



Relaunching Collective Bargaining Coverage in Outsourced Services

Bargaining coverage conflicts in outsourced intensive occupations.

The case of Poland

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Industrial and collective bargaining system

- ❑ Mixed IR system (state-centred in public, empty in private sector), with voluntary and hardly existing collective bargaining at the company level. Low union (12-15%) and employer organisations (20%) density.
- ❑ Single-employer collective agreements dominate, covering approximately 2 million employees are covered. As for multi-employer collective agreements, there are very few and dysfunctional.
- ❑ Hierarchical structure of collective bargaining ('favourability' principle).
- ❑ The state does not intervene in collective bargaining, despite having legal instruments to do so (*erga omnes* extension).
- ❑ No 'derogation clauses'.

Outsourcing: regulatory framework

No specific regulations concerning outsourcing activities exists.

Indirect mechanisms: public procurement regulations (social clauses), antidiscriminatory regulations protecting Temporary Agency Workers (TAW), minimum wage regulations

Case Studies

➤ **Healthcare**

➤ **Security services**

Main findings (1)

Health-care

Too little money in the public healthcare system translates into understaffing;

Understaffing translates into numerical and functional flexibility via multi-tasking and outsourcing of activities, which often are combined:

Example:

A nurse works on the basis of employment contract, and after hours provides service of the very same nature either as (solo) self-employed or temporary agency worker.

Main findings (2)

Security services

Growing market with a huge share of generic-type of services (e.g. watchpersons), general precarisation of work in the sector

Negative impact of state policies: „cheap state” logic has led to pushing security function out in public institutions

Conclusions: outsourcing and collective bargaining

- ❑ General deterioration of collective bargaining leaves the issue of extending coverage to outsourced services largely hypothetical;
- ❑ It is nearly impossible for employees in outsourced services to be covered by a collective agreement;
- ❑ No strategies directly addressing coverage problems are undertaken by trade unions. The issue is addressed indirectly, through implementation of organising strategy and pressure on employers to recognise trade unions at enterprise level.
- ❑ Bottom up initiatives to set up trade unions, infiltrate outsourced workers, with random and insignificant effects.