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**The Impact of the ILO: Fragmented Policy  
Networks and the Battle for Labour  
Standards in Czechia and Slovakia**

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**Simon Hayes**

**Thesis submitted for the degree of PhD, to the Department of Politics,  
Birkbeck College, University of London**

## **Declaration**

I hereby declare that the work presented in this thesis is my own, except where explicit reference is made to the work of others.

I declare that this thesis consists of 85, 875 words.

Signature: Simon P. Hayes

Date: May 1, 2021

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## **Abstract**

World politics is characterised by challenges to effective multilateralism with repercussions across several areas such as trade, the environment and nuclear proliferation. This research investigates the impact of international organisations under contemporary conditions of globalisation and does so using the International Labour Organization (ILO) as an instance of this wider issue. Economic integration can result in negative social externalities, the responsibility of which cuts across state lines and requires cooperation at the international level. However, states are often reluctant to assign organisations concerned with human rights the necessary authority to fulfil their mandates. For the ILO, this has meant a reliance on powers of persuasion to achieve its goals; because compliance rates vary and because the organisation is without legal or economic means of enforcement, it has gained a reputation for being irrelevant and toothless. As a result, observers tend to explain variation in labour standards across states as being caused solely by differences in their domestic politics.

This thesis seeks to refine the domestic politics argument and to challenge the conventional wisdom on enforcement. In doing so, it illustrates not only whether and how the ILO makes an impact but draws attention to the fragmented policy environment in which it must operate. Here, some organisations work in support of the ILO e.g. global trade unions; but the norms diffused from others such as the International Monetary Fund (IMF), World Bank and the Organization for Economic Co-operation and Development (OECD) often challenge it. Using the comparative case of Czechia and Slovakia, the proceeding chapters will argue that the ILO does make an impact and does so via its ability to provide monitoring, supervision and technical/legal assistance. However, the research further finds that the extent to which the ILO is successful in this regard depends to some degree on the ways in which competing configurations of domestic and international actors impede or facilitate its work.

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## Chapter I

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### The Impact of International Organisations and the ILO

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*“From the 19<sup>th</sup> century, it was a free market approach...and there were very strong economic and social conflicts. Had it not been for the war, the ILO would not have been created in 1919. Do we need another high conflict situation to bring about a change for the better again?”* (Former Senior ILO Official Werner Sengenberger, 2019).

#### 1.1 Thesis Overview

Globalisation magnifies the pressures for cooperation to address common problems, but the adoption of international solutions remains inconsistent. Labour rights is one area that has emerged as particularly challenging in this regard; the conventions of the International Labour Organization (ILO) are widely ratified, but there is significant divergence in compliance rates between its member states. For many observers, the ILO is considered to be ineffectual (Block et al, 2001; Neumayer & De Soysa, 2005; Hoffer, 2014; Helfer 2008, p.655; Elliott & Freeman, 2003; Blanton & Blanton, 2016, p.185) and so scholars tend to explain compliance variation between states as being caused principally by differences in their domestic politics e.g. regime type, the quality of democracy or the relative power of national workers’ and employers’ groups. Consequently, the predominant view in the literature is that external actors such as international organisations (IOs) do not play a role in whether states comply with their international commitments (Stallings, 2010; Cook, 2010; Burgess, 2010; Caraway, 2010; Cammett & Posusney, 2010; Neumayer & De Soysa, 2005; Mosley, 2011).

However, while this thesis finds much support for the domestic politics argument, it also finds several inconsistencies within the literature raising questions both about its dismissal of the international realm and the appropriateness of the methods being used. The opening chapters find three specific flaws in this regard. First, because the literature quantifies and compares domestic level variables, it oversimplifies these spaces and misses some of the important qualitative differences that can exist between state level factors across different national contexts - most notably, the ways in which they mediate IOs. Second, in order to test the ILO’s influence, much of the available literature uses ‘compliance’ and ‘ILO ratification’ as its primary dependent and independent variables respectively. In doing so, it overlooks some of the organisation’s key tools and the ways in which they impact on states despite such states

not achieving full compliance. Finally, there is a lack of attention to the issue of competing norms and how such policy competition at the international level can undermine the ILO's work. For example, while some scholars have drawn associations between decreasing labour standards and International Monetary Fund (IMF) or World Bank programmes - organisations whose policy prescriptions often favour business over that of organised labour - extensive work illustrating the incompatibilities that exist between these organisations and the ILO, as well as the ways in which policy divergences between them manifest, is lacking.

The aim of this thesis, therefore, is to refine and augment the domestic politics argument by bringing IOs back into the debate and in doing so, the work here asks, '*under what conditions does the ILO influence the working standards of its member states?*' Accordingly, the study makes three distinct conceptual contributions. First, instead of the predominant emphasis on compliance, it puts forward the notion of "impact" as an alternative dependent variable. Impact, as properly defined later in this chapter, shifts the focus away from compliance and captures the ILO's direct influence by identifying instances where the organisation has positively altered a domestic outcome (Raustiala, 2000). Second, the issue of regime fragmentation is considered. There is no consensus on the precise definition of fragmentation in the literature, but it is defined here as "the degree and character of convergence or divergence with a central regime actor". This definition aligns with previous work which conceptualises fragmentation as being fluid and assumes neither a positive nor negative quality in regard to its consequences for regime impact (Bierman et al, 2009; Zürn & Faude, 2013, p.119; Raustiala & Victor 2004; Pattberg et al, 2014). For the purposes of this research, fragmentation is best understood as a condition associated with regime complexes - themselves defined as a network of "partially overlapping and non-hierarchical institutions governing a particular issue-area" (Raustiala & Victor, 2004). The definition I employ here emphasises *degree and convergence/divergence* because regime complexes can be *more* or *less* fragmented depending on the extent to which the individual actors that make up the network converge on indicators such as policy, constituency and institutional type e.g. public or private. Whether fragmentation contributes to or impedes a regime's ability to make an impact depends secondly on the *character* of fragmentation which can also vary e.g. the policies of some actors may be cooperative while others may conflict (Bierman et al, 2009).

Deploying this understanding of fragmentation to the governance of international labour standards helps not only to bring out new dynamics regarding the global labour rights

regime, but it also facilitates a third conceptual contribution which is this thesis' development of the 'regime sub-constellation'. Accordingly, an argument is made that the degree and character of fragmentation varies not just across regime's (e.g. the environmental regime versus the regime for intellectual property), but that such characteristics can vary between institutional sub-sets belonging to the same regime operating across different countries. As will be illustrated throughout, this notion of 'country specific regime complexes' helps not only to explain some of the reasons why the impact of the labour rights regime varies, but it also illustrates the ways in which the relationships between institutions within the same network can shift depending on location.

The ILO operates in an increasingly fragmented governing architecture where interactions can be both cooperative and conflictive (Bierman et al, 2009; Raustiala & Victor, 2004); as such, the organisation and its tools – this thesis' independent variable – will be analysed by looking at the ways in which competing configurations of actors, both domestic and international, facilitate or impede its work (see Alter & Meunier, 2009). While some external actors and organisations support the ILO's mandate (for example, regional and global trade union confederations), norms diffused from several other influential organisations, such as the IMF, the World Bank and the OECD often challenge ILO standards. In that sense, these actors often serve as "challenger IOs" (henceforth referred to as CIOs) in the domestic policy contexts that the ILO operates in.<sup>1</sup> Since the 1980s especially, these challengers have penetrated further into countries' economic and social policy realms; guided by a neoliberal policy paradigm, this generally involves mass privatisation, cuts to wages and employment in the public sector and an erosion of workers' rights (Hagen, 2003, p.11; *also see* Sengenberger, 2005, p.8,9). While these organisations have, in recent years, taken steps towards policy convergence with the ILO (Blanton et al, 2015, p.324; Murphy-Gregory, 2014), evidence revealed here illustrates how the adoption of CIO policy is nevertheless directly associated with violations of the ILO's conventions. Such rival organisations therefore continue to compete

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<sup>1</sup> Despite not being an established IR term, "Challenger IOs" and the associated acronym – CIOs – is used throughout to refer to the International Monetary Fund (IMF); the World Bank and the Organisation for Economic Cooperation and Development (OECD). While it is necessary within this thesis to refer to these organisations as a single group, it is not possible to do so with existing terminology e.g. the term 'international financial institutions' (IFIs) is not suitable because it cannot include the OECD. In addition to the acronym CIOs, this grouping of IOs will also, where possible, be referred to as either "contenders", "rivals" or "challengers". The aforementioned organisations have been categorised in this way to capture instances of their incompatibility with the ILO. The terms that have been chosen to describe them are no way suggesting that these IOs are somehow challenging the status quo of economic global governance.

with and undermine the organisation's work decreasing its impact in countries where they are active.

Overall, this is a story about when and how the ILO fulfils its mandate - successfully diffusing international labour standards (ILS) onto the domestic realm. However, it is also one that takes into account the fragmented and often competitive context within which the organisation must operate. This environment hosts a range of both domestic and international actors who interact with each other, form alliances, and then battle for domestic policy space – the ILO and its allies e.g. international NGOs (INGOs), domestic unions and left-wing governments; versus the challenger IOs and theirs e.g. employers' groups, ministries of finance and right-wing governments (Sengenberger, 2005).

### Findings and Main Argument

The research finds that domestic conditions do play a significant role in mediating the influence of international actors, but in contrast to the claims in the literature, they do not on their own sufficiently explain IO impact. Domestic factors instead act as a gate - opening and closing access to the external realm; when this gate is open, the ILO can and does make an impact influencing policy content, implementation practices and by acting as a mediator between social partners. It is also at this gate - where the national and the international meet - that the consequences of fragmentation begin to play out. Here, varying configurations of competing international actors (e.g. the ILO, international trade unions, the IMF, World Bank and OECD) diffuse norms onto the domestic realm and in doing so, reinforce that same competition between national groups e.g. between unions and employers and/or left and right-wing parties (Sengenberger, 2005). As noted by a senior ILO official in Geneva:

“we're coming at it from different positions. The World Bank engages with different ministries than the ILO e.g. the Treasuries, whereas we're dealing with the department of works and pensions - we're engaging from very different points of view...” (ILO Staff Interviewee G, 2018).

The relative impact of these competing IOs on states then is partially determined by the relative and sometimes shifting influence of the competing domestic groups within them. For the ILO, its influence is heavily reinforced by the presence of labour friendly governments and active unions; absent these conditions, states might not only exhibit decreased responsiveness to the ILO (i.e. in terms of compliance and correcting violations); but, they may at the same

time, increase their receptivity to the CIOs - adopting and implementing policy advice which, as will be illustrated in the final chapter, can further undermine the ILO's work.

This thesis will illustrate these dynamics using the cases of Czechia and Slovakia. Across both of these countries, and in the Central Eastern European (CEE) region more widely, IOs operated with some intensity especially during the immediate post-communist period. As such, they provide fertile ground for an investigation into the effects of policy fragmentation. As a senior ILO official noted:

“I was in charge of the [ILO] team in Budapest that looked into the countries of CEE...There, the international financial institutions should have been our main collaborators but they were more rivals...because they pursued a very tough market model and neoliberal policy measures...so they went for deregulation. Of course, they had the advantage of being financially powerful, they offered money the ILO couldn't offer...the ILO offered just advice. Most states quickly followed their line, getting funding from them and so that was the situation we faced, it was not a very pleasant one... (ILO Staff Interviewee S, 2019).

Throughout I find that due to historical, political and cultural conditions, the ILO's impact is facilitated to a greater degree in Slovakia than in Czechia whereas the reverse is true for the organisation's challengers – the IMF, OECD and World Bank. While the consequences of fragmentation have played out across both countries, the ILO more successfully overcomes these dynamics in Slovakia than it does in Czechia where its path to affect change is blocked by a host of competitive domestic and international contenders.

### Contributions

The investigation makes several contributions to the literature on the ILO and IOs more generally. Firstly, this thesis challenges the notion that the ILO is 'toothless': having celebrated its centenary in 2019, the organisation stands as one of the oldest surviving IOs of its kind; but, it is also considered by many to be one of the most ineffective with critics pointing to its lack of enforcement powers as its primary deficiency (Peksen & Blanton, 2017; Sengenberger, 2005, p.9; Hoffer, 2014; Vogel, 2010; Murphy, 2014; Charnovitz, 2000; Brown, 2000; Langille, 1997). This thesis rejects the conventional wisdom regarding enforcement (see Langille, 2005) and instead, much support is found for the managerial school of rationalism as a more useful theoretical predictor to explain when and how the ILO has an influence.

A related finding in this regard has to do with the issue of fragmentation and assessing the relative institutional strength between the ILO and IOs such as the World Bank, IMF and OECD. Often, the argument is made that these organisations are far more influential than the ILO because of their ability to force domestic change through loan conditions.<sup>2</sup> Because neither Czechia nor Slovakia have significantly participated in such programmes, a unique opportunity exists to assess the relative impact of the ILO and the CIOs under conditions where the latter are not advantaged by asymmetrical institutional strength. In doing so, further insights are provided into (1) the ways in which domestic spaces mediate competing external actors and (2) the tactics – other than enforcement - used by IOs to influence policy. By investigating the impact of the CIOs in relation to the ILO, the thesis also creates a new database which captures country responsiveness to CIO policy suggestions over a twenty-year period and provides methodological insights into the ways in which patterns of policy adoption behaviour can be identified.

Secondly, the work here borrows from the literature on regime complexes in order to help capture and operationalise the competitive and cooperative dynamics of fragmented policy networks (see Bierman et al, 2009; Raustiala & Victor, 2004; Morse & Keohane, 2014; Kelley, 2009; Bernstein & Cashore, 2012; Keohane & Victor, 2011; Widerberg, 2014; Bierman-et al, 2009; Orsini et al, 2013).<sup>3</sup> In doing so, conceptual and methodological insights are offered into the ways in which these dynamics can be mapped, measured and compared across different domestic settings. For example, a ‘regime complex’ refers to the overall global governing architecture; but not all institutions that make up the regime complex operate nor interact equally in all domestic locations. This research proposes instead that across countries, there exists unique networked configurations of international actors that vary in two ways: firstly, in levels of fragmentation and secondly, in the extent to which they exhibit cooperative or conflictive properties (Bierman et al, 2009). Because variation in this regard may contribute to variation of the ILO’s impact across states, the concept ‘regime sub-constellation’ (Hayes, 2017) is created in order to capture these country specific institutional subsets while their interactions are empirically modelled using social network analysis (SNA). Essentially, this

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<sup>2</sup> Note. The OECD is not an international financial institution and therefore does not administer loans with loan conditions. However, its policy prescriptions are nevertheless influential as domestic alignment with them sends a strong signal to international markets and multinational companies (Blanton et al, 2015; ILO Staff Interviewee, L, 2019).

<sup>3</sup> Note - there is literature on the utility of private governance but not on policy conflict/regime complexity as it relates to the ILO (see Abbott & Snidal, 2009; Alston, 2004; Baccaro & Mele, 2012; Bartley, 2007; Utting, 2002; Franssen, 2011; Berliner & Prakash, 2015; Locke, 2014).



part of the research will assess the extent to which other actors in a particular network defer (see Pratt, 2018) to the ILO, versus the number of actors that compete with it; it will compare variation between states/networks in this regard and assess the extent to which this dynamic mediates the ILO's influence.

Finally, this research critically analyses and then dismisses the literature's use of country compliance data as a useful outcome with which to measure the ILO's influence; instead, it synthesises work by Meyer (2014), Raustiala (2000), Weisband (2000) and Landy (1966) to develop the dependent variable 'impact' – denoting changes in behaviour - as a more appropriate indicator to assess the ILO's effects (Raustiala, 2000, pp.393-4).

Overall, two broader arguments will be made: (1) IOs, even those that appear weak, do matter for global governance (2) the negative consequences of fragmentation can be a significant restraint both for individual IOs such as the ILO, as well as for the coherence of the multilateral system more generally. The findings of this research will be crucial not only for understanding the politics of the international labour regime, but they will also have wider analytical applicability for policy areas such as the environment and global health where designated IOs similarly lack institutional strength.

## Methods

The methodological approach has been developed by first identifying discrepancies and inefficiencies within the literature on ILO impact itself. Here, few robust studies exist (Peksen & Blanton, 2017, p.76) but scholars who have attempted this task have done so by asking why compliance rates vary between states who have ratified identical ILO conventions. However, whether they employ the use of Large-N regression techniques, or medium-N regional case study work, scholars find no effect for the ILO and instead point to a range of domestic factors to explain state variation.<sup>4</sup> These studies are critically analysed in chapter II where discrepancies with their conclusions are identified. Through an application of the method of differences, several cases are found where variation on the outcome variable remains despite these cases exhibiting similarities across all of the literature's key explanatory variables. This

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<sup>4</sup> See the following for Large-N analysis (Baccini & Koenig-Archibugi, 2014; Toffel et al, 2015; Kim, 2010; Strang & Chang, 1993; Marx et al, 2015; Peksen & Blanton, 2017; Neumayer & De Soysa, 2005; Blanton & Blanton, 2016). See the following for medium-N regional case study work (Stallings, 2010; Cook, 2010; Burgess, 2010; Caraway, 2010; Cammett & Posusney, 2010).

creates a gap for the effects of the ILO to be re-tested and to do so, Czechia and Slovakia are selected for comparison.

As noted above, a key contribution of this research is its development of alternative independent and dependent variables with which to identify and assess the ILO's influence: the independent variable (the ILO and its tools) is analysed through the framework of fragmentation while the dependent variable 'impact' assesses the extent to which the ILO can identify and correct state compliance problems. These two variables will be operationalised using a mixture of quantitative and qualitative methods. First, this research employs the use of *within* and *cross* case analysis to trace events on the ground in order to isolate instances of ILO impact (George & Bennett, 2004). In doing so, the dynamics and effects of fragmentation on the ILO are identified and compared across Czechia and Slovakia. Second, the 'regime sub-constellation' structures will be mapped and measured using social network analysis (SNA): SNA offers several metrics which allows the researcher to identify and empirically measure the varying levels of influence and interaction between nodes in a network structure (Orsini et al, 2013; Steketee et al, 2015; Hanneman & Riddle, 2005). For example, 'closeness centrality' will measure the extent to which other actors in the network defer (see Pratt, 2018) to the ILO's standards while 'betweenness centrality' assesses how disruptive organisations such as the IMF are to the ILO's work. The purpose of attempting to empirically map and measure these dynamics is to develop a diagnostic tool which can be applied on a large-N scale - the ILO's centrality measure could be included as a variable in a regression analysis to help understand not only the degree to which other IOs defer to it (Pratt, 2018) but also the significance and the role such varying levels of deference has in contributing or impeding it's work on a global level. SNA's usefulness in this regard will be assessed towards the end of this thesis in light of the findings produced by the proceeding empirical chapters.

### Empirical Foundations

The regime complex structures were originally built for an MSc thesis in 2017 (see Hayes 2017) and done so using information primarily from the Yearbook of International Organizations (UIA, 2017). The empirical outputs and predictions of these graphs are brought to life in chapters III-VI which process trace (George & Bennett, 2004, pp.6-7) events on the ground guided by IMF Article IV Reports; World Bank Doing Business Reports; OECD Economic Surveys; compliance and auditing reports from the Center for Global Workers Rights (CGWR) and documents from several of the ILO's supervisory bodies - the ILO's

Committee of Experts on the Application of Conventions and Recommendations (CEACR); the Conference Committee on the Application of Standards (CAS); the Committee on Freedom of Association (CFA) and meeting minutes from the annual International Labour Conference (ILC) held in June. Further analytical insights were drawn from semi-structured elite interviews with staff from across departments at the ILO, regional labour law experts (e.g. research institutions and academics) as well as domestic institutions such as ministries of finance, labour and national union confederations. For many of these interviews, I travelled to Geneva and spoke directly with staff in face-to-face meetings while for others – particularly those in Czechia and Slovakia – meetings were conducted remotely via the internet.

### Wider Context

Is global governance necessary? Is it possible? This research sits within the wider context of globalisation and its governance in general and does so within a liberal institutionalist and transformationalist framework.<sup>5</sup> That is, it upholds the view that governments are very much in control of the shape that globalisation takes but recognises that contemporary interdependencies impact states in ways that can alter their domestic politics and policy making processes.<sup>6</sup> As such, multilateralism through regional or global institutions becomes a necessity not only to solve transnational issues but to achieve domestic goals too (see Zürn et al, 2012; Lenz et al, 2014; Scholte, 2005, pp.186-9; Zürn, 2012; Held & McGrew, 2007, pp.7-8; Held & McGrew, 2003, p.13; Rodrik, 2000). However, despite the demand for global governance, effective cooperation between states is difficult to achieve and there is a growing pessimism with regard to the ability of existing institutions to deliver on their mandates. The most visible and recent failure was the economic crash of 2008, this example helps illustrate the necessity of global governance well because it revealed not only how vulnerable and ungoverned the global financial system was, but also how interconnected the fates of citizens across different continents have become (Held & Schütze, 2017, p.5). The negative social impacts of this crisis were of such magnitude that its consequences have manifested into a popular backlash against globalisation and a resurgence of right-wing

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<sup>5</sup> See Keohane & Nye, 1977; 1989; Held et al, 1999; Zürn, 2012; McGrew, 2017; Held & McGrew, 2003; Keohane & Nye Jr, 2000; Held & McGrew, 2007; Koenig-Archibugi, 2004; 2007.

<sup>6</sup> Note – this idea has been inspired by a lecture delivered by Mathias Koenig-Archibugi October 2016 (Koenig-Archibugi, 2016). For debates regarding the impact of external forces on states, see the following arguments by Hirst & Thompson, 1999; Krasner, 2004; Mearsheimer, 1994; Kriesi et al, 2006; McGrew, 2017, p.22; Held & McGrew, 2003, p.4; Held & McGrew 2003, p.13; Koenig-Archibugi, 2007, pp.46-7; McGrew, 2017, p.27.

nationalism (Falk, 2018; Neville, 2016; White, 2016; Best, 2018; Colgan & Keohane, 2017; Ikenberry, 2017).

Such public disillusionment should not be surprising to domestic policy makers, observers of political economy have long cautioned against the myth of the self-regulating market (Polanyi, 1957; Munck, 2002) and the dangers of a dis-embedded economy (Ruggie, 1982). For Karl Polanyi, such “utopian economic liberalism” results in “counter-movements” which can be either democratic or fascist (Smith, 2017), the latter of which characterised the first half of the 20th century and can be understood as a response to the ungoverned interdependence of 19th century globalisation (Keohane & Nye Jr, 2002, p.203). That scholars (e.g. Smith, 2017) have drawn parallels between Polanyi’s analysis and today’s political climate means that governments must now, more than ever, coordinate their policies to avoid future disasters (Held & McGrew, 2003, p.13; Hale et al, 2013; Nayyar & Court, 2002; Keohane, 2002, p.245; Munck, 2002, p.59; Colgan & Keohane, 2017, p.38); as noted by Garrett Hardin (1968), self-interested behaviour by individual nations “brings ruin to all” (Hardin, 1968, p.1244), it serves not only to deplete the “commons”; but paradoxically, makes it harder for governments to achieve their domestic goals too (Held & McGrew, 2003, p.13).

*Is global governance possible?* Despite these lessons however, governments remain hesitant to pool the necessary sovereignty required to achieve effective global governance. For example, even after the devastating impacts of 2008, and despite recent IMF warnings that another collapse is imminent (Inman, 2018), states refuse to transfer any fiscal or monetary sovereignty to a global financial regulator that could prevent another meltdown (Sheng, 2010, p.11; Watson, 2017, pp.450-1). While there is certainly no shortage of global institutions that governments could work through, their inability - or refusal - to do so has raised the demand for global governance, but decreased its effectiveness (Hale et al, 2013, p.226) and as a result, contemporary global governance is considered to be in a state of “gridlock” (Hale et al, 2013, p.223), complexity (Raustiala & Victor, 2004; Abbott & Snidal, 2009, p.501; Hurrell, 2017) and crisis (Payne, 2016).

These challenges have repercussions for our environment, living standards and security (Lamy, 2013); as such, it demands researchers to confront the notion that institutions provide nothing more than a “false promise” or that they are merely epiphenomenal to the power politics of states (Mearsheimer, 1995). As noted by several scholars (Raustiala & Slaughter 2002, p.553; Mitchell, 2009; Keohane, 2000, p.246), if it can be theoretically and empirically

shown that institutions are capable of having influence, it allows us to gain some insight into how we can create, design or reform the structures of global regulation to tackle some of today's most pressing issues (Keohane, 2001; Keohane & Nye Jr, 2002; Keohane, 2002; Keohane, 1998; Colgan & Keohane, 2017; Lawson, 2017, p.11; Lissner & Rapp-Hooper, 2018, pp.15-16; Ikenberry, 2018).

A study of the ILO provides us with a perfect testing ground with which to make inferences to the above: born in the aftermath of one of the most destructive wars in history, it is propelled by the normative belief that "...universal and lasting peace can be established only if it is based on social justice" (ILO, 2018a). In line with Polanyi's framework, it endeavours to re-embed the global economy through its formulation and implementation of international labour standards (ILS). It is not only one of the oldest IOs in existence, but it is also one whose mandate remains relevant. As income inequality grows both within and between states (World Inequality Report, 2018), the ILO's concern with the social dimension to globalisation infuses it with the potential to serve as part of a wider counter-movement in a global economy that is still very much guided by neoliberal ideology (Munck, 2002).

At the same time however, the ILO is frequently criticised: first, for failing to accomplish its goals and second, for lacking the sufficient "teeth" to impact state behaviour (Tapiola, 2018; Salem & Rozental, 2012; Standing, 2008; Block et al, 2001; Neumayer & De Soysa, 2005; Helfer, 2008; Hoffer, 2014; Elliott & Freeman, 2003; Blanton & Blanton, 2016, p.185). Blame is often placed on the conditions surrounding the ILO's design: that when governments created it, barriers to cooperation - in the form of sovereignty concerns - resulted in a compromise that left the organisation without any powers of enforcement to ensure compliance (Elliott & Freeman, 2003, p.102). For much of its history, the ILO has been perceived as being in a state of inertia; this has led to a plethora of alternative institutional solutions and as such, the labour rights regime has become fragmented and complex.

## Plan of the Thesis

The remainder of this chapter identifies the most useful theories that will guide this research's investigation of ILO impact. Section 1.2 first develops a definition of 'impact' before examining several theoretical perspectives which predict whether and how IOs achieve it. The following related issues are discussed: IO design, survival, reform, the autonomy of staff and the issue of fragmentation. These theories are then applied to the ILO's creation and history in section 1.3; here, a brief look at the organisation's dynamics over time is required to (1) provide a functional explanation for why the ILO has no powers of enforcement (2) reiterate the necessity of the organisation to contemporary conditions of globalisation (3) to draw out the most relevant theories that will guide this research's investigation into *how* the ILO makes an impact.

Overall, the remainder of the chapter produces three foundational points: first, that an enforcement mechanism applied to the ILO would undermine its legitimacy and be counterproductive to its goal of achieving globally recognised standards – states would either be deterred from joining or they would bargain ILS down to the lowest common denominator (Maupain, 2013). Second, that the ILO's crowded operational space means that the issue of fragmentation must be considered when assessing the organisation's impact; and finally, that the managerial version of rationalism as well as constructivism are the most relevant theories to explain when and how the ILO has an influence. Chapter II then reviews the empirical literature on *whether* the ILO makes an impact before developing the methodological framework within which this research's independent and dependent variables will be operationalised.

Chapter III draws out historical social, political and economic qualitative differences between Czechia and Slovakia. The purpose here is to identify cross-country variation between the domestic level variables said to mediate IOs; in doing so, this chapter finds significant differences between the power of organised labour and the political will of left-wing parties. These findings help not only to overcome the discrepancies found in the literature but also, in later chapters, provide a clearer picture of whether and why IOs are penetrating these spaces.

Chapters IV and V build on these findings to illustrate the ways in which the ILO and the CIOs make an impact and to assess the degree to which their impact varies. In doing so, chapters III – V essentially determine the *extent* and *character* of fragmentation across the two

networks representing Czechia and Slovakia. Here, much support is generated for the SNA graphs in chapter II which predict the ILO to make a greater impact in Slovakia than Czechia whereas the reverse is true for the ILO's challengers. Chapter IV is crucial because it responds to this thesis' first question (*does and how does the ILO make an impact?*) by illustrating when and how the ILO matters for states' labour standards. Its main finding is that while domestic factors determine *whether* the ILO makes an impact, the chapter illustrates how the organisation nevertheless changes outcomes from what they would have been in its absence and does so by providing technical/legal advice and mediating between social partners.

Chapter V on the CIOs however plays an equally important role because it reveals how IOs such as the IMF, World Bank and OECD make an impact on states - by influencing very specifically the content of policy reforms. Because neither Czechia nor Slovakia have taken loans, there is a lack of data assessing the impact of these IOs across the two countries. Chapter V therefore sheds light on the ways in which the impact of these organisations can be determined when they are unable to leverage their influence via loan conditionality. Understanding whether and how the CIOs influence states under these conditions is essential prior to examining the consequences of fragmentation which the proceeding chapter (chapter VI) does – if these organisations made no impact at all, then the issue of fragmentation would be inconsequential.

Chapter VI builds on the findings above to demonstrate the *consequences* of policy fragmentation: here, the ways in which the ILO and its rivals, together with their respective international and domestic allies, compete for policy space is analysed. With a focus on ILO convention #98 (collective bargaining), the chapter traces the evolution of several instances of non-compliance in order to assess the significance and the role that policy advice from the IMF, World Bank or OECD played in causing the violation; it then determines whether and the extent to which the ILO was able to correct it. By sketching out the competitive and cooperative interactions between these alliances, the chapter illustrates how and why fragmentation manifests differently in Czechia than in Slovakia; in doing so, it argues that the unique configuration of international and domestic factors facilitates ILO impact in the latter whereas those in the former impedes it. Chapter VII concludes.

## **1.2 Theoretical Perspectives on the Impact of International Organisations**

Do IOs impact state behaviour? In what ways are they most effective? Much of what determines the answers to these questions is dependent on (1) an IO's design features e.g. decision-making rules, delegation of authority and tasks, scope of membership (Mitchell, 1994, p.67; Koremenos et al, 2001) and (2) the domestic conditions and politics of the IO's target country e.g. regime type; governing capacity; the success with which international agreements are transposed into domestic law (Dimitrakopoulos, 2001) and (3) the extent to which an IO can remain relevant over time. However, there are several diverging theoretical explanations regarding whether IOs have any influence on states and what design features are most effective in achieving it (Simmons, 2000, p.819; Mitchell, 1994, p.72). This section covers four areas: first, a definition of 'impact' is proposed by analysing the differences between compliance, effectiveness and implementation. Second, the ways in which institutional design contributes to impact are explored; in doing so, the expectations of realism; rational institutionalism (both the enforcement and capacity versions) and constructivism are compared and contrasted. Guided by several variants of these theories the section moves on to explore issues of IO stagnation and reform; it looks at reasons for why inefficient IOs survive over time and whether staff are sufficiently autonomous to increase an IO's impact when design features become limiting. The section concludes by exploring the ways in which impact can be achieved under conditions of fragmentation.

Overall, the section argues that determining the utility of an IO to an issue area requires researchers to go beyond evaluating levels of compliance and instead to measure whether the treaty resulted in behavioural changes (Raustiala, 2000). The use of theory helps us to understand the causal mechanisms behind those changes and to therefore determine which design features are most conducive to impact. Because IOs can often survive in an inefficient state of inertia, any study of impact must consider two additional considerations (1) the extent to which staff are sufficiently autonomous to evolve the IO from within, and (2) whether the regime has become fragmented and complex.



## Defining Impact

Defining impact requires analysis across three interacting variables. (1) *Compliance*: which identifies “whether the actual behaviour of a given subject conforms to the prescribed behaviour” (Joachim et al, 2008, p.6) (2) *Implementation*: “the [domestic processes] of putting international commitments into practice” e.g. passing legislation or the monitoring and enforcement of rules (Raustiala, 2000, p.392). (3) *Effectiveness*: “[the measure of an] observable desired [change] in [state] behaviour” (Raustiala, 2000, pp.393-4).<sup>7</sup> As noted by several scholars (Raustiala, 2000; Meyer, 2014; Thomann, 2011; Bernstein & Cashore, 2012) compliance on its own is not sufficient to demonstrate the efficacy of an agreement; perfect compliance might be indicative of institutional impact (Meyer, 2014) but, cooperation problems between states often lead negotiations to converge upon rules that already match domestic behaviour – The Kyoto Protocol and international whaling treaties (Raustiala, 2000, p.392) are good examples of such ‘shallow cooperation’ (Downs et al, 1996). Furthermore, confounding variables may produce coincidental compliance; for example, the Soviet Union complied with several environmental treaties but only after economic hardships incidentally forced many of its industries to shut down (Raustiala, 2000, p.393). In both instances, compliance is high, but IO impact low – no implementation was required, nor was it a result of changed behaviour (Raustiala, 2000). Likewise, low compliance does not automatically denote low impact (Meyer, 2014); states may fail to meet their target, but international and domestic efforts might nevertheless push them within acceptable margins of the desired outcome (Chayes & Chayes, 1993) – national speed limits highlight this well (Raustiala, 2000, p.393).

Identifying impact therefore requires us to look at synergies between the three variables identified above; to compare a state’s behaviour before and after the adoption of an agreement, and to identify causal links which allow us to attribute domestic performance to external influence (Raustiala, 2000, p.397). Borrowing from the above, this research proceeds with the following definition of impact: *a change in state behaviour that can be attributed to the adoption of a treaty or policy recommendation and its associated implementation processes*. This definition allows us to (1) account for the spurious nature of compliance (Raustiala, 2000, p.393) (2) isolate influence (Mitchell, 2009; Simmons, 2000, p.819) and (3) determine under

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<sup>7</sup> Note\* ‘Effectiveness’ is also understood in regard to whether the institutional rule (e.g. reducing CO2 emissions) contributes to solving the problem that first led to cooperation (e.g. climate change) (See Young & Levy, 1999 cited in Raustiala, 2000; Thomann, 2011; Joachim, 2008).

what conditions IOs are most successful. Below, several theories that highlight whether and how IOs make an impact are explored.

### How Do IOs Make an Impact?

*Realism.* For the most part, realists argue that IOs are designed by and for powerful states to pursue their own geopolitical goals and as such, the external balance of power is generally reflected in the rules e.g. weighted voting or veto capability (Mearsheimer, 1995). IOs do not make an impact; as noted by Ronald Mitchell (2009), if states' 'pre institutional interests' are perfectly embedded into the design, then we cannot say that the IO has an independent influence on their behaviour (Simmons, 1998, p.79; Mitchell, 2009, p.68). This is evident in the fact that IOs can do little to solve enforcement and distribution concerns when the rules and decision-making structures become too constraining. States are driven by relative gains concerns under anarchic conditions, when national interests dictates, they will ignore their international commitments or solve distributional conflicts informally (Mearsheimer, 1995); for example, negotiations and outcomes in the WTO are heavily dominated by the economically powerful despite the institution's unanimous decision-making structure (Steinberg, 2002).

*Rational Institutionalism.* Like realists, rational institutionalist scholars recognise the centrality of the state and the cooperation problems inherent to an anarchic international system (Waltz, 1979); indeed, issues of trust, enforcement (Keohane, 1984, pp.67-9) and distribution (Koremenos et al, 2001, pp.775-6) are depicted well by Game Theory's modelling of the prisoners' dilemma and battle of the sexes (Keohane, 1984, pp.243-5; Koremenos et al, 2001, pp.775-6).<sup>8</sup> However, where rational institutionalist scholars deviate is by arguing that appropriately designed treaties can overcome cooperation problems and guide states towards better collective outcomes (Keohane, 1984, p.245; Mitchell, 1994). IO impact depends on design (Mitchell, 1994; 2009; Simmons, 2010) which, in-turn, is dictated by the perceived severity of the enforcement and distribution issues at the time; because of this, features such as issue scope, membership rules, voting procedures and levels of delegation can vary. For

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<sup>8</sup> Issues of trust refers generally to the fear that commitments will not be honoured which often prevents cooperation from being achieved. Enforcement and distribution concerns relate to The uneven costs and benefits associated with policy coordination - e.g. the transition to cleaner technologies will be more costly for some than others – alternative agreements may be preferred but the problem of bargaining and determining who gets what concessions can prevent a final deal from being reached (Keohane, 1984, p.245).

example, where preference heterogeneity is high, restricted membership eases the process of decision making; or, where membership is open, states may delegate higher levels of monitoring and enforcement to overcome issues of trust (Koremenos et al, 2001, pp.761-788; Keohane, 1984, pp.243-5).

While scholars in the rational institutionalist camp generally agree that IOs can make an impact, the ‘managerial’ (Chayes & Chayes, 1993) and ‘enforcement’ (Downs et al, 1996) schools of rationalism are divided over which design features will most effectively achieve it – the issue of non-compliance, and what IOs can do about it, drives this debate. Chayes & Chayes (1993) argue that states generally comply with their commitments and that cases of non-compliance can be explained by (1) *capacity problems* whereby states lack the technical knowledge or resources to implement their agreements and (2) *the ambiguity of treaties* which can leave the question of compliance vague and open to different interpretations. Because of this, institutional design should emphasise mechanisms such as effective dispute settlement to deal with treaty ambiguities and capacity building operations to help strengthen technical and bureaucratic institutions of implementation (Chayes & Chayes, 1993). This argument has resonance with some of the ILO officials I spoke to in Geneva:

“To be frank, you’re dealing with ministries that are not always well financed, you have issues of knowledge about what the ILO is asking for and what they can deliver. There are certain capacity issues on that level, so it’s difficult to go to some countries and say you need to be doing [xyz] when the reporting group of the ministry would fit on this couch...or they only have a handful of computers, these are the realities that you deal with sometimes (ILO Staff Interviewee G, 2018).

“My personal feeling is that most non-compliance is a combination of lack of capacity and quite simple ignorance. The problem is not recognising a problem. On the global report which brought...attention of the presence of child labour in southern Europe...[the countries in southern Europe] they were not amused, let’s put it that way. The governments and the foreign ministries and the diplomats...they were surprised (ILO Staff Interviewee Kari Tapiola, 2018).

Downs et al (1996) take a different view. These authors argue that good compliance is often suggestive of shallow cooperation (Downs et al, 1996, p.383) and that deviant non-compliance is likely when agreements require costly changes at the domestic level; here, states are said to be guided by a ‘logic of consequences’ – calculating the benefits of cheating as compared with the costs of detection. For Downs et al (1996), such freeriding can only be avoided by delegating to the institution strong powers of monitoring and enforcement; these

measures simultaneously increase both the likelihood and cost of detection while removing the barriers to deeper cooperation (Thomann, 2011 pp.28-30). There are ILO officials who also support this view:

“Sometimes you see [violations] on a repeated basis that’s where you start getting questions about where’s the enforcement here” (ILO Staff Interviewee G, 2018).

“I don’t think it’s only a lack of capacity... it depends where you put your priorities, if countries decide to have a huge budget for a police force and military and then they say oh sorry we don’t have any funds for implementation of labour standards, I think that’s the wrong prioritisation. In the case of the least developed countries that may be the case but medium income countries I think it’s different priorities. Some developing countries deliberately don’t implement the labour standards effectively because they’re concerned about competition. I work on collective bargaining and freedom of association so as soon as you introduce collective bargaining you might end up with higher wages, which might encourage them to take a decision not to do this further in those countries... So, I wouldn’t patronise them too much saying they can’t do it” (ILO Staff Interviewee V, 2018).

*Constructivism.* Like rationalism, constructivism recognises that design choice determines whether and how institutions will impact state behaviour - that voting and bargaining processes alter the structures within which states pursue their preferences is an area where the theories converge. Where constructivism departs however is from rationalism’s assumption that preferences are fixed and exogenously determined (Risse, 2004, pp.288-9). Institutions do not just affect how states pursue their goals, but through processes of socialisation, they play a significant role in defining those goals (Simmons, 2010, p.278). In other words, institutions shape behaviour not only by “changing [incentive/constraint structures] but by changing minds [too]” (Simmons, 2010, p.278); here, compliance is said to follow a ‘logic of appropriateness’ (see March & Olsen, 1989; Risse, 2004, pp.293) because it is the result of internalised beliefs and values rather than of calculated cost/benefit consequences (Raustiala & Slaughter, 2002, p.540). Socialisation is achieved in two ways: the first is *social influence* – where a state’s reputational concerns are manipulated (Kelley, 2004, pp.428-9) via social rewards and punishments e.g. back-patting or naming and shaming. (Risse, 2004) Here, large memberships help to maximise the impact of naming and shaming (Johnston, 2001, pp.499-510) while majority decision making rules creates a “herding effect” (Sedelmeier, 2016) and additional pressures to conform. This is a strategy mobilised by ILO, as noted by a staff member at the organisation’s headquarters:

“When the ministry has to come here, and they’re at the CEACR meeting sitting in front of everybody, and they’re being told... ‘sorry not acceptable’ it’s kind of uncomfortable, and sometimes it is the minister of labour who has to sit and deal with it. There is a moral group pressure – you’re sitting in front of people who are your peers, the Committee may be saying you know, we have some dirty laundry here – everybody’s got dirty laundry, but when you’re having to defend why in front of a group it can be uncomfortable. So, there is a certain moral suasion in that type of environment which might have an impact...” (ILO Staff Interviewee G, 2018)

The second form of socialisation is *persuasion* - considered to have a deeper impact because it changes attitudes (Johnston, 2001, p.497; Simmons, 2010, pp.278-9) through processes of arguing; unlike bargaining - which engages strategies of threats and concessions - it aims to reach a consensus through reason (Risse, 2004, pp.295-6). Design features most conducive to persuasion are small exclusive memberships to enhance the effect of group identity and unanimous decision making to achieve greater legitimacy of rules (Raustiala & Slaughter, 2002, p.541; Johnston, 2001, p.510). For some ILO officials, this form of socialisation is preferred to that of ‘naming and shaming’; the former Deputy-Director General Kari Tapiola is quoted as saying he would like to consign the practice of ‘naming and shaming’ to the “dustbin of history” (Tapiola, 2018, p.95). Indeed, in conversation with Mr. Tapiola, he noted:

“I was trying to say you can of course talk about union rights, you can use all the examples and you can take all the bad things and say, ‘this is not what should happen’. But actually, if we really want to see how we should deal with that, you need to *develop the argument for why it makes sense for people to be organised*, and why it makes sense for people to have a negotiated solution rather than unilateral managerial or government decision” (ILO Staff Interviewee Kari Tapiola, 2018).

### IO Survival, Evolution and the Autonomy of Staff

The theories above help us to identify why states make the choices they do and when IOs matter; however, shifting circumstances (e.g. domestic preferences or external disturbances such as financial crises) can drastically alter the institution’s operating landscape and diminish the utility of the original design (Helfer, 2006). When impact declines over time, rationalism predicts that states will review the costs, benefits and utility of the institution to its new environment, if it continues to fulfil the functions it was created for, they will preserve it;

if not, it will be dissolved or reformed.<sup>9</sup> However, diverging preferences and entrenched voting procedures can often impede reform leaving the institution to persist despite visibly prolonged periods of inertia; here rationalism has a hard time explaining impact because it assumes that change is always exogenously driven by member states (Curtis & Taylor, 2017, pp.328-335). Scholars of neofunctionalism and sociological institutionalism have challenged this assumption by emphasising the ability of staff to evolve the institution from within (Haas, 1964, p.139; Barnett & Finnemore, 1999; 2005).

Neofunctionalism predicts that domestic groups (e.g. trade unions and sectoral business groups) will connect with supranational staff to achieve policy goals that they cannot accomplish at the national level; staff – aware that direct cooperation will be beneficial – work in tandem with these groups to pressure member states for an increase to the IO’s authority and tasks. At first, this revolves around technical issues but eventually spills over into the political realm deepening cooperation and improving institutional impact (Helfer, 2006, pp.664-5). In a similar vein - but with a focus on staff rather than the spill-over effects of integration - Barnett & Finnemore (2005) argue that IOs are powerful international actors in their own right with the ability to drive institutional change and deepen impact when design features become too constricting. As bureaucracies, they derive their power from control over information and from the fact that clients perceive them to be acting rationally and impartially (Joachim, 2008, p.11; Barnett & Finnemore, 1999, p.707; 2005, pp.170-1). The legitimacy that flows from these two sources of power allows staff to expand their autonomy because they are relied upon not only to define categories and problems but also to provide the solutions. For example, by defining the meaning of development, staff can determine the content and number of conditions attached to IMF loans (Barnett & Finnemore, 1999, pp.719); in doing so, the institution reaches further into the borrower’s domestic politics circumventing sovereignty and impacting the behaviour of a wider spectrum of actors e.g., central banks, political opposition or industrial sectors (Barnett & Finnemore, 2004, pp.49-62; Woods, 2006). As noted by a policy researcher at the ILO: “a lot of what happens within these institutions is very individual driven, sometimes you’ll look at historical developments within ILO documentation... sometimes you find that there’s these initiatives...and they’re really good work” (ILO Staff Interviewee G, 2018).

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<sup>9</sup> E.g. the League of Nations was replaced by the United Nations with reforms such as veto rights for great powers; the WTO replaced GATT with a more legalised approach which members thought would improve compliance (Zangl, 2008).

On the other hand, Barnett & Finnemore emphasise that such expansions of autonomy do not always lead to deeper political integration but instead can result in pathological and dysfunctional behaviour (Helfer, 2006, p.668). Staff respond to problems by interpreting their mission more broadly (Stone, 2008, p.592) which explains why failed IMF programmes are associated with an increase of conditions both in scope and number (Barnett & Finnemore, 2004, pp.49-62). Moreover, as a bureaucracy, staff prefer to fall back on standard operating procedures which can sometimes have disastrous consequences; for example, the IMF's response to the Asian crisis (Barnett & Finnemore, 1999, pp.715-721) or the UN's handling of Rwanda (Park, 2017, p.324; Barnett & Finnemore, 2004).

The assumptions of both neofunctionalism and sociological institutionalism have been challenged by 'principal agent theory' (a variant of rationalism) which objects to the notion that change can be driven endogenously (Helfer, 2006, p.663) or that staff can expand their autonomy and pursue preferences separate from member states. These scholars argue that states assign agents the necessary resources and autonomy in order to efficiently accomplish specific tasks. If such agents are kept on too tight of a leash, the gains from delegation would be reduced, and if and when agents move too far away from state preferences, they will reign them back in (Hawkins et al, 2006, pp.9-14).

### Impact and Regime Complexes

In addition to the dynamics above, a key issue affecting the impact of contemporary global governance is that of fragmentation: the combination of inter-state cooperation problems combined with institutional stagnation often results in alternative arrangements which are increasingly of both a public and private nature (Abbott & Snidal, 2009). As noted by several scholars (Bernstein & Cashore, 2012; Raustiala & Victor, 2004; Kelley, 2009), the literature on IOs often fails to account for this growing density and as a result, misses some key dynamics related to the conditions under which IOs must perform.

Rather than a single IO governing an issue area, states create new institutions either to (1) solve cooperation problems by trying new designs or (2) because inertia has led the primary institution to become unsatisfactory (see Morse & Keohane, 2014). However, a build-up of institutions which seek to address the same problem can fragment global governance and cause rules to overlap, interconnect and conflict. Because these fragmented global governance architectures lack hierarchy (Raustiala & Victor, 2004), regime complexes create opportunities

to forum shop (Murphy, 2013) allowing governments to break away from more stringent regulation and search for preferred alternatives (Breen et al, 2019, p.2). As a result, it can significantly hinder the adoption and implementation of international legislation (Raustiala & Victor, 2004, pp.277-296; also see Alter & Meunier, 2009) and thus undermine the effectiveness of a regime. On the other hand, the availability of multiple actors can also help states overcome cooperation problems where decision making has become stalled (Keohane & Victor, 2011; Kelley, 2009).

Judith Kelley's (2009) study of the regime complex for international election monitoring illustrates well how fragmentation can have both negative and positive consequences. With regard to the former, she uses the example of Kenya's 1992 election where president Moi invited only the institutions that were agreeable to him. Because the international election monitoring regime lacks hierarchy, this perpetuated the existing corruption surrounding Kenya's elections process and undermined the impact of the international regime in this instance. The case of South Africa 1994 provided a very different outcome. Here, the presence of multiple organisations improved the regime's effectiveness because it helped to expand coverage and legitimise the result. Kelley notes that increased levels of coordination between agencies and the fact that they all agreed on the election's result contributed to this success (Kelley, 2009, pp.59-63).

Because it is becoming increasingly necessary to analyse the effectiveness of a regime with consideration of the above, questions of fragmentation and regime complexity have been applied to an ever-expanding selection of issue areas e.g. climate change (Widerberg, 2014; 2016; Bierman et al, 2009) global health and aid (Han et al, 2018; Koenig-Archibugi, 2015) EU economic surveillance (Breen et al, 2019) cyber security (Nye, Jr, 2014) and migration and refugee patterns (Hoffmann & Gonçalves, 2020). As the following section will illustrate in some detail, the labour rights regime is no exception.



### 1.3 The International Labour Organization

*“The bitterness of war is not yet allayed... Yet at the same time the economic interests of nations are more than ever interdependent...The International Labour Organisation is a necessity...whatever resistance opposes it, it will live”* (First Director- General of the ILO Albert Thomas, 1921, p.19)

*“The ILO has been around forever, but also has done nothing forever, so...is not terribly interesting”* (Helfer, 2006, p.655)

The ILO will now be situated within the wider context and theoretical insights illustrated above via two questions: why was the ILO designed without an enforcement mechanism? If it is so ineffective, why has it survived so long? Recall the bigger themes being tackled by the thesis – the question of whether global governance is necessary and effective; this section’s purpose is to investigate the ILO’s utility in regard to the former. In doing so, this section applies the theories in section 1.2 to determine *not whether* the ILO makes an impact – that is the task of proceeding chapters - but rather, to understand under what conditions it is most likely to do so and to reiterate the necessity of the organisation to contemporary conditions of globalisation.

Three key revelations emerge from arguments found in the literature which guide the remainder of the research: (1) globalised production puts downward pressures on workers’ rights (Held & McGrew, 2007, p.2) and the ILO is a necessary counterpart to these social injustices of global capitalism (Munck, 2002). (2) The ILO is most likely to make an impact through its abilities to provide capacity assistance and socialise relevant actors into compliance – an enforcement mechanism applied to the governance of labour rights is neither possible nor desirable. (3) The activities of the ILO are now embedded into a complicated web where authority can overlap and conflict (Raustiala, 2000); because of this, it is necessary to assess the ILO’s impact within a framework that takes policy fragmentation into account.

The section begins by briefly illustrating some key design features before providing a rational explanation for why the organisation was designed to rely on powers of persuasion rather than enforcement (Maupain, 2013, pp.7-8) - here, governments were concerned with ceding sovereignty to a supranational entity and so rather than assigning the ILO material sanctioning power, the creators chose tripartism in order to boost the organisation’s legitimacy while at the same keeping it subordinate to the power of states (Maupain, 2013). Guided by

Helfer's (2006) ILO study which examines whether and how IOs change (Helfer, 2006), the section then moves on to examine the organisation's survival and the extent to which staff have been able to evolve the organisation endogenously. In doing so, it illustrates how design decisions taken at the organisation's founding contributed to the ILO's reputation for inertia (Maupain, 2013). The key point made here is that throughout the ILO's history, staff have worked to adapt and evolve the organisation from within; however, their autonomy does not exceed that of a principal agent relationship and as a result, this dynamic is omitted from the rest of the investigation into whether and how the ILO makes an impact.

The second half of this section then briefly demonstrates how the ILO's perceived paralysis has fragmented the labour rights regime and why it is therefore important to consider assessing its dynamics within the framework of a 'fragmented policy network'. The section concludes by noting the difficulties with current suggestions for reform such as equipping the ILO with an enforcement mechanism or including ILS into multilateral trade agreements. As such, the research proceeds on the expectation that the ILO's impact will best be explained by its ability to provide capacity support and socialise actors into better compliance.

### Design Overview

The ILO was designed for two main functions: to create international labour standards (ILS) and to oversee their implementation – ILS take the form of 'conventions' (legally binding treaties) or 'recommendations' (non-binding guidelines). The organisation is characterised by global membership, inclusive decision-making procedures and a significant delegation of tasks to its administrative bodies (ILO, 2018a). Its most unique feature is its tripartite voting structure where labour and employers' groups can vote alongside – and indeed against - states. While the ILO's design gives it independent actor-like qualities, governments retain full control; members are under no legal obligation to ratify conventions nor are they subject to the kinds of enforcement mechanisms found in other institutions such as the World Trade Organization (WTO) or European Union (EU). Instead, the ILO relies on tools of persuasion, technical assistance (Abbott & Snidal, 2009, pp.536-7) and the assumption that states will implement ILS because doing so improves their own welfare (Charnovitz, 2000, pp.171-2). A brief

description of the ILO's terms and procedures used throughout the thesis can be found in the attached footnote.<sup>10</sup>

### ***Conventions***

“Are legal instruments drawn up by the ILO's constituents (governments, employers and workers) setting out basic principles and rights at work...which are legally binding international treaties that can be ratified by member states” (International Labour Organization, 2018, p.18). **Note\*** Conventions are referred to using the ILO's abbreviation – C#. E.g. Conventions 87 & 98 are written as C087 and C098.

### ***Monitoring and Enforcement***

Through Article 22 of the ILO's Constitution, governments are required to submit reports on the application of ratified conventions to the organisation's monitoring and supervisory mechanisms (Thomann, 2011, p.59). As a tripartite organisation, social partners (national workers and employers associations) can submit comments on these reports directly to the ILO or through their own governments (Koliev & Lebovic, 2018, p.438).

The ILO has two primary mechanisms to monitor compliance with ratified conventions: (1) ‘The Committee of Experts on the Application of Conventions and Recommendations’ (referred to throughout as **the CEACR** or **the Committee**) - an independent body of lawyers

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<sup>10</sup> **Additional Information on ILO Design and Procedures:** *Bargaining and Negotiation of ILS*. ILS are labour standards that take the form of ‘conventions’ (legally binding treaties) or ‘recommendations’ (non-binding guidelines) that members are expected to implement in their domestic constituencies. However, before they are officially adopted, proposals must go through a rigorous scrutinization process involving governments, workers and employers’ groups along with participation from three ILO organs: ‘The Governing Body’ - its executive; ‘The International Labour Office’ IL(Office) - its secretariat; and finally ‘The International Labour Conference’ (ILC) - its legislative body. The decision-making process is known as ‘double discussion’ and is illustrated in Figure 1 below (Thomann, 2011, pp.53-4).

*Voting Procedures.* The ILC's voting procedures are unique: although it shares some characteristics with other international legislative bodies e.g. majority voting; its tripartite system allows for non-state actors (NSAs) to vote alongside states (Alcock, 1971, p.28). Four votes are assigned to each member: two for governments and one each to an official worker and employers’ group (Koenig-Archibugi, 2002, p.59). Because standards are adopted by two-thirds majority, the 2-1-1 vote system compels states and NSAs to compromise (Thomann, 2011, p.52) with the aim of legitimising decisions by balancing the interests of stakeholders (Maupain, 2013, p.7).

*ILO Oversight.* The ILO's second task is to oversee implementation in the national setting for which it has been equipped with several tools. (1) ‘Monitoring and reporting’: where governments are required to submit regular reports detailing the progress with which conventions are being implemented (Elliott & Freeman, 2003, pp.95-6). (2) A ‘complaints mechanism’: which allows governments, workers and employers groups to report violations (Elliott & Freeman, 2003, pp.102-3). (3) Socialisation mechanisms: here, the ILC can mobilise peer pressure against non-compliant states by publicly airing their poor performance (Elliott & Freeman, 2003, pp.96-99). (4) Technical assistance to aid with capacity issues ([ILO, 2018b](#)).

tasked with reviewing government submissions (Koliev & Lebovic, 2018, pp.436-8); (2) ‘The Conference Committee on the Application of Standards’ (referred to throughout as the **CAS**) “a tripartite political committee made up of governments, workers representatives and employers representatives” (Koliev & Lebovic, 2018, p.438).

**The Committee** performs an impartial and technical review of the reports submitted by governments and social partners. Where it deems a country to be in full compliance, no action is taken. In other cases, the Committee will issue either an ‘**observation**’ or a ‘**direct request**’. Observations are raised when the violation is serious whereas direct requests are more technical in nature (Thomann, 2011, p.59). When a violation is detected - whether in law or in practice - the Committee includes in its report the ways in which the country has failed to comply and the required steps the member should take in order for their laws or implementation practices to better align with the convention in question. When violations persist, the Committee can apply additional pressure by including a ‘**double footnote**’; double footnotes are requests for the government to reply to the Committee (usually by asking country authorities to “report in detail” or “supply full particulars”) earlier than would be required by the usual reporting cycle communicating the seriousness and urgency of the matter at hand (Landy, 1980, p.643).

**The CAS** then discusses the observations and double footnotes provided by the Committee in order to prepare a short-list of member states whose violations are to be publicly discussed at the **International Labour Conference** (referred to throughout as the **ILC**) - the ILC is the ILO’s annual conference held in June bringing together all member governments and their national workers and employers associations; in addition to adopting new standards, the ILC - led by the CAS - discusses specific cases of non-compliance (Thomann, 2011, p14) thus airing a state’s ‘dirty laundry’ in front of all other members. In this way, the CEACR ‘names’ the countries that are offenders while the CAS selects those who are to be ‘shamed’ (Koliev & Lebovic, 2018). While the preferred approach of the ILO is technical and legal assistance, **naming and shaming** is mobilised when there is a need for more forceful measures. States who are selected for ‘shame’ are also included in a **special paragraph** in the CAS’s summary report of that year’s ILC.

Where states do respond to the Committee, it is acknowledged as a ‘**Case of Progress**’. **Cases of Progress** are given when states change their legislation or adopt new implementation practices to ensure better alignment with a given convention; in such situations, the Committee

notes the progress in its report either ‘**with satisfaction**’ indicating that the case is closed (ILO, 2019b, p.108) or ‘**with interest**’ denoting a weaker form of progress and where further action is required to correct the violation in question (Thomann, 2011, p.261).

### *Additional monitoring and supervisory mechanisms (Complaints Procedures)*

**Article 24** - allows workers and employers associations to submit complaints directly to the ILO’s Governing Body separately from the comments they make on government submissions through Article 22. The Governing Body raises a ‘**representation**’, discusses the problem through an ad hoc committee and decides whether to close the case or refer it to the CAS who can escalate the issue through a ‘**commission of enquiry**’ (Thomann, 2011, p.60). (\***Note** throughout, the word ‘complaint’ is used to describe negative comments made by social partners via Article 22; where reference is made to complaints through Article 24, the term ‘**representation**’ will be used instead.

**The Committee on Freedom of Association (CFA)** - a tripartite body to examine violations of freedom of association and collective bargaining specifically. The CFA examines observations transmitted by governments and the complaints lodged against them by social partners (ILO, 2018, p.1).

**Article 26** - a member state may lodge a complaint about another member state who has ratified the same convention.

### The Creation of the ILO: Balancing Institutional Legitimacy with State Sovereignty

The proceeding paragraphs provide an account of the ILO’s creation and design with reference to Keohane & Nye’s (1977) theory of interdependence – in doing so, it is guided by the following three questions: (1) did states choose to institutionalise cooperation motivated by conditions of interdependence? (2) What barriers did they face? (3) Does the ILO’s design reflect an effort to overcome those barriers?

*Interdependence.* In 1919, governments regarded policy convergence on labour standards as absolutely necessary for two fundamental and interacting reasons: first to overcome regulatory competition and second, to quell potential social unrest (Alcock, 1971). Industrialised governments all had an interest in returning trade to pre-war levels but were concerned about the potential ‘race to the bottom’ in labour standards this would cause. Unless

similar standards were applied everywhere else (Alcock, 1971, pp.19-20), the UK worried that its wartime concessions to labour would no longer be sustainable (Hoffer, 2014, p.3); France wondered whether it would be able to compete with Germany – whose reparations programme required it to rebuild its industry on a massive scale - while Germany wanted to avoid its population being turned into slaves under the weight of its new debt (Thomas, 1921, p.19). Avoiding these domestic impacts on labour was of top priority for policy makers in western Europe who, at this time, rightly feared a Bolshevik inspired communist revolution - national labour movements had already begun to mobilise, become more extreme and organise internationally into bodies such as the Second International and IALL (Rodgers et al, 2009, p.5). As noted by a senior ILO official, the ILO was created when “David Lloyd George wrote a letter to Clemenceau...in the beginning of 1919 saying - *listen the whole Europe is in a revolutionary situation, what can we do to save capitalism?*” (ILO Staff Interviewee S, 2019).

Governments needed to coordinate their policies in order to capture the gains from trade and diffuse any potential rebellion (Helfer, 2006, p.679). The institution would therefore need to be designed as an agent under multiple principals (Stone, 2009) - simultaneously acting in states’ interests while legitimately addressing the concerns of workers. It was here, in a bid to quell the immediate threat of revolution (Rodgers et al, 2009, p.5), that governments co-opted labour by granting to them the task of design (Haas, 1964, pp.140-1); they instructed their national labour delegates to form an international commission and convene at the Paris Peace Conference (PPC) in Versailles (Alcock, 1971).

*Barriers to Cooperation.* The commission decided the basic institutional framework early on e.g. the need for a legislator – the International Labour Conference (ILC); a secretariat - the International Labour Office IL(Office); and an executive – the Governing Body. But, the coordination of labour standards presented both distribution and enforcement problems which needed to be hashed out. With regard to the former, it was recognised that for ILS to work, common policy needed to be applied universally; but, varying levels of capacity meant that it would be costlier for some to implement than others; to solve this issue, the commission agreed that conventions should be flexible to suit different national settings. However, overcoming the enforcement issue would prove more of a challenge: states - some still enemies - lacked trust and it was highly anticipated that everyone would cheat in order to gain a competitive advantage (Helfer, 2006, p.674). The major obstacle here was striking the right balance between the organisation’s legitimacy and the protection of state sovereignty. This resulted in

fierce disagreements particularly over whether legislative decisions were to be binding, and if the organisation should be equipped with an enforcement mechanism (*see* Alcock, 1971, pp.20-32 & Haas, 1964, p.140 for a fuller description of these events).

To resolve the tension between legitimacy and sovereignty, the commission agreed on a compromise that would see workers gain unprecedented access to policy making but, at the same time, serve as a focal point for the organisation's critics for decades to come. Legitimacy was achieved by granting labour the right to vote alongside states (Rodgers et al, 2009, pp.5-6) - this decision was controversial and is not one that governments have ever repeated (Helfer, 2006, pp.722-3). However, in order to protect sovereignty, the design ensured that all final outcomes lie with governments and that neither labour nor staff could ever take decisions against their interests (Haas, 1964, pp.142-3). For example, the commission agreed that decisions would be taken by majority; but they weighted governments votes double to that of labour and employers' groups. This 2-1-1 system means that on issues where labour and employers' groups disagree, decisions require 82.5% of governments approval to get through the ILC (Hoffer, 2014, p.4). In the unlikely event where conventions *are* passed against the wishes of states, they have nothing to fear because decisions taken by the legislator are not binding (Alcock, 1971, p.32); governments are only obliged to submit such legislation to national parliaments for 'consideration' (Thomann, 2011, p.54). Finally, it was decided that the organisation would have no legal powers of enforcement; this for some exacerbates the so called 'prisoners' dilemma' and reduces the ILO's impact because governments who misreport their compliance records will not face sanctions (Thomann, 2011, p.81).<sup>11</sup>

However, binding legislation, a centralised enforcement mechanism and the possibility that states could be outvoted would have resulted in one of two outcomes: (1) legislation would be bargained down to the lowest common denominator or (2) it would deter many states from joining altogether who would then be free to engage in unfair competition (Maupain, 2013, p.15). Governments knew that for the organisation to be effective, it needed universal membership - "a rationally designed IO includes all actors that can influence cooperation in a particular issue area" (Helfer, 2006, p.673) - a point that the founders made clear in the preamble to the constitution "...the failure of any nation to adopt humane conditions of labour

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<sup>11</sup> The founders did equip the ILO with a WTO style enforcement mechanism: under Article 33 of the Constitution, states are authorised to take "measures of an economic character" against members who are not in compliance; but it was never intended to be used except as a last resort (Elliott & Freeman, 2003, pp.102-6).

is an obstacle in the way of other nations which desire to improve the conditions in their own countries” (Helfer, 2006, p.673).

In sum, institutionalised cooperation was necessary to diffuse potential social unrest and to build trust between states so that international trade could resume. The ILO was designed to guide this process by adopting treaties that reflected conditions of the time and to encourage universal participation (Rodgers et al, 2009). However, while these design features would remain static, external conditions soon shifted and presented challenges to the ILO’s ability to pursue its mandate (Helfer, 2006; Maupain, 2013). The next section explores staff’s efforts at overcoming these challenges and provides an account of their attempts to reform the ILO endogenously.

### Stagnation and the Internal Struggle for ILO Impact

A key question relevant to the study of ILO impact is if the organisation has been so ineffectual, why does it survive? Indeed, its very existence has been called into question on several occasions by governments, private actors and scholars alike. Drawing on Helfer’s (2006) study of IO change, and guided by the theories of institutional survival and evolution outlined earlier, the next part of this section traces staff’s efforts to overcome new challenges by attempting to evolve the ILO endogenously. However, as will be shown throughout, the organisation’s evolution can be explained by principal agent theory: this is because the ILO survives a useful political tool for states regardless of whether it fulfils its original mandates (Maupain, 2013). Three areas are covered: (1) the interwar years (2) the Cold War and (3) the post-Cold War period.

*The Interwar Years.* The first decade following the ILO’s creation is widely considered its most successful: tensions within and between nations had eased (Alcock, 1971, p.49); worker radicalism had declined (Hoffer, 2014, p.6; Alcock, 1971, p.66; Helfer, 2006, p.722) and by the mid-1920s, international trade returned to pre-war levels (Rodgers et al, 2009, p.28). For Helfer (2006), the ILO’s success in this period aligns with neofunctionalism: here, staff managed to exploit ambiguities in the constitution to expand both their law making and monitoring authority to deepen political integration (Helfer, 2006, pp.681-2). A major driving force in this period was Albert Thomas; as the ILO’s first Director General, he was motivated by the organisation’s ideological principles (Haas, 1964, pp.143-6) and understood the limitations that the ILO’s design placed on staff (Maupain, 2013, p.67). Thomas reached over



governments to forge relationships directly with national unions and in his first year, he managed to pass 16 conventions and 18 recommendations that were designed to increase the power of workers over that of employers (Haas, 1964, pp.144-6). Staff worked in parallel with Thomas and increased their own autonomy too: for example, using the justification of alleviating the prisoners' dilemma, they encouraged states to ratify new treaties and convinced them to create the CEACR – an independent administrative and technical body that that would review compliance reports on ratified treaties (Helfer, 2006, pp.684-9).

However, the extent to which the organisation's success in this period was due to the staff's ability to influence state behaviour is questionable (Haas, 1964, pp.146-7). While Thomas did manage to push through legislation that reflected his own vision, most of these treaties were aimed at specific industries and designed to glide easily through the decision making and ratification processes (Maupain, 2013, p.23). Furthermore, the ILO's membership at this time was homogenous and consisted of mostly advanced industrial economies; while staff may have eased the ratification process, members were eager to ratify conventions to show their domestic populations that they were acting on the promises they had made at the institution's founding. Finally, when staff waded into sensitive political areas of immigration policy, the quest to expand their authority was abruptly halted (Haas, 1964, pp.146-7).

The external environment remained favourable to the ILO in its first decade (Rodgers et al, 2009, p.28) but, it soon shifted into the depression which exposed the weaknesses in the ILO's design. Ratifications had decreased, and members showed no interest in using the ILC to develop a solution to ease the crisis. States had ten years earlier sought cooperation to improve both their domestic and international relations under the notion that social justice would secure universal peace; now, the ILO could do little but watch as members reverted to beggar-thy-neighbour policies and eventually war (Hoffer, 2014, pp.5-6).

*The cold war.* In this period, the ILO gained its reputation for inertia; its operating environment had been altered and it is here where staff behaviour can be described as pathological and bureaucratic (Barnett & Finnemore, 1999; Helfer, 2006, pp.692-4). Towards the end WW2, the ILO's future was in question: The League of Nations - with which the ILO had been associated - was being replaced by the United Nations and was gearing up to perform both its' and the League's functions in more efficient and integrated ways (Maupain, 2013, pp.2-3). In an effort to retain policy ground, the organisation relaunched itself with The Declaration of Philadelphia; here staff aimed to interpret the ILO's mission more broadly by

including issues of human rights and economic policy into their mandate (Haas, 1964, pp.155-6). As Haas (1964) notes, the Declaration of Philadelphia was essentially a bid at post-war leadership (Haas, 1964, pp.155-6) and an effort to position itself as a coordinating and counterpart agency to the new Bretton Woods institutions (Maupain, 2013, pp.69-70).

Governments in the ILC voted through the Declaration of Philadelphia unanimously (ILO, 1998) but, they had no intention of assigning the ILO a central role - economic and financial matters were too politically important to be subject to a legislator with tripartite decision making. Instead, they entrusted this responsibility to the newly created 'Economic and Social Council' (ECOSOC) (Maupain, 2013, p.70) where decision making was subordinated to the UN general assembly (Curtis & Taylor, 2011, p.316). The reason governments voted overwhelmingly to pass the Declaration of Philadelphia was for much of the same reason they created the ILO in the first place: as a gesture to those returning from war (Maupain, 2013, p.70). They needed to ensure that workers and employers had a voice in the post-war order to aid the reconstruction effort, restore trade and diminish the risks of social unrest in those countries that had been structurally devastated (Maupain, 2013, p.3-23).

Further to the above, external dynamics soon shifted in ways that strained the ILO's original design features and called into question its ability to make an impact. The first of these was new membership: decolonisation brought a host of new members with varying domestic problems and political systems (Helfer, 2006, pp.694-6); that the ILC was no longer dominated by industrialised democracies undermined the ILO's tripartite system (Maupain, 2013, p.3) as many of the new workers' and employers' groups were answerable only to their government (Standing, 2008, p.360). Here, staff fell back on standard operating procedures and began to churn out a plethora of conventions designed to alleviate problems of national difference such as poverty, forced labour and freedom of association (Rodgers et al, 2009, p.184). However, these efforts proved inefficient and dysfunctional - treaties began to overlap and conflict and because technical issues such as shipping certifications, were subject to the same level of monitoring as conventions concerned with human rights e.g., freedom of association, it encouraged governments to selectively ratify conventions that were easy to implement and ignore those that required more costly adjustments (Helfer, 2006, pp.696-8). Moreover, as the cold war set in, the organisation's two superpowers used it to advance their own vision of social justice, dividing the legislator's heterogeneous membership into two opposing blocs where interdependence and workers' rights would take a back seat (Maupain, 2013, pp.23-5). In

addition to all of this, the ILO found its work was being undermined further by organisations such as the World Bank and IMF (Maupain, 2013) – IOs whose activities often resulted in negative social consequences (Stiglitz, 2002). Any effort by staff to counter this proved ineffective because of the difference in institutional strength between the two regimes (Rodgers et al, 2009, p.180).

*Post-Cold War.* While the end of the cold war was a victory for the ILO’s corporatist model over that of Soviet communism; it simultaneously threw its ability to navigate the new political and economic climate into question. Triumphant governments soon began to view market-based economies and liberalisation as paths to development which led to heavy deregulation, a decline in union power and an expansion of global trade to unprecedented levels (Maupain, 2013, pp.28-31). At first, the ILO’s role appeared obsolete because tripartism and labour standards were seen as impediments to economic progress (Helfer, 2006, pp.705-6). As noted by a senior ILO official:

“It was a big problem, after 1990, the employers became more adverse to the ILO, arguing we don’t need the ILO anymore...they referred to Fukuyama...now we have a new world...the East-West conflict was a driving force...needed on both sides [to maintain] a minimum loyalty to workers, this disappeared after the cold war” (ILO Staff Interviewee S, 2019).

However, it soon became clear that the promises of unfettered global capitalism had resulted in huge inequalities both within and between countries (Maupain, 2013, pp.28-31) raising concerns of a new race to the bottom (Helfer, 2006, pp.705-6). Aware of the ILO’s paralysis in recent decades, governments in advanced industrial economies proposed that labour standards be governed by the WTO which had the institutional strength to ensure compliance. However, this was rejected in 1994, and again in 1998 by developing countries who feared that ILS would be used as protectionism by the north and who insisted instead that it be the sole domain of the ILO (Charnovitz, 2000, p.158; Brown, 2000, p.40).

Because it was facing another serious challenge to its existence, the ILO got to work on a series of reforms. Having absorbed the lessons from the previous 25 years; staff worked to discard redundant and overlapping treaties and in 1998, broke through with a major innovation - the ‘Declaration on Fundamental Principles and Rights at Work’ (Henceforth the Declaration) - which identified four standards as core: freedom of association and collective bargaining (henceforth FACB); the elimination of forced labour; abolition of child labour and non-discrimination of employment. Most significantly, the Declaration applies to all members

whether they have ratified the conventions or not and includes a ‘follow-up’ mechanism that reviews member performance (Helfer, 2006, pp.708-22). Here, ILO staff member Kari Tapiola noted that the Declaration, would finally give the ILO its “teeth” (Tapiola, 2018).

As with the Declaration of Philadelphia in 1944, the 1998 Declaration was championed by many governments and employers (Baccaro & Mele, 2012, p.25); delegates to the ILC conference that adopted the Declaration expected it to herald the ILO into the new era of globalisation ([ILO, 1998](#)). However, critics (Alston, 2004) argue that it was a move by staff merely to stave off criticism - window dressing that enhances the perception of ILO impact, but which avoids intrusion into sensitive political areas of domestic politics where the organisation would face certain backlash. This is because the Declaration removed the burden of having to comply with precise definitions in the ILO conventions and instead indicates principles and goals; here, progress is measured against a baseline the country sets for itself. This ambiguity allows countries to define and choose how they implement the Declaration’s core standards (Baccaro & Mele, 2012, p.204) and as a result, compliance could be very high, but the ILO’s impact low.

### The Fragmentation of the Labour Rights Regime

The dynamics highlighted above have earned the ILO a reputation of being in a perpetual state of paralysis; as a result, the regime has become fragmented and complex as a plethora of public and private actors have emerged seeking to fill this governance gap. At first, this revolved around multinational companies (MNCs) engaging in voluntary ‘corporate self-regulation’ (CSR); but persistent scandals linked to well-known firms severely damaged the credibility of these efforts (see Utting, 2002; Bartley, 2007 and Koenig-Archibugi, 2004). More recently, there has been a move towards ‘multi-stakeholder initiatives’ (MSHIs) which bring together - in various combinations - firms, NGOs, unions and states. MSHIs grew out of the frustration with the lack of progress in the intergovernmental arena (Koenig-Archibugi, 2004, p.254) and to address the failings of CSR: for example, they increase participation in decision making by including all affected parties; they aim to coordinate standards and finally, they stress the importance of independent - rather than internal - monitoring (Utting, 2002).

The activities of the ILO are now embedded into this dense and incoherent web of policy making where authority often overlaps and conflicts; because of this, it is increasingly necessary to assess the ILO’s impact within a framework that takes this fragmentation into

account; as noted earlier, the availability of multiple actors can function to improve or impede the ILO's work. For example, on the one hand, Utting (2002) notes that MSHIs are hailed as the best alternative in helping to overcome the obstacles of both state led and CSR governance (Utting, 2002, p.4); the 1998 Declaration even encourages member involvement with these actors because they have the potential to expand coverage with regard to monitoring and provide capacity assistance with implementation (Baccaro & Mele, 2012, pp.200-6). However, while MSHIs may extend the ILO's reach and bolster its implementation efforts; there are institutional concerns which must be taken into account; in relation to NGOs, an ILO official noted:

“NGOs sometimes may be informative; we have a mixed relationship with NGOs. To some extent we can work with them but we have to be careful, the employers and workers groups may have issues engaging with NGOS, some are viewed as stirring the pot, but they may have a lot of local knowledge that we don't have, there are countries where we don't have a physical presence, so it's important to engage with the NGOs to get a sense of what's going on. But our ability to do that has to be very cautious because of institutional concerns, if you talk to the WTO, the WHO they all have that kind of issue. NGO's may attempt to appropriate the institution, and they're not representing the institution they're representing themselves...” (ILO Staff Interviewee G, 2018).

Moreover, Alston (2004) argues that decentralised governance in this sense encourages collaboration with actors that marginalise both the ILO and its standards (Alston, 2004, p.509). Indeed, there is a substantial literature on MSHIs which highlights how they disproportionately represent corporate over societal interests and as a result are also unwilling to properly monitor and uphold FACB rights (See Bartley, 2007; Utting, 2002; Fransen, 2011; Locke, 2014; Berliner & Prakash, 2015). As noted by an ILO staff member:

“The problem is that there is a proliferation of them [MSHIs] and they come up with their own interpretations of ILO standards that are not official ILO positions. Some of the initiatives want the ILO's input because they want to do things properly; others will just give their advice, and then we'll hear oh we were told by the social responsibility group that we hired that this is what the ILO says... and we say, no this is not our advice...So that has impact in terms of how these mechanisms sometimes will play out at the national level” (ILO Staff Interviewee G, 2018).

Moreover, the work of the ILO is often in direct competition with those institutions responsible for governing the global economy e.g. the IMF, World Bank, WTO and advisory organisations such as the OECD; the World Bank's 'Doing Business' reports for example

reward countries based on greater levels of labour deregulation. When visiting ILO headquarters in Geneva, the issue was raised by multiple staff members:

“There’s always a big discussion about the Doing Business report here...they say, the lower the labour standards the better the business climate” (ILO Staff Interviewee V, 2018).

“At the moment there is a very strong free market push in many countries, we have other IOs giving advice that’s very different from the ILO’s position. The World Bank, the IMF, sometimes we have some agreements on some issues, but they have a different point of view. Doing Business is an inverse relationship - the less regulation you have, the better you’re rated. The World Bank’s policy position is that regulation is problematic...” (ILO Staff Interviewee G, 2018).

### The Enduring Necessity of the ILO

The dynamics above depict an organisation out of step with contemporary conditions and one who must now operate in an increasingly crowded institutional environment. Moreover, because labour abuses remain prevalent, scholars and policy makers have begun to criticise the regime’s reliance on “volunteerism” (Berliner & Prakash, 2015; Vogel, 2010) and suggest that the governance of labour rights be shifted into institutions that are equipped with enforcement mechanisms.<sup>12</sup> For example, Hoffer (2014) calls for states to voluntarily bind themselves to labelling requirements protected by international law; Vogel (2010) argues that labour standards should be enforced via WTO trade agreements; and finally, Murphy (2014) calls on the IMF and World Bank to work more closely with the ILO so that the latter can elicit compliance through loan conditionality.

However, enforcing ILS in the ways described above may be counterproductive: many developing countries oppose using trade sanctions as a corrective for labour violations citing (1) their potential use for protectionism and (2) the negative effect such measures have on whole economies when, it is often the case, violations are occurring only in a handful of firms (IBRD, 2002, p.163).<sup>13</sup> Linking social standards through the WTO will not work because unlike retaliatory trade tariffs - where states benefit - it is not in a state’s self-interest to apply them for non-compliance with labour standards. The ILO evoked Article 33 in 2000 against

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<sup>12</sup> See the ILO’s CEACR and CFA reports which show labour rights abuses remain widespread (Anner & Carraway, 2010, p.162). Also see Marx et al (2015) who reveal a thirty-year downward trend in compliance with FA-CB

<sup>13</sup> The fear of protectionism is real, according to a senior staff member, even the ILO with its ‘soft powers’ is accused of picking on some countries more than others with the effect of furthering the interests of industrialised economies at the expense of developing ones (ILO Staff Interviewee V, 2018).

Myanmar and most governments ignored this request (Elliott & Freeman, 2003, pp.102-6). Furthermore, recent events - see US, China and EU trade disagreements (Donnan, 2018) – are a reminder that there is little the WTO, or any IO can do when states exert their sovereignty.

The European Union (EU) can also be controversial in this sense. On the one hand, the EU serves to facilitate ILO impact: a requirement of accession is the ratification of core ILO conventions, once such conventions are enshrined into domestic law, violations can be brought to the European Court of Justice (ECJ) which has powers of enforcement not available to the ILO. The EU has further supported the ILO's work outside of Europe where it grants or withdraws special trade privileges depending on whether core ILO conventions have been ratified (see Burgess, 2010, p.208). However, as will be discussed throughout the following chapter (and illustrated in chapter VI section 6.1), distinctions need to be made between de jure and de facto compliance and the extent to which the EU effectively enforces the latter. Moreover, within Europe, the ECJ has often been found to rule in favour of business over that of organised labour (CMKOS Interviewees H & J, 2020). Commenting on this issue, a senior ILO official noted:

“There are two approaches, some who want to change everything before ratification and other countries who will make their laws compliant to the convention afterwards, in the latter case that is not always done straight away, sometimes it takes ten years before a convention is discussed at parliament and then it may take another long time before it is transposed into national law. In between, they have to report to the ILO, a lot of countries may have not fully implemented the convention by this time” (ILO Staff Interviewee V, 2018).

Finally, while the IMF and World Bank have increased cooperation with the ILO in recent years (Murphy, 2014, pp.400-6) they cannot be relied upon to uphold the ILO's standards because their modus operandi is guided by neoliberalism (Güven, 2012; Murphy, 2014) – as will be illustrated in later chapters, these organisations often push for reforms that undermine the ILO's work (also see Anner & Caraway, 2010, pp.162-5).<sup>14</sup>

Overall, the ILO was born of necessity to alleviate conditions of interdependence and almost a century later, it stands as the preeminent organisation with which to tackle some of the social issues associated with contemporary globalisation. That its design features have

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<sup>14</sup> See the following which outline the ways in which competing IOs undermine the ILO's work (Blanton & Blanton, 2016; Blanton et al, 2015; Anner & Caraway, 2010; Sengenberger, 2005; Maupain, 2013; Hagen, 2003, p.11-14; Caraway et al, 2012)

remained static despite shifts to its external environment (Maupain, 2013) has created challenges to the organisation's legitimacy and threatened its credibility. While staff have worked to provide innovative solutions, their efforts have in some cases added to the organisation's dysfunction while in others they've been side-lined by states unwilling to assign the ILO too much authority – dynamics surrounding the Declaration of Philadelphia highlighted this well. That member states retain tight control over the organisation impedes staff's ability to fulfil the social mandate that members set for them at its founding. As a result, the ILO is subject to much criticism and it is now accompanied by an extensive network of private regulatory schemes along with calls for labour standards to be governed using more coercive means. However, private regulation remains controversial and it is doubtful whether workers' rights can be improved via enforcement mechanisms such as those familiar to some of the international financial institutions (IFIs). The ILO must make an impact using its original design features – technical assistance (the managerial version of rationalism) and persuasion (constructivism) – and it must do so in an increasingly crowded and competitive environment.

### **Conclusions**

Global governance is necessary, but whether it can be effective depends on the ability of existing IOs to navigate through intergovernmental cooperation problems, shifting external circumstances and an increasingly fragmented and complex governing architecture. Identifying when and how IOs make an impact should be the priority of policymakers and researchers concerned with alleviating the strains of economic integration on domestic constituencies and in addressing a wide spectrum of global problems. IOs are created to alleviate the negative consequences of interdependence but whether and how they can change state behaviour is the subject of much theoretical and empirical debate. That cooperation problems continue to impede progress on effective international policy making will likely exacerbate issues associated with globalisation and contribute to the complexity and fragmented nature of the governing architecture.

This chapter has provided both the backdrop and theoretical background which underpins the purpose of this research - to demonstrate that the ILO is a necessary counterpart to the social injustices of global capitalism (Munck, 2002). In covering its creation, survival and evolution, it has illustrated that the ILO provides researchers with the perfect laboratory with which to address the wider issues of globalisation and its governance in general; moreover, it has enabled us to isolate the relevant theories and frameworks with which to guide this



research's investigation into whether and how it makes an impact – the managerial version of rationalism and constructivism. Chapter II reviews and critically engages recent empirical work that attempts to measure its impact. After revealing several flaws with existing efforts, it moves on to propose an alternative analytical framework that will better capture whether and how the ILO improves workers' rights.

## Chapter II

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### Explaining ILO Impact: Fragmentation and Network Analysis

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*“There is a lot of criticism about the ILO, about the weakness of the ILO and that [it] doesn’t have an influence... the problem of teeth; I’m so tired of this dental work issue”* (ILO Staff Interviewee Kari Tapiola, 2018 – former Deputy-Director General)

Does the ILO improve labour standards in countries who have ratified its conventions? Available literature would suggest not (Saleem & Rozental, 2012, p.63). Such conclusions feed into the organisation’s reputation for being “toothless” (Tapiola, 2018) and shifts the conversation regarding improving the ILO’s impact towards impractical solutions such as enforcement. In an era of dense globalised production chains, increasingly precarious forms of work through the rise of the ‘gig economy’, and more recent challenges to workplace standards brought on by Covid-19, a global organisation which upholds standards of best practice has never been more necessary. And yet, thorough assessments investigating the organisation’s impact remain few; as noted by several scholars (Weisband, 2000; Saleem & Rozental, 2012), the key challenges researchers face are methodological in nature - disagreements over what constitutes the most appropriate dependent and independent variables and a “scarcity of reliable data” (Saleem & Rozental, 2012, p.77). That little is known about whether, how, and the extent to which the ILO impacts states has led scholars to explain variation in compliance behaviour as being caused entirely by differences in domestic factors (Stallings, 2010; Cook, 2010; Burgess, 2010; Caraway, 2010; Cammett & Posusney, 2010; Neumayer & De Soysa, 2005; Mosley, 2011).

This chapter develops the framework which will refine this domestic politics argument and bring IOs back into the picture. Section 2.1 begins this process by identifying several flaws in the literature particularly with its use of large-N regression techniques and ‘ILO ratification’ and ‘state compliance’ as independent and dependent variables. Through an application of the method-of-differences (George & Bennett, 2004, p.51), the section concludes by identifying several cases where variation on the literature’s outcome variable (compliance) remains, despite these cases exhibiting similarities across all of the literature’s key explanatory variables. From these examples, Czechia and Slovakia are selected for further investigation as a comparative case study.

Section 2.2 then proposes SNA as the most useful method to map and measure fragmentation at the international level. As has already been stated, a primary objective of this thesis is to assess the ILO's influence by examining the extent to which competing configurations of actors facilitate or impede its work i.e. the issue of policy fragmentation is assessed. Because such configurations may vary from state to state, the concept 'regime sub-constellation' is developed in order to capture the dynamics of these country specific networks. Here, SNA is used to empirically illustrate the extent of the ILO's influence within these networks and does so based on a working hypothesis that the organisation's 'centrality measurement' (a metric produced by SNA) is associated with its impact. While the utility of this methodological approach will be assessed in later chapters, initial expectations generated by the SNA outputs in this chapter suggest that the ILO should be more influential in Slovakia than Czechia whereas the reverse is true for the organisation's challengers – the IFIs and the OECD.<sup>15</sup>

Finally, section 2.3 proposes that the concept of 'impact' – rather than compliance – (see chapter I) functions as the dependent variable and then proceeds to outline the ways in which it will be identified i.e. by determining what actions the ILO took and whether such actions changed state behaviour ex post. It then moves on to discuss how *within* and *cross-case analysis* (George & Bennett, 2014) will guide the investigation and the advantages that such approaches have over statistical research.

