4 883	5 117
Entrepreneurs	110 066	107 742	103 572	98 629	95 735	94 539	94 737	96 096	97 368
Total	178 795	172 277	164 557	158 218	155 058	153 928	157 236	162 631	166 864

Source: Slovak Statistical Office DataCube [data extracted December 12, 2019].

Wage developments in the construction sectors show significant wage differences according to company sizes (see Table 7). Relevant wage growth applied to larger companies, while wages in small companies and among entrepreneurs only underwent minor increases. Combining this evidence with the above-presented structural changes in construction employment, we conclude that employment in construction in the past decade has been located mostly in smaller firms with lower wages. These structural employment and wage characteristics on the sector have also shaped the functioning and the agenda of sectoral SD.

Table 7 Average nominal monthly wage per construction employee (EUR) by company size

Company size (employees)	2010	2011	2012	2013	2014	2015	2016	2017	2018
0 - 9	531,55	523,98	501,72	477,58	467,96	497,41	525,41	548,91	578,49
10 - 19	544,44	574,40	592,37	607,60	601,43	605,74	694,95	688,80	731,49
20 - 49	698,34	754,67	771,55	736,83	766,74	850,70	884,97	893,01	929,43
50 - 99	819,24	849,21	943,08	888,27	936,86	1 041,67	986,82	1 027,75	1 116,93
100 - 249	812,29	854,77	908,60	945,24	947,05	1 078,53	1 046,24	1 145,45	1 327,88
250 - 499	924,20	1 150,02	1 176,69	1 303,70	1 445,72	1 389,75	1 617,70	1 455,64	1 605,69
500 a viac	1 106,45	1 163,01	1 235,68	1 228,68	1 235,53	1 312,84	1 420,53	1 504,12	1 622,66
Entrepreneurs	361,41	385,64	387,40	394,21	396,48	389,39	391,17	406,05	427,64
Total	580,39	604,74	611,50	607,07	599,94	633,71	652,84	672,66	712,52

Source: Slovak Statistical Office DataCube [data extracted December 12, 2019].

3.2.1 Actors

Despite post-crisis turbulences in demand, the construction sector has had a **very stable structure of actors and SD structures with sector-level collective agreements** regularly concluded (see

Table 8). The Integrated trade union federation IOZ (Integrovaný odborový zväz, IOZ) is the only trade union representing construction workers at the sector level. Employers are organized in a single sector-level organization Federation of Construction Entrepreneurs of Slovakia (*Zväz stavebných podnikateľov Slovenska, ZSPS*). Due to the high number of self-employed in the sector, it is likely that small companies and entrepreneurs are also members of other organizations, including the Slovak Federation of Entrepreneurs (*Slovenský živnostenský zväz, SŽZ*) and the Entrepreneurs Association of Slovakia (*Združenie podnikateľov Slovenska, ZPS*). However, only ZSPS and IOZ are engaged in sectoral tripartism and collective bargaining in construction, therefore, only these two actors are considered important for the purpose of this study.

Although **union density in the sector seems low**, IOZ appreciates the fact that bargaining coverage is significantly higher due to an actively practiced **extension of coverage of the sectoral collective agreement**. At the same time, the high number of self-employed workers and the increasing number of employees with fixed-term contracts negatively affects trade union membership in the sector (CON1).

Table 8 Actors and SD in the construction sector

Trade union	Integrovaný odborový zväz (IOZ)
Trade union density in sector	5-6 % (data for 2011), 67 construction companies had trade unions established, unions concentrated in larger construction companies
Employers' association	Zväz stavebných podnikateľov Slovenska (ZSPS), 78 members (2019)
Forms of SD	Sectoral tripartism involving the Ministry of Transport and Construction Sectoral bipartite collective bargaining
Collective bargaining	Sectoral bipartite with binding collective agreements, their validity extended upon non-organized employers in the sector (request by social partners)
Sectoral bargaining coverage	Estimated at 10-30% (2014), 67 companies have trade unions established, in total 207 construction companies covered by sectoral collective agreement (2014)

Source: interviews, social partner websites and Eurofound (Czíria 2013)

The reason behind the lack of fragmentation of social partners, which is observed in the other studied sectors, is the **broad and encompassing character of both IOZ and ZSPS**. IOZ emerged after a merger of sector-specific unions and currently represents workers in the following sectors: construction, textile and clothing and tanning industries, public transportation, road transportation and infrastructure, civil aviation, services and public service including education/schools.¹⁶ On the employers' side, ZSPS is aware of the diversity of firms operating in construction in terms of their employment size and has an inclusive approach to this. In turn, the statutes of the organization enable the Presidency include even an elected representative of a very small company with under 20 employees. This shows ZSPS's interest to represent not only large construction firms, but also the small ones (that dominate the employment landscape in the sector).¹⁷

In terms of membership, **IOZ is member of the union confederation KOZ SR. ZSPS is a member of two peak-level employers' federations** represented in national tripartism, namely, RUZ SR and APZ. International membership is fostered through ZSPS's membership in the **European Construction Industry Federation (FIEC)**. IOZ is a member of the **European Federation of Building and Woodworkers (EFBWW)** and through this organization has access to IndustriAll Global Union.

¹⁶ Source: www.ioz.sk [accessed on December 2, 2019].

¹⁷ Source: Hospodárske noviny, 22. 2. 2011, available at: <https://hnonline.sk/expert/324879-vizitka-cechov-dnes-zvaz-stavebnych-podnikatelov-slovenska> [data accessed on December 2, 2019].

3.2.2 Topics

Topics addressed in the construction sector's SD directly emerge from the main challenges of the sector presented above. First, sectoral bipartite dialogue between IOZ and ZSPS addresses topics related to **vocational education and training**, to **public procurement** regulations regarding the share of its own employees (due to the wide-spread practice of subcontracting in the sector, but also questions of **career development and remuneration**. The latter, especially remuneration, is a topic in bipartite collective bargaining practiced between IOZ and ZSPS. The sectoral agreement for construction is one of the few sectoral collective agreements that stipulate wage tariffs that are divided into 12 categories including bonuses and other payments exceeding the statutory minimum wage.