The following sections – and the remainder of this research – will focus only on the ILO's impact via its supervisory mechanism i.e. its ability to detect and correct compliance problems. Outside of this realm, staff are engaged in a plethora of activities aimed at promoting social justice across a spectrum of issues all of which provide fruitful areas for impact assessment.<sup>16</sup>

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<sup>15</sup> The SNA graphs (as well as their associated data and appendices) were created for an unpublished MSc thesis submitted in 2017. While the concepts developed in this chapter (e.g. ILO centrality and regime sub-constellation) - as well as the material throughout sections 2.1 and 2.2 more broadly - draw heavily from the 2017 thesis, they have been significantly reworked in order to develop the most appropriate framework applicable to the research presented here (see Hayes, 2017).

<sup>16</sup> Three examples stand out: (1) 'the End Poverty'; 'Green' or 'Women at Work' initiatives (ILO, 2019a); (2) the ongoing efforts of the research department which ensures attention is paid to changing trends such as governing the 'gig economy' and dealing with 'global supply chains' (ILO Interviewee G, 2018) (3) the ways in which staff - via their direct links with country delegates – are able to encourage structural domestic reforms e.g. in convincing Oman to allow trade unions and Saudi Arabia to set up an official workers' committee (ILO interviewee Kari Tapiola, 2018). These examples represent only a fraction of the many ways in which the ILO could be making an impact.

## 2.1 The Impact of the ILO: A Review

This section evaluates several studies which measure compliance with two ILO conventions: C087 on 'Freedom of Association' and C098 'The Right to Organise and Collectively Bargain'. Freedom of association and collective bargaining rights (FACB rights) enable workers to determine outcomes such as wages, hours and pensions (Neumayer & De Soysa, 2005, p.32); they are the focus of this research and are especially relevant here for two reasons. Firstly, because they strengthen internal democratic processes and are therefore politically sensitive (Rodgers et al, 2009, p.50) and secondly, because unlike conventions such as those on child or forced labour, FACB rights are often ignored to a greater extent. For example, by governments concerned with economic competitiveness (Marx et al, 2015); by the ILO's challengers (e.g. the IMF, World Bank and OECD) who push for deregulation, and by many private governing schemes and multi-stakeholder initiatives (MSHIs) (Baccaro & Mele, 2012; Utting, 2002; Berliner & Prakash, 2015; Locke, 2014). As noted by an ILO staff member "these private initiatives are very selective, most don't cover FACB, they say they do but they don't monitor it" (ILO Staff Interviewee F, 2018). A focus on FACB rights therefore helps to bring out some of the dynamics highlighted earlier to do with cooperation problems between member states and the conflicting policy goals that exist across international agencies which contributes to policy fragmentation.

Section 2.1 begins by reviewing several studies which rely on the use of large-N statistical methods and test for the effects of ILO convention ratification on domestic compliance. After identifying flaws both in methodology and in choice of data, medium-N regional case study work offered by Stallings et al (2010) is reviewed. Through an application of the method of differences (George & Bennett, 2004, p.24), the section concludes by identifying discrepancies with the authors' findings i.e. several of the cases continue to exhibit variation on the outcome (compliance) despite scoring similarly across all explanatory variables. This 'compliance puzzle' is a consequence of Stallings et al (2010) quantifying the inter-state differences between driving factors such as unions and government type. In doing so, the authors miss some key dynamics contributing to variation which this thesis later identifies in chapter III.

## Missing the Target: The Ambiguous Role of Compliance

Trade-openness pressures governments into a ‘race to the bottom’ (Mosley, 2007; 2011) but whether and to what extent to which the ILO can mitigate these effects is unclear.<sup>17</sup> On the one hand, several scholars have highlighted the importance that ratification of ILO conventions has in creating legal obligations for states (Baccini & Koenig-Archibugi, 2014); they note that such obligations contribute to increases both in compliance (Toffel et al, 2015) and in state welfare (Kim, 2010; Strang & Chang, 1993). However, several studies have shown a downward trend with compliance over recent decades (Marx et al, 2015) with some scholars suggesting that ratification of ILO C087 and C098 appears to exacerbate this problem (Peksen & Blanton, 2017). That ratification is negatively associated with compliance is puzzling; the authors explain this finding by noting that states often use ILO membership to boost their international reputation without any intention of allocating the necessary resources to implementation. This finding was echoed by an ILO staff member who, after noting some of the challenges the organisation faces surrounding issues of compliance commented: “...[but] a lot of developing countries really want to be part of these institutions, it is part of their international prestige; they don’t want to be left out...” (ILO Staff Interviewee G, 2018). Finally, other scholars show no effect for ILO ratification at all; instead, they attribute compliance variation solely to domestic factors e.g. democracy levels, regime type, union density (Neumayer & De Soysa, 2005; Mosley, 2011).

While this creates a bleak picture of the ILO’s ability to make an impact, there are several problems with the preceding conclusions. Firstly, while some studies differentiate between violations in law and those in practice (see Blanton et al, 2015, p.328), the studies above (Mosley & Uno, 2007; Marx et al, 2015; Neumayer & De Soysa, 2005) combine both the de jure and de facto indicators into one dependent variable and because of this, it is unclear whether the coded violations represent legislative issues (e.g. deregulation of labour law) or

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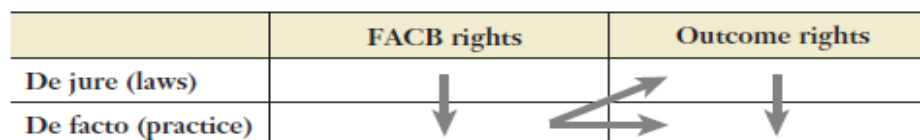
<sup>17</sup> There are diverging opinions about whether economic globalisation negatively or positively impacts states (see Bhagwati, 2004; Mosley, 2011; Blanton & Blanton, 2016; Neumayer & De Soysa, 2005;). However, Mosley & Uno (2007) along with Mosley (2011) evolve these arguments by making an important distinction between FDI and trade-openness (i.e. trade that is sub-contracted to the informal economy). FDI often brings with it a concern for the protection of assets and therefore multinationals will seek to ensure that there is a strong rule of law and quality of labour force. However, a major consideration when it comes to subcontracting within the global supply chain is cost; here, the mobility of capital forces regulation down as governments and local factories compete for contracts (Mosley & Uno, 2007, pp.923-39). These findings on ‘trade openness’ have been challenged by but, Mosley (2008; 2011) successfully refutes these scholars by highlighting the limitations of their research design and by providing further evidence via a qualitative case study of Costa Rica (see Mosley, 2008, p.689 & Mosley, 2011, p.113).

poor compliance (see Berliner et al 2015 who raise this point). Second, the FACB measures used completely omit ‘outcome rights’; as a result, the indicators do not include laws governing agreements on issues such as ‘hours of work’ or ‘wages’ nor whether those agreements are monitored and enforced in practice (Berliner et al, 2015, pp.196-7; also see Neumayer & De Soysa, 2005, p.32). That the data suffers from such ambiguity means that policy prescriptions or future research building on it runs the risk of doing so based on unclear causal connections. For example, good compliance scores could be masking widespread violations of specific outcome rights; at the same time, poor compliance scores would give no indication of the type of abuses that are occurring. See figures 2.1 and 2.2 provided by Berliner et al (2015) which illustrates the causal directions that labour law follows.

**Figure 2.1** Labour Legislation and Outcome Rights

|                     | FACB rights   | Outcome rights   |
|---------------------|---|--|
| De jure (rules)     | (a) Laws and regulations governing freedom of association and collective bargaining rights  | (b) Laws and regulations governing outcome standards such as wages, hours, health and safety, and other conditions |
| De facto (practice) | (c) Existence and effectiveness of monitoring and enforcement; extent of violations of law; actual ability to unionize and bargain collectively | (d) Existence and effectiveness of monitoring and enforcement; actual wages, hours, safety, and other conditions   |

**Figure 2.2** Labour Legislation and Outcome Rights (Causal Direction)



Source: (Berliner et al, 2015, pp.195-6)

Another problem lies with the sole use of ratification as the independent variable with which to test the effects of the ILO. This indicator is a weak representation of the organisation’s influence; as noted by scholars such as Weisband (2000) and Landy (1966), much of the ILO’s work occurs after a violation has been uncovered e.g. in cases of non-compliance, the supervisory system (CEACR) will make ‘observations’, ‘recommendations’ or increase its monitoring and technical support. Once the country in question corrects its behaviour and implements the ILO’s suggestions, it is noted in the CEACR’s reports as a ‘case of progress’ (see chapter I section 1.3). Because of this, the ILO’s influence ex post is left uncounted for i.e. where impact is made despite full compliance not having been achieved. Moreover, because states often engage in ‘shallow commitments’ (Downs et al, 1996) i.e. choosing to ratify conventions that already align with domestic practice, the positive associations between

ratification and compliance found by Toffel et al, (2015); Kim, (2010) and Strang & Chang, (1993) are potentially spurious (Salem & Rozental, 2012, p.71).

Finally, while the use of large-N regression techniques is helpful in uncovering broad trends, they limit the causal connections we can make because this methodological approach can sometimes miss important qualitative differences between the same variables across different countries (Mosely, 2008, p.679). Moreover, while some scholars have examined the issue of countervailing influences such as those that emanate from the IFIs or OECD (e.g. see Blanton et al, 2015; Sengenberger, 2005; Hagen, 2003), extant work seeking to understand whether and how the ILO makes an impact often excludes this dynamic.

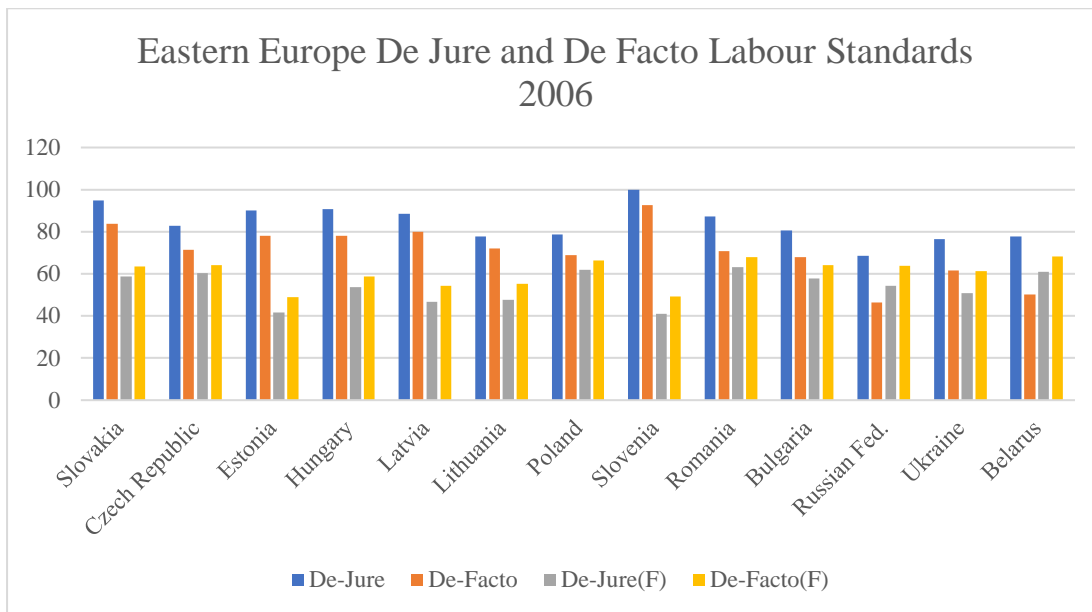
### A Compliance Puzzle

Several scholars (Stallings, 2010; Cook, 2010; Burgess, 2010; Caraway, 2010; Cammett & Posusney, 2010) have attempted to overcome some of the limitations noted above and have done so via a cross-national comparative study over four regions. First, they split de jure and de facto rights into separate indicators and therefore capture a more accurate picture of laws and compliance. Second, they cover outcome rights by including de jure and de facto measures of flexibility i.e. the ease with which employers can hire/fire or adjust wages and hours – figures 2.3 and 2.4 illustrate this by depicting labour standards for countries in Central Eastern Europe and Latin America as presented by these authors.<sup>18</sup> Finally, the authors are specifically interested in the extent to which conflicting international norms (e.g. between the ILO and IFIs) penetrate states and interact with domestic factors (Stallings, 2010, pp.128-135).

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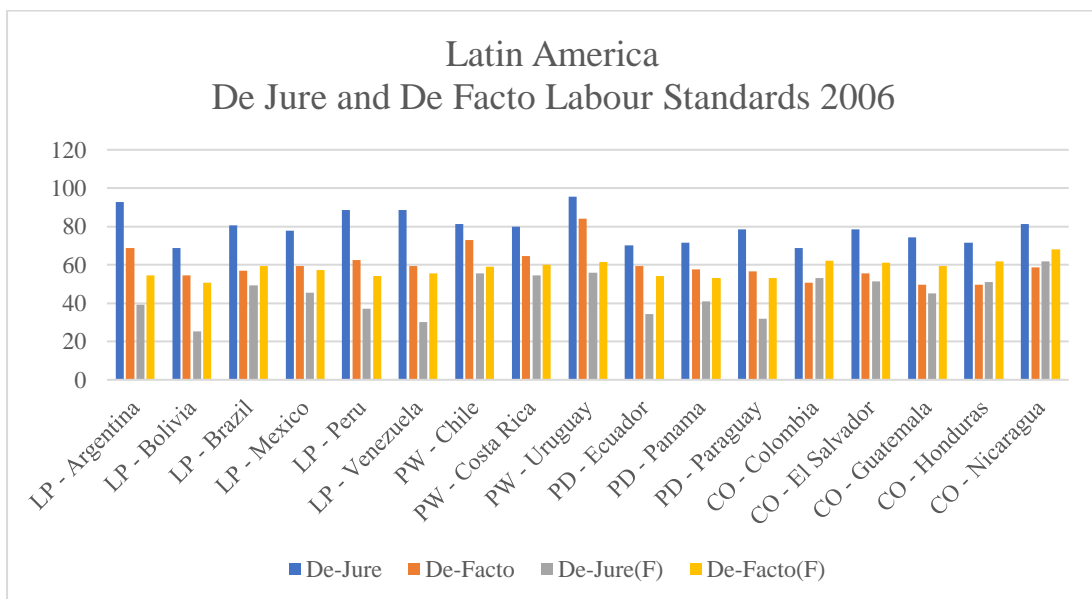
<sup>18</sup> Figures 2.3 and 2.4 exhibit the de jure and de facto as well as the de jure flexibility and de fact flexibility indices from Linda J. Cook's study of Eastern Europe (Cook, 2010) and Katrina Burgess' study of Latin America (Burgess, 2010). Note\* Higher de jure and de facto combined with lower de jure flexibility and de fact flexibility scores denote better labour standards.

**Figure 2.3**



Source: Cook (2010)

**Figure 2.4**



**Legend:** LP (Labour Populist Regime). PW (Pluralist Welfare Regime). PD (Paternalist Dictatorship Labour repression). CO (Conservative Oligarchy Regime). **Source:** (Burgess, 2010, pp.201-2)

In spite of the three methodological improvements noted above, the authors conclude that external influences are insignificant. The remainder of this section critically analyses this conclusion across Central Eastern Europe and Latin America. While only Czechia and Slovakia



are selected for comparison in later chapters, it is useful to examine both regions here in order to illustrate that the inconsistencies found are not isolated to a particular case.

In Central Eastern Europe, Cook (2010) argues that while the ILO may have played a normative role – defining ILS and focusing attention on certain issues – it was the EU’s accession criteria that made the most impact. Part of the requirement of joining the EU is that a country must ratify and implement the ILO’s core conventions; this level of enforcement was sufficient enough to coerce potential member states into making the necessary changes and according to Cook (2010), explains some of the variation depicted in figure 2.3. However, Cook maintains that the majority of variance between states in this region is best explained by domestic politics – even the influence of more powerful IOs such as the World Bank and IMF were heavily mediated by factors such as democracy levels and unions density (Caraway et al, 2012, pp.27-30).<sup>19</sup>

Burgess’ (2010) study of Latin America reveals similar results: here, variation is explained by a country’s historical regime type which she argues reverberates and effects policy today. Burgess distinguishes between four categories (see Table 2.1): (1) labour populism; (2) pluralist welfare; (3) paternalist dictatorship and (4) conservative oligarchy (Stallings, 2010, p.139). These groupings run on a continuum where labour populism sees the best compliance rates and conservative oligarchy the worst (Burgess, 2010, pp.201-2).

**Table 2.1** Historical Regime Types

|                                 |                         |   |
|---------------------------------|-------------------------|---|
| <b>Labour Populist</b>          | <b>Best Compliance</b>  | High union density but their ability to affect domestic policy is weak due to significant competition between them. |
| <b>Pluralist Welfare</b>        |                         | Higher rule of law but fewer violations reported because of the weakness of unions                                  |
| <b>Paternalist Dictatorship</b> |                         | High levels of individual worker protection but history of repressing organised labour                              |
| <b>Conservative Oligarchy</b>   | <b>Worst Compliance</b> | Economic elite dominance and policies that strongly favour employers  |

**Source:** (Burgess, 2010, pp.201-2)

<sup>19</sup> For more on the ways in which the EU influences legislation but falls short when it comes to ensuring compliance and implementation see ‘Three Worlds of Compliance or Four? The EU-15 Compared to the New Member States - Falkner & Treib (2008)

Burgess argues that the ILO has managed to encourage countries in Latin America to bring domestic law in line with its core conventions; however, the organisation has really only raised the profile on labour standards because implementation remains weak. Where countries have made significant changes, it is because the ILO is backed by more powerful actors; for example, the EU threatened to withdraw preferential trading agreements in Chile and El Salvador unless they improved implementation of ILO reforms (Burgess, 2010).

While domestic factors likely play the most significant role in determining what international policies are adopted and the extent to which they are implemented and complied with, they do not always fully explain variation between states. Take for example the diverging compliance rates with the large body of EU regulation between the EU's original members – those considered to be high capacity states such as France, Germany, UK – and the more recent admissions from Central Eastern Europe (the EU8). Scholars have been puzzled by the EU8's higher compliance rates despite their capacity levels being much lower than that of the EU's original members. Sedelmeier (2008) helps resolve this puzzle by shedding light on the role IOs played in this outcome and in doing so, explains the EU8's good compliance with the 'managerial' version of rationalism in combination with constructivism. For example, the EU helped to build up capacity in these states through technical assistance programmes prior to their accession in 2004 while their 'newness' to the situation helped facilitate socialisation via frequent monitoring and assessment procedures (Sedelmeier, 2008, pp.806-23).

A closer investigation into the results provided by Cook (2010) and Burgess (2010) produces a similar puzzle. For example, In Cook's study of Eastern Europe, variation is accounted for by EU accession date, democracy levels and trade union density. However, as table 2.2 illustrates, Slovakia outperforms Czechia by approximately 12 points on de jure and de facto standards despite the two exhibiting almost identical scores on these three primary explanatory variables.

**Table 2.2** Method of Difference: Slovakia and Czechia

| <b>Explanations</b> | <b>Slovakia</b> | <b>Czechia</b>      |
|---------------------|-----------------|---------------------|
| EU Accession Date   | 2004            | 2004                |
| Trade Union Density | 20.6            | 20.2                |
| Democracy levels    | 9 Democratic    | 10 Fully Democratic |
| <b>Outcomes</b>     |                 |                     |
| De jure             | 95              | 82.9                |
| De facto            | 83.9            | 71.4                |

**Sources:** \*de jure and de facto scores and EU Accession date (Cook, 2010, p.175). \*Trade Union Density for the year 2006 (ILO STAT, 2017a). \*Democracy levels for the year 2006 Slovakia (Polity IV, 2013a); Czechia (Polity, IV, 2013b) (also see Hayes, 2017)

*Latin America.* In Burgess' study of Latin America, both Peru and Bolivia are labour populist; but as shown in table 2.3, they exhibit significant gaps both in standards and in flexibility.

**Table 2.3** Compliance Rates: Peru and Bolivia

|                    | <b>Peru – Labour Populist</b> | <b>Bolivia – Labour Populist</b> |
|--------------------|-------------------------------|----------------------------------|
| <b>De-jure</b>     | 88.6                          | 68.6                             |
| <b>De-facto</b>    | 62.5                          | 54.4                             |
| <b>De-jure(F)</b>  | 37                            | 25.2                             |
| <b>De-facto(F)</b> | 54.3                          | 50.7                             |

**Source:** (Burgess, 2010)

Burgess argues that Bolivia's lower standards are accounted for by the fact that its historically dominant labour populist regime was punctuated by paternalist dictatorships in the 1960s/70s; however, this does not explain the implications of the flexibility scores. Following Burgess' argument, countries with higher de facto flexibility should see lower de facto scores i.e. more violations in practice. This is because higher de facto flexibility is correlated with a weaker rule of law, lower enforcement capabilities and a bigger informal economy that is harder to police (Burgess, 2010, pp.220-2).

However, as Table 2.4 shows, Bolivia has a much weaker rule of law; fewer enforcement capabilities and a higher informal sector than Peru, and yet, a significantly lower number of violations in practice.<sup>20</sup>

**Table 2.4** Method of Difference: Peru and Bolivia

|  | <b>Peru</b> |  | <b>Bolivia</b> |
|--|-------------|--|----------------|
| <b>Government Effectiveness<br/>(range -2.5 to 2.5) (2012)</b> | -0.14       |  | -0.37          |
| <b>Enforcement (2012)</b>                                      | 20          |  | 14             |
| <b>Informal Economy (2012)</b>                                 | 69%         |  | 77%            |
| <b>Unions (2012)</b>   | 4.2         |  | 39             |
| <b>Violations in practice 2012</b>                             | 16          |  | 4              |
| <b>Violations in practice 2015</b>                             | 20          |  | 2              |

**Sources:** \*Violations ([Kucera & Sari 2019](#); CGWR, 2019) \*Government Effectiveness ([World Bank, 2018a](#)) \*Enforcement ([ILO Stat, 2018b](#)) \*Unions (ILO Stat, 2018b) \*Informal Economy ([ILO Stat, 2018a](#))

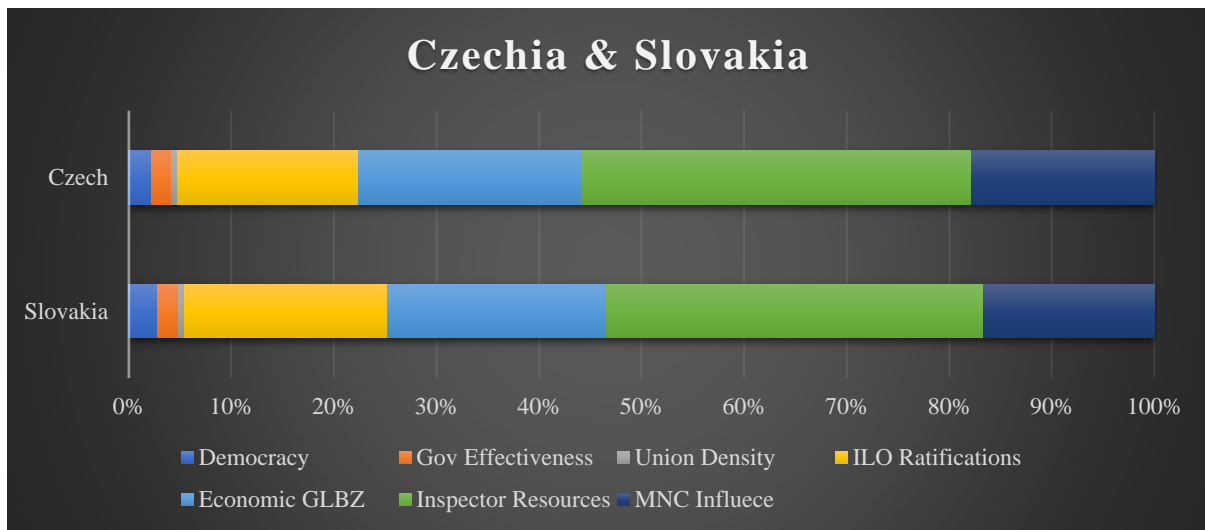
A possible explanation for Bolivia’s better performance could be that its union density far surpasses Peru’s; but, Bolivia’s unions have only been able to push back on de jure flexibility; they have not been able to do anything about the extensive de facto flexibility that has taken place since the 1980s (Burgess, 2010). Furthermore, higher union density in Latin America is not an indication of better enforcement for three reasons: (1) governments in the region with higher rates of unionisation often reduce enforcement resources (Ronconi, 2012); (2) unions for the most part do not cover the informal economy; (3) unions in Latin America

<sup>20</sup> The violations listed in Table 2.4 are taken from the ([Kucera & Sari 2019](#)) database; they are used instead of Burgess’s de facto scores because they are far more comprehensive and allow for a more accurate comparison between countries. Unlike Burgess’s de facto scores they (1) capture frequency of violations and (2) allow for more violations to be uncovered because they are based on 108 evaluation criteria and 9 textual sources rather than Burgess’s 5 evaluation criteria and 3 textual sources (See Stallings, 2010, p.148 for their methodology).

are often too marginalised or co-opted to defend workers' rights (Burgess, 2010, pp.218-22). While weak unions could mean that violations in Bolivia are simply going undetected, the same should then be true for Peru and a similar number of violations should be exhibited across both countries

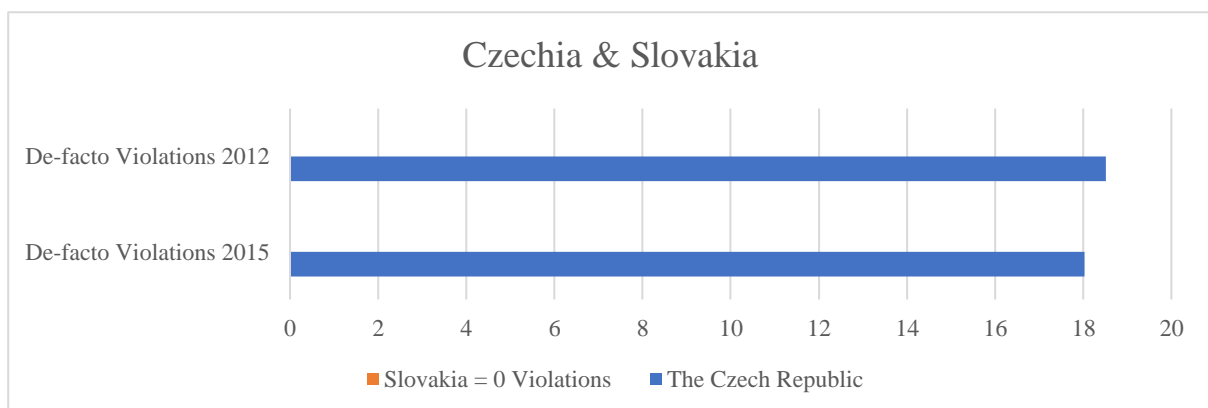
As Figure 2.5 shows, Slovakia and Czechia are similar on all indicators provided by the literature that seek to explain why labour rights vary; and yet as Figure 2.6 exhibits, the two show significant compliance differences.

**Figure 2.5** Czechia and Slovakia: Method of Difference



**Sources:** \*Democracy ([Polity IV, 2012a](#)); Government Effectiveness ([World Bank, 2018a](#)); Union Density (ILO Stat, 2018a); ILO Ratiations ([ILO NORMLEX, 2018a](#)); Economic Globalisation ([ETH Zürich, 2018a](#)). Inspector Resources (number of inspectors/million workers (ILO Stat, 2018a). MNC Influence ([OECD Data, 2018a](#))<sup>21</sup>

**Figure 2.6** Czechia and Slovakia Compliance Data

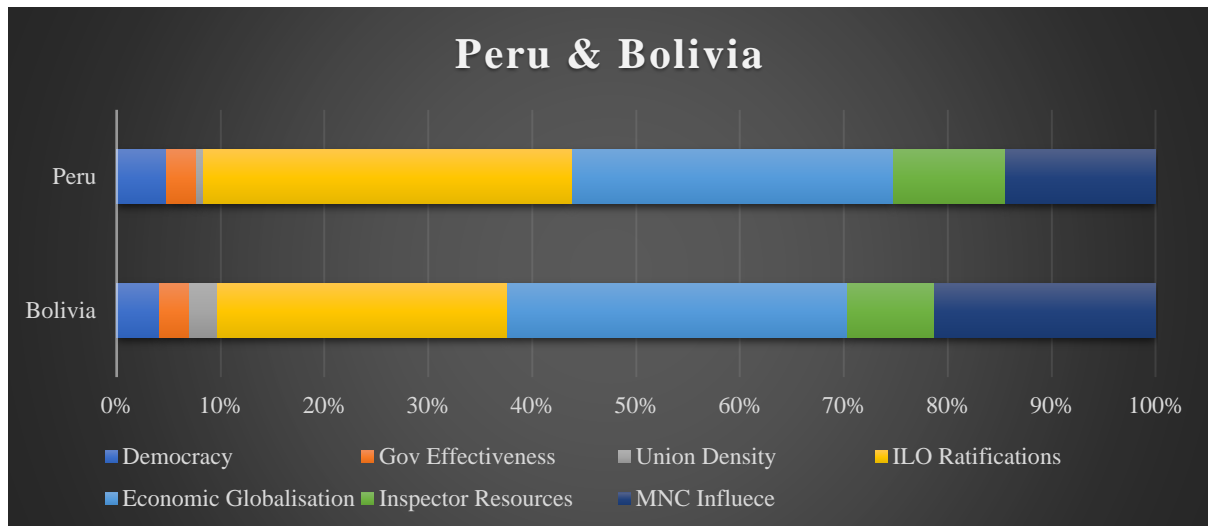


**Source:** ([Kucera & Sari 2019](#); CGWR, 2019)

<sup>21</sup> Figures for 'Government Effectiveness' and 'Union Density' for figures 2.5 and 2.7 have been normalised using the equation  $y = 1 + (x-A) * (10-1)/(B-A)$ .

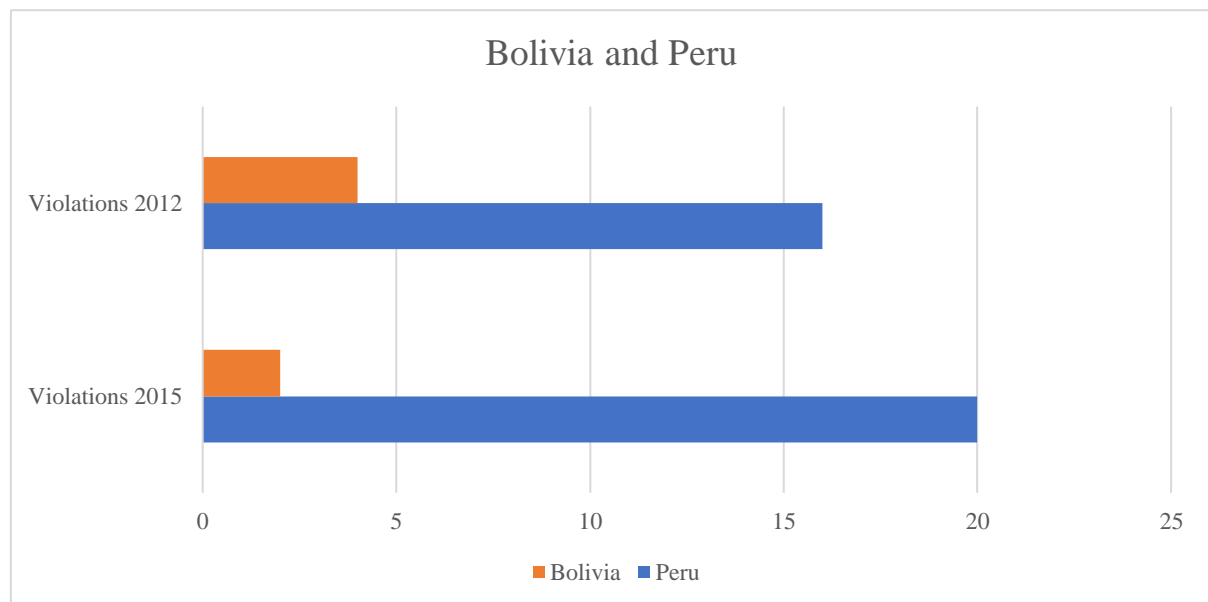
As Figure 2.7 shows, Peru's indicators suggest that it should see much better compliance than Bolivia. Apart Union Density, Peru's capacity, democracy and government effectiveness are superior to Bolivia's and yet, as Figure 2.8 indicates, Bolivia's compliance is far better.

**Figure 2.7** Peru and Bolivia: Method of Difference



**Sources:** \*Democracy (Polity IV, 2012a); Government Effectiveness (World Bank, 2018a); Union Density (ILO Stat, 2018a); ILO Ratifications ([ILO NORMLEX, 2018a](#)) Economic Globalisation ([ETH Zürich, 2018a](#)). Inspector Resources (ILO Stat, 2018a); MNC Influence ([OECD Data, 2018a](#))

**Figure 2.8** Peru and Bolivia Compliance Data



**Source:** ([Kucera & Sari 2019](#); CGWR, 2019)

Contemporary economic globalisation penetrates states and encourages governments into a race-to-the-bottom; whether and how the ILO counteracts this phenomenon remains unclear. Despite the organisation's conventions being widely ratified, extant studies show that ILO membership plays an insignificant role in determining a country's labour standards; this has left scholars to explain compliance variation solely through the framework of domestic politics. While these studies have helped to uncover regional/global trends and identified several important explanations, two major shortcomings have emerged (1) their use of ratifications and compliance as independent and dependent variables and (2) their quantification of key domestic variables which creates discrepancies in the findings. The deviant case (George & Bennett, 2004) of Czechia and Slovakia will be used to guide this research in a comparative study. The remainder of this chapter will therefore develop an alternative framework and methodology to be applied to this case study in order to more effectively bring out the dynamics surrounding when and how the ILO makes an impact.

## **2.2 Mapping and Measuring Fragmentation**

*“If [international agencies] start developing a different jurisprudence; eventually, we'll have total chaos in the system” (ILO Staff Interviewee Kari Tapiola, 2018)*

*“The problem is that there is a proliferation of [consultancies] and they come up with their own interpretations of ILO standards” (ILO staff interviewee G, 2018)*

Why do compliance rates vary between countries who exhibit similar scores across all explanatory indicators found in the literature? Section 2.1 has revealed discrepancies with the available literature on ILO impact raising questions about what variables – in addition to those at the domestic level - might be at play. The purpose of the proceeding chapters will not be to argue that the ‘domestic politics argument’ is wrong but rather to highlight that this explanation is incomplete (Strang & Chang, 1993). Indeed, chapter III provides a comprehensive examination into how and why Czechia and Slovakia diverge precisely in order to better understand how these domestic spaces might be mediating external actors differently. For example, it illustrates how Czechia leans more to the right embracing the ILO's challengers (the IMF, OECD and World Bank) whereas Slovakia's domestic context provides a clearer path for the ILO – findings not captured by the literature reviewed above. However, the primary aim of this research is to illustrate whether and how the ILO makes an impact. Because its influence will be analysed with consideration for the fragmented environment within which the

organisation operates, and because levels of fragmentation can vary across countries, it is important to capture these dynamics when engaging in comparative case study work.

This section constructs the framework that will be used to map and measure policy fragmentation. After briefly defining the ‘unit of analysis’, the section builds on mapping techniques by Abbott (2012) to assemble the regime sub-constellations for Czechia and Slovakia before employing the use of SNA and its associated metrics (e.g. ‘centrality’) to produce their empirical outputs. These metrics function to predict the relative influence of the ILO and CIOs within and across the two countries and in doing so, the graphs shed light on both the extensity and character of policy fragmentation in Czechia and Slovakia. The usefulness of these outputs to ‘real world events’ will be determined by cross-referencing them with the findings from the qualitative case studies in the final empirical chapter; but, initial expectations created here indicate that policy fragmentation will be more of a problem for the ILO in Czechia than in Slovakia – the ILO’s influence being greater in the latter whereas the reverse is true for the CIOs.

#### Shifting Focus: Introducing the Regime Sub-Constellation

This research proposes that the ILO’s impact is partially determined by the extent to which the fragmented environment within which it operates facilitates or impedes its work – a concept which is borrowed from the literature on regime complexes and applied here to the issue of labour rights. However, because the analytical unit regime complex refers to IO networks on a *global* level, it is necessary to scale down this conception to the domestic realm in order to facilitate cross-national comparisons. Not all institutions that make up a regime complex operate nor interact equally in all locations all of the time. Recall Judith Kelley’s study on the regime for international election monitoring (see chapter I) which revealed diverging outcomes in Kenya and South Africa as a result of the differences between two institutional sub-sets belonging to the same global network (Kelley, 2009). It is precisely the qualitative differences between these different institutional subsets that this research is interested in i.e. to what extent do the actors within one subset converge with the ILO compared to the actors in another subset? As such, country specific regime complexes will be identified and henceforth referred to as ‘regime sub-constellations’ – see figures 2.9 and 2.10 for graphical illustration of this concept.



Figure 2.9

### Regime Complex

International Institutions operating in a global context





## The ILO as a Central Actor

This research seeks to identify and compare the ways in which fragmentation differs across states as well as the consequences this has for the ILO. As illustrated earlier, fragmentation can increase or decrease a regime's impact and so identifying the key drivers mediating this variation becomes essential to any study seeking to understand and explain these outcomes. Whilst there are diverging opinions in this regard (see Bernstein & Cashore, 2012; Raustiala & Victor, 2004; Kelley, 2009; Keohane & Victor, 2011; Abbott & Snidal, 2009; Orsini et al, 2013), several scholars have argued that greater impact is more likely when there are higher levels of deference (Pratt, 2018) to a 'central' actor i.e. "the acceptance of another IO's exercise of authority...[to help]...resolve jurisdictional conflicts in the absence of a clear legal hierarchy" (Pratt, 2018, p.563) see also (Abbott & Snidal, 2009; Abbott et al, 2015; Pratt, 2018; Bierman et al, 2009; Keohane & Victor, 2011; Zürn & Faude, 2013, p.120).

The ILO is well suited for this role, its membership is near universal, it sets internationally recognised standards and benchmarks (Abbott & Snidal, 2009, pp.536-7) that influence national law, and which are referenced – albeit to varying degrees - by most other international actors such as NGOs, MSHIs, international union confederations, the European Union and the CIOs. Moreover, the issue of inter-agency coordination is a highly salient one for ILO staff; on fieldwork to its office in Geneva, all interviewees I spoke with confirmed that a lack of cooperation at the international level can have a major impact on whether the ILO accomplishes its goals (ILO Staff Interviewees V; S; G; F; M, 2018).

Many of those same interviewees however noted that inter-agency cooperation is not a realistic expectation, especially between the ILO and its rival organisations such as the international financial institutions (IFIs) and OECD:

"if cooperation was happening it would be fantastic, I can't think of a single country where that happens" (ILO Staff Interviewee V, 2018).<sup>22</sup>

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<sup>22</sup> An interesting side note here is that the interviewee appeared to suggest that inter-agency cooperation is possible but only is so when it reflects the dynamics of geopolitics. For example, after noting how cooperation between IOs does not happen, the interviewee noted "I'll try to think of an example where the institutions work together...I think it's mostly against the communist countries e.g. China, Vietnam, there everyone all of sudden cares about human rights...it seems in those countries everyone pulls on one string" (ILO Staff Interviewee V, 2018).

“I recall the first consultation we had with the Bank, it was around the time of Indonesia...James Wolfensohn was president of the Bank at the time and we came to the question of labour standards, Wolfensohn started saying, ‘well now that you want us to implement your standards’...I said sorry, can I interrupt you straight away, let’s make one thing clear, we don’t want the Bank to implement our standards... what we want to do is find a way in which when we are carrying out our task of implementation, that we don’t work at cross purposes. That gets us to difficult areas because I’ve been using this example, talking with our own people, I’ve often said to them, how far are you then ready to accept that the Bank has a better knowledge on how to run the world economy than we have... I mean if we ask others to accept our jurisdiction and jurisprudence, logically we have to also accept that we are not the specialists in trade but that the WTO is...” (ILO Staff Interviewee Kari Tapiola, 2018).

“It’s true there is not always coherency between the IFIs and the ILO. With regards to minimum wages, it’s not always the case that the IFIs say there should not be a minimum wage. But, it might be that the advice they give is different, it might not comply with our legal standards, for example the ILO says minimum wage should be consulted with social partners, but the World Bank and IMF might say okay reduce the rate and don’t talk to the unions anymore” (ILO Staff Interviewee P, 2019).<sup>23</sup>

Capturing and measuring instances of cooperation between these IOs is therefore not only difficult but unhelpful to the purposes here.<sup>24</sup> What *can* be measured though is the number of organisations within a regime sub-constellation that converge with the ILO’s standards versus the number of those who do not. Variation in this regard produces varying levels of ‘ILO centrality’ which will have a bearing on how ‘networked’ the ILO is both internationally and domestically. This in-turn may facilitate to greater or lesser degrees the organisation’s ability to make an impact. A suitable hypothesis to be applied to these graphs therefore is that the ILO’s impact is associated with varying levels of ILO centralisation within a given regime sub-constellation. It is important to note that the IFIs do – at least on paper – recognise the

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<sup>23</sup> Although rare, cooperation is possible when the interests of IO member states or staff align, as noted by an ILO official in the Multilaterals department: “I’ll try to think of a positive story of cooperation...about a decade ago I was working in Nepal, we were virtually trying to rewrite their entire labour code. It was not long after a civil war between the Maoists and the government (1000s of people lost their lives)... and then there were huge strikes...I found that my strongest supporter was the local IMF chief, not because he believed in labour law but he wanted the strikes stopped which were destroying the economy... He said if you can stop the strikes, I’ll do whatever I can with our influence in the government to help...so there are positive times like that (ILO Staff Interviewee L, 2019).

<sup>24</sup> However, while the ILO is not a focus of their study, Ashwin et al (2020) do capture and illustrate instances of inter-agency cooperation by examining the ways in which MSHIs (e.g. the Ethical Trading Initiative) interact with firms and global unions (e.g. IndustriAll) to produce more effective transnational industrial relations agreements. In doing so, they demonstrate the importance that coordination both within and between the international and national realms, as well as those between private and public forms of regulation, can have for improving labour standards.

ILO's core conventions and as a result, technically converge with its standards. However, a distinction must be made between de jure and de facto convergence: the ways in which the IFIs undermine the ILO's work despite proclamations of adherence is demonstrated in chapter VI. Moreover, the method by which this 'contradiction of convergence' is empirically captured and measured is explained in the final part of this section titled 'The Regime Sub-constellations for Czechia and Slovakia'.

### Social Network Analysis: Mapping and Measuring Policy Fragmentation

In order to test the 'ILO Centrality' hypothesis, we need tools to map, measure and compare varying levels of fragmentation (the opposite of centralisation) (Orsini et al, 2013, p.32) between the regime sub-constellations for Czechia and Slovakia. Widerberg (2014) reviews three mapping strategies applied to the regime complex for climate change: first is Zelli's (2011) 'onion model' which identifies the 'United Nations Framework Convention on Climate Change' (UNFCCC) as the regime's core actor but one who is accompanied and complemented by several others such as multilateral forums and NGOs. Second is Keohane & Victor's (2011) enhancement of Zelli's model to include various clubs and bilateral agreements. Finally, the 'governance triangle' by Abbott (2012): this attempt is not only more exhaustive in terms of identifying and including additional relevant agencies but it also categorises them by (1) function e.g. "scientific assessment; rulemaking; financial assistance" (Abbott, 2012, p.573) and (2) membership - identifying whether the institution is led by states, firms or civil society - see Widerberg (2014) for further elaboration of the above models.

However, as noted by Widerberg (2014), the frameworks above merely identify relevant actors rather than examine the interactions between them; as a result, some of the dynamics of fragmentation are not captured. Here, Bierman et al (2009) provide a possible solution: these authors have established several ways in which the relationships between agencies may vary in order to produce three categories of fragmentation – synergistic, cooperative and conflictive (see Table 2.5 below which summarises the characteristics of each). Using these guidelines, Bierman and colleagues assess the regime complex for climate change and conclude that it can be categorised as 'cooperative' owing to the UNFCCC's central role within the regime (Bierman et al, 2009, pp.22-4).

**Table 2.5** Categories of Fragmentation

| <b>Fragmentation</b>             | <b>Synergistic</b>  | <b>Cooperative</b>  | <b>Conflictive</b>                          |
|----------------------------------|---|---|---|
| <b>Institutional Integration</b> | One core institution with other institutions being closely integrated | Core institution with others that are loosely integrated          | Different, largely unrelated institutions   |
| <b>Norm Conflicts</b>            | Core norms of institutions are integrated                             | Core norms are not conflicting                                    | Core norms conflict                         |
| <b>Actor Constellations</b>      | All relevant actors support the same institutions                     | Some actors remain outside institutions, but maintain cooperation | Major actors support different institutions |

**Source:** (Bierman et al, 2009, p.19)

Applied to this research then, regime sub-constellations for Czechia and Slovakia could be created by using the most comprehensive mapping strategies developed by Abbott (2012) to identify key actors. Fragmentation could then be compared and contrasted with reference to the indicators provided by Bierman et al (2009). However, this presents another problem because the typologies these authors provide do not account for variance with regards to *degree* of fragmentation i.e., they concentrate solely on *character* (Orsini et al, 2013). For example, according to table 3.5, a regime can be classed as ‘conflictive’ when it hosts two core IOs whose norms conflict (Bierman et al, 2009). But, while the norms of core organisations such as the IMF and ILO conflict, the IMF’s influence will vary between different institutional configurations and domestic settings – in some cases, its presence may not impede the ILO’s work at all. Therefore, it is important we are able to measure and not just identify conflicts and synergies before making any conclusions (see Orsini et al, 2013, p.32).

Because regime complexes are network structures, social network analysis (SNA) is an appropriate method not only to map relevant actors but to empirically capture the interactions between them (Orsini et al, 2013, p.32). Indeed, Widerberg (2014) applies SNA to the climate regime and in doing so, produces results that differ from Bierman et al (2009); rather than the UNFCCC functioning as an effective core, Widerberg observes that the agencies tend to cluster depending on whether they are governing at the regional, state or city level suggesting polycentric governance (Widerberg, 2014, p.17).

Drawing from the above, this research will build on mapping techniques by Abbott (2012) but, it will employ the use of network analysis to analyse the interactions between the different institutions operating in Czechia’s and Slovakia’s regime sub-constellations.

SNA is an appropriate method because like regime complexes, regime sub-constellations are also network structures albeit ones which capture dynamics as they exist on a state rather than global level. SNA graphically and empirically represents the characteristics of a network by analysing the interactions between the individual nodes – in this case, the relational ties that bind together various IOs, NGOs and MSHIs. SNA offers three useful metrics that will help identify the inter-agency relationships that this research’s hypothesis is concerned with: (1) ‘network centralisation’ which describes “the distribution of ties in the network and the *overall* connectedness of the network” (Steketee et al, 2015, p.465). (2) ‘Closeness centrality’ which captures the power and influence of individual nodes e.g. closeness centrality is used throughout to determine the extent to which other actors defer to the ILO’s norms (Hanneman & Riddle, 2005). (3) Betweenness centrality’ which will depict whether the CIOs (IMF, World Bank, OECD or MSHIs) function as bridges (Steketee et al, 2015, pp.461-3) or gatekeepers (Hanneman & Riddle, 2005) to the ILO’s work. For example, in a comparative case study, if country A’s regime sub-constellation scores higher on network centralisation, ILO closeness centrality and where the CIOs score lower on betweenness centrality than does the regime sub-constellation of country B; it would suggest that the labour rights regime is better able to impact country A. This is because country A’s regime sub-constellation would be considered more cohesive; most actors would defer to the ILO and finally its work would less likely be impeded by the CIOs or ‘business friendly’ MSHIs (Fransen, 2011).

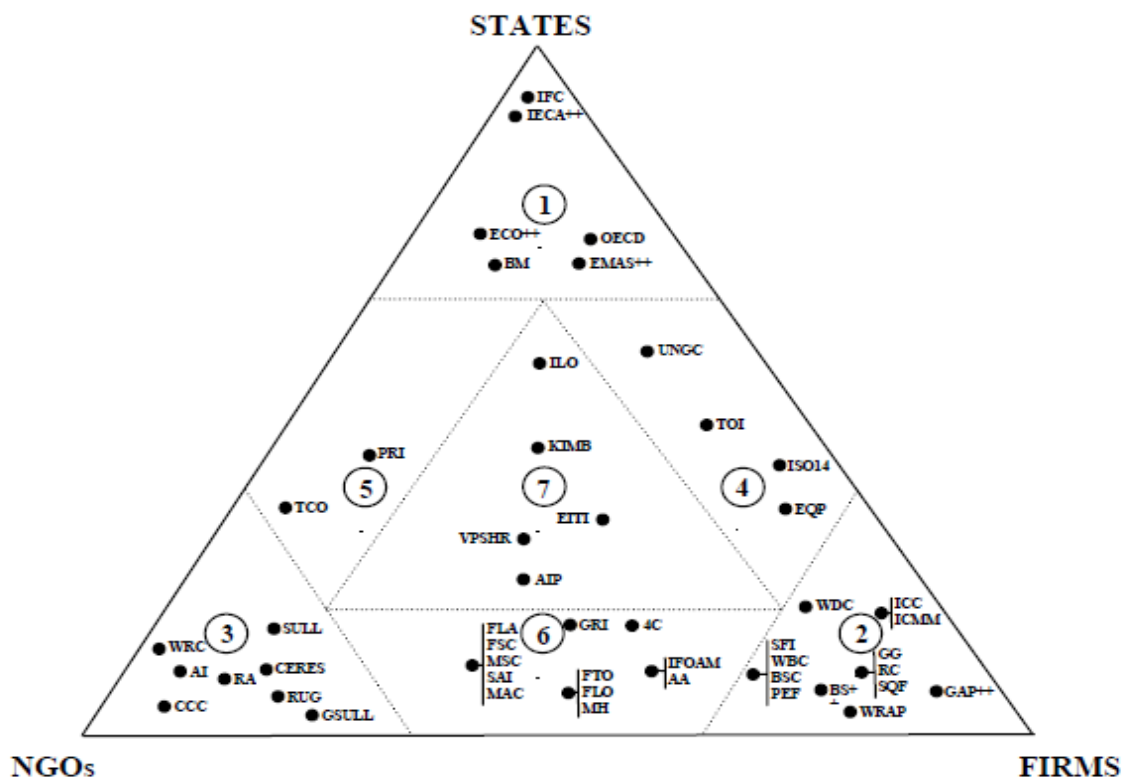
### The Regime Complex for Labour Rights

In order to create the separate regime sub-constellation for each country, it was first necessary to compile a node list which captured the regime complex for labour rights at a global level. Here, Abbott & Snidal’s (2009) governance triangle provided a good starting point: like Abbott’s (2012) depiction of the regime complex for climate change, the authors have constructed a labour rights regime ‘governance triangle’ (see figure 2.11 ) for which they provide a list of initiatives led by states, firms, NGOs and MSHIs - see appendix 1 (Abbott & Snidal, 2009, p.513). This list was then added to Issue Crawler (Issue Crawler, 2017) – an online platform which scans the web and creates a virtual network based on hyperlinks between different sites. While Issue Crawler’s outputs represent links as they exist in cyberspace, they are nevertheless representative of the physical interactions that occur within these networks (Widerberg, 2014, pp.8-13). Issue Crawler scans the web for connections to websites which

the user provides as a starting point; here, the websites of labour rights agencies extracted from the ‘governance triangle’ (Abbott & Snidal, 2009) were supplied; Issue Crawler then responded with a data sheet (see appendix 2) which uncovered a number of additional agencies that these institutions were linked to; this data sheet was then used as the ‘master reference list’ to create the regime sub-constellations.<sup>25</sup>

For illustration reasons only, the ‘master list’ was used to create an SNA graph for the *global* regime complex for labour rights and was done so using Node XL (Smith et al, 2010). The purpose here is to provide a useful visual contrast of how the ‘governance triangle’ can be transformed and enhanced using SNA by considering not only an additional number of agencies but also the interactions between them - see figures 2.11 and 2.12 below.<sup>26</sup>

**Figure 2.11** The Regime Complex for Labour Rights ‘the Governance Triangle’



Source: Abbott & Snidal (2009)

<sup>25</sup> Using Issue Crawler as a tool to embellish the governance triangle is a strategy borrowed from Widerberg’s (2014) work on the regime complex for climate change.

<sup>26</sup> For reference purposes, see appendix 3 for the graph’s metrics.





This networked version of the global labour rights regime helps to capture and illustrate the relative impact and interactions that exist between these institutions - dynamics that cannot be conveyed by the governance triangle. For example, what is immediately striking about the graph's output (see appendix 3) is that influence within this network appears fairly diffuse i.e. closeness centrality scores do not vary too drastically.<sup>27</sup> While the ILO does score slightly higher than others, the relative difference between these organisations is very small. However, a glance at the betweenness centrality measurements brings attention to the possibility of sufficiently disruptive levels of conflict between organisations within this regime. For example, while the graph leaves us with little doubt that the ILO is a dominant force - scoring among the highest across all centrality measurements: closeness, degree and betweenness - similarly high betweenness centrality scores for the CIOs and MSHIs, combined with a low score for some of the international unions (e.g. IndustriAll and Global Unions) leaves the ILO open to competition with few allies to support it. The undermining of labour standards by the IFIs is well documented but what emerges interestingly here is the superior position of corporate friendly MSHIs versus the position of those which more stringently adhere to the ILO's conventions. For example, the Fair Labour Association's (FLA) betweenness centrality score is among the highest in the network positioning it as a potential major gatekeeper and disrupter. At the same time, the Clean Clothes Campaign (CCC) who is highly critical of the FLA, scores relatively much lower. The CCC and others (see Utting, 2002; Locke, 2014; Fransen, 2011) have accused the FLA (as well as the Business Social Compliance Initiative - BSCI) of being heavily led by business interests; of overlooking violations of freedom of association and collective bargaining; and of allowing companies to select and pay their own compliance monitors. Its reputation in this regard was why companies such as Levi's Strauss & Co left stricter arrangements with the Social Accountability International (SA-I) (a node which also scores comparatively low on betweenness centrality) to join the FLA (Fransen, 2011, pp.369-74).

Overall, the global labour rights regime complex appears one where the ILO, although influential, must compete with a range of potentially competitive actors in an environment where the organisation's allies have little influence over the other nodes. While mapping and measuring the labour rights regime using SNA has helped shine light on the relative influence of these different actors as well as empirically capture and measure their interactions, the graph

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<sup>27</sup> The observations made in regard to the ways in which the networked regime complex for labour rights improves upon the governance triangle are done using the output illustrated in Appendix 3. Note that the first ten entries of this output are discounted because they are outliers which are not connected to the rest of the graph.

assumes these dynamics to be uniform across countries. The following section therefore details the method for constructing Czechia's and Slovakia's regime sub-constellations and then offers some observations on their individual outputs as well as in relation to the global output discussed here.

### The Regime Sub-Constellations for Czechia and Slovakia

*Node lists.* To date, there have been no mapping attempts that have scaled down from a regime complex structure to identify 'country specific networks'; constructing the regime sub-constellations for each case study therefore required extensive use of 'The Yearbook of International Organisations' (henceforth UIA). UIA provides users with information on membership, country of operation and the relationship between agencies (e.g. partnering on projects) for nearly 40,000 active IOs and INGOs (UIA, 2017).<sup>28</sup> For institutions not listed on the UIA, additional linkages were made via manual searches on those organisations' websites.

*Relational Ties.* Once the node list for each country was complete, the second step required was to determine what the relational ties would be between the different organisations. The criteria upon which the nodes are connected determines the outcome of the metrics identified earlier - *closeness and betweenness centrality*.<sup>29</sup> Knoke & Yang (2011) offer three suggestions which I have mobilised here: (1) information sharing e.g. the extent to which other actors defer to the ILO's conventions (also see Pratt, 2018) (2) affiliations, partnerships or cooperation between IOs e.g. on various projects (3) shared membership e.g. if CMKOS (the confederation of unions for Czechia) interacts with both the ILO and the European Trade Union Confederation (ETUC), then a link between these two organisations is made in order capture the shared connection, this in-turn will boost the ILO's centrality rating.<sup>30</sup> In addition to domestic unions, MNCs operating in the country were also used to create ties between nodes representing MSHIs. For example, the Adidas groups operates in Czechia and is a member of both the BSCI (BSCI, 2017a) and the FLA (FLA, 2017a) – as noted above, these two MSHIs have been cited as better representing the interests of business than of labour (Fransen, 2011, p.12). As such, it is likely that the BSCI and FLA function as gatekeepers scoring higher on

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<sup>28</sup> See Amanda Murdie (2013) for work that applies data drawn from UIA to SNA (Murdie, 2013, pp.13-14).

<sup>29</sup> The relational ties for the global regime complex for labour rights (figure 2.12) are based on shared links between websites as identified by Issue Crawler.

<sup>30</sup> See [CMKOS, 2017a](#) which provides information on CMKOS' affiliations with ETUC, ITUC and TUAC.

‘betweenness centrality’ than those MSHIs which more effectively uphold the ILO’s conventions.<sup>31</sup>

Appendices 4 and 6 illustrate the following information for Czechia and Slovakia’s regime sub-constellations: (1) a list of all institutions operating in that particular country (2) the links between them (3) citations regarding the sources of this information.

The data from appendices 4 and 6 were inputted into Node XL which produced two SNA graphs for Czechia’s and Slovakia’s regime sub-constellations - see figures 2.13 and 2.14 and legend table 2.6. The associated metrics (e.g. centrality and betweenness measurements) were generated by Node XL (smith et al, 2010) and UCINET (Borgatti et al, 2002) – see table 2.7.<sup>32</sup>

**Table 2.6** Regime Sub-Constellation Legend (for figures 2.13 and 2.14)

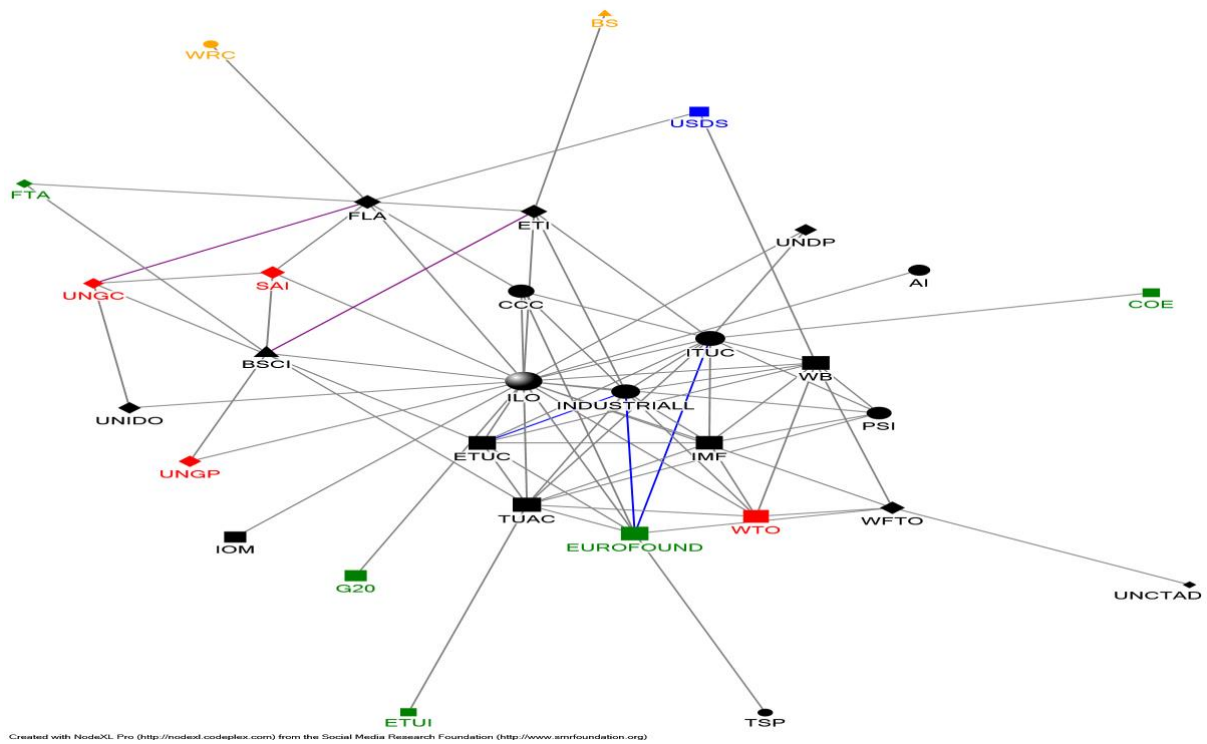
| Type                 | Shape          | Function    | Colour |
|----------------------|----------------|-------------|--------|
| Zone 1 (State)       | Square         | Standards   | Red    |
| Zone 2 (Firm)        | Solid Triangle | Operational | Orange |
| Zone 3 (NGOs)        | Disk           | Information | Green  |
| Zone 4-6 (Two Types) | Solid Diamond  | Financing   | Blue   |
| Zone 7 (Three Types) | Sphere         | Combination | Black  |

**Sources:** Type (Abbott & Snidal, 2009, pp.13-18) Function (Pattberg et al, 2014, pp.13-14)

<sup>31</sup> Data in regard relational ties was sourced from the UIA and manual web searches on relevant web sites: for example, transnationale.org (Transnationale, 2017).

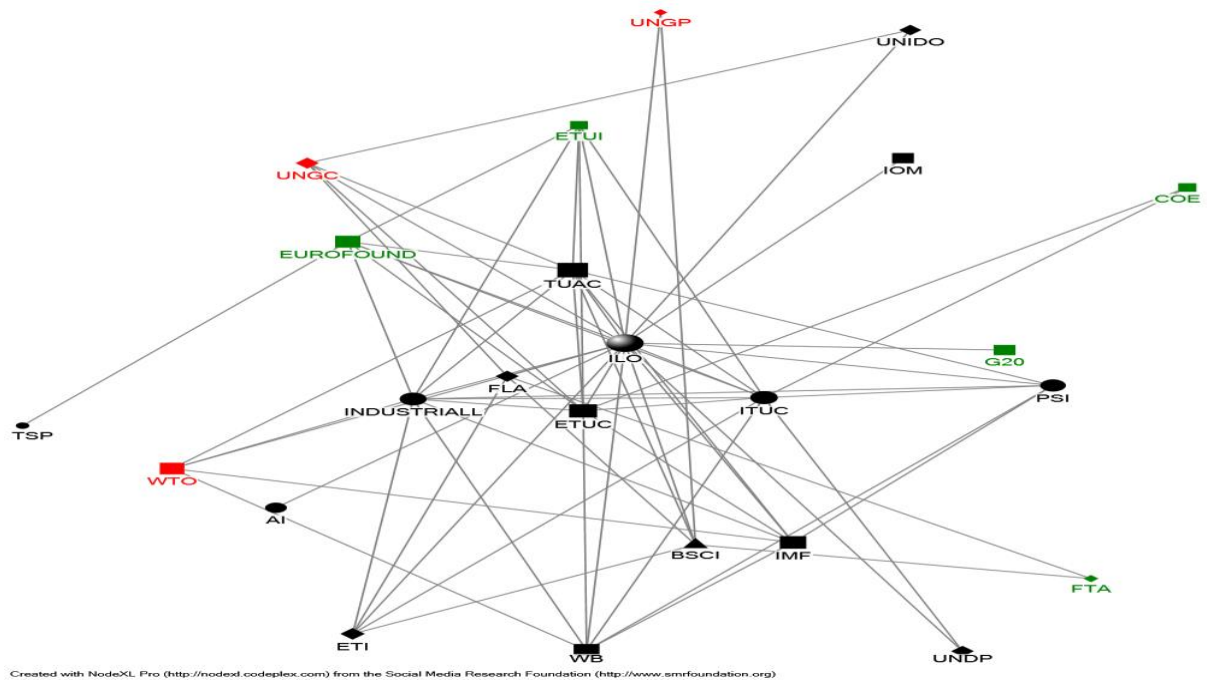
<sup>32</sup> The data in table 2.7 has been extracted from Node XL and UNCINET outputs and is used here for illustration purposes. The full data sets from these outputs are available as appendices – see appendices 8 -13.

**Figure 2.13** Czechia's Regime Sub-Constellation for Labour Rights



Source: (Hayes, 2017, p.38)

**Figure 2.14** Slovakia's Regime Sub-Constellation for Labour Rights



Source: (Hayes, 2017, p.39)

**Table 2.7** Social Network Analysis Outputs

| <b>ILO and Network Cohesion</b>                               | <b>Czechia</b> | <b>Slovakia</b> | <b>Difference</b> | <b>Significance</b>    | <b>Confidence Interval (in %)</b> |
|---|----------------|-----------------|-------------------|------------------------|-----------------------------------|
| <b>Network Centralisation (UCINET)</b><br>'Network Level'     | 62.05%         | 72.89%          | 10.84%            | T = 4.18<br>P < 0.001  | 5.77:15.91                        |
| <b>ILO Closeness Centrality</b><br>'Node/Institutional Level' | 76.92%         | 88.46%          | 11.54%            | T = 4.456<br>p < 0.001 | 6.47:16.61                        |
| <b>IMF Betweenness Centrality</b>                             | 2.04%          | 0.82%           | 1.22%             | T = -0.126<br>P > 0.10 | N/A                               |
| <b>World Bank Betweenness Centrality</b>                      | 21.87%         | 1.21%           | 20.66%            | T = -2.13<br>P < 0.05  | 1.63:39.69                        |

**Sources:** *Network Centralisation* and *ILO Closeness Centrality* generated by UCINET – see appendices 8 & 9 (Borgatti et al, 2002) (also see Hayes, 2017). IMF and World Bank Betweenness Centrality by Node XL – see appendices 10-13. See appendix 14 for t-test and confidence interval calculations.

While the graphs mainly capture dynamics as they are present at the international level – i.e. few domestic influences are included which dictate graph variances – the intention here is to test whether they (1) accurately predict in which country the ILO is likely to make a greater impact and (2) provide some indication of the extent to which fragmentation may be undermining its work.<sup>33</sup> The graphs' numerical outputs (as illustrated in Table 2.7) exhibit some interesting cross-country differences in this regard.<sup>34</sup> The overall network centralisation is approximately 10% higher in Slovakia as is the ILO's closeness centrality when compared with Czechia's. Looking at the betweenness centrality scores for the IMF and World Bank however, the output suggests a greater influence for these institutions in Czechia when compared with Slovakia. Following work by [Hanneman & Riddle \(2005\)](#), I applied an independent sample t-test and calculated confidence intervals in order to assess the significance of these differences: aside from the IMF's betweenness centrality score, the tests produced sufficient evidence (P < 0.001 and P < 0.05) to reject a null hypothesis – that the characteristics of these networks do not vary across countries. This result allows us to observe with 95% confidence that deference

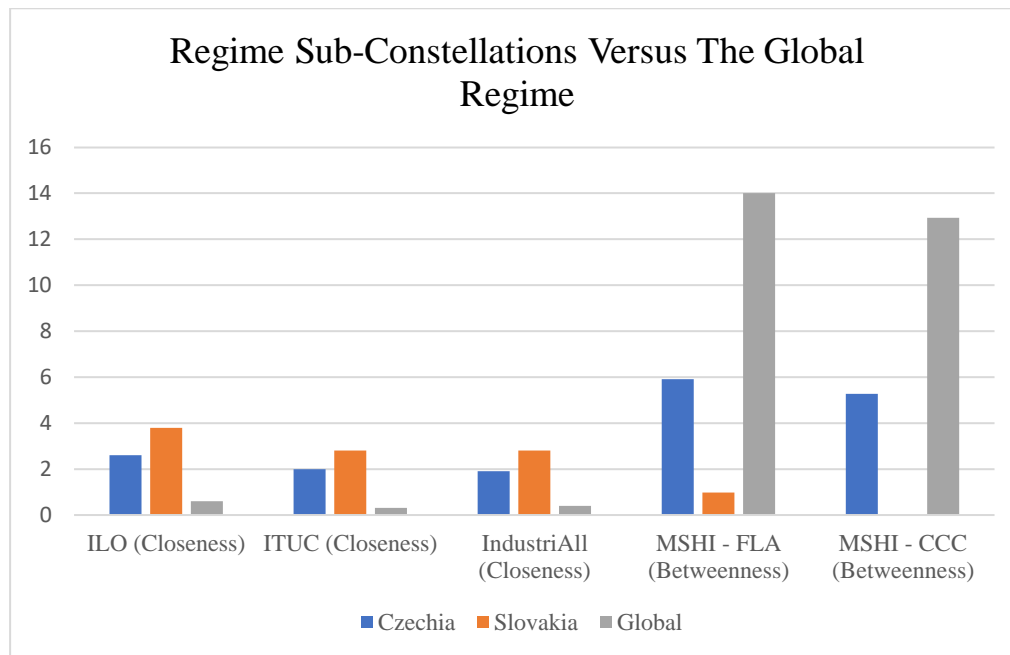
<sup>33</sup> (1) A major influence on these countries - and the CEE region more widely - is that of the EU, its role is represented in the graphs via the ETUC and EPSU. (2) Apart from trade union confederations e.g. CMKOS, the interactions between domestic institutions such as ministries of finance or labour on the one hand, and various international actors on the other, are not included - Chapter VII deals with this issue more in-depth noting it as an area for future research.

<sup>34</sup> See appendices 10-13 for a complete version of the regime sub-constellation graphs for Czechia and Slovakia.

to the ILO is greater by approximately 5-15% in Slovakia than it is in Czechia – see appendix 14 for t-test and confidence interval calculations. If diverging levels of deference to the ILO is associated with varying levels of the organisation’s impact, the graphs allow us therefore to predict with some statistical certainty that fragmentation will be more conflictive in Czechia than in Slovakia – the ILO consequently should make a greater impact in the latter while the reverse should be true for the CIOs (IMF, World Bank and OECD). Chapters IV through VI uphold this prediction and do so by illustrating the ways in which the numerical outputs produced by these graphs translate into observable qualitative differences in IO impact across the two countries.

These results highlight the utility of conceptualising fragmentation as a phenomenon which varies across countries and the use of SNA as a method which can capture and distil such information into comparable metrics. The advantages of this ‘country level unit of analysis’ are further illuminated when we compare the regime sub-constellations to the global labour rights regime complex depicted earlier in figure 2.12 – see figure 2.14a below. Three observations can be made in this regard: first, the ILO’s influence is less diffuse at the country level i.e. its closeness centrality score is much higher relative to all others across both Czechia and Slovakia (see appendices 10-13) than it is at the global level (see appendix 3). The significance of these differences were assessed once again using independent t-tests: the difference between ILO influence in Czechia versus that globally was significant at  $P < 0.001$ ; however, the same test comparing the organisation’s position in Slovakia relative to the global network fell short of reaching the  $P < 0.10$  critical value target by just 0.25. Second, the closeness centrality scores of some of the ILO’s allies such as ITUC and IndustriAll also suggest that the influence of these institutions is more prominent relative to others at the country level than they are globally – such differences however are not statistically significant for Slovakia however – see appendix 15 for significance tests. Finally, MSHIs appear to play less of a role across both countries than they do globally – this is likely because such institutions are more active in developing countries rather than advanced industrial economies such as Czechia and Slovakia – significance tests were not performed in this case.

**Figure 2.14a**



**Source:** Appendices 3 and 10-13.<sup>35</sup>

Overall, the global network depicted in figure 2.12 helps uncover and capture dynamics that the governance triangle does not account for whereas the regime sub-constellations reveal that those dynamics can vary across countries – a function of the unique institutional configuration that exists there, and as later chapters will illustrate, the domestic setting in which each institutional sub-set must operate. It is important to note that the regime sub-constellation graphs contain institutions which might not necessarily feature in the case study chapters. For example, Czechia’s regime sub-constellation includes – among others – the ILO, IndustriAll and the Clean Clothes Campaign; but, in regard to the specific events examined here, the latter does not play a role. However, the inclusion of such agencies in the graphs is nevertheless empirically important in order to create an overall picture of the international dynamics present in the country. A second consideration in this regard has to do with the role of the CIOs within the graphs. As noted above, convergence is captured by assessing the number of organisations that align with the ILO’s standards versus those that do not. That the IFIs claim to uphold the ILO’s standards on paper but often ignore them in practice presents a unique empirical challenge for capturing and measuring convergence/divergence. The graphs account for this by making a single link between the ILO and IFIs in recognition of their de jure compliance.

<sup>35</sup> Centrality measurements in figure 2.14a have been scaled in order to fit the graph: closeness has been multiplied by 100 while betweenness divided by 100. The FLA’s ‘global’ measurement is 787.924 but it has been capped at 14. The purpose of the graph is to illustrate difference rather than exhibit accurate measurements.



However, the ways in which they present a challenge to the ILO is captured by the metric betweenness centrality which measures their power as potential bridges or gatekeepers to the organisation's influence. Moreover, *overall* convergence is captured in the aggregate using the metric 'network centralisation' which accounts not only for whether the CIOs connect to nodes that align with the ILO, but also for their connections to nodes that do not.

In sum, whether the ILO positively impacts a state's labour standards may depend on the extent to which other actors facilitate or impede its work. However, because the degree and nature of interactions between external actors will vary across countries, it results in qualitative differences between the same agencies in different settings; it is therefore essential to capture these dynamics when engaging in comparative case study work. Section 2.2 has responded to this challenge through its conception of the regime sub-constellation – a country level unit of analysis with which to assess the ILO's interactions with other external agencies. Moreover, it has identified the most appropriate methods to map and measure levels of fragmentation for each network. Because of this, the independent variable 'ILO centrality' becomes comparable across case studies; it captures whether the ILO's tools – monitoring, capacity building and persuasion – are able to make an impact; and finally, considers the influence that policy fragmentation may have on its work. Section 2.3 contextualises the concept of this research's dependent variable 'impact' as it relates to the ILO and then illustrates several steps that will be taken to identify and assess it.

### **2.3 Identifying ILO Impact: A Framework for Analysis**

How and when can researchers conclude the ILO has made an impact? What kind of evidence should be looked for and what are the most appropriate methods to find such evidence? As illustrated earlier, scholars have thus far sought to determine the ILO's influence by explaining *compliance* variation between states which has resulted in irreconcilable gaps in their conclusions. This is because good compliance is methodologically hard to unpack while making assumptions based on poor compliance overlooks several of the ILO's institutional corrective mechanisms. Moreover, it ignores progress i.e. the legal standard may be too demanding and therefore not complied with, but its existence might nevertheless result in "desired behavioural changes" (Raustiala, 2000) that push a state within *acceptable* levels of compliance (see Chayes & Chayes, 1993, p.197). As noted by Kari Tapiola (former 'special advisor to the ILO's Director-General), ILS are not applied in the abstract and "there are

situations where if you start from 0, 10% is better than 0; 20% is better than 10; 50% is better than 20%...and nobody, absolutely nobody gets to 100% anyway” (ILO Staff Interviewee Kari Tapiola, 2018). A focus on ‘impact’ – as defined in chapter I – will provide for a more definitive account of the ILO’s significance than would a comparison of compliance rates and is therefore used as this research’s dependent variable. Instances of impact will be sought via qualitative case study methods.

Section 2.1 identified several cases with diverging outcomes that cannot be explained by the current literature; section 2.2 proposed that IOs be brought back into the picture and constructed a methodological framework with which to do so. This section therefore details the context within which the dependent variable will be operationalised: after a brief illustration of the empirical foundations and processes that will be undertaken to identify impact, this research’s use of *within* and *cross-case* analysis as its primary methodology is reviewed.

### Impact: The Dependent Variable

To identify impact, the research will look at the interaction between compliance, implementation and “changes in state behaviour” (Raustiala, 2000) after a violation has been uncovered by one of the ILO’s supervisory mechanisms. As was highlighted earlier, impact is best determined by looking at the CEACR’s ‘cases of progress’ reports which illustrate whether and how governments are responding to compliance problems the ILO has raised (Weisband, 2000, p.644; Thomann, 2011, p.116; Landy, 1966).<sup>36</sup> Looking for evidence of ILO impact ex post will produce more robust findings than previous strategies for three reasons: first, because a focus on compliance alone creates the risk of arriving at spurious conclusions (Raustiala, 2000); second, because extensive data only exists for cases where a problem has been identified; third, because trying to ascertain why compliance occurred (or violations *did not* occur) would require working solely with counterfactuals; as noted by Thomann (2011), such a narrative would not properly capture the ILO’s tools in practice (Thomann, 2011, p.244).<sup>37</sup>

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<sup>36</sup> Thomann (2011) notes that there are limitations to using the CEACR’s ‘cases of progress’ to assess impact because they only refer to domestic legal changes. The use of the CEACR’s ‘cases of progress’ within this research therefore will be complimented with additional primary and secondary sources to capture implementation changes in practice (Thomann, 2011, p.116).

<sup>37</sup> It is important to note that if changes in state behaviour could be measured in cases where violations *have not* occurred, this too would be a fruitful area for the study of ILO impact. The problem here is methodological. Former Deputy-Director General Kari Tapiola raised this issue when I spoke with him in Geneva, he noted the following:

The investigation will occur over four stages.<sup>38</sup> First, violations both in law and in practice will be identified for each country sourced primarily from the ILO’s CEACR, CAS and CFA reports but embellished using data from the ‘Center for Global Workers Rights’ (CGWR, 2019) – an online platform which hosts data developed by David Kucera and Dora Sari (Kucera & Sari, 2019). These data greatly improve upon similar previous efforts which were reviewed in section 2.1 – table 2.8 summarises these improvements.

On recent fieldwork to the ILO, I learned of the politically contentious nature surrounding the Center for Global Workers Rights (CGWR) data. The database began as an ILO project in support of UN SDG Indicator 8 (see United Nations, n.d.). However, it was sidelined by some governments and employers’ groups who raised objections to staff creating another monitoring mechanism which made violations visible to the public. During an interview at the organisation, an ILO official commented:

“do you know the whole political discourse around this data? The ILO is in charge of the SDG indicator; and one of the indicators is FACB compliance. There was an agreement that the ILO would be in charge and then the employers said we don’t want you using the reports from FACB data. There was a big political battle... (ILO Staff Interviewee V, 2018).

This is why the data is only available through the CGWR which is hosted by Penn State University rather than it being housed within the ILO itself (ILO Staff Interviewees V & M, 2018). These dynamics highlight well some of the key issues raised earlier: firstly, in regard to the tensions between sovereignty and effective institutional design and secondly, concerning the ways in which staff use their autonomy to overcome institutional limitations (see chapter I sections 1.2 and 1.3). Moreover, considering the negative reaction from some member states (of whom the interviewees chose not to disclose), it suggests that naming and shaming works.

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“what I’ve been trying to argue is that first of all, if we measure compliance, only through problems that have been reported, which we normally do, we don’t get an overall picture of what the situation is in the country. Assessing impact is easier ex post but it would be worth trying to figure out a way to measure compliance. I’m saying this because whenever we talk about compliance, I keep on thinking how much compliance is there with non-ratified conventions in situations when ratification has not been possible for a political or detailed reasons. I have said to my colleagues, you [should] find a way of measuring this...: (ILO Staff Interviewee Kari Tapiola, 2018).

<sup>38</sup> These four stages of investigation follow guidance provided by Lars Thomann (see Thomann, 2011, p.44).

**Table 2.8** Data Improvement Table

| <b>(Stallings et al, 2010, p.146)</b>  | <b>(Kucera &amp; Sari, 2019)</b>   | <b>Improvement</b>  |
|--|--|---|
| Violations are captured using 17 indicators and 3 textual sources. <sup>39</sup> | Violations are captured using 108 indicators and 9 textual sources.  | Detail, Accuracy.   |
| Violations are defined as such using several non-ILO sources.                    | Violations are defined as such in a “manner consistent with...ILO conventions No. 87 and 98” (CGWR, 2019).   | Ensures data remain within ILO guidelines.                |
| Provide aggregate compliance scores for each country.                            | Provide aggregate compliance scores for each country as well as listing violations – both in law and in practice – individually.   | Detail. Facilitates further research.                     |
| Specific violations are coded only once.   | Captures frequency of specific violations.   | Accuracy in regard to the degree of a particular problem. |
| No information is provided in regard to actors involved in the violations.       | Each violation is accompanied by a descriptive text detailing what happened and who the key actors involved were e.g. the firm, factory, trade union, governments officials etc... | Facilitates qualitative case study research.              |

<sup>39</sup> ‘Indicators’ depict specific violations e.g. “administrative or legal hurdles to union formation” or “murder of trade unionist” (Stallings et al, 2010, p.147). Textual sources refer to the specific places from which information about the violations is sourced e.g. CEACR and CFA reports or reports made by international trade unions such as ITUC.

Using these sources in combination with additional primary and secondary research materials, the second stage involves building a theoretically informed reason for why the violation occurred and will do so by asking whether a particular instance of non-compliance was the result of low domestic capacity or lack of political will.<sup>40</sup> Here, several domestic indicators such as regime type, union density and the power of business versus labour will be examined. Guided by the SNA outputs, the role played by international actors such as the World Bank, IMF or OECD (CIOs whose activities have been noted to impede the work of the ILO) will be investigated in conjunction with domestic factors. Stage three asks what action the ILO took in response to that instance of non-compliance (Thomann, 2011, p.44); as noted earlier, the ILO's supervisory and monitoring mechanism may engage in a range of corrective measures e.g. by making 'direct requests' or 'observations'; by offering technical assistance and advice on legislative and implementation manners or through publicly 'naming and shaming' states in the ILC (see chapter I section 1.3 on the ILO's design features). Finally, I will assess whether the action taken by the ILO resulted in domestic behavioural changes e.g. to national legislation or implementation efforts; here, the role that the competing domestic/international alliances played in supporting or impeding the ILO's recommended changes will continue to be examined (Garcia, 2010, p.462).

#### Within and Cross-Case Analysis

The comparative case of Czechia and Slovakia - to which the above will be applied - was identified via a 'method of difference' in section 2.1 and as such, the case could function as "controlled experiment" (George & Bennett, 2004, p.24) allowing us to hold the literature's explanatory indicators constant while we re-investigate the effects of the ILO. However, the extent to which 'control' is achieved here is questionable and research which proceeds from this point without further investigation of the existing variables would risk arriving at spurious conclusions (George & Bennett, 2004, pp.151-6). A major shortcoming of the reviewed literature is that it makes comparisons based on quantified variables (George & Bennett, 2004, p.51; 54) e.g. it assumes that unions in country A, would have the same effect as unions in country B, so long as both countries A and B score similarly on the variable 'union density'.

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<sup>40</sup> Examples of such material include - at the international level - the ILO's CEACR, CAS and CFA reports along with numerous databases on its website such as 'NORMLEX'; particular attention will be paid to 'cases of progress' to identify domestic behavioural changes. Additional primary information will be collected from the minutes of parliamentary sessions and via interviews with staff at the ILO as well as domestic institutions e.g. union confederations, employers' organisations, labour and finance ministries.

As a result, the authors have missed some important qualitative differences between these variables as they exist across different national contexts (George & Bennett, 2004, p.19).

Within case analysis in combination with cross-case analysis, can help alleviate these problems (George & Bennett, 2004, p.159-60) and it is this qualitative approach which is mobilised across the empirical chapters in order to identify and explain the dependent variable ‘impact’. Within case-analysis is used to construct a theoretical and empirical historical narrative (See Ylikoski, 2015) of linkages between “possible causes and observed outcomes” (Burns et al, 2017, p.218). Because the researcher is tasked with uncovering all possible observations, the method can function as a heuristic device by creating the potential to identify variables that may have been absent in the initial assessment (George & Bennett, 2004, p.20; 215).

By isolating these variables for multiple individual cases, it then allows the researcher to investigate the qualitative differences between the same variables across different settings – e.g. democracy in country A versus democracy in country B – and finally, to uncover the necessary and sufficient conditions that explain variation (George & Bennett, 2004, p.26). As a consequence, the empirical chapters are organised in such a way as to allow Czechia and Slovakia to be examined in isolation as well as in relation to each other. In doing so, historical narratives are constructed for each case, the findings of which then facilitate a comparative analysis to draw out the similarities and differences which explain why impact occurred in one country but not the other – see table 2.9 below as an example.

**Table 2.9** Necessary and Sufficient Variable Table

| <b>Country A (positive)</b>                          | <b>Country B (negative)</b>                         |
|--|---|
| <b>X1</b> = unions                                   | <b>X1</b> = unions                                  |
| <b>X2</b> = capacity                                 | <b>X2</b> = capacity                                |
| <b>X3</b> = regime type                              | <b>X3</b> = regime type                             |
| <b>X4</b> = trade openness                           | <b>X4</b> = trade openness                          |
| <b>X5</b> = high network cohesion and ILO centrality | <b>NOT X5</b> (crucial <i>necessary</i> difference) |
| <b>Y</b> = impact i.e. domestic behavioural change   | <b>NOT Y</b> (crucial difference)                   |

**Source:** table inspired by (Mill, 1843 *cited in* Koenig-Archibugi, 2017)

This section has illustrated the steps with which impact will be identified and has argued in favour of case studies over statistical methods as a more effective way to test this research's hypothesis. Overall, the use of case studies should allow this research to refine and add to previous explanations; upon completion, further work can be done to update the statistical analyses reviewed earlier with the additional variables found (George & Bennett, 2004, pp.19-20). For example, one of the independent variables being trialled here – ILO centrality – could be calculated for all ILO member states and included in a regression alongside several key domestic factors identified by the literature. Rather than using compliance as the outcome, it should be replaced with one that captures *impact* – a continuous variable calculated by dividing 'cases of progress' by number of violations for each country over time (see Weisband, 2000, p.652). Such a task will be important to future research concerned not only with identifying whether the ILO was a necessary condition in achieving impact but also in assessing the *magnitude* of the ILO's influence in relation to other variables too (George & Bennett, 2004, p.27).<sup>41</sup>

## Conclusions

Determining whether the ILO makes an impact requires going beyond analysing relationships between ratification and compliance. While the domestic politics and conditions of a state are the most important factors determining whether and how ILS are implemented and complied with; the discrepancies found with the reviewed literature invite researchers to identify additional causal mechanisms that better reflect the external influences at play. Chapter II has responded to this invitation: firstly, by considering the fragmented nature of the global governing landscape in which the ILO must operate; secondly, by developing the regime-sub-constellation allowing for fragmentation to be compared across countries and finally, through its conception of 'impact' as the primary outcome of interest. This chapter has moreover selected the most appropriate methods with which to operationalise these variables. The framework developed here will now be applied to the case of Czechia and Slovakia. The next chapter begins this process by identifying the qualitative differences in domestic factors between the two countries in order to (1) improve upon the domestic explanation reviewed in section 2.1 and (2) provide a more accurate picture in regard to whether and how the ILO and CIOs make an impact.

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<sup>41</sup> One possible limitation to this method would be capturing the changing configurations of regime sub-constellations over time.

## Chapter III

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### Czechia and Slovakia: The Evolution of Two Diverging Policy Spaces

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*“ I went to talk about trade unions in a market economy, the reactions on the Czech Republic and Slovakia sides were very different, and the hostility between these two was quite remarkable...so if you compare those two, you’ve got a lot of other factors you have to take into account. They are just very very difficult to measure ” (ILO Staff Interviewee Kari Tapiola, 2018).*

What determines whether an IO makes an impact and why do levels of fragmentation vary across states? In addition to external factors (e.g. IO design features), addressing this question requires establishing the significance and role of the relevant mediating and varying domestic variables too. This chapter identifies qualitative differences between Czechia’s and Slovakia’s political, economic and social institutions. In doing so, several cross-country distinctions emerge pertaining to political culture, institutional capacity and the ability of trade unions to affect legislative outcomes. Not only do these findings help to improve the domestic politics argument reviewed earlier, but they provide a compelling historical explanation for why Czechia has embraced neoliberalism to a much greater extent than Slovakia. This in turn will provide deeper insights into why the CIOs are more successful in the former than the latter while the reverse is true for the ILO.

Understanding the domestic spaces within which IOs operate is also crucial for explaining the consequences of fragmentation – although partially the result of conflicting policies between IOs, these international level factors are enhanced through domestic interactions. This is because the ability of external actors to make an impact is facilitated by competing domestic groups who ally with and seek advice from their international counterparts. These competing configurations of actors battle for domestic policy space (Sengenberger, 2005) and as a result, conflict that is present at the national level (e.g. between workers’ and employers’ groups) is reinforced by conflicting norms (e.g. between the ILO and its rivals) being diffused from the international and vice versa (Sengenberger, 2005, p.10). The ways in which fragmentation varies across states then is partially contingent upon the relative (and sometimes shifting) influence of the domestic groups within them.

In order to illustrate these domestic level dynamics, the proceeding sections will identify two ‘diverging policy spaces’: (1) Czechia – a self-reliant more conservative leaning country where unions are fragmented and employers’ groups tend to have greater sway over



legislation (2) Slovakia – a left leaning country where domestic institutional development (although equal to Czechia’s now) lagged behind until the mid-to-late 1990s but whose unions have nevertheless been successful in the political realm. While such differences continue to impact the internal dynamics of each country today, understanding the role they play is central to explaining IO impact. This is particularly true in the years immediately following the Velvet Revolution (1989) through to EU accession (2004) – a period of post-communist transition where external actors played a significant role influencing policy across the region. As later chapters will demonstrate, this was especially true in Slovakia and was so as a result of the historical domestic conditions which are illustrated below.<sup>42</sup>

That Czechia and Slovakia exhibit ‘diverging policy spaces’ is not obvious on the surface. They are two neighbouring and seemingly similar countries in Central Eastern Europe (CEE); having both joined the EU in 2004, their policies often converge across the political, social and economic spheres. In addition to these contemporary linkages, the regions comprising modern day Czechia and Slovakia have interconnected histories dating back to 500 BCE (Kirschbaum, 2005, p.16). Such were their perceived cultural, linguistic and historical ties that when favourable conditions arose in the immediate aftermath of World War I, the two nations – keen to decouple themselves from the Austro-Hungarian empire – united into one state (Shepherd, 2000, pp.9-11). Over the next seventy-five years, the Czech and Slovak peoples would together face multiple challenges – the building of a single national identity; a second world war; communism; a revolution and finally, a divorce. Despite these intimate connections however, their shared experiences of imperial domination, unification and then autonomy have contrasted (Shepherd, 2000, p.4). From the mid-18<sup>th</sup> century onwards, conditions began to emerge which would facilitate the processes of modernisation in the Czech lands but impede those same developments in Slovakia (Mahoney, 2011, p.105). The cultural, political and economic dynamics created here would go on to shape not only the relationship between the two nations until their breakup in 1993; but, they would also create divergences in the way the two states managed their transition from communism (Shepherd, 2000 pp.3-11) and – as will be illustrated in proceeding chapters – their interaction with IOs.

The chapter is organised as follows: section 3.1 provides an historical explanation for divergencies as they were present in the 1990s; particularly, Slovakia’s lower institutional

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<sup>42</sup> Robin Shepherd (2000) argues that history matters, creating divergences in the ways Czechia and Slovakia transitioned from communism. His ideas have been borrowed here and will be applied to domestic dynamics post 2000 (e.g. legislative changes) as well as in assessing each country’s response to international organisations.

capacity as well as for its reluctance to embrace neoliberalism. In doing so, dynamics within and between both nations are examined beginning with the Austro-Hungarian Empire through to the breakup of Czechoslovakia in 1993 (also known as the Velvet Divorce). Section 3.2 illustrates how each country's unique histories feeds into their diverging contemporary legislative decision-making processes and outcomes. Using the EU Commission's LABREF database ([LABREF database, DG EMPL, European Commission, 2019](#)) it examines and compares legislative reforms within and across Czechia and Slovakia between 1998 – 2017. A key finding to emerge here is the differences between left wing parties in each country: when compared with their Czech counterparts, Slovakia's social democrats are more politically willing and able to push back on legislation that diminishes labour standards. Section 3.3 examines whether and the extent to which social partners (unions and employers' groups) are able to influence labour market reforms; in doing so, it finds sufficient evidence to illustrate how unions in Slovakia are more successful in this regard.

### **3.1 The Diverging Historical Experiences of Czechia and Slovakia**

Despite more than seven decades together as one state, conditions in the newly created Czech and Slovak Republics were quite different when the two emerged after Czechoslovakia's peaceful split in 1993 (Shepherd, 2000). In order to understand why this was the case, it is necessary to look at key patterns beginning from over two centuries ago when the imperialist nations of Austria and Hungary ruled over the regions comprising of modern-day Czechia and Slovakia respectively.<sup>43</sup> In doing so, this section will illustrate how the Slovaks historical experience – from imperialism through to 1993 – has, in many ways, been one of “domination” (Kirschbaum, 2005; Shepherd, pp.134-5) which in-turn impeded their cultural, economic and political development relative to that of the Czechs. Although this gap has long been closed, such an understanding is necessary not only to explain differences as they were in 1993, but also, to demonstrate how those experiences fed into divergences between the two republics' response patterns to IOs.

The following periods are examined: imperialism through to the creation of Czechoslovakia in 1918; the interwar years; the communist period (1948 – 1989) and finally, the Velvet Revolution (1989) through to the Velvet Divorce (1993). The section ends with a brief look at dynamics in each country immediately after the split (1993 – 1998) in order to

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<sup>43</sup> The Austro-Hungarian Empire dates from 1867 but prior to this, the areas comprising the Czechia and Slovakia today were linked to Austria and Hungary respectively.

illustrate how these diverging historical experiences guided their immediate transition periods (Shepherd, 2000).

### Setting the Course: Austro-Hungary through to the Velvet Divorce

Under the Austro-Hungarian Empire, the Czechs (linked to Austria) benefited from a relatively inclusive political and cultural environment whereas the experience of the Slovaks (linked to Hungary) was one of exclusion from political life and of cultural domination through the process of Magyarisation (ILO Staff Interviewee Kari Tapiola, 2018; Mahoney, 2011, pp.115-126; Shepherd, 2000, pp.10-14). A key turning point for the Czechs came in the mid-to-late 18<sup>th</sup> century when the Hapsburg's abolished feudalism and began to support industrialisation in Bohemia. This paved the way for urbanisation and the growth of an educated Czech speaking middle class whose shared sense of national identity stretched across the territories comprising of modern-day Czechia i.e. Bohemia, Moravia and Silesia. In addition to nurturing the development of bureaucratic and financial institutions, this growing economic and cultural influence would, by the late 19<sup>th</sup> century, spill-over into the political realm allowing for the extension of the franchise and the creation of an independent Czech political party (Mahoney, 2011, pp.104-123).

Conditions in the Slovak regions were quite different. In the early 19<sup>th</sup> century, the processes of industrialisation were retarded by the persistence of feudalism and Hungary's refusal to grant the Slovaks autonomy (Shepherd, 2000, pp.4-11). Hungarian noblemen moreover denied Slovaks territorial rights such as land ownership, freedom of the press, voting and worked to ensure that the language of higher education and that of government remained Magyar. As such, the Slovaks did not see a revival of national culture or the development of political and financial institutions in the same way the Czechs did (Mahoney, 2011, pp.110-126).

Despite uniting into one state, the dynamics described above would divide the Czechs and Slovaks in ways which would shape outcomes over the next century. As noted by an ILO official with specialist knowledge on the region:

“the whole idea that they were the same country is a little bit of a myth. I used to go to Prague a lot, one of the first things I learned was from a Czech gentleman who had been a student in 1918 when after WW1 Czechoslovakia was born. He said when Slovakia was added, we said this will never work, the tensions between two...” (ILO Staff Interviewee Kari Tapiola, 2018).

For example, when Czechoslovakia was created in 1918, the diverging levels of economic, institutional and cultural development (Shepherd, 2000, p.15) led inevitably to the new state having a dominant Czech character i.e. it was centralised and administered from Prague (Mahoney, 2011, p.150).<sup>44</sup> Under Hungarian rule, educational opportunities were few and so many of the top civil service jobs were populated by Czechs. However, even as Slovak human capital accrued, the Czechs continued to dominate the top positions impeding social mobility for the Slovak middle classes. This failure to level out economic disparities caused further division and ultimately the temporary breakup of Czechoslovakia during World War II (Innes, 2001, pp.5-7).<sup>45</sup>

The post war communist period would not alleviate these asymmetries: in 1948, the Czech communist party (KSC) staged a coup (Shepherd, 2000, p.23) and despite the country's recent reunification and renewed hopes for Slovak autonomy (see Innes, 2001, p.20), Slovaks were once again forcefully merged into a project of which they could not control – albeit one of socialism rather than of Czechoslovak nationalism (Kirschbaum, 2005, p.232; Henderson, 2002, p.16).<sup>46</sup>

Even after the fall of the Soviet Union, the Velvet Revolution and the embrace of a multi-party system (Mahoney, 2011, pp.242-5), tensions re-emerged (Whitefield & Evans, 1999, p.133; Innes, 2001, p.43; Kirschbaum, 2005, p.222). The Czech's welcomed the changes, in seeking a clean break with the past, they banned former communist party members from a range of public employments (e.g. government, economic, military, academia and media) through the 'Lustration Laws' and 'Screening Act' (Mahoney, 2011, p.249) and set about

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<sup>44</sup> The dominance of the Czechs was not just institutional but also cultural; Czech leaders did not view the Slovaks as a separate nation but rather as less developed "little brothers" (Shepherd, 2000, pp.11-12) resulting from their time under Hungary (Shepherd, 2000). While the factors driving unification were political (e.g. the need to contain Germany and the threat of irredentism - see Innes, 2001, pp.2-4) rather than cultural, there was nevertheless a hope that the shared histories and compatible languages would sufficiently bind the two nations together (Innes, 2001, pp.2-4; Shepherd, 2000, pp.9-11).

<sup>45</sup> Having gained traction by pointing to the centrality of Prague and the failures of capitalism for Slovak conditions, the Slovak Peoples Party – led by Jozef Tiso – declared autonomy (Mahoney, 2011, pp.158-69) and turned Slovakia into a client state of Nazi Germany (Shepherd, 2000, p.15).

<sup>46</sup> Not wanting to repeat the mistakes of the past, the Slovak National Council (SNC) proposed that the new state be a federation where central control would apply only to foreign affairs e.g. trade and defence. But, in the proceeding years, any movements towards Slovak autonomy - whether right wing nationalist or federalist were attacked not only from within the state itself but also by external forces e.g. the Prague Spring - a reform movement which sought federalisation and a partial decentralisation of the economy (Innes, 2001, pp.24-28). The dominance of communism meant that in practice, the government remained centralised i.e. Slovak institutions held sway in Slovakia, but Czech institutions influenced the whole federal state (Innes, 2001, pp.24-34).

redesigning economic, social and political life in alignment with free market capitalism. Slovaks on the other hand did not exhibit the same enthusiasm for neoliberalism nor was their economy and institutions equipped to deal with the onslaught of rapid modernisation (Shepherd, 2000, pp.33-144).

During the first few years following the Velvet Revolution, Slovakia's living standards declined (Kirschbaum, 2005, p.288) and economic disparities combined with imposing reforms from Prague fuelled separatist feelings. These divisions were clearly reflected in the federal and national assembly elections of 1992: here, Czech centre right party (ODS) led by Vaclav Klaus won on the promise to implement radical free market reforms; Vladimir Mečiar's Slovak populist nationalist party (HZDS) won on the promise to soften such reforms.<sup>47</sup> The opposing nature of each leader's election promises meant that forming a coalition was unlikely as any compromise would result in a loss of support. As such, neither had any incentive to keep the country together (Shepherd, 2000, pp.140-2) and after several rounds of negotiations, Czechoslovakia split in 1993 (Henderson, 2002, p.35; Mahoney, 2011, p.251).

#### Charting Individual Paths in the Reflections of Shared History

Despite their long and interconnected histories, Czechoslovakia's split produced two autonomous republics with contrasting domestic conditions: the Czech Republic – a self-reliant, conservative and neoliberal state who embraced free-market reforms; the Slovak Republic – a more left leaning state with lower levels of economic/institutional development who sought protection for its industries and rejected the radical market reforms coming from Prague (Regional Expert and Former ILO Staff Interviewee E, 2020). Faced with the task of constructing capitalist liberal democracies as well as forging new identities, the period between 1993 – 1998 illustrates well the diverging paths each took as a result of their unique historical experiences: for the Czechs, this deviated little from previous years whereas the Slovaks faced greater challenges (Shepherd, 2000, pp.3-4).

For example, between 1993 – 1998, the Czech government was led by the centre right ODS in alliance with other centre right parties the Civic Democratic Alliance (ODA) and the

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<sup>47</sup> This situation was exacerbated by the dismantling of the arms industry in 1992 (Mahoney, 2011, pp.252-8) of which Slovaks relied heavily on and which was the result of a political (rather than economic) decision taken with the aim of distancing Czechoslovakia from industries linked to its support for the Warsaw Pact (Whittle, 1992; Former ILO Official and Regional Expert Interviewee E, 2020).

Christian Democratic Union (KDU CSL). During the immediate transition period, Klaus continued with the aggressive privatisation policies he had engaged in prior to the breakup (Mahoney, 2011, p.253), sought to further reduce the redistributive role of the state (Dyba, 2008, pp.97-98) and worked to ensure an environment with high levels of de facto labour market flexibility (Dyba, 2008, pp.107-110). Having embraced modernisation early, the Czechs were equipped with the institutional structures and human capital to enable a relatively smooth transition. By the mid-1990s, unemployment was low (Dyba, 2008, pp.107-10; Shepherd, 2000, pp.56-58) and Czechia's levels of democratic and economic development saw the country invited to participate in membership talks with both the EU and NATO (Mahoney, 2011, pp.266-7).

Slovakia – at this time – did not have the robust economic or bureaucratic institutions to facilitate a similar experience. Slovaks had earlier elected Vladimir Mečiar to counter the policies coming from Prague – a populist leader who, under conditions of economic disparity, successfully exploited socialist (Shepherd, 2000, p.154) and nationalist (Kelley, 2004, p.427) sentiments. After the breakup of Czechoslovakia, Mečiar ran an economic programme antithetical to those that most other Central Eastern European (CEE) countries were implementing at the time – slowing down privatisation and basing the economy on domestic rather than foreign investment (Kirschbaum, 2005, p.289-294). While Mečiar himself was driven by populism, a general reluctance to break with communism – to the extent that the Czechs did – permeated the Slovak peoples at large and did so as a result of their historical experience of external domination and the relatively lower levels of economic and institutional development that it created (Kirschbaum, 2005). For example, they retained more of their former diplomats and personnel from that period and, according to a senior ILO official, even welcomed individuals who were escaping the Lustration Laws in Czechia (ILO Staff Interviewee Kari Tapiola, 2018). As a consequence, employment regulation was designed to safeguard the well-being of all and was considered as being more rigid than in other market systems at this time (Fabo & Sedláková, 2017, p.124).

Despite their deep historical linkages, Czechia and Slovakia emerged as two quite different states in 1993 (Shepherd, 2000). At a time when western capitalism had 'triumphed' (Fukuyama, 1989), the former embraced the new era of free-market liberalism whereas the latter sought to shield itself from its disruptive effects. That the approaches of these two post-communist states contrasted in this way was not the result of ideological difference but rather

a rational response (Whitefield & Evans, 1999) to changing conditions predicated by unique historical experiences and diverging levels of institutional development.

On the surface, attitudes would appear to change slightly by 1998 – shifting the Czech population left and the Slovaks towards the kinds of free-market reforms they had rejected several years earlier. Economic recession in both countries saw a win for the social democrats in Czechia (CSSD) while the backlash against Mečiar in Slovakia delivered victory for Mikuláš Dzurinda's conservatives (SDKU) – a party which had promised intensive reforms with the expressed purpose of attracting foreign direct investment (FDI) and gaining access to IOs (Kirschbaum, 2005, pp.298-9). However, as the proceeding sections (and later chapters) will illustrate, Czechia's and Slovakia's attitudes towards liberalisation and flexibility of the labour code would remain very much tied to the historical patterns set out above.<sup>48</sup> As chapters IV-VI will later also demonstrate, this in-turn shaped their respective approaches towards IOs and helps to explain each countries diverging patterns of compliance and response in this regard.

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<sup>48</sup> By 1998, the mood in both countries began to shift. Czechia was in recession, unemployment was rising, austerity measures were in place and the public were changing their mind about Klaus' reform strategy (Shepherd, 2000, pp.39-76). His failure to tackle corruption, involvement in several scandals, and inability to prevent an economic downturn forced him to step down in December of 1997 and paved the way for the social democrats' (CSSD) success in the elections of July 1998 (Mahoney, 2011, pp.254-5). However, Czechia would never really depart from the market focused policies set by Klaus in the early transitions period. While CSSD had won the election, it did so with a slim majority and had to strike a deal with ODS to form a minority government (Mahoney, 2011, p.255). This was a controversial move ([Mansfeldová & Lacina, 2019, p.145](#)) and as is illustrated in sections 3.2 and 3.3, provides an early indication that policies between the two main opposition parties in the Czech Republic do not conflict to the same extent as their Slovak counterparts.

Slovakia during this time was on the brink of economic collapse (Mikloš, 2008, p.54) and Mečiar was facing huge backlash (Kirschbaum, 2005, p.295). A growing younger generation of Slovaks were especially angry with their international reputation as well as the country's exclusion from the EU and other international bodies (Shepherd, 2000, pp.162-3). Here, Mikuláš Dzurinda (leader of the centre right SDKU party) ran a successful campaign announcing his intention to embark on serious reform with the main goals of attracting foreign investment and gaining accession to the EU (Kirschbaum, 2005, pp.298-9).

Despite this turn towards policies which had been previously rejected, the labour code would become the subject of fierce political and social debate i.e. organised labour and the social democrat party provided a formidable challenge to SDKU's promises of liberalisation and labour code flexibility - dynamics not present in Czechia. Moreover, an interesting development of the Mečiar years was the creation of a strong civil society and the eagerness of Slovaks to embrace assistance from international organisations. Driven by the fear of another Mečiar victory, many national civic associations began to form which would function to monitor elections and encourage people to vote (Shepherd, 2000, pp.162-3). These national agencies however actively looked to western NGOs with common cause to lend support e.g. providing them with information about the electoral process. The ability of civil society to organise as well as the high levels of electoral participation played a major role in pushing Mečiar out of power (Kirschbaum, 2005, pp.297-8). This is a great example of the country reaching out to and relying on external actors to accomplish domestic goals – a trend which was born of historical experience and continued through the transition period and EU accession process.

### 3.2 Legislative Reforms 1998 – 2017

*“Even I have problems to define what are the social democrats in Czechia, I mean what is their deal?”* (Regional Labour Law Expert, interviewee A, 2020).

*“Fico and SMER, he really was a real social democrat...he tried to protect the workers”* (Former ILO Official and Regional Expert, Interviewee E, 2020).

Guided by empirical data gathered from the EU Commission’s LABREF database (LABREF database, DG EMPL, European Commission, 2019) this section illustrates how the diverging political cultures forged of the histories sketched out above are reflective in Czechia’s and Slovakia’s legislative reform patterns.<sup>49</sup> The period examined spans 2000 (when reliable data begins) to 2017 with observations derived from changes pertaining to employment protection legislation (EPL), trade union rights and social welfare. Close attention is paid to dynamics within each country e.g. whether reforms correlate with type of government as well as comparisons between Czechia and Slovakia. Overall, the section finds that when right wing parties alter legislation in favour of business i.e. making the labour code more flexible for employers, left wing parties in Czechia do not challenge these reforms to the same extent as their Slovak counterparts preferring instead to preserve the status quo.

#### Cross-Party Cohesion and the Dominant Narrative of Market Liberalisation in Czechia

Figure 3.1 provides a visual comparison of reform patterns by successive governments where the CSSD and ODS represent the main left- and right-wing parties respectively. At first glance, these patterns correlate with whether there is a left- or right-wing coalition led government with CSSD consistently passing more legislation seeking to strengthen protection than ODS.<sup>50</sup> However, the totals in figure 3.1 include protective legislation other than EPL such as those pertaining to social welfare or active labour market policies (ALMPs); in regard

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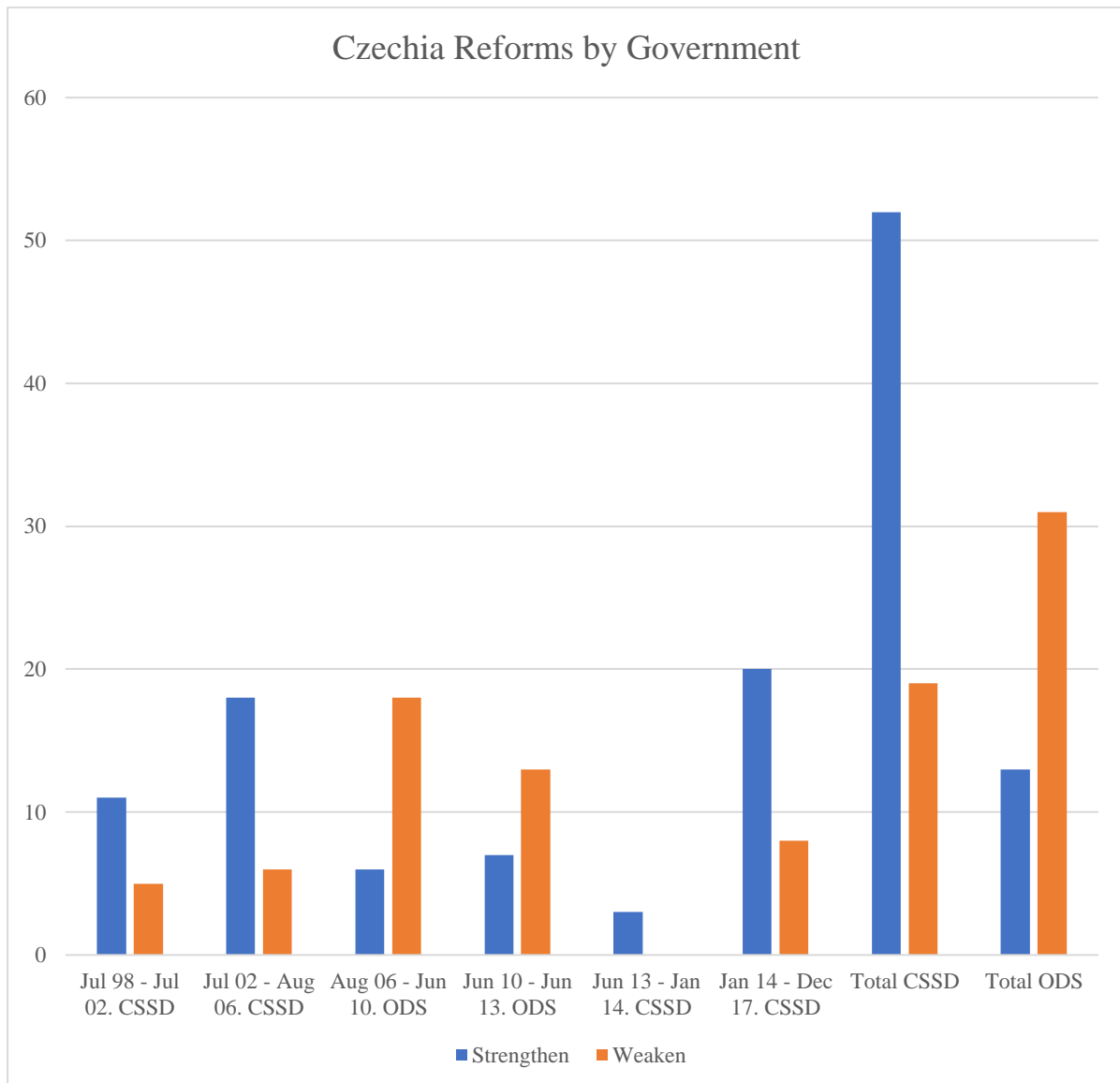
<sup>49</sup> The data gathered is compiled into two appendices (Appendix 4A and Appendix 4B) which are both referenced with links to the original database. This section regularly refers to specific legislative reforms and in doing so cites the corresponding cell in the relevant appendix. For more detailed information on individual reforms, visit (LABREF database, DG EMPL, European Commission, 2019).

<sup>50</sup> The EU Commission’s LABREF database uses the term ‘Labour Market Reforms’ in reference to legislation regarding (1) social welfare (2) Active Labour Market Policies (ALMPs) (3) Employment Protection Legislation (EPL) and others. Within this text, the term ‘protection’ is used when referencing all three policy areas together. Moreover, the database depicts changes to legislation in terms of ‘increasing’ or ‘decreasing’ a particular policy area (Turrini et al, 2015, p.6); because LABREF’s use of the term ‘increasing’ could include changes which favour employers (e.g. ‘increasing’ the number of years fixed term contracts can be renewed), the terms ‘strengthening’ and ‘weakening’ are used instead as a substitute to capture whether changes to EPL specifically benefit labour - ‘weaken’ denotes the opposite. Whether a reform is considered to strengthen or weaken protection is based on the framework in the ‘User Guide’ provided by the EU Commission (see ‘User Guide’, pp.8-9 at [LABREF Database, 2017](#))



to EPL specifically, CSSD have not managed to alter the programme very drastically from the one introduced in the early to mid-1990s. Table 3.1 illustrates this by listing how successive reform attempts by CSSD have been permanently softened or reversed.

**Figure 3.1**



**Source:** (LABREF Database, n.d.)

**Table 3.1 – CSSD Reforms Reversed or Softened**

| <b>Year</b>                         | <b>Reform</b>   | <b>Description</b>  | <b>Outcome</b>  |
|-------------------------------------|---|---|---|
| 2000<br>Appendix<br>4A – cell<br>6  | Collective Dismissals   | “Aligning collective dismissals and related obligations for employers with EU legislation”                    | Implementing EU Legislation   |
| 2000<br>Appendix<br>4A – cell<br>8  | Notice and Severance Payments                                   | “Compulsory severance pay limited to two months...”   | Softened<br>2011 – ODS reduce severance liability by making it dependent on tenure  |
| 2000<br>Appendix<br>4A – cell<br>9  | Wage Setting  | “Introducing indirect coverage through administrative extensions of wage agreements...”                       | Reversed<br>2003 – Declared Void by Constitutional Court  |
| 2001<br>Appendix<br>4A – cell<br>14 | Definition of fair dismissal                                    | “Making more onerous the notification of dismissal and compensation of employees”                             | Softened 2011<br>Defining areas which are legally considered for fair dismissal rather than leaving it to collective bargaining |
| 2004<br>Appendix<br>4A – cell<br>30 | Collective dismissals   | “Introduction of a legal definition of collective dismissal”  | *Implementation of EU Directive   |
| 2004<br>Appendix<br>4A – cell<br>31 | Maximum duration of fixed-term contracts                        | “Introduction of a limit of two years to the maximum total duration of temporary contracts”                   | Softened 2011<br>Extended to three years with the option of repeating the cycle twice (9 years)                                 |
| 2005<br>Appendix<br>4A – cell<br>46 | Wage Setting  | “Possibility to broaden the scope of application of higher collective agreements ...”                         | Left untouched but already weakened by CCC  |
| 2006<br>Appendix<br>4A – cell<br>49 | Definition of fair dismissal (part of new labour code 262/2006) | “Increasing the level of employment protection and strengthening the role of trade unions...”                 | Softened 2011<br>Defining areas which are legally considered for fair dismissal rather than leaving it to collective bargaining |
| 2006                                | Labour Code 262/2006  | “Expanding the power of trade unions regarding the conclusion of collective agreements...”. (Eurofound, 2008) | 11 Provisions repealed by constitutional court (Eurofound, 2008)  |

**Source:** (LABREF Database, n.d.)

During its first term (1998 – 2002), CSSD did tighten the rules on dismissals, notice periods, severance pay (Appendix 4A. Cells 6-8) and strengthened the position of unions by allowing for extensions of collective bargaining agreements (Appendix, 4A, Cell 9). However, as table 3.1 exhibits, apart from those that were requirements of EU accession, none of these reforms survived nor were any attempts made to restore them when the party regained power in 2013.<sup>51</sup> Before the end of its second term (2002 – 2006), CSSD (with the help of the communist party KSČM) did enact a new labour code (Act No. 262/2006) (Kadavá et al, 2005) which further strengthened some union rights (Appendix, 4A, Cell 49; Cook, 2010, pp.179-80). However, according to an official at the Czech Ministry of Labour and Social Affairs (Czech MPSV); the 2006 labour code did not depart too greatly from many of the changes that had been made previously (Czech Ministry of Labour Interviewee C, 2020). In other ways, it actually served to increase flexibility rather than decrease it: the new principle upon which the code rest was that “everyone may do anything which is not forbidden by law” (Gregorová, 2008, p.283) whereas the previous code stated that “if it is not allowed [by the code] then it is forbidden” (Czech Ministry of Labour Interviewee C, 2020). The fact that the labour code was not detailed enough introduced a vagueness which improved bargaining leverage for employers and risked threatening an increase in labour disputes (Gregorová, 2008, p.283). Owing to the high cost of legal representation, this development, combined with a decrease in union density hurts workers as legal representation is a key service that unions provide.

Despite this significant level of flexibility, when ODS re-entered office in early 2007 (OECD, 2008, p.10), they promised to decrease the regulatory burden on business (Dyba, 2008, pp.103-4). Although the new administration did not turn their attention to EPL until its second term (2010 – 2013), the Czech Constitutional Court (CCC) in March 2008 struck down eleven of the 2006 labour code’s provisions with the effect of further restricting the power of trade unions (Eurofound, 2008a; also see Appendix, 4A Cells 73, 74) – the case had been lodged by employers groups and right wing parliamentarians in late 2006 (Eurofound, 2006a).<sup>52</sup> It is

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<sup>51</sup> While the law concerning extensions of wage agreements remains, it does so in a weaker form after the Czech Constitutional Court (CCC) declared the original legislation void in 2003 (Appendix, 4A, Cell, 22). As of 2005, wage agreements can only be extended to the wider sector only if there is agreement between the largest union and employers’ association involved (Appendix, 4A, Cell 46). Moreover, very few sectors are covered e.g. construction and textiles; and in any case, extensions are not applicable to firms employing less than twenty people (ETUI, 2020). For the most part, wage negotiations in the Czech Republic remain at the firm level which increases the bargaining power of employers relative to organised labour (Burgess, 2010, p.213)

<sup>52</sup> These provisions included (1) removing the obligation for an employer to sign a collective agreement with the largest trade union involved (in case of disagreement between unions) and (2) eliminating unions’ right to carry out inspections to ensure compliance with collective agreements (See Appendix, 4A Cells 73, 74).

worth noting here that the CCC has a tendency to lean on the side of employers and conservative parties; many of the judges between 1993 – 2003 were individuals who, during the years prior to 1989, had been opposed to the communist regime and imprisoned for political reasons (European Commission, 2015). Its ideological composition changed very little in 2003/4 when President Vaclav Klaus (former leader of ODS) was able to select nine new judges (Kühn, 2017, p.209) forming a court that was seen by many as receptive to “business interests at the expense of citizens’ [sic] rights” (Klavana , 2004, p.211).<sup>53</sup>

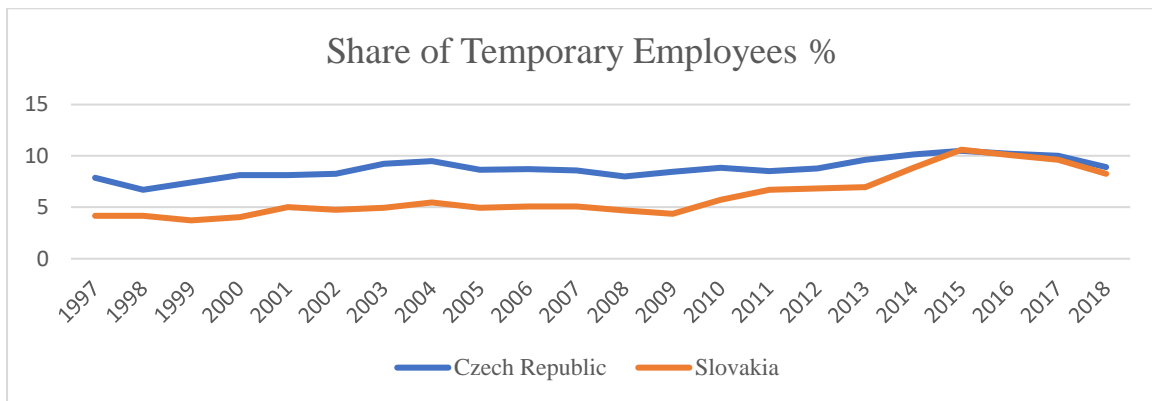
In ODS’ second term, the 2006 labour code received a second blow as the government sought to amend some of its provisions – increasing the maximum duration of fixed term contracts, reducing severance and making dismissals more flexible for employers (Appendix, 4A Cells 86;87;88). In addition to this, it instructed the Ministry of Labour and Social Affairs to make strikes more administratively complicated (Clauwaert, S. & Schömann, I, 2013, p.6) and introduced new regulations on ‘representativeness’ thus making it harder for trade unions to operate in some companies (Appendix, 4A, Cell 96).

CSSD regained power in 2013 with a slim majority but during its term (2013 – 2017), it did not pass any legislation which pushed back on the flexibility for employers that ODS had created in the five years prior. Apart from a slight wage increase for the public sector (Appendix, 4A, Cells 135;149;150), much of the legislation focused on social welfare policies e.g. housing benefit (Appendix, 4A, Cells 133;134), and sickness schemes (Appendix, 4A, Cells 147; 148). In regard to EPL, several bills were passed which created a stricter environment for employers of temporary agency workers (Appendix, 4A, Cells, 127;128;142;143); however, as noted by a researcher and regional expert, these policies reflect a continuity with ODS’ programme which did not disrupt the status quo (Regional Labour Law Expert Interviewee A, 2020). Following a rise in temporary agency workers after the 2008 financial crisis (see figure 3.2), it was employers’ groups who actually pushed to strengthen EPL in the area of temporary agency workers in order to level out competition. Trade unions on the other hand opposed such legislation for fear that temporary workers would replace regular employees (Kahancová, 2017, p.186).

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<sup>53</sup> Note\* Court appointments run on a ten-year cycle and have tended to coincide with presidential terms allowing each to shape the court in their own image (Kühn, 2017, p.209).

**Figure 3.2**

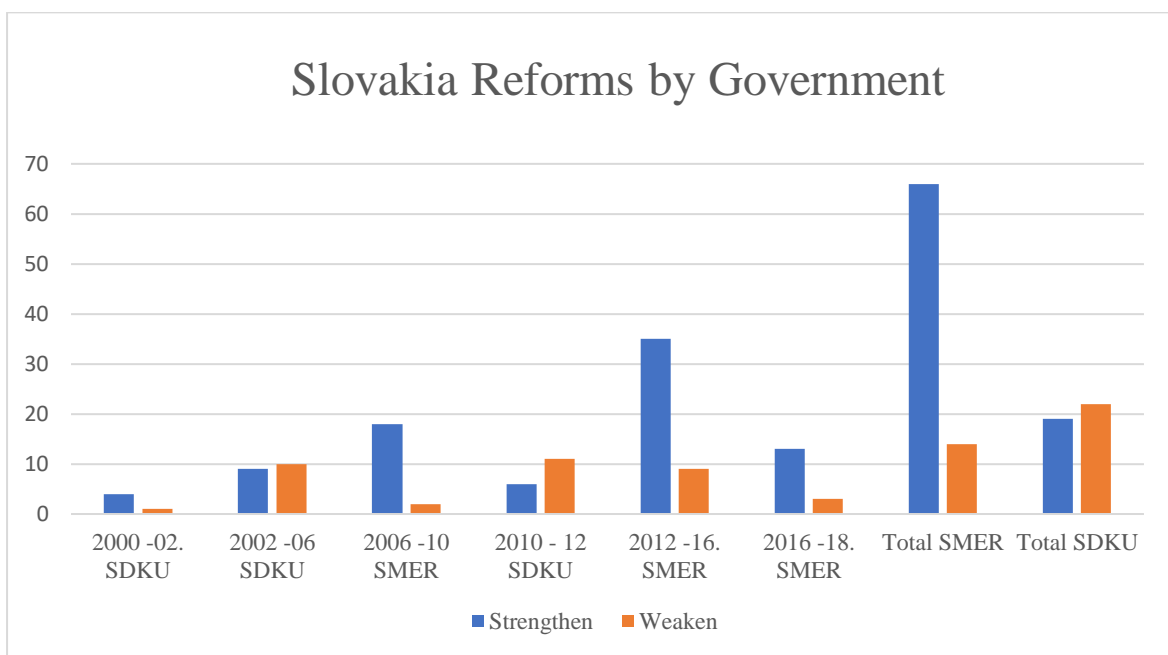


Source: (ILO Stat, 2020)

### Slovakia's Social Democrats: An Effective Counterweight

The Slovak political cycle is important for determining degrees of flexibility in regard to EPL (Regional Labour Law Expert Interviewee B, 2020). As figure 3.3 illustrates, legislation seeking to strengthen protection is passed in far greater numbers by left wing party SMER than its right-wing counterpart SDKU. Unlike the situation in Czechia, this observation holds even when focusing specifically on EPL – table 3.2 exhibits how SMER and SDKU battle over policy each reversing the previous governments legislative changes throughout their successive terms.

**Figure 3.3**



Source: (LABREF database, n.d.)

**Table 3.2 – SMER and SDKU Policy Reversal Chart**

| <b>SDKÚ-DS<br/>2002 -2006</b>  | <b>SMER<br/>2006 – 2010</b>  | <b>SDKÚ-DS<br/>2010 – 2012</b>  | <b>SMER<br/>2012 – 2017</b>   |
|--|--|---|---|
| <p><b>Collective Dismissals</b><br/>Relaxing rules/valid reasons for collective dismissals (Appendix 4B, Cell 14)</p>                            | <p><b>Collective Dismissals</b><br/>Ensuring employers pay redundancy as well as wages during the notice period (Appendix 4B, Cell 37)</p> | <p><b>Collective Dismissals</b><br/>Making more flexible the rule under which collective dismissals can occur (Appendix 4B, Cell 73)</p>                              | <p><b>Collective Dismissals</b><br/>No Action.</p>  |
| <p><b>Fixed Term Contracts</b><br/>“Increasing the maximum overall duration of fixed term contracts” (Appendix 4B, Cell 16)</p>                  | <p><b>Fixed Term Contracts</b><br/>No Action</p>   | <p><b>Fixed Term Contracts</b><br/>“Maximum duration of fixed-term contracts was increased to 3 years from 2 years”. (Appendix 4B, Cell 74)</p>                       | <p><b>Fixed Term Contracts</b><br/>Maximum duration of fixed term contracts reduced to two years (Appendix 4B, Cell 91)</p>                           |
| <p><b>Fixed Term Contracts</b><br/>“The maximum number of renewals of fixed-term contracts was increased to 3 from 2” (Appendix 4B, Cell 75)</p> | <p><b>Fixed Term Contracts</b><br/>Limiting the number of renewals (can be done only once in three years) (Appendix 4B, Cell 40)</p>       | <p><b>Fixed Term Contracts</b><br/>“Maximum duration of fixed-term contracts was increased to 3 years from 2 years” (Appendix 4B, Cell 74)</p>                        | <p><b>Fixed Term Contracts</b><br/>Reversing the previous legislation – only two (instead of three) renewals are possible. (Appendix 4B, Cell 91)</p> |
| <p><b>Notice and Severance</b><br/>No Action</p>   | <p><b>Notice and Severance</b><br/>No Action</p>   | <p><b>Notice and Severance</b><br/>Reducing dismissals cost by “way of abolishing the cumulation of paid notice period with severance pay” (Appendix 4B, Cell 74)</p> | <p><b>Notice and Severance</b><br/>“Reintroduction of ... salaried notice period and severance pay...” (Appendix 4B, Cell 91)</p>                     |

| <b>SDKÚ-DS<br/>2002 -2006</b>  | <b>SMER<br/>2006 – 2010</b>   | <b>SDKÚ-DS<br/>2010 – 2012</b>  | <b>SMER<br/>2012 – 2017</b>  |
|--|---|---|--|
| <p><b>Wage Setting</b></p> <p>“Making the ministerial extension of sectoral wage settlements...conditional upon written consent of non-participating firms” (Appendix 4B, Cell 19)</p> | <p><b>Wage Setting</b></p> <p>” introducing the possibility to extend a sectoral collective agreement to other companies in the sector without the consent of the companies” (Appendix 4B, Cell 43)</p> | <p><b>Wage Setting</b></p> <p>Allowing employers to opt out of sectoral extensions of wage agreements (Appendix 4B, Cell 67)</p>  | <p><b>Wage Setting</b></p> <p>“Extension of the binding character of higher collective agreements, that apply automatically to any company employing more than 20 people, regardless of whether the company has consented to the agreement or not” (Appendix 4B, Cell 126)</p> |
| <p><b>Wage Setting</b></p> <p>No Action</p>  | <p><b>Wage Setting</b></p> <p>No Action</p>   | <p><b>Wage Setting</b></p> <p>Introducing a 30% representativeness quota for union before they can operate in a firm (Appendix 4B, Cell 80)</p>   | <p><b>Wage Setting</b></p> <p>“Trade Unions must no longer prove that they represent at least 30 % of employees”. (Appendix 4B, Cell 105)</p>  |
| <p><b>Procedural Requirements</b></p> <p>No Action</p>   | <p><b>Procedural Requirements</b></p> <p>No Action</p>  | <p><b>Procedural Requirements</b></p> <p>Increasing probationary period from 3 to 6 months. “Under collective agreements the probation period for an executive employee can be raised to a maximum of nine months” (Appendix 4B, Cell 78)</p> | <p><b>Procedural Requirements</b></p> <p>“Probationary periods may no longer be extended in collective agreement” (Appendix 4B, Cell 93)</p>   |

**Source:** (LABREF Database, n.d.)

As noted in section 3.1, conservative leader Dzurinda came to power in 1998 on a mandate for reform in order to attract FDI and gain membership to IOs. Not only did he accomplish this but in the process, he turned Slovakia into one of the reform leaders in the region boosting its international reputation far from that of the Mečiar days (Mikloš, 2008, p.56). During its first term however (1998 – 2002), the government coalition included left wing parties and as a consequence, EPL remained fairly stringent – the legislation that was passed actually strengthened protection e.g. increasing notice periods (Fabo & Sedláková, 2017, p.124) and harmonising law with EU Directives on working time, parental leave and dismissals (Cook, 2010, pp.189-90; Eurofound, 2002). These changes were soon attacked by employers' groups and in response, amendments were made to relax EPL across several areas. Despite these adjustments, unions were still generally satisfied with the labour code while employers continued to protest (Eurofound, 2002).

By Dzurinda's second term (2002 – 2006) however, the government was more homogenous and as such, embarked on a radical deregulatory reform programme (Mikloš, 2008, p.57; Cook, 2010, p.189) targeting areas such as notice and severance (Fabo & Sedláková, 2017, pp.124-5) fixed-term contracts (Appendix, 4B, Cell 17), overtime (Mikloš, 2008, p.74) and hiring and firing (Havlat et al, 2018, p.8). In an attempt to reduce further the collective bargaining scope and reach of trade unions (Regional Labour Law Expert Interviewee B, 2020), the administration also removed automatic sectoral extensions of collective bargaining agreements (Appendix, 4B, Cell 19).

Not only were unions unsurprisingly opposed to these changes, but so too did the public begin to grow wary of the pro-market reforms (Fabo & Sedláková, 2017, pp.123-4). Despite having repaired Slovakia's international reputation and placing it on the map as a favoured destination for FDI, Dzurinda faced huge backlash (Anderson, 2006). This made room for Robert Fico's social democratic party SMER to run a campaign which promised to decrease the flexibility of EPL and strengthen the power of unions (Mikloš, 2008, pp.81-2) – when Fico was elected in July 2006, that is exactly what he did. During his first four years in power, SMER reversed most of Dzurinda's reforms (see table 3.2) and introduced new legislation increasing the power of unions.<sup>54</sup> After the 2008 financial crash, employers' groups and

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<sup>54</sup> E.g. on fixed term contracts; dismissals; reintroducing the extension of sectoral bargaining agreements (See Appendix 4B, Cells 37-43). He further empowered workers via legislation obliging employers to sign agreements with the union representing the largest number of employees – preventing smaller unions from blocking negotiations in the case of disagreement (Appendix 4B, Cell 43).



conservative parties began to demand a return to a more flexible labour code, but the Fico administration did not budge (Fabo & Sedláková, 2017, pp.128-9).

After the elections of July 2010, SMER failed to form a coalition despite coming in first place and as a result, SDKU regained power (Mahoney, 2011, pp.263-4). The new administration – led by Slovakia’s first female prime minister Iveta Radičová – returned legislation to its pre-Fico form (Fabo & Sedláková, 2017, pp.129-30). The ‘Big Labour Code’ reform of 2011 not only reversed much of Fico’s policies e.g. on sectoral extensions of collective bargaining, extending fixed term contracts and on notice and severance (see table 3.2) but sought to further reduce the power of trade unions by implementing a representativeness quota i.e. trade unions now had to prove they represented at least 30% of employees before they were allowed to operate in a particular firm (Appendix, 4B, Cells 73-78; 80; 84). However, after less than two years in office, the conservative party again faced a huge backlash allowing SMER a landslide win in the 2012 elections (BBC, 2012).

Having run on a campaign to raise taxes on the rich and reduce the flexibility of EPL, Fico proceeded to successfully reverse the reforms of 2011. Although the Slovak Constitutional Court struck down the reintroduction of sectoral extensions of collective bargaining agreements (Appendix, 4B, Cell 151), the administration brought it back (albeit in a weaker form – see ETUI, 2019a) in 2017 (Appendix, 4B, Cell 161). The continued dominance of SMER has allowed these reforms to remain intact (Fabo & Sedláková, 2017, p.131).<sup>55</sup>

In sum, the unique historical experiences of Czechia and Slovakia feeds into their distinct political cultures creating implications (Pierson, 1996, p.126-7) for policy norms and diverging patterns of legislative reforms. As this section has illustrated, Czechia prefers greater levels of flexibility regardless of whether there is a left or right wing government at the helm.<sup>56</sup> While the social democratic party CSSD have increased the rigidity of the labour code on several occasions, they are careful to do so within the status quo while many of their other efforts to protect workers have been softened or reversed by ODS. Slovakia on the other hand never fully embraced neoliberalism; even after the radical reforms of the Dzurinda years,

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<sup>55</sup> Slovakia have recently held elections (February 29, 2020). Centre right party OLaNO (understood as being right wing and populist) have now entered government (France-Presse, 2020).

<sup>56</sup> The discontent among workers regarding the extent to which Czech authorities embraced neoliberalism during this time was expressed by a Czech workers’ delegate at the ILC in 2001 (See [ILC Record of Proceedings, 2001, PDF.218](#)).

observers have characterised the Slovak model as a unique brand of “social liberal capitalism” (Fisher et al, 2007, p.979) which successfully mixes market friendly policies with levels of protection much higher than some of its regional neighbours (Fisher et al, 2007, pp.979-986). Moreover, when EPL does become too flexible for the public, the social democrats (SMER) function as an effective counterweight. (Fabo & Sedláková, 2017, p.123). The role of social partners (unions and employers’ groups) in this regard is examined in the following section.

### **3.3 The Diverging Role of Social Partners in Czechia and Slovakia**

Trade union membership in both Czechia and Slovakia has significantly declined in recent decades however, organised labour in the latter is much more successful at achieving its interests. In order to understand why this is the case, it is necessary to look beyond quantitative indicators such as ‘trade union density’ and to instead judge labour’s accomplishments in the political realm. As membership rates have declined, so too has the ability of unions to affect outcomes via traditional channels such as collective bargaining, as a result, unions in both countries have had to refocus their efforts towards influencing legislation (Fabo & Sedláková, 2017; Martišková & Sedláková, 2017). After a brief analysis of two indicators commonly used to measure and assess the power of trade unions, the section concludes by examining the role of unions in both countries.

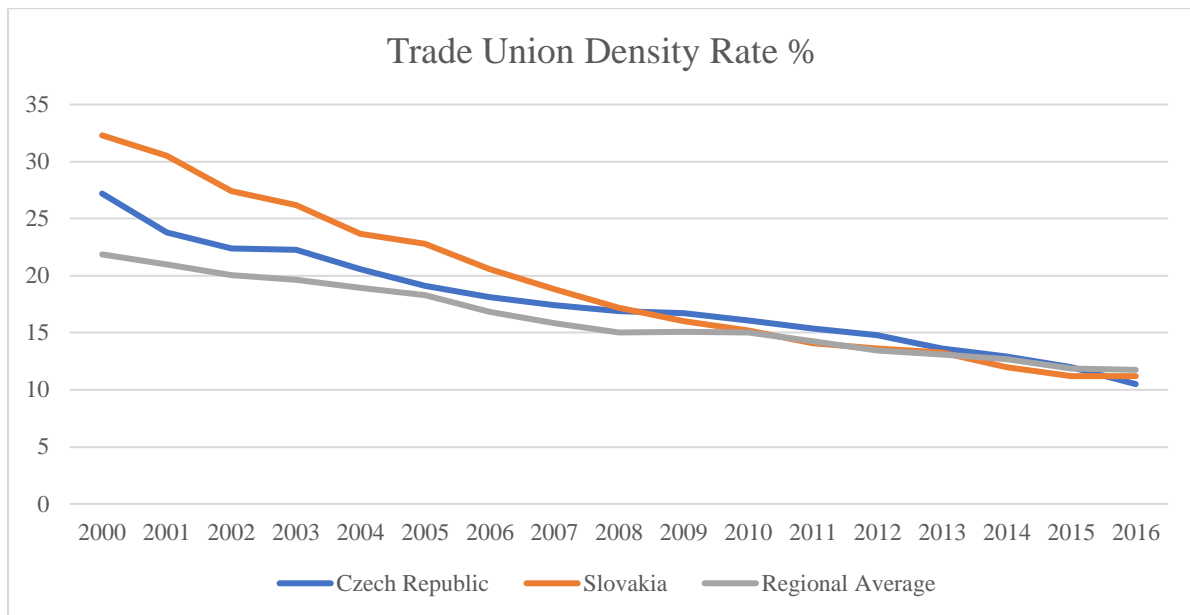
#### Interpreting the Quantitative Indicators

In the post-Soviet era, trade unions across the whole of CEE suffered a diminution of legitimacy (Drahokoupil, J. Kahancová, 2019); as figure 3.4 illustrates, membership rates in both Czechia and Slovakia have declined at a roughly equal and steady pace on par with the regional average.<sup>57</sup>

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<sup>57</sup> “A trade union is defined as a workers' organization constituted for the purpose of furthering and defending the interests of workers. This trade union density rate conveys the number of union members who are employees as a percentage of the total number of employees. For the purpose of this indicator in particular, trade union membership excludes union members who are not in paid employment (self-employed, unemployed, retired, etc.)” (ILO Stat, 2020)

**Figure 3.4**

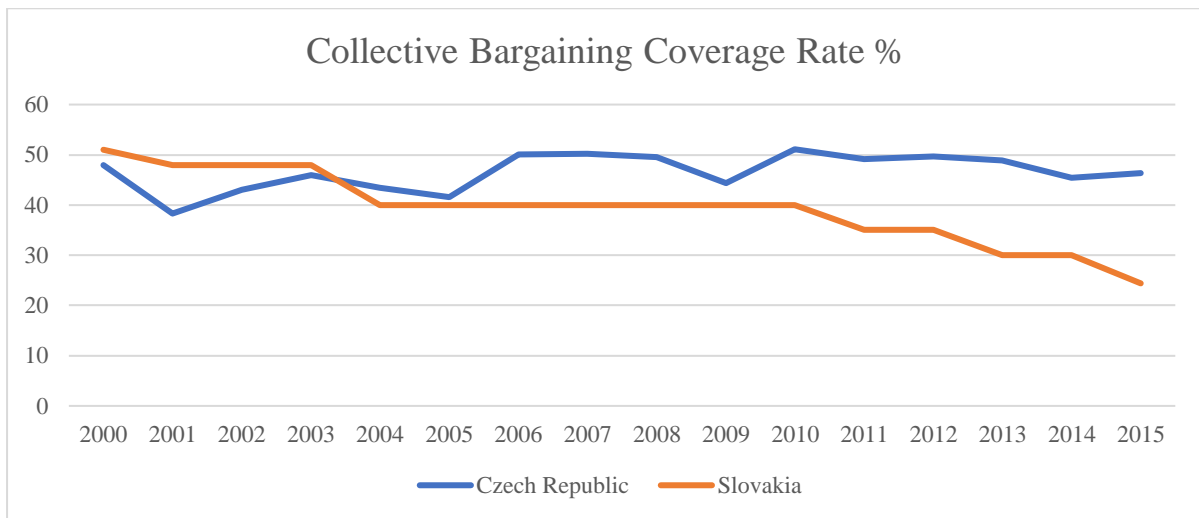


Source: ([ILO Stat, 2020](#))

As membership decreases, so too does the ability of unions to bargain effectively for various outcome rights e.g. wages, employment security and working conditions (Kahancová, 2017, p.186; Gennard, 2007, p.95) and as a result, unions in both countries have had to increasingly rely on their ability to influence legislation (Gennard, 2007, p.98). In a recent interview, a researcher and regional expert noted that one of the reasons the labour code is so important is that it has become one of the only ways for unions to uphold standards of best practice (Regional Labour Law Expert Interviewee B, 2020). Indeed, as figure 3.5 illustrates, collective bargaining coverage rates decline when heavily pro-business reforms are passed (e.g. in Slovakia during the Dzurinda administration – 2003-2005) and appear to increase during periods where there is a social democrat incumbent (e.g. Czechia’s rates climb and remain stable following the new labour code introduced by CSSD in 2006).<sup>58</sup> However, legislative influence in this regard does not necessarily translate into increased collective bargaining coverage nor vice versa: as the figure demonstrates, Slovakia’s rates decline steadily despite SMER’s domination from 2012 onwards while Czechia’s rates increase between 2009-2010 – a period shortly after the CCC repealed many of the 2006 labour code’s provisions.

<sup>58</sup> Collective bargaining coverage rates measure “the number of employees whose pay and/or conditions of employment are determined by one or more collective agreement(s) as a percentage of the total number of employees” ([ILO Stat, 2020](#)).

**Figure 3.5**



**Source:** (ILO Stat, 2020)

There are several possible explanations for these contradictory observations: (1) gaps exist between de jure and de facto protection meaning that laws passed protecting collective bargaining do not translate in practice; (2) reforms are superficial in the sense that they are more political than substantive in nature (Fabo & Sedláková, 2017, p.140); (3) legislation seeking to strengthen EPL serves paradoxically to undermine the power of trade unions i.e. by regulating an increasingly greater number of issue areas which were once the realm of collective bargaining, the scope of issues trade unions can bargain for decreases (Regional Labour Law Expert Interviewee B, 2020).

These discrepancies strengthen the conclusions made in chapter II in regard to using quantitative indicators such as union density to explain outcomes (see chapter II section 2.1). As the remainder of this section will illustrate, there are qualitative distinctions to be made which highlight how unions in Slovakia have more political leverage and influence than their Czech counterparts in ways that have nothing to do with the trade union density measurements or collective bargaining coverage rates of either country. Identifying these key differences is a necessary step before proceeding to chapters which investigate how these divergences mediate differently the impact of external actors.

## Trade Unions in Czechia

Trade unions in Czechia are characterised by high levels of fragmentation, internal conflict (Myant & Smith, 1999, p.267) and organise predominately at the firm or company (rather than sectoral) level (Martišková & Sedláková, 2017, pp.59-60). Approximately half of all unions in Czechia are members of the Czech-Moravian Confederation of Trade Unions (CMKOS) – the country’s largest union confederation representing workers’ interests at the national and international levels (Drahokoupil & Kahancová, 2019, p.308; ETUI, 2016a). While belonging to a confederation can provide smaller unions some additional leverage, CMKOS’ decision to devolve power has further contributed to the fragmented nature of Czech unions as well as the dominance of firm level bargaining (Martišková & Sedláková, 2017, pp.60-1). Firm level bargaining provides more flexibility for employers and decreases the power of unions because it creates impediments to developing a unified national position (Martišková & Sedláková, 2017, p.65; Burgess, 2010, pp.213-14). Given the political climate in the years immediately following the Velvet Revolution, the confederation had little choice but remove the associations tied to its communist past (Dyba, 2008, p.108) – as noted by a former ILO official and regional expert, Czech unions in the 1990s were seen in a negative light not only by politicians embracing neoliberalism but also by the public at large (Former ILO Official and Regional Expert Interviewee E, 2020).

Throughout the post-communist period, weakened unions in Czechia have engaged in new strategies (Martišková & Sedláková, 2017, pp.63-5) with the most important area of focus being legislation.<sup>59</sup> However, according to regional experts, weak ties between them and their political allies (CSSD) often prevents success in this regard (Regional Expert Interviewees A & B, 2020). In conversation with a Czech ministry of finance official, the interviewee noted that unions are *nevertheless* able to *exert* influence and do so via the country’s ‘Tripartite Council’ where they can voice their support or opposition to legislation prior to it entering parliament (Czech Ministry of Finance Interviewee C, 2020). However, CMKOS have, on

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<sup>59</sup> In addition to ČMKOS, some of the country’s other union confederations include OS KOVO (the metalworkers union) and OSZSP (the health workers union) (ETUI, 2016a). In addition to influencing legislation, several other strategies have been attempted: (1) adopting a policy of ‘anonymous membership’ where union representatives bargain on behalf of unnamed employees allowing workers to exercise their rights without fear of losing their jobs (Myant & Smith, 1999, pp.266-9) (2) mass demonstrations and public relations campaigns (Martišková & Sedláková, 2017, pp.59-65) e.g. May 2011 and April 2012 protests (see [Mansfeldová, 2014](#)) (3) representing temporary agency workers (this has been unsuccessful (Martišková & Sedláková, 2017, pp.59-65).

several occasions, complained to the ILO that their views in this forum are often not taken on board.<sup>60</sup>

This dynamic reflects the work of scholars who have shown that Czechia's labour code is primarily shaped by a top-down legal approach rather than in consultation with social partners (*see* Agostini et al, 2016, p.42). Moreover, when legislation is passed which directly conflicts with the interests of workers, unions in Czechia appear to be of little recourse. The reversals of the 2006 labour code; the weakening of unions in the public sector post 2008 (Agostini et al, 2016, p.12; Martišková & Sedláková, 2017, pp.61-2) as well as the pro-business reforms of 2011/12 were heavily criticised by CMKOS. Unable to influence this legislation in their favour, unions instead staged protests and demonstrations sometimes attracting over 100,000 participants (Martišková & Sedláková, 2017, pp.61-2) (*see* Eurofound, 2008a; CTK News Agency, 2009; Agostini et al, 2016; Martišková & Sedláková, 2017; Clauwaert, S. & Schömann, I, 2013, p.6). Despite the scale and frequency of these protests however, all of these changes have remained intact.

### Trade Unions in Slovakia

Slovakia's unions have suffered post 1989 legitimacy issues due to negative public perception – their interests largely subordinated to those of business towards the end of the 1990s. However, compared to their regional neighbours, unions in Slovakia are still well established. A key difference is that major sectors such as manufacturing, electronics, metal, steel and health care organise at the sectoral (rather than firm) level (Kahancová, 2017, pp.179-82) – twenty-four of the country's sectoral unions are members of Slovakia's largest union confederation 'Konfederácia odborových zväzov Slovenskej republiky' (KOZ SR) (ETUI, 2019a) who represent their interests both on the national and international stages. Negotiating sector level regulation is the key role of these unions with the most important issues focused around wages, employment security and working conditions (Kahancová, 2017, pp.179-82) – this kind of sectoral level bargaining exists in Slovakia where it doesn't much in other countries in the region.

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<sup>60</sup> See various observations and direct requests for C144 (Tripartite Consultation) between the years 2003-2011 ([ILO NORMLEX, various years](#)).

As in Czechia, unions in Slovakia have had to adopt new strategies which focus mainly on allying with left leaning parties and influencing legislation (employers' groups engage in similar tactics with their own political allies e.g. the ministry of finance and conservative party SDKU). While their success is largely dependent on the political cycle (i.e. whether there is a left or right leaning incumbent government) (Regional Labour Law Expert Interviewee B, 2020), unions are nevertheless important "political actors" (Fabo & Sedláková, 2017, p.137) who – unlike their Czech counterparts – often succeed in altering the labour code in their favour. Moreover, tripartite consultations are seen as a hugely important channel for influencing legislation in this regard (Fabo & Sedláková, 2017, pp.137-8).

As a result of cooperation – particularly between KOZ SR and SMER – there have been few instances of demonstrations and protests with unions agreeing to abstain from such activity in exchange for policy influence (Kahancová, 2017, pp.180-1). For example, after several employers' groups (PAS; ZPS and RUZ) successfully lobbied SDKU for increased flexibility in 2011, KOZ SR signed a memorandum of cooperation with SMER (Regional Labour Law Expert Interviewee B, 2020) and managed to roll back the changes with several amendments the following year (Fabo & Sedláková, 2017, pp.127-130). Other successes include reintroducing sectoral extensions of collective bargaining agreements (Kahancová, 2017, pp.180-1) as well as legislation seeking to combat "bogus self-employment" contracts (Fabo & Sedláková, 2017, pp.127-130).

Overall, assessing and comparing the relative strength and strategies of social partners in Czechia and Slovakia requires going beyond the literature's use of quantitative indicators such as trade union density and collective bargaining coverage rates. In doing so, this section has revealed Slovakia's unions to be less fragmented, more successful in tripartite discussions and who can much easier make important political allies to influence legislation in their favour.

## Conclusions

Labour markets in Czechia and Slovakia are guided by cultural, political and institutional forces of which have been heavily influenced by historical processes. While the two countries exhibit many similarities, several distinctions set them apart which drive divergences in labour market outcomes and legislative reform patterns. These differences became most visible in 1993 after the breakup of Czechoslovakia when Slovakia's relatively lower levels institutional and economic capacity led initially to the country taking a very different path to transition (Shepherd, 2000). Although it caught up with the Czechs in this sense, the country's political cultural differences meant that it never embraced neoliberalism in the same way; instead, preferring to place a greater emphasis on protecting workers and empowering organised labour.

While understanding these differences is necessary to explain divergences in labour market policy outcomes, they are not sufficient. These internal dynamics do not only mediate relations between domestic groups, they also shape a country's relationship with external actors too – determining whether and how much they will respond to and work with a particular IO. This chapter has sketched out two 'diverging policy spaces' where three key variables have emerged in this regard: (1) political culture (2) institutional capacity (during the early years of post-communist transition) (3) the power of organised labour and employers' groups to affect legislation. Whether and how IOs impact the policy choices of states will be mediated by these forces and as such they are essential to this research's investigation. Guided by the findings here, the following chapters examine, explain and compare the impact of the ILO and its challengers (the IFIs and OECD) in Czechia and Slovakia.



## Chapter IV

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### The Impact of the ILO in Czechia and Slovakia

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*“Almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time” (Henkin, 1979, p.47).<sup>61</sup>*

The impact of all IOs varies and as a result, there is much theoretical and empirical contestation in regard to whether and how they alter state behaviour. While the reluctance of states to pool sovereignty and delegate authority (Hooghe & Marks, 2015) remains a central focus within these debates, the ILO differs from most other organisations in that each and every member can determine which of the collective rules they are obliged to comply with (Hurd, 2011, p.163) – while conventions are adopted via majority voting, such conventions do not become active until they are ratified by member states of whom are under no obligation to do so.<sup>62</sup> However, despite high levels of member control in this regard, stark compliance divergences still exist. Why and when do states comply with their international commitments? Can IOs, particularly those without powers of enforcement, influence national legislative or implementation practices? How can researchers determine whether an IO has been effective in this regard?

Chapter IV addresses these questions by investigating the ILO’s impact in Czechia and Slovakia. First, it is important to recall that available literature for this region finds no association between the ILO and compliance outcomes arguing instead that divergences are driven solely by several varying domestic indicators (see Cook, 2010 and chapter II section 2.1). As illustrated in chapter II, these studies have two major weaknesses: first, unexplained compliance variation remains and does so because the authors have missed some key cross-country qualitative differences between variables such as union density and government type. The ways in which Czechia and Slovakia diverge in this regard were identified in chapter III and are applied to the analysis here.

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<sup>61</sup> This quote is from Henkin’s book ‘How Nations Behave’ but has been sourced from Pickering (2014).

<sup>62</sup> To date, the ILO has adopted 190 conventions covering a range of issues with a global ratification average of 42 conventions per member state. Notable outliers here include Spain, France and Belgium at the top end with the most ratifications – between 113-133; and Tonga, Brunei, Malaysia, Qatar and the Marshall Islands with the least – between 1-6 ratifications (NORMLEX Database, n.d.).

The second weakness of the literature was that it tries to capture the ILO's impact by comparing and contrasting compliance rates. This strategy is problematic. On the one hand, commitments can be shallow and good compliance endogenous (Downs et al, 1996) – often, national law and practice are already aligned with a convention's requirements prior to ratification. On other hand, states may choose not to ratify but nevertheless use the contents of a convention to guide legislative decisions or resolve internal labour disputes (ILO, 2019b, p.25). In both cases, compliance data tells us very little about the impact of the ILO on state behaviour.

This thesis has adopted a definition of impact (see chapter II section 1.2) which requires identifying “observable desired [changes] in state [behaviour]” (Raustiala, 2000, pp.393-4) that can be attributed to the ILO. To overcome the methodological problems associated with attempting to explain compliance – or why violations *did not* occur – the work here investigates the ILO's impact after a violation has been identified; that is, it asks why violations *did* occur and then observes whether the organisation successfully influenced governments to take corrective action e.g. a change to legislation or implementation practices (this approach has been inspired by the work of Landy, 1966; Weisband, 2000; Thomann, 2011). Assessing the ILO's influence in this way is a fruitful endeavour not least because it allows the researcher to examine documented events and therefore to make more robust causal links between the organisation and state practice (Thomann, 2011, p.244).

When the ILO's supervisory mechanism (henceforth the Committee) identifies a violation (referred to as an ‘observation’ or ‘direct request’), it kick starts a process of dialogue between the organisation and the member state in question – the Committee often providing legal and technical advice in an effort to guide the state back on track. When the Committee is satisfied that the violation has been resolved in line with its requests – i.e. *the country has changed legislative or implementation behaviour as recommended* - it issues the government with a ‘case of progress’ communicating to the member that it considers the matter closed (ILO, 2019b, p.108). These interactions are recorded into the organisation's reports and various archives and as a result, it has produced a huge cache of valuable empirical data allowing for a more robust investigation into the ILO's impact than research concerned with compliance. As noted by the former Deputy-Director General of the ILO, neither the CEACR nor the Conference Committee make detailed reports when compliance is good and the laws *are* being observed (ILO Staff Interviewee Kari Tapiola, 2018). When investigating violations

however, available data makes it possible to trace the evolution of an observation or direct request over time, to examine the ILO's tools 'in action' (Thomann, 2011, p.244) and to identify the necessary variables that did, or did not, lead to impact – a change in state behaviour acknowledged by a 'case of progress'.

Using the processes described above, this chapter illustrates when and how the ILO makes an impact via a theoretically guided qualitative comparative analysis of Czechia and Slovakia. In doing so, it finds the organisation to be much more successful in the latter than the former. Overall, the ILO's impact is best explained via the rationalist managerial pathway (Chayes & Chayes, 1993); however, the extent to which the ILO makes an impact in this way can be explained by the findings sketched out in the previous chapter – each country mediating the impact of IOs in accordance with its unique policy space.

Czechia leans more to the right, its unions are relatively less influential than those in neighbouring countries and its political cycle appears inconsequential i.e. compliance and responsiveness patterns do not vary significantly depending on whether there is a left wing or conservative party in power. As a result, Czechia's relationship with the ILO can at times become contentious; violations mostly occur (or continue to occur) owing to a lack of political will. When Czech authorities are called upon by the ILO to correct these violations, the country tends to engage in mock compliance (Walter, 2008 *cited in* Woodward, 2016) or pushes back on the Committee's criticisms and advice – especially on conventions which require deeper forms of cooperation (Downs et al, 1996) e.g. freedom of association and collective bargaining – C087 and C098.

In Slovakia, a left leaning government, organised labour and the SMER administration's eagerness to seek out technical assistance produced the necessary underlying domestic conditions for ILO influence. Where non-compliance has occurred, it has done so for reasons that are more diverse e.g. sometimes a problem of political will; but often, violations were the result of technical and legal oversights or issues of capacity – the latter isolated to the country's early transition years when Slovakia was still catching up to the Czechs both economically and institutionally. Moreover, the political cycle matters: as will be illustrated throughout, there are significant differences in terms of responsiveness between Slovakia's conservatives and social democrats which shape the country's relationship with the ILO in ways that differ from the organisation's interactions with Czechia.

While necessary, the presence of conducive domestic conditions however does not sufficiently explain the ILO's impact. As noted in chapter I, domestic factors merely open the gate and allow access for external actors to have influence. Throughout the chapter, several cases are explored in which the ILO makes an impact via the managerial pathway (Bernstein & Cashore, 2012). Here, the organisation's monitoring and supervisory mechanisms have played an indispensable role not only in identifying issues but also in their resolution through the provision of technical/legal advice and mediating between social partners and governments. The dynamics which will be outlined below align with this thesis' definition of impact (see chapter I section 1.2) because they demonstrate how the ILO changes domestic legislative or implementation outcomes that would have not occurred in the organisation's absence (Downs et al, 1996, p.380). These findings help not only to overcome the deficiencies of the previous literature by demonstrating exactly when and how the ILO impacts state behaviour; but they begin to build support for the SNA graphs – which predicted the ILO to have a greater impact in Slovakia.

To demonstrate the impact of the ILO, section 4.1 identifies variation in violation and response patterns between Czechia and Slovakia across all of the conventions they have ratified. In doing so, the section compares not only the extent to which violations occur but also the types of conventions which are violated most frequently. As a result, a general picture begins to emerge of each country's relationship with the ILO as do some of the motivations driving non-compliance i.e. whether it is voluntary or involuntary. These conclusions are strengthened in section 4.2 by examining performance in regard to two specific conventions – C087 (freedom of association) and C098 (collective bargaining). Here, several violations have been selected and traced over time where close attention is paid to the discourse between country authorities, social partners (workers' and employers' associations) and ILO staff. Finally, section 4.3 draws out the key variables that help explain why and how the ILO's influence varies across Czechia and Slovakia and in doing so, illustrates the conditions under which the ILO makes an impact. For a review of the terms and definitions used throughout this chapter, see chapter I section 1.3.

## 4.1 The Diverging Violation and Response Patterns of Czechia and Slovakia

Why does the ILO's impact vary across two states who have signed up to roughly identical ILS? Czechia and Slovakia have each made similar commitments to the ILO, but their patterns of compliance, response and implementation differ significantly. This section examines these patterns across all ratified conventions between 1996 – 2019. In doing so, it finds the organisation's impact to be much greater in Slovakia where distinctions can be made in relation to the extent of non-compliance, the types of conventions that are violated with regularity and the degree to which each respond to the concerns of the Committee. The central finding here is that Slovakia's violations tend to be a consequence of technical/legal oversights or capacity. Patterns of non-compliance in Czechia however suggest that violations are more deviant nature i.e. where compliance demands higher domestic adjustment costs such as those on C087 and C098, violations persist. On conventions that are relatively easy to comply with (e.g. C132 Holidays with Pay), compliance and responsiveness is high. The section is divided into two parts – Czechia and Slovakia. Across both, empirical data is examined which has been gathered from the ILO's Normlex database as well as various reports from the organisation's supervisory mechanisms.

### Deviant Non-Compliance in Czechia

Czechia has been a member of the ILO since 1919 (until 1993 as part of Czechoslovakia) and has ratified 73 of the organisation's conventions including all 8 fundamental ones.<sup>63</sup> Between 1996-2019, the CEACR has raised 68 observations for which the country has received 6 'notes with satisfaction' and 23 'notes with interest'. In addition to this, the Committee has also raised 245 direct requests with 41 'notes with interest' (Normlex Database, 1996-2019). As figure 4.1 illustrates, Czechia trails behind the regional average on both compliance and responsiveness with the exception of progress which has been 'noted with interest'.<sup>64</sup> However, notes 'with interest' depict a weaker form of progress (Thomann, 2011,

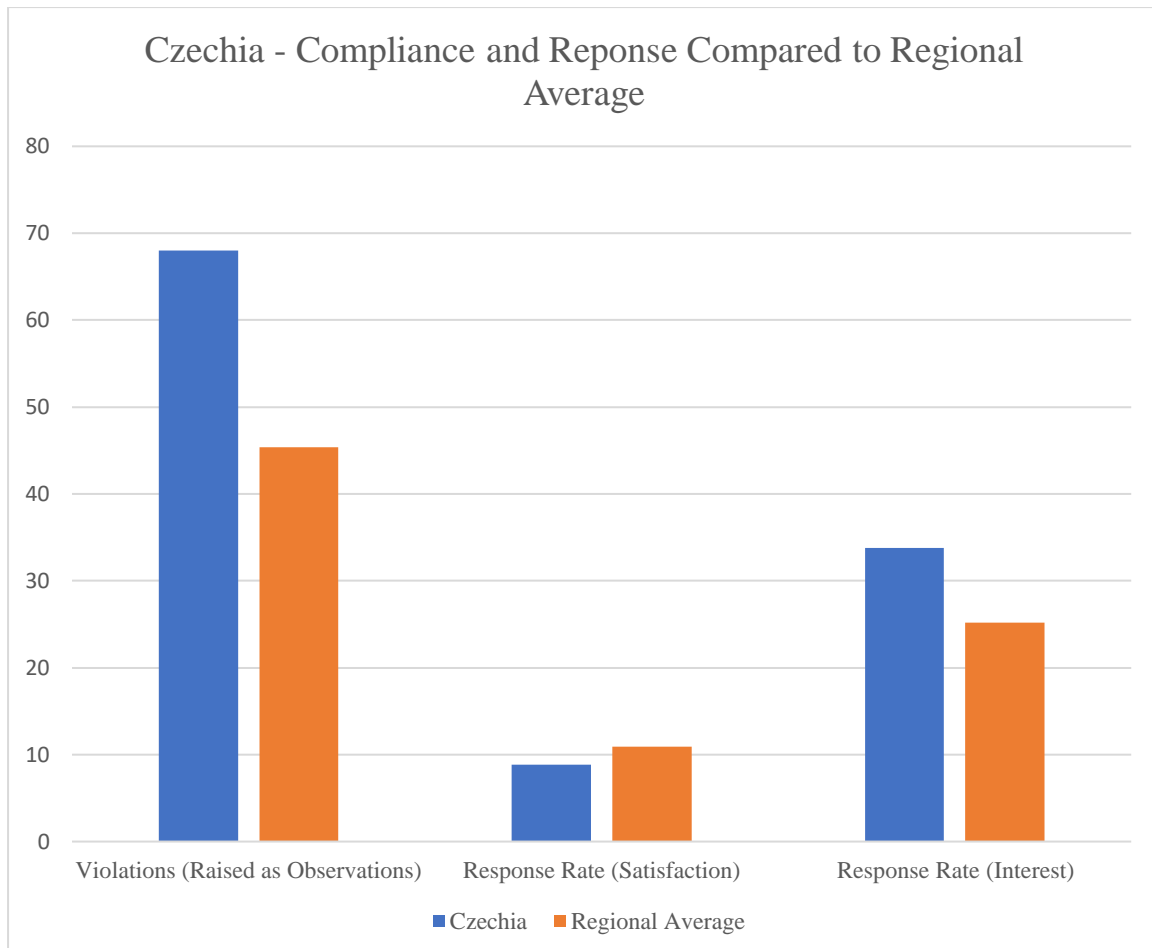
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<sup>63</sup> The ILO's fundamental conventions cover issues "that are considered to be fundamental principles and rights at work: freedom of association and [collective bargaining]; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation" (ILO, 2019b, p.18).

<sup>64</sup> According to Weisband (2000), regional and global averages are useful behavioural benchmarks with which to judge a country's performance. The regional average here is based on those Central and Eastern European countries admitted to the EU in 2004 as illustrated in Cook (2010) reviewed in Chapter III: Estonia; Hungary; Latvia; Lithuania; Poland; Slovenia; Czechia; Slovakia. Several countries have been excluded: Bulgaria; Romania; Ukraine; Russian Fed.; Belarus. This is because these countries are either non-members or late accession states of the EU; as such, including them here would reduce the level of control of known independent variables – EU membership; date of EU membership (see Cook, 2010, p.173).

p.261) and – as will be discussed in later sections – is indicative of the country’s tendency to appease the Committee without making any meaningful changes.

**Figure 4.1**



Source: (ILO Normlex, 1996 – 2019)<sup>65</sup>

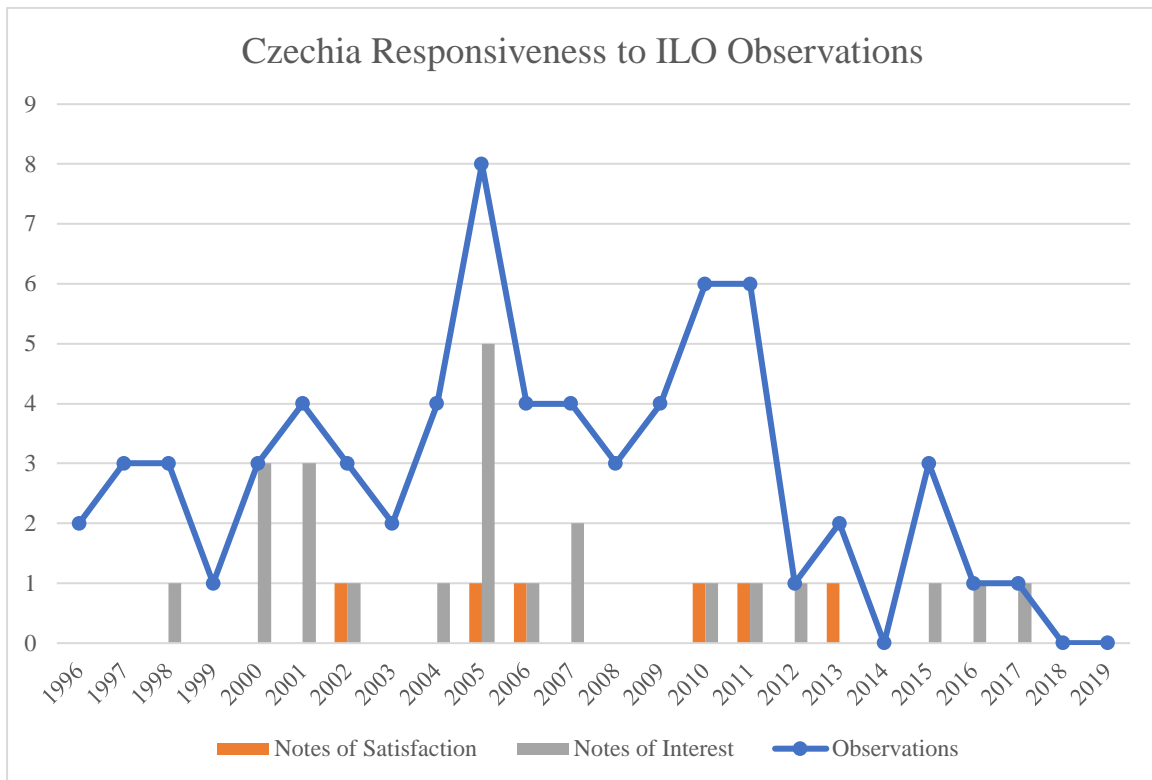
Figures 4.2 and 4.3 illustrate the ILO’s impact in Czechia over time by contrasting violation and response data while table 4.1 provides information on the specific convention(s) each point refers to.<sup>66</sup> For example, looking at figure 4.2, we can see that Czechia received 1 observation and 0 cases of progress in 1999; as table 4.1 indicates, the CEACR raised the observation because of an issue with convention 155 (C155) on ‘occupational safety and health’.<sup>67</sup>

<sup>65</sup> **Note\*** Response Rates are represented as a percentage and calculated using a method provided by Landy (1966) and Weisband (2000). Response Rate = the total number of ‘notes with satisfaction(interest) ÷ by the total number of ‘observations’ \* 100.

<sup>66</sup> Inspiration to contrast compliance and response patterns as illustrated by figures 4.2 and 4.3 has been taken from Thomann (2011).

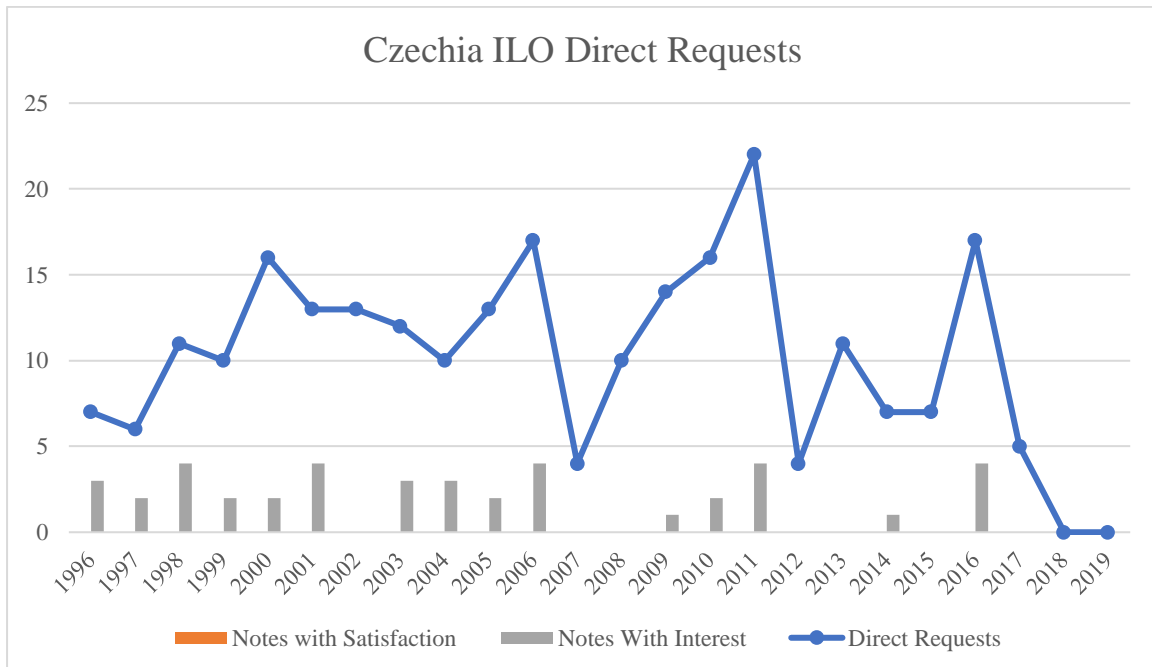
<sup>67</sup> The table includes convention names for figure 4.2 (observations) only. For a full list of direct requests, see Appendix 6.1.