Finally, in sectoral tripartism, facilitated by the Ministry of Transportation and Construction, the attention of social partners focuses on **topics that are (potentially) subject to legal regulation**. Actors aim at discussing these topics together before articulating them to national-level industry bipartism or peak-level tripartism.

3.2.3 Outcomes

Two types of outcomes prevail in the sector's SD: in bipartite sector-wide collective bargaining, results in the form of **collective agreements are binding**. Social partners, due to their long-standing cooperation, succeed in signing an agreement on a regular bi-annual basis and does not experience difficulties in reaching a joint agreement between unions and employers' representatives.

The second type of outcome is **non-binding joint statements and opinions**, which are discussed in sectoral tripartism and are then articulated to national legislation-making procedures via the industry bipartism as well as via peak-level associations of which IOZ and ZSPS are members. Despite their non-binding character, the interviewed respondent considers it important and **effective as a preparatory step for national-level SD**. In this regard, the articulation of SD topics and outcomes between the national and sectoral level is effective, especially when benchmarked to other studied sectors.

3.2.4 Actors' interaction

Actors' interaction in the construction sector is **long-established, stable, and based on value sharing and cooperative informal relations**. Employers appreciate that trade unions take into account the economic situation in the sector and formulate realistic demands, which underlines mutual cooperation and the sustainability of sector-level SD (CON2). The role of the state in sectoral tripartism serves to facilitate tripartism, where SD is definitely not dominated by the Ministry. Instead, the involved actors perceive the sectoral SD rather as cooperative bipartite interaction, which facilitates joint opinions and access to information. A cooperative interaction also persists between the sectoral social partners and their peak-level organizations in which they are members.

In addition, the cooperative relationships between IOZ and ZSPS are demonstrated by the fact that construction is the only sector where social partners **jointly request the extension to the validity of the signed collective agreement** (CON1). In other sectors, by legislative requirements, it is more common that only one side of the social partners, likely trade unions, request the extension.

3.2.5 Perceived effectiveness of SD and its articulation

The fact that IOZ and ZSPS succeed to reach joint statements, engage in joint projects (e.g., a 2019 competition related to occupational health and safety for secondary schools educating future construction technicians) and regularly signs a binding collective agreement demonstrates the **high effectiveness of sectoral SD**. The cooperative relationships also facilitate informal debates that in turn help articulating joint statements by both social partners to the national-level. According to the particular topic, the articulation of sectoral interests either targets national tripartism, or directly the legislative procedure. Based on these findings, we consider **articulation of sectoral SD to the national level also effective**.

3.2.6 Conclusions

In sum, SD in the construction sector is **well established and effective, and so is the articulation of sectoral interests to national-level tripartism and legislation making**. Nevertheless, the effectiveness argument has to be interpreted in the context of SD in Slovakia, where social partners extensively focus on legislative solutions and tripartism is often overruled by direct lobbying and intervention by social partners instead of their cooperative

interaction. The role of the state is also important: at the national level and in some sectors the states actively shape the SD agenda and even possesses the discretion to finally implement (or not) the agreed outcomes of SD. In construction, sectoral tripartism is well established and facilitates articulation of relevant topics between the national and the sector level exactly because the state (Ministry of Transportation and Construction) does not control this process and in fact leaves enough manoeuvring space to the social partners to negotiate in form of bipartism (CON3).

3.3 Education

The Slovak sector of education suffers from several challenges: low wages, ageing teachers and decreasing pupil performance in PISA testing belonging to the most striking ones. Compared to other countries, the level of government expenditures on education in Slovakia is relatively low. In 2018, the government spent 4.3% of GDP on all levels of education, which was both below the OECD and the EU average. Slovakia also underperforms in education spending as a percentage of total public expenditures (OECD 2019).

Separate wage tariffs regulate salaries of non-pedagogical employees, pedagogical and professional employees and pedagogical employees in higher, university education. Wage tariffs account for the level of education, workload and difficulty of the job, and years of experience with a maximum of 32 years. Teachers are motivated to increase their wage by class supervision, extra-curricular activities, field trips and additional professional training (earning credits for attestation). Table 9 shows the development of average wages for pedagogical employees in primary education. The total number of employees in education has been modestly increasing after a period of stagnation between 2011 - 2014 (see Table 9). Table 10 shows the development of employment in the sector, with a relative stability of staff between 2011 – 2017 and a slight increase in 2018.

Table 9 Development of average wages of pedagogical employees in primary education (2009-2018), in EUR

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Average wage	780.33	797.84	801.7	850.53	916.24	984.05	1 031.13	1 086.12	1157,9	1203,4

Source: Ministry of Education, Science, Research and Sport of the Slovak Republic (Ministerstvo školstva, vedy, výskumu a športu, MŠVVŠ SR), <https://www.minedu.sk/data/att/14465.pdf>

Table 10 Employees in the education sector

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Pedagogical employees	87142,7	86858,5	86571,8	86301,8	85749,1	86584,2	87458,2	88144,7	89313,8
Non-pedagogical employees	39922,4	39592,4	38986,3	38799,4	38696,7	38761,4	38878,2	39304,3	39670
Total	128375	127820	126982,7	126575,8	125965,8	126892,3	128015,6	129249,1	130846,4

Source: Ministry of Education, Science, Research and Sport of the Slovak Republic (*Ministerstvo školstva, vedy, výskumu a športu, MŠVVŠ SR*), <https://www.minedu.sk/data/att/14465.pdf>

3.3.1 Actors

In the education sector, we can distinguish **traditional actors** and those who emerged in the post-crisis period as **protest actors** criticizing working conditions in the sector. Among traditional trade unions, we find the Trade union of Employees in Education and Research (*Odborový zväz pracovníkov školstva a vedy, OZPŠaV*) affiliated to the biggest trade union confederation KOZ and the Independent Christian Trade Union (*Nezávislé kresťanské odbory Slovenska, NKOS*). Thanks to the formalized procedure of wage setting in the public (budgetary) sector through collective bargaining, two trade unions are now recognized as social partners and sign collective agreement with the government. New actors criticize traditional actors (especially OZPŠaV), of insufficient pressures on improvements of working conditions and wage increases and of being too compliant with the government (EDU2, EDU3). Among new actors, we find several organizations which cooperate within the platform called the Initiative of Slovak Teachers (*Iniciatíva slovenských učiteľov, ISU*). Among the most active members we find New Trade Unions in Education (*Nové školské odbory, NŠO*), and a professional organization, the Slovak Chamber of Teachers (*Slovenská komora učiteľov, SKU*). Despite new actors being very vocal in their demands, these demands remain significantly smaller compared to OZPŠaV (see The two traditional trade union organizations are members of the international organizations. OZPŠaV is a member of the European Trade Union Committee for Education (ETUCE). NKOS through their participation at the European Centre for Workers' Questions (EZA) also cooperates at the international level, although this is not part of the formal structure of EU-level sectoral SD. Nevertheless, the international presence allows them to follow topics discussed and they also transfer them into their agenda. The topics evolve around competences relevant and needed in the era of digitalization, or in previous year's green economy and green workplaces. Other organizations in the sector are not involved into international associations.

Table II).

The two traditional trade union organizations are members of the international organizations. OZPŠaV is a member of the European Trade Union Committee for Education (ETUCE). NKOS through their participation at the European Centre for Workers' Questions (EZA)¹⁸ also

¹⁸ The European Centre for Workers' Questions (EZA) is a network of 73 workers' organisations from 30 European countries that are based on Christian social values. EZA members are trade unions and socio-cultural workers'

cooperates at the international level, although this is not part of the formal structure of EU-level sectoral SD. Nevertheless, the international presence allows them to follow topics discussed and they also transfer them into their agenda. The topics evolve around competences relevant and needed in the era of digitalization, or in previous year's green economy and green workplaces. Other organizations in the sector are not involved into international associations.

Table 11 Actors in the education sector

Organization	Membership	Area	Sector level SD participation	Sector level consultations	EU level participation
Trade union of Employees in Education and Research (OZPŠaV)	54 000	National	yes	yes	ETUCE
Independent Christian Trade Union (NKOS)		National	yes	yes	European center for workers' Questions (EZA)
New Trade Union in Education (NŠO)	Below 1000*	National (mostly present in West part)	no	yes	no
Initiative of Slovak Teachers (ISU)		National (mostly present in West part)	no	yes	no
Slovak Chamber of Teachers (SKU)		National	no	yes	no
Independent trade unions at workplaces not associated to any TU sector organization			no	no	no

*source: EDU2.

The two traditional trade union organizations are **members of the international organizations**. OZPŠaV is a member of the **European Trade Union Committee for Education (ETUCE)**. NKOS through their participation at the **European Centre for Workers' Questions (EZA)**¹⁹ also cooperates at the international level, although this is not part of the formal structure of EU-level sectoral SD. Nevertheless, the international presence allows them to

organisations as well as education, training and research institutions that address workers' questions. Through its "European Social Dialogue" education and training programme the EZA promotes the social dialogue on a national and European level and discussion of social challenges in Europe. The aim is to help solve workers' and social questions. The EZA's work is co-funded by the European Union. Source: <https://www.eza.org/en/about-eza/what-is-eza>

¹⁹ The European Centre for Workers' Questions (EZA) is a network of 73 workers' organisations from 30 European countries that are based on Christian social values. EZA members are trade unions and socio-cultural workers' organisations as well as education, training and research institutions that address workers' questions. Through its "European Social Dialogue" education and training programme the EZA promotes the social dialogue on a national and European level and discussion of social challenges in Europe. The aim is to help solve workers' and social questions. The EZA's work is co-funded by the European Union. Source: <https://www.eza.org/en/about-eza/what-is-eza>

follow topics discussed and they also transfer them into their agenda. The topics evolve around competences relevant and needed in the era of digitalization, or in previous year's green economy and green workplaces. Other organizations in the sector are not involved into international associations.

From the two organizations active at the international level, both mostly appreciate the **information exchange and access to training**. OZPŠaV closely cooperates with the neighbouring countries which have "similar problems", namely Czechia, Poland and Hungary. As our respondent mentioned, it is difficult to demand common EU level policies with such significant differences between eastern and western EU countries in teacher's working conditions. Therefore, in spite of European partners having the common aim to improve teachers working conditions and its status in society, OZPŠaV must rely mostly on the national level SD, because their national problems appear irrelevant or too distant at the EU level:

"The education level is dependent on the economic situation of the country, which makes post-soviet countries still less developed compared to the western- EU countries, and the EU level participation thus serve to us mostly as the platform for information exchange." (EDU 1).

The traditional actor OZPŠaV mostly relies on **institutional resources** when its primary channel for improving working conditions is collective bargaining at the sector level. Through the collective bargaining in the public sector, trade unions were able to improve working conditions beyond the Labour Code provisions. Despite this strong institutional arrangement, trade union representatives admitted that they still need to rely on other channels of articulation than official bargaining, namely a lobbying among MPs and communication about their proposals with the Ministry of Education.

Most of the resources of the new actors stem from **mobilization activities**, when in 2010 they organized a strike focused on teachers wages and working conditions. Thanks to this activity they became a recognized partner for discussing reforms in education and despite not being part of the sector collective bargaining, the Ministry of Education consulted new legislation proposals with them in various committees and through inter-ministerial commenting procedure (EDU3). They are mostly active in the Western part of the country, where centrally set wages of teachers are relatively lower compared to the rest of the country. Their main instrument is media presence and communication. Sometimes, issues articulated by these smaller TUs are then adopted by the traditional OZPŠaV. Political alliances are not preferred but perceived as efficient channel for articulation and remain one of their strategies.