**Figure 4.2**



Source: (ILO Normlex, 1996 – 2019)

**Figure 4.3**



Source: (ILO Normlex, 1996 – 2019)

**Table 4.1** CEACR Observations 1996 -2017 (Czechia)

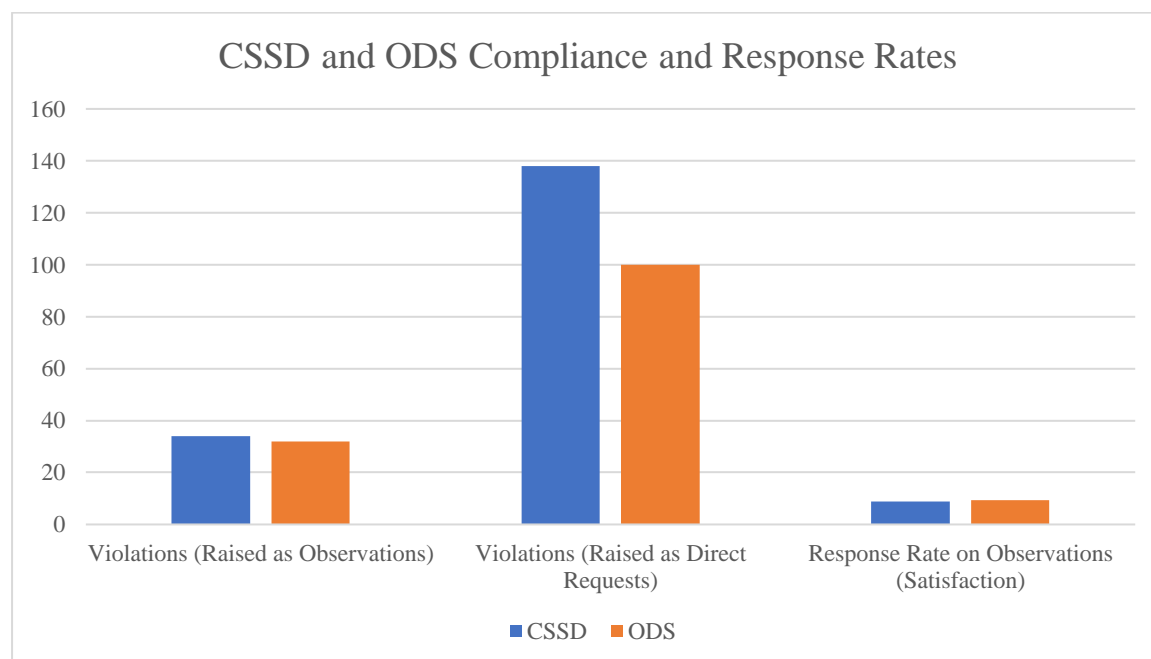
|  |   |
|--|---|
| <p><b>1996</b><br/>C111 – Discrimination<br/>C155 – Occupational Safety and Health</p> <p><b>1997</b><br/>C122 – Employment Policy<br/>General Observation<br/>C155 – Occupational Safety and Health</p> <p><b>1998</b><br/>C122 Employment Policy<br/>C111 Discrimination<br/>C155 OSH</p> <p><b>1999</b><br/>C155 OSH</p> <p><b>2000</b><br/>C011 Right of Association (Agriculture)<br/>C155 OSH<br/>C111 Discrimination</p> <p><b>2001</b><br/>C098 Right to Collectively Bargain<br/>C011 Right of Association (Agriculture)<br/>C111 Discrimination<br/>C100 Equal remuneration</p> <p><b>2002</b><br/>C111 Discrimination<br/>C098 Right to Collectively Bargain<br/>C100 Equal remuneration</p> <p><b>2003</b><br/>C111 Discrimination<br/>C098 Right to Collectively Bargain</p> <p><b>2004</b><br/>C098 Right to Collectively Bargain<br/>C182 Worst Form of Child Labour<br/>C100 Equal remuneration<br/>C122 Employment Policy</p> <p><b>2005</b><br/>C155 OSH<br/>C176 Safety and Health in Mines<br/>C144 Tripartite Consultation<br/>C139 Occupational Cancer Convention<br/>C115 Radiation Protection Convention<br/>C111 Discrimination<br/>C161 Occupational Health Services<br/>C098 Right to Collectively Bargain</p> <p><b>2006</b><br/>C122 Employment Policy<br/>C100 Equal remuneration<br/>C098 Right to Collectively Bargain<br/>C182 Worst Form of Child Labour</p> | <p><b>2007</b><br/>C087 – Freedom of Association<br/>C098 – Right to Organise<br/>C144 – Tripartite Consultation<br/>C111 – Discrimination</p> <p><b>2008</b><br/>C182 – Worst Forms of Child Labour<br/>C122 – Employment Policy<br/>C111 – Discrimination</p> <p><b>2009</b><br/>C111 – Discrimination<br/>C182 – Worst Forms of Child Labour<br/>C098 – Right to Organise<br/>Reports not filed for two years in a row</p> <p><b>2010</b><br/>C132 – Holidays with Pay<br/>C144 – Tripartite Consultation<br/>C161 – Occupational Health Services<br/>C176 – Safety and Health in Mines<br/>C115 – Radiation Protection<br/>C098 – Right to Organise and Collective Bargaining</p> <p><b>2011</b><br/>C111 – Discrimination (Employment and Occupation)<br/>C088 – Employment Service Convention<br/>C098 – Right to Organise and Collective Bargaining<br/>C144 – Tripartite Consultation<br/>C142 – Human Resources Development<br/>C122 – Employment Policy</p> <p><b>2012</b><br/>C111 – Discrimination (Employment and Occupation)</p> <p><b>2013</b><br/>C088 – Employment Service<br/>C132 – Holidays with Pay</p> <p><b>2015</b><br/>C111 – Discrimination (Employment and Occupation)<br/>C122 – Employment Policy<br/>C161 – Occupational Health Services</p> <p><b>2016</b><br/>C111 – Discrimination (Employment and Occupation)</p> <p><b>2017</b><br/>C122 – Employment Policy</p> |
|--|---|

**Source:** ILO Normlex (1996-2017)



Observing the data in this way is helpful to identify trends in relation to whether compliance and response rates peak or dip across particular time periods (potentially correlating with type of government or other factors) and in discerning whether and which conventions Czechia violates with regularity. As illustrated by figures 4.2 and 4.3, the country’s behaviour does not exhibit linear signs of improvement or decline but rather its compliance and response rates remain fairly consistent with violations noticeably increasing in 2005 and again in 2010. These patterns do not correlate with type of government i.e. whether there is a social democratic (CSSD) or conservative (ODS) party in power – the former incumbent in 2005 while the latter held office in 2010. Indeed, there is little difference in the total number of violations each receives with the social democrats counterintuitively seeing a slightly higher number of both observations and direct requests – see figure 4.4.<sup>68</sup> While this aligns with findings from chapter III, an additional explanation (discussed further in chapter VI) regarding 2005 and 2010 is that these years correlate with an increase in pressure and successful policy diffusion from IOs such as the IMF, World Bank and OECD (see chapter V) – the first relating to EU accession (where these CIOs pressured states to deregulate in order to be competitive within the European Union) and the second in managing the aftermath of the 2008 global financial crash.

**Figure 4.4**



**Source:** ILO Normlex (1996 – 2019)

<sup>68</sup> In total, CSSD have held office for 3 years longer than ODS which would likely partially contribute to the higher number of violations the social democrats have received.

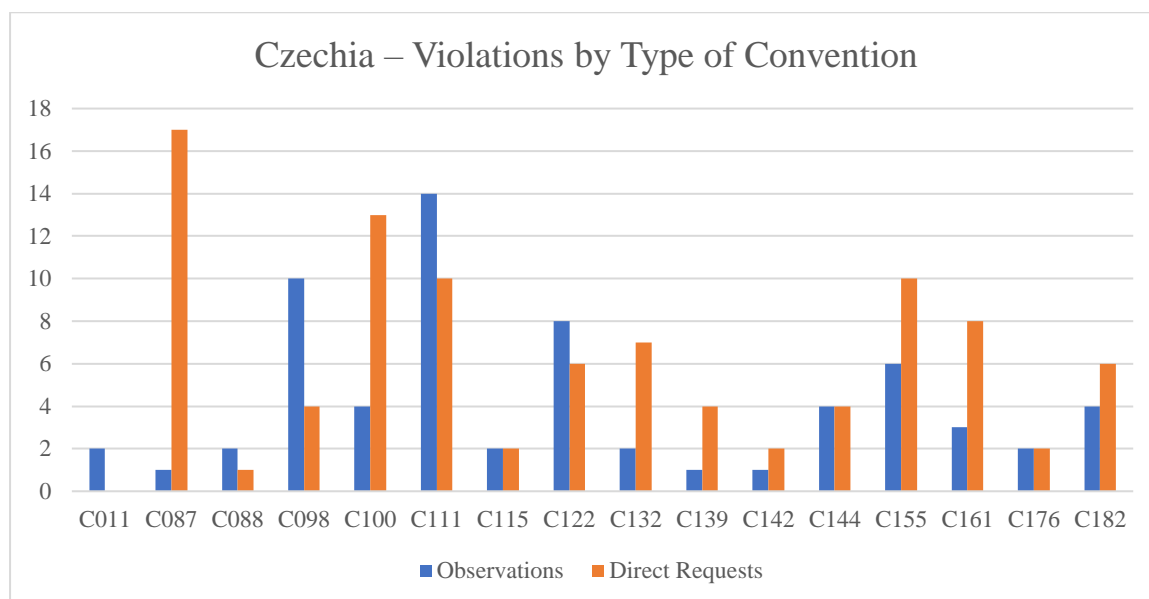
While the data above has helped to determine Czechia's violation and response patterns in terms of scale, a picture of the domestic motivations driving these outcomes begins to emerge when we observe these same trends by type of convention. For example, observations and direct requests which touch on politically sensitive issues, or conflict with the neoliberal programme the country implemented beginning in the 1990s (see chapter III section 3.1), tend to be ignored and therefore persist over time. The violations which Czechia does correct in line with the ILO's advice are usually those requiring fewer domestic adjustment costs (see Downs et al, 1996). For example, the extent to which problems with C087 and C098 persist versus the relatively prompt correction of violations on C132 – 'holidays with pay'. As will be illustrated in section 4.2, the government's response in regard to C087 and C098 has been minimal if not outright antagonistic towards the Committee.

As figure 4.5 illustrates, several of the conventions which Czechia violates the most include C087 and C098; here the Committee has, on numerous occasions, raised observations and direct requests in response to unreasonable obstacles to calling strikes and in regard to violations of trade union rights in practice (see ILO Normlex, 1996-2019).<sup>69</sup> A third convention which sees recurring problems is C111 (Discrimination). Here, Czechia has been called out frequently for discriminatory employment practices against the Roma population ([ILO Normlex Database, 2000](#)) as well as on the basis of political opinion ([ILO Normlex Database, 2001](#)). On the latter, the Committee took issue with the application of the 1991 Screening Act requesting that it be appealed or amended owing to its unfair targeting of individuals with ties to the previous communist regime ([ILO Normlex Database, 2002](#); also see chapter III section 3.1 for info on the Screening Act and Lustration Laws).

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<sup>69</sup> Figure 4.5 includes only the direct requests for conventions on which Czechia has also received observations. In this way, the focus remains on more serious problems rather than an exhaustive and diverse list of technical/legal issues which would not add to the analysis here. For a full list of direct requests, see Appendix 6.1.

**Figure 4.5**



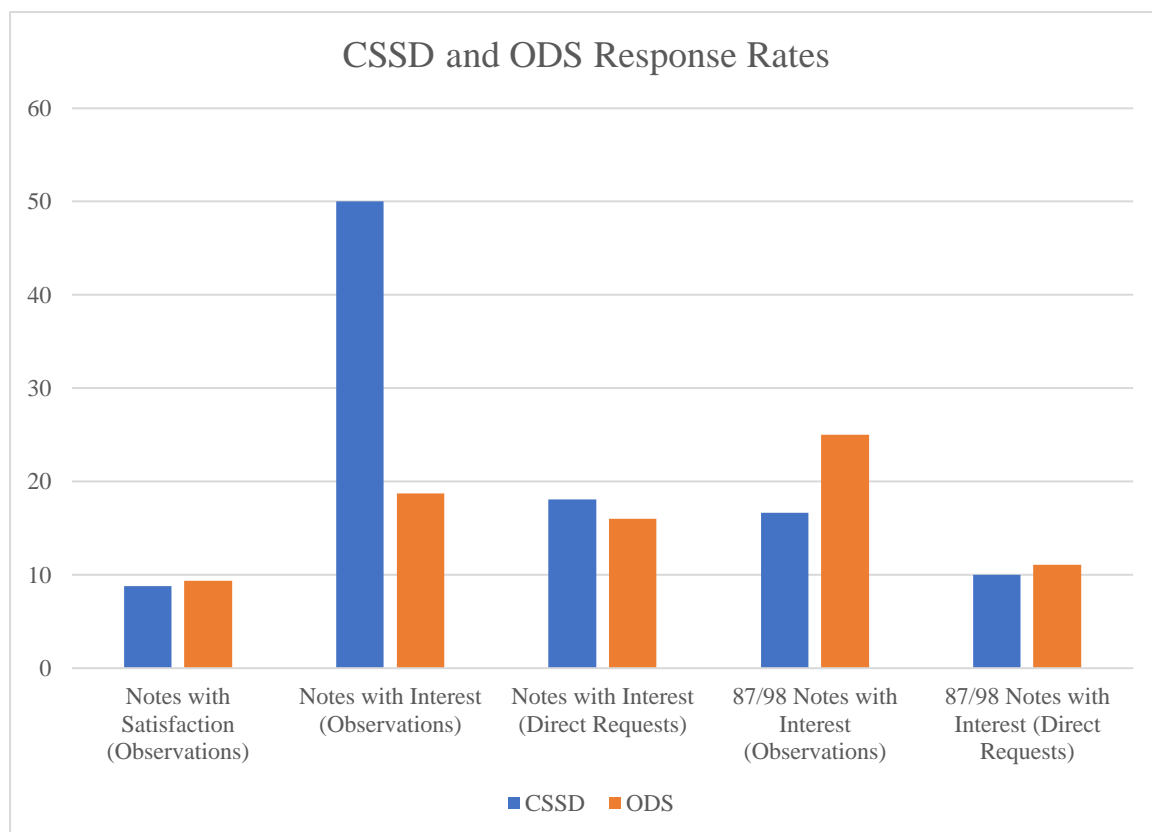
**Source:** ILO Normlex (1996 – 2019)

On C111, efforts were made in 2000 to ensure that the Employment Act more clearly stated the “prohibited grounds of discrimination” ([ILO Normlex Database, 2000](#)) (e.g. race, sex, religion, political opinion) and in 2002, measures were adopted to help tackle the prejudices faced by the Roma community ([ILO Normlex Database, 2002](#)). However, despite first raising the issue in 1992, discriminatory issues associated with the Screening Act have persisted. On several occasions, the government has indicated to the Committee its intentions to amend or revoke the Act ([ILO Normlex Database, 2000](#)) but none of its promises came to fruition. Over the years, numerous complaints have been filed by CMKOS and the International Trade Union Confederation (ITUC); the Committee has regularly raised both observations and direct requests and on two separate occasions (in 2007 and again in 2009), the government was issued with a ‘double footnote’ illustrating the serious level to which the situation was reaching. ([ILO Normlex Database, 2007](#); [2009](#)).<sup>70</sup> Nevertheless, an amendment on C111 was not made until 2016 and even then, the progress was noted only ‘with interest’ – here, the Committee was likely apprehensive about issuing a note of satisfaction prior to observing successful implementation of the legislative change ([ILO Normlex Database, 2016](#)).

<sup>70</sup> (1) Throughout, the word ‘complaints’ refers to negative comments on government submissions through Article 22. Not to be confused with the ‘complaints’ which social partners can lodge through Article 24; these will instead be referred to as ‘representations’ (2) the ITUC was created in 2006 after the dissolution of the International Trade Union of Free Trade Unions (IFTUC). Throughout, the institution is referred to as ITUC regardless of the year in which it is being discussed. Also see chapter I section 1.3.

As with the country’s compliance trends, Czechia’s response patterns do not appear to vary depending on whether the social democrats or conservatives are incumbent. As figure 4.6 indicates, there is little difference in responsiveness rates when comparing the total time periods that CSSD and ODS have held office – this holds especially so for C087 & C098. When looking across all conventions, CSSD have received a higher number of ‘notes with interest’ suggesting the party has made a greater effort to respond to the Committee but that its progress is limited by the political cultural boundaries it operates within (see chapter III). Indeed, it was CSSD who finally amended the Screening Act in 2016; however, according to an official at the Czech Ministry of Labour, despite having little practical effect today (most individuals from the communist era are retired), the Screening Act is a “political emotional” issue for Czechia. Introduced after the Velvet Revolution to signal a clean break from the old regime, discussions regarding its abolition are incredibly heated and invite much criticism from the media and right-wing politicians (Czech Ministry of Finance Interviewee C, 2020).

**Figure 4.6**



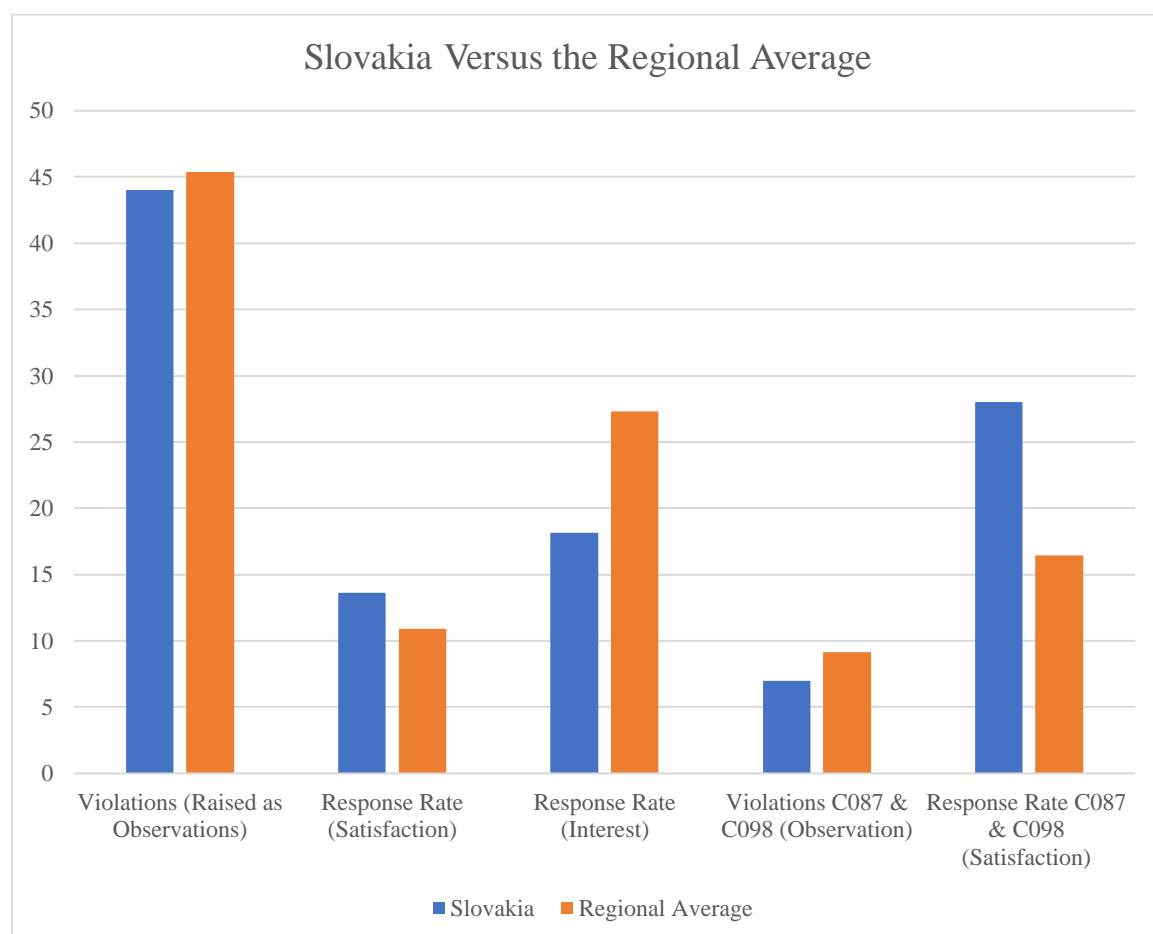
**Note** – neither party has achieved progress ‘with satisfaction’ on C087 & C098 **Source:** (Normlex Database, 1996 – 2018).

Overall, Czechia’s compliance and response rates are below the regional average; while it does respond to the Committee on some issues, the country tends to ignore the organisation on those which require deeper forms of cooperation (Downs et al, 1996) e.g. freedom of association, collective bargaining and discrimination based on political opinion – all of which conflict with the hard-line neoliberal doctrine adopted in the immediate aftermath of the Velvet Revolution as illustrated in chapter III. While this is explored more in-depth in section 4.3, the initial patterns sketched out here suggest that non-compliance is of a voluntary nature.

### The Significance of the Political Cycle in Slovakia

Having joined as part of Czechoslovakia in 1919, Slovakia too has been a member of the ILO since the organisation’s founding. It has ratified 76 conventions and achieves compliance and response rates above the regional average across all conventions as well as on C087 and C098 specifically – see figure 4.7.

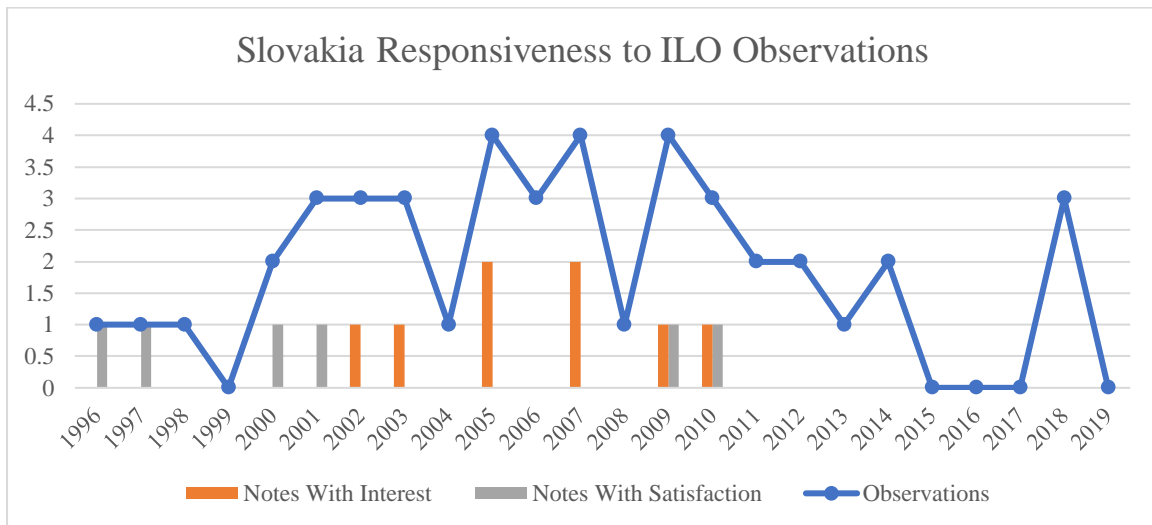
**Figure 4.7**



**Source:** Normlex Database (1996 – 2019)

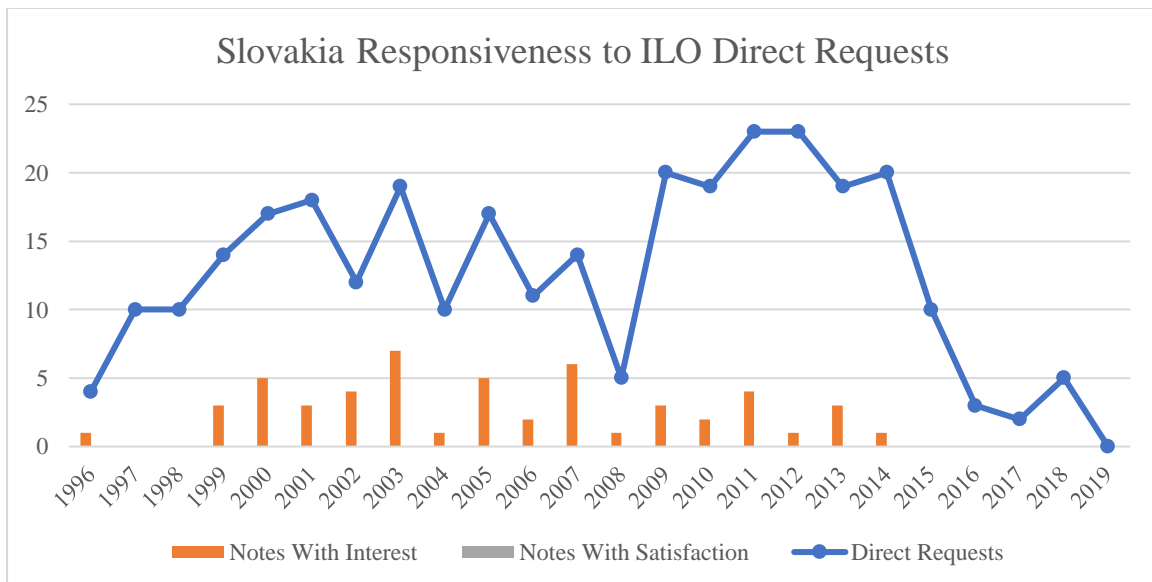
When examining Slovakia’s performance over time (see figures 4.8, 4.9 and table 4.2), we can see that after the Mečiar years, violations steadily rose and remained persistent peaking again in 2009/10 followed by several years of very high compliance.<sup>71</sup> As in Czechia, some of these trends coincide with intense periods of reform prior to EU accession and in managing the aftermath of 2008; the latter period corresponds with a “stabilisation of labour law ” (Fabo & Sedláková, 2017, p.131) following the re-election of SMER in 2012.

**Figure 4.8**



**Source:** Normlex Database (1996 – 2019)

**Figure 4.9.**



**Source:** Normlex Database (1996 – 2019)

<sup>71</sup> Table 4.2 only includes Slovakia’s observations. For a list of direct requests, see appendix 6.2.

**Table 4.2 CEACR Observations 1996 -2018 (Slovakia)**

|   |   |
|---|---|
| <p><b>1996</b><br/>C087 – Freedom of Association</p> <p><b>1997</b><br/>C111 – Discrimination (Employment and Occupation)</p> <p><b>1998</b><br/>C087 – Freedom of Association</p> <p><b>2000</b><br/>C087 – Freedom of Association<br/>C011 – Right of Association (Agriculture)</p> <p><b>2001</b><br/>C159 – Vocational Rehabilitation and Employment (Disabled Persons)<br/>C087 – Freedom of Association<br/>General Observation</p> <p><b>2002</b><br/>C142 – Human Resources Development<br/>C098 – Right to Organise and Collective Bargaining<br/>C111 – Discrimination (Employment and Occupation)</p> <p><b>2003</b><br/>C122 – Employment Policy<br/>C144 – Tripartite Consultation (International Labour Standards)<br/>C100 – Equal Remuneration</p> <p><b>2004</b><br/>C144 – Tripartite Consultation</p> <p><b>2005</b><br/>C100 – Equal Remuneration<br/>C111 – Discrimination (Employment and Occupation)<br/>C144 – Tripartite Consultation<br/>C122 – Employment Policy</p> <p><b>2006</b><br/>C144 – Tripartite Consultation<br/>C122 – Employment Policy<br/>C098 – Right to Organise</p> | <p><b>2007</b><br/>C122 – Employment Policy<br/>C100 – Equal Remuneration<br/>C111 – Discrimination (Employment and Occupation)<br/>C144 – Tripartite Consultation</p> <p><b>2008</b><br/>C098 – Right to Organise and Collective Bargaining</p> <p><b>2009</b><br/>C100 – Equal Remuneration<br/>C111 – Discrimination (Employment and Occupation)<br/>C144 – Tripartite Consultation<br/>C122 – Employment Policy</p> <p><b>2010</b><br/>C100 – Equal Remuneration<br/>C115 – Radiation Protection<br/>C144 – Tripartite Consultation</p> <p><b>2011</b><br/>C111 – Discrimination (Employment and Occupation)<br/>C100 – Equal Remuneration</p> <p><b>2012</b><br/>C001 – Hours of Work (Industry)<br/>C122 – Employment Policy</p> <p><b>2013</b><br/>C122 – Employment Policy</p> <p><b>2014</b><br/>C100 – Equal Remuneration<br/>C111 – Discrimination</p> <p><b>2018</b><br/>C129 – Labour Inspection (Agriculture)<br/>C156 – Workers with Family Responsibilities<br/>C081 – Labour Inspection</p> <p style="text-align: right;"><b>Source:</b> ILO Normlex (1996 – 2018)</p> |
|---|---|

Figure 4.10 illustrates the frequency of Slovakia's violations by type of convention.<sup>72</sup> As is shown, the most prominent issues centre around C144 (Tripartite Consultation) – directed at the government for not consulting social partners before submitting draft legislation to parliament; C100 – failure to tackle gender wage discrepancies; C111 – discriminatory employment practices aimed at the Roma population; and C122 – in regard to regional and age unemployment disparities.<sup>73</sup> For the most part, Slovakia has responded to the Committee's concerns. First, it is worth noting that like Czechia, Slovakia too received a direct request in 1995 highlighting the conflict between its Screening Act and C111 – i.e. it allowed for employment discrimination based on political opinion ([ILO Normlex Database, 1995](#)). However, the only reason Slovakia was in violation of C111 in this regard was because the Act automatically carried over into Slovak law after the dissolution of Czechoslovakia ([ILO Normlex Database, 1995](#)); once the Committee notified the country of the problem, the government repealed the Act without hesitation. In responding to the ILO on this issue, country officials stated that a decision had been taken to alter the Act owing to its incompatibility with the newly created Slovak Constitution and on the grounds that it did not conform with C111. In response, the Committee issued Slovakia a 'note with satisfaction' ([ILO Normlex Database, 1997](#)) and the matter has not been raised since.

The issue of discrimination against the Roma population has taken a different path; despite the Committee calling attention to the problem in 1995 ([ILO Normlex Database, 1995](#)) it has only once in 2005 been able to note progress 'with interest' after the government promised a series of changes through its 'National Action Plan on Social Exclusion'. To this day, the Committee continues urging Slovak authorities to increase their efforts in tackling race based discrimination against the Roma and to improve the implementation of the associated programmes in place ([ILO Normlex Database, 2019](#)).

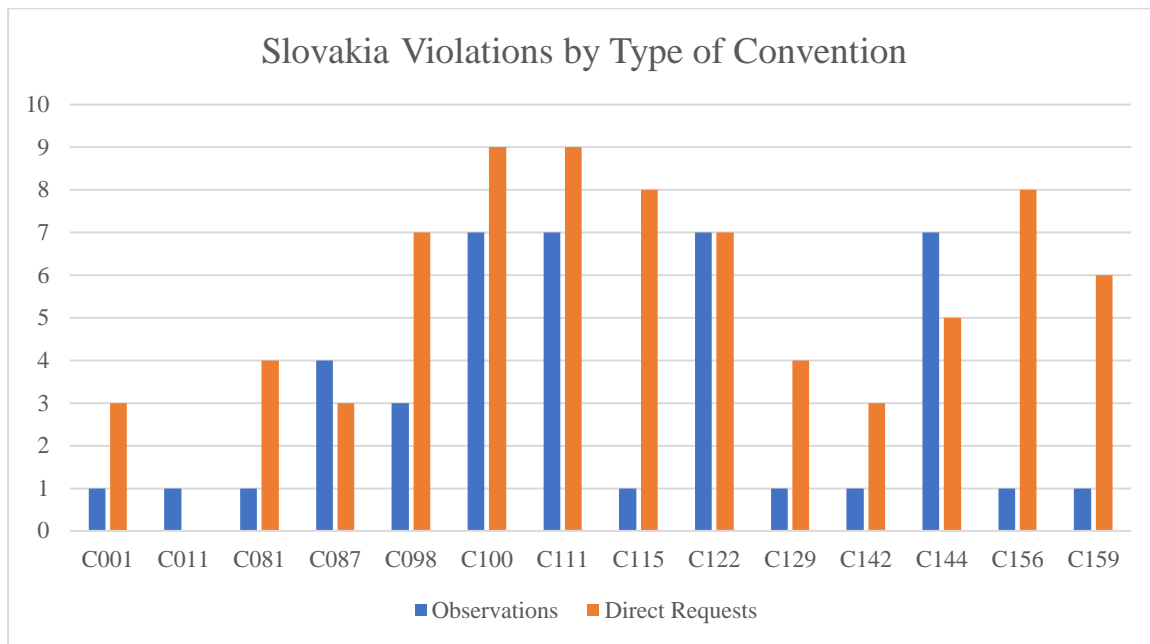
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<sup>72</sup> Figure 4.10 includes only the direct requests for conventions on which Slovakia has also received observations. In this way, the focus is on more serious problems rather than an exhaustive and diverse list of technical/legal issues which would not add to the analysis here. For a full list of direct requests, see Appendix 6.2.

<sup>73</sup> Note\* direct requests on C098 appear slightly high but four of these are the result of the issue being tied up with the Constitutional Court rather than a lack of response on Slovakia's part (see Normlex Database, [2010](#); [2013](#); [2014](#); [2015](#)).



**Figure 4.10**



**Source:** Normlex Database (1996 – 2019)

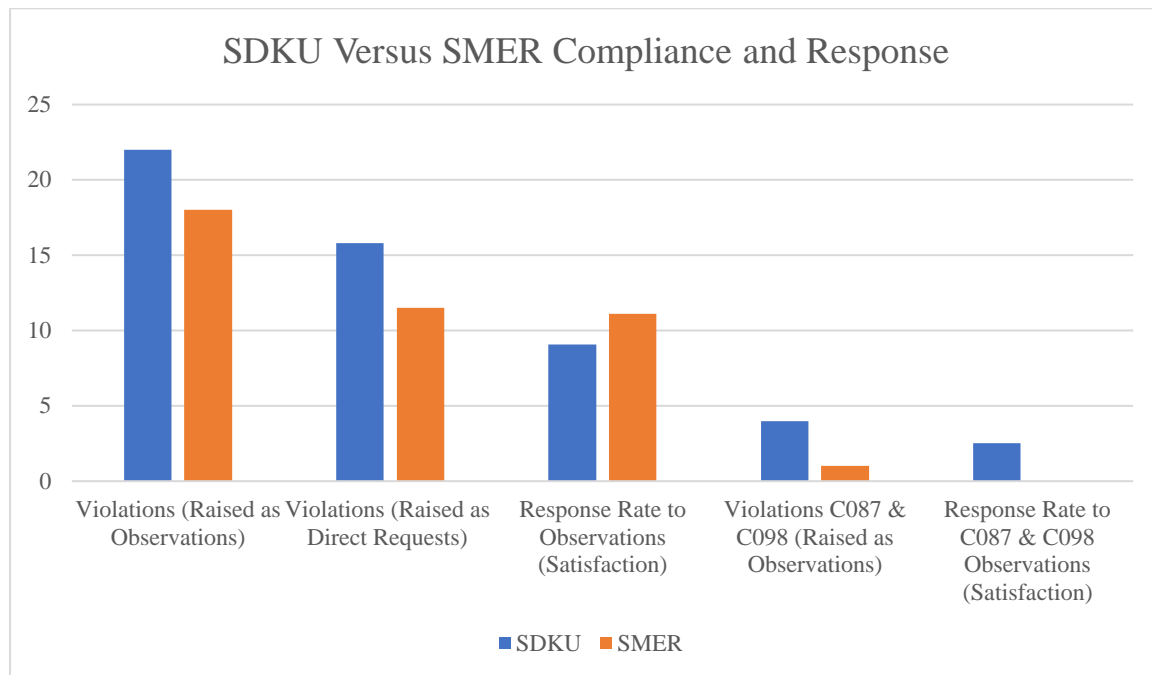
Slovakia has made progress on some of the other issues noted above: for example, in 2009, it received a ‘note with satisfaction’ for adjusting the labour code to tackle gender based wage discrimination ([ILO Normlex Database, 2009a](#)). In 2009 and 2010, ‘notes with interest’ were given in response to the country’s efforts to strengthen institutions of tripartite consultation (ILO Normlex Database, [2009b](#); [2010b](#)). On this particular problem – failing to consult social partners on legislation – there have been no further observations or direct requests. On issues related to C122 – regional and age disparities in unemployment levels – the Committee has to date, been unable to note progress. However, evidence suggests that problems here can be linked to capacity (Chayes & Chayes, 1993) rather than of political will (Downs et al, 1996). For instance, the problem was first raised shortly after the closing down of Slovakia’s arms industry ([ILO Normlex Database, 1999](#)); recalling chapter III, this was a political decision taken in Prague prior to Czechoslovakia’s split which resulted in the exacerbation of economic disparities and fuelled support for Mečiar’s populist nationalist party (Shepherd, 2000, pp.140-2; Mahoney, 2011, pp.252-8; chapter III section 3.1). In 1999, the Slovak government raised this point with the Committee and requested technical support from the ILO’s Multidisciplinary team in Budapest to help with those developing regions which were most affected (ILC Record of Proceedings Volume I, 1999, p.12/7. PDF p.303). Slovakia also received close to 60 million Euros in 2005 from the European Social Fund in support of

various programmes aimed at levelling out the regional differences ([ILO Normlex Database, 2005](#)).

Figure 4.11 organises Slovakia's violations and cases of progress by government allowing for several observations to be made in regard to whether the country's patterns of compliance and response can be differentiated by political party – social democrats (SMER) or conservatives (SDKU). As figure 4.11 indicates, fewer violations occur when SMER is in power compared to when SDKU are the incumbents. SMER moreover has a higher response rate replying to and implementing the Committee's advice. Further distinctions emerge when the figures are examined by type of convention: for instance, SDKU receives a greater number of violation notices on C087 and C098. While the Committee did raise one observation on C098 during SMER's time in office (between 2012 – 2017), it was the result of the issue being tied up with the Constitutional Court rather than due to a lack of response on SMER's part. That SMER has avoided violation notices on C087 & C098 also accounts for why SDKU has a higher response rate on those same conventions.

Problems regarding tripartite consultation (C144) especially highlight how Slovakia's political cycle matters for the ILO's impact. For example, in 2000 – three years after the country ratified C144 – the Committee began requesting reports regarding the implementation of the convention ([ILO Normlex Database, 2000a](#)). However, the SDKU led government ignored these appeals for three years despite the Committee raising several direct requests on the matter (see ILO Normlex Database, [2001a](#); [2002a](#)). In 2003, the Committee escalated the problem from a direct request to an observation after KOZ SR informed the ILO that the labour code had been amended without proper consultation in the 'Council of Economic and Social Agreement' (CESA). While the government did respond, they chose to push back on both KOZ SR and the Committee claiming that “[they] did not agree with the facts as stated by KOZ SR and that these facts do not fall under the scope of the Convention” ([ILO Normlex Database, 2003](#)). For several years following, SDKU continued to push back or just did not reply to the Committee despite numerous observations and direct requests being raised on the issue (ILO Normlex Database, [2004](#); [2005a](#); [2006](#)). It was SMER who upon entering office in 2006 began to resolve the problem by introducing the new 'Economic and Social Council' which they created specifically to cover matters related to C144 (ILO Normlex Database, 2009c). Complaints from organised labour on this issue have been confined to the periods when SDKU were in power and have not been raised since 2010.

**Figure 4.11**



**Note** (1) Direct requests have been scaled dividing the total number by 100 (2) Response Rate percentages on C087 & C098 have been scaled by a factor of 10. **Source:** (Normlex Database, 1996 – 2019)

Overall, Slovakia’s compliance and response rates are above the regional average when looking across all conventions and especially so on C087 and C098. Where problems have emerged, they have not done so in ways which suggest a calculated effort to impede the influence of organised labour. Instead, the most prominent issues the Committee raise tend to be diverse both in regard to the substance of the conventions and the reasons for non-compliance. With the exception of discrimination against the Roma population, most violations are the result of technical/legal glitches or of problems to do with capacity. While some evidence of deviant non-compliance can be found, this appears to be a function of the political cycle and is confined to the period governed by SDKU.

This initial look at the ILO’s relationship with Czechia and Slovakia has illustrated that the organisation has a harder time making an impact in the former than the latter. While non-compliance exists in both countries, there are stark differences in regard to the frequency with which it occurs, the types of conventions that are violated and the rate as well as the character of response coming from each country. While the above has examined general compliance across both countries, the next section strengthens these initial conclusions by tracing the evolution of violations across conventions C087 & C098 specifically.

## 4.2 ILO Conventions 87 & 98

Czechia and Slovakia's compliance and response rates do not just differ in relation to each other but also the regional average – the latter exceeding regional performance while the former falls behind. What accounts for such divergences? As will be illustrated below, patterns of compliance and response neatly align with the diverging policy spaces sketched out in chapter III. Freedom of association (C087) and collective bargaining (C098) are typically seen as being two of the organisation's more politically contentious conventions: first, because of their role in strengthening internal democratic processes (Rodgers et al, 2009, p.50) and second, because they are perceived by some policy makers and economists as introducing artificial distortions into the labour market, stifling competition and negatively impacting growth (Sengenberger, 2005a, pp.36-46). As such, countries who embrace free-market principles to a greater extent – as Czechia has done – may, in some instances find compliance too costly when compared to political cultures who've adopted a more social democratic model as is the case in Slovakia.

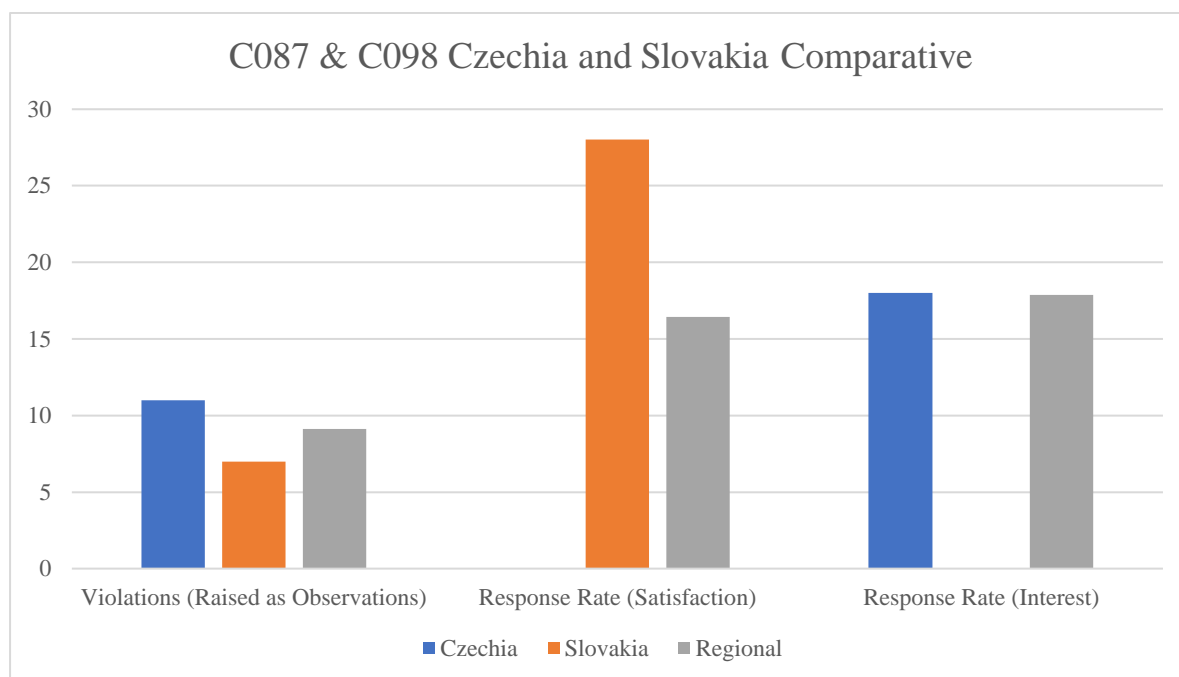
As will be illustrated throughout this section, IOs must deploy tools which align with the reason for non-compliance (Thomann, 2011). The ILO successfully alters domestic outcomes when violations are of a technical or managerial nature by playing a role in designing legislation and ensuring standards of best practice. Where political will is lacking, measures of enforcement may be required in order to coerce a state into honouring its international commitments and it is here, when states challenge the ILO, that there is little the organisation can do.

After a brief empirical comparison of compliance and response rates on C087 & C098, the section provides an in-depth analysis of the ILO's impact by tracing the evolution of several violations of these two conventions. To do so, close attention is paid to the strategies deployed by the supervisory mechanisms and the ways in which each country's government responded in-turn. Because the Committee has in some instances raised identical observations across both countries, the following provides a unique opportunity to illustrate the distinct motivations driving each. Overall, Slovakia tends to promptly correct violations in line with the Committee's advice, often requesting technical or legal assistance to do so. Czechia on the other hand allows issues to persist and either engages in mock compliance (Walter, 2008 *cited in* Woodward, 2016) or pushes back on the Committee's criticisms and advice.

## Czechia and Slovakia: A Contrasting Picture

As illustrated by the previous section, the ILO’s impact varies with significant divergences across compliance and response rates – as figure 4.12 exhibits, apart from responses noted ‘with interest’ Slovakia outperforms Czechia and the regional average in both of these areas in regard to C087 and C098.

**Figure 4.12**



**Source:** ILO Normlex Database (1996 – 2019)

To highlight further the stark contrast in compliance rates between the two countries, it is worth examining data from the ‘Centre for Global Workers Rights’ (CGWR). Hosted by Penn State University, the database provides information on violations of C087 & C098 both in law and in practice for the years 2012, 2015, 2016 and 2017 – figure 4.13 depicts scores comparing both Czechia and Slovakia to the global average.<sup>74</sup> Because the project is housed outside of the ILO, the creators have been able to freely collect and present data from a wider range of sources despite those sources having not been collectively authorised by the organisation’s member states – see chapter I section 1.3 for information on the controversies surrounding the CGWR data (Kucera & Sari, 2019). However, the criteria nevertheless align with the ILO’s conventions and while data is only provided for four years, the CGWR casts a wider net to capture violations not available to the Committee and therefore presents a more

<sup>74</sup> As noted by Weisband (2000), “global [and regional] benchmarks provide the behavioural baseline etched by actual state practices” (Weisband, 2000, p.645).

accurate picture of compliance than the Normlex Database on its own is able provide. As figure 4.13 illustrates, Czechia consistently hovers above the global average, but Slovakia’s compliance has been given the best possible score (or extremely close to it) for all four years the data is available.

**Figure 4.13**



**Best Score = 0 Worst Score = 10**

**Source:** [Centre for Global Workers Rights \(2019\)](#)

Beginning with C087 on collective bargaining, the Committee raised identical direct requests in both countries regarding legislative incompatibilities with Articles 2 and 3: the first concerning the rights on *non-citizens* to join workers’ associations; the second, regarding unreasonable obstacles to calling strikes (1996; 1996a). That both countries received identical violations was the result of the laws automatically carrying over from the former Czechoslovakia. However, the response from each republic was very different: Czechia would delay correcting the issue concerning non-citizens for almost a decade and has allowed the second problem to persist to this day. Slovakia on the other hand promptly corrected both in line with the ILO’s advice.

## C087 Problem 1. Article 2: The Rights of Non-Citizens

The problem arose in 1996 when the Committee identified that in both countries, freedom of association was governed by Act No.83 of 1990 on Citizens Associations (Normlex, 1996a; Normlex 1996b); the emphasis on the word *citizens* staff noted created potential compatibility problems with Article 2 of C087 which states that “workers without distinction whatsoever (whether they are national or foreigners residing legally in the country) have the right to establish and join associations” (Normlex Database, [1996](#); [1996a](#)). As requested by the Committee, Slovakia responded in its next report informing them that the rights of non-nationals in this regard are protected under paragraph 3 of the Act in question and as such fully complied with Article 2 of C087 ([ILO Normlex Database, 1998](#)). Slovakia had actually corrected the issue in 1993 shortly after independence but the Committee nevertheless sought clarification and closed the issue upon Slovakia’s response (see amended Act – [ILO Natlex Database, 1993](#)).

This process did not go as smoothly in Czechia. First, the government did not reply to the ILO’s 1996 request and having not done so for two consecutive years, the Committee reprimanded Czechia with a ‘case of serious failure’ in 1997 ([ILO Normlex Database, 1997a](#); [ILO CAS, 1997](#)) – cases of serious failure are issued when members do not fulfil their reporting obligations ([European Commission, 2018](#)) and in some instances, government representatives are invited to explain why they were unable to do so in front of the assembly at the annual ILC conference ([ILO, n.d.](#)).<sup>75</sup> During the conference in 1997, a Czech government representative took the floor to address the issue but appeared to push back against the Committee by redirecting the blame towards the ILO. Here, the representative claimed that his government had in fact collected the information requested and was ready to submit the reports but, upon doing so, the Committee had inundated them with new requests and as such, they were forced to collect additional information before the reports could be sent ([ILO CAS, 1997](#); ILC Record of Proceedings, 1997, p.19/60. PDF.774).

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<sup>75</sup> Member states are obliged by the ILO’s constitution to submit reports on the application of the conventions as well as to reply to the comments of the Committee. The ILO takes these commitments seriously as they are crucial to the effective functioning of its supervisory mechanism (ILO CEACR Report, 2002, p.42). Reports must be sent between June and September of a given year allowing the Committee several months to identify the key issues to be discussed in the following ILC session in June. According to the ILO “Due consideration is given, when fixing this date, particularly to the time required to translate the reports, where necessary, to conduct research into legislation and other necessary documents, and to examine reports and legislation” (ILO CEACR Report, 2002, p.42).

When Czechia did reply to the Committee's concerns regarding the Act on Citizens Associations, country authorities noted that they were preparing a new draft Act on Associations in line with the ILO's requests and that it would come into force in 1999 ([ILO Normlex Database, 1998a](#)). However, despite being asked to do so, Czechia would fail to respond for another two years and in 2001, received another 'case of serious failure' (ILC Record of Proceedings, 2001, 19/2. PDF.829-831; [ILO CAS, 2001](#); ILO CEACR, 2001, p.61). At this year's ILC session, a government representative once again took the floor and pushed back on the Committee's claims asserting that "his government had already complied with its reporting obligations" ([ILO CAS, 2001](#); ILC Record of Proceedings, 2001, 19/2 PDF pp.830-1).

While Czechia had indeed sent its reports, it had done so past the deadline and as a result, neither the Committee nor the CAS were able to discuss the relevant issues in preparation for the conference (ILC Record of Proceedings, 2001, 19/2 PDF p.833). Moreover, the report that the government representative was referring to merely stated that the new draft Act – which they had promised the Committee would be implemented by 1999 – was rejected by parliament and as such, the situation remained unchanged. In response to this report, the Committee again urged the government to make the amendment and keep it informed with the progress ([Normlex Database, 2001b](#); ILO CEACR, 2002, p.303).

Dialogue between the Committee and the government would continue in a similar fashion over the next several years – Czech authorities purporting to have made changes while staff continued to request updates. But, while compliance improved in regard to reporting duties, nothing substantial was ever done in terms of enacting the ILO's advice. For example, in 2002, Czech authorities assured the Committee that a new draft Act was being written and that it would be submitted to parliament in 2004 ([ILO Normlex Database, 2002b](#)); in the spirit of keeping the ILO updated, it informed the organisation in 2003 that work on the Act was "making progress" ([ILO Normlex database, 2003a](#)). However, when 2004 came, the situation changed with the government dropping the draft Act in favour of new plans to amend the original one ([ILO, Normlex Database, 2004a](#)). By 2005, the government switched tracks again, this time refusing to make any amendments in accordance with the Committee's requests i.e.



to substitute the word ‘citizen’ with something more general covering all workers (ILO Normlex Database, 2005b).<sup>76</sup>

According to a senior economist at the ILO, such behaviour is indicative of states who lack the political will required to achieve compliance:

“I think [some] governments think of their commitment to ILS as a secondary thing, so they will push for reform and someone will say ‘oh this is going against the convention that we’ve ratified’... In some instances the governments will tell their labour [delegates] or embassies in Geneva just to minimise the adverse publicity they might get out of this but not necessarily change feedback into the policy making process (ILO Staff Interviewee P, 2019).

### C087 Problem 2. Article 3: The Right to Strike

Problems with Article 3 of C087 also began in 1996 and surfaced in both countries owing to the automatic carrying over of laws from the former Czechoslovakia. Here the Committee took issue with section 17 of the 1990 Act on Collective Bargaining noting how quorum and majority levels were set too high and as such, created barriers to strike action (Normlex Database, 1996; 1996a).<sup>77</sup>

Beginning with Slovakia, the Committee raised an observation in 1998 elaborating on the issue and asked the government to respond in the next reporting session (ILO Normlex Database, 1998). However, in this instance, Slovakia failed to comply both with its general reporting duties (ILO Normlex Database, 2000b) as well as to specific comments on the issue of Article 3 - this was picked up by the Conference Committee (CAS) and Slovakia was invited to explain the situation at the ILC session in June 2001 (ILO CAS, 2001a).

The response from Slovakia was very different from the ones that are usually given by Czech officials in these conferences (see above). When the Slovak representative took the floor, he communicated that staffing issues had been the cause of the late reply, he apologised and then proceeded to reassure the ILC of Slovakia’s commitment to the ILO. While he had the

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<sup>76</sup> Instead of fixing the Act in accordance with the Committee’s advice, the government pointed to the country’s ‘Charter of Fundamental Rights and Freedoms’ which it claimed protects the rights of all persons to freely organise - both citizens and non. The Committee took note of the information and the issue has not been raised again (ILO Normlex Database, 2005b).

<sup>77</sup> Article 3 of C087 states “1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. 2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof” (ILO, 1948).

conference's attention however, he also took the opportunity to inform the Committee that Slovakia had listened to and implemented the ILO's advice regarding the issues with Article 3 and C087 – amending section 17 accordingly ([ILO CAS, 2001a](#); ILC Record of Proceedings, 2001, 19 (2/3). PDF.831).

On this issue, the ILO appears to have made a real impact in Slovakia, so much so that it served to unite both government and workers representatives in their appreciation for the organisation's assistance with the matter. For example, later in the same ILC session, a Slovak workers' delegate (Mr. Saktor) noted how the ILO was bringing real benefits to unions, governments and employers. He further explained how the recent amendment to Section 17 of the Act on Collective Bargaining was made possible not only by the ILO's legal/technical experts but also its tripartite nature which allowed for the country's 'Railway Workers' Association' to raise awareness of the problem directly with the Committee on Freedom of Association (CFA) ([ILO CFA, 2000](#); ILC Record of Proceedings, 2001, 7/30. PDF p.211). Mr.Petöcz (a government representative) also took the opportunity at the conference to thank the ILO: echoing Mr. Saktor he stated “we appreciate the technical cooperation of the International Labour Organization...in resolving the dispute with the Trade Union Association of Railwaymen regarding the exercise of the right to strike and the amendment of the act on collective bargaining” (ILC, Record of Proceedings, 2001, 7/20. PDF p.201).

The above illustrates well the legitimacy that the ILO has in Slovakia as well as the country's eagerness to work with and respond to the organisation when issues are raised. The violation itself arose only as a consequence of laws carrying over from the dissolution of Czechoslovakia and despite a slight delay in responding to the Committee, Slovak authorities promptly sought the organisation's legal/technical assistance in order to correct it. Following that year's ILC session, the Committee noted Slovakia's progress 'with satisfaction' and the issue of Section 17 has not come up again ([ILO Normlex Database, 2001c](#)).

Problems surrounding unreasonable quorum and majority levels continue for the Czech Republic. Between 1996-present, the government has made numerous promises to amend section 17 of the Act on collective bargaining for which the ILO has administered several 'notes with interest'. However, many of the government's reassurances would never materialise and those that did, would not function to correct the underlying problem. As the issue regarding impediments to strike action has gained intensity over the years – ITUC and CMKOS both lodging complaints – Czech authorities on several occasions have pushed back or simply not

replied to the Committee. For example, two years after the Committee's initial direct request (see ILO Normlex Database, [1996](#); [1997a](#); [ILO CAS, 1997](#)), the government finally in 1998 informed staff that they "[were] ready to transpose [the ILO's views] into national legislation" (Normlex database, 1998a) for which the Committee responded with 'interest' and asked to be kept updated on the progress. Despite several reminders to do so, Czech authorities would not respond for three years (ILO Normlex Database, 2000c; ILO Normlex Database 2000d) resulting in a 'case of serious failure' which was noted in the ILC session in June 2001 ([ILO CAS, 2001](#)).

Although the issue of section 17 itself was not discussed at the conference, the general problem of Czechia's eroding labour standards was. Here, a Czech workers' delegate – Mr. Falbr – took the floor to highlight the downward pressures of globalisation and noted how the MNCs operating in the country displayed a lack of respect for the ILO (ILC Record of Proceedings, 2001, 7/37. PDF p.218). Echoing Mr. Falbr's concerns, Mr. Alan Leather – a representative from 'Public Services International' (a global union federation) – pointed out that despite many countries pledging their support for social dialogue, in practice they continued to undermine it as exemplified by recent changes in Czechia which frustrated freedom of association and collective bargaining rights in the public sector (ILC, Record of Proceedings, 2001, 14/31. PDF p.462).

In late 2001, the government updated the Committee on the issue of Section 17 noting that work on transposing its views was still ongoing, that social partners were being consulted and that new legislation should come into force by 2005 (ILO Normlex Database, 2001b). Over the following two years, work on the draft legislation continued, the Committee was routinely updated (ILO Normlex Database, 2002b; 2003a) and in 2004, the ILO commended Czech authorities when the Ministry of Labour informed them that the Committee's advice had been taken on board (ILO Normlex Database, 2004a). However, by 2005, the draft legislation was still not complete and over the next couple of years, the problem began to intensify as CMKOS and ITUC began transmitting more and more complaints (ILO Normlex Database, [2005b](#); [2007a](#)). Finally, in 2007, Czech officials informed the Committee that the required amendment had been made. However, this appears to have been little more than tokenism – the government trying to appease the Committee without making any significant domestic adjustments. When the ILO's legal team inspected the amendment, they noted that nothing substantial had really changed and as such, Section 17 still conflicted with Article 3 of the convention. Once again,

the Committee requested that the “required majority for...staging strikes [be] lowered to a reasonable level” and to inform them of the progress (ILO Normlex Database, 2007a).

The government did not respond for three years (ILO Normlex Database, 2008; 2009d; [ILO CAS, 2009](#)) but upon doing so in 2010, refused to comply with the ILO’s requests. In its reply, the government stated that in their view, the quorum and majority levels were “reasonable since a strike is a serious measure” (ILO Normlex Database, 2010a). They went further to add that strikes should not be decided upon therefore by small number of workers considering the economic consequences they can have. The Committee pushed back: they reminded the government that impediments to strikes such as these do not only conflict with C087, but they deprive workers of one of their essential means for protecting their interests. Once again, they requested the legislation be amended and to be kept updated on the progress (ILO Normlex Database, 2010a).

Over the next three years, the government continued to hold firm on its position despite numerous complaints submitted to the ILO from CMKOS and ITUC (ILO Normlex Database, 2011). In 2013 – possibly as a result of CSSD’s re-election – the government informed the Committee that the Ministry of Labour had been ordered to examine legislation regarding the right to strike and as such, there was a new opportunity to address its concerns regarding the problem of Section 17 (ILO Normlex Database, 2013a). However, this work was discontinued in 2016 (ILO Normlex Database, 2016a) and the controversy remains (ILO Normlex Database, 2019a).

### C098 Collective Bargaining

Problems surrounding C098 highlight further the stark contrasts between Czechia and Slovakia in regard to compliance and response. Beginning with Slovakia, the Committee has, over the years, raised three issues pertaining to anti-union discrimination: (1) “the recruitment of workers on the condition of giving up trade union membership and insufficient protection against such acts” (ILO Normlex Database, 2005c) (2) impediments to collective bargaining through the introduction of representativeness quotas i.e. unions must prove they represent 30% of the employees before they are allowed to operate (ILO Normlex Database, 2012) (3) the legal changes pertaining to whether collective bargaining agreements can be extended to the wider sector involved (ILO Normlex Database, 2006a).

Regarding the first issue, a direct request was raised based on comments made by the ITUC and KOZ-SR in 2005; however, in this instance, the Committee noted the lack of specific allegations and requested both union confederations to further substantiate their claims (ILO Normlex Database, 2005c). Neither the ITUC nor KOZ-SR have to date fulfilled this request and the issue has not been brought up again nor have any further complaints been submitted by the workers' associations. The second problem was corrected for the same year the Committee raised it – SMER won the election in April 2012 and reversed the previous administration's reform (LABREF Database, n.d. Slovakia, 2012).

Controversy surrounding sectoral extensions of collective bargaining agreements continues and as illustrated in chapter III, legislation on this has gone back and forth for years. Most recently (2017), the law was amended in favour of extensions but with several caveats in place after the Constitutional Court (2016) ruled the practice unconstitutional in 2016 (LABREF Database, n.d. Slovakia, 2016; 2017). While the Slovak government has regularly responded to the ILO's concerns throughout, the dynamics are not discussed in detail here but are instead examined in chapter VI's investigation into the consequences of policy fragmentation.

Since 2001, issues of anti-union discrimination have remained as permanent fixtures in Czechia with the Committee repeatedly raising concerns across two dimensions: (1) the Civil Service Act barring public sector employees from collective bargaining (2) anti-union discrimination in practice (ILO Normlex Database, 2002c) – because the former is a focus of chapter VI, the remainder of this section focuses on the latter.

Issues of anti-union discrimination were first reported to the ILO by CMKOS and ITUC in 2001 and primarily focused on problems of implementation – although collective bargaining rights were protected by law, both unions noted that violations remained widespread in practice (ILO Normlex Database, 2002c). Not only had numerous acts of employers' obstructing the collective bargaining process been documented, but further complaints had been made in regard to the slowness of court procedures that were meant to provide legal recourse. In this instance, the government tried to reassure the Committee by informing them that these matters had been discussed in the country's highest tripartite body and as a result of these discussions, labour offices were paying much more attention to the implementation of labour law on anti-union discrimination (ILO Normlex Database, 2002c).

On the surface, progress appeared to continue over the next several years. Although the government did not reply directly to the Committee's request to specify the average time of court proceedings ([ILO Normlex Database, 2003b](#)), it did note how procedures were being reviewed so as to find ways of *speeding up* the litigation process and that draft laws were being prepared to help identify and prove acts of anti-union discrimination ([ILO Normlex Database, 2004b](#)). By 2005, a new Act on labour inspection was passed which introduced a range of penalties for instances of union discrimination and which created a 'third (neutral) party mediation' system to replace the old 'arbitration commissions' – found to be the source of the litigation delays. The Committee noted these developments with 'interest' and asked for information on whether these legal/institutional changes were improving the situation in practice ([ILO Normlex Database, 2005d](#)).

By the following year, it was becoming evident that the legislative changes were indeed doing very little to improve the situation on the ground because the ILO continued to receive complaints from the ITUC regarding anti-union discrimination. When the Committee called out Czech authorities on the issue, the government's response became hostile. For example, in 2006 country authorities attacked ITUC claiming its accusation were unfounded and that the '*international*' union misunderstood the *national* situation. Nevertheless, authorities tried to reassure the Committee by noting that the companies in question were under close scrutiny by the labour inspectorate ([ILO Normlex Database, 2006b](#)). However, when the Committee relayed further complaints of anti-union discrimination in 2007 – this time from both the ITUC and CMKOS – the government flat out denied the allegations and declared that the labour inspectorate had not "registered any proven cases" in this regard (ILO Normlex Database, 2007b). After pointing out the huge discrepancies that existed between the government's reports and those of the unions, the Committee requested once again for Czech officials to provide an assessment on whether and how the legal and institutional changes made several years prior were improving the situation in practice (ILO Normlex Database, 2007b).

Despite numerous requests to do so, and further complaints from the ITUC and CMKOS (See Normlex Database, [2009e](#)), the government did not respond to the Committee's request for an assessment until 2010 and even then did not provide one choosing instead to communicate only that "there [had] been no changes" ([ILO Normlex Database, 2010c](#)) since its previous response. The Committee reminded the government that implementation is a necessary counterpart to legal provisions and requested once again an assessment of the overall

effectiveness of the new system. In an effort to assist and nudge country authorities in delivering the assessment, the legal/technical team provided specific instructions on what should be included: for example, they requested data from both employers' and workers' organisations detailing the number of complaints, the duration of court proceedings as well as their outcomes ([ILO Normlex Database, 2010c](#)).

The government paid no attention to these requests; in its reply the following year, country authorities supplied information only on the number of labour inspectors available in the country (333 across eight regional inspectorates) and once again claimed that – contrary to the Committee's observations – none of them had registered any proven cases of anti-union discrimination. In response, The Committee noted that the “absence of proven cases...does not necessarily imply that such acts do not occur” ([ILO Normlex Database, 2011a](#)) before repeating its request from 2010. These types of antagonistic communications continued for several years (see Normlex database, 2013b; 2016b) and the issue remains a pertinent one in the ILO's most up to date reports (see Normlex database, 2019b). When asked whether anti-union discrimination was still a problem in the country, a CMKOS staff member commented:

“yes, that's still alive...there are many attempts of employers to decide solely in their power without any trade unions for instance. I've got many letters from people when they were dismissed for the reason of being in trade unions...there is a fear of many people to become members of trade unions because they are risking their positions in the company – this is a practice which is more frequent than it was two years ago” (CMKOS Interviewee H, 2020).

Overall, the above illustrates well the ways in which Czechia's attitude to the ILO differs to Slovakia's. Non-compliance appears to be driven by a lack of political will and while the government is willing to give the impression that the Committee's issues are being resolved, changes in behaviour do not occur. This is evident in the way Czechia allows observations and direct requests to persist over long periods of time, in some cases seeking to appease the committee with legislative tweaks or promises of better implementation but not doing anything substantial to fix the problem. This “mock compliance” (Walter, 2008 *cited in* Woodward, 2016) is illustrated by the high number of notes ‘with interest’ it receives but which never turn into cases of progress noted ‘with satisfaction’. In other instances, Czech officials have been antagonistic towards the Committee, disputing its observations and advice. Slovakia on the other hand, seeks to empower organised labour and as a result violates ILO conventions much less; when non-compliance does occur, it tends to be the result of legal/technical glitches or

issues of capacity. Moreover, when called upon, the government promptly corrects problems ensuring that it does so in alignment with the Committee's advice – often making use of the organisation's technical and legal assistance to do so.

### **4.3 The Impact of the ILO: Explaining Variation Across States**

The ILO seeks to uphold ILS through the facilitation of global tripartite dialogue; close monitoring of compliance and by providing legal/technical assistance to correct issues of non-compliance. In this way, the organisation is able to identify problems and contribute to changes in legislation or implementation practices which would not have occurred in its absence (Downs et al, 1996). Despite deploying these tools similarly across both Czechia and Slovakia, the ILO's impact has varied significantly. What accounts for this variation and under what conditions can the organisation be expected to make an impact? This section provides a comparative assessment of the domestic and international processes which fed into these diverging outcomes; after briefly illustrating the two countries scores as compared with the regional average, dynamics surrounding the three indicators of impact – compliance, response and implementation – are explored.

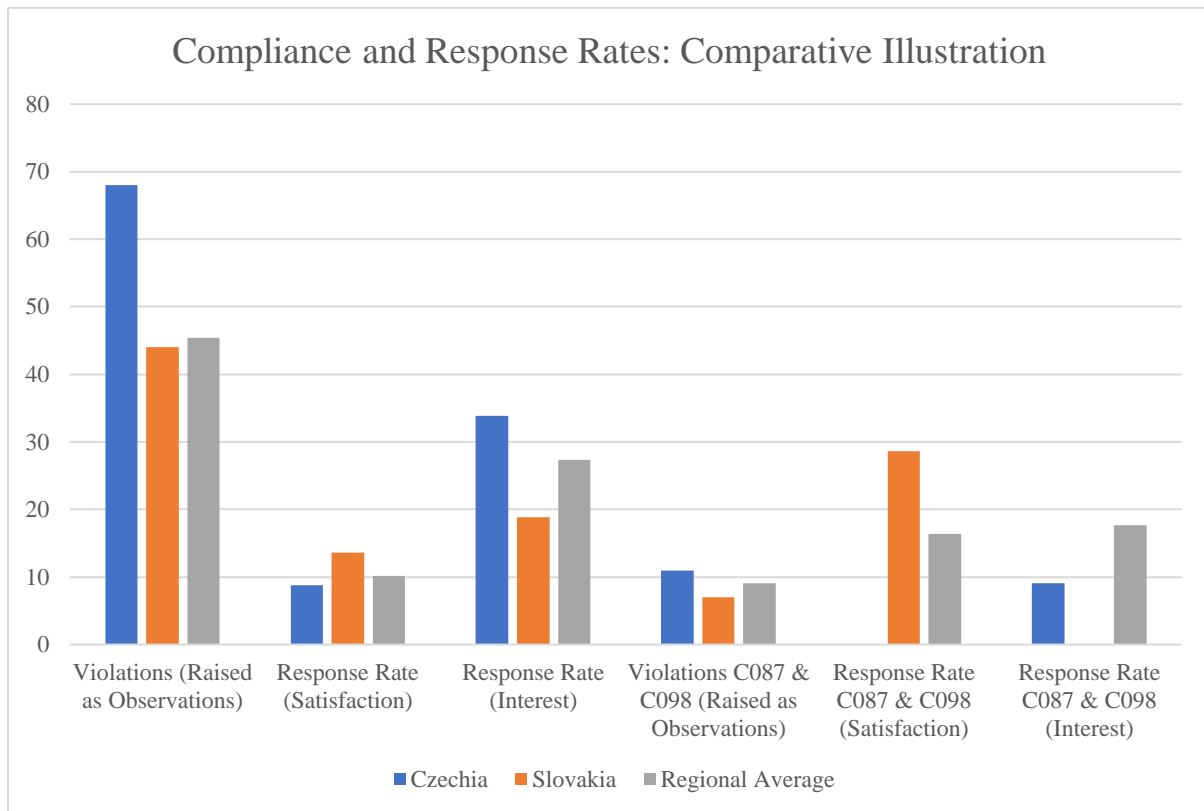
The section finds that the ILO's influence is mediated differently in accordance with the unique policy spaces sketched out in chapter III: where political culture is conducive to ILO influence (as it is in Slovakia), non-compliance is more likely to be of an involuntary nature and it is here where the organisation makes an impact via the rationalist managerial pathway (Chayes & Chayes, 1993); where non-compliance is persistent and voluntary, there is very little the ILO can do.

#### **The International and Domestic Processes that Contribute to Variation**

Figure 4.14 summarise the stark contrast in compliance and response rates identified in the previous two sections; below explains the international and domestic process which contributed to these differences.



**Figure 4.14**



**Source:** Normlex Database (1996 – 2019)

**Compliance.** Across both countries, the ILO deployed its monitoring and supervision tools in order to capture violations in law and in practice. Through its legal and technical expertise, the organisation analysed government submissions (i.e. the annual reports submitted via obligations under Article 22) to ensure that domestic laws were in alignment with ratified conventions and that such laws were being implemented effectively. Throughout, its transnational and tripartite structure allowed for social partners (workers’ and employers’ associations) in both countries to scrutinise these reports and to submit comments of their own either directly to the ILO itself or via the ITUC who then transmitted them to the Committee. As illustrated in the previous two sections, these mechanisms enabled the Committee to find numerous instances of non-compliance and provided the means for both CMKOS and KOZ SR to further highlight issues concerning barriers to calling strikes; anti-union discrimination in practice, and employment discrimination based on political opinion. These procedures resulted in Czechia accruing observations and direct requests in greater numbers than Slovakia.

**Response.** After having made both governments aware of the issues, the ILO engaged several strategies available to it in an effort to correct the problems. For example, on several occasions it offered immediate legal and technical assistance outlining specifically where

national law and implementation practices conflicted with the conventions and what could be done to fix it. On others, it facilitated tripartite dialogue ensuring that governments and social partners were aware of each other's concerns. When problems became more serious or where there was a lack of response from country authorities, representatives from both Czechia and Slovakia were invited to openly discuss the issues with their peers in the annual ILC conferences.

For the most part, the ILO's strategies of dealing with non-compliance did not differ too greatly across both countries except on two occasions when the Committee felt it necessary to take a harder line with Czechia. The country's ongoing discriminatory employment practices combined with repeated complaints from social partners and a lack of government response contributed to growing frustration within the Committee. Departing from its preferred managerial approach, the ILO began to mobilise one of its few resources resembling enforcement – naming and shaming. In 2007 and 2009, the Committee set in motion the processes that would have led to the public airing of Czech's poor record as well as earning it a 'special paragraph' in the annual report.

Despite the Committee applying more pressure on Czechia, the country's response rate still fell below Slovakia's and the regional average. Slovakia on the other hand promptly corrected most issues that were raised, it utilised the ILO's technical and legal assistance and participated in the ILC discussions in a constructive manner. As a result, the country received several cases of progress which were noted by the Committee 'with satisfaction'. Its commitment to ILS is perhaps best illustrated by the fact that once Slovakia corrects issues of non-compliance, the problems are not raised again and there appears to be few if any discrepancies between the government's reports and the observations made by social partners.

Czechia's response patterns have taken a different path: when it does respond to the Committee, it engages in "mock compliance" (Walter, 2008 *cited in* Woodward, 2016) – making legislative tweaks or promises of amendments but never adopting or implementing the necessary substantial changes required to alleviate the problem. On other occasions, country authorities have been hostile, challenging the observations of both the Committee and social partners and pushing back not only on the ILO's legal/technical recommendations but in some cases the very norms of which the organisation seeks to uphold – issues surrounding unreasonably high quorum and majority levels illustrated this well.

These diverging patterns of compliance, response and implementation are reflective of the unique policy spaces sketched out in chapter III where differences can be found in regard to institutional capacity, the relative strength of organised labour, the importance of the political cycle and the extent to which each embraced free market capitalism. In the aftermath of the Velvet Revolution, Czechia executed a more extreme version of the 1990s neoliberal doctrine than Slovakia and other transitioning states in the region (Irish Times, 1996). The legitimacy and power of unions suffered greatly and through controversial legislation – the Lustration laws and Screening Act – the country sought to ensure that individuals with ties to the previous communist regime would be banned from a range of public employments (Mahoney, 2011). As noted by an ILO official with experience in the region:

“the Czech view has been when we criticise their laws that were intended to purge the former communists their reaction was more like so what...whereas in Slovakia we didn’t have the same problem” (ILO Interviewee Kari Tapiola, 2018).

As such, conventions which conflict with this programme (e.g. C087, C098 and C111) are violated with regularity because full compliance presents unacceptably high domestic adjustment costs (Downs et al, 1996). Recall the issue on C087 regarding the legislative barriers to strikes; here, Czech authorities refused to lower the quorum and majority requirements to align with the convention because of the perceived negative “economic consequences” (see [ILO Normlex Database, 2010a](#)) that strikes can produce. Although the Committee has issued several notes of satisfaction, these have tended to be on conventions which are not violated with the same regularity and do not challenge the political culture.<sup>78</sup>

Slovakia on the other hand sought to preserve the power of labour, it did not crack down on members of the previous communist regime, its unions (although weakened) remained important political actors and the country was overall able to mix market friendly policies with levels of protection much higher than some of its regional neighbours (Fisher et al, 2007, pp.979-986). As a result, fewer violations are raised and where non-compliance does exist, issues tend to be the result of problems to do with capacity or simply legal/technical glitches

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<sup>78</sup> Note\* Czechia received a case of progress with satisfaction on C111 but this was on matters other than discrimination based on political opinion (see [ILO Normlex Database, 2002](#)). Notes ‘with satisfaction’ were issued on C132 Holidays with Pay - 2 x violations and 1 Case of progress issued 2010 ([ILO Normlex Database, 2010d](#)). C139 Occupational Cancer Convention - 1 x violation and 1 Case of Progress issued 2005 ([ILO Normlex Database, 2005e](#)). C144 Tripartite Consultation - 4 x violations and Case of Progress issued 2011 ([ILO Normlex Database, 2011b](#)). C182 Child Labour (4 x violations and 1 Case of Progress issued 2006 ([ILO Normlex Database, 2006c](#))).

as the country replaced old laws from the former Czechoslovakia with ones that better represented the political culture of the new republic – as was the case with C111 and the Screening Act. Slovakia’s openness to the ILO combined with its need (in the earlier years of transition) for capacity support has meant that it has also relied on the organisation for technical and legal support on several occasions to ensure that laws and implementation practices were aligned with ratified conventions. While there have been instances of deviant non-compliance (e.g. on C144), such behaviour is not endemic but rather heavily dependent on the political cycle.

The dynamics above (re: Czechia’s and Slovakia’s contrasting relationship with the ILO) have been echoed by several ILO officials with expertise in this region:

“if we look at the Czech Republic...in the immediate Post-Cold War period, the mood was not that we need some real assistance from the ILO, because most things they believed they knew it themselves. Slovakia [on the other hand] was good at asking for help – whether it needed help for specifically wanting to increase compliance or wanting rather to have international recognition in that situation” (ILO Staff Interviewee Kari Tapiola, 2018).

“the Czech Republic was pretty conservative much more from the outset, it had a closer relationship with Germany, even if you go back pre Soviet Union period, they always saw themselves more of a free market mentality and politics, so I am not surprised that one might find.. using your type of analysis that Slovakia has followed more ILO advice” (ILO Staff Interviewee L, 2019).

“Slovakia was more open to cooperating with the ILO and other IOs to help with transition whereas the Czechia knew what they wanted and went their own way – that’s true that’s my impression” (ILO Staff Interviewee S, 2019).

### Managerialism and the Influence of the ILO

While the ILO’s impact depends to a large extent on normative legitimacy, domestic factors alone do not solely determine its impact. Firstly, some instances of non-compliance would go unnoticed without the ILO’s unique supervisory and monitoring mechanisms which, owing to their tripartite nature, function as a system of checks and balances allowing social partners to scrutinise government reports and vice versa. The contradictory claims made by the Czech government when compared to those of CMKOS regarding problems of anti-union discrimination as well as the Slovak Railwaymen’s ability to communicate directly with the CFA highlighted this well. Moreover, evidence from Slovakia suggests that in some cases,

legislative or implementation practices would not have been altered (or altered as effectively) without the expertise of the ILO's legal and technical experts – this was most evident on the issue of C087 for which Slovak officials from across the tripartite spectrum thanked the organisation for its assistance.

Overall, this chapter's findings suggest that rationalism's managerial school (Chayes & Chayes, 1993) best explains the ILO's impact: where political culture is conducive, non-compliance is likely to be of an involuntary nature and it is here where the organisation's tools are most effective; where non-compliance is voluntary, there is little the organisation can do.<sup>79</sup> When necessary, the ILO can switch gears, deploying tools of socialisation to publicly 'name and shame' a state into better behaviour; however, in this case, such tools appear ineffective and according to one ILO official, it is in these circumstances where the issue of enforcement resurfaces within some ILO's circles (ILO Staff Interviewee G, 2018).

## Conclusions

The ILO has a significant impact on states' legislative and implementation practices and as a result, plays an important role upholding ILS within the global economy. The politically sensitive nature of its work and its lack of enforcement powers however means that the organisation, for the most part, depends on soft power to accomplish its goals. For many, this reliance on volunteerism has led to the perception that the ILO makes no impact at all – a reputation further entrenched by work which uses compliance as the sole outcome variable to explain variation. This chapter has moved beyond the existing literature by producing evidence that the ILO does make an impact and by identifying the conditions under which it is expected to occur. Throughout, it has been illustrated that the organisation's managerial approach successfully produces 'desired behavioural changes' (Raustiala, 2000) and that such changes become observable and measurable when its influence is examined after a violation has occurred. Whether impact is achieved depends to a large extent on a domestic political culture and balance of political forces that are conducive to the ILO's norms and rules, in such cases the organisation's tools align with the reasons driving non-compliance (Thomann, 2011) and it is here where desired changes in state behaviour become possible (Raustiala, 2000). When

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<sup>79</sup> This point is inspired by Thomann (2011) who notes an IO's tools of correction must match the reason for non-compliance.

conducive conditions are absent, the managerial approach is not effective, and the use of socialisation – or ‘naming and shaming’ – functions as a poor substitute.

This thesis began with the following questions: *Does and how does the ILO make an impact? To what extent does policy fragmentation facilitate or impede its work?* This chapter has engaged the former and in doing so provided sufficient evidence in contrast to conclusions made by the reviewed literature – that the ILO is a ‘toothless organisation’ without influence. However, this thesis seeks not only to challenge the conventional wisdom in regard to whether the organisation makes an impact, but also to broaden our perspective in regard to the forces which are mediating it. To do so, the work here proposed that the ILO be further assessed within the framework of policy fragmentation and has hypothesised that the organisation’s impact is associated with the ways in which country specific networks configure to impede or facilitate its work i.e. it asks the extent to which challenger IOs such as the IMF, World Bank and OECD (CIOs) undermine the ILO’s work. Before examining the consequence of policy fragmentation for the ILO (see chapter VI), it is crucial that this research first illustrates whether, how and the extent to which the CIOs themselves impact these states – if the aforementioned organisations made no impact at all, then the issue of policy fragmentation at the international level would be inconsequential. The following chapter engages this task.

## Chapter V

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### Assessing the Impact of the ILO's Rivals in Czechia and Slovakia

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How do international organisations (IOs) make an impact and why does their influence vary across states? These two questions will be answered here in relation to the IMF, World Bank and OECD (CIOs) and in doing so, the chapter begins to shed further light on the extent and character of policy fragmentation in Czechia and Slovakia. Because policy fragmentation can be conflictive (Bierman et al, 2009, p.19), the success of one IO can impede that of another; indeed, in the following chapter, the ways in which the CIOs are directly linked to a state's violations of ILO conventions will be analysed in depth. However, before these links can be made, it is necessary to illustrate first whether and exactly how such organisations influence domestic policy and secondly, to identify the mediating variables that will help explain why these organisations are more successful in some states than others.

Studies assessing the impact of the CIOs on states tend to focus solely on *loan recipient countries* (e.g. see Blanton et al, 2015) where sufficient data exists allowing researchers to make linkages between the policy preferences of IOs such as the IMF or World Bank and domestic legislative or implementation changes. Czechia has not participated in such programmes and while Slovakia has to some degree (see [World Bank Group, n.d.](#); [IMF, 2020b](#)), their involvement in this way does not explain the impact of the CIOs during the period being examined. As such, this research is presented with the additional challenge of illustrating influence under conditions where these organisations have been unable to enforce their mandates via loan conditionality. This chapter rises to this challenge and in doing so produces insights not only into whether and how the CIOs have altered domestic behaviour in Czechia and Slovakia but, in addition to this, an important methodological contribution is made regarding the ways in which impact can be identified, measured and compared across states. The observations made here are crucial to understanding the consequences of policy fragmentation and are indispensable to the final chapter wherein the relative impact between the CIOs and ILO is illustrated in depth.

IOs such as the IMF, World Bank and OECD became increasingly active in Czechia and Slovakia during the early-to-mid 1990s. For the most part, this chapter finds that their involvement has been on an advisory basis providing policy prescriptions with the aim of assisting the two countries' transition from communism; their entry into the EU; and navigating

through the aftermath of the 2008 global financial crash (GFC). Understanding why and how these organisations have made an impact requires looking at (1) the driving forces that acted as a catalyst for change (2) the influences that fed into the character of that change (Kelley, 2004, p.434). In regard to the latter, the chapter reveals that the CIOs have made an impact influencing the timing and often the specific content of the policies adopted in both countries. With regards to the former, the prospects of EU membership (conditional on enacting legislative changes) acted as a sufficient catalyst motivating change in both countries prior to 2004. Post EU accession however, the ability of the CIOs to make an impact depended to a large extent on favourable domestic conditions.

As noted above, this chapter's second task is to explain why CIO impact varies: here, observations will be made by distinguishing between 'impact extensity' (the number of reforms adopted) and 'impact depth' (the *degree* to which the policy content has been directly influenced by external sources). In regard to Czechia and Slovakia, this chapter reveals how the variation present on these two indicators can be understood as reflective of the 'diverging policy spaces' sketched out in chapter III. For instance, while CIO impact has been extensive across both countries (i.e. both have adopted reforms in similar numbers), it has been deeper in Slovakia owing to its need for economic and institutional capacity assistance (i.e. the CIOs influenced more directly the specific policy content of reforms in Slovakia). At the same time however, Slovakia also pushed back on these external pressures: on several occasions, it has refused to adopt advice and has even reversed legislation that was previously influenced by IOs such as the IMF or OECD. Czechia does not exhibit this same dynamic; as will be illustrated, the CIOs have less direct influence in Czechia, but their policies are more consistently adopted and tend to be permanent owing to the political culture and relatively weaker position of labour in the country.

The findings produced here serve three important purposes: firstly, they expand on the domestic politics argument by providing empirical evidence in regard to whether and how CIOs influence state behaviour. Secondly, they facilitate this thesis' investigation into policy fragmentation and its consequences for ILO impact i.e. in areas where CIO policy conflicts with that of the ILO's, governments relying on expert technical advice from these organisations risk replicating that same conflict into domestic legislation and thus violating ILO conventions. Lastly, the findings here – combined with those from the previous chapter – complete support



for the SNA graphs presented in chapter II which predicted that the CIOs would have a greater impact in Czechia than in Slovakia whereas the reverse is true for the ILO.

After briefly defining terms and providing an explanation of this chapter's methodology, the impact of the organisations concerned is assessed. Sections 5.1 and 5.2 identify and analyse CIO impact in Czechia and Slovakia respectively: each section first provides broad responsiveness trends and then traces the ways in which specific policy suggestions have been adopted into domestic legislation by successive governments. Section 5.3 compares these findings in order to establish whether and how CIO impact varied across the two countries. It then draws parallels between the responsiveness patterns of Czechia and Slovakia and the diverging policy spaces sketched out in chapter III.

### Explaining Challenger IO Impact: A Methodological Guide

The impact of the CIOs is illustrated by linking external policy advice to domestic legislative reforms with attention paid to both content and timing. To this author's knowledge, there are no existing databases available which facilitate an extensive study of IMF, World Bank and OECD impact in Czechia and Slovakia and as such, a new database has been created and compiled using a unique methodology – this will be showcased throughout via the inclusion of several 'impact tables' and graphical illustrations.

First, CIO policy advice has been extracted from country specific IMF Article IV Reports ([IMF, 2020a](#)); OECD Economic Surveys ([OECD, 2020a](#)); and the World Bank's Doing Business publications covering the period 1998 – 2017 ([World Bank, 2020a](#)). The data was then contrasted with domestic legislative reforms using references to the EU Commission's LABREF Database (LABREF database, DG EMPL, European Commission, 2019); ILO NATLEX ([ILO NATLEX, n.d., a](#)) and various articles and news sources. Where linkages can be made between external suggestions and domestic legislative changes, it is regarded as impact. However, in order to better capture a detailed and qualitative picture of CIO influence, impact has been divided into three categories: (1) **Correlation**: where domestic policy responses match CIO suggestions in regard to '*policy area*' – e.g. the IMF may request a country to reduce instances of sickness benefit but leave governments to decide the most suitable strategy for doing so (see Appendix 5A, cell 27). (2) **Correlation\***: occurs when domestic reforms satisfy external requests in both '*policy area*' and in '*specific content*' – e.g. if the OECD suggests reducing notice and severance pay specifically by linking it to tenure ([OECD, 2010a, p.132](#)), a typical domestic response in the category of correlation\* may look

like the following: “new severance pay rules: 30 days if tenure below 1 year; 60 days if tenure between two and three years...” (LABREF Database, n.d., Czechia, 2011; Appendix, 5A, Cell 63)<sup>80</sup>. (3) **Direct:** this type of impact occurs when either – or both – the criteria for correlation and correlation\* are fulfilled but where there is additional evidence of causal influence e.g. through examining dialogue between IO staff and country authorities.

While the term ‘impact’ has earlier been defined as including both compliance and effectiveness (Raustiala, 2000; see chapter II section 1.2), it is not possible to consider the issue of compliance here as the units of analysis do not include legally binding international treaties. However, by examining the responsiveness of a country to external policy pressures, “desired behavioural changes” (Raustiala, 2000) are nevertheless captured and therefore align with this thesis’ definition of impact (see chapter II section 1.2). Finally, the data gathered was compiled into a master ‘impact correlation table’ for each country (see Appendices 5A and 5B) which are used to create in-text graphs, charts and mini correlation tables. Bibliographic references and links are provided throughout allowing for the replication of this database.

While the compiled data provides a broad overview of the relationship between the CIOs and the two case studies, the chapter further demonstrates the associations found through a detailed qualitative narrative. Following Kelley’s (2004) methodological approach, causal linkages are made between CIO suggestions and domestic country changes by examining dialogue at both the national and international levels. For example, the conversations between country authorities and IO officials are investigated as are the inputs from domestic groups such as employers’ and workers’ associations. This process moreover helps begin to uncover how alliances form between the international and national realms (Sengenberger, 2010) because it illustrates the ways in which the CIOs are able to successfully represent the concerns of foreign and domestic employers’ groups. Important resources used here include official IO documents, parliamentary discussions, news reports and websites related to organisations such as trade union confederations.

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<sup>80</sup> Note all legislative changes sourced from the LABREF database have been compiled into an appendices 4A and 4B which are referenced within the text. To search for the specific reform on the database itself, please visit the website <https://webgate.ec.europa.eu/labref/public/result.cfm> and enter the country, year and policy field of interest.

## 5.1 The Impact of the Challenger IOs in Czechia

When and how have the CIOs made an impact in Czechia? Although the IMF, World Bank and OECD became increasingly active in the country during the early years of its political and economic transition; their involvement was for the most part, consigned to the advisory realm.<sup>81</sup> However, these organisations were nevertheless able to employ both rationalist incentive and constructivist socialisation-based tactics to influence legislation and did so with some success. While the domestic political conditions identified in chapter III remain the most significant factor explaining the extent of their impact, the following finds evidence in support of the aforementioned theoretical approaches which help shed light on the form and character that impact took i.e. the timing and content of the legislation. Overall, the section finds Czechia's responsiveness to the CIOs does not vary drastically by political party – conservatives (ODS) or social democrats (CSSD). While CSSD is slightly more reluctant to adopt CIO policy suggestions regarding employment protection legislation (EPL), they also do not reverse such policies if they are adopted by ODS. The CIO's influence is further facilitated through their alliances with domestic employers' groups whose interests they successfully trumpet despite push back from organised labour unions such as CMKOS and their European Union allies ETUC.