3.3.2 Topics

All actors in education are concerned with the **working conditions and wages** in the sector, focusing mostly on teachers, but also on non-pedagogical staff. While traditional trade unions focus primarily on wages and working conditions, **new actors consider wage increases necessary, but not a satisfactory condition for quality improvements in education**. They are mostly concerned with **international comparisons** according to which the Slovak education sector is struggling with the decreasing performance in PISA measurements (see PISA results in 2019),²⁰ but they also **criticize the level of discretion school directors possess in employment relations** which have significant impact on working conditions at schools (EDU3). First, anything paid above fixed wages set at the sector level is in the sole competence of school director, thus **remuneration may appear unfair and without clear rules**. Second, school directors can regulate teachers' presence at school beyond the teaching time. New actors aim to leave non-teaching time arrangements on teachers so the director could not demand presence at the school for non-teaching time (EDU2). Third, new actors also criticize the **process of school directors' selection**. The selection is based on voting at the school council consisting of representatives of teachers, parents, students, municipality representatives and non-pedagogical employees. According to our respondents, teachers should have more representatives and have a stronger voice in the school council, because they are those who are subordinated to the selected school principal (EDU3). New actors also aim to establish **sabbaticals with wage compensation**, because the now zero-wage compensation currently offered contributes to its limited use (EDU4).

Traditional and new actors differ in channels they use for agenda articulation. The traditional trade union federation OZPŠaV attain their goals through **collective bargaining in the public sector** which allows them to improve working conditions beyond the Labour Code provisions in terms of working time, holidays, severance payments, wage compensations for illnesses. On top of that, they also participate in different committees established by the Ministry of Education discussing proposals of legal amendments, e.g. **on teacher career development or minimum time for temporary working contract**. As a successful example of topic articulation, traditional trade unions mentioned continuous collective bargaining at the sector level where improvements of working conditions are attained. In terms of wages they are not satisfied with the results, but perceive it as a long-term process.

New actors use **different channels to articulate their agenda at the sector and national level**. The first is connected with their **ability to mobilize and organize protest activities and subsequent bargaining with government representatives**. Through this channel, they are also able to attract the attention of traditional actors who further adopt the topic which might lead to a tangible outcome. One example mentioned by the representatives of the new actors was

²⁰ https://www.oecd.org/pisa/publications/PISA2018_CN_SVK.pdf

legislative regulation of the minimum length of a employment, which was set at 12 months in 2016. It was a response on the spread practice of the school directors, who were saving resources by employing some teachers only for 10 months, i.e., during the school year, while during the two months of holidays teachers appeared without the contract.

Another channel of the topic articulation for small trade unions is a **programmed focus on specific topic**. The last issue they tried to promote was the role of trade union organizations in dual education implementation at the school level. In Slovakia, the cooperation between employer and particular school, the dual education model, has been established to ensure coordination between labour market needs and school graduates' profiles in vocational education. School involvement in dual education might have an impact on teacher's working conditions which is often the issue neglected by the trade unions at the school level (EDU 4). And last but not least, **collective bargaining at the school level was mentioned as a very important channel for topics articulations among small trade unions**.

3.3.3 Outcomes

The outcomes of SD have a binding character. Collective bargaining at the sector level is especially important where wages and other working conditions are set for the education sector within the public sector collective agreement signed by the government representatives, trade unions and employers' organizations. The results of the CB in the public sector is then transmitted to the official state budget approved by Parliament. Therefore, the results of the CB are further confirmed by **legal enforcement**. This is an **unusually strong outcome of SD**. However, not all aspects of working conditions are regulated in the sector level CA. For instance, remuneration, despite being regulated by the sector level CB, is finally implemented at the school level, where resulting wages are composed of fixed levels, set by the sector collective agreement, and a flexible component decided on by the school level collective agreement, or if non-existent, upon the discretion of the school director.

For new actors, the school level of SD is an important channel because it further brings tangible outcomes in working condition improvements beyond wages. What new actors highlighted from their perspective on outcomes implementation is the **role of the municipality**. Despite not being directly involved in collective bargaining, municipalities are responsible for money redistribution to schools. Thus, claims arising from the social partners agreement at the school level needs to be addressed at municipalities. Both, new and old actors consider active trade unions at the school level the most important element to ensure outcomes implementation of the CB agreements. *"A lot can be attained at the school level in terms of improving working conditions For instance, we added 10 days of holidays to non-pedagogical workers and 3 days to pedagogical staff, the only problem remain financial*

resources allocated by municipalities to each school, because municipalities responsible for the schools' operation must be approached and asked for the additional resources on working conditions improvement individually by each school," claimed our respondent (EDU2 2019).

3.3.4 Actors' interactions

The arrangement of the sector level SD with a binding character for the whole sector gives the biggest trade union OZPŠaV an exceptional position among social partners. Together with smaller traditional trade unions in education, they are signatories of the public sector collective agreement which sets wages in the sector. Given its size and position, OZPŠaV claims no need to cooperate with smaller actors, the only exception is NKOS, a small but long-time established organization which also signs public sector collective agreement. Nevertheless, there is a **record of cooperation among all actors** in education comprising traditional and new trade unions as well as other professional associations in education sector between 2010 and 2013. Organizations signed a memorandum in 2012 when major protests against working conditions burst and organizations needed to create common pressures on the government. In our interviews, however, traditional and newly emerged actors claimed **no cooperation or even spoke about competition** against each other. Trade union representatives questioned the relevance and the size of other actors, claiming they are missing structures and have an insignificant number of members (EDU4). On the other hand, new actors accused the traditional trade union from the lack of activity at the school level and servility towards the government. Smaller, newly emerged trade unions and independent initiatives are cooperating with each other:

“It is easy to communicate, as we are also personally interconnected” (EDU2)

All respondents confirmed the **importance of informal relations in articulation of their agenda**. While the biggest social partner to the government highlights the importance of professionalism, and knowledge about the sector in collective bargaining or in contact with Ministry representatives, smaller organizations try to communicate their agenda through their own expert reports and announcements and/or through participation on ministerial ad hoc committees on education reforms. Nevertheless, they claimed that in some cases their proposals are not accepted without any reasoning (EDU2). Actors perceive lack of a unified voice throughout the actors in the sector as a handicap in reaching satisfactory outcomes.

3.3.5 Perceived effectiveness of SD and its articulation

SD in education can be **assessed as effective when it comes to its ability to produce tangible and binding outcomes**. When it comes to assessing the efficiency of SD articulation, there is **limited space for actors to engage in sector level collective bargaining**. This is the reason why actors other than traditional trade union need to search for other ways of their agenda articulation. The most efficient for smaller trade unions proved to be collective bargaining at the school level and for other non-trade union actors also lobbying and mobilizing.

Effectiveness at the sector level is further deteriorated by the inconsistent policies of the Ministry of Education and the frequent changes of ministers of education.

3.3.6 Conclusions

Social partners in the education sector combine **institutional and organizational resources when it comes to their agenda articulation**. Despite strong and well-established SD in the sector, the desired outcomes are not considered satisfactory for smaller actors in the sector. The **polarization among actors** contribute to postponing reform efforts in the sector. The **overall effectiveness of SD was assessed as high when it comes to outcome delivery, however, effectiveness of SD articulation is poor because of the limited access to SD for several actors**. As a result, actors operating in the sector lack the motivation for coordinating their activities, thus weakening their leverage towards the government representatives and postponing any reasonable action and plan for change. Interestingly, **international coordination plays a rather marginal role** and the agenda of working conditions is perceived exclusively as a national policy and membership in international organizations serves for information exchange purposes only.

Despite a fairly established SD, the sector faces similar challenges as in other sectors, namely the **undermining of SD by lobbying and protest activities**. This is the reason why besides institutional and organizational resources all actors use lobbying and a direct approach to MPs and other stakeholders as another efficient strategy for agenda articulation. To improve social partners involvement into the sector level SD the **input legitimacy of the actors should increase**. Specifically, there should be more opportunities for new actors engaging in shaping working conditions in the sector besides traditional trade unions. As a prerequisite, **trade unions and other actors should seek a common approach to increase their leverage vis-à-vis the government**.

3.4 Healthcare

This section focuses on SD in the healthcare sector, with a specific focus on the profession of nurses and hospitals as types of healthcare organizations. Nurses comprise the largest occupational group and at the same time, the one exposed to demanding working conditions due to labour shortages and slow wage increases compared to doctors (Kaminska and Kahancová 2011 and 2017, Kahancová 2016).

The Slovak hospital sector, but also the education sector preparing nurses for the labour market, has undergone a series of reforms since 2001. The fundamental idea of the reform was to introduce some principles of the market economy to the operation of hospitals. Instead of direct privatization, the management of selected smaller regional hospitals was decentralized and shifted from the central government (the Ministry of Healthcare) to the local government, embracing higher territorial units, cities and municipalities (Kahancová and Szabó 2015). These hospitals were turned into public corporations and their operation became exposed to profit-making principles and budgetary constraints, while large state-owned and state-run hospitals remained under the direct control of the Ministry of Healthcare and continued enjoying access to public funds and bailout options in case of accumulated debt (ibid.).

This differentiation between two types of hospitals has significantly influenced working conditions in healthcare and also the structure of sectoral SD and collective bargaining. First, hospital employees, including nurses, lost their public employee status; and their remuneration became subject to independent collective bargaining rather than tariff-based wage setting applied in the public service. Second, due to budget constraints, corporatized hospitals adopted severe austerity measures, which also influenced their bargaining position towards trade unions. Third, corporatized hospitals faced the challenge of labour shortages and the migration of health professionals to better paying state hospitals or abroad (Kaminska and Kahancová 2011). Fourth, these sector-specific frustrations led to significant organized actions of doctors and nurses between 2011 and 2017 (Kahancová 2016). The impact on SD and its effectiveness was very important, as explained below.

3.4.1 Actors

The healthcare/hospital sector comprises a defined set of representative actors (see Table 12). Fragmentation on the employers' side is directly driven by the hospital reforms and corporatization presented above. Both hospital organizations, Asociácia štátnych nemocníc SR (AŠN SR) and Asociácia nemocníc Slovenska (ANS) are representative social partners that have

been actively engaged in SD since 2006 when independent SD in the hospital sector was established. Fragmentation on the workers' side emerged through occupational groups splitting off from the largest and oldest healthcare trade union SOZZaSS. The doctor's trade union *Lekárske odborové združenie* (LOZ), has been active for more than 15 years in SD, whereas the youngest trade union federation of nurses and midwives (*Odborové združenie sestier a pôrodných asistentiek*, OZSaPA) was established in 2012.

Table 12 Actors and forms of SD in the healthcare sector

Trade unions	SOZZaSS, LOZ, OZSaPA
Estimated trade union density in the hospital sector	66,3% from medical professions in hospitals (34,133 reported medical workers, 2019) 49% from all hospital employees (46,177 reported hospital workers, 2019)
Estimated trade union membership and density per actor	SOZZaSS: 18,380 members (2019), 81% of total union membership 53,8% union density in reported 34,133 medical hospital staff (2019) 39,8% union density in reported 46,177 total hospital staff (2019) LOZ: 2250 members (2019) 10% of total union membership 6,6% union density in reported 34,133 medical hospital staff (2019) 4,9% union density in reported 46,177 total hospital staff (2019) OZSaPA: 2000 members (2019) 5,86% union density in reported 34,133 medical hospital staff (2019) 4,3% density in reported 46,177 total hospital staff (2019)
Employers' associations	Asociácia štátnych nemocníc Slovenskej republiky (AŠN SR), 23 members (2019) – formerly known as Asociácia fakultných nemocníc Slovenskej republiky (AFN SR) Asociácia nemocníc Slovenska (ANS), 75 members (2019)
Forms of sectoral SD	Multi-employer bargaining (AŠN and ANS separately), hospital-level bargaining Some healthcare workers covered by bargaining for public services Sectoral tripartite SD with the Ministry of Healthcare – without collective agreements
Sectoral bargaining coverage	95% (2006)

Source: Eurofound (2020), Czírja (2009), authors' calculation of union density using the data from Eurofound and National Centre for Healthcare Information (NCZI) on healthcare employment published in the SOZZaSS Bulletin (October 2019). Employment data used for the calculation of union densities refer to the first half of 2019.