The section begins by observing trends on a country level before moving on to examine in detail the responsiveness patterns of successive governments. Specific attention is paid to whether – as well as the degree to which – the interactions between staff and country officials produced changes in legislation. The section ends with a brief comparison between left- and right-wing parties followed by a theoretical explanation summarising the impact of these IOs in Czechia.

### Social Democrats and Conservative Response Patterns: Divergence or Continuity?

Figure 5.1 depicts responsiveness rates to the IMF and OECD between 1998 – 2017 while figure 5.1a represents adopted legislation guided by the World Bank's 'Doing Business' indicators for the years 2006 – 2017.<sup>82</sup> In regard to the IMF and OECD, Czechia's response

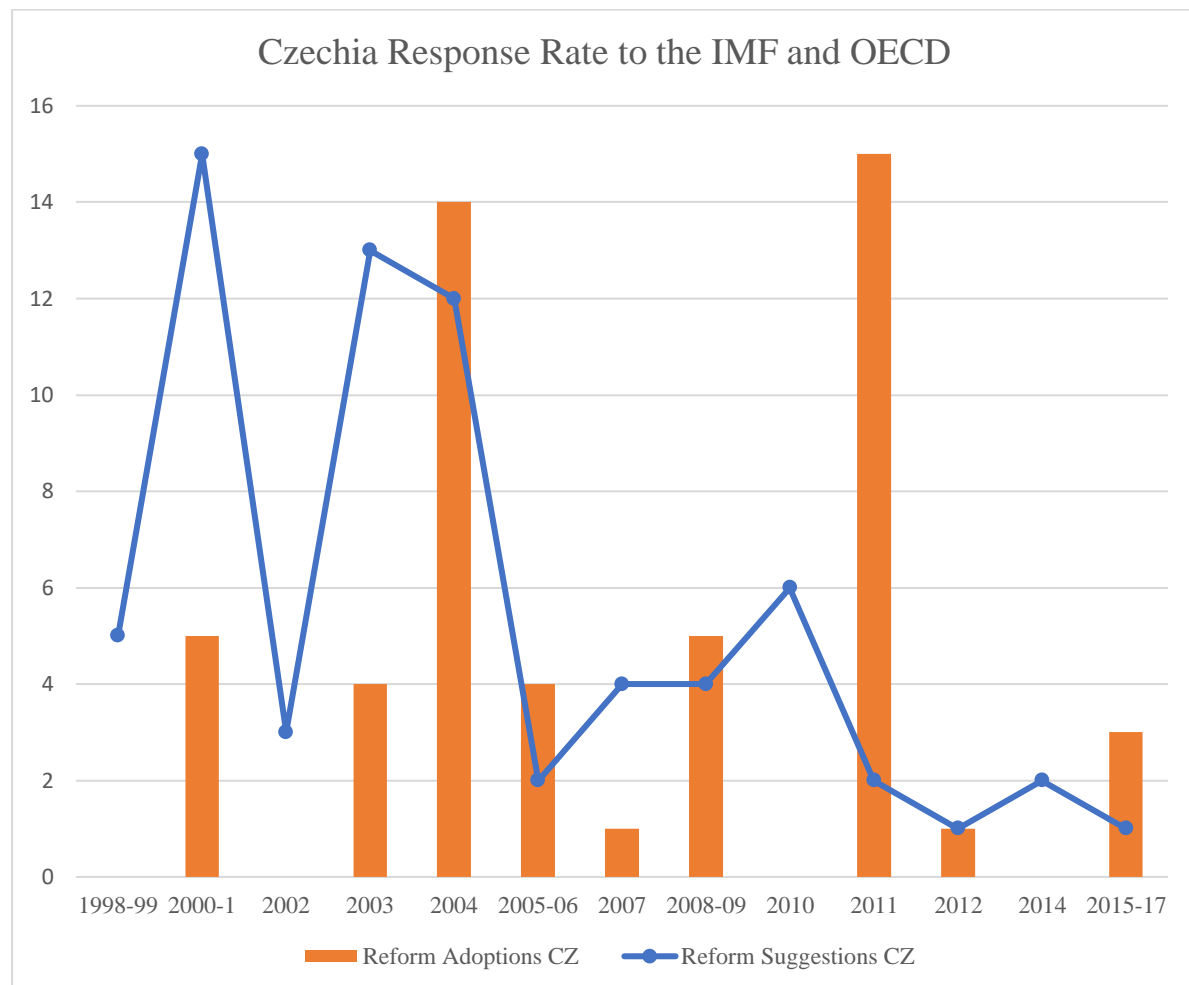
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<sup>81</sup> While the OECD was created and designed as an advisory organisation (a forum for policy discussion); the IMF and World Bank's leverage is often increased by their ability to administer loans with attached policy conditionalities – apart from several disbursements between 1991 – 1994, the Czech Republic did not use finance from either of the Bretton Woods institutions (see [World Bank, 2019a](#); [IMF, 2019a](#))

<sup>82</sup> **Note\*** It is not possible to illustrate responsiveness (i.e. adoptions versus suggestions) with the World Bank. Unlike the IMF and OECD reports, Doing Business offers a set of guidelines aimed at all members states rather

rate is approximately 67% with noticeable peaks around the time of EU accession as well as during the conservative-led period following the financial crisis of 2008 (see appendix 5a for a textual descriptive breakdown of the figures).<sup>83</sup> Although, the number of CIO guided policies adopted during CSSD's and ODS' time in office are relatively equal, there are some key differences in regard to the *type* of policy each party embraces which the remainder of the section explores.<sup>84</sup>

**Figure 5.1**



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years) see Appendix 5A for individual references and sources pertaining to legislative suggestions and adoptions.

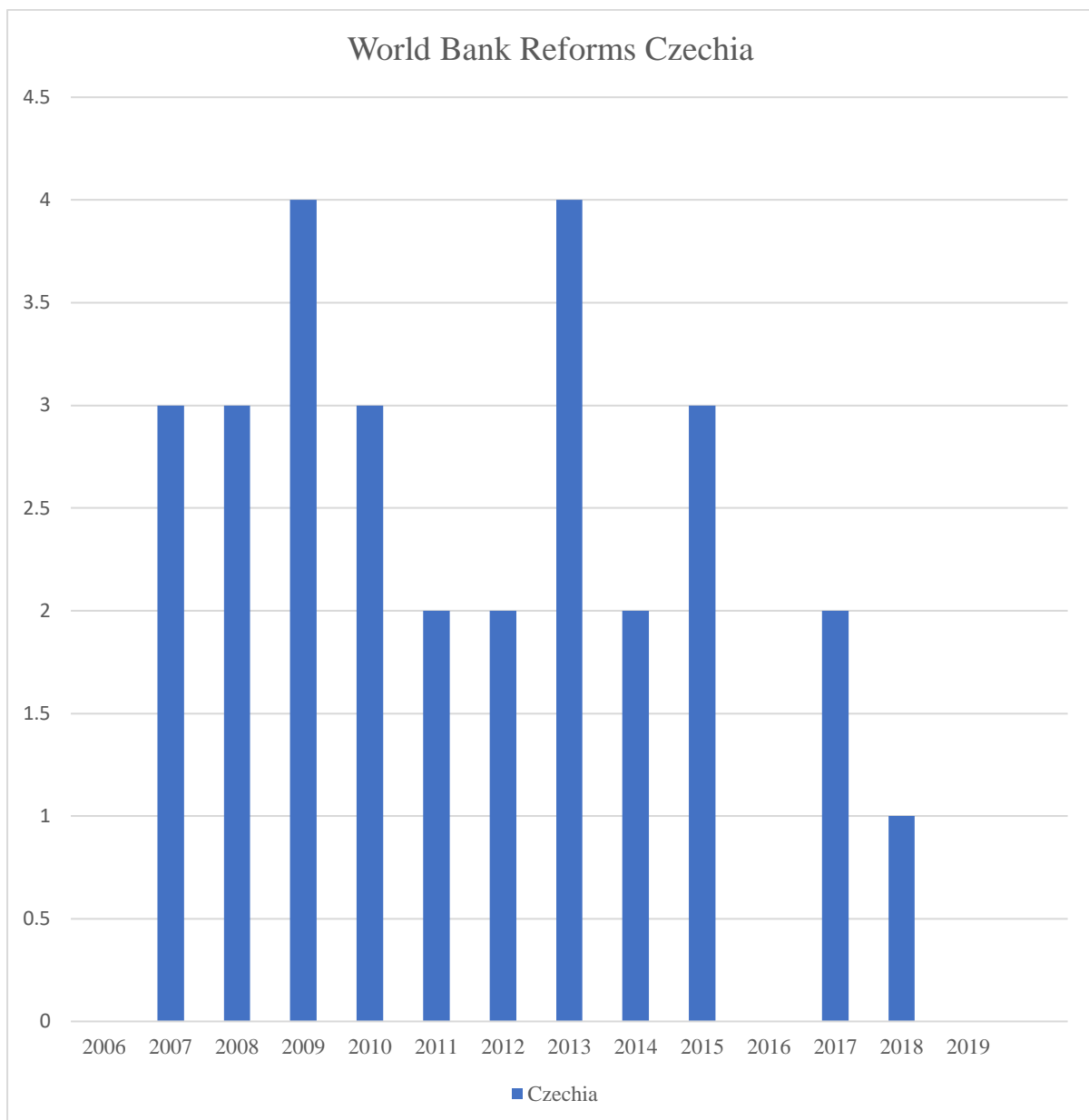
than annual country-specific policy advice. As such, figure 5.1A represents individual legislative decisions based on these general guidelines. See Appendix 7 'World Bank Reforms' for details on legislative changes.

<sup>83</sup> **Note:** responsiveness rates are calculated by (total # of suggestions/responses) \*100 (Weisband, 2000). These figures have been taken from the correlation table in the appendices.

<sup>84</sup> **Note:** response totals are sometimes higher than the number of suggestions in a given year e.g. 2004 and 2011. This is the result of a time lag between when the CIO suggested a policy and when it was adopted – see appendix 5A for detail.

**Note:** the period covered ends in 2017 because this is when relevant policy adoption decreased.

**Figure 5.1A**



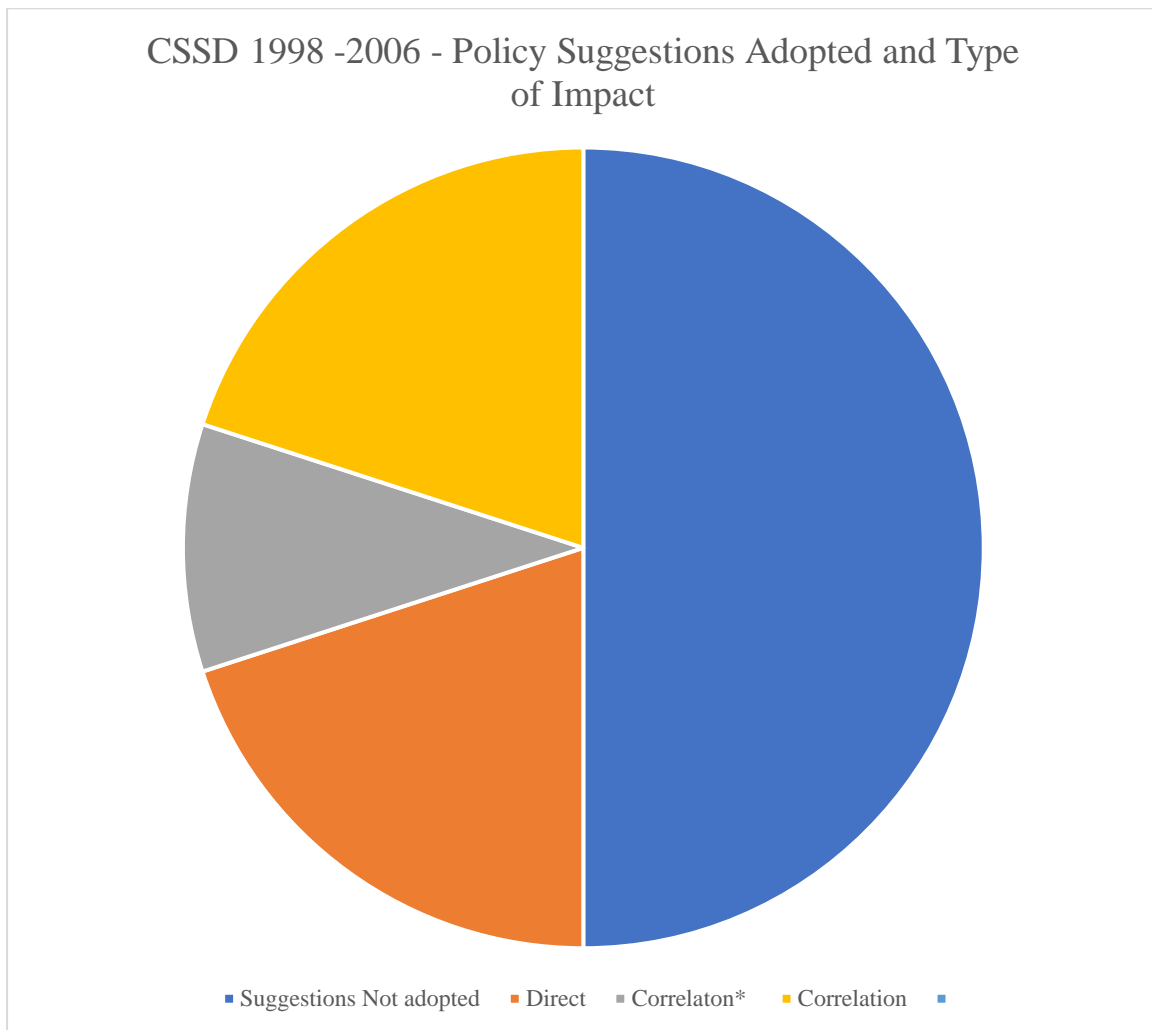
**Source:** World Bank Doing Business Reports (various years)<sup>85</sup>

*1998 – 2006 CSSD (Social Democrats)*

As figure 5.2 exhibits, the CSSD passed legislation in line with approximately half of the suggestions made by the OECD and IMF during its first two terms (1998 – 2002; 2002 – 2006) – see appendix 5A (cells 1-50) for detailed linkages between CIO policy suggested, year adopted, and type of impact made (Direct; Correlation\*; Correlation).

<sup>85</sup> Note\* Reforms cited by Doing Business refer to legislation changes taken the year prior.

**Figure 5.2**



**Sources:** (IMF Article IV Reports; OECD Economic Surveys; LABREF Database) (see Appendix 5A for further detail and references specific to each reform suggested/adopted)

CSSD began their first term in the aftermath of the 1997 recession amid decreasing levels of productivity and employment. During this time, the CIOs (particularly the OECD) sought to apply pressure on Czech officials by warning them that the economic situation would worsen unless they reduced public spending (e.g. social welfare, pensions, and the public sector) and increased the flexibility of EPL for employers (appendix 5A cells 1-20 for details) – in their view, both were much too generous and as such, created disincentives to finding work and impediments to job creation (OECD, 1998, p.75, 89). However, only several of the CIOs suggestions were taken on board in CSSD’s first term – table 5.1 provides a snapshot illustrating the impact of the CIOs during this period (see appendix 5A for a comprehensive version).

**Table 5.1 – CSSD Term 1 Impact Correlation Table**

| Appendix – Cell | Policy Suggestion   | Policy Adopted/Type of Impact   |
|-----------------|---|---|
| 5A – 1          | <p>Reduce social welfare to preserve work incentive (<a href="#">OECD, 1998, p.87</a>)</p> <p>OECD 1998</p>   | <p><u>Correlation*</u></p> <p>“Freezing the nominal level of the basic cash-welfare benefit (known as the minimum living standard, MLS), so as to reduce its attractiveness in real terms” (LABREF Database, n.d. Czechia, 2001)</p> <p>Adopted 2001/CSSD</p>   |
| 5A – 2          | <p>Tighten access to disability pension (preserving for those in genuine need) (<a href="#">OECD, 1998, p.87</a>)</p> <p>OECD 1998</p>  | <p><u>Direct</u></p> <p>“The government has responded by tightening provisions for full-time disability” (<a href="#">OECD,2000, p.112</a>)</p> <p>Adopted 2001/CSSD</p>  |
| 5A – 5          | <p>Design and implement ALMPs (incentivise firms to hire workers with disabilities and subsidies retraining costs) (<a href="#">OECD, 1998, pp.109-11</a>)</p> <p>OECD 1998</p> | <p><u>Correlation</u></p> <p>“Subsidies for job creation and partial reimbursement of retraining costs” (LABREF, Database, n.d. Czechia, 2000)</p> <p>“Introduction of the obligation for employers with at least 20 employees to employ at least 5% of its workforce among people with disabilities” (LABREF, Database, n.d. Czechia, 2000)</p> <p>Adopted 2000/CSSD</p> |
| 5A – 13         | <p>Reduce incentives for early retirement (<a href="#">OECD, 2000, p.127</a>)</p> <p>OECD 2000</p>  | <p><u>Direct</u></p> <p>The OECD noted in 2001 that the government had taken steps in the right direction regarding this issue (<a href="#">OECD, 2001, p.158</a>; Also see LABREF, Database, n.d. Czechia, 2001)</p> <p>Adopted 2001/CSSD</p>  |
| 5A – 14         | <p>Pension reform/increase retirement age) (IMF, 2001, p.23<br/>IMF 2001</p>  | <p><u>Direct</u></p> <p>IMF notes within the report that the government is proposing changes in line with the IMF’s suggestions (IMF, 2001, p.24)-<br/>Adopted 2001/CSSD</p>  |

In other cases, the government passed legislation that directly conflicted with advice coming from the CIOs e.g. on notice periods, collective dismissals, and extensions of collective bargaining agreements – see table 5.2.

**Table 5.2** – Policies adopted by CSSD which conflict with CIO advice

| Appendix<br>– Cell | Policy Suggestion  | Policy Adopted  |
|--------------------|--|---|
| 5A – 3             | Reduce notice period ( <a href="#">OECD, 1998, p.93</a> )<br><br>OECD 1998   | “Compulsory severance pay limited to two months as before; additional severance pay can be provided by collective agreement” (LABREF Database, n.d. Czechia, 2000)<br><br>Adopted 2000/CSSD |
| 5A – 4             | Relax law regarding collective dismissals ( <a href="#">OECD, 1998, p.93</a> )<br><br>OECD, 1998   | “Aligning collective dismissals and related obligations for employers with EU legislation” (LABREF Database, n.d. Czechia, 2000)<br><br>Adopted 2000/CSSD                                   |
| 5A – 7             | Do not allow for extensions of collective bargaining agreements to the wider sector ( <a href="#">OECD, 2000, p.108</a> )<br><br>OECD 2000 | “Introducing indirect coverage through administrative extensions of wage agreements...” (LABREF Database, n.d. Czechia, 2000)<br><br>Adopted 2000/CSSD                                      |



In response, the CIOs criticised the government on several occasions. For example, in 2000, the OECD commented on the lack of progress with its advice from two years prior. Staff further noted that because employment conditions were worsening, the government should consider implementing their previous recommendations with urgency (OECD, 2000, pp.105-7). In the same report, the organisation took specific issue with the changes made to collective dismissals even though that particular policy had been guided by an EU directive (see table 5.4). Although the OECD did not contradict the EU explicitly, it did caution the administration to review options carefully “when harmonising law with EU practices” (OECD, 2000, p.118) in order to avoid over burdening employers.

Throughout the remainder of CSSD’s first term, the CIOs continued applying pressure: in 2001, the OECD again expressed disappointment with the absence of movement on its suggestions from 1998 commenting in its report that the government’s “legislation has tended to add to existing regulations rather than reduce them” (OECD, 2001, p.154). In May 2002, the IMF warned Czech officials that failure to incentivise work (e.g. through cutting social welfare and making EPL more flexible) would lead to declining rates of FDI (IMF, 2002, pp.22-4). In response to the IMF, the government (just prior to the 2002 elections) noted the political difficulties of passing such reforms while unions tried to push back arguing for higher wages as a more effective strategy to overcoming work disincentives (IMF, 2002, pp.22-4). As noted in the previous chapter, CSSD had come to power in 1998 upon disillusionment with Klaus’ reforms and it is likely that this resulted in low levels of responsiveness during this period.

During CSSD’s second term (2002 – 2006), the government appears to have been more amenable to adopting CIO policy but remained somewhat opposed to implementing specific suggestions regarding EPL (see appendix 5A cells 23, 26, 28, 35, 41). For example, in consultation with IMF staff in 2003 for example, country authorities openly disagreed with the organisation’s prescription for increased flexibility as an antidote for unemployment (IMF, 2003, p.21). Moreover, in 2005 it reintroduced the possibility to extend collective bargaining agreements (LABREF Database, n.d. Czechia, 2005; also see Appendix 4A cell 46) which directly contradicted the recommendations coming from the OECD at the time (OECD, 2004, p.135; also see Appendix 5A cell 41).<sup>86</sup> Around 2004 however, the government did begin drafting versions of what would become the 2006 labour code (see chapter III) which the

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<sup>86</sup> The government reworked the legislation after the CCC repealed it in 2003 (LABREF Database, n.d. Czechia, 2003; also see Appendix 4A, cell 22)

OECD acknowledged as a welcome improvement. The organisation applauded the code's abandonment of the principle "what is not allowed [in legislation] is forbidden" (OECD, 2004, p.154) which staff predicted would increase the flexibility of EPL by widening the scope of contractual bargaining at the firm level (OECD, 2004, p.154; [OECD, 2012](#)).

Although there was some (albeit limited) movement on EPL, the CIOs would have a much greater impact on legislation related to public spending and incentivising work. As appendix 5A cells 21-50 illustrate, sixteen policies adopted during this period were in-line with advice provided by these organisations in this regard. Table 5.3 below provides a snapshot of appendix 5A: of particular note are cells #31 and #45 regarding the public sector; #40 on sick leave; #48 on pensions and #24 on reducing welfare. The proceeding paragraphs strengthen these links by analysing the dialogue between country authorities and IO staff during this time.

Throughout its second term, the government made numerous promises to the CIOs regarding their specific policy requests. For example, in 2004, Czech officials communicated to the IMF that its 'convergence plan' would address the Fund's concerns regarding fiscal issues (IMF, 2004, p.14) because it focused on trimming social spending, reforming pensions and increasing the retirement age (IMF, 2003, p.16). That same year, it promised further reform on sickness benefit and redundancy regulations – in line with requests made by the OECD (OECD, 2004, pp.134-5). In response to the government's actions, the CIOs commended Czechia where they felt their advice had been implemented satisfactorily e.g. in 2004, the OECD praised the reforms on pensions (OECD, 2004, p.134). That same year, both the IMF and OECD noted their advice on sickness benefit had been taken on board (OECD, 2004, p.147; IMF, 2004, Statement by Executive Director, p.3). In 2005, the World Bank complimented Czech officials for introducing 'time swaps' – a programme which helped to overcome the inflexibilities of regulating overtime within EU and ILO standards (World Bank, 2005, p.30).

**Table 5.3** CSSD Term 2 Impact Correlation Table

| Appendix – Cell | Policy Suggestion  | Policy Adopted/type of impact   |
|-----------------|--|---|
| 5A – 24         | Reduce welfare benefit system to incentivise work – focus on “school leavers” ( <a href="#">OECD, 2003, pp.138-9</a> ) | <p><u>Direct</u><br/>           “Incentives to accept publicly useful jobs or low-wage jobs. In the case of refusal, social assistance benefits are not provided” (LABREF Database, n.d. Czechia, 2004)<br/>           “Introduction of...stricter conditions for provision of unemployment benefits. In particular, school-leavers...” (LABREF Database, n.d. Czechia, 2004)</p> <p>Adopted 2004</p>   |
| 5A – 31         | Lower public sector wage bill and employment (IMF, 2003, p.16)   | <p><u>Direct</u><br/>           Czech executive director assures IMF staff that public sector wage bill has been reduced through mass layoffs (IMF, 2004, Statement by Executive Directors, p.3)</p> <p>Adopted 2004</p>  |
| 5A – 40         | Reduce sickness benefit ( <a href="#">OECD, 2004, p.133</a> )  | <p><u>Direct</u><br/>           “Persons with a changed work capacity that are preparing for employment are excluded from sickness insurance” (LABREF Database, n.d. Czechia, 2004)<br/>           The IMF notes “It is encouraging to note that the reform measures adopted thus far have already brought some positive -though limited- results. Tightening of eligibility for sickness benefits contributed to a decline of these benefits in January-May 2004...” (IMF, 2004, Statement by Executive Director, p.3)</p> <p>Adopted 2004</p> |
| 5A – 45         | Reduce public sector spending (IMF, 2004, Statement by Executive Directors, p.3)                                       | <p><u>Direct</u><br/>           Czech executive director assures IMF staff that public sector wage bill has been reduced through mass layoffs (IMF, 2004, Statement by Executive Directors, p.3)</p> <p>Adopted 2004</p>  |
| 5A – 48         | Reform pension system (IMF, 2004, Public Information Notice, p.3)  | <p><u>Direct</u><br/>           OECD commends progress on pensions (<a href="#">OECD, 2004, p.134</a>)</p> <p>Adopted 2004</p>  |
|                 |  | See appendix 5A for full version  |

The issue of public sector reform illustrates CIO influence and the ways in which the Czech government tried to appease their requests particularly well. Since 2000, the IMF and the OECD had been pressuring the authorities to lower wages, levels of employment (See OECD, 2000, p.13, 109; IMF, 2003, p.17) and to reduce job protection (OECD, 2001, pp.164-5). In 2003, authorities noted that implementing these requests was politically difficult as they lacked public support and because unions had organised strikes and protests in response to the planned cap on public wages (IMF, 2003, see ‘Staff Report’ p.3). In an effort to reassure staff however, Czechia’s Executive Director Willy Kiekens noted that the government was seeking alternative ways to implement their advice and that they would explain to the public that such reforms were timely and necessary (IMF, 2003, see ‘Statement by Executive Directors p.4’) <sup>87</sup>. In 2004, the government laid off 9000 public sector workers and that same year, Kiekens explained to IMF staff that while public sector wages had increased *against* the organisation’s wishes, the layoffs helped to freeze the overall wage bill thus fulfilling their advice (IMF, 2004, see ‘Statement by Executive Directors pp.3-4’).

*What accounts for the greater levels of CIO impact in CSSD’s second term?* As illustrated throughout this section, the CIOs mobilised ‘normative pressure’ (Kelley, 2004, p.428) in an effort to both persuade and praise Czech officials to adopt their policy prescriptions. For example, when their advice was not followed, staff repeatedly warned of impending negative economic consequences – spiralling budget deficits (IMF, 2002, statement by...Executive Director, p.3) rising levels of unemployment (OECD, 2003, pp.35-6), or decreasing rates of FDI (IMF, 2002, pp.22-4). When policies were in line with CIO suggestions, the government was applauded. As noted by an ILO staff member, whether loans are taken or not, the CIOs hold sway over small economies looking for investment (ILO Staff Interviewee L, 2020).

While socialisation-based efforts were indeed mobilised in the ways described above, an incentive-based rationalist explanation appears to fare better here because whatever leverage those tactics achieved, they were most certainly boosted by the prospects of EU membership. As figure 5.1 above illustrates, the bulk of these reforms were passed in the lead up to accession. When Vladimír Špidla (CSSD Premier) entered office in July 2002 (his term ending in July 2004 shortly after accession), he did so on a mandate to put through the necessary reforms

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<sup>87</sup> ‘Statements by Executive Directors’ are found at the bottom of the IMF Article IV reports. Here, consecutive page numbering stops and begins at #1 again. Executive Director positions are appointed by the IMF rather than governments.

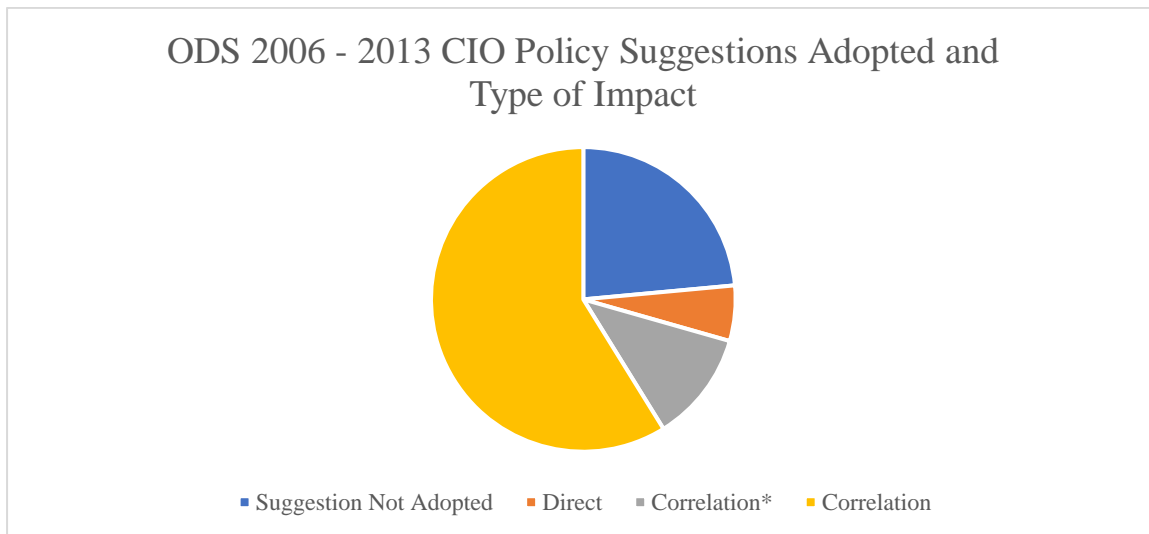
required for accession (Mahoney, 2011, p.259). While the aforementioned changes above (e.g. on fiscal spending) are not specified by the EU itself as pre-accession criteria, it does require that countries achieve “...a functioning market economy as well as the capacity to cope with competitive pressure[s] and market forces within the Union” (Philips et al, 2004, p.28): it is here that the CIOs provide specific legislative advice. For example, reference to EU related policy changes can be found in several IMF Article IV reports prior to and immediately following the country’s entry. In 2001 for example, staff urged Czech officials to adopt the necessary reforms to enable competition with other EU members (IMF, 2001, see ‘Public Information Notice’, p.4 – PDF.58). In May 2004, staff further advised finance ministers to lower the deficit below ‘Maastricht norms’ via cuts to public spending and to bring wages in line with other ‘second wave accession’ countries (IMF, 2004, p.12) by increasing the flexibility of EPL (IMF, 2004, see ‘Public Information Notice’ pp.3-4 – PDF. 45-6).

The pressures emanating from these organisations and their relation to EU accession are taken seriously by domestic policy makers; indeed, concerns regarding effective transposition of EU law and the involvement of CIOs can be found in parliamentary discussion dating back to 1998. For example, in debate over an amendment on lotteries, MP Jaroslav Šedivý noted: “this is a process in which the Czech Republic [must demonstrate] its ability to transpose the *acquis Communautaire*...with the entry into force of the amendment, the Czech Republic could probably get into protracted administrative disputes... it cannot be ruled out that organizations such as the World Trade Organization or the OECD... could join these disputes and the Czech Republic could thus find itself under quite concentrated pressure” ([Czech Parliament, June 18, 1998](#)).

#### *2006 – 2013 ODS (Conservatives)*

During ODS’ two successive terms in office (2006 – 2010; 2010 – 2013), the CIOs made far fewer policy requests than they had done in previous years. Nevertheless. As figure 5.3 illustrates, legislation passed during this time aligns with approximately seventy-five percent of those suggestions – appendix 5A cells 51-67 outlines which policies were adopted, in what term and what type of impact the CIOs had. In addition to these, ODS went further by implementing CIO advice that had been directed at CSSD between 2001 – 2004 but which the government at the time did not take on board – see appendix 5A cells 16; 37; 38; 39; 40; 42; 44)

**Figure 5.3**



**Sources:** (IMF Article IV Reports; OECD Economic Surveys; LABREF Database) (see Appendix 5A for further detail and references specific to each reform suggested/adopted)

When ODS entered office in August of 2006, one of the first issues the CIOs raised was that of the 2006 labour code. At this time, the business community was calling for its revision particularly in regard to the ‘overly intrusive’ powers of trade unions regarding night work and overtime (Eurofound, 2006a).<sup>88</sup> Although they had earlier expressed satisfaction with the code, (OECD, 2004, p.154; IMF, 2006, p.1), the CIOs sided with employers (IMF, 2006; ITUC/Global Unions, 2008) and began to apply pressure on the government to heed the concerns of these domestic groups. For example, in June 2006, the OECD noted how the code fell short of firms’ expectations in several areas and that more radical reform could have been made regarding dismissals and severance pay (OECD, 2006, p.29). In November that same year (shortly after employers had lodged a complaint with the CCC – Eurofound, 2006a), the IMF noted that the business sector felt the new code was a “missed opportunity” (IMF, 2006, p.16) to make EPL more flexible (these comments and requests were repeated multiple times by both organisations over the following years – see IMF, 2007, pp.20-1; [OECD, 2008, p.8, 14](#)). Shortly after the 2006 code came into force (January 2007), the World Bank ratcheted up the pressure on Czech authorities by dropping Czechia in its Doing Business rankings; the reason, the Bank stated, was that the Code increased the burden of non-wage labour costs on firms (ITUC/Global Unions, 2008; World Bank, 2007, p.19).

<sup>88</sup> Despite the code increasing flexibility for employers, the business community felt it was still too rigid and that it gave overly intrusive powers to trade unions on issues regarding night-work and overtime ([Eurofound, 2006a](#))

In response, Czech officials noted the political difficulties of altering the labour code so soon after it had come into effect (IMF, 2007, p.13); but the Executive Director Willy Kiekens and his adviser Stanislav Polak informed the organisation that the new government was committed to implementing its advice. Despite these reassurances however, ODS were unable to do much in regard EPL in its first term; while it was able to create some flexibility for employers on the policies related to overtime and shift-patterns (OECD, 2008, p.70; table 5.4 cell 16), greater responsiveness can be seen on issues related to social welfare programmes or ALMPs – see table 5.4.

**Table 5.4** ODS Term 1 Impact Correlation Table

| Appendix – Cell | Policy Suggestion   | Policy Adopted/Type of Impact   |
|-----------------|---|---|
| 5A – 51         | Reduce employment protection (IMF, 2007, p.3)<br><br>IMF 2007         | <u>Correlation</u><br>“The possibility for employers to sign a collective agreement with a trade union with the highest number of members in case of a disagreement among trade unions was abolished” (LABREF Database, n.d. Czechia, 2008)<br>Adopted 2008 – Czech Constitutional Court ruling |
| 5A – 52         | Reduce Social Protection (IMF, 2007, pp.12-13)<br>IMF 2007            | <u>Correlation</u><br>“Tightening of eligibility conditions for unemployment benefits... (LABREF Database, n.d. Czechia, 2008).<br>Adopted 2008/2010  |
| 5A – 53         | Alleviate unemployment through ALMPs (IMF, 2007, pp.20-1)<br>IMF 2007 | <u>Correlation</u><br>“New Institute of Public Service to stimulate work activity of benefit recipients” (LABREF Database, n.d. Czechia, 2009)<br>Adopted 2009  |

**Reforms Suggested to CSSD but Adopted by ODS in Term 1 See Appendix 5A cells 16; 37; 38; 40**

The OECD welcomed these changes ([OECD, 2012a, p.2,8](#)) and recognised the difficulties of answering its requests when the government had such a slim majority (OECD, 2008, p.10). However, they urged the government to do what it could to go further specifically by making cuts to the public sector (OECD, 2008, pp.13-14); by loosening the obligations on employers in regard to notice and severance (OECD, 2008, p.14, 70) and – echoing the specific

concerns of employers groups (Eurofound, 2006a) – requested a relaxation of the restrictions on night and weekend work (World Bank, 2009, p.67).

These pressures to reduce fiscal spending and improve the environment for business intensified after the 2008 global financial crash (Guardiancich, 2012, p.15). In 2010, the CIOs made numerous policy requests and warned Czech officials that foreign demand was already declining. However, even under these circumstances, the government informed staff that their ability to make swift changes was limited (IMF, 2010, p.6, 17-18, Statement by Executive Director, pp.3-4); not only did they have a minority government but, domestic labour groups – particularly CMKOS – had been staging mass protests (May 2009) at the planned amendments to the labour code and changes to pensions (BBC, 2009) of which were being coordinated in conjunction with ETUC’s wider anti-austerity campaign across Europe – ‘Fight the crisis: put people first’ (ETUC, 2009; ETUC, 2009a). As illustrated in chapter III, domestic labour in Czechia lacks political leverage which is why it therefore relies on such protests as a strategy to influence.

Things changed however after ODS won a comfortable majority in the June 2010 elections, and after doing so, Czech finance minister (Miroslav Kalousek) announced that “2011 [would] be a year of radical reforms” (Lazarová, 2010). In talks with the IMF several months later (February 2011), country authorities assured staff that their previous suggestions would now be implemented specifically in regard to the public sector and on structural reforms to EPL (IMF, 2011, PDF.10, 57). In October, the OECD noted their approval for several of those proposed changes (OECD, 2011, p.15); a month later, they were adopted in parliament (see [ILO Natlex, n.d.,b](#)) and scheduled for implementation at the beginning of 2012 (LABREF Database, n.d. Czechia, 2012). Fourteen pieces of legislation guided by CIO advice were passed in ODS’ second term, twelve in relation to requests concerning EPL. Of particular note are the massive cuts in the public sector (Agostini et al, 2016, p.12-14); the linking of notice and severance to length of tenure (the OECD had been requesting this change for years – see OECD reports 2008, p.14; 2010, p.132; 2011, p.15); and the modifications to fixed term contracts and working time regulations (Clauwaert, S. & Schömann, I. 2013).

Table 5.5 provides a snapshot of reforms during this period, for a more comprehensive picture, see appendix 5A cells 54; 56; 58; 59; 61-65; 67. Also see appendix 5A cells 38; 39; 42; 44 for CIO suggestion made to CSSD but adopted by ODS.



**Table 5.5 ODS Term 2 Impact Correlation Table**

| Appendix – Cell | Policy Suggestion  | Type | Policy Adopted/Type of Impact   |
|-----------------|--|------|---|
| 5A – 54         | Make hiring and firing more flexible (IMF, 2007, pp.20-1) IMF 2007                       | EPL  | <u>Correlation</u><br>“New reason for fair termination of the employment relationship” (LABREF Database, n.d. Czechia, 2011)<br>Adopted 2011  |
| 5A – 56         | Cut public employment and spending ( <a href="#">OECD, 2008, pp.13-14</a> ) OECD 2008    | EPL  | <u>Correlation</u><br>10% reduction in public sector wages; layoffs (Agostini et al, 2016, p.42)<br>Adopted 2010-11   |
| 5A – 58         | Reduce notice and severance pay... ( <a href="#">OECD, 2008, p.8, 14</a> ) OECD 2008     | EPL  | <u>Correlation</u><br>Severance payments reduced (LABREF Database, n.d., Czechia, 2011)<br>Adopted 2011   |
| 5A – 59         | Improve labour market flexibility (IMF, 2010, p.6) IMF 2010                              | EPL  | <u>Correlation</u><br>See several EPL reforms improving labour market flexibility at (LABREF Database, n.d., Czechia, 2011)<br>Adopted 2011   |
| 5A – 62         | Reduce hiring costs ( <a href="#">OECD, 2010, p.132</a> )                                | EPL  | <u>Correlation</u><br>“Trial period for managerial positions increased” (LABREF Database, n.d., Czechia, 2011)<br>Adopted 2011  |
| 5A – 64         | Increase duration of fixed term contacts ( <a href="#">OECD, 2010, p.132</a> ) OECD 2010 | EPL  | <u>Correlation *</u><br>Maximum duration of fixed-term contracts extended (LABREF Database, n.d. Czechia, 2011)<br>Adopted 2011   |
| 5A – 65         | Increase labour market flexibility (IMF, 2011, p.9) IMF 2011                             | EPL  | <u>Correlation *</u><br>During discussions, authorities agreed to accelerate e.g. increasing labour market flexibility (IMF, 2011, p.9)<br>Adopted 2011                               |
|                 |  |      | <b>For a more comprehensive picture see appendix 5A cells 54; 56; 58; 59; 61-65; 67. Also see appendix 5A cells 38; 39; 42; 44 for CIO suggestion made to CSSD but adopted by ODS</b> |

Unions viewed these changes as “the biggest attack on employees’ rights since the fall of communism” (Lazarová, 2010) and staged massive protests in a ‘stop the government campaign’ which attracted over 100,000 participants to central Prague (Verveková, 2012, p.61; BBC, 2012a; Eurofound, 2012; Mansfeldová, 2014, p.8). On the other hand, the changes were viewed by *employers’* groups as fulfilling the demands they had been making for some time (Verveková, 2012, p.59; Clauwaert, S. & Schömann, I. 2013, pp.3-4, 7). The CIOs too commended Czech authorities on several occasions (OECD, 2011, p.15; IMF, 2012, p.2): the IMF noted how the reforms addressed the very challenges highlighted by ‘international competitiveness surveys’ and OECD reports and urged the government to focus on effective implementation (IMF, 2012, pp.15-16). In 2013, the World Bank changed its tune and noted that because of the recent changes, Czechia was now rated as one of the most *improved* places for doing business (World Bank, 2013. P.99).<sup>89</sup>

*Overall, the CIOs have made a significant impact in Czechia.* To understand why and how this impact occurred requires identifying (1) the most significant driving forces which acted as the catalyst for change (2) the influences that feed into the character of that change. In regard to the former, rationalist-based explanations help explain the extent of CIO impact prior to EU accession whereas post 2004, the degree to which external actors influenced policy varied in accordance with the shifting domestic-political landscape. When conditions for change were favourable however, socialisation-based methods effectively guided both the direction and content of the legislative choices taken. While necessary then, neither rationalist nor domestic-political based explanations sufficiently explain CIO impact in Czechia. As illustrated by the correlation tables and through the examination of dialogue between staff and country authorities, the CIOs successfully employed “normative pressure” i.e. social influence or persuasion (Kelley, 2004, p.428) to produce the final outcome.

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<sup>89</sup> The satisfaction of the CIOs would continue despite CSSD’s electoral win in June 2013. The IMF initially expressed concern over the party’s ‘ideological leanings’ towards more social welfare (IMF, 2014, p.4) e.g. at the beginning of its report, staff commented that “the new government...is friendlier to the EU policy...however, [it is] ideologically diverse. Its overall orientation is toward more activist social welfare enhancing policies...” (IMF, 2014, p.4). However, the CIOs had little to worry about in this period because CSSD appears to have done little in the way of pushing back on the extensive reforms enacted earlier by ODS. This likely explains why the number of CIO suggestions overall, as well as criticisms of CSSD by CIO staff, decreased significantly between the years 2013 – 2017 – see Appendix 5A cells 68-70.

Another crucial observation related to the effectiveness of socialisation-based methods is the extent to which the CIOs enjoy legitimacy across the political spectrum. As noted above, changing domestic-political conditions produced some variance in response rates between CSSD and ODS and they also created differences in the way ODS was able to respond in its second term (2010 – 2013) when compared with its first (2006 – 2010). However, in line with the findings from chapter III, CSSD do not tend to position themselves at too great a distance from their conservative counterparts. While they have steered away from adopting specific suggestions related to EPL, levels of responsiveness overall are very similar between the two parties. Vladimir Špidla (CSSD Premier 2002 – 2004) in particular sought to appease both the right- and left-wing elements of parliament with regards public finances (Cameron, 2004) and in doing so, opened up space for the CIOs to influence the incumbent social democrats.

Facilitating this process further is the asymmetries in power between employers' groups and unions. Recall this thesis' proposition regarding the ways in which conflict between domestic actors is reinforced by external organisations (i.e. policy fragmentation and the issue of competing international and domestic networks – Sengenberger 2005; 2005a). Throughout this section, we have seen the success with which the CIOs were able to represent very specific policy concerns of firms when in consultation with country authorities versus the effectiveness of the protests organised by ETUC in solidarity with CMKOS. While the role of the ILO in this regard is explored in the next chapter, these initial observations help begin to create a picture of how the CIOs are able to gain leverage in Czechia and why the issue of policy fragmentation is a salient one.

## **5.2 The Impact of the Challenger IOs in Slovakia**

The CIOs' impact in Slovakia has been deeper than in Czechia and yet these organisations have faced a much greater degree of domestic opposition in the former than the latter. How and why have the CIOs been successful despite greater levels of domestic opposition? Like Czechia, Slovakia too was driven by rational interest to implement the necessary reforms in preparation for EU accession; moreover, the country was subject to a greater degree of loan conditionality during this period (see [World Bank Group, n.d.](#); [IMF, 2020b](#)). While this would have boosted the enforcement capabilities of some of the CIOs - providing them with more leverage in Slovakia than in Czechia – this section finds that their impact prior to 2004 is instead best explained by the managerial version of rationalism. In line

with conclusions from chapter III, deeper CIO impact in Slovakia can be explained by the country's lower capacity levels and Mikuláš Dzurinda's commitment to regional integration in the post-Mečiar years. These driving factors saw the country being more open to, and indeed reliant upon external influence to assist in its economic and political transition. In the post accession period, managerialism (Tallberg, 2002) continues to best explain CIO impact; however, these external organisations became more vulnerable to shifting domestic conditions where left wing opposition groups effectively impeded their influence.

The section begins by observing trends on a country level before moving on to examine in detail the responsiveness patterns of successive governments. Throughout, specific attention is paid to whether – as well as the degree to which – the interactions between staff and country officials produced changes in legislation.

#### The Mediating Effects of Slovakia's Political Cycle

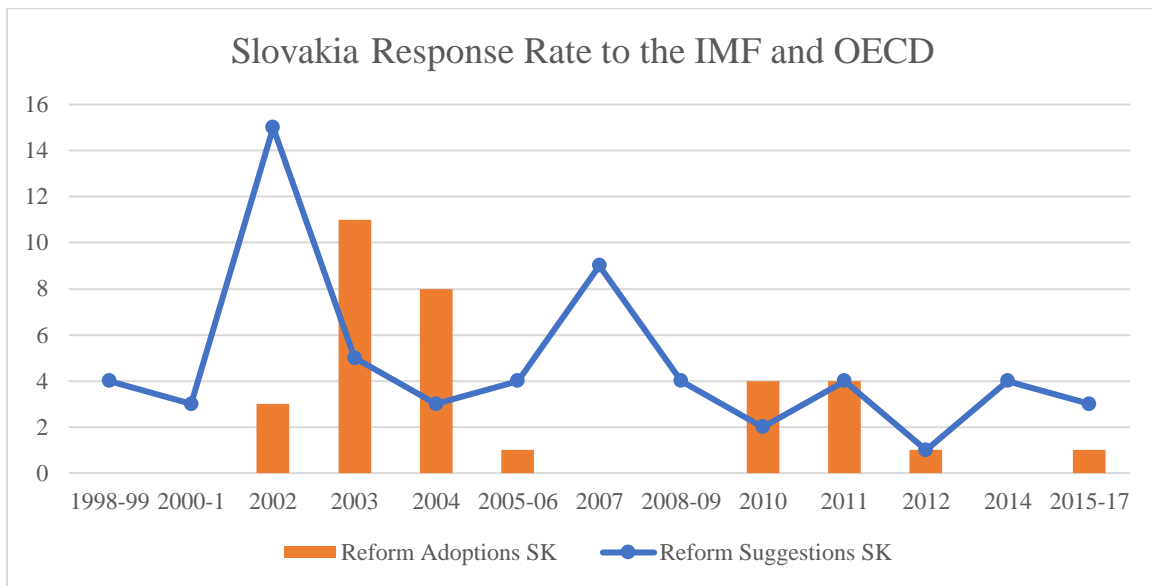
Figure 5.4 depicts Slovakia's responsiveness to the IMF and OECD over time between 1998 – 2017 while figure 5.4a represents the number of World Bank policy suggestions the country adopted between 2006 – 2017.<sup>90</sup> In regard to the IMF and OECD, its response rate overall is 79.4% with peaks in the years leading up to EU accession and again during the conservative led period of post 2008 – see appendix 5B for a textual breakdown of IMF and OECD impact in Slovakia.<sup>91</sup> Although there are some similarities between Slovakia and Czechia with respect to overall rates of responsiveness and timing of reforms, there are some stark differences in terms of the type of impact and the responsiveness of left-wing parties which the remainder of the section explores.

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<sup>90</sup> See World Bank Appendix 7

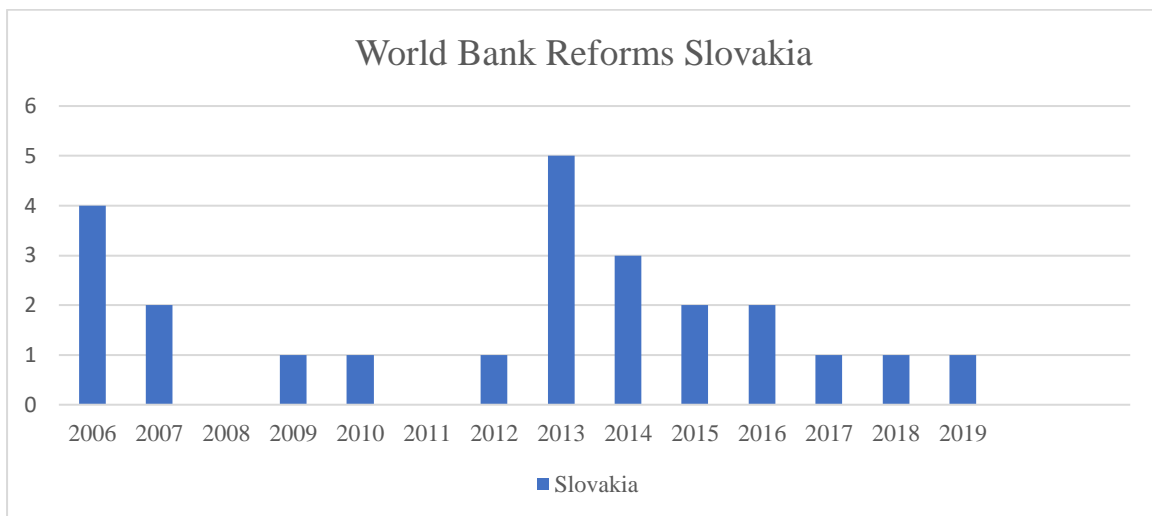
<sup>91</sup> Figure 5.4 illustrates not only the ratio of CIO suggestion to country response but the time lag between suggestion and response highlights a resistance to response in ways not seen in Czechia suggesting further that type of government matters for CIO impact.

**Figure 5.4**



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendix 5B for references to individual legislative reforms suggestions/adoptions.

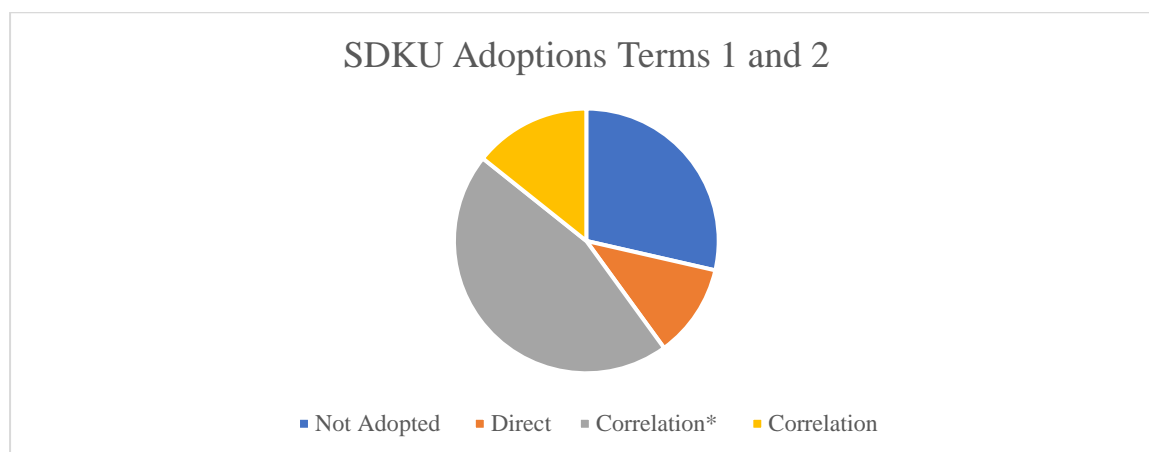
**Figure 5.4A**



**Source:** World Bank Doing Business Reports (various years)

*SDKU (Conservative Party)*. As figure 5.5 exhibits, SDKU passed legislation in line with approximately two-thirds of the suggestions made by the IMF and OECD during its first two terms in office – the majority of which were adopted in its second term (see appendix 5B cells 1-34 which further illustrates this by type of reform, year of adoption and category of impact).

**Figure 5.5**



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendix 5B for references to individual legislative reforms suggestions/adoptions.

SDKU's first term (October 1998 – October 2002) saw the CIOs become intimately involved with Slovakia. Having recently emerged from the turbulent Mečiar years (see chapter III), one of the first observations the CIOs made was in regard to whether the country had the sufficient institutional capacity to progress with its economic and political transition (OECD, 1999, p.9).<sup>92</sup> Upon this backdrop, and with a new government who embraced international integration, Slovakia sought close cooperation with the CIOs via an IMF structural reform programme; here country authorities set out their strategy in a Letter of Intent and requested additional assistance in regard to implementation ([IMF Letter of Intent, 2001](#)).<sup>93</sup> The World Bank too provided direct support in the form of finances (IMF, 2001a, p.4; [World Bank, 2001a](#)), technical assistance and training with the aim of improving the institutional capacity of the Ministry of Labour and Social Affairs ([World Bank, 2002a](#)). Other policy suggestions centred around cutting social assistance, incentivising work, and making EPL more flexible—see table 5.6 for a snapshot of suggestions made during this time, for a more comprehensive version see appendix 5B cells 1-34.<sup>94</sup>

<sup>92</sup> The OECD made specific reference to the country's capacity challenges in terms of building a new state, establishing an efficient administration, diversifying the economy (OECD, 1999a, p.9) and producing high quality human capital (OECD, 2002a, p.104).

<sup>93</sup> Policies outlined by country authorities outlined in the letter of intent aligned with requests made by both the IMF 2001 and OECD 1999 – stricter control of sickness benefit; privatising pensions; tightening eligibility for social assistance; creating part-time work/temporary jobs; increasing labour market flexibility (IMF, 2001b) also see (IMF, 2001a, p.19). The programme outlined in this letter also provided the framework for further reforms attached to a World Bank loan which was to be approved several months later (August 2001) (IMF, 2001a, p.4; [World Bank, 2001b](#)).

<sup>94</sup> E.g. the OECD recommended streamlining sickness and disability benefit, privatising pensions raising the retirement age (OECD, December 1999a, p.59) while the IMF encouraged Slovak officials to create more part-time and temporary jobs as well as to loosen restrictions on hiring and firing (IMF, 2001a)

**Table 5.6** SDKU Impact Correlation Table

| Cell# | IO and Year | Policy Suggestion  | Adopted? Year/Party | Policy Description/Type of Evidence  |
|-------|-------------|--|---------------------|--|
| 5     | IMF 2001    | Incentivise job search (relieve unemployment) through cuts to social welfare (tighten eligibility) (IMF, 2001a, p.7)   | No                  |  |
| 6     | IMF 2001    | Increase labour market flexibility (IMF, 2001a, p.25)  | Yes<br>2004 SDKU    | Correlation<br>The government made hiring more flexible for employers ( <a href="#">OECD, 2004a, p.96</a> )  |
| 8     | OECD 2002   | “Tighten eligibility conditions for sickness benefits...”( <a href="#">OECD, 2002a, p.87</a> )                         | Yes<br>2004 SDKU    | <u>Direct</u><br>“A reform of the sickness benefit system shifts the cost of the first ten days of sick leave to employers...No further action required” ( <a href="#">OECD, 2004a, p.97</a> ) |
| 9     | OECD 2002   | “Break harmful links between unemployment and social protection” ( <a href="#">OECD, 2002a, p.87</a> )                 | Yes<br>2003/4 SDKU  | <u>Direct*</u><br>...the benefits of able-bodied working age citizens...were cut” ( <a href="#">OECD, 2004a, p.97</a> )  |
| 13    | OECD 2002   | “Eliminate the extension of collective agreements reached at a...sectoral level” ( <a href="#">OECD, 2002a, p.88</a> ) | Yes<br>2003 SDKU    | <u>Direct</u><br>“Government policy is to exten[d] agreements only upon written consent.. (OECD, 2004a, p.98)  |
| 14    | OECD 2002   | Relax EPL specifically regarding hiring and firing (OECD, 2002a, p.17, 88)   | Yes<br>2003 SDKU    | <u>Correlation*</u><br>“The amended legislation relaxes employment protection... (OECD, 2004a, p.98)   |
| 15    | OECD 2002   | “Ease regulations on working time” (OECD, 2002a, p.88)   | Yes<br>2003 SDKU    | <u>Direct</u><br>“The amended labour code eases regulation on working time...no further action required” (OECD, 2004a, p.98)   |
|       |             |  |                     | <b>See appendix 5B cells 1-34 for full version</b>   |

In discussions with the IMF in early May of 2001, country authorities assured staff that they were committed to taking the necessary steps to transform the economy and enter the EU (see IMF, 2001a, p.19).<sup>95</sup> While the CIOs provided advice on the content of the reforms taking place, the catalyst for change was not a result of a reliance on loans or the consequence of loan conditionality. Rather, it was the sheer political will of the Dzurinda administration who, in ideological alignment with the CIOs, sought external assistance in order to push through their own domestic agenda (Slovak Ministry of Finance Interviewee D, 2020).

During this time, the CIOs were used by MPs in parliament to strengthen their argument for reform: after attending the aforementioned meeting with the IMF in May, deputy PM Ivan Mikloš stood in the assembly and announced that the reforms were necessary and driven in part by the EU Commission's comments from 1997 regarding the need for "more transparent and market-oriented policies" ([Slovak Parliament, Meeting 49, May 23<sup>rd</sup>, 2001](#)). Regarding the legislative steps which had been taken to achieve that goal, Mikloš noted that "it is best to quote the views of the [international] institutions" ([Slovak Parliament, Meeting 49, May 23<sup>rd</sup>, 2001](#)) after which he proceeded to communicate observations made by the OECD, the World Bank and the IMF; all of which – according to Mikloš – praised the current government's progress and future plans. In conclusion, he stated "[these] are not my subjective views, but the quotation of important respected international institutions" ([Slovak Parliament, Meeting 49, May 23<sup>rd</sup>, 2001](#)). However, serious opposition towards the CIOs also existed in parliament at the time as is evident by MP J. Prokeš response to Mikloš: "you are quoting only what suits you, but, by the way, these institutions...have not helped anyone yet. You know, they also have their interests...they're actually about dominating the economy in Slovakia, and you're willing to meet them. That's what it's all about" ([Slovak Parliament, Meeting 49, May 23<sup>rd</sup>, 2001](#)).

Opposition of this sort sufficiently impeded the government's reforms strategy mainly because Dzurinda's administration had only a slim majority during its first term. SDKU were able to pass several policies making good on some of its promises to the CIOs e.g. increasing the retirement age, reforming the pension system (see appendix 5B cells 2; 4; 7) and designing ALMPs to assist the young and unemployed into work (LABREF Database, n.d. Slovakia, 2000; Appendix 4B cell 5). But it also enacted legislation which the CIOs felt increased the

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<sup>95</sup> These included deputy PM Ivan Miklos; Minister of Finance Brigita Schmögnerová; Governor of the National Bank of Slovakia Marián Jusko ([IMF, 2001b](#)). Interestingly, Ivan Miklos later became Minister of Finance after his predecessor Brigita Schmögnerová left to work for the World Bank.



rigidity of EPL for employers e.g. by reducing weekly working hours (LABREF Database, n.d. Slovakia, 2001; Appendix 4B cell 9) and obliging firms to a three (rather than two) month notice period when dismissing employees (LABREF Database, n.d. Slovakia, 2001; Appendix 4B cell 6; Fabo & Sedláková, 2017, p.124).

This invited much criticism from the CIOs whose comments were almost identical to those coming from domestic employers groups at the time: in June 2002, the OECD echoed the concerns of AZZZ-SR (one of Slovakia's biggest employers' associations) in regard the government's decision on working time and the fact that too much power had been conferred onto trade unions – specifically in regard to their role in management and authority to inspect compliance – *to compare CIO and employers' groups comments on these two issues, see [OECD, 2002a, p.17](#); Eurofound, 2002; [OECD, 2002a, p.88](#)*. In addition to this, the CIOs provided Slovak authorities with a long list of recommendations which they explained should be top priority (OECD, 2002a, pp.106-7) if the country wanted to attract FDI and meet the criteria for entering the EU (OECD, 2002a, p.114; IMF, 2001a, p.1, 13).<sup>96</sup> While much emphasis was placed on reducing social welfare and making EPL more flexible in general, the OECD took specific issue with Slovakia's policy allowing for extensions of collective bargaining agreements to the wider sector (OECD, 2002a, p.83, 88) – see table 5.7 cell 13.<sup>97</sup>

In discussions with the IMF prior to elections in 2002, authorities assured staff that they had every intention of implementing their advice; they noted that there was now a consensus building around adopting such reforms and that the next government would move quickly to do so (IMF, 2002a, Statement by Executive Director, p.5). Indeed, as figure 5.6 illustrates, the second Dzurinda government (October 2002 – July 2006) embarked on a major reform programme (Mikloš, 2008, p.57) keeping good on its promises to the CIOs who made a significant degree of 'direct' impact during this period.<sup>98</sup>

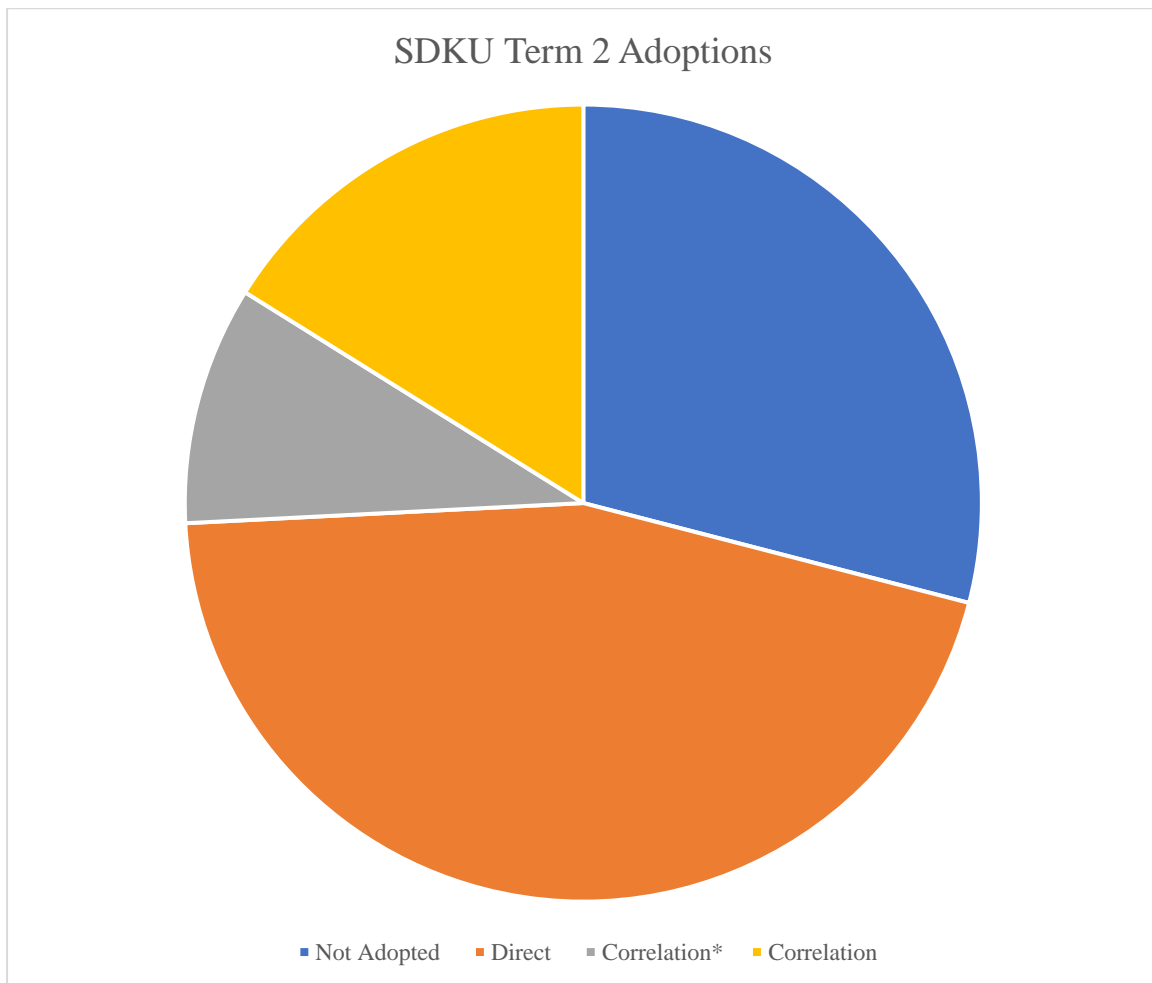
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<sup>96</sup> These include reducing social security (pensions, sickness); limiting unemployment insurance; easing regulations on working time; increasing the duration of fixed term contracts; reducing severance pay; removing the obligation for unions to approve dismissals (OECD, 2002a); removing extension of collective bargaining agreements; making EPL more flexible; reducing the social safety net to incentivise work (IMF, 2002a, p.14).

<sup>97</sup> As noted in Chapter III, this is one of the key differences between Slovak and Czech unions... extensions of collective agreements empower unions – the OECD/IMF feel that agreements should better reflect changing conditions at the firm level (OECD, 2002a, p.83, 88)

<sup>98</sup> Notable examples here include reducing severance costs (table 5.7 cell 21); easing restrictions on working time (table 5.7 – cell 15); reducing access to unemployment benefits by making them 'activity tested' (table 5.7 – cell 9)

**Figure 5.6**



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendix 5B for references to individual legislative reforms suggestions/adoptions.

Table 5.7 illustrates this impact in some detail but notable examples include the changes made to the health sector (guided by loans and technical assistance from the IMF and World Bank – see IMF, 2004a, pp.5-6; [World Bank 2003a](#); [World Bank 2003b](#)) and those to notice periods (OECD, 2002a, p.102) which were in line with exact advice coming from the CIOs (Fabo & Sedláková, 2017, pp.124-5). Dzurinda’s administration also responded to the CIOs’ criticism outlined above by eliminating the possibility for automatic extensions of wage agreements (OECD, 2004a, p.98; LABREF database, n.d. Slovakia, 2003; Appendix 5B cell 13); removing trade unions’ role in management and monitoring compliance (OECD, 2004a, p.98; OECD, 2005a, p.76-7) and by easing restrictions for employers on working time (OECD, 2005a, p.76).<sup>99</sup>

<sup>99</sup> Removing trade unions’ role in management and monitoring compliance was in line with exact advice from the OECD. See - OECD, 2002a, p.88

**Table 5.7** SDKU Term 2 Impact Correlation

| Appendix – Cell# | IO and Year | Policy Suggestion  | Year Adopted | Policy Description/Type of Evidence  |
|------------------|-------------|--|--------------|--|
| 5B – Cell 8      | OECD 2002   | “Tighten eligibility conditions for sickness benefits...( <a href="#">OECD, 2002a, p.87</a> )                          | 2004         | <u>Direct</u><br>“A reform of the sickness benefit system shifts the cost of the first ten days of sick leave to employers...No further action required” ( <a href="#">OECD, 2004a, p.97</a> )   |
| 5B – Cell 13     | OECD 2002   | “Eliminate the extension of collective agreements reached at a...sectoral level” ( <a href="#">OECD, 2002a, p.88</a> ) | 2003         | <u>Direct</u><br>“Government policy is to extend agreements only upon written consent...” (OECD, 2004a, p.98)  |
| 5B – Cell 14     | OECD 2002   | Relax EPL specifically regarding hiring and firing (OECD, 2002a, p.17, 88)   | 2003         | <u>Correlation*</u><br>“The amended legislation relaxes employment protection rules...no further action required (OECD, 2004a, p.98)   |
| 5B – Cell 15     | OECD 2002   | “Ease regulations on working time” (OECD, 2002a, p.88)   | 2003         | <u>Direct</u><br>“The amended labour code eases regulation on working time...no further action required” (OECD, 2004a, p.98)   |
| 5B – Cell 17     | OECD 2002   | “Revise the new labour code to reduce the excessive power of trade...” (OECD, 2002a, p.88)                             | 2003/4       | <u>Direct</u><br>“Accomplished by the amendment to the labour code...no further action required” (OECD, 2004a, p.98) (also see OECD, 2005a, p.76-7).   |
| 5B – Cell 21     | OECD 2002   | Reduce severance and eliminate the need for trade union approval of dismissal (OECD, 2002a, p.102-3)                   | 2003         | <u>Direct</u><br>“the government took a very important step...with the introduction of the new labour code in 2003. Changes include...a cut in severance pay; and a considerable easing of the conditions under which workers can be dismissed...” (OECD, 2005a, p.76) |
| 5B – Cell 22     | OECD 2002   | Ease restrictions on working time (OECD, 2002a, p.88)  | 2003         | <u>Direct</u><br>“The amended labour code eases regulations on working time...No further action required” (OECD, 2004a, p.98)  |
|                  |             |  |              | <b>See appendix 5B cells 6; 8; 9; 11; 13-28; 34 for a complete picture of CIO impact during this period.</b>   |

Further evidence of direct influence during this period can be found by looking at the CIOs' responses to the measures adopted by SDKU. In May of 2003, the IMF commended Slovakia for policy changes which they noted were "in line with previous Fund advice" (IMF, 2004a, p.4, 6) and urged authorities to focus on implementation (IMF, 2004a, p.4, 19, 44).<sup>100</sup> In March 2004, the OECD echoed the Fund's praise noting how the new government was able to pass a series of "politically demanding reforms" (OECD, 2004a, p.93) particularly in regard to the welfare system and labour legislation (see OECD, 2004a, pp.98, 122-3).<sup>101</sup> In its report, it furthermore provided an impact assessment noting whether and the extent to which its advice had been followed. On issues where the OECD felt that policy recommendations had been sufficiently brought into legislation, it marked them with 'no further action required' (see [OECD, 2004a, pp.94-99](#)). This has been documented in table 5.7 to help illustrate the extent of the CIOs direct influence in this period – see cells 8, 14, 15, 17, 22. Finally, in 2005, the World Bank named the country as its 'top reformer' for 2003 including it in the list of top 20 places to do business (World Bank, 2005a, pp.1-2).<sup>102</sup> According to an official at Ministry of Finance, the World Bank's rankings were and remain important in Slovakia. During Dzurinda's second term especially, the interviewee commented that the Bank "introduced quite a few structural reforms, most of them were actually consulted and probably very thoroughly consulted with the World Bank, they were very much involved actually" (Slovak Ministry of Finance Interviewee D, 2020).

*2006 – 2010 SMER (Social Democrats).* This tone of praise coming from the CIOs began to shift in the years following SDKU's second term. According to the same Ministry of Finance official, the government during this time "didn't solicit the [CIOs] so much, it was actually quite the opposite" (Slovak Ministry of Finance Interviewee D, 2020). The extensive pro-business reforms that had been taking place prior to 2006 led to Robert Fico's party SMER being elected in July (Fabo & Sedláková, 2017, p.123) and as noted in chapter III, Fico ran a campaign on a promise to decrease flexibility and re-empower unions. As table 5.8 illustrates, many of the reforms passed by SMER in its first term directly contradict earlier advice from the CIOs e.g. the restoration of notice periods and severance pay in coexistence; the limits put

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<sup>100</sup> IMF staff also noted the recent uptick in FDI projects as a result of the country's responsiveness (see IMF, 2004a, p.20)

<sup>101</sup> The OECD noted that the changes made aligned with their advice on dismissals (OECD, 2004a, p.122-3), reducing the power of trade unions and removing automatic extensions of wage bargaining agreements (OECD, 2004a, p.98).

<sup>102</sup> Further evidence of direct influence can be found in several subsequent reports and consultation with country authorities commending Slovakia – see (IMF, 2004a, pp.5-6; IMF 2005a, p.12; OECD, 2005a, p.14, 76, 77; World Bank, 2004, p.38).

on temporary contracts; making possible again the extension of collective bargaining wage agreements; and the administration's increase of minimum wage.

Just prior to these reforms being adopted (June 2007), the CIOs expressed their dissatisfaction with the government's plans to tighten EPL and took specific issue with their decision to extend collective wage agreements (IMF, 2007a, p.13; [OECD, 2007a, p.12](#)). The IMF described the proposals as "worrisome" (IMF, 2007a, p.16) and noted how "employers' associations and major FDI-supported enterprises remain opposed" (IMF, 2007a, p.13). They further warned that such decisions would increase labour costs and worsen the business environment (IMF, 2007a, pp.13-15).

**Table 5.8** SMER Term 1 Counter-Reforms 2006 – 2010

| <b>CIO Suggestions</b>  | <b>Reference</b>                               | <b>SMER Reform</b>  | <b>Reference</b>    |
|---|--|---|---------------------|
| Relax EPL specifically regarding hiring and firing (OECD, 2002a, p.17, 88).<br>Reduce severance pay and eliminate the need for trade union approval of dismissal (OECD, 2002a, p.102-3) | Appendix 5B cell 14<br><br>Appendix 5B cell 21 | "If an employee is entitled to a redundancy payment, he or she is also entitled to receive a wage during the redundancy notice period... (LABREF Database, n.d. Slovakia, 2007)<br>"The period of dismissal notice has been extended from 15 to 30 days" (LABREF Database, n.d. Slovakia, 2007) | Appendix 4B cell 37 |
| Increase the duration of fixed term contracts (OECD, 2002a, pp.102-3)   | Appendix 5B cell 20                            | "Limiting the renewal of fixed-term employment contracts: this can be done only once every three years..." (LABREF Database, n.d. Slovakia, 2007)   | Appendix 4B cell 40 |
| "Eliminate the extension of collective agreements reached at a...sectoral level" ( <a href="#">OECD, 2002a, p.88</a> )  | Appendix 5B cell 13                            | "introducing the possibility to extend a sectoral collective agreement to other companies in the sector without the consent of the companies' management" (LABREF Database, n.d. Slovakia, 2007)  | Appendix 4B cell 43 |
| Moderate wage growth and enhance wage flexibility" (IMF, 2005a, p.5)  | Appendix 5B cell 38<br><br>Appendix 5B cell 49 | "... In cases where social partners do not agree, the minimum wage will rise administratively by an average monthly wage increase". (LABREF Database, n.d. Slovakia, 2007)  | Appendix 4B cell 44 |

These warnings went unheeded, apart from two pieces of legislation (one pertaining to youth unemployment and the other to retirement), SMER did not adopt any of the CIOs suggestions and instead pressed on with tightening EPL in spite of the external criticism (see appendix 5B cells 35-49. Two years later (February 2009), the OECD repeated its previous comments; it took specific issue with the centralised system of collective bargaining, recent increases to minimum wage (OECD, 2009a, p.33, 51, 54) and noted how such decisions were causing Slovakia to fall in the World Bank's Doing Business rankings (OECD, 2009a, p.54). The IMF echoed these concerns several months later (see IMF, 2009a, pp.14-15).

Slovakia's relationship with the CIOs improved towards the second half of 2010 when SDKU regained office and made some initial changes in order to relax the rigidity put in place by the previous administration. In November, the OECD described the government's actions as a "welcome step" (OECD, 2010a, p.11) supporting especially the reduction of employers' notice and severance responsibilities and for removing the possibility to extend wage agreements to the wider sector (OECD, 2010a, p.11; OECD, 2010a, p.24). The following year in June (2011), the IMF began to push authorities to address the high levels of long-term unemployment and to do so through more flexibility in the labour market and increasing the use of ALMPs (IMF, 2011a, pp.24-25). In response, the government noted that plans were in place to address these concerns (IMF, 2011a, pp.24-25) and in the month following discussions with the IMF, did so via the "big labour code reform" (Fabo & Sedláková, 2017) (to be implemented in September) – see table 5.9.

**Table 5.9** SDKU Term 3 Impact Correlation Table

| Appendix – Cell #     | IO and Year | Policy Suggestion   | Adopted              | Policy Description/Type of Evidence   |
|-----------------------|-------------|---|----------------------|---|
| Appendix 5B – Cell 45 | OECD 2009   | Abolish legal extensions of collective bargaining agreements (OECD, 2009a, p.8) | Yes<br><br>2010 SDKU | <u>Correlation</u><br>“Return to previous legislation... Making collective agreement of a higher-level binding also for the employer who is not member of the employers...” (LABREF Database, n.d. Slovakia, 2010; Appendix 4B cell 67)       |
| Appendix 5B – Cell 46 | OECD 2009   | Increase flexibility of EPL (OECD, 2009a, p.9, 30)                              | Yes<br><br>2010 SDKU | <u>Correlation*</u><br>OECD Notes in 2010 that the new government has embarked on an ambitious reform agenda and will adjust the labour code to the lower level of employment protection (OECD, 2010a, pp.22-24)                              |
| Appendix 5B – Cell 48 | OECD 2010   | Increase spending on ALMPs e.g. public employment subsidies (OECD, 2010a, p.40) | Yes<br><br>2011 SDKU | <u>Correlation</u><br>“Job creation support in form of investment subsidies” (LABREF Database, n.d. Slovakia, 2010; Appendix 4B cell 69)  |
| Appendix 5B – Cell 50 | IMF 2011    | Increase flexibility of EPL (IMF, 2011a, p.25)                                  | Yes<br><br>2011 SDKU | <u>Correlation*</u><br>Government passes ‘Big Labour Code Reform’ shortly after talks with IMF... increasing flexibility across several areas particularly hiring and firing (see Fabo & Sedláková, 2017, pp.129-30; Appendix 4B cells 73-80) |
| Appendix 5B – Cell 52 | IMF 2011    | Enhance flexibility of wage negotiations (IMF, 2011a, p.24)                     | Yes<br><br>2011 SDKU | <u>Correlation</u><br>Government introduces representativeness threshold for trade unions... (LABREF Database, n.d. Slovakia, 2011; Appendix 4B cell 80)  |
| Appendix 5B – Cell 53 | IMF 2011    | Decrease hiring and firing costs (IMF, 2011a, p.24)                             | Yes<br><br>2011 SDKU | <u>Correlation*</u><br>In 2011, the government made changes to fixed term contracts, probationary periods, notice and severance and dismissals which favoured employers (Fabo & Sedláková, 2017; pp.129-30; Appendix 4B cells 73-78).         |
|                       |             |   |                      | <b>For a full version of the above, see appendix 5B cells 45; 46; 48; 49; 50; 52; 53; 54.</b>   |

When SMER were re-elected in 2012, much of the previous administration's reforms were (and remain) reversed (Fabo & Sedláková, 2017, p.130).<sup>103</sup> This was done in cooperation with KOZ SR (one of Slovakia's major trade union confederations) (see Goliaš & Kičina, 2007, p.4) and in direct conflict with CIO advice. As expected, the CIOs responded by warning authorities that their decisions would have a negative impact on job creation and "weaken business confidence" (OECD, 2012a, p.33). Despite the criticism, a year later, Fico's government strengthened EPL further by reintroducing the possibility to extend collective bargaining agreements (LABREF Database, n.d. Slovakia, 2013; Appendix 4B cell 120).

Over the next few years, external condemnation continued, the CIOs citing specifically their desire for a return to the legislation that was brought in by the previous government (SDKU) in 2011 (see OECD, 2012a, p.33; IMF, 2014a, pp.12-13; OECD, 2014a, p.35, 98). But, SMER pushed back, during discussions in 2014, country authorities explained to IMF staff that they did not agree that the new labour code or other policies – such as those on pensions – would have adverse economic impacts (IMF, 2014a, p15, 20, 40).<sup>104</sup> Throughout its term, SMER remained unresponsive and by 2017 the OECD lamented that most of its suggestions had not been followed (see Annex OECD, 2017a, pp.62-3). That same year, the IMF communicated to the government that the country was increasingly being viewed with caution by employers' groups (both domestic and international) citing how a recent survey of foreign investors "ranks Slovakia in the bottom half in all areas of the labor [sic] market" (IMF, 2017a, p.20).

Overall, the CIOs were able to make a deep impact in Slovakia prior to 2004 but their influence waned heavily from 2006 onwards. Through technical assistance, advice and dialogue (Thomann, 2011, p.12), these organisations significantly influenced the character and often the specific content of reform choices in the country. While their influence was in no doubt aided by a favourable conservative government and the country's anticipation of EU membership, Slovakia was nevertheless open to external assistance for purposes of capacity

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<sup>103</sup> For example: reducing the number of renewals on fixed term contracts (LABREF Database, n.d. Slovakia, 2012; Appendix 4B cell - 91); increasing notice periods and severance pay (LABREF Database, n.d. Slovakia, 2012; Appendix 4B cell - 92); reducing the length of probationary periods (LABREF Database, 2012; Appendix 4B cell - 93); removing representativeness quotas for trade unions (LABREF Database, n.d. Slovakia, 2012.; Appendix 4B cell - 107).

<sup>104</sup> Interestingly, a study done by Fabo & Sedláková (2017) found that unemployment in Slovakia actually decreased during this time when more rigidity was being introduced into the labour market despite CIO predictions to the contrary (Fabo & Sedláková, 2017, pp.129-30).



building to help guide its political and economic transition. Once this was accomplished however, the CIOs were highly dependent on favourable governments for access to policy space – apart from the years between 2010 – 2012, left wing actors have effectively shut these organisations out. The next section offers a brief comparison of CIO impact across Czechia and Slovakia asking whether and why the influence of these organisations varied across the two states. Conclusions drawn here will be used in later chapters where the relative impact of the CIOs and the ILO is assessed.

### **5.3 The Diverging Impact of the Challenger IOs**

How and why has CIO impact varied across Czechia and Slovakia? The CIOs have made a significant impact influencing the timing and content of legislative reforms in both countries but despite deploying similar mechanisms across the two, their effect was not uniform. The following section identifies and explains this variance; in doing so, significant divergencies are found in regard to (1) levels of direct impact (2) response rates in the years following EU accession. The section finds that while rational institutionalism can largely explain the extent of CIO impact in both countries, the effectiveness of managerial and socialisation techniques has been heavily mediated by the dynamics of the diverging policy spaces sketched out in chapter III.

The first part of this section aggregates the data from several of the indicators discussed in the previous two sections (e.g. adoption rate, type of impact) in order to make several empirical observations regarding divergences of CIO impact.<sup>105</sup> The second part interprets these divergences by applying the institutional theory presented in chapter I.

#### Empirical Comparative Observations

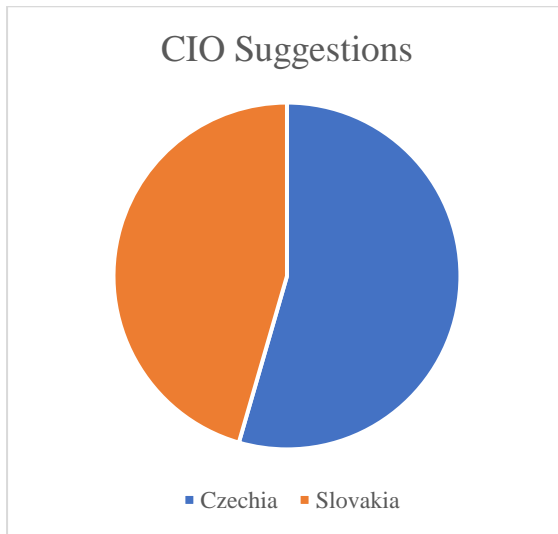
Figure 5.7 provides a comparative depiction of the total number of policy suggestions made by the IMF and OECD between 1998 – 2017 while figure 5.8 represents each country's adoption rate as a percentage.<sup>106</sup> When observing these totals, CIO impact does not appear to vary too drastically between Czechia and Slovakia with both countries receiving and adopting a similar number of policy suggestions over the same time period.

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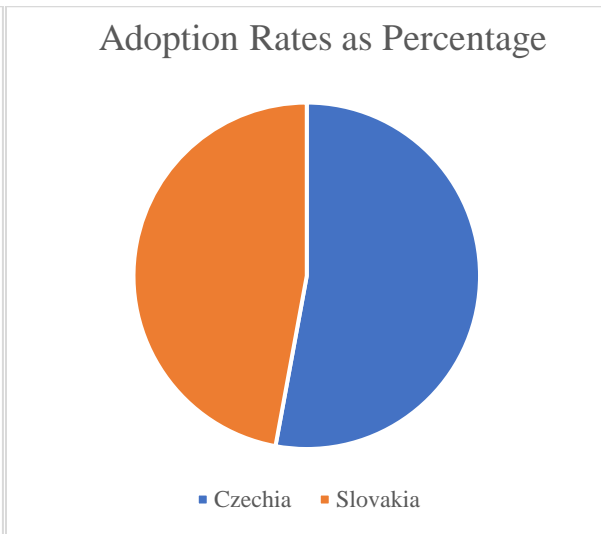
<sup>105</sup> See Appendix 5C for aggregated totals

<sup>106</sup> Calculated by the total number of adoptions/total number of suggestions x 100.

**Figure 5.7**



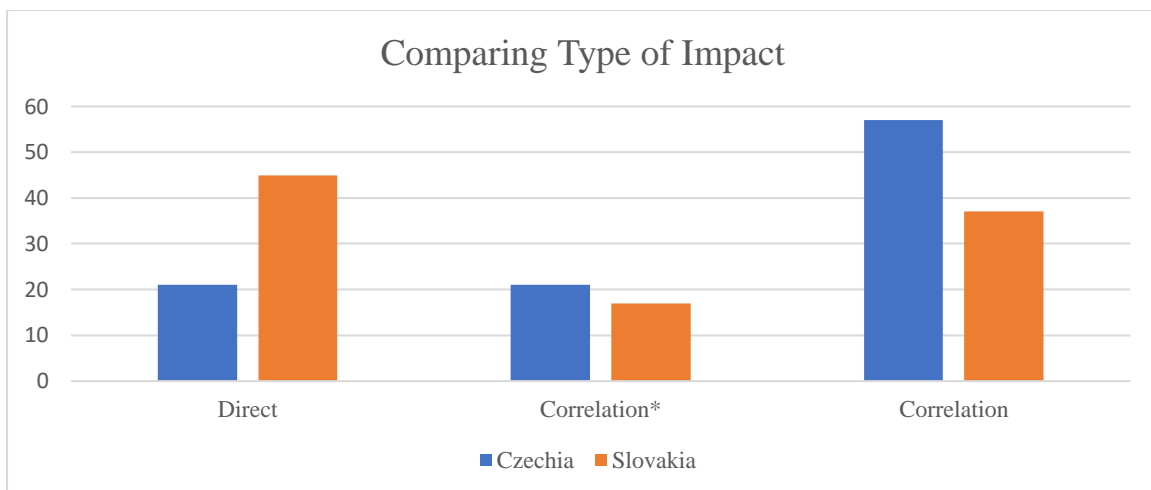
**Figure 5.8**



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendices 5A and 5B for references to individual legislative reforms suggestions/adoptions.