Both employers' federations are members of the national employers' organization AZZZ and therefore have direct **access to national SD**. On the side of trade unions, only SOZZaSS is a member of the union confederation KOZ SR and directly engaged in SD in public service and in national tripartism, where representatives of SOZZaSS directly participate in tripartite HSR meetings on behalf of KOZ SR. In contrast, the other professional unions LOZ and OZSaPA remain outside established national-level SD structures, but have succeeded in achieving significant changes to the regulation of health workers' conditions via direct lobbying, the doctors' resignation campaign (2011), and the nurses' public protests and hunger strikes (2012 and 2013). By an active engagement in the public discourse, they are vital and publicly visible

organizations despite their low density in the sector compared to SOZZaSS.

In terms of their involvement in EU-level social partner organizations, **SOZZaSS is an active member of the European Public Service Union (EPSU)**, even part of the EPSU's steering committee and thus having direct access to topics discussed in EU-level SD. In Slovakia, SOZZaSS implemented an EPSU-led initiative Right to Water, which EPSU did not succeed in transposing into a binding outcome in form of EU-level legislation.²¹ Nevertheless, top-down articulation of SD topics is effective between EPSU and SOZZaSS. Bottom-up articulation is less developed as SOZZaSS considers a number of topics addressed in Slovak SD nationally specific. LOZ and OZSaPA have limited resources for formally engaging in EU-level SD structures, but previous interviews suggest that they consider EU-level sectoral SD to be an important resource for their domestic action (HEALTH 2 and HEALTH3). LOZ has a very vital individual cross-border cooperation with doctors' unions in other European countries.

On the side of hospital associations, **ANS** is member of the **European Association of Hospital Managers (EAHM)** and of the **Standing Committee of the European Hospital and Healthcare Federation (HOPE)**. ANS had an observer status in EAHM from 1991 before becoming a full member in 1994. In HOPE, ANS had an observer status since 2000 until 2004 when they were accepted as a full member.

Finally, besides the trade unions SOZZaSS and LOZ and the employers' associations AŠN SR and ANS, sectoral tripartite SD involves the Ministry of Healthcare, the Association of Nursing Schools (*Asociácia stredných zdravotných škôl*) and the Association of Private Doctors (*Asociácia súkromných lekárov SR*) mostly representing doctors in outpatient care.²² In some cases, representative of health insurance authorities are invited for meetings of sectoral tripartism. OZSaPA fights since its establishment in 2012 to join sectoral tripartism, but is currently not involved, since other unions, in particular SOZZaSS, does not consider OZSaPA representative and claims that SOZZaSS as a large encompassing union also represents the interests of nurses and midwives (HEALTH1). Nevertheless, the leader of OZSaPA has a different opinion and claimed that,

“...the Slovak Chamber of Nurses and Midwives registers over 42 thousand nurses and midwives. A missing representation of such a large group of medical professionals in sectoral tripartism is a serious shortcoming that hinders the true

²¹ Source: <https://www.epsu.org/article/human-right-to-water-must-be-priority> [accessed December 8, 2019].

²² Source: website of the [Ministry of Healthcare](#) [accessed December 8, 2019].

*function of tripartism – to engage in SD to facilitate social peace.*²³

Because of the lack of access of smaller union organizations to established structures of sectoral tripartism, they systematically engage in other forms of visibility and influence using the media and social media, stage protests, campaigns and direct negotiations with particular Ministries and other government and parliamentary bodies.

3.4.2 Topics

The topics addressed on sectoral SD are clearly distinguished from topics subject to **collective bargaining** in the sector. Next to **wage issues**, social partners identify **overtime and work organization** as the most important challenges and subjects in bargaining. Recent legislative changes, including the transposition of the EC Working Time Directive into the Slovak legislature, did not help mitigating overtime work in hospitals and this topic thus continues to resonate in collective bargaining. While bargaining addressed wages and working time as the two most important topics before wage regulations were transposed to legal regulation, **tripartite SD** in the sector deals with strategic issues to the relevance of the sector, including the overall **financing from the state budget** (among others, to cover excessive hospital costs deduced from legally stipulated wage increases and other legally introduced pay supplements). Other topics addressed in sectoral tripartism since 2016 include the adoption of the **Government's Work Program** for the four-year period after the 2016 elections, the **legislative plan of the government, financing health insurance companies and hospitals and the general situation and challenges faced by public healthcare**. Furthermore, more practical issues aimed at improving the provision of health services were discussed in tripartism (e.g. implementation of **eHealth and the DRG system**). A recurring topic is the coverage of excessive costs of hospitals in light of legislatively stipulated wage increases and bonuses, which are – in the view of employers – politically motivated and not acknowledging the budgetary constraints of hospitals. **The bailout of hospital debts** is also a regularly discussed and politicized topic. Other topics that featured in tripartite debates in the sector included a modernization of healthcare infrastructure and the recently proposed **stratification reform to the hospital structure**, which lacked support in the Parliament and facilitated a resignation of the Minister of Healthcare in December 2019.

3.4.3 Outcomes

Different outcomes refer to sectoral tripartism and to multi-employer collective bargaining in the sector. **Collective bargaining facilitates binding outcomes in form of collective**

²³ Source: online periodical *vZdravníctve [inHealthcare]*, available at: <https://www.webnoviny.sk/vzdravotnictve/ozsapa-odvetvovej-tripartite-chybaju-sestry/> [accessed December 9, 2019].

agreements, negotiated mostly for a period of two years or until a new agreement is adopted. In contrast, the **outcomes of sectoral tripartite dialogue are non-binding** and refer to joint statements and access of social partners to information on strategic decisions concerning their sector. Through regular interaction, sectoral SD also facilitates the articulation of social partners' views on legislative proposals specifically targeting the healthcare sector or the occupational group of nurses and midwives.

3.4.4 Actors' interaction

The establishment of OZSaPA in 2012 as the third union in healthcare deepened the **competitive interaction and rivalry among social partners**, especially between the unions SOZZaSS and OZSaPA. The interaction on the side of employers' associations also faced tensions due to different treatment of large public hospitals and regional/private hospitals by the state and the imposition of additional budgetary constraints onto smaller hospitals via legislative changes to wages and working conditions while maintaining the debt bailout option for larger/state-run hospitals. **Interaction in form of control** best describes the functioning of sectoral tripartite SD on the side of unions, since **SD is dominated by the largest union SOZZaSS** and the lack of access of OZSaPA to sectoral tripartism.

While SOZZaSS enjoys a strong bargaining position in sectoral bargaining and SD, the two smaller unions engage, besides bargaining (at hospital level for OZSaPA and also on multi-employer level for LOZ unless LOZ agrees to sign the agreement in which case only SOZZaSS signs it on behalf of trade unions) actively in protests, campaigns, initiatives and direct negotiations with representatives of government and municipalities to gain influence. While the interaction between SOZZaSS and the other unions, in particular OZSaPA are competitive and hostile, recent years have seen more cooperation and some value-based interaction and support between LOZ and OZSaPA. For example, in 2019, both unions ran a campaign called "Don't shout at the nurse, write to the Ministry!", aiming to highlight the alarming shortages of medical staff and the impact of this situation on the patients.

The **rivalry exists but is less pronounced on the employers' side**, since each of them separately engages in multi-employer bargaining with unions. In addition, OZSaPA experienced a conflict with the Association of private doctors in 2012, when this Association filed a case to the Constitutional Court of Slovakia to investigate whether the newly adopted legislation stipulating the nurses' wage increases by law instead of collective bargaining was constitutional. The Court ruled against the nurses and the Act. No. 62/2012 Coll. on Minimum Wage Entitlements for Nurses and Midwives. This ruling launched a set of protest actions of nurses, represented by OZSaPA and the professional Chamber of Nurses and Midwives (*Slovenská komora sestier a pôrodných asistentiek, SKSaPA*).

The interaction of Slovak actors in healthcare with foreign counterparts, including EU-level organizations presented above, is based on **shared values** and is cooperative. In contrast, there is even some hostility and **competition in the interaction of social partners with the state**. While unions pushed the state to widen the scope of legislatively guaranteed regulation of wages and working conditions in healthcare, employers' associations (especially the ANS) were voicing their criticism towards the government's reluctance to increase hospital budgets in order to cope with the legislatively stipulated increase in their wage expenditures. In 2019, ANS even threatened to file a case at the Constitutional Court requesting an investigation into whether the legislatively stipulated increases in wages, bonuses, night work, etc. were constitutional if the state simultaneously did not provide extra funding (e.g. through higher budgets for health insurance companies) for hospitals to cover these expenses²⁴.

Finally, the **interaction between unions and employers** occurs in form of interactive bargaining. Before achieving legislatively stipulated wage increases, more competitive interaction characterized multi-employer bargaining especially among smaller regional/private hospitals. Since wages were transposed from binding outcomes of bargaining to the legislation, the tensions have eased and the **relationships resemble interactive bargaining**. The fact that collective agreements are now more often concluded without a mediator, which was not the case prior to 2011, supports this argument of more effective bargaining.

3.4.5 Perceived effectiveness of SD and its articulation

The **perceived effectiveness** of SD and its articulation in the healthcare sector has improved after wages became subject to legal regulation. This is a paradox, which on the one hand has weakened collective bargaining in the hospital sector in favour of legal regulation, but at the same time, has left the involved actors to negotiate about topics with a higher extent of shared values and similar opinions. In fact, this change facilitated an easier conclusion of collective agreements that are considered binding outcomes of SD.

At the same time, challenging questions related to the financing structure of healthcare, with impact on wages, bonuses and other expenditures related to the working conditions of nurses and midwives, became more prominent features in the agenda of sectoral tripartite SD. While this type of **SD only facilitates non-binding outcomes**, we consider it to be **effective** because

²⁴ Source: Teraz, 19. 4. 2019, Association of Hospitals will turn to the Constitutional Court (*Asociácia nemocníc sa obráti na Ústavný súd*), available at: <https://www.teraz.sk/slovensko/asociacia-nemocnic-sa-obrati-na-us/390610-clanok.html> [accessed November 30, 2019].

of **regular meetings** and **access of social partners to relevant information** and **opportunities to articulate their priorities to policy makers in a structured and institutionalized way**. Sectoral tripartism also enables sector-specific topics to be picked up in national tripartism or other policy-making processes including the legislative process.

The **effectiveness of articulation** between the sectoral and EU-level sectoral SD is considered higher than in the case of national tripartism and EU-level SD. This is because sectoral interests are better aligned between social partners across the EU in their particular sector and it is easier to identify common challenges and topics for SD. The articulation between national and sectoral SD is facilitated by the channel of sectoral SD, but also via direct involvement of sectoral social partners in peak-level associations represented in national tripartism.

3.4.6 Conclusions

While hospital reforms strengthened independent SD and collective bargaining in the hospital sector, they also produced fragmentation among employers' associations between corporatized and non-corporatized hospitals, and trade union fragmentation along occupational lines. This has facilitated and strengthened **multi-employer collective bargaining** separately for state-run and for regional hospitals. Besides bargaining, a **sectoral tripartite SD** has been established and is vital in healthcare, with the presence of all relevant actors despite their fragmentation.

The most important topics covered in sector-specific SD included wages until 2016, when the topic of wages was shifted into legislative regulation (for medical doctors, legislatively stipulated wage increases were enforced already earlier). Working time, nurses' shortages and difficult working conditions due to high work pressure are additional topics of concern and extensively addressed by social partners. The working time topic has been enforced via articulation of the **EC Working Time Directive 2003/88/EC**, which was adopted into Slovak legislation after top-down articulation of SD outcome from the EU level to the national level.

The largest healthcare trade union SOZZaSS is **closely involved in the work of EPSU** representing healthcare workers in EU-level sectoral SD, while the small professional doctors' union LOZ has extensive bilateral international contacts. On the side of employers, ANS is member of two EU-level federations, which however lack a mandate for negotiations in EU-level sectoral SD structures in the healthcare/hospital sector. Neither one of the Slovak hospital federations is member of HOSPEEM, representing employers in EU-level sectoral SD in the hospital/healthcare sector.