However, stark differences emerge when we disaggregate the data above to contrast (1) category of impact (2) responsiveness by left/right wing parties across countries (3) type of legislation adopted e.g. EPL or other. Figure 5.9 illustrates that the level of ‘direct’ impact the CIOs made in Slovakia has been far greater than in Czechia suggesting that these organisations have been more influential in terms of shaping policy content in the former than the latter.

**Figure 5.9**

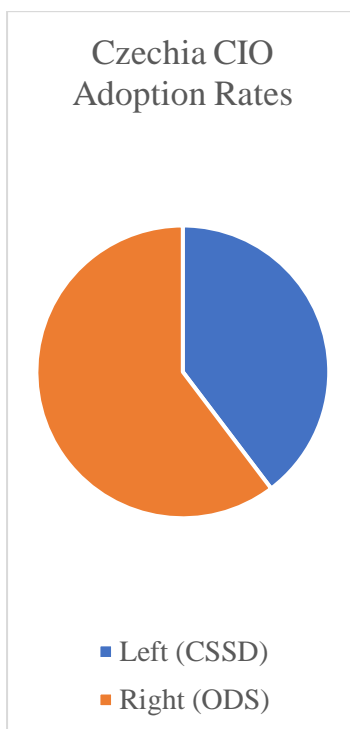


**Note** figures shown as percentage of total adoptions.

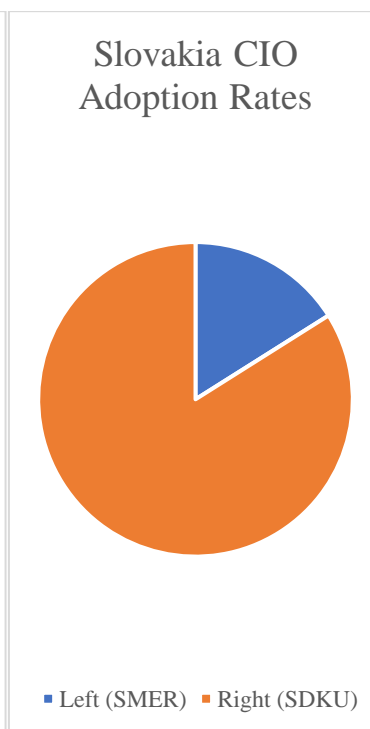
**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendices 5A and 5B for references to individual legislative reforms suggestions/adoptions.

Divergencies grow wider when we compare adoption rates by political party: figures 5.10 and 5.11 depict response totals between left- and right-wing governments within each country while figure 5.12 compares party type across countries. When the data is contrasted in this way, a clear picture emerges of the differences between the left wing in Slovakia (SMER) and their Czech counterparts (CSSD). These findings lend support to conclusions made in chapter III – that CSSD do not stray too far from the policy positions of the Czech conservative party and that labour in Slovakia is more successful at pushing back on legislative proposals which conflict with their interests.

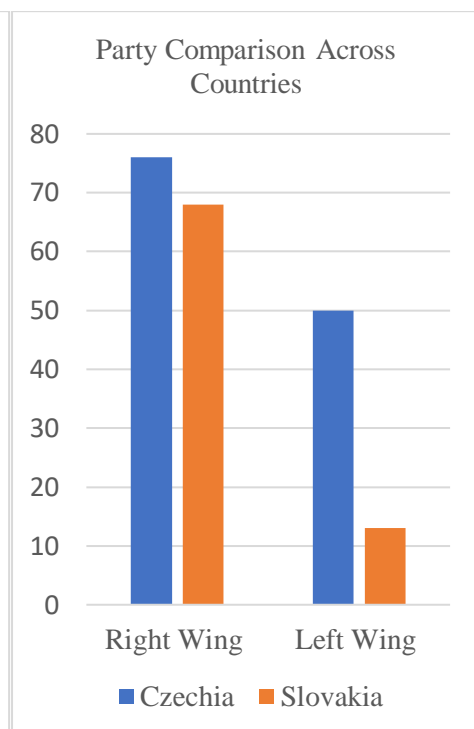
**Figure 5.10**



**Figure 5.11**



**Figure 5.12**



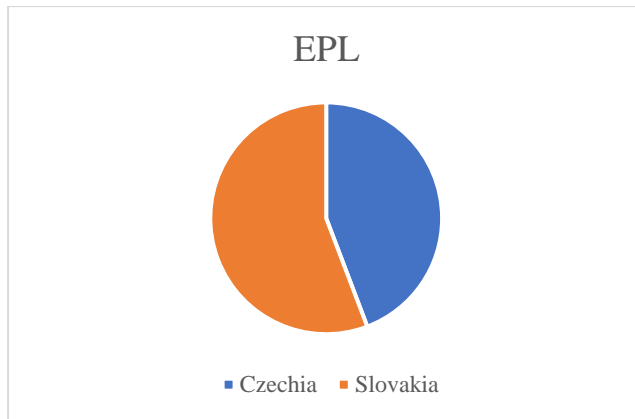
**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendices 5A and 5B for references to individual legislative reforms suggestions/adoptions.<sup>107</sup>

However, this cross-national distinction between left wing parties is reduced slightly if we focus on type of reform because neither CSSD nor SMER appear to respond to the CIOs regarding EPL – although figure 5.13 indicates that the level of EPL suggestions adopted by both countries is fairly similar, it is predominately the right wing who are responsive in this regard. On the other hand, and in line with findings from chapter III, SMER *do* tend to reverse

<sup>107</sup> **Note** responsiveness figures calculated as a percentage of the total suggestions the CIOs made during *each* incumbency rather than the overall total number of suggestions.

EPL reforms which have been successfully diffused by the CIOs where CSSD *do not*. Moreover, the 2006 labour code introduced by CSSD was sufficiently flexible and supported by both the IMF and OECD a least until employers' groups began to challenge it.

**Figure 5.13** Adoption of EPL Related CIO Policy Suggestions



**Sources:** IMF Article IV Reports; OECD Economic Surveys; LABREF Database (various years). See Appendices 5A and 5B for references to individual legislative reforms suggestions/adoptions.

In sum, the CIOs have made a significant impact in both Czechia and Slovakia. While the extent of their influence has been relatively equal, patterns of response across the two countries have nevertheless differed producing some variation (1) the CIOs greater levels of direct influence in Slovakia (2) levels of responsiveness post 2004. The final part of this section applies the theory outlined chapter II to explain these divergences.

#### Diverging Policy Spaces: Mediating CIO Impact

The above has identified the ways in which CIO impact varies across Czechia and Slovakia, with a focus on the pre-and-post-EU accession periods, the remainder of this section explains this variance guided by rational institutionalism – both enforcement and management versions – as well as constructivism. Conclusions drawn here will not only produce the key international and domestic variables responsible for variation but will also contribute to this thesis' explanation of the causes and consequences of policy fragmentation.

Prior to 2004, the extent of CIO impact (i.e. the total number of reforms adopted) is relatively similar across both countries. During this time, Czechia and Slovakia were both committed to making the necessary changes in order to gain membership as evidenced not only in the reforms adopted but also in the dialogue examined between country authorities and CIO

staff. As such, this aspect of the CIOs impact can be explained by rational incentive driven behaviour – the prospects of membership motivated responsiveness. However, where impact varies in this period is in regard to the level of direct influence. Here the incentive/enforcement version of rationalism is of less help: both countries were preparing to enter the EU at the same time (2004) and the CIOs do not appear to have leveraged the prospects of membership in one country more than the other. Constructivist based explanations do not explain this either. Socialisation is said to be more/less effective depending on the country's newness to the situation and whether there is domestic normative acceptance of the IO's mandate (Kelley, 2004). Accordingly, the CIOs used praise and shame in equal measure; both Republics were still in their transitioning phase and while normative acceptance was likely higher in Czechia, this would not account for the greater levels of direct influence in Slovakia. The managerial version of rationalism offers the best explanation: Slovakia's lower levels of institutional capacity necessitated a deeper level of external involvement and as a result, authorities regularly requested additional support during this period which often took the form of technical assistance or joint initiatives. This dynamic was not present in Czechia and provided an opportunity for the CIOs to shape the reform process more precisely in Slovakia.

In the post 2004 environment, variation in levels of direct influence are not as present; however, variation in regard to general responsiveness (the number of reforms each adopted) is. Incentive-based methods cease to explain this because both countries had already entered the EU and neither acquired loans. The managerial version of rationalism is also not helpful here as requests for technical assistance declined during this period. Moreover, Slovakia – for the most part – had closed the institutional and economic gap with Czechia (Czech Ministry of Labour Interviewee C, 2020) and so there was less of a need for support of this nature. Where variation does exist though is with the effectiveness of socialisation-based methods. For example, while the CIOs continued to employ persuasion and praise in order to influence policy outcomes, they began to have much less success in Slovakia. When a conservative government was in power (e.g. SDKU 2010 – 2012), socialisation helped influence the content and timing of reform choices; however, when SMER took office, they (along with several trade union confederations) provided a sufficient barrier to CIO diffusion. Successive governments in Czechia did not produce the same effect.

Overall, rational choice-based methods are important tools which can serve as catalysts for change whereas socialisation and managerial based methods are necessary compliments

guiding the content and character (rather than the extent) of that change (Kelley, 2004). Absent enforcement or conditionality, the effectiveness of socialisation and management approaches are heavily dependent on the domestic spaces within which the CIOs are operating – the diverging policy spaces sketched out in chapter III correlate well with patterns of CIO impact illustrated here.

The CIOs have had a greater degree of direct impact in Slovakia owing to the country's low levels of intuitional capacity and ambitions of EU membership. Post 2004, these organisations were largely at the mercy of favourable governments. In Slovakia, the CIOs influence was effectively blocked by left wing opposition who moreover reversed much of their previous policy achievements. In Czechia, left and right-wing governments mediate the CIOs differently to some degree (e.g. in regard to EPL) but both are equally responsive, and changes made to legislation tends to be permanent. While the level of independent influence may be lower in Czechia, the CIOs synergistic relationship with the country allows for less impediments to policy diffusion overall.

### **Conclusions**

In contrast with the findings of previous studies, this chapter has illustrated that incentive-based rationalism and domestic politics do not sufficiently explain CIO influence in Czechia and Slovakia. While rationalism and domestic politics do mediate impact in regard to extensity, these organisations have nevertheless been able to shape the specific content and character of policy reforms and in doing so, altered legislative outcomes in ways which would have been different absent their intervention. The rate of success regarding this type of impact reflects both the interests and relative strengths of opposing domestic groups who either empower or impede these external influences. The cases of Czechia and Slovakia have demonstrated well the variation that is produced when IOs operate across diverging spaces – their influence being more consistent and permanent in the former than the latter.

The findings here shed light not only on how IOs make an impact and why that impact might vary across states, but they are especially relevant to the issue of policy fragmentation and its consequences for the ILO. Where multiple IOs with conflicting norms operate within one space, successful policy diffusion by one can impede the impact of another. For example, as will be illustrated in the next chapter, the implementation of legislative content influenced by these organisations can result in the violation of ILO conventions both in law and in practice.

Thus far, the previous chapters have developed a picture of the extent to which fragmentation exists across Czechia and Slovakia; in line with the SNA outputs from chapter II (section 2.2), sufficient empirical evidence has been provided to conclude that the ILO's impact is greater in the latter while the reverse is true for the CIOs – in line with this thesis' hypothesis then, the consequences of policy fragmentation should be greater in Czechia. The following chapter provides a thorough investigation into whether and how fragmentation at the international level manifests itself and the extent to which this phenomenon impedes the ILO's work.

## Chapter VI

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### Fragmented Policy Networks and the Consequences for ILO Impact

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*Do we have dialogue? Yes. Do we have influence? Not necessarily. There have been times when the IFIs and ILO have tried to cooperate... the further we got into it the more difficult it became... We had meetings with the World Bank last week and it was don't call us we'll call you" (ILO Staff Interviewee L, 2019).*

*The IMF first and foremost, whenever it advises a country, it's... for the health of public finance... It will not fight for workers' rights" (Slovak Ministry of Finance Interviewee D, 2020)*

Unchecked economic liberalisation increases political and societal conflict threatening peace and stability both within and between states. While the de-regulatory policies associated with this outcome are often pursued by fiercely competitive governments, IOs are meant to help build trust, foster cooperation and contribute to effective global governance. However, the global institutional environment has become increasingly fragmented: across several policy domains, there exists the “presence of multiple and overlapping organisations where hierarchy and coordination are absent” (see Zürn & Faude, 2013, p.119; Bierman et al, 2009; Raustiala & Victor 2004). While fragmentation is not in and of itself detrimental to global governance (see Judith Kelley’s study on election monitoring in chapter 1 section 1.2), it is so when the norms of the core IOs within a regime conflict (see Bierman et al, 2009 and chapter II section 2.2). This is the dynamic that exists between the ILO and organisations such as the IMF, World Bank and OECD (the CIOs) within the domain of labour market policies – the former’s efforts to uphold standards of best practice is often considered as impeding the effective functioning of the market by the latter (Sengenberger, 2005; 2005a). At the same time, other international actors such as the International or European Trade Union Confederations (ITUC and ETUC respectively) work to strengthen the ILO’s impact. Does and to what extent does this policy fragmentation facilitate or impede the ILO’s impact on states? How are these competitive and cooperative clusters of external actors mediated by the diverging policy spaces sketched out earlier?

CIOs such as the World Bank or IMF claim to respect the ILO’s work when designing their loan conditions (Anner & Caraway, 2010, p.152; Blanton et al, 2015, p.324); but, keen observers have highlighted the downward pressures that these programmes have on workers’



rights (Blanton & Blanton, 2016; Blanton et al, 2015; Anner & Caraway, 2010; Sengenberger, 2005; Maupain, 2013; Hagen, 2003, p.11-14; Caraway et al, 2012; ILO Staff Interviewees V; M; L). However, much of the work examining this phenomenon does so on a large-N scale drawing correlation between *loan recipients* on the one hand and *diminishing labour standards* on the other. In doing so, it centres the conversation regarding policy fragmentation and competing international norms, around differences in institutional power and as a result, this work obscures some of the causal drivers that contribute to policy fragmentation when enforcement mechanisms such as loan conditionality are absent – as is the case across the countries being examined here.<sup>108</sup>

Chapters III – V have shed light on the varying levels and character of fragmentation that exist across Czechia and Slovakia by demonstrating when and how the ILO and CIOs make an impact (see chapters IV and V respectively); and secondly, by providing a domestic level explanation for why their relative impact varies within and across states (see chapter III and the application of its findings across chapters IV and V).<sup>109</sup> This chapter’s task is to determine the *consequences* of policy fragmentation for the ILO by linking violations of the organisation’s conventions to the adoption of CIO policies across both countries.

As will be illustrated, policy fragmentation in the international system exacerbates domestic conflict. The ability of competing external actors to make an impact is facilitated by competing domestic groups who ally with and seek advice from their international counterparts. These networks battle for domestic policy space (Sengenberger, 2005) and as a result, conflict that is present between competing actors at the national level (e.g. capital and labour) is reinforced by conflicting norms (e.g. between the CIOs and ILO) being diffused from the international and vice versa (Sengenberger, 2005, p.10). It will be demonstrated that under these conditions, IO impact occurs in a broadly mutually exclusive context: while CIO impact can cause violations of ILO conventions, the reverse is also true – when the ILO’s violation is

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<sup>108</sup> Like other Central Eastern European (CEE) countries during the period, Czechia and Slovakia were both receiving policy advice from the CIOs; but, unlike their regional neighbours, neither were subjected to loan conditions which significantly impacted labour policy. This provides a unique opportunity to examine the relative influence of the ILO and CIOs within a context where the latter is not advantaged by asymmetrical institutional strength. Moreover, it helps bring to light the ways in which two seemingly similar states, mediate IOs quite differently and to uncover the conditions under which the ILO makes an impact when faced with competing domestic and international forces.

<sup>109</sup> To recap, IOs make an impact influencing the content and timing of policy reforms, the extent to which they are successful in achieving this depends on conducive domestic factors which determine the relative impact of competing IOs – see chapters III - V.

fixed, it presents a threat to the mandates of the OECD and IMF. Under what conditions does the ILO make an impact when faced with these competing international and domestic forces?

This chapter identifies direct links between CIO policy advice and specific violations of ILO C098 in Czechia and Slovakia; although policy fragmentation resulted in violations manifesting in both countries, the findings here highlight how the ILO more successfully navigated these dynamics in the latter. This outcome is best explained by the policy spaces sketched out in chapter III and the managerial version of rationalism: the unique configuration of actors in Slovakia provided access to the ILO while keeping the CIOs out. Because of this, the ILO was able to guide Slovakia's policy making and implementation processes; serve as an important ally to unions and members of parliament; and through its technical/legal expertise, the ILO brought about legislative and implementation changes that made a real impact. The necessary domestic conditions conducive to ILO impact were not present in Czechia and as a result, the CIOs and their allies (employers' groups and conservative governments) much more successfully dominated the policy sphere.

Sections 6.1 and 6.2 perform a *within* case analysis of the events surrounding the violations of C098 in Czechia and Slovakia respectively. Following the methodological guidance set out earlier, these sections trace the evolution of the violations by taking into account the interactions between, and influence of, competing policy networks. In doing so, it identifies the necessary combination of international and domestic actors responsible for the violations' occurrence, as well as those that facilitated or impeded the ILO's ability to correct them. Section 6.3 examines the relevance of the SNA model to the empirical findings thus far. In doing so, the strengths and weaknesses of network analysis as a method for mapping and measuring policy fragmentation are assessed. The section closes with a brief comparison of the two countries to summarise the conditions under which the ILO makes an impact when operating in a fragmented context.

### **6.1 Fragmentation and the Battle for Public Sector Policy Influence in Czechia**

The CIOs do not explicitly call for the disempowering of workers and yet their policy prescriptions often result in further eroding the power of organised labour (Burgess, 2010, p.2; Caraway et al, 2012; Blanton et al, 2015). Issues surrounding collective bargaining in Czechia's public sector highlights this well: here, violations have been raised with some consistency over the past two decades – often becoming more intense during periods of transition or economic

crisis. During these times, IOs have become increasingly active in attempting to influence domestic policy across several spectrums: government spending; the processes involved in aligning national laws/practice with the *acquis*; and in seeking to uphold the country's commitments to ILS. The following examines the ways in which external CIO pressure to cut public spending resulted in the undermining of social dialogue and repeated violations of C098. It then assesses the effectiveness with which the ILO and its domestic and international allies were able to intervene and uphold standards of best practice.

The section is divided into three parts. First, the dynamics surrounding the 2002 Civil Service Act (CSA) are examined – this Act was meant to regulate parts of the public sector and was a requirement of EU accession. However, aspects of it ended up being in violation of ILO C098 and were so as a result of CIO pressure to cut public spending. Secondly, the ways in which the CIOs impacted public sector social dialogue post 2008 are demonstrated; here, the battle for domestic policy space intensified owing to the global financial crisis and mounting CIO pressures for labour market flexibility. Finally, the role of the EU in pushing Czechia into better compliance with the ILO post 2014 is examined. Overall, the section finds that despite varied and multiple attempts by the ILO and its allies to improve public sector social dialogue and to correct for violations of C098, the CIOs, together with their domestic allies (governments, finance ministers, bank presidents), dominated policy to a far greater extent.

#### The 2002 Draft Civil Service Act and the Violations of C098

Concerns regarding social dialogue in the public sector first arose in 2001 as a result of the controversial bargaining limitations that the 2002 Civil Service Act (CSA) placed on the rights of civil servants. As a part of EU accession conditionality, prospective Central and Eastern European (CEE) members were required to create and implement a professional and depoliticised civil service (Jančařík, 2013) – the expressed aim being to minimise corruption and to create structures that would be able to effectively implement the Union's directives (Jančařík, 2013). As a result, the CSA needed to also regulate working conditions separately from the rules laid out in the labour code. However, decisions made by authorities in this regard came under heavy criticism for conflicting with ILO C098 and undermining rights of civil servants in several ways: the draft CSA excluded all public servants (not just those in top positions) from collective bargaining; it barred trade unions from concluding legally binding agreements with government employers; and finally, it retrospectively made existing collective

agreements void and therefore threatened many of organised labour's hard won battles (EPSU, 2001).

It did not take long for the ILO and its international allies to call attention to the CSA's implications for workers' rights in Czechia. At the ILO's annual conference (ILC) in June 2001, Mr. Leather, a spokesperson for 'Public Service International' (PSI) – a global union federation for public service workers – lambasted the “ideologically driven attacks on the public sector” (ILC Record of Proceedings, 2001, p.14/31. PDF. 462) and called out the Czech Republic's recent reforms for “[curtailing] the basic rights of public servants to take part in free collective bargaining” (ILC Record of Proceedings, 2001, 14/31; 14/32. PDF.462-3). In a separate statement, and in solidarity with Czech trade unions, the 'European Public Service Union' (EPSU) called on the government to withdraw the Act citing its incompatibility both with the ILO's core conventions as well as with Article 6 of the European Social Charter (EPSU, 2001).<sup>110</sup> Several months later (October, 2001), the issue was reported directly to the ILO's Committee by the International Trade Union Confederation (ITUC) (Normlex Database, [2001d](#); [2002c](#)).

*What led the Civil Service Act to conflict with one of the ILO's core conventions and ignite such backlash from some of the organisation's key allies in the international system?* The driving forces were both internal and external: regarding the former, the reduction of collective bargaining functioned to help control fiscal spending as it related to the remuneration of civil servants and other public sector workers.<sup>111</sup> Indeed, if implemented, the CSA would have introduced a remuneration system (Špaček & Nemeč, 2018, p.197) that would have ensured entitlement to job guarantees and several retirement bonus schemes for public sector employees (Public Sector Union OSSOO Interviewee R, 2020).<sup>112</sup> As noted by a lawyer at one of the country's largest public sector unions “the concern was that the public sector would become too independent and also that it would be too expensive for the budget” (Public Sector Union OSSOO Interviewee R, 2020). Such concerns were salient enough that MPs were

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<sup>110</sup> Note - the EPSU refers to the 'Public Service Act' (312/2002) rather than the 'CSA' (218/2002). But the ILO refers to both interchangeably regarding the observation on civil servants and collective bargaining (Martišková & Kahancová, 2016, p.471)

<sup>111</sup> While base wages are themselves regulated through government decree (subject to tripartite social dialogue discussions), employees can negotiate a range of bonuses, benefits and conditions in addition to salaries (Martišková & Kahancová, 2016, p.474; [Eurofound, 2014](#))

<sup>112</sup> A new remuneration system was one of the requirements the Commission communicated directly to the government - “the Act should ensure a true and just system of remuneration with a transparently defined performance component of the salary.” ([EU Commission, 2014, p.68](#); Špaček & Nemeč, 2018)

raising the issue in parliament – as noted by MP Jaroslav Štraut during this time “the EU was pushing the country into the Civil Service Law which would be a great strain on mandatory spending” ([Czech Parliament, November, 15, 2001](#)).

*External Influences.* While the ILO and its allies were calling out the government for their attack on social dialogue, the CIOs were, at the same time, diffusing a very different message and one that conflicted with the concerns that had been raised by organised labour. Feeding into the government’s decision-making processes regarding the public sector during this period were organisations such as the IMF, World Bank and OECD – the IMF at one stage describing Czechia’s public finances as “worrisome” (IMF, 2001, PDF.63). More specifically however, the CIOs, on multiple occasions, raised the issue of the high cost of public sector remuneration while simultaneously urging a scaling back of social dialogue. During this time, the World Bank had in fact been providing technical assistance to Czechia on issues of fiscal sustainability and in its follow up report (the ‘Public Expenditure Review’) (IMF, 2001, PDF.46), the organisation specifically called out civil service wages as being a huge strain on the budget – “by far the largest quasi-mandated item is the payroll of the civil service accounting for 21.6 percent of mandated and quasi-mandated expenditures in the 2001 budget” (World Bank Country Study, 2001, p.95). The OECD too took issue with rising public sector wages warning authorities to “exercise restraint when negotiating with its employees” (OECD, 2000, pp.108-9; 51); to remove the Ministry of Labour’s ability to extend collective agreements to the wider sector (OECD, 2000, p.108-9; 51) and in the following year, whilst public sector reform was being discussed in parliament, staff warned against the unnecessarily high levels of job security the draft Act afforded to civil servants (OECD, 2001, p.164).

*The CIOs suggestions appear to have made a greater impact on Czech authorities’ policy decision making than the ILO and its allies were able to.* As noted above, the Committee raised an observation on the issue in 2002 challenging the government’s position on the matter and requesting a copy of the draft Act so it could provide further guidance (ILO Normlex Database, 2002c); but, national authorities ignored this request until 2004 (ILO Normlex Database, 2004b).<sup>113</sup> Their response to the CIOs however was quite different. Indeed, Stanislav Gross (then Minister of the Interior) announced to parliament several months after the OECD’s 2000 report that it was important the country listened to the organisation in regard to upcoming

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<sup>113</sup> Note, the Czech Government justified its position on the grounds of C098 article 6 – which exempts collective bargaining for ‘civil servants engaged in the administration of the state’. The Committee took the position that Czech’s interpretation of those in that category was too wide (ILO Normlex Database, 2002c).

public sector reform ([Czech Parliament, September 14, 2000](#)). In meetings with the IMF during the summer of 2001, the Ministry of Finance assured staff that it planned to implement cuts guided by the World Bank's review (IMF, 2001, PDF.22) and agreed to work with both organisations to do so (IMF, 2001, PDF.63). It was also after these meetings that proposals to the draft Act were made by MP Miroslav Kalousek which, if implemented, would have resulted in both a reduction of salaries and benefits for civil servants in line with the CIOs requests ([Czech Parliament, November, 15, 2001](#)).<sup>114</sup> As noted by Czech economist and former ILO official, the IMF and OECD were present in several public sector policy related discussions and their advice on this issue was taken on board (Former ILO Official and Regional Expert Interviewee E, 2020).

The openness of Czechia's policy makers to the CIOs during this time was, according to several observers, not uncommon for countries across the CEE region. This is because implementing CIO advice (and in particular IMF Article IV and the World Bank's Doing Business recommendations) carried reputational importance in regard to a country's attractiveness for FDI i.e. it functioned as a signal to international markets that the post-communist reform process was credible (See Siwińska, 1999, p.21; Blanton et al, 2015, p.325; ILO Staff Interviewee L. 2019).<sup>115</sup> As two senior employees at the Czech Ministry of Finance noted:

“Doing Business is...taken very seriously because it somehow creates an image of the country...Every year, we assess the evaluation of Doing Business very carefully and usually send a higher level response to the World Bank...in order to get a better score and ranking” (Czech Ministry of Finance Interviewees Q & Y, 2020).

Moreover, it would not have been the first time that CIO recommendations found their way into Czechia's public sector policy making processes: shortly after the currency crisis in 1997, discussions between the CIOs and country authorities regarding the wage bargaining system's implications for public sector spending were had as were budget cuts and wage

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<sup>114</sup> Miroslav Kalousek belonged to KDU-CSL and was Minister of Finance between January 2007 – May 2009 and again between July 2010 – July 2013. As will be discussed later in this section, Kalousek met with IMF staff on two separate occasions after the 2008 global financial crisis and was instrumental in designing and implementing public sector budget cuts in response during which time he was named “Minister of Finance of the Year” by Emerging Markets Journal ([Štucbartová, 2020](#)).

<sup>115</sup> Failure to meet IMF obligations results not only in damage to a country's reputation but also “the threat of being shut out of international capital markets” (Khan and Sharma, 2001, p.8 cited in Anner & Caraway, 2010, p.161).

freezes made based on IMF advice (Myant, 2010, p.60; also see IMF Working Paper, 1997; OECD 1998, p.17).

*While the CIOs were successfully diffusing their preferred policies, the ILO continued pressing Czech authorities on the issue of public sector reform with little progress.* The Committee had not received a response from the government in regard to the observation it raised on C098 and in 2003, staff ratcheted up the pressure by adding a ‘footnote’ to that year’s observation (ILO Normlex Database, 2003b; for information of ‘footnotes’ see ILO design features chapter I section 1.3). In doing so, the ILO was communicating to the government that the matter was being taken seriously and that the process of ‘naming and shaming’ had begun.<sup>116</sup> When the government finally did respond in 2004, it appears to have dodged the issue at hand: echoing the responsiveness patterns highlighted in chapter IV (behaviour which is reminiscent of mock compliance), the government’s response failed to properly address the Committee’s specific concerns regarding the CSA. Instead, Czech officials merely provided general information on the collective bargaining systems that were already in place. The Committee had to once again repeat its request (see ILO Normlex Database, 2004b).

The issue of the CSA would soon drop off the Committee’s radar, not because the Act had been amended to align with C098, but because it never came into force despite passing through parliament in April 2002. As it turns out, the ILO was not the only organisation that Czechia was side-stepping during this time; according to several observers including staff at the Czech Ministry of Finance, the country managed to “trick the EU” too (Jančařík, 2013; CMKOS Interviewee J, 2020) – fulfilling civil service accession criteria on paper, but perpetually avoiding implementation despite persistent EU pressure (Jančařík, 2013; Regional Labour Law Expert Interviewee A, 2020; Czech Ministry of Finance Staff Interviewees Q & Y, 2020; Špaček & Nemeč, 2018). Interviewees at a public sector union and the Ministry of Finance point to a lack of political will and unacceptably high domestic adjustment costs for this outcome (Public Sector Union OSSOO Interviewee R, 2020; Czech Ministry of Finance Interviewees Q & Y, 2020). In addition to concerns regarding public sector remuneration, another sticking point for Czech authorities was that compliance with EU requirements

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<sup>116</sup>As noted in chapter IV, the ILO’s ‘footnotes’ function as signals to the government that the issue has now been flagged for potential discussion at the annual conference in June – setting into motion the ‘naming and shaming’ process (Landy, 1980; Koliev, 2018; Thomann, 2011, p.14).

regarding the CSA would have made it harder to assign political appointees into the civil service (Jančařík, 2013; CMKOS Interviewee J, 2020).

Although issues with the CSA had (albeit temporarily) subsided, the battle for public sector policy influence only intensified in subsequent years. Despite massive backlash from organised labour, the outcomes tended to fall in favour of the CIOs and their domestic allies. Shortly after the July 2002 elections, in which the social democrats formed a minority government with the centre right KDU-CSL (EURACTIV, 2003), conversations with the IMF regarding public sector cuts began (IMF, 2002, Public Information Notice, pp.3-4). In these meetings, staff stressed that market confidence depended on the credibility of the government's plan to reduce the deficit via public finance reform; the government as well as officials from the Ministry of Finance, assured staff that improving public finances was their "main policy objective" ([IMF Mission Concluding Statement, 2002](#)) and noted that investor confidence as well as quick entry into the eurozone were their primary motivation. Staff welcomed the government's commitment and noted they would be offering some specific suggestions to help accomplish it ([IMF Mission Concluding Statement, 2002](#)) which, in the following year, included cutting public employment and limiting the wage bill.

The government responded by drawing up a draft budget containing wage freezes for most of the public sector in 2003 (IMF, 2003, p.16; staff report p.3) and in 2004, a further reduction of the wage bill was achieved by laying off 9000 public sector workers – IMF staff welcomed the progress (IMF, 2004, Statement by Executive Directors, p.3). However, organised labour did not. Vladimír Špidla (leader of CSSD) faced a massive backlash not only from opposition parties (EURACTIV, 2003) but also two of the country's biggest trade union confederations (CMKOS and ASO) who responded by threatening strikes and assembling over 20,000 people in mass protest against the government's reforms and lack of social dialogue during the process (ISA, 2003). The issues of domestic labour soon caught the attention of their international ally ITUC who, in 2005, reported to the ILO that there was a resurgence of problems regarding collective bargaining in the public sector ([ILO Normlex Database](#),



[2006b](#)).<sup>117</sup> ITUC's concerns in this regard would go unanswered ([ILO Normlex Database, 2006b](#)).<sup>118</sup>

These events illustrated above, highlight well the declining power of domestic trade unions in the face of transnational capital and as illustrated in chapter III, their increasing reliance on strategies other than collective bargaining to affect outcomes (Martišková & Sedláková, 2017). While the CIOs themselves did not, in this instance, specifically advise authorities to disempower unions, the pressure to reduce spending resulted in an undermining of social dialogue, wage cuts and job losses in a sector which tends to see high rates of unionisation (see Blanton et al, 2015, p.327).<sup>119</sup> Moreover, as a staff member at a public sector union noted: “when the government decides to cut down the jobs, many times they cut down the jobs of trade union members....then you have the trade union being smaller and smaller...unions back then were very weak, it was one of the worst times” (Public Sector Union OSSOO Interviewee R, 2020). Indeed, despite the amendment to the labour code opening opportunities for social dialogue, the events described above were only foreshadowing what was to come in the post 2008 labour market environment.

#### Austerity, Social Dialogue and Collective Bargaining Post 2008

Before examining issues surrounding social dialogue in Czechia post 2008, it is first useful to take a brief look at the ways in which policy incoherence manifested across the EU more broadly so that parallels can be drawn. During this period, several countries were in need of bailout packages which often came attached with harsh austerity measures that undermined labour and conflicted with ILO conventions. Although Czechia did not require international loans, and was therefore not subjected to the same conditionality, the Czech government chose

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<sup>117</sup> ITUC as well as other international actors were raising additional and related issues at this time too: e.g. problems to do with essential public sector services striking see ([ILO Normlex Database, 2006d](#)); the European Committee of Social Rights ([EPSU/ETUI, 2019](#)); and the US Department State (CGWR, Czechia, Violation 86, 2017).

<sup>118</sup> ITUC did concede in the following year that the 2006 labour code had opened opportunities for public sector collective bargaining (ILO Normlex Database, 2007b) but these hopes were soon dashed after the 2008 global financial crisis and renewed CIO interest in the country's economic policies.

<sup>119</sup> The ‘knock on’ effects of IFI influence on public spending has been found not only to reduce the power of unions, but also contribute to social and political instability (see Addo et al, 2010; Abouharb, M. R., & Cingranelli, D. L, 2006; Vreeland, 2003). Moreover, As a senior ILO official noted: “the IMF will say there needs to be a cap on public spending and a reduction of the total wage bill...some of these wage cuts will lead to social conflicts e.g. Burundi – the advice was to cut public sector pay but this generated strikes by medical doctors, you can imagine what happens when doctors strike... people die...A feeling of inequality in the public sector can result in strikes and can degenerate into conflicts beyond the work place e.g. in Burundi the ethnic dimension is included in these types of issues” (ILO Staff Interviewee P, 2019).

to mediate external policy advice in such a way that the outcome echoed much of what was going on in the countries that did.

By 2009, austerity was a top priority for the CIOs and within Europe more specifically for the Troika (IMF, European Commission and the European Central Bank) where pressure was put on countries to freeze public employment, salaries and to slim down government spending through outsourcing and privatisation – in many cases, governments adopted these policies unilaterally breaking with traditional norms of social dialogue. Romania for example, received €20 billion in March 2009 and in compliance with its loan conditions reduced public employment and wages by 25% (Glassner & Watt, 2010; Guardiancich, 2012, p.15). The domestic reaction was so bad that the implementing government had to resign; however, even when the new administration sought ways to strengthen social dialogue, the Troika intervened once again demanding further restrictions (ITUC, 2013, p.65) – specifically by removing sectoral extensions. According to ITUC, IMF advice denied one million workers freedom of association in Romania (ITUC, 2018, p.43) and similar dynamics can be seen in Bulgaria (Guardiancich, 2012, p.14) Portugal (ITUC, 2018, p.43) Ireland ([ITUC CSI IGB, 2013, p.10](#)) Spain ([ITUC CSI IGB, 2013, p.19](#)) Latvia (EPSU, 2009) and Greece (ITUC, 2013, pp.62-3). In all of these cases, ILO violations regarding collective bargaining in the public sector were raised as a direct result of participation in these IFI loan programmes.<sup>120</sup> In regard to Greece and Romania, two ILO officials recalled this period and during research interviews in Geneva they noted:

“the IMF came to the ILO and informed us of what they advised the government [of Greece], clearly they see the ILO standards (*interviewee makes air quote hand gesture*) ‘as a constraint to the optimisation of effective resource allocation’ [laughs].... There was ‘optimisation under constraints’ or ‘optimisation without constraints’ – they were going for the second...In Greece, they cut the minimum wage, they slashed the pensions and stuff...” (ILO Staff Interviewee, P, 2019).

“these institutions put a lot of pressure on the country and then the ILO goes in afterwards and tries to improve it again...the Troika put a lot of pressure on Greece to dismantle their right to collective bargaining and to dismantle labour law...same happened in Romania... we spend a lot of time and funds...now to work with them to improve labour law” (ILO Staff Interviewee, V, 2018).

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<sup>120</sup> See Greece (ILO Normlex Database, [2011c](#); [2012a](#)); Spain (ILO Normlex Database, [2012b](#)); Portugal (ILO Normlex Database, [2010e](#)); Latvia (ILO Normlex Database, [2010f](#)); Romania (ILO Normlex Database, [2010g](#)); Bulgaria (ILO Normlex Database, [2011d](#))

At the 2010 ILC session, workers representatives had had enough as individuals from each of the aforementioned countries addressed the conference calling out the CIOs and specifically the IMF for the harsh conditions workers faced as a result of Article IV recommendations (ILC Record of Proceedings, 2010).<sup>121</sup>

*Czechia.* Despite not taking loans from the IFIs, similar dynamics can be observed in Czechia. Conservative party ODS had been re-elected two years prior to 2008 and would remain in office until 2013. Throughout this period and especially during its second term (2010 – 2013), the government modelled its crisis response on CIO advice which continued to undermine public sector social dialogue and create blowback from both domestic and international labour organisations.

On the back of OECD advice in April of 2008 (OECD, 2008, pp.14; 50; 57-8; 70), the government announced cuts to public and health sector wages and employment to which CMKOS and OS KOVO responded with planned strikes and protests ([IndustriAll, 2008](#)). Their international affiliates IndustriAll (a global union representing over 50 million workers who support the ILO’s work alongside other global federations e.g. ITUC and PSI) ([IndustriAll, 2020](#); [IndustriAll, 2018](#)) expressed solidarity with the national unions in a statement that read “the unions warn that the present Czech government, fully in accord with the International Monetary Fund, World Bank, and World Trade Organisation policies, is for full liberalization, deregulation and ultimately...single market rules over social and trade union rights” ([IndustriAll, 2008](#)).

Despite this pressure, the government remained undeterred: in early 2010, IMF staff again met with interim Prime Minister Jan Fischer, the governor of the Czech National Bank and two deputy finance ministers to discuss more public sector and health reforms (IMF, 2010, p.7; 34) and following ODS’ re-election in June 2010, the new administration (led by Petr Nečas) announced further cuts (See Glassner, 2010, pp.21-23; Glassner & Watt, 2010).<sup>122</sup>

In an effort to convince the government to reconsider, domestic unions – CMKOS and OSZaSP ČR (the country’s largest health sector union) – joined together with their international

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<sup>121</sup> These comments can be viewed on the following pages of ILC Record of Proceedings 2010 - Romania (PDF. 613) Greece (PDF. 665) Portugal (PDF. 941) Spain (PDF. 945).

<sup>122</sup> The OECD also recommended cuts to public sector wages and health care sector reforms (OECD, 2010, p.56) despite the government already having cut staff based on OECD advice for the 2010 budget (OECD, 2010, p.70)

allies – ITUC and EPSU – and lambasted the Nečas administration for ignoring social dialogue ([CMKOS, 2010](#); [Žitníková & Břeňková, 2010](#)). EPSU expressed their dismay in a letter addressed to the Minister of Labour Jaromír Drábek in which they condemned the government’s “systems of bargaining” ([EPSU, 2010a](#)) while both the ITUC and EPSU lent support to the upcoming demonstrations planned for September ([EPSU, 2010](#); [ITUC, 2010](#)).

During the same week that the demonstrations were taking place, Nečas was being challenged in parliament over the recent cuts to which he responded by shifting the blame. Here, Nečas claimed that his government’s budget was based on the previous government’s ‘Convergence Programme’ which had already been approved prior to his election ([Czech Parliament, September 23, 2010](#)). However, evidence suggests that external actors had influence here too: just a couple of months prior to the Nečas’ election victory, the IMF stated “The *new* government will need to propose a credible and durable plan for medium-term fiscal consolidation in order to achieve debt sustainability... the new plan should draw and expand on the recently approved *Convergence Program*” (IMF, 2010, PDF.52). During these meetings with the IMF, Jan Fischer (the interim prime minister prior to Nečas) assured staff that their recommendations in this regard would serve as a guideline for the next administration (IMF, 2010, p.27; PDF.58).

It was not just the public sector budget which the IMF and OECD were advising on; changes to the labour code which further chipped away at trade union power were being made e.g. to fixed term contracts, reducing notice and severance and making dismissals more flexible for employers (See Appendix 4A, Cells 86-88 and Appendix 5A, Cells 58; 62-64). Another amendment pushed through by Nečas (proposed March, 2009) blocked unions from extending collective bargaining agreements to the wider sector involved ([CMKOS, 2009](#)) – a move which the OECD in particular had pushed for on multiple occasions (see OECD, 2000; p.108; OECD, 2003, p.145; OECD, 2004, p.12;155) and which according to CMKOS, undermined collective bargaining and was in direct conflict with ILO C098 ([CMKOS, 2009](#)).

While the issue of extensions would not reach the ILO, the problems surrounding collective bargaining and social dialogue were transmitted to the Committee via ITUC who, on behalf of Czech unions, noted that there was now “little scope for negotiations on pay in the public sector and obstacles to collective bargaining in the healthcare service” (ILO Normlex Database, 2010c). The government not only ignored ITUC’s concerns (ILO Normlex Database, 2010c); but several months later (December) in the face of international criticism ([EPSU,](#)

[2010b](#)) and large scale strikes and protests, Nečas decided to press ahead with the cuts claiming that “the cabinet would not give into pressure” (Tribune Business News, 2010) – in 2011, employers were told to lay off staff or reduce wages by 10% (Agostini, 2016).<sup>123</sup>

Pressure was indeed being applied by an alliance of external and domestic actors e.g. by ITUC, ETUC, PSI and the ILO along with CMKOS, OSZaSP ČR and OSSOO. However, this was not enough to deter Nečas. In early 2011, further cuts in the health sector were made particularly to hospital beds – a decision encouraged by the OECD (OECD, 2011, PDF.73) but which outraged the country’s largest health union (TUHSSC CR) ([EPSU, 2011](#); [EPSU, 2011a](#)). Several months later, TUHSSC CR together with CMKOS staged mass protests in Prague’s Wenceslas Square ([EPSU, 2011b](#)) with support from international allies EPSU, ETUC, and even the VP of Slovakia’s largest trade union OZ KOVO (Klířová, 2011). Together, they called on the Czech government to reverse its decisions and to “get involved in a proper process of social dialogue” ([EPSU, 2011c](#)).<sup>124</sup>

When the government did respond to the ILO’s and ITUC’s concerns regarding the issues above, it claimed that sufficient “collective bargaining takes place before finalizing the draft state budget” (ILO Normlex Database, 2011a). However, huge gaps exist between this statement and events as they were on the ground because evidence suggests that social dialogue was persistently being undermined at this time (Glassner, 2010, pp.17-22; Agostini et al, 2016, p.12). As a lawyer from the country’s largest public sector union commented “the government doesn’t take the trade unions seriously...they just don’t negotiate with us” (Public Sector Union OSSOO Interviewee R, 2020).

In 2010, the government did negotiate with unions and came to an agreement on ways of navigating the financial crisis; however, shortly afterwards, it reversed its position and refused to implement the agreement allowing instead many of the unions’ proposals to be unilaterally overwritten by the Ministry of Finance (Guardiancich, 2012, p.14) – of whom appear to have been taking advice from the CIOs. The Minister of Finance at this time was in

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<sup>123</sup> The government responded to other concerns but not ITUC’s - the Committee had to request once again that the government respond to ITUC in its next report (ILO Normlex Database, 2010c). The cuts to the public sector however resulted in a deterioration of employee protection, salaries (Agostini et al, 2016, p.42) the loss of 22, 500 public sector jobs and an overall decrease of real wages by 7% in the public sector as compared with 2% across the entire economy (Martišková & Kahancová, 2016, pp.486-7).

<sup>124</sup> More complaints regarding obstacles to collective bargaining were reported in health care services in 2012 – see CGWR, Czechia, Violation 83, 2012 (CGWR, n.d.) and in the spring of that same year, unions with the support EPSU began calling for the government to resign ([EPSU, 2012](#)).

fact Miroslav Kalousek who, we can recall from earlier put forth proposals to undermine collective bargaining during negotiations surrounding the 2002 CSA (see the beginning of this section and chapter V section 5.1). As Minister of Finance, Kalousek met with the IMF (see IMF, 2008, p.2; IMF, 2011, p.2) to discuss post 2008 crisis strategies and was instrumental in designing and implementing the government's fiscal response during this period (Štucbartová, 2020).<sup>125</sup>

Further evidence that the government was actively avoiding social dialogue with its employees at this time is illustrated by its refusal to ratify ILO convention 151 (C151). C151 protects the collective bargaining rights of public servants specifically involved with the “administration of the state” (ILO, 1949). Between 2009-2013, CMKOS had been urging the government to adopt the convention but was repeatedly ignored during tripartite consultations – see violations of C144 on ILO Normlex Database between 2009 -2013 ([ILO Normlex Database, n.d.](#)).

Overall, the post crisis years were managed by a conservative government and guided by policies being diffused from the CIOs at that time. This resulted in a further erosion of public sector collective bargaining, processes of social dialogue and created conflict with core ILO conventions. Both the Committee and the ITUC called attention to the issue on several occasions but to no effect; nor were the public displays of condemnation by national and international unions and NGOs successful in steering the government to the negotiating table.

The CIOs (IFIs and OECD), together with their domestic allies, (e.g. finance ministers, bank presidents) much more effectively dominated the policy sphere. The impact of the CIOs was not achieved via their institutional capacity for enforcement; their influence was instead mediated by external circumstances (e.g. the financial crisis), a responsive incumbent government and a weakened labour movement – as noted by a staff member at a major public sector union “ODS as a party is more accepting per say of the [CIOs] it something that is closer to their heart” (Public Sector Union OSSOO Interviewee R, 2020). When asked whether the CIOs had influence on the government during this time, the same interviewee responded:

“yeah back then they did...maybe also there is a strong role by the national bank...it depends on who is the leader of the national bank [but] I would think back then they were receptive...they did some

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<sup>125</sup> For these actions, Kalousek was named “Minister of Finance of the Year’ by Emerging Markets Journal (Štucbartová, 2020).

reorganising...that we really haven't gotten over yet. I do actually remember that you know when they started adopting these recommendations...in 2010 and 2011...back then was one of the few years where the wages were not increased, they were decreased even, and there was these huge organisations letting a lot of people go” (Public Sector Union OSSOO Interviewee R, 2020).

### The 2014 CSA and the Strengthening of Public Sector Collective Bargaining. The EU to the Rescue?

The EU is an important ally of the ILO both within and beyond Europe (see chapter I section 1.3). Not only does it seek to uphold the organisation's conventions, but as noted by staff from both CMKOS and OSSOO, the European Trade Union Confederation (ETUC) and the European Public Service Union (EPSU) in particular serve as important channels of influence to affect change both on the regional and national scales. The importance of the EU in this regard was expressed by individuals from two of the largest union confederations in Czechia:

“if we are a member of the EU it is important to have influence, tripartite social dialogue on the EU level, it is a useful and important vehicle, we are very interested in having a good position at the ETUC in relation to all politics prepared at the level of the EU because there is a chance to influence those politics before they are approved and implemented in the national countries...There are many meetings...the meetings are important...there are official online meetings and a chance to have unofficial ones too e.g. with a glass of wine where you get information you wouldn't get in the official meetings...(CMKOS Interviewees H & J, 2020).

“yeah well, our trade union OSSOO is a member of EPSU, and it's one of the more active members...we've been supported by the chairman of EPSU on many occasions” (Public Sector Union OSSOO Interviewee R, 2020). The same staff members also noted the importance of ETUC on a more personal level: “I am a member of the ETUC's women's committee, part of the agenda is gender equality and in this field I find it extremely helpful, really inspiring lots of cooperation and good data and information exchange...for this part of the work I do find it very useful (Public Sector Union OSSOO Interviewee R, 2020).

While it is important to recognise the EU as a powerful organisation with real influence in the economic and social spheres, there are sometimes limits to its ability to affect change. CMKOS for example note that while the ETUC is a valuable platform, the organisation (particularly the Commission and ECJ) can often favour business interests over that of workers:



“in the EU there are many problems...there is a priority of economic rights before social rights...there are people from the EU Commission keen on having good support for social dialogue, but in practice, the ECJ is very clearly part of decision making and economic rights have a clear advantage over social rights” (CMKOS Interviewees H & J, 2020).

The limits of the EU in this regard are represented well by events surrounding the CSA beginning in 2013. During this period, the EU pressured Czechia into finally implementing a CSA and in doing so, helped push the country towards better compliance with C098. However, as the proceeding paragraphs will illustrate, the organisation acted merely as a catalyst for change and the extent to which it contributed to the ILO’s work (thus making it more central in the network) is questionable. While legislative tweaks appeared on the surface to alleviate issues of collective bargaining in the public sector, *changes to behaviour* in practice were minimal.

In 2013, a second, and this time successful attempt at drafting and implementing a civil service act (adopted November 2014) opened new opportunities for collective bargaining in the public sector (Eurofound, 2016) creating the potential to diffuse the issue with the ILO. After years of haggling with successive Czech governments, the EU finally decided to put its foot down over the issue of the CSA and threatened to withhold funding if the government did not quickly implement its requests (Gardner, 2014; Frank Bold, 2015). Indeed, Czechia was the only remaining member without a CSA (Frank Bold, 2015) and according to several interviewees, this strong arm tactic by the Union was the real motivation for finally getting it over the line e.g. Czech economist and researcher notes: “the EU eventually began to apply pressure, they conditioned it with the next EU structural funding period, and they required to have it implemented, I don’t know how serious was the threat, it somehow forced the government to go for implementation” (Regional Labour Law Expert Interviewee A, 2020). According to two staff members at the Ministry of Finance “it was a sensitive political issue and there wasn’t any government able to implement it...willing, but in the end, they were forced by the EU” (Czech Ministry of Finance Interviewees Q & Y, 2020).

The 2014 CSA made it possible to conclude higher level sectoral collective bargaining agreements (Eurofound, 2016) and set in motion the development of a new remuneration system that would engage to a greater extent unions in the process of wage negotiations (Martišková & Kahancová, 2016, p.474; 480). As noted by staff members at CMKOS:



“the 2014 Act... introduces the specific term “kolektivní dohoda”, literally “collective agreement” which describes a specific kind of collective agreement that applies for collective bargaining in the civil service. Most notably the fact that the salaries of public servants are [determined] by law...still doesn’t prohibit dialogue between civil servant representatives and Czech government” (CMKOS Interviewees H & J, 2020).

By December of 2015, the amendments to the CSA had facilitated the creation of a higher-level agreement in which unions were able to negotiate topics such as sick leave, bonuses and pay scales (Eurofound, 2016). The changes had an impact: a year later, public sector wages rose by 4% (LABREF Database, n.d., Czechia, 2016; 2017) despite objections by both the IMF (IMF, 2016, p.8) and OECD (OECD, 2018, p.32). As noted by a lawyer at a public sector union, one of the main benefits from the CSA was that it centralised bargaining processes:

“the Czech social security office has many regional branches, before the CSA, if you wanted to collectively bargain with them you would previously have to negotiate with each director (I think there is 12 of them) there was no coordination...Some of them refused to adopt flexible working hours, so social security offices in one town would have flexible working hours and in another town they wouldn’t have it...After the CSA they now have a central director, and with him it is now possible to negotiate flexible working hours for all Czech social security offices around the Czech Republic” (Public Sector Union OSSOO Interviewee R, 2020).

In light of the progress illustrated above, the ILO acknowledged the new CSA and the opportunities it opened up for public sector collective bargaining (specifically section 143 – see [Law for People, 2014](#)), ‘with interest’ and requested the government to provide information in regard to implementation ([ILO Normlex Database, 2019c](#)).<sup>126</sup> However, while the EU’s strong-arm tactics pushed the government to get the CSA done, and while the Commission may have had some impact depoliticising the civil service (Jančařík, 2013), its influence on the changes to collective bargaining were minimal calling into question the utility of enforcement as a tool to elicit compliance and raising doubts about the degree to which the EU contributed to the

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<sup>126</sup> “The Committee notes with interest the Government’s indication that workers in all sectors of economic activity can participate in collective bargaining through trade unions, and that the Civil Service Act regulates in its section 143 the procedure for concluding a collective agreement applicable to public servants. The Committee requests the Government to provide information on the number of collective agreements concluded and in force in the public service, the sectors concerned and the number of workers covered by these agreements” ([ILO Normlex Database, 2019c](#)).

ILO's impact in this instance.<sup>127</sup> When asked whether the EU was able to shape the CSA in order to improve workers' rights, a staff member at a major public sector union responded – “I wouldn't say it had anything to do with the EU...this particular thing...the legislators didn't feel forced by the EU to do anything with collective bargaining (Public Sector Union OSSOO Interviewee R, 2020).

The new opportunities for social dialogue which, in-turn appeared to boost the ILO's influence are better explained by a unique configuration of domestic factors during this time: the re-election of CSSD (and particularly the new PM Bohuslav Sobotka) in combination with a more active trade union movement. As noted by a staff member at a large public sector union:

“the PM [Bohuslav Sobotka] was open to collective bargaining and social dialogue...during that [time]...the chairman of the CMKOS he was also a strong leader and was pushing and pushing...there was a more willing social democratic PM and shall we say more aggressive trade union confederation so that was a good arrangement for getting anything of this sort done” (Public Sector Union OSSOO Interviewee R, 2020).

CMKOS also noted the existence of effective dialogue between them and the government during this period “we had important arguments with the government at this time” (CMKOS Interviewees H & J, 2020).

Not only did the EU have little to do with the changes made to collective bargaining but, despite the presence of a more socially democratic oriented PM and active trade union confederation, the extent to which real change occurred in this regard is also questionable. Although reforms occurred in law, violations *in practice* continued to be raised between 2015-2019 – see CGWR Czechia violation #66 2016; 2017 (CGWR, n.d.). Overall, the EU may have acted as a catalyst for change but the character that the change took was – as has been illustrated throughout this section and in chapter IV – reminiscent of Czechia's penchant for ‘mock compliance’. In conversation with a public sector union staff member, the interviewee noted how the CSA's provisions regarding collective bargaining fell short of expectation:

“in 2014, there was pressure from the EU Commission that we have to have the Act in force otherwise the Czech Republic would get no further EU funding...very quickly an act of legislation was prepared,

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<sup>127</sup> The idea that IOs can act as catalysts for change but have less influence over the character that the change takes is borrowed from Judith Kelley – see Kelley (2004). Also see Miroslav Beblavy who looks at the EU's involvement with civil service reform in the Czech and Slovak Republics prior to EU accession (Beblavy, 2002, p.64).

they were trying to make it as cheap as possible...i.e. it is no way more expensive than the legislation that was in force...What we found very problematic when the legislation came into force in 2015 was that...much of the text...was copied from the labour code, and for some reason, some of the text about trade unions' rights that was (or is) in the labour code didn't make it into the CSA...We [now have] to work our way around that..." (Public Sector Union OSSOO Interviewee R, 2020).

Overall, the dynamics surrounding collective bargaining in the public sector highlight well the conflicting external pressures Czech authorities faced and the ways in which domestic and international alliances form in opposition to each other over legislative decisions. As this section has illustrated, CIO pressure to cut spending was embraced by successive governments (whether conservative or social democrat) and resulted in the undermining of social dialogue as well as several violations of C098. Throughout, the ILO together with its international and domestic allies could do little to reverse this course. The ways in which competing IOs have been mediated are reflective of the diverging policy spaces sketched out in chapter III – Czechia's tendency to lean right regardless of incumbent government combined with an increasingly fragmented domestic labour movement unable to affect change. As a result, the CIOs together with their international allies (governments, finance ministers, bank presidents) much more successfully dominated the policy sphere. While the next section upholds these observations regarding the formation of competing networks and the ways in which they are mediated, it also sheds light on how a different outcome for the ILO can be achieved.

## **6.2 Policy Fragmentation and ILO Impact in Slovakia**

Slovakia's compliance with the ILO's conventions is among the highest in the region and yet, policy fragmentation emanating from the international realm nevertheless impacted its domestic legislative processes and outcomes. As will be illustrated throughout, the ILO and CIOs hold competing policy positions regarding higher level collective bargaining agreements; the issue is equally divisive across Slovakia's domestic political spectrum where there are diverging preferences between employers' and workers' organisations. As a result, a fierce battle erupted which saw the legislation go back and forth several times over a two-decade period. Throughout, the CIOs have persistently sided with employers' groups and the conservative party SDKU while the ILO has done similar with its domestic allies (trade unions and left-wing party SMER). What especially stands out here is the degree to which these IOs are mobilised in arguments during parliamentary debates – the CIOs and ILO pitched against each other by opposite sides of the political spectrum.

This section clearly highlights the domestic impacts and zero-sum nature that competing policy positions at the international level can have. However, in line with the diverging policy space sketched out in chapter III, Slovakia has managed to correct the violation in a manner that appears to have appeased both sides of the debate. The ILO itself was influential in this process providing legal/technical advice and mediating between conflicting parties – its impact explained by the managerial version of rationalism. Section 6.2 traces these dynamics and is organised temporally based on successive government elections.

### Collective Bargaining Extensions: Fragmentation and the Violation of C098

Disagreements over whether to allow extensions of collective agreements erupted into a major policy battle beginning in 2003 (Eurofound, 2015) when, as part of an overhaul to the labour code, such extensions became possible only if the firm in question gave written consent (LABREF Database, 2003, cell, 19). As with several other amendments being made at this time, the move on extensions followed explicit CIO advice from 2002 - “eliminate the extension of collective agreements reached at a...sectoral level” ([OECD, 2002, p.88](#)). Here, staff argued that Slovakia’s highly centralised system of bargaining stifled employers’ ability to calibrate wages and other employment costs in response to market fluctuations (OECD, 2002, p.83).

While the CIOs praised the changes being made (World Bank, 2005; World Bank, 2007, p.20) the issue itself was heated on the domestic front. Recalling conclusions from chapter III (section 3.2), collective bargaining is an important aspect of Slovakia’s political-economic culture; not only is it governed in law through Act 2/1991, it is also protected through Article 37 of the Constitution: echoing the ILO’s constitutional preamble (ILO Constitution, 1919) the country defines collective bargaining as “an instrument [for]...achieving social peace” (Filadelfi, 2017, p.8).

The ability to extend collective agreements to the wider sector has been an important tool for Slovak unions (Martišková & Kahancová, 2016, pp.484-5) helping them to secure wages, balance regional disparities, standardise the workplace and avoid unfair competition by employers (Eurofound, 2015).<sup>128</sup> The legislation however is controversial (Visser, 2016) with employers’ groups arguing that the binding of firms to wage agreements and working

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<sup>128</sup> Overall, the legislation is viewed by Slovak labour as “[making] the working environment more human” ([Eurofound, 2015](#))

conditions which they did not agree to is a violation of human rights (Filadelfi, 2017, p.5). These conflicting domestic views are supported by different sets of international actors: whereas the ILO works to uphold collective bargaining in general through C098 and extensions of agreements specifically through Recommendation 91 (R091) ([ILO, 1951](#)), the CIOs share employers' concerns and have labelled the practice as economically dangerous.

Domestic conflict therefore is exacerbated by incoherencies emanating from the international realm and vice versa (Sengenberger, 2005). This is perhaps best illustrated not just by looking at policy outcomes, but also the processes of deliberation between left (SMER) and right (SDKU) wing parties in parliament. Prior to the amendment being approved on May 21, 2003 ([ILO Natlex, 2003](#)); intense discussion between the two sides took place in which IOs featured heavily – the CIOs (IMF, OECD and World Bank) were used as a rationale to change the policy whereas the conventions of the ILO were cited in opposition.

For example, in November 2002 those supporting a more flexible approach to collective bargaining argued that it was necessary to address the EU's and OECD's concerns regarding unemployment – see Slovak Parliament November 12, 2002 p.27; 138 ([Slovak Parliament, 2002-2006](#)). A month later, Ivan Mikloš (Minister of Finance and member of SDKU) confirmed that the country was following IMF and OECD advice on job creation through a more flexible labour code and that this strategy was also the reason why outside investors were becoming interested in Slovakia – see Slovak Parliament, December, 11, 2002, p.51-52; 54-57 (Slovak Parliament, 2002-2006). An opposition MP (Mr. I. Hopta) called on the government to withdrawal the proposals and to “not...be blackmailed further by the International Monetary Fund and the World Bank” – see Slovak Parliament, January 14, 2003, pp.8-9 (Slovak Parliament, 2002-2006). The Minister of Labour Ľudovít Kaník (member of coalition 'Democratic Party' – centre right) responded to these criticisms in April by noting that the amendments, including the one on extensions, had not only been decided through tripartite dialogue (which had taken place in January and February) *but that the ILO itself had also been consulted in the process* – Slovak Parliament, April 9, 2003, pp.8-9 (Slovak Parliament, 2002-2006).

While the ILO's advice was indeed solicited as the labour minister proclaimed, it appears as though the organisation was side-lined by the SDKU government in preference to the suggestions of employers' groups and the CIOs. The tripartite sessions which Kaník was referring to were so intense that the ILO was called in as a mediator between unions and

employers towards the end of those negotiations in February (Eurofound, 2003). Recalling these meetings, MP Mr. Weaver explained to parliament how the ILO had effectively been “inserted into a battle between employers and trade unions” - see Slovak Parliament, May 21, 2003, p.26 (Slovak Parliament, 2002-2006), and because the government had chosen to ignore the organisation’s advice, there were contradictions between the new labour code and Slovakia’s ability to comply with several of the ILO’s conventions – see Slovak Parliament, May 21, 2003, p.26 (Slovak Parliament, 2002-2006). These dynamics were echoed by an ILO official who noted: “often we deal with legislative amendments and it’s not always easy... they have to pass different houses... it takes time, sometimes there is disagreement between different social partners and domestic actors...” (ILO Staff Interviewee Y, 2019).

This dispute did not remain at the domestic level as warring parties spilled over into the ILO’s annual conference the following month (June 2003). While Kaník stood in the conference thanking the Committee for its assistance on the recent amendments (ILC Record of Proceedings, 2003, PDF.263), a Slovak workers’ delegate – directly contradicting Kaník’s statements – told attendees that the reality of the new labour code was that it went against the very principles of social justice that the ILO stood for and also that tripartite social dialogue had been ignored in the process (ILC Record of Proceedings, 2003, PDF.299).

Domestically, the reforms were not popular; they had a negative effect on peoples standard of living and the government faced continued criticism not only from political opposition but also trade unions (Eurofound, 2004) and even members of the public of whom sent a petition to parliament with over 200,000 signatures protesting the changes – see Slovak Parliament, June, 25<sup>th</sup>, 2003, pp.102-3 (Slovak Parliament, 2002-2006). Towards the end of 2003, Robert Fico (leader of SMER and future PM) attacked the Dzurinda administration for having followed a path laid out by the IFIs and OECD – institutions, he noted, which do not have the Slovak people’s best interest in mind – see Slovak Parliament, November 11, 2003, pp.59-66 (Slovak Parliament, 2002-2006).

Despite this backlash, the CIOs applauded the government: The World Bank named the country top reformer (World Bank, 2005a, p.1) while the OECD noted how the reforms had helped keep Slovak wages competitive when compared with other EU members (OECD, 2005a, p.23). In fact, the CIOs were so satisfied with government’s response that across several areas of the labour code (e.g. on changes to working time; reducing the “excessive” power of trade unions in management and compliance issues) they informed Slovak authorities that “no

further action was required” (OECD, 2004a, p.98). In regard to the issue of extensions of collective bargaining agreements however, both the IMF and OECD saw the changes as a positive but pushed the government to decentralise collective bargaining even further (IMF, 2005a, pp.21-25) or to remove the possibility of extensions altogether (OECD, 2004a, p.98).

### The ILO and its Allies Strike Back

Although the CIOs together with the conservative government and employers’ groups were successfully dominating the policy sphere at this time, things began to shift towards 2006 on both the domestic and international fronts. In regard to the latter, while the CIOs were heaping praise on the Slovak government, the ITUC had reported to the ILO in August that the changes to the labour code had weakened collective bargaining as agreements now only applied to employers who gave written consent ([ILO Normlex Database, 2006a](#)). The ITUC’s comments were not made based solely on ideological difference: since the amendment, most employers did not give their written consent and as a result, collective bargaining coverage began to fall below the average (Eurofound, 2007).

The Committee took the ITUC’s concerns seriously by raising an observation and requested the government to respond ([ILO Normlex Database, 2006a](#)). On the domestic front, unions and opposition parties were also planning a counter strategy: unions had been opposing the new labour code for years on the basis that it skewed the rules in favour of employers (Golias & Zachar, 2010, p.16). By spring of 2006, they organised mass rallies where thousands of participants were called upon to vote for Robert Fico and SMER in the upcoming June elections (Slovak Spectator, 2006). According to regional expert and labour law specialist, trade unions had also signed a memorandum of cooperation with SMER agreeing not to strike in exchange for wage increases (Regional Labour Law Expert Interviewee B, 2020) and policy influence (Golias & Zachar, 2010, p.16).

This strategy was successful: in June, SMER won the elections and immediately began the process of reversing the reforms. These changes were adopted by parliament in November and among them was the reintroduction of sectoral extensions of collective agreements (Eurofound, 2007). Employers groups were infuriated that the firms they represented could no longer block extensions by withholding written consent (effective September 2007 – LABREF Database, n.d. Slovakia, 2007) and they immediately filed a complaint with the Constitutional Court (Eurofound, 2007).

These employers' groups were soon joined in an alliance with conservative members of parliament as well as the IFIs and OECD who all united around the issue to try and block the changes. Shortly after the amendments were announced, the IMF communicated to Slovak authorities that the changes did not have the backing of employers' groups and FDI supported enterprises; in regard to extensions specifically, they described the move as "worrisome" (IMF, 2007a, p.16) citing the possibility for unstable wage rises and the negative impact on small businesses (IMF, 2007a, pp.11-16; PDF.47). The OECD also cautioned against the re-introduction of extensions on the grounds that it would exacerbate regional unemployment disparities (OECD, 2007a, p.58) while the World Bank's response was to drop Slovakia in the rankings of its top destinations for doing business – see Slovak Parliament, May 16, 2007, p.28 (Slovak Parliament, 2006-2010).

The CIOs concerns were echoed in parliament by the opposition while the government defended its decisions with justification from the ILO. In addition to accusing SMER of buying the votes of KOZ SR – Slovak Parliament, February 8, 2007, p.23 (Slovak Parliament, 2006-2010) – and ignoring social dialogue with employers' groups over the issue of extensions – see Slovak Parliament, May 15, 2007 pp.19-24 (Slovak Parliament, 2006-2010); opposition MPs argued that increasing the rigidity of the labour code would result in unemployment and make the country less attractive to foreign investors. MP Mr. Brocka noted how these were not just his words but the words of the OECD and EU Central Bank – organisations which Fico was ignoring – see. Slovak Parliament, May 15, 2007 p.127 (Slovak Parliament, 2006-2010). Other MPs lamented the country's declining World Bank ratings and the OECD's observation that over half of its members had less stringent labour laws than Slovakia - Slovak Parliament, May 16, 2007 (Slovak Parliament, 2006-2010).

Throughout, the government appears to have mobilised its alliance with the ILO to defend its choices in parliament. On multiple occasions. Viera Tomanová (then Minister of Labour) quoted verbatim parts of the ILO's R091 related to extensions of collective agreements (See Article IV [ILO, 1951](#)) and then added that if the previous Minister of Labour (Kaník) had listened to the ILO during those meetings in 2003, collective bargaining rates would not have dropped so drastically – see Slovak Parliament, February 8, 2007 (Slovak Parliament, 2006-2010).<sup>129</sup> MP M. Číž spoke more broadly about neoliberalism and globalisation noting how the

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<sup>129</sup> Also see similar comments made by MP Jana Vaľová - Slovak Parliament, May 15, 2007, pp.19-24 - and Viera Tomanová - Slovak Parliament, May 15, 2007, pp.29-32 (Slovak Parliament, 2006-2010).



CIOs had hijacked the language of the labour code presenting ‘flexible’ as good, and ‘rigid’ as bad but that such insistence on flexibility was eroding collective bargaining in the country. The MP called for a reinjection of values based on ILO principles and reminded parliament that multinational companies and the CIOs had not only influenced policy in the past, but they were currently trying to prevent the changes – those favoured by the ILO – from taking place – see Slovak Parliament, May 16, 2007, pp.2-12 (Slovak Parliament, 2006-2010).<sup>130</sup>

The government was not deterred by the opposition’s criticism nor were they heeding the warnings of the CIOs during this time. In reference to both Fico and SMER, a staff member at the Ministry of Finance commented on this period noting: “the less progressive parties prevailed in the election, and they pulled some of the reforms, they didn’t solicit the World Bank so much, it was actually quite the opposite.” (Slovak Ministry of Finance Interviewee D, 2020). On the other hand, Fico’s government’s interactions with the ILO at this time were both active and positive. Shortly after the parliamentary sessions noted above, government and workers representatives attended that year’s ILC session (June 2007) in which they spoke reaffirming the country’s commitment to the ILO and the current government’s progress on rebuilding collective bargaining (see ILC Record of Proceedings, 2007, PDF.693; 695).

The following year (2008), Slovakia responded to the Committee’s observation on the issue of extensions which the country had received in 2006 when SDKU had been in office. In their reply, they informed ILO staff that Section 7 of Act No. 2/1991 on collective bargaining had now been amended and as a result, employer consent was no longer needed to legally extend collective agreements. While the Committee acknowledged the changes, it could not do so ‘with satisfaction’ (signalling that the case was closed) because employers had lodged the issue with the Constitutional Court – the issue was therefore still ‘live’ (ILO Normlex Database, 2008). However, the ILO had nevertheless made a significant impact: the Fico government appears to have embraced interacting with the ILO and as a result, the law on extensions had not only been guided by the ILO’s R091 (ILC Record of Proceedings, 2008, PDF.705); but, it was written with direct assistance from ILO staff – see Slovak Parliament, October 20, 2010, p.64 (Slovak Parliament, 2010-2012).

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<sup>130</sup> Note\* after these parliamentary sessions, the labour code amendments passed through parliament on June 29<sup>th</sup> 2007 (ILO Natlex, 2007).

## SDKU and the Post 2008 Environment

Following the financial crisis of 2008, SDKU were elected back into office (2010) and the labour code – including regulation on extensions of collective agreements – was once again made more flexible. What is interesting during this period is that IOs remained so salient throughout the debates that ensued – having been an EU member for more than six years, the country’s reliance on IOs for policy guidance was diminishing. Nevertheless, as the battle for policy space regarding extensions was reignited, IOs with competing mandates were mobilised into domestic arguments – SDKU making explicit reference to the OECD’s 2002 recommendation on collective bargaining – Slovak Parliament, October 20, 2010, p.58 (Slovak Parliament, 2006-2010) – while SMER MPs cited the ILO’s C098 and R091 in opposition – see Slovak Parliament, October 20, 2010, p.60-8 (Slovak Parliament, 2006-2010).

What appears to be occurring during these sessions is contestation between parties over which IOs were more legitimate. For example, Tomanová (Minister of Labour) argued that when employers complained in 2007, she listened to their concerns and re-wrote the legislation with the ILO in 2009 – Slovak Parliament, October 20, 2010, pp.60-68 (Slovak Parliament, 2006-2010); Clauwaert, S. and Schömann, 2013a). In response, Miroslav Beblavy (conservative MP) highlighted that Tomanová was being too selective in her reference to IOs, and that the OECD (to which the most advanced countries belong) have repeatedly advised the country to abolish the extension mechanism – see Slovak Parliament, October 20, 2010, pp.70-72 (Slovak Parliament, 2010-2012) . When Tomanová highlighted how the proposal to bring back consent for extensions was antithetical to the protection of workers’ rights and to the values of the ILO, particularly C098 – see Slovak Parliament, December 14 2010, pp.62-7 (Slovak Parliament, 2010-2012) – the closing argument made by SDKU was that the OECD was a representative organisation too and had been clearly recommending this since 2002, not just to Slovakia but to other countries as well – Slovak Parliament, December 14 2010 p.90 (Slovak Parliament, 2010-2012).

The bill passed on December 14<sup>th</sup> and as a result, the amendment made by SMER in 2006 (Section 7 of Act 2/1991) and which was written with the ILO in an effort to alleviate the issues raised with C098 was abolished in favour of the OECD’s recommendation – see Slovak Parliament, December 14 2010 p.167 (Slovak Parliament, 2010-2012; LABREF Database, n.d. Slovakia, 2010; [ILO Natlex, 2010](#)).

The above highlights issues of conflictive policy fragmentation particularly well (Bierman et al, 2009): competitive policy between IOs becomes animated on the domestic realm by each side's relative allies within a zero-sum context i.e. while the adoption of CIO policy is done so at the expense of ILO C098; the reverse is also true – when the violation of C098 was fixed, it presents a threat to the mandates of the OECD and IMF who view strong collective bargaining as harmful to sound economic policy.

Indeed, after SMER made extensions possible again in 2006, the CIOs soon interjected encouraging the government to abolish their position so that wages could be more responsive (OECD, 2009a, p.8; IMF, 2009a, pp.14-15). In 2010 while the ILO was asking Slovak authorities for an update on the situation (ILO Normlex, 2010), the OECD was commending the new government for plans to revert the legislation on extensions back to its 2002 recommendation – allowing firms to opt out (OECD, 2010, pp.11; 31; 40). This was not the only amendment which SDKU made during its short time in office (July 2010 – April 2012) that had been influenced by the CIOs and which caused issues with the ILO. Other changes were made e.g. the easing of regulation concerning notice and severance (making dismissals more flexible); the amount of overtime an employer can demand; and the empowering of work councils over trade unions – here, the government introduced a 30% representativeness quota for unions which they had to meet before being allowed to operate within a firm (See Clauwaert, S. and Schömann, I, 2013, pp.1-3).<sup>131</sup>

Throughout the process, the government did consult with IOs – the ILO in April 2011 (Clauwaert, S. & Schömann, I. 2013, p.1) and the IMF two months later who urged authorities to focus on making wage negotiations more flexible (IMF, 2011, p.24). However, the reforms fell in favour of policies advocated by both employers (Clauwaert, S. & Schömann, I. 2013, p.1) and the CIOs despite conflicting with at least three of the ILO's conventions: (1) the changes to working time with C001 'Hours of Work' – Slovak Parliament, July 8 2011, pp.96-7; July 11, 2011, pp.19-20 (Slovak Parliament, 2010-2012). (2) Amendments to notice and severance with C158 'Termination of Employment' – Slovak Parliament, July 11, 2011, pp.1-9; p.16 (Slovak Parliament, 2010-2012). (3) The introduction of the union representativeness threshold with C098 – Slovak Parliament, July 11, 2011, pp.23; July 12, pp.4-5 (Slovak Parliament, 2010-2012). Prior to the reforms passing, the ILO warned the government that

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<sup>131</sup> Note on Work Councils - they are weaker because they don't have the legal personality or third-party oversight that unions have; unlike work councils, unions can bound employers - see Slovak parliament 2011, July 11, p.23 (Slovak Parliament, 2010-2012).

such problems existed and made suggestions on how to better align the amendments with its conventions, but this advice was not taken on board – Slovak Parliament, July 11, 2011, p.14; 19-20 (Slovak Parliament, 2010-2012). As noted by a senior official at the Slovak Ministry of Labour:

“in 2011...I was there with trade unions and employers to have a consultation on this amendment which was effective September 2011. It was consulted with the ILO but whether it’s in line with the ILO is another story. That was the last time ILO was consulted by the new government” (Slovak Ministry of Labour Interviewee Z, 2020).

Indeed, the changes appear instead to have been inspired by the CIOs: e.g. the relaxing of notice and severance was an issue both the IMF and OECD had been pressing Slovakia on for years (See Appendix 5B cells 14; 15; 21; 22; 27) and the empowering of work councils responded to the IMF’s requests to make wage negotiations more flexible for employers (IMF, 2011a, p.24; also see Palinkas, 2018).<sup>132</sup> While these reforms were both encouraged by the CIOs (OECD, 2010, pp.22-24) and praised by employers (Clauwaert, S. and Schömann, I. 2013, p.1), several violations were raised by the ILO in relation to them.<sup>133</sup> For example, in 2012, the country received a direct request on C158 regarding issues with notice and severance ([ILO Normlex Database, 2012c](#)). The same year, Slovakia received an observation on C001 regarding working time ([ILO Normlex Database, 2012d](#)); and in addition to the issue of extensions, another direct request was raised on C098 to do with the issue of trade union representativeness ([ILO Normlex Database, 2012](#)).

### Upholding Tripartism

In a landslide election, SMER regained power in March 2012 (BBC, 2012) and a month later set about reversing the 2010/11 reforms (Clauwaert, S. and Schömann, I. 2013, pp.3-6) which once again opened space for direct impact by the ILO. According to Jan Richter (Minister of Labour at the time) and Jana Laššáková (SMER MP) , all of the changes were guided by ILO conventions (particularly those on union representativeness, notice and severance, working time and extensions of sectoral agreements) – Slovak Parliament, September, 13, 2012, pp.1-4 (Slovak Parliament, 2012-2016) – with staff providing technical

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<sup>132</sup> These reforms are categorised by LABREF under the heading ‘wages’ because they allow more flexibility for employers and have the potential to reduce costs in this regard. Palinkas (2018) notes that the restrictions on unions during this time resulted in a decline in collective bargaining coverage rates at a time when countries were being pressed to reduce wages (Palinkas, 2018)

<sup>133</sup> Note these reforms came into effect September, 1, 2011 (Clauwaert, S. and Schömann, I. 2013, p.1)

assistance throughout the process – Slovak Parliament, September, 13, 2012, pp. 6-11 (Slovak Parliament, 2012-2016).<sup>134</sup>

Once again, IOs featured heavily in parliamentary debates: the ILO was mentioned ten times on the first day in parliament – Slovak Parliament, September 13, 2012 (Slovak Parliament, 2012-2016) – with Richter pointing out how his government was fixing the previous government’s actions which had been ‘reproached’ by the ILO – Slovak Parliament, September, 14, 2012, pp.29-30 (Slovak Parliament, 2012-2016). The reintroduction of extensions and other reforms were opposed by SDKU who accused SMER of (1) not consulting properly with social partners (employers) – Slovak Parliament September, 13 2012, pp.6-11 (Slovak Parliament, 2012-2016) (2) risking high levels of unemployment and (3) going against the OECD’s 2002 recommendation. In opposition to the ILO inspired reforms, MP Ivan Štefanec stated “clearly such laws will lead to more and more rows of unemployed...by the way, international organisations are also commenting on this subject...I would like to draw attention to the OECD recommendations of 2002...so much for the OECD recommendation” – Slovak Parliament, October 25, 2013, pp.49-51 (Slovak Parliament, 2012-2016).

Employers groups were outraged that on issues where decisions couldn’t be made via tripartite dialogue (e.g. on union representativeness and dismissals) the proposals of the Ministry of Labour (i.e. Richter who had consulted with the ILO) were adopted instead (Clauwaert, S. and Schömann, I. 2013, p.3). Despite the CIOs also siding with employers and applying pressure to SMER (see IMF, 2012a, p.19; OECD, 2012a, p.33), the government pressed ahead and the reforms were adopted October 25<sup>th</sup> 2012 (Clauwaert, S. and Schömann, I. 2013, p.3).

While SMER’s changes led to better compliance across several of the ILO’s conventions, the issue of extensions persisted; not only was the Committee awaiting the decision of the Constitutional Court; but, they appear to have become concerned that the legislation had swung too far in favour of unions ([ILO Normlex Database, 2013](#)). Here, they requested, and promptly received, detailed assurances from the government regarding the ways

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<sup>134</sup> At the ILC session in 2014 Mr. Ondruš (a government representative of Slovakia) announced to the plenary that the 2012 reforms were done based on EU Directives and ILO Conventions of which social partners are involved “We consider cooperation with the ILO to be of crucial importance when amending labour and social protection policies and we thank the International Labour Office for the valuable expertise it has shared with the Slovak Republic” (ILC Record of Proceedings, 2014, PDF.1040)

in which *employers* were consulted as equal partners in the processes of extending collective agreements (ILO Normlex Database, 2014).

That the ILO intervened on behalf of employers in this way highlights the organisation's commitment to tripartism – ensuring fairness between employers and workers. However, the CIOs continued to hold firm to their previous position – insisting the government remove the possibility of extensions altogether (see IMF, 2014a, pp.12-13; OECD, 2014a, pp.34-35). Aware that such a request was unlikely to materialise whilst SMER were in office, the OECD suggested that the government should at least follow Portugal's example and introduce a representativeness threshold i.e. employers involved in the negotiations should account for at least 50% of the sector before extensions can be made to other firms (OECD, 2014a, pp.34-35).

The government did not take this advice on board; however, it is important to note here that had they done so, it would have also caused a violation of C098. Portugal only introduced this policy in 2012 because the Troika imposed it on the country as a loan condition (See [OECD, 2012b, pp.30-1](#); Visser, 2016). Shortly after the Troika's advice was implemented, the ILO raised an observation on C098 which read “[agreements] can only be extended if the signatory employers represent at least 50 per cent of the workers in the sector of activity” ([ILO Normlex Database, 2015a](#)). At the ILC session in June 2014, a Portuguese workers representative lambasted the CIOs for the poor working conditions the country was facing. He stated:

“over the last three years, Portugal has been living through a completely new situation as a result of the economic adjustment programme that was negotiated between the Portuguese Government and various international bodies (the European Commission, the European Central Bank and the IMF). Since June 2011, a wide range of rights have been blocked at the behest of these organizations now known as the Troika, including the right to collective bargaining between employers and trade unions” (ILC Record of Proceedings, 2014, PDF.1064).

The issue of extensions would see several more phases before settling into what appears to be its final form. In the years following SMER's amendment, the ILO and CIOs continued offering conflicting advice: the former requesting information on how well social dialogue was working ‘in practice’ (ILO Normlex Database, 2014; 2015) while the latter continued pressuring the government to abandon the policy altogether (IMF, 2015, p.37). However, in 2016 the Constitutional Court finally made its decisions ruling in favour of employers and

deeming the extensions of collective agreements as unconstitutional (LABREF Database, n.d. Slovakia, 2016; Filadelfi, 2017). This would only be temporary: SMER quickly re-worked the legislation in line with the ruling and passed it through parliament once again – the court had given the government six months to amend the law before it was to become void (CMS, 2016). Since this final amendment, the CIOs have not raised the issue while the ILO continues to request information on the implementation of the new system in order to ensure tripartism is being upheld in practice (ILO Normlex Database, 2018).

Overall, Slovakia's political cycle matters and this is reflected by the extent to which the legislation on extensions of collective agreements has gone back and forth. However, while the catalyst for reform was very much driven by the country's internal dynamics, the case of Slovakia has shown that IOs were directly involved supporting both sides. This highlights well the ways in which policy conflict at the international realm exacerbates competition between domestic groups who function as both gates and bridges to external actors depending on the domestic power configuration at a given point in time. Slovakia's domestic conditions diverge from those of Czechia's allowing the ILO to influence decision making in the country.

### **6.3 Explaining Fragmentation and the Impact of the ILO**

Policy fragmentation emanating from the external realm manifests within and across states and can turn domestic legislative spaces into a battlefield where competing international and domestic groups vie for influence. To what extent does such policy fragmentation impede or facilitate the ILO's work? Following on from the *within* case analyses in sections 6.1 and 6.2, this section provides a theoretically guided *cross-case* comparison; in doing so, it asks what commonalities were present between Czechia and Slovakia which led to both countries violating C098 and what differences can be identified which allowed the ILO to make an impact in the latter but fail to do so in the former.

By identifying these key international and domestic variables (eliminating those that were neither necessary nor sufficient), further theoretical light is shed not only on the consequences of policy fragmentation but also on the conditions under which the ILO makes an impact when faced with competitive international and domestic forces. Overall, the section argues that when domestic conditions such as labour friendly governments and active unions are present, the ILO can overcome conflictive fragmentation (Bierman et al, 200) and make an impact by providing technical/legal advice and mediating between social partners. Here,

international allies such as ITUC, the EU's ETUC and PSI all facilitated its work, the former acting as a direct link between domestic actors and the ILO's supervisory bodies while the latter two agencies helped raise the profile on the ILO's work more generally. Where domestic opposition sufficiently outweighs the organisation's proponents in a particular country, there is little the ILO can do to change behaviour and it is here where the CIOs tend not only to dominate the policy space but do so in ways that further undermine the ILO's work. As noted by an official at the Czech Ministry of Finance:

“I think the ILO conventions are translated into the labour code...but in terms of other recommendations, we have some from the IFIs, and sometimes we give more attention to them. It depends on what is going on in the country then we decide which recommendations to give attention to...When we had a right-wing government 2006 – 2010 they were very reluctant towards any new commitments to ILO” (Czech Ministry of Labour Interviewee C, 2020).

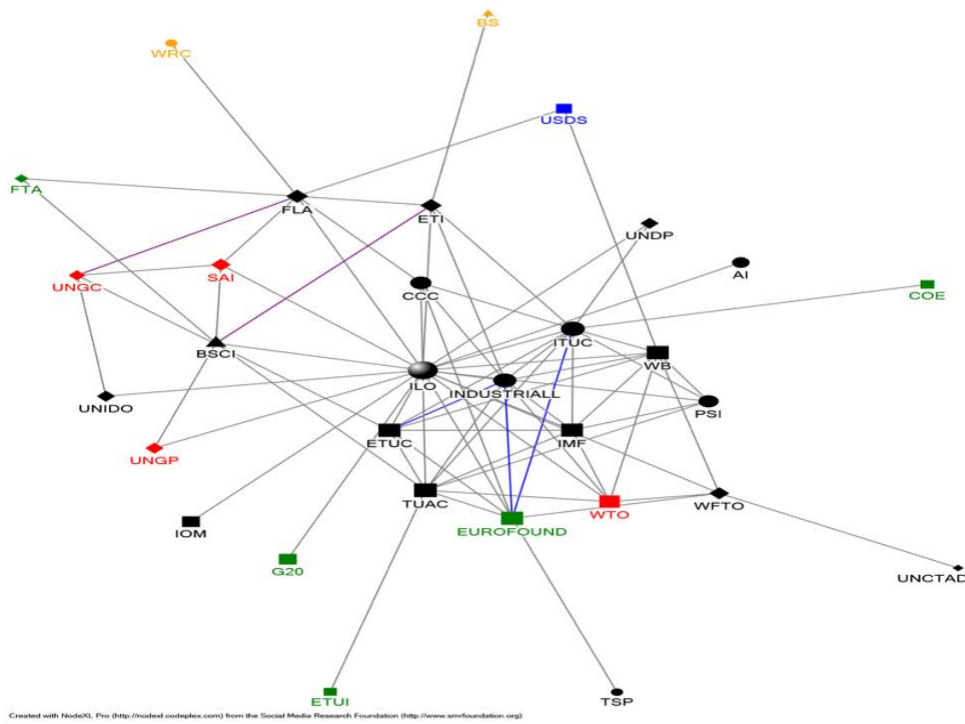
The section begins by first recalling the regime sub-constellation graphs from chapter II; whilst their applicability has been touched on throughout, it is only now at this stage of the analysis that this thesis can step back to confirm the relevancy of these graphs to real-world events. As previously noted, part of the purpose of this thesis' attempt to empirically map and measure fragmentation is to develop a diagnostic tool which can be applied not only on a large-N scale in regard to the ILO but also across other issues where problems of complex global governance exist. Following on from this assessment, the remainder of the section compares and contrast the events in sections 6.1 and 6.2 to identify the necessary and sufficient variables that lead to ILO impact.