While sectoral tripartism is regularly practiced and provides access to social partners to

specific policy influence relevant for the sector, it facilitates only **non-binding outcomes**. The increased difficulties to reach binding outcomes, mostly referring to wage increases in collective bargaining due to the budget constraints of hospitals, facilitated a change in the actors' strategy. The outcome of various waves of protests, campaigns and negotiations is that currently the wages of healthcare personnel are again legally regulated and unified despite different organizational forms of hospitals. In general, despite a **high extent of rivalry and competition in the interaction of social partners, sectoral SD in healthcare is vital and reasonably effective** given the conditions of weakening sectoral bargaining, the non-binding character of outcomes of the national tripartism and an increasing focus of social partners on individually lobbied legislative solutions to SD.

Suggestions for improvements towards a more effective SD include more scope for cooperation and value sharing among trade unions, which would help in overcoming their fragmentation and further strengthening the role of sectoral SD vis-à-vis national legislation and policy making. Also, foreseen improvements closely relate to the institutional shortcomings of national tripartism. If national tripartism could be strengthened by, among others, a **weaker role of the state in SD and more scope and motivation for social partners to engage in bipartite dialogue** and arrive at a jointly facilitated outcome, we assume this would also be beneficial for sector-level SD and particularly the SD articulation between the national and sectoral level. Finally, improvements can be made in the **engagement of Slovak social partners in EU-level SD structures** by membership in European social partner organizations with a mandate to engage in sector-level SD at the EU level.

4. Conclusions

This report provides a detailed account on the functioning of SD in Slovakia and evaluates its effectiveness and the effectiveness of SD articulation. While the presented broad developments suggest a continued commitment to tripartite SD and its legislative strengthening in Slovakia, in fact the **direct influence of tripartism has weakened**. In particular, four developments underpin the weakening trend. First, **general agreements** that were the most important formalized binding outcomes of tripartite SD, **ceased to exist in 2000**. Second, with each legislative change, the **scope of activities of tripartism was re-defined**, now serving as an advisory body to the government but lacking effective tools of enforcing the outcomes of tripartite negotiations. Third, while the minimum wage setting remained one of the core topics of tripartite negotiations, the lack of agreement among social partners saw a convergence to an automated indexation mechanism for minimum wage setting, which **changes the commitment of social partners to negotiate**. From 2020, the minimum wage will be set at 60% of the average wage, which further challenges the role of tripartite negotiations on a topic that once used to be its strategic pillar. Fourth, the **role of SD has been challenged by a current long and ineffective procedure of legislative processes**. Recent years have seen more direct legislative proposals by members of Parliament. These proposals are not subject to SD and can lead to new legislation faster and more efficiently, while undermining the established role of SD as a mechanism of voice granted to social partners over legislative developments.

Another important characteristic of Slovak SD is the **lack of vertical SD articulation**: national tripartite SD has been disconnected from other levels of collective bargaining (sectoral and company level) since 2000 when the peak-level social pact ceased to exist as a binding outcome of national tripartism. Vertical articulation is secured mostly within particular organizations, e.g., the membership of sectoral federations in the national-level social partner organization. However, **multi-employer and industry-level bargaining are still important in Slovakia**: they have more relevance in some sectors than in others, and the importance of company-level bargaining is also increasing. The degree of **articulation is stronger between sectoral and company bargaining than between sectoral and national SD**, although differences exist across sectors (to be elaborated in more detail in the country study).

Despite the existence of sectoral bargaining, all interviewed social partners confirmed that **national-level legal regulation next to company-level bargaining are increasingly important for working conditions**. The recent years have seen **diverging interests of employers (employment flexibility), trade unions (employment security) and the government (employment stability)**. An increased **reliance on legislation** also reflects the weakening capacities of social partners to negotiate better working conditions through collective

agreements at the sector level. Within this trend, the actions of social partners in each sector tend to concentrate either on shaping national-level legislation, or on gaining relevant concessions in company-level bargaining (see sections below for more details).

Respondents perceived tripartism as functioning and well established however they consider it only as the top of the iceberg. As they reveal, **real influence is not practiced via tripartite SD, but via lobbying and commenting on legislative proposals** within the cross-ministerial commenting period (*MRP*), when real changes can still be accepted and implemented. **National tripartism is from this perspective less effective**, as disagreements among social partners are usually not resolved there.

Trade unions are committed to tripartism, which they associate with long-term stability since it is legally underpinned and functions on a regular basis. Nevertheless, they confirm the perception of employers' representatives that **real influence is exerted at earlier stages of the legislative process**. Social partners find it challenging that legislation can be adopted in fact without SD via two channels. The first one relates to **topics traditionally subject to national SD which are abused for political reasons**, e.g. minimum wage increases which are decided by the government instead of social partners. The second is an **increasing trend to implement legislation through legislative amendments proposed directly upon MPs' initiatives** – in this case, it is not obligatory to discuss the amendment in tripartism and social partners are left out of the process. This pushes social partners to change their strategy and weaken their commitment to tripartism as an institution, seeking other uncoordinated channels of influence; e.g. through direct lobbying with MPs, or government representatives.

Therefore, we conclude that despite some internal processes that facilitate bottom-up articulation within social partner organizations, **national level SD remain a platform where the effectiveness of SD is limited**. In contrast, when it comes to interaction between the sector and national level SD, social partners do engage actively in sectoral SD, but consider the peak level and in particular a legislative solution resulting from it the most important level of SD. The functioning of **sectoral SD as such is more effective** than the national SD and helps to clarify sector-specific topics and actors' agreement before topics are articulated to the national level (SD or directly to legislation via other lobbying channels). Nevertheless, the analysis of four sectors shows that the **effectiveness of SD is higher in sectors** where (a) the **structure of social partners is not fragmented**, and (b) where the **role of the state**, in the form of sectoral Ministries, is **not to control or dominate the SD process** but instead to serve as an actor facilitating effective bipartite SD between sectoral social partners. The latter also facilitates more independent action on the part of social partners, without seeking political alliances and thus external institutional resources for an effective SD.

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