### Social Network Analysis: A Useful Method?

Recalling chapter II, social network analysis can be a useful tool to map and measure the relative influence of different actors within a network structure. Two country specific graphs were built representing the configuration of international influences across Czechia and Slovakia with the intention that the associated metrics would be representative of empirical research conducted – see Figures 6.1 and 6.2 along with Table 6.1.

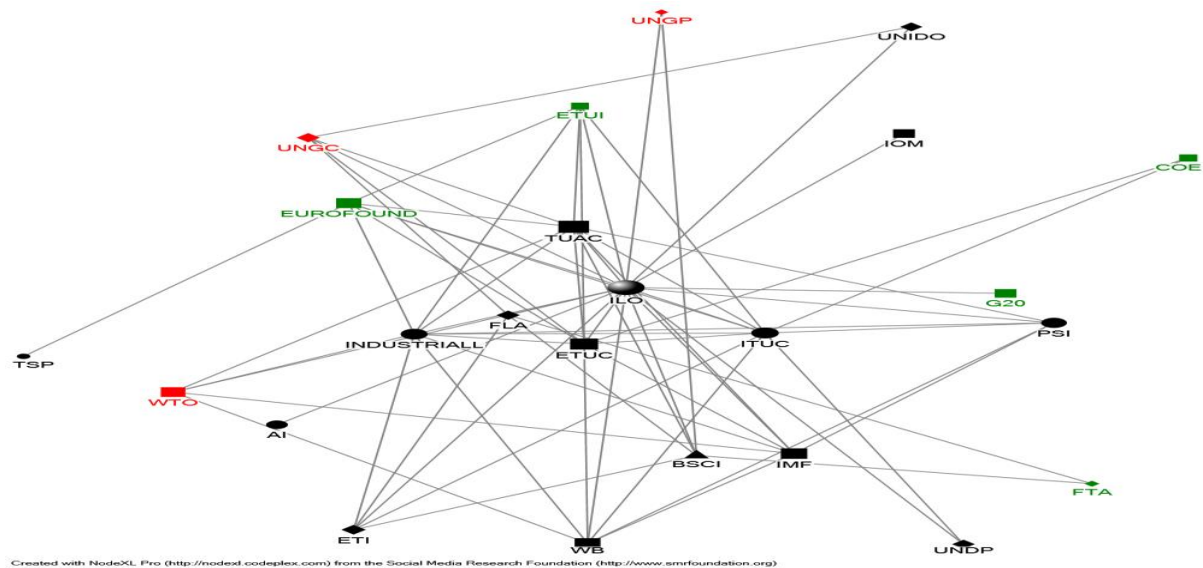


**Figure 6.1** Czechia's Regime Sub-Constellation for Labour Rights



Source: (Hayes, 2017, p.38)

**Figure 6.2** Slovakia's Regime Sub-Constellation for Labour Rights



Source: (Hayes, 2017, p.39)

**Table 6.1 – Social Network Analysis Output**

| <b>ILO and Network Cohesion</b>                               | <b>Czechia</b> | <b>Slovakia</b> | <b>Difference</b> | <b>Significance</b>    | <b>Confidence Interval (in %)</b> |
|---|----------------|-----------------|-------------------|------------------------|-----------------------------------|
| <b>Network Centralisation (UCINET)</b><br>'Network Level'     | 62.05%         | 72.89%          | 10.84%            | T = 4.18<br>P < 0.001  | 5.77:15.91                        |
| <b>ILO Closeness Centrality</b><br>'Node/Institutional Level' | 76.92%         | 88.46%          | 11.54%            | T = 4.456<br>p < 0.001 | 6.47:16.61                        |
| <b>IMF Betweenness Centrality</b>                             | 2.04%          | 0.82%           | 1.22%             | T = -0.126<br>P > 0.10 | N/A                               |
| <b>World Bank Betweenness Centrality</b>                      | 21.87%         | 1.21%           | 20.66%            | T = -2.13<br>P < 0.05  | 1.63:39.69                        |

**Sources:** *Network Centralisation* and *ILO Closeness Centrality* generated by UCINET - see appendices 8 & 9 (Borgatti et al, 2002) (also see Hayes, 2017). *IMF* and *World Bank Betweenness Centrality* by Node XL – see appendices 10-13. See appendix 14 for t-test and confidence interval calculations.

As table 6.1 illustrates, the CIOs should be more influential in Czechia than Slovakia whereas the reverse is true for the ILO (see chapter II for metric definitions); these predictions were upheld in chapters IV and V which not only provided sufficient empirical evidence to support this model but also outlined the ways in which IOs make an impact – influencing the timing and content of reforms. Because the policy prescriptions of the organisations within these networks conflicts, the impact of one can negatively impede the impact of another; the first two sections of this chapter have illustrated the consequences of such conflictive fragmentation (Bierman et al, 2009) and the ways in which it manifests onto the domestic realm. While the research has provided sufficient evidence to uphold the graphs' predictions, a question nevertheless emerges in regard to whether the relative numerical differences illustrated in table 6.1, translate into quantifiable differences of IO impact. I.e. the table predicts the ILO's influence to be greater in Slovakia by approximately 10-15%; but, what does a 10-15% greater impact in one country versus another mean? Chapter IV demonstrated that Czechia's adoption of CIO policy was 6% higher, and its ILO violations 1.5 times higher than Slovakia's. Conversely, Slovakia's response rate to the ILO exceeds Czechia's by as much as 28% on C087 & C098. However, such observations are not directly relatable to the differences found in table 6.1 nor could they be used as benchmarks to make inferences to other cases e.g. a higher centrality score of 10-15% cannot be said to translate into a higher country response rate of 28%. Answers to such questions may become clearer in future research where SNA is used in a regression on a large-N scale – a method with the potential to reveal meaningful

patterns in this regard. Nevertheless, observable and measurable differences correlate with the *direction* that the table predicts results should go providing some support for the application of SNA to other case studies.

While the graphs have been helpful in predicting the dynamics uncovered thus far, they are less representative in regard to whether and how conflicting policies will be mediated or resolved. To better understand this, the following paragraphs illustrate that such variation is determined by the diverging policy spaces sketched out in chapter III.

#### Fragmentation or Domestic Politics: What Drives Non-Compliance?

What driving forces led to the initial violations of C098 in Czechia and Slovakia? This shared outcome is best explained by several similarities that were present across both countries: the motivation of political decision makers; the context within which they were operating in; and the ways in which external actors were mediated. For example, issues of collective bargaining first arose in 2002 at a time when the two republics were considered to be in a transitional phase following the Velvet Revolution and Divorce; both were preparing for EU accession and - like other CEE countries - concerned about the credibility of the reform process and the consequences for international investment. The CIOs played a key role in this regard and as illustrated in the previous two sections, governments in both countries chose to adopt and implement CIO policy despite domestic and international backlash from organised labour.

Although Czechia and Slovakia differed across two key variables determining compliance – capacity and government type; neither of these appear to have played a decisive role in bringing about the violations. With regards to the former, the issue of sectoral extensions in Slovakia was the subject of fierce political and ideological debate rather than one of capacity (see section 6.2). On the latter, while there were differences in regime type during this time (Slovakia right wing SDKU and Czechia’s social democrats), both governments chose to adopt CIO policy to the determinant of the ILO conventions despite these differences. These dynamics challenge previous literature’s conclusions regarding the significance of government type in this regard and are instead reflective of the diverging policy spaces sketched out in chapter III - in Slovakia, political cycle matters whereas Czechia tends more to the right regardless of whether there is a conservative or social Democratic Party incumbent.

Violations in both countries therefore resulted from deliberate and informed decision-making by country authorities within a context in which veto players (unions) had been

weakened and where governments assigned greater legitimacy to the CIOs than the ILO. It is important to note however that neither domestic factors nor the CIOs are sufficient variables on their own to explain this outcome. An interaction between them was necessary - domestic factors acting as the catalyst for reform whereas the CIOs guided the shape and content of the policies which were adopted, and which eventually led to the violation of ILO C098.

### The ILO: Manager or Enforcer?

The institutionalist theory reviewed in chapter II, and which has been applied throughout, predicts that IOs make an impact when the tools used to respond to instances of non-compliance match the reasons for why the violation occurred i.e. where non-compliance is deliberate, strong powers of monitoring and enforcement are required; where its origin lie with capacity issues, a managerial approach such as technical advice is more appropriate (Thomann, 2011, p.44). That non-compliance in both cases originated as a matter of political will would suggest therefore that without powers of enforcement, the ILO's ability to make an impact in this regard would be limited. While this holds true for Czechia, the organisation nevertheless managed to achieve impact in Slovakia.

Despite these different outcomes, the ILO's initial approach to correcting the issues across both countries did not vary too drastically. Through its monitoring and supervisory mechanisms, the Committee was able to draw authorities' attention to the problems and did so by issuing observations and direct requests. In both cases, the organisation deployed its managerial tools of legal expertise to interpret the ways in which the countries' laws and practices were out of step with the convention and offered advice and technical assistance in an effort correct for the inconsistencies. One major (although ineffective) difference between the Committee's approach with Czechia to that of Slovakia arose out of the former's initial unresponsiveness to the violations raised; here, staff found it necessary to issue a footnote in addition to an observation in order to signal to authorities the seriousness of the situation and the organisation's willingness to escalate the matter towards naming and shaming in the ILC – the closest tool to enforcement that the ILO has (Koliev & Lebovic, 2018). Throughout, the organisation's efforts were supported by other international actors. Chief among these is the ITUC who gathers information from its domestic affiliates and whose reports are officially recognised and used by the Committee - in both cases, staff began their observations by citing the ITUC asking the government to comment on them in return. Other organisations contributing to the ILO's centrality are ETUC, EPSU, PSI and IndustriAll; here, and to a

greater extent in Czechia, they lent support to domestic unions, raising the awareness of the issue e.g. the public sector, and expressing their solidarity with domestic unions through written letters to government officials and helping to organise protests and rallies.

### ILO Impact: Overcoming the Challenger IOs in Slovakia

As illustrated above, Czechia was subjected to more pressure from the ILO and its allies than Slovakia was and yet the organisation's impact was greater in the latter. Czechia made progress 'in law' with the CSA but de facto changes were minimal, and the ILO was not influential in the outcome - either as a catalyst for reform nor did it have input into the content of the new legislation. Often, the government's responses to the ILO were defiant and reminiscent of the patterns sketched out in chapter IV - vague, non-committal and reflective of mock compliance (Walter, 2008 *cited in* Woodward, 2016). In Slovakia, not only did the organisation's conventions serve as both an inspiration and technical guide for change, but ILO staff were directly involved e.g. writing legislation, mediating between tripartite discussions and providing technical assistance. In doing so, the organisation managed to help reverse the CIO inspired reform which initially caused the violation. What, facilitated ILO impact in Slovakia but not in Czechia?

The ILO was able to make an impact in Slovakia because it was not impeded to the same extent as it was in Czechia by an opposing configuration of international and domestic forces. In Slovakia, domestic conditions functioned as both a bridge and a gatekeeper - letting the ILO in while keeping the CIOs out; the reverse can be observed in Czechia. Because the ILO gained access to Slovakia's policy making and implementation processes in this way, it was able to serve as an important ally both for unions and members of parliament while at the same time, its technical/legal expertise played a role in bringing about changes not only to legislation but also in the de facto number of higher-level agreements that were made (Palinkas, 2018; ILC Record of Proceedings, 2013). Czechia's left-wing party and union confederation are not present in the same way and therefore nothing effectively facilitates the ILO's influence while impeding that of its rivals. As such, the IFIs and OECD had a clearer path to affect change: despite domestic backlash from labour regarding issues of collective bargaining in the public sector, the CIOs repeatedly received assurances from both conservatives and social democrats that their advice regarding public spending was being taken on board.

## **Conclusions**

IOs make an impact influencing the timing and content of legislative reforms, where multiple IOs with competing mandates exist, their relative impact is mediated according to the balance of power between domestic groups. As such, conflict at the national level is reinforced by competing international norms where the legislative wins of one side often occur as a result of the other side's loss. The ILO is not equipped with the same powers of enforcement as are other IOs such as the IMF or World Bank; while this can be to its disadvantage, conflictive policy fragmentation (Bierman et al, 2009) manifests onto the domestic realm undermining the ILO's impact regardless of whether enforcement is being used. While the ILO makes an important contribution to global governance serving as the custodian of international labour standards, its success can often depend on the presence of supporting domestic conditions.

## Chapter VII

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### Conclusion

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#### 7.1 Introduction

The aim of this thesis has been to demonstrate the ILO's necessity and effectiveness and to call attention to the ways in which fragmentation within local-national settings mediates the organisation's work. The ILO was born in the aftermath of the Great War to rising social and economic tensions. Over a century later, it stands not only as one of the oldest IO's in existence but also one whose mandate remains profoundly relevant. Like all creatures of intergovernmental cooperation, its capacity to affect change reflects the preferences of the organisation's founding member states and their ability to overcome differences in order to effectively coordinate policy. For the ILO, this has meant a reliance on powers of persuasion and technical advice rather than the kinds of enforcement mechanisms accorded to bodies such as the WTO or Bretton Woods organisations. While this has created challenges, it also confers a unique legitimacy on the organisation: the ILO does not achieve its goals via the threat or imposition of material sanctions; rather, it works with countries to overcome challenges of implementation or to persuade governments of the reasons why adopting ILS is in their best interest (ILO Staff Interviewee Kari Tapiola, 2018). In this way, the ILO is a successful custodian of labour rights norms; its influence cannot simply be measured by compliance rates but instead by a deeper and longer lasting form of impact produced by its ability to change minds and behaviours.

The extent to which the ILO is successful in this regard is mediated by the ways in which other actors - both domestic and international - configure to facilitate or impede its work. The ILO operates in an increasingly complex and fragmented governing structure where multiple actors come together to form alliances and then vie for domestic policy influence. Here, domestic factors function as a gate determining whether and which IOs get to influence national policy making and implementation processes. Once IOs have gained access however, the consequences of fragmentation begin to play out as competing norms that are present at the international level, get reinforced by the same competition that exists domestically and vice versa (Sengenberger, 2005). Any assessment of the ILO must take this dynamic into account because it is in this scenario where the success of the CIOs can result in undermining the ILO's work.

The following section addresses the initial questions set out at the beginning of this thesis - *how and when does the ILO make an impact and to what extent does policy fragmentation facilitate or impede its goals?* In doing so, section 7.2 reprises the main themes discussed with consideration for the related evidence produced by the empirical chapters; it assesses how well these findings have answered the questions and asks to what extent this research's methods contributed to this result. Section 7.3 revisits broader questions of global governance; after asking whether and what the conclusions made here have contributed to these higher order issues, section 7.4 identifies several weaknesses of this research and offers some considerations on how future work can both benefit and improve upon it.

## **7.2 Policy Fragmentation and the Impact of the ILO**

*The ILO operates within networks of international and domestic actors, the character of these networks varies across states and mediates the organisation's impact to different degrees.* This is the dissertation's central finding which was arrived at via the engagement of several thematic debates related to whether and how IOs make an impact. This section briefly revisits these themes in light of the evidence produced by the preceding chapters.

Firstly, there are diverging opinions over what constitutes 'impact'. As chapter I (section 1.2) illustrated, any assessment of IO influence must look beyond the issue of compliance and to instead observe desired changes in behaviour for example to legislation or implementation practices (Raustiala, 2000): compliance may occur as an outcome, but its realisation is not necessary for impact to be achieved (Chayes & Chayes, 1993). Whether such changes can be attributed to an IO is another major point of contention. Here, discussion tends to centre around institutional design and on whether non-compliance is best dealt with as an 'enforcement' or a 'management' problem (see debates by Chayes & Chayes, 1993 and Downs et al, 1996; Chapter I section 1.2). Alongside this primary debate, two further considerations affecting whether and how IOs make an impact were discussed: the first focuses on socialisation and the reshaping of state preferences rather than incentives; the second, examines whether staff are sufficiently autonomous to drive changes from within (Haas, 1964, p.139; Barnett & Finnemore, 2005; 1999).

Through an investigation into the ILO's creation, design, survival and influence, chapters I and II applied the above themes to the ILO. Chapter I argued that governments have, throughout the organisation's history, maintained tight control: staff might engage in



entrepreneurial endeavours, but members states have ensured that these are kept within acceptable bounds.<sup>135</sup> The political controversies created by Kucera and Sari's (2019) labour rights indicators is a recent example; here, member states were uncomfortable with yet another institutional mechanism which made publicly available their compliance patterns and behaviours (see chapter II section 2.3). Perhaps most importantly however, chapter I provided a theoretical, historical and empirical explanation for why an enforcement mechanism as applied to the ILO is neither desirable nor possible (chapter I section 1.3). Had the organisation's founders designed it with one, achieving globally recognised standards would have been difficult: governments would either have been deterred from joining the organisation - leaving them free to engage in unfair competition - or, they would have bargained ILS down to the lowest common denominator (Maupain, 2013, p.15). The ILO's legitimacy is derived instead from its tripartism and ability to provide technical assistance and as such, its impact is best explained by managerialism and constructivism.

However, work assessing the ILO's influence on states continues to perpetuate the argument that the organisation needs an enforcement mechanism because much of it finds no association between the ILO and the labour standards of the countries within which it operates (see chapter II section 2.1). As a result, scholars conclude that external factors do not play a role and that all variation in this regard can instead be explained solely by differences in domestic politics (see Stallings et al, 2010; chapter II section 2.1). Chapter II however found two major shortcomings with this work: firstly, the authors use compliance as a dependent variable and therefore overlook some major aspects of the ILO's work. Secondly, the studies quantify their domestic level explanations and in doing so, miss some key differences between the same variables across different countries. For example, as chapter III revealed, union density may be the same across Czechia and Slovakia, but unions are significantly more influential in the latter (see chapter III section 3.3). Such differences are crucial to identify because they determine the ways in which states respond to IOs.

In seeking to overcome the problems with the literature noted above, sections 2.2 and 2.3 developed a framework in order to better identify whether and how the ILO has an influence. Firstly, section 2.3 illustrated exactly how this thesis' definition of impact could be operationalised in relation to the ILO: by creating a dependent variable that captures how the

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<sup>135</sup> See dynamics surrounding the 'Declaration of Philadelphia' and 'the Declaration' for further examples - chapter I section 1.3.

organisation responds after a violation has been uncovered. This approach allowed chapter IV to investigate the ILO's impact across Czechia and Slovakia where compliance and response levels were identified and compared. In doing so, the chapter was able to establish patterns of behaviour for both countries as well as identify when and how the ILO makes an impact. For example, while the diverging domestic factors sketched out in chapter III explained the extent of the ILO's impact - allowing for greater success in Slovakia than Czechia; chapter IV revealed that the organisation nevertheless has a significant influence on labour legislation (both its content and implementation) and functions as an effective mediator during conflicts between unions and employers (see chapter IV sections 4.2 and 4.3). Overall, the chapter illustrated how and when the ILO matters: by altering outcomes from what they would have been in the organisation's absence (Downs et al, 1996, p.380) via the rationalist managerial pathway.

In addition to developing a method to more effectively identify instances of ILO impact, chapter II sought to broaden our perspective regarding the system level influences mediating the organisation by introducing the issue of policy fragmentation. Borrowing from the literature on regime complexes, the ways in which networks of public and private international actors configure to impede or facilitate the ILO's work were mapped, measured and compared across Czechia and Slovakia. Chapter II proposed that across countries, there exists unique configurations of international actors; these 'country specific networks' vary in two significant ways: (1) levels of fragmentation (2) the character of fragmentation i.e. to what extent are the networks competitive or cooperative (Bierman et al, 2009). Variation in this regard was hypothesised to be associated with variation in the ILO's impact - a theory which was tested through the conceptualisation of the 'regime sub-constellation' (see section 2.2) and operationalised using SNA and process tracing (see chapters VI). In doing so, the work here contributed to research concerned with the impact of the ILO firstly by applying the issue of policy fragmentation to the labour rights regime and secondly, by developing and conceptualising a unit of analysis to compare fragmentation across countries.<sup>136</sup>

When this framework was applied to the case studies, several dynamics emerged regarding the ways in which IOs make an impact and the role that policy fragmentation plays. In order to assess the extent to which policy fragmentation impacts the ILO's work, it was first necessary to identify whether and how the ILO and CIOs made an impact as well as to illustrate the degree

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<sup>136</sup> As noted in chapter II section 2.2, the application of SNA to the issue of policy fragmentation was inspired by Widerberg (2014; 2016).

to which their impact varied across the two countries. In doing so, chapters IV and V revealed that the ILO had a greater influence in Slovakia than Czechia whereas the reverse was true for the CIOs. This finding lent support to the SNA outputs (see chapter II section 2.2) and illustrated how the diverging policy spaces sketched out in chapter III mediated the competing IOs differently. Moreover, not only did the two chapters reveal that IOs matter, but by identifying exactly how these organisations made an impact (influencing policy content and implementation practices), it helped shed light on what kinds of evidence to look for when examining the *consequences* of policy fragmentation in chapter VI. For example, chapter V provided sufficient evidence that the CIOs influenced very specifically the content of policy reforms; because the core norms of the CIOs conflict with that of the ILO's, relative impact matters i.e. where CIO impact is greater (more policy suggestion adopted), there is a higher possibility that international conflict (between the CIOs and the ILO) gets replicated into domestic legislation or implementation practices.

Chapter VI illustrated these dynamics in-depth and in doing so, successfully demonstrated the ways in which CIO impact directly undermines the ILO's work. The chapter examined how the regime sub-constellations (which varied in terms of their levels and character of fragmentation) interacted with the diverging policy spaces sketched out in chapter III. What the chapter found was that international conflict exacerbates domestic conflict; here, competing actors at the external level (e.g. the ILO and ITUC versus the CIOs) ally with domestic partners (e.g. unions, ministries of labour and employers' groups) and then battle for policy space. Across both Czechia and Slovakia, several violations of C098 were found to be directly linked to CIO policy adoption - while the issues were effectively corrected in the latter, problems in this regard continue in the former. This result reflects both the regime sub-constellation outputs - which suggested that policy fragmentation would be more of a problem in Czechia (see chapter II) - and the findings from chapters III - V: here, it was demonstrated that Slovakia's domestic conditions facilitate the ILO's impact whereas Czechia's provide a clearer path for CIO influence.

### 7.3 Globalisation and Global Governance

The themes discussed above are applicable not just to the ILO but are an example of broader challenges related to globalisation and the necessity and effectiveness of global governance. Contemporary international politics is characterised by an increasing number of transnational issues but a decreasing supply of effective institutions with which to tackle them (Hale et al, 2013, p.226). As such, whether and how the impact of regimes governing issues such as the environment, nuclear proliferation and global health can be accurately assessed and improved upon should be an urgent focus of researchers and policy makers alike.

Global governance is necessary because of the ways in which globalisation alters the international and domestic political landscapes. Globalisation escalates the “extensity, intensity, velocity and impact...” (Held et al, 1999, p.16) of complex interdependencies between states (see Keohane & Nye, 1977); driven by advancements in communication and transportation technology (Keohane & Nye Jr, 2000, p.108), it increases the thickness and speed with which networks of activity (intercontinental flows of goods, people, money, information etc...) allow for events in one part of the world to quickly and significantly affect distant parts of the globe (Held et al, 1999, p.15; McGrew, 2017, p.18). While these flows can be regularised e.g. India delivers services in ‘real-time’ to the rest of the world; they can also be unexpected (Keohane & Nye Jr, 2000, p.117) - the 2008 financial crash was not predicted and also spread with an unprecedented speed and impact when compared with previous crises (McGrew, 2017, p.18).

These effects blur the traditional lines of state sovereignty and therefore necessitate coordination on a regional or global scale (Zürn, 2012; McGrew, 2017, p.24). For example, the mobility of multinational companies creates downward pressures on policy areas such as taxes and protective social, environmental and labour laws. These ‘races to the bottom’ challenge the state’s regulative authority; calls into question its ability to ensure the wellbeing of its citizens; and further exacerbates globalisation’s negative impact on domestic politics (Held & McGrew, 2003, p.13). Under these conditions, global coordination becomes a necessity not just to tackle transnational issues but to accomplish domestic goals too (McGrew, 2017, p.27). Indeed, ungoverned interdependence helped to create the disasters of the first half of the 20<sup>th</sup> century (Keohane & Nye Jr, 2002, p.203) and, in the aftermath of world war two, governments worked to avoid future disruptions through the construction of a rules based international order (Nye Jr, 2017, p.11). Institutions such as Bretton Woods, GATT and the United Nations sought to

manage interdependence across several areas (e.g. economic, security and human rights) and over time, the liberal international order has been credited with securing peace among great powers (Colgan & Keohane, 2017, pp.36-7) and generating levels of wealth that far surpass previous systems (Ikenberry, 2017, p.3).<sup>137</sup>

Recent years however have witnessed a backlash to globalisation, a distrust in international institutions, a revival of nationalism and trade policies reminiscent of the 1930s (Amaral, 2016). During an interview in Geneva, a now retired senior ILO official commented:

“the prospects for the ILO and its standards depend overwhelmingly on the global political situation...and this of course has not improved it has gotten worse; with these autocratic governments now, the US is a declining imperial power, China is a rising power, there are tensions between the two. If you look at the most powerful nations in the world, US, China, Russia, they are not friends of the ILO...The autocratic governments, the shrinking multilateralism and rising unilateralism...The UN system as a whole is in difficulties times I would say” (ILO Staff Interviewee S, 2019).

Another significant threat to the institutions of global governance today can be found not only in the form of rising hostile powers (Ikenberry, 2017, p.3) but as a result of reactionary populist domestic politics – the most visible examples being the 2016 election of Donald Trump and the U.K’s vote to leave the European Union (Held & McGrew, 2003, p.4). This backlash against globalisation and its institutions has itself been fuelled by a lack of effective global governance and the uneven distribution of globalisation’s benefits (Colgan & Keohane, 2017, p.36; Held & McGrew, 2007, pp.2-3).<sup>138</sup>

Anti-globalist sentiments will not only intensify domestic unrest but exacerbate a range of transnational issues too – e.g. climate change, nuclear proliferation and global security – with serious consequences for future generations (Lamy, 2013). The rejection of multilateralism by the US is of particular concern; as a provider of public goods, its leadership is essential to effective coordination. During Donald Trump’s single term in office, he pulled out of the Paris Agreement, the Iran Nuclear Deal, TPP/TTIP, placed tariffs on key allies and threatened to withdraw funding from the UN and NATO (Ikenberry, 2017; 2018; Colgan & Keohane, 2017).

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<sup>137</sup> Note\* while globalisation has produced wealth, its impact is highly uneven and inequality has increased (See Ikenberry, 2017, p.3-4; McGrew, 2017, pp.28-9). Moreover, the democratic values of the liberal order are frequently undermined by Washington through wars and support for dictators and authoritarian regimes (See Nye Jr, 2017, pp.11-12).

<sup>138</sup> For economic explanations regarding the recent shift to right wing populism, see Colgan & Keohane, 2017; Ikenberry, 2017; Falk, 2018; Neville, 2016; Best, 2018; Neville, 2016; Amaral, 2016; Bremmer, 2016. For cultural explanations see Kaufmann, 2019; Card et al, 2012; Hainmueller & Hopkins, 2014.

Joe Biden has promised to return ‘America to the World Stage’ (Economic Times, 2020) but support for Trump’s politics of isolationism has not wavered despite his losing the 2020 election - the recent storming of Congress on January 6 and broad support for his re-election in 2024 are cases in point.

If the issues mentioned above are not enough to illustrate the urgency with which effective global cooperation needs to occur, the disastrous impacts of Covid-19 over the past year (2019 – present) should. This pandemic illustrates well the speed and systemic impact that events in one part of the world can have on societies and economies all over the globe (Held et al, 1999; Keohane & Nye Jr., 2000). Not only does the Covid-19 crisis underscore the necessity for improved coordination of preparedness, response and accountability mechanisms in regard to global health, but it has severe implications for the world of work too. In a recent report, the ILO highlighted how the crisis will impact the demand and supply sides of the labour market creating downward pressures on wages and other forms of workplace protection. The knock on effects could in-turn lead to social tensions, undermine development and threaten peace and stability ([ILO Policy Brief, 2020](#)) – issues which speak to the very core of the ILO’s *raison d’être* and which were responsible for its creation in 1919.

#### **7.4 Directions for Future Research**

The findings produced by this research have applicability to the broader issues discussed above. First, the work here perhaps most importantly illustrates that *IOs, even those that are considered less influential, do matter* i.e. under certain conditions, IOs can and do influence the policy choices and implementation practices of states. However, in order to assess this, it is crucial that observers go beyond the issue of *compliance* (Raustiala, 2000) and instead seek to identify the ways in which IOs change behaviour (see chapters I and II). Another finding in this regard is the extent to which IOs can have an impact without using enforcement mechanisms (see chapters IV and V). As cooperation problems between states persist, and delegation to supranational institutions remains low, understanding the institutional levers of influence absent their ability to apply material sanctions will be crucial for tackling future problems.

Further to the above, a major contribution emerged regarding the forces mediating IO impact and did so because of the attention paid to the issue of policy fragmentation. Through this research’s conceptualisation of the ‘regime sub-constellation’ and deployment of SNA, it

became possible to map, measure and compare varying configurations of international actors across states. IOs matter because they are important ‘agents of global governance’ but, fragmentation *also* matters because it can significantly mediate the impact of those agents and therefore the effectiveness of global governance overall. When assessing the impact of a regime or IO within the regime therefore, determining (1) to what degree fragmentation exists and (2) whether it is of a conflictive or cooperative nature (Bierman et al, 2009) is important for identifying the influences that facilitate or impede the regime’s work. The causes and consequences of fragmentation is a growing concern across several issue areas and has already attracted the attention of scholars and policy researchers alike. For example, Han et al (2018) investigate the effects of multiple aid agencies concerned with global health; Breen et al (2019) examine the impacts of conflicting policies on international economic surveillance in the European Union; Nye Jr (2014) engages the ‘regime complex for global cyber activities’ (Nye, Jr, 2014) and finally, Hoffmann & Gonçalves (2020) consider the issue of regime complexity as it relates to new migration and refugee patterns driven by Covid-19.

While the findings here help move beyond the previous literature by illustrating very specifically the ways in which the ILO makes an impact, questions remain in regard to what the organisation can do to improve its influence when its operating environment is hostile (Downs et al, 1996). As the case of Czechia revealed, there is little the ILO can do when states exert their authority (see chapter IV section 4.1 and VI section 6.1). Because this research has linked the policies of the CIOs (IFIs and OECD) directly to violations of ILO conventions, one direction in this regard would be to advocate for more cooperation between the competing organisations. Better policy coordination beginning at the international level could improve the ILO’s impact independent of domestic level factors e.g. if domestic factors are such that country A is likely to adopt CIO policies at a higher rate than country B, this would not undermine the ILO more in country A if policy was coordinated first at the international level. Indeed, scholars have already called for the ILO to be included as a multilateral partner alongside the CIOs when discussing states’ economic policies (Blanton et al, 2015, p.332). This notion of policy coherence is also nothing new to ILO staff, long aware of the detrimental impact that the policies of institutions such as the World Bank, IMF and OECD (See Hagen, 2003; Tapiola, 2018) have on their work, the ILO set up the Multilaterals Department to help promote international policy coherence. More recently, the importance of inter-agency cooperation was raised by Director General Guy Ryder in a speech commemorating the ILO’s centenary in 2019 (Ryder, 2019).

Such cooperation however is unlikely, as noted by the ILO's former Deputy-Director General, the WTO refuses to allow so much as even a friendly football match between the two organisations (Tapiola, 2018, p.29). Moreover, the idea of policy coordination raises an irreconcilable tension - on whose terms does such coordination occur. Should the IMF and World Bank tailor their policies to be more in line with the ILO's? If the ILO expects the financial institutions to respect its expertise on labour standards, should the ILO not do likewise and recognise their jurisdiction with regard to the global economy? Is there an acceptable middle ground both sets of organisations would approve of? (ILO Staff Interviewee L, 2019; ILO Staff Interviewee Kari Tapiola, 2018).

These questions lead to another issue that the scope of the current research did not allow to explore effectively because they illustrate the ways in which some norms diffuse more successfully than others - see work by Cox (1983) and Phillips (2020). As was demonstrated throughout, the ILO's challengers (the IFIs and OECD) were able to make a significant impact in both countries without the need to impose loan conditionality indicating that these institutions already benefit from a high degree of domestic legitimacy. While the research here has been concerned mainly with understanding and explaining state behaviour as driven by rational incentive based motives, the analysis could benefit by adding a more 'critical lens' explaining state behaviour and global political-economic change as a consequence of ideational power i.e. understanding why the neoliberal globalisation narrative diffuses more effectively than norms of social protection - see work by Cox, 1983 and Phillips, 2020 - could go some way in explaining why some IOs are more effective than others.

Finally, future research should apply the regime sub-constellation SNA outputs as well as the concept of 'impact' developed here to a broader sample. For example, the ILO centrality measurement could be included as an independent variable into a large-N regression along with other relevant control variables. Rather than using compliance as an outcome, the variable 'impact' could be mobilised in this regression by calculating cases of progress/observations\*100 for each country included.<sup>139</sup> Such a project would help identify broader regional and global patterns as well as provide further evidence for the proposition that the ILO's impact is associated with varying institutional configurations across states.

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<sup>139</sup> This formula is taken from Weisband (2000)



Work could also be done to improve the methodological approach taken here. Currently, the SNA graphs mainly capture fragmentation at the international level; but as illustrated throughout, these fragmented networks are significantly mediated by the domestic constituencies they interact with. Researchers will need to carefully consider how such domestic variables could be quantified and effectively mobilised in this regard. The issues raised in chapter II surrounding the quantification of variables such as union density and government type highlight well the challenges presented by such a task (see chapter II section 2.3).

One possible solution would be to determine how ‘domestically connected’ some IOs are relative to others within the same network; here, researchers could consider measuring communications (or some form of interaction) between ministries of finance or employers’ groups and the CIOs on the one hand; versus the number of interactions between unions or ministries of labour and the ILO on the other. However, it is not necessarily the case that ‘more interactions’ can be associated with greater levels of influence (e.g. one-hundred ineffective meetings do not necessarily make a greater impact than one that is meaningful) (ILO Staff Interviewee L, 2019). Moreover, this type of ‘meaningful communication’ is often not documented, as one ILO staff member commented:

“I don’t think you’ll be able to measure it...particularly the IMF and the World Bank, they will keep everything confidential. There are formal channels and there are informal channels, what really matters are the informal... There is constant communication between IMF officials and the finance ministry, but they’ll never tell you...they publish some things e.g. the Article IV reports but I’m sure there is probably hundreds of emails everyday between the IMF and them...what they do publish is highly sanitised. Often in many countries, IMF officials sit inside the finance ministry, how can you measure every time they communicate there? (ILO Staff Interviewee L, 2019).

Interesting work in this regard however is underway; Han et al (2018) ask whether a state’s centrality measurement within the regime complex for aid improves aid outcomes. Here, centrality - the authors argue - is best depicted by capturing levels of ‘communicative interaction’ between agency staff and country authorities; but, in recognition of its unfeasibility, the authors choose monetary flows as a proxy (Han et al, 2018, p.70). Future work seeking to incorporate domestic level factors into the labour rights regime SNA network will need to identify similar proxies to better capture these dynamics.

To conclude, the ILO's impact is best explained via its ability to monitor compliance, provide technical/legal support and mediate between social partners. Its legitimacy is derived not from its ability to enforce its mandate but through inclusive decision-making procedures encompassing governments, employers and workers associations from 187 countries. While the ILO is a forum to achieve cooperation between states, it is also one that facilitates dialogue between non-state actors and competing factors of production too. Competition between capital and labour exists not just on the domestic level but also as competing international ideologies embodied into the mandates of agencies such as the ILO, the Bretton Woods institutions, the OECD, international unions, employers' confederations, NGOs and MSHIs. Different combinations of these actors configure into country specific networks across states producing varying levels of fragmentation which can impede or facilitate the ILO's impact. Any assessment of the ILO must go beyond the conventional issues of compliance and enforcement and seek instead to identify the ways in which the organisation changes behaviour within an increasingly fragmented and complex global governance architecture.

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## Appendix 1. Mapping Fragmentation by Abbott and Snidal

|               |   |
|---------------|---|
| <b>Zone 1</b> |   |
| IECA          | The Employment of Children Act (India), 1938  |
| OECD          | Guidelines for Multinational Enterprises, 1976  |
| BM            | WHO Code of Marketing for Breastmilk Substitutes, 1981  |
| <b>Zone 2</b> |   |
| <b>GAP</b>    | Labour rights scheme of Gap, Inc., 1992   |
| <b>BS</b>     | The Body Shop, "Trade Not Aid" initiative, 1991   |
| <b>RC</b>     | Responsible Care, 1987  |
| <b>GG</b>     | Global GAP, agricultural products standard on safety, environment, labour, 1997 (as EUREPGAP) |
| <b>SQF</b>    | SQF 1000, 2000 food safety standards, optional social, environmental standards, 1994          |
| <b>WDC</b>    | World Diamond Council warranty system for conflict diamonds, 2004                             |
| <b>WRAP</b>   | Worldwide Responsible Apparel Production, industry labour code, 2000                          |
| <b>BSC</b>    | Business Social Compliance Initiative; European supplier labour standard, 2004                |
| <b>Zone 3</b> |   |
| <b>AI</b>     | Amnesty International Human Rights Guidelines for Companies, 1997                             |
| <b>CCC</b>    | Clean Clothes Campaign Code of Labour Practices for apparel, 1998                             |
| <b>RUG</b>    | Rugmark labelling scheme to control child labour in carpets, 1994                             |
| <b>GSULL</b>  | Global Sullivan Principles on economic and social justice, 1999                               |
| <b>WRC</b>    | Worker Rights Consortium, 2000  |
| <b>Zone 4</b> |   |
| <b>UNGC</b>   | United Nations Global Compact, 2000   |
| <b>Zone 5</b> |   |
| <b>PRI</b>    | Principles for Responsible Investment, UN institutional investor scheme, 2006                 |
| <b>Zone 6</b> |   |

|            |  |
|------------|--|
| <b>FLA</b> | Fair Labour Association; apparel industry scheme, 1999                             |
| <b>FLO</b> | Fairtrade Labelling Organization, “fair trade” umbrella scheme, 1997               |
| <b>FTO</b> | World Fair Trade Organization; standard for fair trade organizations, 2004         |
| <b>GRI</b> | Global Reporting Initiative standards for social, environmental reports, 1997      |
| <b>SAI</b> | Social Accountability Int’l standard for supplier labour practices, 1997           |
| <b>ETI</b> | Ethical Trading Initiative, worker rights scheme, 1998                             |
| <b>AA</b>  | Accountability AA1000 framework for ethical business practices, 1999               |
| Zone 7     |  |
| <b>AIP</b> | Apparel Industry Partnership; Clinton Administration stakeholders’ scheme, 1996–97 |
| <b>ILO</b> | International Labour Org. Declaration on Multinational Enterprises, 1977           |

**Source:** (Abbott & Snidal, 2009) also see Hayes (2017) where data has been similarly compiled





|                        |  |
|------------------------|--|
| undp.org =>            | adb.org - aidtransparency.net - documents.un.org - europa.eu - fao.org - ilo.org - preventionweb.net - twitter.com - un.org - unaids.org - uncdf.org - undg.org - unep.org - unfccc.int - ungm.org - unhabitat.org - unisdr.org - unocha.org - unv.org - unwomen.org - worldbank.org - worldwewant2015.org |
| uneca.org =>           | undp.org   |
| unece.org =>           | europa.eu - imf.org - un.org - undp.org - uneca.org - unescap.org - uneval.org - unfpa.org - unido.org - who.int - worldbank.org - wto.org   |
| unep.org =>            |  |
| unescap.org =>         |  |
| unesco.org =>          | en.unesco.org - europa.eu - globalmigrationgroup.org - preventionweb.net - un.org - unaids.org - ungm.org - unrisd.org   |
| uneval.org =>          | ctbto.org - iaea.org - icao.int - imo.org - ochaonline.un.org - opcw.org - un.org - unaids.org - uncdf.org - undp.org - uneca.org - unece.org - unido.org - unitar.org - unjuu.org - unocha.org - unrwa.org - unv.org - who.int - wto.org  |
| unfccc.int =>          |  |
| unfpa.org =>           |  |
| ungm.org =>            |  |
| unhabitat.org =>       |  |
| unhcr.org =>           | fr.wfp.org - iom.int - ochaonline.un.org - unaids.org - undp.org - unfpa.org - ungm.org - unicef.org - unocha.org - unrwa.org - unv.org - wfp.org - who.int  |
| unicef.org =>          |  |
| unido.org =>           | fao.org - ifad.org - twitter.com - un.org - undp.org - unep.org - ungm.org - unjuu.org   |
| unisdr.org =>          |  |
| unitar.org =>          | en.unesco.org - fao.org - globalmigrationgroup.org - ohchr.org - un.org - undg.org - undp.org - uneca.org - unep.org - unescap.org - unesco.org - unfccc.int - ungm.org - unhabitat.org - unhcr.org - unicef.org - unocha.org - unwomen.org - wfp.org - worldbank.org                                      |
| unjuu.org =>           |  |
| unocha.org =>          | fao.org  |
| unodc.org =>           | entwicklung.at - globalmigrationgroup.org - iom.int - state.gov - twitter.com - un.org - uneval.org - unjuu.org - who.int  |
| unops.org =>           |  |
| unrisd.org =>          | ilo.org  |
| unrwa.org =>           |  |
| unv.org =>             |  |
| unwomen.org =>         | documents.un.org - ohchr.org - preventionweb.net - un.org - undg.org - uneval.org - ungm.org - unisdr.org - worldwewant2015.org  |
| upu.int =>             |  |
| usaid.gov =>           |  |
| wfp.org =>             | ar.wfp.org - cn.wfp.org - es.wfp.org - fao.org - fr.wfp.org - ifad.org - it.wfp.org - ja.wfp.org - nl.wfp.org - ungm.org   |
| who.int =>             | fao.org - ilo.org - un.org - unep.org - unhabitat.org - unhcr.org - wto.org  |
| wipo.int =>            | iaea.org - un.org  |
| workersrights.org =>   |  |
| worldbank.org =>       | adb.org - entwicklung.at - fao.org - ifad.org - imf.org - miga.org - state.gov - twitter.com - undg.org - unicef.org - usaid.gov   |
| worldwewant2015.org => |  |
| wto.org =>             |  |

Source: (Issue Crawler, 2017; Hayes, 2017)

### Appendix 3. The Regime Complex for Labour Rights Network Outputs

| The Regime Complex for Labour Rights (Global Metrics) |        |           |            |                        |                      |
|---|--------|-----------|------------|------------------------|----------------------|
| Vertex  | Degree | In-Degree | Out-Degree | Betweenness Centrality | Closeness Centrality |
| fairtrade-advocacy.org                                | 1      | 0         | 1          | 0.000                  | 1.000                |
| Wfto.com  | 1      | 1         | 0          | 0.000                  | 1.000                |
| chicagofairtrade.org                                  | 7      | 0         | 7          | 21.000                 | 0.143                |
| globalhandmadehope.com                                | 1      | 1         | 0          | 0.000                  | 0.077                |
| friendsofthethirdworld.org                            | 1      | 1         | 0          | 0.000                  | 0.077                |
| foodchainworkers.org                                  | 1      | 1         | 0          | 0.000                  | 0.077                |
| fairtradecampaigns.org                                | 1      | 1         | 0          | 0.000                  | 0.077                |
| canaanfairtrade.com                                   | 1      | 1         | 0          | 0.000                  | 0.077                |
| graciasfairtrade.com                                  | 1      | 1         | 0          | 0.000                  | 0.077                |
| sandpiperimports.com                                  | 1      | 1         | 0          | 0.000                  | 0.077                |
| un.org  | 42     | 19        | 34         | 1691.843               | 0.007                |
| ilo.org   | 18     | 13        | 6          | 1176.791               | 0.006                |
| ituc-csi.org  | 15     | 9         | 7          | 787.924                | 0.006                |
| ethicaltrade.org                                      | 14     | 3         | 13         | 520.230                | 0.005                |
| undp.org  | 19     | 10        | 10         | 163.072                | 0.005                |
| laborrights.org                                       | 8      | 4         | 6          | 184.949                | 0.005                |
| ohchr.org   | 11     | 5         | 7          | 80.367                 | 0.005                |
| globalmigrationgroup.org                              | 12     | 2         | 12         | 63.587                 | 0.005                |
| unctad.org  | 12     | 2         | 10         | 52.074                 | 0.005                |
| worldbank.org   | 16     | 9         | 8          | 263.701                | 0.005                |
| uneca.org   | 9      | 7         | 2          | 21.865                 | 0.005                |
| uncdf.org   | 7      | 4         | 6          | 25.602                 | 0.005                |
| sa-intl.org   | 3      | 0         | 3          | 255.000                | 0.005                |
| iom.int   | 7      | 4         | 3          | 45.445                 | 0.005                |
| opcw.org  | 9      | 3         | 7          | 43.217                 | 0.005                |
| unitar.org  | 16     | 3         | 15         | 40.116                 | 0.005                |
| documents.un.org                                      | 6      | 5         | 2          | 31.808                 | 0.005                |
| uneval.org  | 15     | 2         | 14         | 35.590                 | 0.004                |
| imf.org   | 3      | 3         | 0          | 39.475                 | 0.004                |
| fairlabor.org   | 11     | 0         | 11         | 726.284                | 0.004                |
| old.tuac.org  | 7      | 2         | 5          | 238.638                | 0.004                |
| unece.org   | 9      | 1         | 9          | 24.427                 | 0.004                |
| entwicklung.at  | 9      | 0         | 9          | 14.739                 | 0.004                |
| unesco.org  | 8      | 4         | 6          | 20.235                 | 0.004                |
| unido.org   | 9      | 4         | 6          | 7.350                  | 0.004                |
| undg.org  | 6      | 4         | 2          | 2.361                  | 0.004                |
| ifad.org  | 7      | 6         | 1          | 2.283                  | 0.004                |
| unep.org  | 7      | 7         | 0          | 1.461                  | 0.004                |
| unescap.org   | 6      | 6         | 0          | 2.170                  | 0.004                |
| ungm.org  | 6      | 6         | 0          | 1.367                  | 0.004                |
| unocha.org  | 5      | 5         | 0          | 0.333                  | 0.004                |
| miga.org  | 2      | 2         | 0          | 0.000                  | 0.004                |
| wto.org   | 4      | 4         | 0          | 0.367                  | 0.004                |
| unhabitat.org   | 3      | 3         | 0          | 0.000                  | 0.004                |
| en.unesco.org   | 3      | 3         | 0          | 0.000                  | 0.004                |
| unrwa.org   | 3      | 3         | 0          | 0.167                  | 0.004                |
| unaids.org  | 3      | 3         | 0          | 0.167                  | 0.004                |
| ctbto.org   | 3      | 2         | 2          | 0.000                  | 0.004                |
| unjuu.org   | 3      | 3         | 0          | 0.000                  | 0.004                |
| unodc.org   | 2      | 2         | 0          | 0.000                  | 0.004                |
| bangladeshaccord.org                                  | 8      | 5         | 5          | 159.116                | 0.004                |

|                                |   |   |   |         |       |
|--------------------------------|---|---|---|---------|-------|
| icaoin.int                     | 2 | 2 | 0 | 0.000   | 0.004 |
| imo.org                        | 2 | 2 | 0 | 0.000   | 0.004 |
| unops.org                      | 2 | 2 | 0 | 0.000   | 0.004 |
| unrisd.org                     | 1 | 1 | 0 | 0.000   | 0.004 |
| wipo.int                       | 1 | 1 | 1 | 0.000   | 0.004 |
| unicef.org                     | 6 | 6 | 0 | 3.643   | 0.004 |
| fair-wage.com                  | 2 | 0 | 2 | 0.000   | 0.004 |
| masquillasolidarity.org        | 5 | 3 | 4 | 60.352  | 0.004 |
| fao.org                        | 2 | 2 | 0 | 3.193   | 0.004 |
| unisd.org                      | 1 | 0 | 1 | 0.000   | 0.004 |
| betterwork.org                 | 1 | 1 | 0 | 0.000   | 0.004 |
| fr.wfp.org                     | 1 | 1 | 0 | 0.000   | 0.004 |
| unglobalcompact.com            | 1 | 1 | 0 | 0.000   | 0.004 |
| state.gov                      | 3 | 2 | 1 | 75.846  | 0.004 |
| industriall-union.org          | 3 | 3 | 0 | 0.000   | 0.004 |
| asi.is                         | 4 | 0 | 4 | 173.000 | 0.004 |
| global-unions.org              | 4 | 4 | 0 | 11.417  | 0.004 |
| iuf.org                        | 2 | 1 | 1 | 3.536   | 0.004 |
| gsee.gr                        | 2 | 0 | 2 | 0.000   | 0.004 |
| cgt.fr                         | 1 | 0 | 1 | 0.000   | 0.004 |
| old.tuac.org.org               | 1 | 1 | 0 | 0.000   | 0.004 |
| workerscapital.org             | 1 | 1 | 0 | 0.000   | 0.004 |
| sustainlabour.org              | 1 | 1 | 0 | 0.000   | 0.004 |
| labourbehindthelabel.org       | 2 | 1 | 1 | 0.000   | 0.004 |
| amrc.org.hk                    | 2 | 1 | 1 | 0.000   | 0.004 |
| asiafloorwage.org              | 1 | 1 | 0 | 0.000   | 0.004 |
| fairtrade.org.uk               | 1 | 1 | 0 | 0.000   | 0.004 |
| europa.eu                      | 3 | 3 | 0 | 0.500   | 0.004 |
| cleanclothes.org               | 2 | 2 | 0 | 12.393  | 0.004 |
| alfcio.org                     | 1 | 1 | 0 | 0.000   | 0.003 |
| usaid.gov                      | 1 | 1 | 0 | 0.000   | 0.003 |
| wfto.com                       | 1 | 0 | 1 | 0.000   | 0.003 |
| bsci-intl.org                  | 2 | 2 | 1 | 172.000 | 0.003 |
| globalfairness.org             | 2 | 1 | 1 | 87.000  | 0.003 |
| adidas-group.com               | 1 | 1 | 0 | 0.000   | 0.003 |
| nikeinc.com                    | 1 | 1 | 0 | 0.000   | 0.003 |
| stopchildlabour.eu             | 1 | 1 | 0 | 0.000   | 0.003 |
| http://pvh.com/                | 1 | 1 | 0 | 0.000   | 0.003 |
| socialresponsibility.fruit.com | 1 | 1 | 0 | 0.000   | 0.003 |
| hanesbrandscsr.com             | 1 | 1 | 0 | 0.000   | 0.003 |
| tuc.org.uk                     | 1 | 1 | 0 | 0.000   | 0.003 |
| ictu.ie                        | 1 | 1 | 0 | 0.000   | 0.003 |
| workersrights.org              | 1 | 1 | 0 | 0.000   | 0.003 |
| lo.dk                          | 1 | 1 | 0 | 0.000   | 0.003 |
| sak.fi                         | 1 | 1 | 0 | 0.000   | 0.003 |
| fta-intl.org                   | 2 | 1 | 2 | 87.000  | 0.003 |
| aflcio.org                     | 1 | 1 | 0 | 0.000   | 0.003 |
| saasaccreditation.org          | 1 | 1 | 0 | 0.000   | 0.002 |

**Source:** outputs created in Node XL (Smith et al, 2010; Hayes, 2017)

#### Appendix 4. Czechia Regime Sub-Constellation Linkages

| <b>Regime Sub-Constellation Data</b><br>The Czechia: Undirected Connections          | <b>Note*</b> links made here are accompanied with references tied to the bibliography          |
|--|--|
|  | ← →  |
| EUROUFOUND (Eurofound, 2017c)  | ILO, TUAC (Eurofound, 2017c)   |
|  | ETUC (Eurofound, 2017c)  |
|  | The Social platform (Eurofound, 2017c)   |
| IndustriAll - Global Union (Eurofound, 2017d)<br>IndustriAll – EU (Eurofound, 2017d) | OS TOK (Czech textile labour union) (Eurofound, 2017d)   |
|  | ILO, IRBD/World Bank, IMF, OECD, WTO<br>ITUC (UIA, 2017)                                       |
| ETUC (EU Trade Union Confederation) (ETUC, 2017)                                     | Council of Europe (ETUC, 2017)   |
|  | ITUC, TUAC; ILO; UNGC (TUAC, 2017a)  |
|  | CMKOS (CMKOS, 2017a)   |
| OECD (TUAC) (TUAC, 2017a)  | CMKOS (CMKOS, 2017a)   |
|  | ETUC; ETUI; ITUC (UIA, 2017)<br>IMF; (Issue Crawler, 2017)                                     |
| ITUC (ITUC, 2017a)   | CMKOS (CMKOS, 2017a)   |
|  | Council of Europe: ILO; TUAC; UNDP;<br>IBRD/World Bank; IMF; ETUC; IndustriAll;<br>(UIA, 2017) |
|  | Global Unions (PSI) (PSI, 2017a)   |
| BS - The Body (note*Loreal owns BS and operates in Czech (Transnationale, 2017)      | ETI (ETI, 2017a)   |
| BSCI – (BSCI, 2017a)   | ILO; TUAC; UNGP (BSCI, 2017b)  |
|  | FTA (Issue crawler, 2017)  |
| Clean Clothes Campaign (CCC, 2017a)  | IndustriAll; ITUC; ILO; EU (CCC, 2017b)  |
| UNGC (UNGC, 2017a)   | UNIDO; ILO (UIA, 2017)   |
|  | SAI8000 (UIA, 2017)  |
|  | Volkswagen (Transnationale, 2017; UNGC, 2017b)   |
| SAI8000 – (SAI8000, 2017a)   | ILO (SAI8000, 2017a)   |
|  | BSCI; UNGC (Issue Crawler, 2017)   |
| Fair Labor Association (FLA, 2017a)  | ILO CLS, (FLA, 2017a)  |

|                                      |  |
|--------------------------------------|--|
|                                      | CCC; ETI; SAI; WRC [JO-IN] (FLA, 2017b)                        |
| World Fair Trade Organization (WFTO) | ILO; EU-Commission; UNCTAD; WTO; (UIA, 2017)                   |
|                                      | World Bank (Issue Crawler, 2017)                               |
| ETI (ETI, 2017)                      | ITUC; IndustriAll; TUC (ETI, 2017b)                            |
|                                      | Body Shop (i.e. Loreal) (Transnationale, 2017)                 |
|                                      | ILO (Issue Crawler, 2017)                                      |
| ILO (ILO, 2017c)                     | UNDP; UNIDO; EU; IOM; TUAC; AI; ETUC; WB; IMF; G20 (UIA, 2017) |
|                                      | UNGC ITUC (Issue Crawler, 2017)                                |
| World Bank                           | ILO (Murphy, 2014)   |
|                                      | IMF, EU (UIA, 2017)  |
| IMF                                  | ILO EU; TUAC/OECD (UIA, 2017)                                  |
| WTO (WTO, 2017a)                     | ILO; IMF; OECD; WB; (WTO, 2017a)                               |
| Global Unions (PSI) (PSI, 2017b)     | ILO; WB; IMF; TUAC (PSI, 2017b)                                |
|                                      | Works with ITUC (PSI, 2017b)                                   |
| FTA                                  | BSCI (Issue Crawler, 2017)                                     |

**Source:** (Hayes, 2017)

## Appendix 4A. LABREF Labour Market Reforms in the Czech Republic

**Legend:** I = Increasing Labour Standards. D = Decreasing Labor Standards

| 1. | Year   | Policy Domain                 | Policy Field                                       | Title   |
|----|--------|-------------------------------|--|---|
| 2. | 2000 I | Active labour market policies | Employment subsidies                               | “Subsidies for job creation and partial reimbursement of retraining costs...”                             |
| 3. | 2000 I | Active labour market policies | Special schemes for the disabled                   | “Introduction of the obligation for employers with at least 20 employees to...”                           |
| 4. | 2000 I | Early Withdrawal              | Early retirement                                   | “New programme to facilitate the early retirement of older workers in the...”                             |
| 5. | 2000 I | Immigration/Mobility          | Immigration control                                | “Tightening eligibility conditions for entry, residence and work permit of...”                            |
| 6. | 2000 I | Job Protection (EPL)          | Collective dismissals                              | “Aligning collective dismissals and related obligations for employers with EU...”                         |
| 7. | 2000 D | Job Protection (EPL)          | Maximum number of renewals of fixed-term contracts | “Setting that contracts for unlimited period of time are the norm but fixed-term contracts are possible”. |
| 8. | 2000 I | Job Protection (EPL)          | Notice and severance payments                      | “Compulsory severance pay limited to two months as before; additional severance pay can be provided by    |

|     |        |                      |  |   |
|-----|--------|----------------------|--|---|
|     |        |                      |  | collective agreement”   |
| 9.  | 2000 I | Wage Setting         | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Introducing indirect coverage through administrative extensions of wage agreements”.   |
| 10. | 2000 I | Working Time         | Family-related working-time organisation   | “Introducing parental leave”.   |
| 11. | 2000 I | Working Time         | Working hours management   | “Consolidating the basic annual paid-leave period from three to four weeks...”  |
| 12. | 2000 D | Working Time         | Working hours management   | 1) Explicitly setting flexible working hours; 2) Limiting involuntary overtime work to 150 hours per year and voluntary overtime to 416 hours per year; 3) Scheduling working hours at 40 hours per week” |
| 13. | 2001 D | Early Withdrawal     | Early retirement   | “Reducing early-retirement benefits in an actuarially fair manner for those...”   |
| 14. | 2001 I | Job Protection (EPL) | Definition of fair dismissal   | “Making more onerous the notification of dismissal and compensation of employees”.  |



|     |        |                                |  |   |
|-----|--------|--------------------------------|--|---|
| 15. | 2001 D | Other welfare-related benefits | Social assistance (housing, means-tested benefits)   | “Freezing the nominal level of the basic cash-welfare benefit (known as the minimum living standard, MLS), so as to reduce its attractiveness in real terms”. |
| 16. | 2002 I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.)  | Introducing active labour market policies   |
| 17. | 2002 D | Active labour market policies  | Special schemes for the disabled   | “Reducing the state subsidies for employment of workers with disabilities....”  |
| 18. | 2003 D | Early Withdrawal               | Early retirement   | “Restriction in the possibility to early retire...”   |
| 19. | 2003 D | Immigration/Mobility           | Selective immigration policies   | “Five-year pilot project...”  |
| 20. | 2003 I | Labour Taxation                | Income tax   | “Introduction of minimum tax for self-employed persons who have business...”  |
| 21. | 2003 I | Labour Taxation                | Self-employed social security contributions  | “Introduction of minimum social security contribution for self-employed...”   |
| 22. | 2003 D | Wage Setting EPL               | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “The Constitutional Court declared void the Act on Collective Bargaining...”  |
| 23. | 2004 I | Active labour market policies  | Employment subsidies   | “Provision of investment  |

|     |        |                               |   |   |
|-----|--------|-------------------------------|---|---|
|     |        |                               |   | incentives to employers subsidising the creation of new jobs or retraining..."                |
| 24. | 2004 I | Active labour market policies | Employment subsidies  | "Provision of new subsidies for the maintenance of jobs"                                      |
| 25. | 2004 I | Active labour market policies | Public Employment Services (job assistance, job-counselling etc.) | "Expansion of the 2002 pilot project of Individual Action Plans (IAP) to all labour offices". |
| 26. | 2004 I | Active labour market policies | Public Employment Services (job assistance, job-counselling etc.) | "New binding rules and tightening of the conditions for labour mediation by..."               |
| 27. | 2004 I | Active labour market policies | Public Employment Services (job assistance, job-counselling etc.) | "Introduction of private employment agencies..."  |
| 28. | 2004 I | Active labour market policies | Special schemes for the disabled                                  | "Regulating the occupational rehabilitation of disabled persons in protected..."              |
| 29. | 2004 I | Active labour market policies | Special schemes for the disabled                                  | "Introduction of wage subsidies for disabled workers".  |
| 30. | 2004 I | Job Protection (EPL)          | Collective dismissals   | "Introduction of a legal definition of collective dismissal".                                 |
| 31. | 2004 I | Job Protection (EPL)          | Maximum duration of fixed-term contracts                          | "Introduction of a limit of two years to the maximum total duration of..."                    |
| 32. | 2004 D | Labour Taxation               | Income tax  | "Introduction of an optional common income taxation for                                       |

|     |        |                                |   |  |
|-----|--------|--------------------------------|---|--|
|     |        |                                |   | married couples with...”   |
| 33. | 2004 D | Labour Taxation                | Income tax  | “Replacement of the child tax deduction with a tax allowance...”   |
| 34. | 2004 I | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit) | Introduction of "partial unemployment? Benefits...”  |
| 35. | 2004 D | Other welfare-related benefits | Sickness schemes  | “Persons with a changed work capacity that are preparing for employment are excluded from sickness insurance”. |
| 36. | 2004 D | Other welfare-related benefits | Social assistance (housing, means-tested benefits)              | “Incentives to accept publicly useful jobs or low-wage jobs for those on social assistance”.                   |
| 37. | 2004 D | Unemployment benefits          | Coverage and eligibility conditions                             | “Introduction of stricter registration and reporting requirements with labour offices...”                      |
| 38. | 2004 I | Unemployment benefits          | Duration of unemployment benefits                               | “Extension of the six-month standard duration of unemployment benefits for older workers”.                     |
| 39. | 2004 I | Unemployment benefits          | Net replacement rate  | “The amount of unemployment benefits after first three months is increased”.                                   |
| 40. | 2005 I | Active labour market policies  | Special schemes for the disabled                                | “Introduction of new support measures for employers...”  |
| 41. | 2005 I | Early Withdrawal               | Disability schemes  | “Increase of daily assessment basis for sickness benefits...”  |

|     |        |                                |  |  |
|-----|--------|--------------------------------|--|--|
| 42. | 2005 D | Immigration/Mobility           | Immigration control  | Immigration Control  |
| 43. | 2005 D | Immigration/Mobility           | Internal mobility  | “Corporate tax base deductions for firms...”   |
| 44. | 2005 D | Labour Taxation                | Income tax   | “Decrease in average income tax for all income groups...”  |
| 45. | 2005 I | Other welfare-related benefits | Social assistance (housing, means-tested benefits)   | “Increasing the subsistence minimum by 2.2%. This will affect a wide range of...”  |
| 46. | 2005 I | Wage Setting EPL               | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Possibility to broaden the scope of application of higher collective agreements also to other companies working prevalently in the sector for which the higher collective agreement was concluded, even if these companies did not sign the agreement”. |
| 47. | 2006 D | Immigration/Mobility           | Internal mobility  | “New framework for the recognition of qualifications...”   |
| 48. | 2006 D | Immigration/Mobility           | Measure to facilitate labour market integration of immigrants  | “New programme aimed at supporting the integration of foreigners to Czech...”  |
| 49. | 2006 I | Job Protection (EPL)           | Definition of fair dismissal   | “Increasing the level of employment protection and strengthening the   |

|     |        |                                |   |  |
|-----|--------|--------------------------------|---|--|
|     |        |                                |   | role of trade unions in collective bargaining”                                 |
| 50. | 2006 I | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit)   | “Introducing a job-search bonus scheme and strengthening in-work benefits”.    |
| 51. | 2006 D | Other welfare-related benefits | Social assistance (housing, means-tested benefits)                | “Changes in the system of social benefits in order to make work pay...”        |
| 52. | 2006 I | Working Time                   | Family-related working-time organisation                          | “...doubling of parental leave benefit...”                                     |
| 53. | 2006 D | Working Time                   | Working hours management  | “Introducing flexible working-time accounts...”                                |
| 54. | 2007 I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.) | Active labour market policies  |
| 55. | 2007   | Labour Taxation                | Employees' social security contributions                          | “Introduction of the caps on social security contributions...”                 |
| 56. | 2007   | Labour Taxation                | Employers' social security contributions                          | Reducing SSC rates   |
| 57. | 2007   | Labour Taxation                | Income tax  | “Introduction of a single flat tax (15%) and broadening of personal income...” |
| 58. | 2007 D | Other welfare-related benefits | Sickness schemes  | “Changes in assessment base of sickness benefits”.                             |
| 59. | 2007 D | Other welfare-related benefits | Sickness schemes  | “Shortening the period for sickness benefits”.                                 |
| 60. | 2007 D | Other welfare-related benefits | Sickness schemes  | “Lower rates for sickness benefits”.   |

|     |        |                                |   |   |
|-----|--------|--------------------------------|---|---|
| 61. | 2007 D | Other welfare-related benefits | Sickness schemes                            | “Sickness benefits no longer provided in the first three days of sickness”.   |
| 62. | 2007 D | Other welfare-related benefits | Sickness schemes                            | “Stricter penalties for sick leave abuse”.                                    |
| 63. | 2007 D | Unemployment benefits          | Net replacement rate                        | “Lowering welfare support for inactive long-term unemployed people...”        |
| 64. | 2007 D | Working Time                   | Working hours management                    | “...employees younger than 18 years are allowed to work 40 hours per week...” |
| 65. | 2008   | Labour Taxation                | Employees' social security contributions    | “Government decreased social insurance contributions paid by employees...”    |
| 66. | 2008   | Labour Taxation                | Employers' social security contributions    | “Changes in rates of social security contributions for employers”.            |
| 67. | 2008   | Labour Taxation                | Income tax                                  | “New deductions for the spouse...”  |
| 68. | 2008   | Labour Taxation                | Self-employed social security contributions | “New rates of social security contributions for self-employed...”             |
| 69. | 2008 D | Unemployment benefits          | Coverage and eligibility conditions         | “Tightening of eligibility conditions for unemployment benefits”.             |
| 70. | 2008 D | Unemployment benefits          | Duration of unemployment benefits           | “Shortening of unemployment benefits duration”.                               |
| 71. | 2008 D | Unemployment benefits          | Net replacement rate                        | “Steeper replacement rates for unemployment benefits”.                        |
| 72. | 2008 D | Unemployment benefits          | Net replacement rate                        | “Reduced benefits unless  |

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|-----|--------|--------------------------------|--|---|
|     |        |                                |  | participation in public works”.   |
| 73. | 2008 D | Wage Setting EPL               | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Abolishing possibility for employers to sign collective agreement with biggest trade union in case of disagreement”. |
| 74. | 2008 D | Wage Setting EPL               | Wage setting - Other   | “Reducing trade unions' right to carry out inspections in companies”.   |
| 75. | 2009 I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.)  | “New Institute of Public Service to stimulate work activity of benefit recipients”.                                   |
| 76. | 2009   | Labour Taxation                | Employees' social security contributions   | “Increase in SSC ceilings”.   |
| 77. | 2009 I | Other welfare-related benefits | Short time working scheme  | “Wage supplement for employees with shortened working hours”.   |
| 78. | 2010 I | Active labour market policies  | Employment subsidies   | “Initial investment scheme for unemployed becoming self-employed”.  |
| 79. | 2010 I | Job Protection (EPL)           | Procedural requirements  | “Written form for Employment Agreements”.   |
| 80. | 2010 I | Job Protection (EPL)           | Temporary agency work  | “Stricter conditions for employment agencies”.  |
| 81. | 2010 D | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit)  | “Termination of partial concurrence of unemployment benefits and job earnings”.                                       |

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| 82. | 2010 D | Other welfare-related benefits | Social assistance (housing, means-tested benefits) | “Cancellation or reduction of some social support allowance”.        |
| 83. | 2010 D | Unemployment benefits          | Coverage and eligibility conditions                | “Non granting unemployment benefits to workers with severance pay”.  |
| 84. | 2010 D | Unemployment benefits          | Net replacement rate                               | “Terminating the partial unemployment policy”.                       |
| 85. | 2010 D | Unemployment benefits          | Net replacement rate                               | “Decreasing UB level for those who have left their job voluntarily”. |
| 86. | 2011 D | Job Protection (EPL)           | Definition of fair dismissal                       | “New reason for fair termination of the employment relationship”.    |
| 87. | 2011 D | Job Protection (EPL)           | Maximum duration of fixed-term contracts           | “Maximum duration of fixed-term contracts extended”.                 |
| 88. | 2011 D | Job Protection (EPL)           | Notice and severance payments                      | “Severance payments reduced”.  |
| 89. | 2011 I | Job Protection (EPL)           | Permanent contracts - Other                        | “Change in the definition of dependent work”.                        |
| 90. | 2011 D | Job Protection (EPL)           | Procedural requirements                            | “Trial period for managerial positions increased”.                   |
| 91. | 2011 D | Job Protection (EPL)           | Temporary agency work                              | “Agency work by direct agreement between employers”.                 |
| 92. | 2011   | Labour Taxation                | Employees' social security contributions           | Tax reform   |
| 93. | 2011   | Labour Taxation                | Employers' social security contributions           | Tax reform   |
| 94. | 2011   | Labour Taxation                | Income tax   | Tax reform   |
| 95. | 2011   | Labour Taxation                | Self-employed social security contributions        | Tax reform   |



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| 96.  | 2011 D | Wage Setting EPL               | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Presence of trade unions at workplace linked to their representativeness in the firm”.         |
| 97.  | 2012 I | Active labour market policies  | Special schemes for youth  | “Internships in Firms project”.   |
| 98.  | 2012 D | Early Withdrawal               | Disability schemes   | “Ten benefits for the disabled merged into two new benefits”.                                   |
| 99.  | 2012 I | Early Withdrawal               | Early retirement   | “Pre-pensions for those who lose their jobs much before reaching the statutory retirement age”. |
| 100. | 2012   | Labour Taxation                | Income tax   | “Introduction of solidarity tax: surcharge on high incomes”.                                    |
| 101. | 2012 I | Other welfare-related benefits | Short time working scheme  | “Supporting retraining of workers under STW”.   |
| 102. | 2012   | Other welfare-related benefits | Social assistance (housing, means-tested benefits)   | “Minimum living and subsistence benefit harmonised”.  |
| 103. | 2012 D | Unemployment benefits          | Coverage and eligibility conditions  | “Tightening contribution and eligibility requirements”.   |
| 104. | 2012   | Unemployment benefits          | Search and job availability requirements   | “Public Service Jobs: The Constitutional Court has shut down the program”.                      |
| 105. | 2012 D | Unemployment benefits          | Search and job availability requirements   | “Tightening availability requirements”.   |

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|------|--------|--------------------------------|--|---|
| 106. | 2012 I | Wage Setting                   | Statutory Minima                                     | “Eliminating sub statutory minimum wage”.                                 |
| 107. | 2013 I | Active labour market policies  | Special schemes for youth                            | “Increasing the appeal of Apprenticeship Programs”.                       |
| 108. | 2013 D | Job Protection (EPL)           | Definition of valid reasons for fixed-term contracts | “New rules for fixed-term employment relationships”.                      |
| 109. | 2013 I | Wage Setting                   | Statutory Minima                                     | “Monthly minimum wage increase...”  |
| 110. | 2013 D | Working Time                   | Family-related working-time organisation             | “Increase availability of affordable childcare provisions”.               |
| 111. | 2013 D | Working Time                   | Working hours management                             | “New rules for continuous rest between two shifts”.                       |
| 112. | 2014 I | Active labour market policies  | Special schemes for the disabled                     | “Reintroduction of the category of health-challenged workers”.            |
| 113. | 2014   | Labour Taxation                | Income tax   | “Increase in the tax credit for the second and subsequent children”.      |
| 114. | 2014   | Labour Taxation                | Income tax   | “Reinstatement of the basic tax allowance for working pensioners”.        |
| 115. | 2014   | Labour Taxation                | Income tax   | “Tax credit for childcare costs...”                                       |
| 116. | 2014 I | Other welfare-related benefits | Family-related benefits                              | “Extension of the birth grant to second children in low income families”. |
| 117. | 2014 I | Other welfare-related benefits | Family-related benefits                              | “New type of childcare services on a non-profit basis...”                 |

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| 118. | 2015 I | Active labour market policies  | Employment subsidies                     | “Employment subsidy for so-called public works increased from 12 to 24 months”.                            |
| 119. | 2015 I | Other welfare-related benefits | Short time working scheme                | “Introduction of a 'partial unemployment contribution'...”   |
| 120. | 2015 D | Unemployment benefits          | Coverage and eligibility conditions      | “Minor restriction of eligibility conditions for unemployment benefits of those with additional income...” |
| 121. | 2015 D | Working Time                   | Family-related working-time organisation | “Allows all children to attend pre-school preparatory classes...”  |
| 122. | 2015 D | Working Time                   | Family-related working-time organisation | “Loosening regulations on small childcare facilities...”   |
| 123. | 2016 I | Active labour market policies  | Training                                 | “Financial support for professional education of employees...”   |
| 124. | 2016   | Immigration/Mobility           | Internal mobility                        | “Contribution to the commuting to work...”   |
| 125. | 2016   | Immigration/Mobility           | Mobility - Other                         | “Facilitate access to the Czech Republic for seasonal workers and intra-corporate transferees”.            |
| 126. | 2016 I | Job Protection (EPL)           | Collective dismissals                    | “Obligation to prepare a social plan in case of collective redundancy for some employers”.                 |
| 127. | 2016 I | Job Protection (EPL)           | Temporary agency work                    | “Stricter regulation of  |

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|      |        |                                |  | temporary agency work...”  |
| 128. | 2016 I | Job Protection (EPL)           | Temporary agency work                              | “Increasing protection of temporary agency workers”.   |
| 129. | 2016 D | Job Protection (EPL)           | Temporary contracts - Other                        | “More flexibility for juvenile employment”.  |
| 130. | 2016   | Labour Taxation                | Income tax   | “Increase of the tax relief for nursery school fees to CZK 11,000”.  |
| 131. | 2016   | Labour Taxation                | Income tax   | “Reduced taxation on life and pension insurance contributions”.  |
| 132. | 2016 I | Other welfare-related benefits | Family-related benefits                            | “Increase of the care allowance by 10%”.   |
| 133. | 2016 D | Other welfare-related benefits | Social assistance (housing, means-tested benefits) | “Reduction of the Supplement for housing”.   |
| 134. | 2016   | Other welfare-related benefits | Social assistance (housing, means-tested benefits) | “Introduction of a workfare system...”   |
| 135. | 2016 I | Wage Setting                   | Public wages                                       | “Wage increase for public sector employees and state service employees”.   |
| 136. | 2016 D | Wage Setting                   | Wage setting - Other                               | “Possibility to increase the deductions in case of debt from an employee’s wage or public sector pay”.   |
| 137. | 2016 I | Working Time                   | Family-related working-time organisation           | “Introduction of an obligatory year of pre-school education and a right to a place in kindergarten for children from age two onwards (gradually implemented)”. |

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| 138. | 2016 I | Working Time                   | Working Time - Other             | “Change in the rules to calculate holiday entitlements”.  |
| 139. | 2016 D | Working Time                   | Working hours management         | “Introduction of a new group of employees: top managerial employees”.                                     |
| 140. | 2017 I | Active labour market policies  | Special schemes for the disabled | “Improving the regulatory framework of the protected labour market”.                                      |
| 141. | 2017   | Active labour market policies  | Special schemes for the disabled | “Changes to the regulation of employment services to persons with disabilities”.                          |
| 142. | 2017 I | Job Protection (EPL)           | Temporary agency work            | “Stricter regulatory framework of temp agency work employment by employment agencies”.                    |
| 143. | 2017   | Job Protection (EPL)           | Temporary agency work            | “Foreign workers are permitted to be posted through temporary work agencies only in certain professions”. |
| 144. | 2017   | Labour Taxation                | Income tax                       | “Threshold for solidarity tax increased”.   |
| 145. | 2017   | Labour Taxation                | Income tax                       | “Increase of tax relief for the second and subsequent children”.  |
| 146. | 2017   | Labour Taxation                | Income tax                       | “Increased tax credit for the first child”.   |
| 147. | 2017 I | Other welfare-related benefits | Sickness schemes                 | “Increased sick leave pay”.   |
| 148. | 2017 I | Other welfare-related benefits | Sickness schemes                 | “Introducing a long-term care benefit”.   |

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|------|--------|--------------|--|--|
| 149. | 2017 I | Wage Setting | Public wages                             | “Increase of public salaries, with special scheme for health care workers”.                        |
| 150. | 2017 I | Wage Setting | Public wages                             | “Amendments to the public salary system to increase wages in culture, education, social services”. |
| 151. | 2017 I | Working Time | Family-related working-time organisation | “Introduction of long-term care allowance”.  |
| 152. | 2017 D | Working Time | Family-related working-time organisation | “More flexibility in drawing the parental leave allowance”.  |
| 153. | 2017 I | Working Time | Family-related working-time organisation | “Renewal of the teleworking framework”.  |
| 154. | 2017 I | Working Time | Family-related working-time organisation | “Introduction of paternity leave”.   |
| 155. | 2017 I | Working Time | Working hours management                 | “New method for calculating the entitlement to annual leave”.                                      |

**Source:** (LABREF Database, n.d.)

## Appendix 4B. LABREF Labour Market Reforms in Slovakia

**Legend:** I = Increasing Labour Standards. D = Decreasing Labor Standards

| 1.  | Year   | Policy Domain                 | Policy Field                             | Title   |
|-----|--------|-------------------------------|--|---|
| 2.  | 2000   | Early Withdrawal              | Disability schemes                       | “Definition of the persons eligible for the programme of social benefits...”      |
| 3.  | 2000 D | Labour Taxation               | Income tax                               | “Cutting to 12% the lowest personal income tax (from 15%) ...”                    |
| 4.  | 2000 D | Unemployment benefits         | Net replacement rate                     | “Cutting the replacement rate for the first 3 months of unemployment from 60%...” |
| 5.  | 2001 I | Active labour market policies | Training                                 | “Regulation of the practical training of persons up to 2 years...”                |
| 6.  | 2001 I | Notice period                 |  | “Increase notice period from 2 to 3 months...”                                    |
| 7.  | 2001 I | Immigration/Mobility          | Selective immigration policies           | “Provisions for the terms of entry and stay of aliens into Slovakia...”           |
| 8.  | 2001 I | Labour Taxation               | Employers' social security contributions | “The obligatory contribution to the social fund will be at least 1%...”           |
| 9.  | 2001   | Working Time                  | Working hours management                 | “Maximum working hours are set to 40 hours per week...”                           |
| 10. | 2002 D | Labour Taxation               | Income tax                               | “Cutting to 10% the lowest personal income tax, with large increases in tax...”   |
| 11. | 2002 I | Working Time                  | Working hours management                 | “Reduction of the hours of work per week from 42,5 to 40 hours”.                  |

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| 12. | 2003   | Early Withdrawal            | Disability schemes   | “New definition of disability status as a decreased working capacity...”   |
| 13. | 2003 D | Early Withdrawal            | Early retirement   | “Early retirement pensions are allowed but full pension benefits are reduced...”   |
| 14. | 2003 D | Job Protection (EPL)        | Collective dismissals  | “Relaxing the valid reasons to terminate a working contract and the...”  |
| 15. | 2003 D | Job Protection (EPL)        | Definition of valid reasons for fixed-term contracts   | “Increasing the valid cases for fixed-term contracts...”   |
| 16. | 2003 D | Job Protection (EPL)        | Maximum duration of fixed-term contracts   | “Increasing the maximum overall duration of fixed term contracts...”   |
| 17. | 2003 D | Job Protection (EPL)        | Maximum number of renewals of fixed-term contracts   | “Increasing the number of possible renewals of fixed term contracts...”  |
| 18. | 2003 D | Labour Taxation             | Income tax   | “Employers, self-employed and employees will pay a flat of 19% tax on profits...”  |
| 19. | 2003 D | Wage Setting Changed to EPL | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Making the ministerial extension of sectoral wage settlement agreements to firms that did not participate in the bargaining process conditional upon written consent of non-participating firms”. |
| 20. | 2003 D | Working Time                | Working hours management   | “Yearly overtime limit raised from 150 to 400 hours”.  |



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|-----|-----------|--------------------------------|---|--|
| 21. | 2004<br>I | Active labour market policies  | Employment subsidies  | Employment subsidies.  |
| 22. | 2004<br>I | Active labour market policies  | Employment subsidies  | “Introduction of subsidies to employers”.  |
| 23. | 2004<br>I | Early Withdrawal               | Disability schemes  | “Invalidity benefit may be claimed”.   |
| 24. | 2004<br>I | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit)   | “Unemployed people become entitled to an 'activation allowance'...”                                      |
| 25. | 2004<br>I | Unemployment benefits          | Coverage and eligibility conditions                               | “Simplification of the situation of claimants of early retirement”.                                      |
| 26. | 2004<br>D | Unemployment benefits          | Net replacement rate  | “Reduction of the level of unemployment benefits and other social benefits...”                           |
| 27. | 2004<br>D | Unemployment benefits          | Search and job availability requirements                          | “Stricter conditions for getting unemployment benefits”.   |
| 28. | 2004<br>D | Working Time                   | Family-related working-time organisation                          | “Regulating the provision of contributions to childcare services for working parents”.                   |
| 29. | 2005<br>I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.) | “Tightening of the system for proving active job search by registered unemployed people...”              |
| 30. | 2005<br>D | Labour Taxation                | Labour Taxation - Other   | “Creating better conditions for performance of control and prevention in the sphere of undeclared work”. |
| 31. | 2005<br>I | Unemployment benefits          | Unemployment benefits - Other                                     | “Introduction of a State intervention to pay health insurance”.  |
| 32. | 2006<br>I | Early Withdrawal               | Disability schemes  | “Recipients of the disability pension may now apply for a reassessment of their disability”.             |
| 33. | 2006<br>D | Early Withdrawal               | Early retirement  | “Abolishing the possibility to retroactively apply for early old-age pension...”                         |
| 34. | 2006<br>I | Unemployment benefits          | Coverage and eligibility conditions                               | “workers with fixed-term contract receive UB for 4 months”.  |
| 35. | 2007<br>I | Active labour                  | Public Employment Services (job assistance, job-counselling etc.) | “Reinforcing the focus on disadvantaged job seekers...”  |

|     |        |                                |  |   |
|-----|--------|--------------------------------|--|---|
|     |        | market policies                |  |   |
| 36. | 2007 D | Immigration/Mobility           | Immigration control  | “Removing the inconvenient regulation of employment of Ukrainian workers...”  |
| 37. | 2007 I | Job Protection (EPL)           | Collective dismissals  | “If an employee is entitled to a redundancy payment, he or she is also entitled to receive a wage during the redundancy notice period...”   |
| 38. | 2007 I | Job Protection (EPL)           | Definition of fair dismissal   | “When the working time of part-time workers is shorter than 15 hours a week, rather than the 20 hours specified up to now, the employment contract can be terminated for any reason or even without cause...” |
| 39. | 2007 I | Job Protection (EPL)           | Definition of valid reasons for fixed-term contracts   | “Making again possible to sign an ‘Agreement on working activity’ with the employer for occasional jobs of up to a maximum of 10 hours a week...”   |
| 40. | 2007 I | Job Protection (EPL)           | Maximum number of renewals of fixed-term contracts   | “Limiting the renewal of fixed-term employment contracts...”  |
| 41. | 2007 I | Job Protection (EPL)           | Permanent contracts - Other  | “Defining more precisely the term of dependent employment...”   |
| 42. | 2007 I | Other welfare-related benefits | Family-related benefits  | “...increase of social allowances for single-parents...”  |
| 43. | 2007 D | Wage Setting Changed to EPL    | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “...allowing companies to conclude collective agreements with one or more trade union bodies, as long as they represent the majority of employees...”   |
| 44. | 2007 I | Wage Setting                   | Statutory Minima   | “New indexation mechanism, giving social partners room to negotiate the...”   |
| 45. | 2007 I | Working Time                   | Family-related working-time organisation   | “Allowing employees to perform telework at places agreed with the employer...”  |
| 46. | 2008 D | Labour Taxation                | Employees' social security contributions   | “State pays pension and disability insurance during maternity leave...”   |

|     |           |                                |   |   |
|-----|-----------|--------------------------------|---|---|
| 47. | 2008<br>D | Labour<br>Taxation             | Income tax  | “Making performance-related pay exempt from income tax...”                                  |
| 48. | 2008<br>D | Labour<br>Taxation             | Income tax  | “Deductions for dependent children...”  |
| 49. | 2008<br>D | Labour<br>Taxation             | Self-employed's social security contributions                   | “State pays pension and disability insurance during maternity leave...”                     |
| 50. | 2008<br>I | Other welfare-related benefits | Family-related benefits   | “Reform of parental leave allowances and childcare benefits...”                             |
| 51. | 2009<br>I | Active labour market policies  | Direct job creation schemes                                     | “Easing the legislative requirements for creation and functioning of social enterprises...” |
| 52. | 2009<br>I | Active labour market policies  | Employment subsidies  | Subsidies for new jobs  |
| 53. | 2009<br>D | Immigration/Mobility           | Internal mobility   | “Increasing the work commuting allowance...”  |
| 54. | 2009<br>D | Labour<br>Taxation             | Income tax  | “Increasing the non-taxable part of the tax base in personal income tax...”                 |
| 55. | 2009<br>D | Labour<br>Taxation             | Income tax  | “Employee tax credit for low-income workers...”   |
| 56. | 2009<br>D | Labour<br>Taxation             | Self-employed's social security contributions                   | “Decrease in the rate of contribution to the Social Insurance Agency for self-employed...”  |
| 57. | 2009<br>D | Labour<br>Taxation             | Self-employed's social security contributions                   | “Supporting jobseekers becoming self-employed...”   |
| 58. | 2009<br>D | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit) | “Back-to-work allowance”.   |
| 59. | 2009<br>I | Other welfare-related benefits | Short time working scheme                                       | “Subsidies to employers for retention of workers under short-term arrangements...”          |
| 60. | 2009<br>I | Other welfare-related benefits | Short time working scheme                                       | “Introduction of possibility to use flexible work-time accounts in firms...”                |
| 61. | 2010<br>I | Active labour market policies  | Direct job creation schemes                                     | “New subsidies for natural disaster-related jobs for unemployed...”                         |

|     |           |                                |  |   |
|-----|-----------|--------------------------------|--|---|
| 62. | 2010<br>I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.)  | “Temporarily relaxed access of young unemployed to PES”.                    |
| 63. | 2010<br>D | Early Withdrawal               | Early retirement   | Restrictions on early retirement  |
| 64. | 2010<br>D | Labour Taxation                | Income tax   | “Simplification of deductible expenses for the self-employed...”            |
| 65. | 2010<br>I | Labour Taxation                | Income tax   | “Abolition of tax exemption for health care professionals...”               |
| 66. | 2010<br>I | Other welfare-related benefits | Family-related benefits  | Increase of parental benefits   |
| 67. | 2010<br>D | Wage Setting                   | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Return to previous legislation on extension of coverage”.                  |
| 68. | 2010<br>I | Working Time                   | Family-related working-time organisation   | “Extension and increased generosity of maternity leave...”                  |
| 69. | 2011<br>I | Active labour market policies  | Active labour market policies - Other  | “Job creation support in form of investment subsidies”.                     |
| 70. | 2011<br>I | Active labour market policies  | Direct job creation schemes  | “Provision of activation works”.  |
| 71. | 2011<br>I | Early Withdrawal               | Disability schemes   | “Care allowance”.   |
| 72. | 2011<br>D | Immigration/Mobility           | Selective immigration policies   | “Transposition of EC blue card directives...”                               |
| 73. | 2011<br>D | Job Protection (EPL)           | Collective dismissals  | “Definition of collective dismissal”.                                       |
| 74. | 2011<br>D | Job Protection (EPL)           | Maximum duration of fixed-term contracts   | “Maximum duration of fixed-term contracts increased to 3 years”.            |
| 75. | 2011<br>D | Job Protection (EPL)           | Maximum number of renewals of fixed-term contracts   | “Maximum number of renewals of fixed-term contracts increased to 3 from 2”. |
| 76. | 2011<br>D | Job Protection (EPL)           | Notice and severance payments  | “Reduction of dismissal costs”.   |

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|-----|-----------|--------------------------------|--|---|
| 77. | 2011<br>D | Job Protection (EPL)           | Notice and severance payments  | “Compensation following unfair dismissal”.  |
| 78. | 2011<br>D | Job Protection (EPL)           | Procedural requirements  | “Longer probation period for executive employees”.  |
| 79. | 2011<br>I | Other welfare-related benefits | Family-related benefits  | “The replacement rate on maternity was increased from 60% to 65% of the assessment base”.                               |
| 80. | 2011<br>I | Wage Setting                   | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Setting trade union's representativeness criteria in the workplace...”   |
| 81. | 2011<br>D | Working Time                   | Part-time work   | “Job sharing”   |
| 82. | 2011<br>I | Working Time                   | Working hours management   | “Change in paid holiday for employees aged 33 or over”.   |
| 83. | 2011<br>D | Working Time                   | Working hours management   | “Creation of working time accounts...”  |
| 84. | 2011<br>D | Working Time                   | Working hours management   | “Increase in overtime limit”.   |
| 85. |           |                                |  |   |
| 86. | 2012<br>I | Active labour market policies  | Direct job creation schemes  | “Creation of jobs in regional self-governments and their organisations...”  |
| 87. | 2012<br>I | Active labour market policies  | Employment subsidies   | “Employers offered a subsidy if they create a full-time job for under 29 years old and over 50 years old unemployed...” |
| 88. | 2012<br>I | Active labour market policies  | Special schemes for youth  | “Measures to tackle youth unemployment and intensify support to small and medium-sized enterprises...”                  |
| 89. | 2012<br>I | Active labour market policies  | Training   | “Facilitated the access of adults to new qualifications...”   |
| 90. | 2012<br>D | Early Withdrawal               | Early retirement   | “Reassessment of early old age pension after reaching pensionable age...”   |
| 91. | 2012<br>I | Job Protection (EPL)           | Maximum number of renewals of fixed-term contracts   | “Restriction of maximum duration and number of successive fixed-term contracts...”                                      |

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|------|-----------|--|--|---|
| 92.  | 2012<br>I | Job<br>Protection<br>(EPL)               | Notice and severance<br>payments                         | “Reintroduction of the concurrent<br>claims for a salaried notice period<br>and severance pay...”       |
| 93.  | 2012<br>I | Job<br>Protection<br>(EPL)               | Procedural requirements                                  | “Probationary periods may no<br>longer be extended in collective<br>agreement...”                       |
| 94.  | 2012<br>I | Job<br>Protection<br>(EPL)               | Temporary contracts -<br>Other                           | “Higher protection of contractual<br>work”.   |
| 95.  | 2012<br>I | Job<br>Protection<br>(EPL)               | Temporary contracts -<br>Other                           | “Change of definition of dependent<br>work...”  |
| 96.  | 2012<br>I | Labour<br>Taxation                       | Employers' social security<br>contributions              | “Work performed outside an<br>employment relationship<br>(contractual work) liable to full<br>SSC...”   |
| 97.  | 2012<br>D | Labour<br>Taxation                       | Employers' social security<br>contributions              | “Student work exemption...”   |
| 98.  | 2012<br>I | Labour<br>Taxation                       | Employers' social security<br>contributions              | “Maximum assessment bases for<br>social insurance unified and<br>increased...”                          |
| 99.  | 2012<br>D | Labour<br>Taxation                       | Income tax   | “Limiting the existing lump sum<br>deductions for self-employed<br>limited...”                          |
| 100. | 2012<br>I | Labour<br>Taxation                       | Income tax   | “The 19 % flat income tax on<br>personal income modified to a<br>progressive tax...”                    |
| 101. | 2012<br>I | Labour<br>Taxation                       | Self-employed social<br>security contributions           | “A change in the construction of<br>the assessment base for social<br>contributions...”                 |
| 102. | 2012<br>I | Labour<br>Taxation                       | Self-employed social<br>security contributions           | “Increasing the minimum<br>assessment base for self-<br>employed's SSC...”                              |
| 103. | 2012<br>D | Other<br>welfare-<br>related<br>benefits | Social assistance<br>(housing, means-tested<br>benefits) | “Income disregard of 25 % from<br>earnings from contractual work<br>included in the means test”.        |
| 104. | 2012<br>D | Other<br>welfare-<br>related<br>benefits | Social assistance<br>(housing, means-tested<br>benefits) | “Minimum and maximum amount<br>of hours worked to claim an<br>activation benefit...”                    |
| 105. | 2012<br>D | Other<br>welfare-<br>related<br>benefits | Social assistance<br>(housing, means-tested<br>benefits) | “Underage dependents not entitled<br>to activation allowance...”  |
| 106. | 2012<br>I | Unemploy<br>ment<br>benefits             | Net replacement rate                                     | “The maximum base for<br>unemployment benefit will be<br>adjusted to twofold of the average<br>wage...” |

|      |           |  |  |   |
|------|-----------|--|--|---|
| 107. | 2012<br>I | Wage<br>Setting                          | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Employees Representatives regain more negotiation and decision-making powers (e.g. in firing decisions or use of flexi-accounts), receive higher protection (provision of paid time-off for performing their activities). Trade Unions must no longer prove that they represent at least 30 % of employees”. |
| 108. | 2012<br>I | Working<br>Time                          | Working hours management   | “Extended hours-bracket for night work”.  |
| 109. | 2012<br>D | Working<br>Time                          | Working hours management   | “Extension of balance period - account of working time”.  |
| 110. | 2013<br>I | Active<br>labour<br>market<br>policies   | Employment subsidies   | “Contribution supporting the retention of jobs”.  |
| 111. | 2013<br>D | Active<br>labour<br>market<br>policies   | Public Employment Services (job assistance, job-counselling etc.)  | Reform of PES   |
| 112. | 2013<br>D | Immigratio<br>n/Mobility                 | Measure to facilitate labour market integration of immigrants  | “Long-term residence permit for refugees and asylum seekers, beneficiaries of subsidiary protection as disadvantaged job-seekers”.  |
| 113. | 2013<br>D | Immigratio<br>n/Mobility                 | Selective immigration policies   | “Selective immigration policies”.   |
| 114. | 2013<br>I | Job<br>Protection<br>(EPL)               | Temporary agency work  | “Limitation on temporary Agency work”.  |
| 115. | 2013<br>D | Labour<br>Taxation                       | Employers' social security contributions   | “Reduction of tax wedge for long term unemployed...”  |
| 116. | 2013<br>I | Other<br>welfare-<br>related<br>benefits | In-work benefits (employment conditional benefit or tax credit)  | “Activation allowance for working person...”  |
| 117. | 2013<br>I | Other<br>welfare-<br>related<br>benefits | Social assistance (housing, means-tested benefits)   | “Introducing stricter qualifying conditions and requiring any employable beneficiary to take part in minor mainly community works...”   |
| 118. | 2013<br>I | Other<br>welfare-<br>related<br>benefits | Social assistance (housing, means-tested benefits)   | “Participation in activation activities in the form of small community services”.   |

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|------|-----------|--------------------------------|--|---|
| 119. | 2013<br>I | Unemployment benefits          | Coverage and eligibility conditions  | “Tolerance limit for eligibility check”.  |
| 120. | 2013<br>I | Wage Setting                   | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “...the employer's consent is no longer a condition for extension of the binding force of sectorial collective agreements...”   |
| 121. | 2013      | Wage Setting                   | Social pacts, bipartite or tripartite framework agreements on wage setting   | “New framework for cross-industry bipartite social dialogue...”   |
| 122. | 2014<br>I | Active labour market policies  | Employment subsidies   | “Subsidies for employers of people under 29 years old”.   |
| 123. | 2014<br>I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.)  | “Flexibility improvement of PES”.   |
| 124. | 2014<br>I | Active labour market policies  | Training   | “Introduction of a new training program RE-PAS”.  |
| 125. | 2014<br>I | Job Protection (EPL)           | Temporary agency work  | “Maximum temporary assignments of 24 months for temporary agencies...”  |
| 126. | 2014<br>I | Job Protection (EPL)           | Temporary contracts - Other  | “Maximum one-year duration for work agreements outside an employment relationship”.   |
| 127. | 2014<br>D | Labour Taxation                | Employers' social security contributions   | “Reduction of health insurance contributions for low-wage earners”.   |
| 128. | 2014<br>D | Labour Taxation                | Employers' social security contributions   | “Raise of the student limit on income exempt from SSC”  |
| 129. | 2014<br>I | Other welfare-related benefits | In-work benefits (employment conditional benefit or tax credit)  | “Set-up of temporary in-work benefits”.   |
| 130. | 2014<br>I | Wage Setting                   | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Extension of the binding character of higher collective agreements, that apply automatically to any company employing more than 20 people, regardless of whether the company has consented to the agreement or not”. |



|      |           |                                |   |   |
|------|-----------|--------------------------------|---|---|
| 131. | 2014<br>D | Working Time                   | Working hours management  | “Implementation of EU regulation on working time in transport”.   |
| 132. | 2015<br>I | Active labour market policies  | Employment subsidies  | “Employment subsidies for employment of disadvantaged jobseekers in the public sector...”   |
| 133. | 2015<br>I | Active labour market policies  | Employment subsidies  | “Wage subsidies offered to companies who employ women with children up to the age of 10 years...”   |
| 134. | 2015<br>I | Active labour market policies  | Public Employment Services (job assistance, job-counselling etc.) | “The introduction of mentorship to reduce long-term unemployment (LTU)”.  |
| 135. | 2015<br>I | Active labour market policies  | Special schemes for youth   | “Broadening of the definition of employers who may take up young job seekers to carry out graduate practice or who may apply for the contribution to support job creation in the first regular paid job...” |
| 136. | 2015<br>I | Active labour market policies  | Training  | “Access to non-accredited training programs has improved...”  |
| 137. | 2015<br>D | Immigration/Mobility           | Internal mobility   | “Modification of mobility allowance”.   |
| 138. | 2015<br>I | Job Protection (EPL)           | Temporary agency work   | “Changes in temporary agency employment including maximum duration of assignment and number of renewals...”   |
| 139. | 2015<br>D | Labour Taxation                | Employers' social security contributions                          | “Employers exempted from social and health contributions when they hire long-term unemployed with a permanent residence in one of the least developed districts...”   |
| 140. | 2015<br>D | Labour Taxation                | Income tax  | “Introduction of a tax exemption on so-called social help...”   |
| 141. | 2015<br>I | Other welfare-related benefits | Family-related benefits   | “Increase in the replacement rate of the maternal benefit...”   |
| 142. | 2015<br>I | Other welfare-related benefits | Family-related benefits   | “Increase in childcare allowance”.  |
| 143. | 2015<br>D | Unemployment benefits          | Search and job availability requirements                          | “Reasons for deregistration of a job seeker defined more broadly...”  |

|      |           |  |  |   |
|------|-----------|--|--|---|
| 144. | 2015<br>D | Working<br>Time                          | Family-related working-<br>time organisation   | “Subsidies for childcare in the<br>employer's premises or specialised<br>childcare facilities...”                               |
| 145. | 2016<br>I | Active<br>labour<br>market<br>policies   | Active labour market<br>policies - Other   | “Financial support for temporary<br>employment agencies placing<br>long-term unemployed...”                                     |
| 146. | 2016<br>I | Active<br>labour<br>market<br>policies   | Public Employment<br>Services (job assistance,<br>job-counselling etc.)  | “Development of the Long-term<br>Unemployed Action Plan”.   |
| 147. | 2016<br>D | Immigratio<br>n/Mobility                 | Internal mobility  | “Extending allowances supporting<br>labour mobility”.   |
| 148. | 2016<br>I | Other<br>welfare-<br>related<br>benefits | Family-related benefits  | “Changes related to family<br>allowances...”  |
| 149. | 2016<br>I | Other<br>welfare-<br>related<br>benefits | Family-related benefits  | “Increase in maternity leave<br>benefits...”  |
| 150. | 2016<br>I | Other<br>welfare-<br>related<br>benefits | Sickness schemes   | “Increase of sickness benefit...”   |
| 151. | 2016      | Wage<br>Setting                          | Regulation by the<br>Government of the wage<br>bargaining framework<br>(e.g. extension of<br>collective agreements,<br>representativeness of<br>social partners, etc.) | “Revoked possibility for Minister<br>of Labour to extend branch<br>collective agreement to all<br>companies within a sector...” |
| 152. | 2016<br>I | Working<br>Time                          | Family-related working-<br>time organisation   | “Changes related to incentives to<br>childcare provision...”  |
| 153. | 2017<br>I | Active<br>labour<br>market<br>policies   | Active labour market<br>policies - Other   | “Project: Placement of long-term<br>unemployed jobseekers into the<br>labour market using non-state<br>employment services”.    |
| 154. | 2017<br>I | Active<br>labour<br>market<br>policies   | Direct job creation<br>schemes   | Active labour market policies   |
| 155. | 2017<br>I | Active<br>labour<br>market<br>policies   | Employment subsidies   | “Project: Restart - Opportunity for<br>long-term unemployed to return<br>into the labour market...”                             |
| 156. | 2017<br>I | Active<br>labour                         | Special schemes for youth  | “New projects under the Youth<br>guarantee...”  |

|      |        |                                |  |   |
|------|--------|--------------------------------|--|---|
|      |        | market policies                |  |   |
| 157. | 2017 I | Other welfare-related benefits | Family-related benefits  | “Increase of family allowance”.   |
| 158. | 2017 I | Other welfare-related benefits | Family-related benefits  | “Provision of childcare for children under 3”.                                  |
| 159. | 2017 D | Unemployment benefits          | Coverage and eligibility conditions  | “Stricter income and behavioural requirements for working job-seekers”.         |
| 160. | 2017 D | Unemployment benefits          | Coverage and eligibility conditions  | “Modification of rights and obligations of jobseekers registered at PES”.       |
| 161. | 2017 I | Wage Setting                   | Regulation by the Government of the wage bargaining framework (e.g. extension of collective agreements, representativeness of social partners, etc.) | “Reinstating the principle of extension of higher collective agreements (HCA)”. |
| 162. | 2017 I | Working Time                   | Family-related working-time organisation   | “Expanded access to childcare to unemployed parents...”.                        |
| 163. | 2017 D | Working Time                   | Working hours management   | “Restriction of working hours on holidays”.                                     |

**Source:** (LABREF Database, n.d.)

## Appendix 5A. Czechia CIO Impact Correlation Table

| Cell# | IO and Year | Policy Suggestion   | Adopted?<br>Year/Party | Policy Description/Type of Evidence   |
|-------|-------------|---|------------------------|---|
| 1     | OECD 1998   | Reduce social welfare to preserve work incentive ( <a href="#">OECD, 1998, p.87</a> )   | Yes<br>2001/CSSD       | <u>Correlation*</u><br>“Freezing the nominal level of the basic cash-welfare benefit (known as the minimum living standard, MLS), so as to reduce its attractiveness in real terms” (LABREF Database, Appendix 4A, Cell 15)   |
| 2     | OECD 1998   | Tighten access to disability pension (preserving for those in genuine need) ( <a href="#">OECD, 1998, p.87</a> )  | Yes<br>2001/CSSD       | <u>Direct</u><br>“The government has responded by tightening provisions for full-time disability” ( <a href="#">OECD,2000, p.112</a> )  |
| 3     | OECD 1998   | Reduce notice period ( <a href="#">OECD, 1998, p.93</a> )   | No                     |   |
| 4     | OECD 1998   | relax law regarding collective dismissals ( <a href="#">OECD, 1998, p.93</a> )  | No                     |   |
| 5     | OECD 1998   | Design and implement ALMPs (incentivise firms to hire workers with disabilities and subsidies retraining costs) ( <a href="#">OECD, 1998, pp.109-11</a> ) | Yes<br>2000/CSSD       | <u>Correlation</u><br>“Subsidies for job creation and partial reimbursement of retraining costs” (LABREF Database, Appendix 4A Cell, 2)<br><br>“Introduction of the obligation for employers with at least 20 employees to employ at least 5% of its workforce among people with disabilities” (LABREF, Database, Appendix 4A cell 3) |
| 6     | OECD 2000   | Reduce hiring and firing costs ( <a href="#">OECD, 2000, p.105</a> )  | No                     |   |
| 7     | OECD 2000   | Do not allow for extensions of collective bargaining agreements to the wider sector ( <a href="#">OECD, 2000, p.108</a> )                                 | No                     |   |
| 8     | OECD 2000   | Moderate better the public sector wage bill   | Yes<br>2004/CSSD       | <u>Correlation</u>  |

|    |           |  |                      |   |
|----|-----------|--|----------------------|---|
|    |           | <a href="#">(OECD, 2000, p.109)</a>  |                      | Government lays off 9000 public sector workers with the purpose of moderating the wage bill (IMF, 2004, p.3 of Executive Directors Statements)  |
| 9  | OECD 2000 | Reduce unemployment benefit to incentivise work<br><a href="#">(OECD, 2000, p.110)</a>                               | Yes<br><br>2004/CSSD | <u>Correlation*</u><br><br>“Incentives to accept publicly useful jobs or low-wage jobs for those on social assistance” adopted (LABREF Database, Appendix 4A, cell 36)  |
| 10 | OECD 2000 | Reduce number of people on disability allowance<br><a href="#">(OECD, 2000, p.112)</a>                               | Yes<br><br>2004/CSSD | <u>Correlation*</u><br><br>Several Active Labour Market Policies (ALMPs) aimed at employing those disabilities (LABREF Database, Appendix 4A, Cell 40)  |
| 11 | OECD 2000 | Invest in ALMPs to boost employment (monitored job searches, training etc...)<br><a href="#">(OECD, 2000, p.114)</a> | Yes<br><br>2004/CSSD | <u>Correlation</u><br><br>“Introduction of private employment agencies; expansion of the activities of employment mediation, including retraining and individual plans for job seekers and inspection activities” ... (LABREF Database, Appendix 4A, Cell 27) |
| 12 | OECD 2000 | Reform pension system and increase retirement age<br><a href="#">(OECD, 2000, p.114)</a>                             | No                   |   |
| 13 | OECD 2000 | Reduce incentives for early retirement<br><a href="#">(OECD, 2000, p.127)</a>  | Yes<br><br>2001/CSSD | <u>Direct</u><br><br>The OECD noted in 2001 that the government had taken steps in the right direction regarding this issue ( <a href="#">OECD, 2001, p.158</a> ).  |
| 14 | IMF 2001  | Pension reform/increase retirement age) (IMF, 2001, p.23)  | Yes<br><br>2001/CSSD | <u>Correlation</u><br><br>IMF notes within the report that the government is proposing changes in line with the IMF’s suggestions (IMF, 2001, p.24)   |
| 15 | OECD 2001 | Make hiring and firing more flexible for employers<br><a href="#">(OECD, 2001, p.154)</a>                            | No                   |   |
| 16 | OECD 2001 | Make working time more flexible i.e. increase involuntary over time hours  | Yes<br><br>2007 ODS  | <u>Direct</u><br><br>“Introduction of the possibility of adjustment of unevenly (irregularly) scheduled working hour (working hours account; [working time accounts] ... A use of working hours account   |

|    |           |  |                  |  |
|----|-----------|--|------------------|--|
|    |           | ( <a href="#">OECD, 2001, p.154</a> )  |                  | and the length of a period hasn't required a prior consent of individual employees to whom such schedule of working hours will apply" (LABREF Database, Appendix 4A, Cell 64)<br><br>OECD notes that the current government is critical of 2006 labour code passed by CSSD and have made some welcome changes "greater flexibility...for weekend and shift work...more scope for employers to alter working hours without consulting employees...[some] overtime restrictions... removed" ( <a href="#">OECD, 2008, p.70</a> ) |
| 17 | OECD 2001 | Phase out wage guarantees ( <a href="#">OECD, 2001, p.155</a> )  | No               |  |
| 18 | OECD 2001 | Reduce early retirement benefits further ( <a href="#">OECD, 2001, p.158</a> )   | Yes<br>2003/CSSD | <u>Correlation</u><br>"Restriction in the possibility to early retire abolition of the temporarily reduced early retirement scheme..." (LABREF Database, Appendix 4A, Cell 18)   |
| 19 | OECD 2001 | Tighten eligibility criteria for disability pension ( <a href="#">OECD, 2001, p.159</a> )                              | No               |  |
| 20 | OECD 2001 | Reduce emphasis of job security in the public sector ( <a href="#">OECD, 2001, pp.164-5</a> )                          | No               |  |
| 21 | IMF 2002  | Increase pension age (IMF, 2002, see p.3 of the 'Public Information Notice')   | No               |  |
| 22 | IMF 2002  | Reduce social welfare and public spending (IMF, 2002, see pp.3-4 of the 'Public Information Notice')                   | No               |  |
| 23 | IMF 2002  | Make Severance pay more flexible (IMF, 2002, pp.23-4).   | No               |  |
| 24 | OECD 2003 | Reduce welfare benefit system to incentivise work – focus on "school leavers" ( <a href="#">OECD, 2003, pp.138-9</a> ) | Yes<br>2004/CSSD | <u>Correlation*</u><br>"Incentives to accept publicly useful jobs or low-wage jobs. In the case of refusal, social assistance benefits are not provided" (LABREF Database, Appendix 4A, Cell 36)   |

|    |           |   |                  |  |
|----|-----------|---|------------------|--|
|    |           |   |                  | “Introduction of...stricter conditions for provision of unemployment benefits. In particular, school-leavers...” (LABREF Database, Appendix 4A, Cell 37)   |
| 25 | OECD 2003 | Reduce further early retirement benefits ( <a href="#">OECD, 2003, p.141</a> )                                      | Yes<br>2003/CSSD | <u>Correlation</u><br>“Restriction in the possibility to early retire: abolition of the temporarily reduced early retirement scheme” (LABREF Database, Appendix 4A, Cell 18)   |
| 26 | OECD 2003 | Make more flexible hiring and firing ( <a href="#">OECD, 2003, p.145</a> )  | No               |  |
| 27 | OECD 2003 | Reduce Sickness benefit ( <a href="#">OECD, 2003, p.145</a> )   | Yes<br>2004/CSSD | <u>Correlation</u><br>Persons with a changed work capacity that are preparing for employment are excluded from sickness insurance” (LABREF Database, Appendix 4A, Cell 35)   |
| 28 | OECD 2003 | Reduce notice and severance ( <a href="#">OECD, 2003, p.145</a> )   | No               |  |
| 29 | OECD 2003 | Move away from extending collective bargaining agreements to the wider sector ( <a href="#">OECD, 2003, p.145</a> ) | Yes<br>2003/CSSD | <u>Correlation</u><br>The Constitutional Court declared void the Act on Collective Bargaining which included provision for the Minister of Labour to unilaterally decree administrative extensions of collective agreements” (LABREF Database, Appendix 4A, Cell 22) |
| 30 | OECD 2003 | Encourage part-time and temporary work practices ( <a href="#">OECD, 2003, p.145</a> )                              | No               |  |
| 31 | IMF 2003  | Lower public sector wage bill and employment (IMF, 2003, p.16)  | Yes<br>2004/CSSD | <u>Direct</u><br>Czech executive director assures IMF staff that public sector wage bill has been reduced through mass layoffs (IMF, 2004, Statement by Executive Directors, p.3)  |
| 32 | IMF 2003  | Cut social spending (IMF, 2003, p.16)   | Yes<br>2004/CSSD | <u>Correlation</u><br>Sickness, social assistance and unemployment benefits reduced (LABREF Database, Appendix 4A, Cell 35)  |
| 33 | IMF 2003  | Pensions (increase age and minimum contributory period) (IMF, 2003, p.16)   | Yes<br>2003/CSSD | <u>Correlation</u><br>“Restriction in the possibility to early retire abolition of the temporarily reduced early retirement scheme” (LABREF Database, Appendix 4A, Cell 18)  |
| 34 | IMF 2003  | Reduce level and incidence of   | Yes<br>2004/CSSD | <u>Correlation</u>   |

|    |           |   |                                  |   |
|----|-----------|---|----------------------------------|---|
|    |           | sickness benefit (IMF, 2003, p.16)  |                                  | “Persons with a changed work capacity that are preparing for employment are excluded from sickness insurance” (LABREF Database, Appendix 4A, Cell 35)   |
| 35 | IMF 2003  | Reduce non-wage labour costs (IMF, 2003, p.21)  | No                               |   |
| 36 | IMF 2003  | Provide retraining opportunities through ALMPs (IMF, 2003, p.21)                                      | Yes<br>2004/CSSD                 | <u>Correlation*</u><br>Provision of investment incentives to employers subsidising the creation of new jobs or retraining employees in districts where unemployment rate is at, or above, the national average” (LABREF Database, Appendix 4A, Cell 23)   |
| 37 | OECD 2004 | Reduce welfare benefits to ease unemployment ( <a href="#">OECD, 2004, p.36</a> )                     | Yes<br>2006/ODS                  | <u>Correlation</u><br>“Changes in the system of social benefits in order to make work pay...” (LABREF Database, Appendix 4A, Cell 51)   |
| 38 | OECD 2004 | Increase retirement age/decrease incentives for early retirement ( <a href="#">OECD, 2004, p.37</a> ) | Yes<br>2008 and 2011/ODS         | <u>Correlation*</u><br>OECD notes in its ‘follow-up Review’ “Steps are taken to make early retirement less attractive...” (see <a href="#">OECD, 2012a, p.2,8</a> )   |
| 39 | OECD 2004 | Reduce employment protection ( <a href="#">OECD, 2004, p.133</a> )                                    | Yes<br>2006-2011/CSSD & ODS      | <u>Correlation</u><br>OECD notes “The flexibility of labour relations was increased by a new Labour Code in 2007, and by new measures that will enter into force from 2012. Changes are aimed at reducing the administrative burden, mainly in favour of small and medium-sized enterprises. Changes include decreasing severance pay when the term of employment is less than two years, and increasing flexibility in working arrangements and working hours” ( <a href="#">OECD, 2012a, p.3</a> )<br><br>“Introducing flexible working-time accounts; regulating working hours and rest periods” (LABREF Database, Appendix 4A, Cell 53) |
| 40 | OECD 2004 | Reduce sickness benefit ( <a href="#">OECD, 2004, p.133</a> )   | Yes<br>2004 CSSD and ODS<br>2008 | <u>Direct</u><br>“Persons with a changed work capacity that are preparing for employment are excluded from sickness insurance” (LABREF Database, Appendix 4A, Cell 35)<br><br>The IMF notes “It is encouraging to note that the reform measures adopted thus far have already   |



|     |           |   |                    |   |
|-----|-----------|---|--------------------|---|
|     |           |   |                    | <p>brought some positive -though limited- results. Tightening of eligibility for sickness benefits contributed to a decline of these benefits in January-May 2004...” (IMF, 2004, Statement by Executive Director, p.3)</p> <p>With direct reference to its suggestion made in 2004, the OECD noted in 2012 that steps have been taken in line with its advice see ‘Reform Sickness Benefits’ at (<a href="#">OECD, 2012a, p.2</a>)</p> <p>Five legislative changes to sickness made in 2007 illustrated on LABREF Database (LABREF Database, Appendix 4A, Cells 58-63)</p> |
| 41  | OECD 2004 | Do not allow for extensions of collective bargaining ( <a href="#">OECD, 2004, p.135</a> )                                | No                 |   |
| 42  | OECD 2004 | Restrict further access to disability allowance ( <a href="#">OECD, 2004, p.134</a> )                                     | Yes<br>2011/ODS    | <p><u>Direct</u></p> <p>OECD notes in 2012 with reference to its suggestion made in 2004 that the appropriate steps have been taken (<a href="#">OECD, 2012, p.2</a>)</p>   |
| 43  | OECD 2004 | Introduce more ALPs e.g. hiring disabled, under 25s & over 50s + retraining schemes ( <a href="#">OECD, 2004, p.148</a> ) | Yes<br>2004-5/CSSD | <p><u>Correlation*</u></p> <p>“(IAPs) in 15 local employment for the unemployed over 25 years of age. Participation in the programme is voluntary” (LABREF Database, Appendix 4A, Cell 25)</p> <p>“Introduction of wage subsidies for disabled workers” (LABREF, Database, Appendix 4A, Cell 29)</p> <p>“Introduction of new support measures for employers employing over 50% of people with disabilities” (LABREF Database, Appendix 4A, Cell 50)</p>   |
| 44  | OECD 2004 | Make dismissals more flexible for employers ( <a href="#">OECD, 2004, p.152</a> )   | Yes<br>2011/ODS    | <p><u>Correlation</u></p> <p>“New reason for fair termination of the employment relationship” (LABREF Database, Appendix 4A, Cell 86)</p>   |
| 45  | IMF 2004  | Reduce public sector spending (IMF, 2004, Statement by Executive Directors, p.3)  | 2004<br>2004/CSSD  | <p><u>Direct</u></p> <p>Czech executive director assures IMF staff that public sector wage bill has been reduced through mass layoffs (IMF, 2004, Statement by Executive Directors, p.3)</p>  |
| 45a | IMF 2004  | Reduce Social Welfare (IMF, 2004, Statement   | Yes<br>2004/CSSD   | <p>“Incentives to accept publicly useful jobs or low-wage jobs. In the case of refusal, social</p>  |

|    |          |   |                                      |   |
|----|----------|---|--------------------------------------|---|
|    |          | by Executive Directors, p.3)                                      |                                      | assistance benefits are not provided” (LABREF Database, Appendix 4A, Cell 36)   |
| 46 | IMF 2004 | Reduce non-wage labour costs (IMF, 2004, p.20)                    | No                                   |   |
| 47 | IMF 2004 | Make labour regulation flexible (IMF, 2004, p.21)                 | Yes<br><br>2006/CSSD<br><br>2011/ODS | <u>Correlation</u><br><br>OECD Notes “The flexibility of labour relations was increased by a new Labour Code in 2007, and by new measures that will enter into force from 2012. Changes are aimed at reducing the administrative burden, mainly in favour of small and medium-sized enterprises. Changes include decreasing severance pay when the term of employment is less than two years, and increasing flexibility in working arrangements and working hours” ( <a href="#">OECD, 2012a, p.3</a> ). |
| 48 | IMF 2004 | Reform pension system (IMF, 2004, Public Information Notice, p.3) | Yes<br><br>2004/CSSD                 | <u>Correlation*</u><br><br>OECD commends progress on pensions ( <a href="#">OECD, 2004, p.134</a> )   |
| 49 | IMF 2006 | Reduce/reform social welfare (IMF, 2006, p.4)                     | No                                   |   |
| 50 | IMF 2006 | Reduce EPL (IMF, 2006, pp.16-19)                                  | Yes<br><br>2011/ODS                  | <u>Correlation</u><br><br>Refer to ( <a href="#">OECD, 2012, p.3</a> ).   |
| 51 | IMF 2007 | Reduce employment protection (IMF, 2007, p.3)                     | Yes<br><br>2008/CCC                  | <u>Correlation</u><br><br>“The possibility for employers to sign a collective agreement with a trade union with the highest number of members in case of a disagreement among trade unions was abolished” (LABREF Database, Appendix 4A, Cell 73)<br><br>“Eliminating trade union organisations' right to carry out inspections of companies' observance of the Labour Code” (LABREF Database, Appendix 4A, Cell 74)  |
| 52 | IMF 2007 | Reduce Social Protection (IMF, 2007, pp.12-13)                    | Yes<br><br>2008/ODS                  | <u>Correlation</u><br><br>Social protection cut across several spheres e.g. “Tightening of eligibility conditions for unemployment benefits; Shortening of unemployment benefits duration; Steeper replacement rates for unemployment benefits; Reduced benefits unless participation in public works” (LABREF Database, Appendix 4A, Cell 69).<br><br>“Termination of partial concurrence of unemployment benefits and job earnings;   |

|    |           |   |                        |  |
|----|-----------|---|------------------------|--|
|    |           |   |                        | <p>Cancellation or reduction of some social support allowances;<br/> Non granting unemployment benefits to workers with severance pay;<br/> Terminating the partial unemployment policy;<br/> Decreasing UB level for those who have left their job voluntarily” (LABREF Database, Appendix 4A, Cell 81)</p> |
| 53 | IMF 2007  | Alleviate unemployment through ALMPs (IMF, 2007, pp.20-1)   | Yes<br><br>2009/ODS    | <p><u>Correlation</u></p> <p>“New Institute of Public Service to stimulate work activity of benefit recipients” (LABREF Database, Appendix 4A, Cell 75)</p>  |
| 54 | IMF 2007  | Make hiring and firing more flexible (IMF, 2007, pp.20-1)   | Yes<br><br>2011/ODS    | <p><u>Correlation</u></p> <p>“New reason for fair termination of the employment relationship” (LABREF Database, Appendix 4A, Cell 86)</p>  |
| 55 | OECD 2008 | Increase retirement age ( <a href="#">OECD, 2008, p.8, 13</a> )                                     | No                     |  |
| 56 | OECD 2008 | Cut public employment and spending ( <a href="#">OECD, 2008, pp.13-14</a> )                         | Yes<br><br>2010-11/ODS | <p><u>Correlation</u></p> <p>10% reduction in public sector wages; layoffs (Agostini et al, 2016, p.42)</p>  |
| 57 | OECD 2008 | Reform Pensions ( <a href="#">OECD, 2008, p.8, 13</a> )   | No                     |  |
| 58 | OECD 2008 | Reduce notice and severance pay – link to length of service ( <a href="#">OECD, 2008, p.8, 14</a> ) | Yes<br><br>2011/ODS    | <p><u>Correlation</u></p> <p>Severance payments reduced (LABREF Database, Appendix 4A, Cell 88)</p>  |
| 59 | IMF 2010  | Improve labour market flexibility (IMF, 2010, p.6)  | Yes<br><br>2011/ODS    | <p><u>Correlation</u></p> <p>See several EPL reforms improving labour market flexibility at (LABREF Database, Appendix 4A, Cells 86-91)</p>  |
| 60 | IMF 2010  | Reform pensions (partially privatise) (IMF, 2010, p.33)   | No                     |  |
| 61 | OECD 2010 | Reduce further protection against worker dismissal ( <a href="#">OECD, 2010, p.131</a> )            | Yes<br><br>2011/ODS    | <p><u>Correlation</u></p> <p>Definition of fair dismissal (LABREF Database, Appendix 4A, Cell 86)</p>  |

|    |           |  |                  |  |
|----|-----------|--|------------------|--|
| 62 | OECD 2010 | Reduce hiring costs ( <a href="#">OECD, 2010, p.132</a> )  | Yes<br>2011/ODS  | <u>Correlation</u><br>“Trial period for managerial positions increased” (LABREF Database, Appendix 4A, Cell 90)  |
| 63 | OECD 2010 | Reduce notice and severance pay – link to length of tenure ( <a href="#">OECD, 2010, p.132</a> ) | Yes<br>2011/ODS  | <u>Direct</u><br>“New severance pay rules: 30 days if tenure below 1 year; 60 days if tenure between two and three years; 90 days if tenure equal or above three years. (previously - 90 days, non-tenure related)” (LABREF Database, Appendix 4A, Cell 88)  |
| 64 | OECD 2010 | Increase duration of fixed term contacts ( <a href="#">OECD, 2010, p.132</a> )                   | Yes<br>2011/ODS  | <u>Correlation *</u><br>Maximum duration of fixed-term contracts extended (LABREF Database, Appendix 4A, Cell 87)  |
| 65 | IMF 2011  | Increase labour market flexibility (IMF, 2011, p.9)  | Yes<br>2011/ODS  | <u>Correlation *</u><br>During discussions, authorities agreed to accelerate e.g. increasing labour market flexibility (IMF, 2011, p.9)  |
| 66 | OECD 2011 | Reform pensions  | Yes<br>2017/CSSD | <u>Direct</u><br>OECD notes in 2018 survey that action has been taken on its previous recommendations ( <a href="#">OECD, 2018, p.49</a> )   |
| 67 | IMF 2012  | Further increase labour market flexibility (IMF, 2012, ‘Public Information Notice’, p.3)         | Yes<br>2013/ODS  | <u>Correlation</u><br>“New rules for fixed-term employment relationships: the employer does not have to adhere to 2 rules (a. The length of the employment law relationship may not exceed 3 years; and b. The employment law relationship for a definite term may be repeated / extended only twice” (LABREF Database, Appendix 4A, Cell 108) |
| 68 | OECD 2014 | Increase retirement age ( <a href="#">OECD, 2014, p.11</a> )                                     | Yes<br>2017/CSSD | <u>Direct</u><br>OECD notes in 2018 survey that action has been taken on its previous recommendations ( <a href="#">OECD, 2018, p.49</a> )   |
| 69 | IMF 2014  | Introduce more flexible employment arrangements (IMF, 2014, p.13)                                | Yes<br>2016/CSSD | <u>Correlation</u><br>“More flexibility for juvenile employment” (LABREF Database, Appendix 4A, Cell 129)  |
| 70 | IMF 2016  | Do not increase public sector wages or benefits (IMF, 2016, pp.5-8)                              | No               |  |

|    |           |  |     |  |
|----|-----------|--|-----|--|
| 71 | OECD 2018 | Raise retirement age<br>( <a href="#">OECD, 2018, p.15</a> )   | N/A |  |
| 72 | OECD 2018 | Better enforce rights for part-time/flexible work<br>( <a href="#">OECD, 2018, p.15</a> )  | N/A |  |
| 73 | OECD 2018 | Address public sector spending via disability and pension benefits as well as civil servant salaries<br>( <a href="#">OECD, 2018, p.32</a> ) | N/A |  |

#### Appendix 5B. Slovakia CIO Impact Correlation Table

| Cell# | IO and Year | Policy Suggestion  | Adopted?<br>Year/Party | Policy Description/Type of Evidence  |
|-------|-------------|--|------------------------|--|
| 1     | OECD 1999   | Reduce sickness benefit ( <a href="#">OECD, 1999a, pp.59-60</a> )  | No                     |  |
| 2     | OECD 1999   | Reform pensions ( <a href="#">OECD, 1999a, pp.59-60</a> )  | Yes<br>2002 SDKU       | <u>Correlation*</u><br>“parliament has passed a law to reform the current system...” ( <a href="#">OECD, 2002a, p.13</a> ) |
| 3     | OECD 1999   | Reduce access to disability pensions ( <a href="#">OECD, 1999a, pp.59-60</a> )                                       | No                     |  |
| 4     | OECD 1999   | Raise retirement age ( <a href="#">OECD, 1999a, pp.59-60</a> )   | Yes<br>2002 SDKU       | * <u>Direct</u><br>Increased retirement age for women from 53-57 to 60 ( <a href="#">OECD, 2002a, p.13</a> )               |
| 5     | IMF 2001    | Incentivise job search (relieve unemployment) through cuts to social welfare (tighten eligibility) (IMF, 2001a, p.7) | No                     |  |
| 6     | IMF 2001    | Increase labour market flexibility (IMF, 2001a, p.25)  | Yes<br>2004 SDKU       | Correlation<br>The government made hiring more flexible for employers ( <a href="#">OECD, 2004a, p.96</a> )                |

|    |           |   |                        |   |
|----|-----------|---|------------------------|---|
| 7  | IMF 2001  | Reform pension system (introduce a private system) (IMF, 2001a, p.19)   | Yes<br><br>2002 SDKU   | <u>Direct</u><br><br>“Parliament passed a ‘Social Insurance Act’ in May 2002... The act is a first step toward a full reform of the pension system, and prepares the ground for introducing a second pillar ...” (IMF, 2002a, see ‘Statement by Executive Director, p.3)<br><br>*Note. The Second pillar introduces privatisation (see IMF, 2001a, P.19)  |
| 8  | OECD 2002 | “Tighten eligibility conditions for sickness benefits and their generosity” (OECD, 2002a, p.87)   | Yes<br><br>2004 SDKU   | <u>Direct</u><br><br>“A reform of the sickness benefit system shifts the cost of the first ten days of sick leave to employers... No further action required” (OECD, 2004a, p.97)   |
| 9  | OECD 2002 | “Break harmful links between unemployment and social protection” (OECD, 2002a, p.87)<br><br>“Ensure social assistance... focuses on putting people back to work... [introduce activity-tested income support” (OECD, 2002a, p.87) | Yes<br><br>2003/4 SDKU | <u>Direct*</u><br><br>“Job-seeking activity of registered unemployed was subjected to regular checks in 2003, while the benefits of able-bodied working age citizens... were cut” (OECD, 2004a, p.97)<br><br><b>Also see LABREF Database</b><br><br>“Reduction of the level of unemployment benefits and other social benefits” (LABREF Database, Appendix 5B cell 26)<br><br>“Stricter conditions for getting unemployment benefits” (LABREF Database, Appendix 5B, Cell 27) |
| 10 | OECD 2002 | Raise retirement age further to 65 (OECD, 2002a, p.13)  | No                     |   |
| 11 | OECD 2002 | “Lower the tax burden on labour” (OECD, 2002a, p.87)  | Yes<br><br>2003 SDKU   | <u>Correlation</u><br><br>“Employers, self-employed and employees will pay a flat of 19% tax on profits or income. Previously self-employed, freelancers etc were subject to progressive taxation of up to 38%”<br><br>(LABREF Database, Appendix 4B, Cell 18)  |
| 12 | OECD 2002 | “Eliminate the wage tariff system” (OECD, 2002a, p.88)  | No                     |   |
| 13 | OECD 2002 | “Eliminate the extension of collective agreements reached   | Yes                    | <u>Direct</u><br><br>“Government policy is to exten[d] agreements only upon written consent by  |

|    |           |   |                        |  |
|----|-----------|---|------------------------|--|
|    |           | at a...sectoral level” (OECD, 2002a, p.88)  | 2003 SDKU              | the firms concerned...the new policy is a positive step but should be made permanent though legislation” (OECD, 2004a, p.98)<br><br>Also see LABREF Database, Appendix 4B, Cell 19.  |
| 14 | OECD 2002 | Relax EPL specifically regarding hiring and firing (OECD, 2002a, p.17, 88)  | Yes<br><br>2003 SDKU   | <u>Correlation*</u><br><br>“The amended legislation relaxes employment protection rules...no further action required (OECD, 2004a, p.98)<br><br>Note* see LABREF Database 2003 and Appendix 4B cells 14, 15, 16, 17 for more detail.<br><br>Note* not ‘Direct’ because it is not policy specific. EPL could encounter several areas.               |
| 15 | OECD 2002 | “Ease regulations on working time” (OECD, 2002a, p.88)  | Yes<br><br>2003 SDKU   | <u>Direct</u><br><br>“The amended labour code eases regulation on working time...no further action required” (OECD, 2004a, p.98)<br><br>Also see LABREF Database – “Yearly overtime limit raised from 150 to 400 hours” (LABREF Database, Appendix 4B, Cell 20)  |
| 16 | OECD 2002 | “Improve public job services, while increasing the use of private job placement agencies” (OECD, 2002a, p.87)   | Yes<br><br>2004 SDKU   | <u>Direct</u><br><br>“The new welfare legislation...should improve both public and private placement services when implemented” (OECD, 2004a, p.97)  |
| 17 | OECD 2002 | “Revise the new labour code to reduce the excessive power of trade unions in management issues and their role in inspecting the compliance of firms with the labour code” (OECD, 2002a, p.88) | Yes<br><br>2003-4 SDKU | <u>Direct</u><br><br>“Accomplished by the amendment to the labour code...no further action required” (OECD, 2004a, p.98) (also see OECD, 2005a, p.76-7)  |
| 18 | OECD 2002 | Move from ‘passive’ to ‘active labour market policies (OECD, 2002a, p.97)   | Yes                    | <u>Correlation</u><br><br>“Extension...of financial benefits for those unemployed who decide to act as self-employed entrepreneurs...In 2005 these financial benefits will be provided to all unemployed who fulfil given criteria...[e.g.]...having completed a special training programme devoted to acquiring competences for entrepreneurship, |

|    |           |  |                      |  |
|----|-----------|--|----------------------|--|
|    |           |  |                      | submitting a business project)” (LABREF Database, Appendix 4B, Cell 21)<br><br>“Introduction of subsidies to employers (depending on the regional unemployment rate) who create new jobs for long-term unemployed people” (LABREF Database, Appendix 4B, Cell 22)<br><br>2004 SDKU   |
| 19 | OECD 2002 | “Monitor closely the effectiveness of [ALMPs]” (OECD, 2004a, p.97)                                   | Yes<br><br>2004 SDKU | <u>Direct</u><br><br>“Implemented” (OECD, 2004a, p.97)   |
| 20 | OECD 2002 | Increase the duration of fixed term contracts (OECD, 2002a, pp.102-3)                                | Yes<br><br>2003 SDKU | <u>Correlation*</u><br><br>“Increasing the maximum overall duration of fixed term contracts” (LABREF Database, Appendix 4B, Cell 16)   |
| 21 | OECD 2002 | Reduce severance and eliminate the need for trade union approval of dismissal (OECD, 2002a, p.102-3) | Yes<br><br>2003 SDKU | <u>Direct</u><br><br>“the government took a very important step...with the introduction of the new labour code in 2003. Changes include...a cut in severance pay; and a considerable easing of the conditions under which workers can be dismissed...” (OECD, 2005a, p.76)<br><br>“Relaxing the valid reasons to terminate a working contract and the regulations for collective dismissals” (LABREF Database, 2003; Appendix 4B, Cell 14) |
| 22 | OECD 2002 | Ease restrictions on working time (OECD, 2002aa, p.88)   | Yes<br><br>2003 SDKU | <u>Direct</u><br><br>“The amended labour code eases regulations on working time...No further action required” (OECD, 2004a, p.98)<br><br>“Yearly overtime limit raised from 150 to 400 hours” (LABREF Database, Appendix 4B, Cell 20)  |
| 23 | IMF 2003  | Improve incentives to work by decreasing benefits (IMF, 2003a, p.11)                                 | Yes<br><br>2003 SDKU | <u>Direct</u><br><br>“Introduction of stricter conditions for getting unemployment benefits and other social benefits. Financial support is now linked to unemployed people’s effort to find a job” (LABREF Database, Appendix 4B, Cell 27)<br><br>The IMF notes in 2004 that the government has accelerated the reform process in line with its policy requests (IMF, 2004a, p.6)   |
| 24 | IMF 2003  | Increase retirement age (IMF, 2003a, p.11)   | Yes<br><br>2003 SDKU | <u>Direct</u><br><br>The IMF notes that the government has implemented its requests (see IMF, 2004, pp.5-6) the organisation made further  |



|    |           |  |                                |   |
|----|-----------|--|--------------------------------|---|
|    |           |  |                                | commented that changes to retirement and pensions will increase savings<br>( <a href="#">Brooksbank, 2003</a> )   |
| 25 | IMF 2003  | Tighten eligibility rules for social security (IMF, 2003a, p.12)   | Yes<br><br>2003 SDKU           | <u>Direct</u><br><br>The IMF notes in 2004 that the government has accelerated the reform process in line with its policy requests (see IMF, 2004a, pp.5-6)   |
| 26 | IMF 2003  | Reduce number of government employees in the health and education sectors (IMF, 2003a, p.12)                   | Yes (partial)<br><br>2004 SDKU | <u>Direct</u><br><br>“In 2003, the Fund recommended streamlining health sector and welfare spending” (IMF, 2004a, pp.5-6)<br><br>Slovakia participates in two World Bank technical assistance programmes designed to guide the health sector towards more efficient spending and to build capacity. See <a href="#">World Bank 2003A</a> and <a href="#">World Bank 2003B</a> |
| 27 | IMF 2003  | Ease restrictions on part-time work; overtime; hiring/firing (IMF, 2004a, pp.5-6)                              | Yes<br><br>2003 SDKU           | <u>Direct</u><br><br>In 2004, the IMF listed reforms adopted by Slovakia in 2003 which have been in line with its advice: “in 2003, an inflexible labour code (introduced under the previous government) was amended to remove many restrictions on overtime and work practices” (IMF, 2004a, p.5) (also see OECD, 2005a, p.76-7)   |
| 28 | OECD 2004 | Cut social contribution from employers/employees and or make targeted employment subsidies (OECD, 2004a, p.97) | Yes<br><br>2005 SDKU           | <u>Correlation</u><br><br>“Introduction of a State intervention to pay health insurance on behalf of job seekers who have an earned income not exceeding half of the official minimum wage” (LABREF Database, Appendix 4B, Cell 31)   |
| 29 | OECD 2004 | Eliminate the extensions of collective bargaining agreements through legislation (OECD, 2004a, p.98)           | No                             |   |
| 30 | OECD 2004 | Reduce paid vacation time (OECD, 2004a)  | No                             |   |
| 31 | IMF 2005  | “Moderate wage growth and enhance wage flexibility” (IMF, 2005a, p.5)  | No                             |   |
| 32 | OECD 2005 | Reduce cost of low paid labour either by cutting employer  | No                             |   |

|    |           |  |                      |   |
|----|-----------|--|----------------------|---|
|    |           | social security or by reducing minimum wage (OECD, 2005a, p.86)                      |                      |   |
| 33 | OECD 2005 | Cut payroll taxes (OECD, 2005a, p.81)  | No                   |   |
| 34 | OECD 2005 | Raise retirement age or reform pensions (OECD, 2005a, p.86)                          | Yes<br><br>2006 SDKU | <u>Correlation</u><br><br>“Abolishing the possibility to retroactively apply for early old-age pension...Also cancelling a possibility to get reduced early old-age pension sum for the 12-month period before reaching retirement age” (LABREF Database, Appendix 4B, Cell 33)   |
| 35 | IMF 2007  | Reverse decisions on allowing extensions of collective bargaining (IMF, 2007a, p.13) | No                   |   |
| 36 | IMF 2007  | Reduce social spending (IMF, 2007a)  | No                   |   |
| 37 | IMF 2007  | Make labour markets more flexible IMF, 2007a, pp.16-17)                              | No                   | Opposite – FTCs 36 to 24 months (WB, 2011, PDF.103)   |
| 38 | OECD 2007 | Do not increase minimum wage (OECD, 2007a, p.12)                                     | No                   |   |
| 39 | OECD 2007 | Reduce social security contributions made by employers (OECD, 2007a, p.12)           | No                   |   |
| 40 | OECD 2007 | Reforms pensions, make pensions subject to tax (OECD, 2007a, p.13)                   | No                   |   |
| 41 | OECD 2007 | ALMPs – improve training for unemployed and youth (OECD, 2007a, p.13)                | Yes<br><br>2010 SMER | <u>Correlation</u><br><br>“Temporary relaxed conditions for access of young unemployed to certain employment services (ALMP programs): contribution to self-employment (start-up incentive); subsidy for graduates in work experience programs in firms; contribution for the creation of a new job in an enterprise. Temporarily relaxed requirement to be registered as a jobseeker at labour office for at least 3 months before being able to apply for the ALMP programs for under 26-year olds” (LABREF Database, Appendix 4B, Cell 62) |
| 42 | OECD 2007 | Raise retirement age (OECD, 2007a, p.14)   | No                   |   |

|    |           |  |                      |  |
|----|-----------|--|----------------------|--|
| 43 | OECD 2007 | Shorten duration of parental leave (OECD, 2007a, p.14)   | No                   |  |
| 44 | OECD 2009 | Increase wage flexibility (OECD, 2009a, p.8, 30)   | No                   |  |
| 45 | OECD 2009 | Abolish legal extensions of collective bargaining agreements (OECD, 2009a, p.8)                        | Yes<br><br>2010 SDKU | <u>Correlation</u><br><br>“Return to previous legislation... Making collective agreement of a higher-level binding also for the employer who is not member of the employers’ organization which had concluded this agreement, only if that employer agreed with the extension of collective agreement on a higher degree (Article 7/2 of the Act).1” (LABREF Database, Appendix 4B, Cell 67) |
| 46 | OECD 2009 | Increase flexibility of EPL (OECD, 2009a, p.9, 30)   | Yes<br><br>2010 SDKU | <u>Correlation*</u><br><br>OECD Notes in 2010 that the new government has embarked on an ambitious reform agenda and will adjust the labour code to the lower level of employment protection (OECD, 2010a, pp.22-24)   |
| 47 | OECD 2009 | Remove incentives to retire early (OECD, 2009a, p.32)  | Yes<br><br>2010 SMER | <u>Correlation</u><br><br>“Persons currently receiving early retirement pension or applying for early retirement have to choose between receiving early retirement pension and income from work (dependent work or self-employment), as the possibility of combining the two is discontinued from 1.1.2011.0” (LABREF Database, Appendix 4B, cell 63)  |
| 48 | OECD 2010 | Increase spending on ALMPs e.g. public employment subsidies (OECD, 2010a, p.40)                        | Yes<br><br>2011 SDKU | <u>Correlation</u><br><br>“Job creation support in form of investment subsidies” (LABREF Database, Appendix 4B, Cell 69)<br><br>“The reform enables to provide activation works not only by local, but also by district municipalities and their organisations (active labour market measure according to § 52)” (LABREF Database, Appendix 4B, Cell 70)                                     |
| 49 | OECD 2010 | Avoid increases in minimum wage, consider regional differentiation on minimum wage (OECD, 2010a, p.40) | No                   |  |

|    |           |   |                  |  |
|----|-----------|---|------------------|--|
| 50 | IMF 2011  | Increase flexibility of EPL (IMF, 2011a, PIN, p.3)  | Yes<br>2011 SDKU | <u>Correlation*</u><br>Government passes ‘Big Labour Code Reform’ shortly after talks with IMF (talks ended in April and new labour code passed in September) increasing flexibility across several areas particularly hiring and firing (see Fabo & Sedláková, 2017, pp.129-30; LABREF Database, Appendix 4B, Cells 73-80)  |
| 51 | IMF 2011  | Reform pensions and increase retirement age (IMF, 2011a, p.15)                              | No               |  |
| 52 | IMF 2011  | Enhance flexibility of wage negotiations (IMF, 2011a, p.24)                                 | Yes<br>2011 SDKU | <u>Correlation</u><br>Government introduces representativeness threshold for trade unions to be met before the can operate within a firm (LABREF Database, Appendix 4B, Cell 80)<br><br>As noted by (Palinkaš, 2018), the attack on unions reduced the collective bargaining role with regards wage negotiations further.  |
| 53 | IMF 2011  | Decrease hiring and firing costs (IMF, 2011a, p.24)   | Yes<br>2011 SDKU | <u>Correlation*</u><br>In 2011, the government made changes to fixed term contracts, probationary periods, notice and severance and dismissals which favoured employers (Fabo & Sedláková, 2017; pp.129-30; LABREF Database, Appendix 4B, Cells 73-78).  |
| 54 | OECD 2012 | Encourage job search through targeted ALMPs (OECD, 2012a, p.38)                             | Yes<br>2012 SDKU | <u>Correlation</u><br>“Project to support the creation of jobs in regional self-governments and their organisations” (LABREF Database, Appendix 4B, Cell 86)<br><br>“The government’s first project is intended to create jobs for young people under 29...” (LABREF Database, Appendix 4B, Cell 87)<br><br>“Facilitated the access of adults to new qualifications based on their previous experience or after undergoing educational programmes” (LABREF Database, Appendix 4B, Cell 89) |
| 55 | OECD 2014 | Reverse decision on allowing for the extension of collective bargaining (OECD, 2014a, p.98) | No               |  |
| 56 | IMF 2014  | Revert to previous arrangement on extensions of collective bargaining                       | No               |  |

|    |           |  |  |  |
|----|-----------|--|--|--|
|    |           | i.e. do not allow it (IMF, 2014a, p.12)  |  |  |
| 57 | IMF 2014  | Reform pensions (IMF, 2014a, p.19)   | No   |  |
| 58 | OECD 2014 | ALMPs – increase spending, better target most vulnerable, improve placement services (OECD, 2014a, p.33) | Yes<br><br>2017 SMER   | <u>Correlation</u><br><br>Several ALMPs enacted in line with this request in 2017 – see LABREF Database, Appendix 4B, Cells 153-158  |
| 59 | IMF 2015  | Reverse decision on allowing extensions of collective bargaining agreements (IMF, 2015a, p.37)           | (Yes/No)<br><br>2016 Decision of Slovak Constitutional Court | <u>Correlation</u><br><br>“Revoked possibility for Minister of Labour to extend branch collective agreement to all companies within a sector...Decision of Constitutional Court” (LABREF Database, Appendix 4B, Cell 151)<br><br><b>BUT</b> SMER reintroduced the possibility in 2017 (LABREF Database, Appendix 4B, Cell 161) |
| 60 | IMF 2015  | Increase retirement age (IMF, 2015a, p.37)   | No   |  |
| 61 | IMF 2017  | Make EPL more flexible (IMF, 2017a, p.20)  | No   |  |

### Appendix 5C. CIO Impact Divergences Across Czechia and Slovakia

|    |                       | Czechia           | Slovakia          |
|----|-----------------------|-------------------|-------------------|
| 1  | CIO Total Suggestions | 73                | 61                |
| 2  | Number of Adoptions   | 47                | 35                |
| 3  | Adopted by Left Wing  | 28                | 3                 |
| 4  | Adopted by Right Wing | 20 <sup>140</sup> | 31 <sup>141</sup> |
| 5  | Direct Impact         | 10                | 16                |
| 6  | Correlation* Impact   | 10                | 6                 |
| 7  | Correlation           | 27                | 13                |
| 8  | EPL                   | 14                | 14                |
| 9  | Adopted by Left Wing  | 1                 | 0                 |
| 10 | Adopted by Right Wing | 12                | 14                |

<sup>140</sup> Note the total left and right wing equal more than the overall total owing to instances where both parties have adopted the same reform and where a decision by the constitutional court has been left out – see Appendix 5A cells 47, 39, 29

<sup>141</sup> Note there is a difference of 1 between combined total and overall total owing to a constitutional court decision which has been classed as a ‘correlation’ - see Appendix 5B cell 59

## Appendix 6. Slovakia Regime Sub-Constellation Links

| Appendix 6   |  |
|--|--|
| Regime Sub-Constellation Data  | Note*links made here are accompanied with references tied to the bibliography  |
| Slovakia: Undirected Connections   |  |
|  | ← →  |
| Eurofound (Eurofound, 2017c)   | ILO, TUAC (Eurofound, 2017c)<br>IOZ (Slovakian Union); ETUC; The Social platform (Eurofound, 2017e)  |
| IndustriAll Global (Eurofound, 2017f)<br>IndustriAll EU (Eurofound, 2017f) | KOZ SR; OZ KOVO; IOZ; ECHOZ (Slovakian Unions) (IndustriAll, 2017a)<br>ILO, IRBD/World Bank, IMF, OECD, WTO, ITUC (UIA, 2017a)                 |
| ETUC (ETUC, 2017)  | Council of Europe; ITUC; TUAC; ILO; UNGC (TUAC, 2017a)<br>KOZ SR (ETUC, 2017b)   |
| OECD (TUAC) (TUAC, 2017a)  | KOZ SR; ETUC; ETUI; ITUC (UIA, 2017)<br>IMF (Issue Crawler, 2017)  |
| ITUC (PSI, 2017a)  | KOZ SR<br>Council of Europe: ILO; TUAC; UNDP; IBRD/World Bank; IMF; ETUC; IndustriAll (UIA, 2017)<br>Global Unions (PSI) (Issue Crawler, 2017) |
| BSCI (BSCI, 2017a)   | ILO; TUAC; UNGP (BSCI, 2017b)<br>FTA (BSCI/FTA 2017a)  |
| UNGC (UNGC, 2017a)   | UNIDO (UIA, 2017)<br>Volkswagen (Transnationale, 20170029)   |
| Fair Labor Association (FLA, 2017)   | ILO; CLS; FTA (UIA, 2017)<br>ETI (JO-IN) (FLA, 2017b)  |
| ETI (2017b)  | ITUC; IndustriAll (ETI, 2017b)<br>ILO (Issue Crawler, 2017)  |
| ILO  | UNDP (UNDP, 2017a)<br>EU; IOM; TUAC; AI; ETUC; WB; IMF; G20 (UIA, 2017)<br>UNGC; ITUC (Issue Crawler, 2017)<br>KOZ SR (ILO, 2017d)             |
| World Bank   | ILO; IMF; EU (UIA, 2017)   |

|     |                           |
|-----|---------------------------|
| IMF | ILO (ILO, 2017e)          |
|     | EU; OECD/TUAC (UIA, 2017) |

Source: (Hayes, 2017)

## Appendix 6.1. ILO Direct Requests for Czechia

|      |   |
|------|---|
| 1996 | <p>C087 - Freedom of Association<br/> C155 - Occupational Safety and Health<br/> C100 - Equal Remuneration<br/> C122 - Employment Policy<br/> <b>General Direct Request</b><br/> C111 - Discrimination (Employment and Occupation)<br/> <b>Direct Request on Submission to Competent Authorities</b></p>  |
| 1997 | <p>C155 - Occupational Safety and Health<br/> C161 - Occupational Health Services<br/> <b>Direct Request on Submission to Competent Authorities</b><br/> C100 - Equal Remuneration<br/> C087 - Freedom of Association</p>   |
| 1998 | <p>C123 - Minimum Age (Underground Work)<br/> C155 - Occupational Safety and Health<br/> <b>C005 Minimum Age (Industry)</b><br/> <b>Submission to Competent Authorities</b><br/> C010 - Minimum Age (Agriculture)<br/> C019 - Equality of Treatment (Accident Compensation)<br/> C029 - Forced Labour Convention<br/> C087 - Freedom of Association<br/> C100 - Equal Remuneration Convention<br/> C111 - Discrimination (Employment and Occupation)<br/> C120 - Hygiene (Commerce and Offices)<br/> C123 - Minimum Age (Underground Work)<br/> <b>C155 - OSH</b></p> |
| 1999 | <p>C105 - Abolition of Forced Labour<br/> C099 - Minimum Wage Fixing Machinery (Agriculture)<br/> C001 - Hours of Work (Industry)<br/> C130 - Medical Care and Sickness Benefits<br/> C132 - Holidays with Pay Convention<br/> C026 - Minimum Wage-Fixing Machinery<br/> <b>C155 OSH</b><br/> C159 - Vocational Rehabilitation and Employment (Disabled Persons)<br/> C160 - Labour Statistics<br/> C161 - Occupational Health Services</p>   |
| 2000 | <p><b>General Direct Request</b></p>  |



- C164 - Health Protection and Medical Care (Seafarers)
- C163 - Seafarers' Welfare Convention
- C161 - Occupational Health Services
- C160 - Labour Statistics
- C159 - Vocational Rehabilitation and Employment (Disabled Persons)
- C155 OSH**
- C132 - Holidays with Pay Convention
- C130 - Medical Care and Sickness Benefits
- C122 - Employment Policy Convention
- C089 - Night Work (Women)
- C087 - Freedom of Association
- C042 - Workmen's Compensation
- C029 - Forced Labour Convention
- C027 - Marking of Weight (Packages Transported by Vessels)
- C014 - Weekly Rest (Industry)
- 2001 C095 - Protection of Wages
- C161 - Occupational Health Services
- C124 - Medical Examination of Young Persons (Underground Work)
- C105 - Abolition of Forced Labour
- C100 - Equal Remuneration
- C098 - Right to Organise
- C171 - Night Work
- C087 - Freedom of Association
- C078 - Medical Examination of Young Persons (Non-Industrial Occupations)
- C077 - Medical Examination of Young Persons (Industry)
- C019 - Equality of Treatment (Accident Compensation)
- C017 - Workmen's Compensation (Accidents)
- C010 - Minimum Age (Agriculture)
- 2002 C122 - Employment Policy
- C163 - Seafarers' Welfare Convention,
- C140 - Paid Educational Leave
- C132 - Holidays with Pay
- C130 - Medical Care and Sickness
- C128 - Invalidity, Old-Age and Survivors' Benefits
- C164 - Health Protection and Medical Care (Seafarers)
- 111 - Discrimination (Employment and Occupation)
- C108 - Seafarers' Identity Documents
- C102 - Social Security (Minimum Standards)
- C100 - Equal Remuneration Convention
- C087 - Freedom of Association
- C029 - Forced Labour Convention
- 2003 C105 - Abolition of Forced Labour
- C150 - Labour Administration
- C144 - Tripartite Consultation
- C132 - Holidays with Pay Convention
- C123 - Minimum Age (Underground Work)

- 2004
- C120 - Hygiene (Commerce and Offices)
  - C181 - Private Employment Agencies
  - C099 - Minimum Wage Fixing Machinery
  - C090 - Night Work of Young Persons
  - C087 - Freedom of Association
  - C026 - Minimum Wage-Fixing
  - C014 - Weekly Rest (Industry)
  - C135 - Workers' Representatives
  - C171 - Night Work
  - C150 - Labour Administration
  - C140 - Paid Educational Leave
  - C139 - Occupational Cancer
  - C182 - Worst Forms of Child Labour
  - C115 - Radiation Protection
  - C100 - Equal Remuneration
  - C087 - Freedom of Association
- 2005
- C001 - Hours of Work (Industry)
  - C120 - Hygiene
  - C161 - Occupational Health Services
  - C160 - Labour Statistics
  - C159 - Vocational Rehabilitation and Employment (Disabled Persons)
  - C155 OSH**
  - C139 - Occupational Cancer Convention
  - C176 - Safety and Health in Mines Convention
  - C111 - Discrimination
  - C105 - Abolition of Forced Labour
  - C087 - Freedom of Association
  - C045 - Underground Work (Women)
  - C029 - Forced Labour
  - C013 - White Lead (Painting)
- 2006
- C026 - Minimum Wage-Fixing Machinery
  - C181 - Private Employment Agencies
  - C167 - Safety and Health in Construction
  - C155 OSH**
  - C148 - Working Environment (Air Pollution, Noise and Vibration)
  - C124 - Medical Examination of Young Persons (Underground Work)
  - C123 - Minimum Age (Underground Work)
  - C100 - Equal Remuneration
  - C099 - Minimum Wage Fixing
  - C095 - Protection of Wages
  - C090 - Night Work of Young Persons (Industry)
  - C087 - Freedom of Association
  - C078 - Medical Examination of Young Persons (Non-Industrial Occupations)
  - C077 - Medical Examination of Young Persons (Industry)
  - C042 - Workmen's Compensation (Occupational Diseases)
  - C182 - Worst Forms of Child Labour

- 2007
- C017 - Workmen's Compensation (Accidents)
  - C087 - Freedom of Association
  - C111 - Discrimination (Employment and Occupation)
  - C100 - Equal Remuneration Convention
  - C027 - Marking of Weight (Packages Transported by Vessels)
- 2008
- C140 - Paid Educational Leave
  - C029 - Forced Labour
  - C171 - Night Work
  - C001 - Hours of Work (Industry)
  - C132 - Holidays with Pay
  - C105 - Abolition of Forced Labour
  - C182 - Worst Forms of Child Labour
  - C111 - Discrimination (Employment and Occupation)
  - C014 - Weekly Rest (Industry)
  - General Direct Request**
- 2009
- C014 - Weekly Rest (Industry)
  - C029 - Forced Labour
  - C087 - Freedom of Association
  - C100 - Equal Remuneration
  - C105 - Abolition of Forced Labour
  - C122 - Employment Policy
  - C132 - Holidays with Pay
  - C140 - Paid Educational Leave
  - C144 - Tripartite Consultation
  - C150 - Labour Administration
  - C160 - Labour Statistics
  - C171 - Night Work
  - C182 - Worst Forms of Child Labour
- 2010
- C001 - Hours of Work (Industry)
  - C014 - Weekly Rest (Industry)
  - C001 - Hours of Work (Industry)
  - C187 - Promotional Framework for Occupational Safety and Health
  - C087 - Freedom of Association
  - C105 - Abolition of Forced Labour
  - C108 - Seafarers' Identity Documents
  - C132 - Holidays with Pay
  - C138 - Minimum Age
  - C139 - Occupational Cancer
  - C148 - Working Environment (Air Pollution, Noise and Vibration)
  - C155 - Occupational Safety and Health
  - C161 - Occupational Health Services
  - C167 - Safety and Health in Construction
  - C171 - Night Work
  - C176 - Safety and Health in Mines
  - C182 - Worst Forms of Child Labour

- 2011
- C181 - Private Employment Agencies
  - C130 - Medical Care and Sickness Benefits
  - C128 - Invalidity, Old-Age and Survivors' Benefits
  - C124 - Medical Examination of Young Persons (Underground Work)
  - C123 - Minimum Age (Underground Work)
  - C111 - Discrimination (Employment and Occupation)
  - C029 - Forced Labour
  - C077 - Medical Examination of Young Persons (Industry)
  - C078 - Medical Examination of Young Persons (Non-Industrial Occupations)
  - C140 - Paid Educational Leave
  - C017 - Workmen's Compensation (Accidents)
  - C150 - Labour Administration
  - C087 - Freedom of Association
  - C159 - Vocational Rehabilitation and Employment (Disabled Persons)**
  - C160 - Labour Statistics
  - C095 - Protection of Wages
  - C163 - Seafarers' Welfare
  - C100 - Equal Remuneration
  - C102 - Social Security (Minimum Standards)
  - C026 - Minimum Wage-Fixing Machinery
  - C042 - Workmen's Compensation (Occupational Diseases)
  - C105 - Abolition of Forced Labour
- 2012
- C111 - Discrimination (Employment and Occupation)
  - C100 - Equal Remuneration
  - C099 - Minimum Wage Fixing Machinery (Agriculture)
  - C027 - Marking of Weight (Packages Transported by Vessels)**
- 2013
- C128 - Invalidity, Old-Age and Survivors' Benefits
  - C144 - Tripartite Consultation
  - C142 - Human Resources Development
  - C140 - Paid Educational Leave
  - C129 - Labour Inspection (Agriculture)
  - General Direct Request**
  - C098 - Right to Organise
  - C087 - Freedom of Association
  - C081 - Labour Inspection
  - C014 - Weekly Rest (Industry)
  - C001 - Hours of Work (Industry)
- 2014
- C029 - Forced Labour
  - C122 - Employment Policy
  - C105 - Abolition of Forced Labour
  - C138 - Minimum Age
  - C182 - Worst Forms of Child Labour
  - C171 - Night Work
  - C150 - Labour Administration
- 2015
- C100 - Equal Remuneration
  - C122 - Employment Policy**

- 2016
- C111 - Discrimination (Employment and Occupation)
  - C135 - Workers' Representatives
  - C181 - Private Employment Agencies
  - C161 - Occupational Health Services
  - C160 - Labour Statistics
  - C148 - Working Environment (Air Pollution, Noise and Vibration)
  - C144 - Tripartite Consultation (International Labour Standards)
  - C139 - Occupational Cancer
  - C129 - Labour Inspection (Agriculture)
  - C115 - Radiation Protection
  - C111 - Discrimination (Employment and Occupation)
  - C100 - Equal Remuneration
  - C098 - Right to Organise
  - C088 - Employment Service
  - C087 - Freedom of Association
  - C081 - Labour Inspection
  - Direct Request on Submission to competent Authorities**
  - C187 - Promotional Framework for Occupational Safety and Health
  - C181 - Private Employment Agencies
  - C161 - Occupational Health Services
  - C159 - Vocational Rehabilitation and Employment (Disabled Persons)
  - C155 - Occupational Safety and Health
- 2017
- C105 - Abolition of Forced Labour
  - C128 - Invalidity, Old-Age and Survivors' Benefits
  - C130 - Medical Care and Sickness Benefits
  - C102 - Social Security (Minimum Standards)
  - C029 - Forced Labour
- 2019
- C154 - Collective Bargaining Convention
  - C098 - Right to Organise and Collective Bargaining Convention
  - C087 - Freedom of Association and Protection of the Right to Organise Convention
  - C140 - Paid Educational Leave Convention
  - C142 - Human Resources Development Convention

**Source:** ILO Normlex Database, n.d.

## Appendix 6.2. ILO Direct Requests for Slovakia

- 1996      **100** - Equal Remuneration  
Direct Request on Submission to Competent Authorities  
**087** - Freedom of Association  
**034** - Fee-Charging Employment Agencies
- 1997      **111** - Discrimination (Employment and Occupation)  
**164** - Health Protection and Medical Care (Seafarers)  
**122** - Employment Policy  
**029** - Forced Labour  
**155** - Occupational Safety and Health  
**010** - Minimum Age (Agriculture)  
Direct Request on Submission to Competent Authorities  
**123** - Minimum Age (Underground Work)  
**163** - Seafarers' Welfare  
**148** - Working Environment
- 1998      **128** - Invalidity, Old-Age and Survivors' Benefits  
**130** - Medical Care and Sickness Benefits C  
**General Direct Request**  
Direct Request on Submission to Competent Authorities  
**012** - Workmen's Compensation (Agriculture)  
**017** - Workmen's Compensation (Accidents)  
**026** - Minimum Wage-Fixing Machinery  
**034** - Fee-Charging Employment Agencies  
**099** - Minimum Wage Fixing Machinery  
**102** - Social Security (Minimum Standards)
- 1999      **160** - Labour Statistics  
**089** - Night Work (Women)  
**088** - Employment Service  
**155** - Occupational Safety and Health  
**012** - Workmen's Compensation (Agriculture)  
**159** - Vocational Rehabilitation and Employment (Disabled Persons)  
**029** - Forced Labour  
Direct Request on Submission to Competent Authorities  
**General Direct Request**  
**148** - Working Environment  
**017** - Workmen's Compensation (Accidents)  
**105** - Abolition of Forced Labour  
**142** - Human Resources Development  
**122** - Employment Policy
- 2000      **122** - Employment Policy  
**042** - Workmen's Compensation (Occupational Diseases)  
**090** - Night Work of Young Persons (Industry)  
**115** - Radiation Protection  
**095** - Protection of Wages  
**138** - Minimum Age  
**155** - Occupational Safety and Health

- 144 - Tripartite Consultation (International Labour Standards)  
 159 - Vocational Rehabilitation and Employment (Disabled Persons)  
 019 - Equality of Treatment (Accident Compensation)  
 148 - Working Environment (Air Pollution, Noise and Vibration)  
 130 - Medical Care and Sickness Benefits  
 111 - Discrimination (Employment and Occupation)  
**Direct Request on Submission to Competent Authorities**  
**General Direct Request**
- 2001 160 - Labour Statistics  
 090 - Night Work of Young Persons (Industry)  
 095 - Protection of Wages  
 155 - Occupational Safety and Health  
 173 - Protection of Workers' Claims (Employer's Insolvency)  
 111 - Discrimination (Employment and Occupation)  
 115 - Radiation Protection  
 122 - Employment Policy Convention  
 123 - Minimum Age (Underground Work)  
 128 - Invalidity, Old-Age and Survivors' Benefits  
 102 - Social Security (Minimum Standards)  
 100 - Equal Remuneration  
 130 - Medical Care and Sickness Benefits  
 142 - Human Resources Development  
 144 - Tripartite Consultation (International Labour Standards)  
 148 - Working Environment (Air Pollution, Noise and Vibration)  
 012 - Workmen's Compensation (Agriculture)  
 019 - Equality of Treatment (Accident Compensation)  
 029 - Forced Labour
- 2002 130 - Medical Care and Sickness Benefits  
 115 - Radiation Protection  
 102 - Social Security (Minimum Standards)  
 140 - Paid Educational Leave  
 144 - Tripartite Consultation (International Labour Standards)  
 111 - Discrimination (Employment and Occupation)  
 105 - Abolition of Forced Labour  
 136 - Benzene  
 159 - Vocational Rehabilitation and Employment (Disabled Persons)  
 128 - Invalidity, Old-Age and Survivors' Benefits  
 029 - Forced Labour  
 138 - Minimum Age
- 2003 123 - Minimum Age (Underground Work)  
 115 - Radiation Protection  
 183 - Maternity Protection  
 182 - Worst Forms of Child Labour  
 173 - Protection of Workers' Claims (Employer's Insolvency)  
 089 - Night Work (Women)

- 078** - Medical Examination of Young Persons (Non-Industrial Occupations)
- 077** - Medical Examination of Young Persons (Industry)
- 052** - Holidays with Pay
- 029** - Forced Labour
- 026** - Minimum Wage-Fixing Machinery
- 014** - Weekly Rest (Industry)
- 001** - Hours of Work (Industry)
- 140** - Paid Educational Leave
- 138** - Minimum Age
- 105** - Abolition of Forced
- 102** - Social Security (Minimum Standards)
- 100** - Equal Remuneration
- 099** - Minimum Wage Fixing Machinery (Agriculture)
- 2004 **034** - Fee-Charging Employment Agencies
- 124** - Medical Examination of Young Persons (Underground Work)
- 173** - Protection of Workers' Claims (Employer's Insolvency)
- 155** - Occupational Safety and Health
- 045** - Underground Work (Women)
- 128** - Invalidity, Old-Age and Survivors' Benefits
- 142** - Human Resources Development
- 140** - Paid Educational Leave
- 130** - Medical Care and Sickness Benefits
- 102** - Social Security (Minimum Standards)
- 2005 **105** - Abolition of Forced Labour
- 111** - Discrimination (Employment and Occupation)
- 184** - Safety and Health in Agriculture
- 182** - Worst Forms of Child Labour Convention
- 171** - Night Work
- 164** - Health Protection and Medical Care (Seafarers)
- 163** - Seafarers' Welfare
- 161** - Occupational Health
- 160** - Labour Statistics
- 156** - Workers with Family Responsibilities
- 098** - Right to Organise
- 088** - Employment Service
- 087** - Freedom of Association
- 029** - Forced Labour
- 138** - Minimum Age
- 120** - Hygiene (Commerce and Offices)
- 100** - Equal Remuneration
- 2006 **087** - Freedom of Association
- 176** - Safety and Health in Mines
- 156** - Workers with Family Responsibilities
- 155** - Occupational Safety and Health
- 088** - Employment Service



- 2007
- 115 - Radiation Protection
  - 042 - Workmen's Compensation (Occupational Diseases)
  - 034 - Fee-Charging Employment Agencies
  - 017 - Workmen's Compensation (Accidents)
  - 139 - Occupational Cancer
  - 136 - Benzene
  - 078 - Medical Examination of Young Persons (Non-Industrial Occupations)
  - 111 - Discrimination (Employment and Occupation)
  - 182 - Worst Forms of Child Labour
  - 161 - Occupational Health Services
  - 156 - Workers with Family Responsibilities
  - 095 - Protection of Wages
  - 088 - Employment Service
  - 124 - Medical Examination of Young Persons (Underground Work)
  - 077 - Medical Examination of Young Persons (Industry)
  - 027 - Marking of Weight (Packages Transported by Vessels)
  - 026 - Minimum Wage-Fixing Machinery
  - 138 - Minimum Age
  - 100 - Equal Remuneration
- 2008
- 099 - Minimum Wage Fixing Machinery (Agriculture)
  - 167 - Safety and Health in Construction
  - 173 - Protection of Workers' Claims (Employer's Insolvency)
  - 182 - Worst Forms of Child Labour
  - 029 - Forced Labour
  - 105 - Abolition of Forced Labour
- 2009
- 136 - Benzene
  - 115 - Radiation Protection
  - 111 - Discrimination (Employment and Occupation)
  - General Direct Request**
  - 184 - Safety and Health in Agriculture
  - 183 - Maternity Protection
  - 182 - Worst Forms of Child Labour
  - 176 - Safety and Health in Mines
  - 171 - Night Work
  - 167 - Safety and Health in Construction
  - 161 - Occupational Health Services
  - 155 - Occupational Safety and Health
  - 052 - Holidays with Pay
  - 014 - Weekly Rest (Industry)
  - 001 - Hours of Work (Industry)
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
  - 140 - Paid Educational Leave
  - 139 - Occupational Cancer
  - 120 - Hygiene (Commerce and Offices)
  - 100 - Equal Remuneration

- 2010
- 105 - Abolition of Forced Labour
  - 102 - Social Security (Minimum Standards)
  - 100 - Equal Remuneration
  - 098 - Right to Organise
  - 088 - Employment Service C
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
  - 139 - Occupational Cancer
  - 130 - Medical Care and Sickness Benefits
  - 128 - Invalidity, Old-Age and Survivors' Benefits
  - 122 - Employment Policy
  - 120 - Hygiene (Commerce and Offices)
  - 115 - Radiation Protection
  - 184 - Safety and Health in Agriculture
  - 182 - Worst Forms of Child Labour
  - 176 - Safety and Health in Mines
  - 167 - Safety and Health in Construction
  - 164 - Health Protection and Medical Care (Seafarers)
  - 163 - Seafarers' Welfare
  - 161 - Occupational Health Services
- 2011
- 154 - Collective Bargaining
  - 100 - Equal Remuneration
  - 081 - Labour Inspection
  - 042 - Workmen's Compensation (Occupational Diseases)
  - 139 - Occupational Cancer
  - 135 - Workers' Representatives
  - 130 - Medical Care and Sickness Benefits
  - 129 - Labour Inspection (Agriculture)
  - 128 - Invalidity, Old-Age and Survivors' Benefits
  - 122 - Employment Policy
  - 120 - Hygiene (Commerce and Offices)
  - 111 - Discrimination (Employment and Occupation)
  - General Direct Request**
  - 182 - Worst Forms of Child Labour
  - 176 - Safety and Health in Mines
  - 167 - Safety and Health in Construction
  - 164 - Health Protection and Medical Care (Seafarers)
  - 163 - Seafarers' Welfare
  - 161 - Occupational Health Services
  - 160 - Labour Statistics
  - 156 - Workers with Family Responsibilities
  - 105 - Abolition of Forced Labour
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
- 2012
- 187 - Promotional Framework for Occupational Safety and Health
  - 182 - Worst Forms of Child Labour
  - 181 - Private Employment Agencies
  - 176 - Safety and Health in Mines

- 2013
- 173 - Protection of Workers' Claims (Employer's Insolvency)
  - 167 - Safety and Health in Construction
  - 164 - Health Protection and Medical Care (Seafarers)
  - 163 - Seafarers' Welfare
  - 161 - Occupational Health Services
  - 159 - Vocational Rehabilitation and Employment (Disabled Persons)
  - 158 - Termination of Employment
  - 156 - Workers with Family Responsibilities
  - 151 - Labour Relations (Public Service)
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
  - 139 - Occupational Cancer
  - 120 - Hygiene (Commerce and Offices)
  - 105 - Abolition of Forced Labour
  - 099 - Minimum Wage Fixing Machinery (Agriculture)
  - 098 - Right to Organise
  - 095 - Protection of Wages
  - 042 - Workmen's Compensation (Occupational Diseases)
  - 026 - Minimum Wage-Fixing Machinery
  - 017 - Workmen's Compensation (Accidents)
  - 105 - Abolition of Forced Labour
  - 139 - Occupational Cancer
  - 171 - Night Work
  - 130 - Medical Care and Sickness Benefits
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
  - General Direct Request**
  - 014 - Weekly Rest (Industry)
  - 156 - Workers with Family Responsibilities
  - 182 - Worst Forms of Child Labour
  - 129 - Labour Inspection (Agriculture)
  - 183 - Maternity Protection
  - 042 - Workmen's Compensation (Occupational Diseases)
  - 052 - Holidays with Pay
  - 001 - Hours of Work (Industry)
  - 081 - Labour Inspection
  - 098 - Right to Organise
  - 159 - Vocational Rehabilitation and Employment (Disabled Persons)
  - 140 - Paid Educational Leave
  - 128 - Invalidity, Old-Age and Survivors' Benefits
- 2014
- 144 - Tripartite Consultation (International Labour Standards)
  - 148 - Working Environment (Air Pollution, Noise and Vibration)
  - 151 - Labour Relations (Public Service)
  - 156 - Workers with Family Responsibilities
  - 161 - Occupational Health Services
  - 167 - Safety and Health in Construction
  - 176 - Safety and Health in Mines
  - 183 - Maternity Protection

- 184 - Safety and Health in Agriculture
- 187 - Promotional Framework for Occupational Safety and Health
- 052 - Holidays with Pay
- 081 - Labour Inspection
- 098 - Right to Organise
- 100 - Equal Remuneration
- 111 - Discrimination (Employment and Occupation)
- 120 - Hygiene (Commerce and Offices)
- 129 - Labour Inspection (Agriculture)
- 135 - Workers' Representatives
- 136 - Benzene
- 139 - Occupational Cancer
- 2015 163 - Seafarers' Welfare
- 159 - Vocational Rehabilitation and Employment (Disabled Persons)
- 181 - Private Employment Agencies
- 158 - Termination of Employment
- 122 - Employment Policy
- 115 - Radiation Protection
- 088 - Employment Service
- 140 - Paid Educational Leave
- 098 - Right to Organise
- 164 - Health Protection and Medical Care (Seafarers)
- 2016 158 - Termination of Employment
- 160 - Labour Statistics
- 182 - Worst Forms of Child
- 2017 144 - Tripartite Consultation (International Labour Standards)
- 140 - Paid Educational Leave
- 2018 081 - Labour Inspection
- 140 - Paid Educational Leave
- 129 - Labour Inspection (Agriculture)
- 156 - Workers with Family Responsibilities
- 098 - Right to Organise

**Source:** ILO Normlex Database, n.d.a

## Appendix 7. Czechia and Slovakia World Bank Reforms

| <b>Year</b> | <b>Czech</b>                             | <b>Slovakia</b>                          |
|-------------|--|--|
| <b>2006</b> |  | 4 reforms (World Bank, 2006 p.2)         |
| <b>2007</b> | 3 reforms (World Bank, 2007, p.75)       | 2 reforms (World Bank, 2007, p.75)       |
| <b>2008</b> | 3 Reforms (World Bank, 2008, p.83)       | 0 reforms (World Bank, 2008, p.83)       |
| <b>2009</b> | 4 reforms (World Bank, 2009, p.81)       | 1 reform (World Bank, 2009, p.81)        |
| <b>2010</b> | 3 reforms (World Bank, 2010, p.98)       | 1 reform (World Bank, 2010, p.98)        |
| <b>2011</b> | 2 reforms (World Bank, 2011, pp.136-143) | 0 reforms (World Bank, 2011, pp.136-143) |
| <b>2012</b> | 2 reforms (World Bank, 2012, p.68)       | 1 reform (World Bank, 2012, p.74)        |
| <b>2013</b> | 4 reforms (World Bank, 2013, p.135)      | 5 reforms (World Bank, 2013, p.135)      |
| <b>2014</b> | 3 reforms (World Bank, 2014, p.162)      | 3 reforms (World Bank, 2014, p.169)      |
| <b>2015</b> | 3 reforms (World Bank, 2015, pp.155-6)   | 2 reforms (World Bank, 2015, PDF.163)    |
| <b>2016</b> | 0 reforms                                | 2 reforms (World Bank, 2016, p.180)      |
| <b>2017</b> | 2 reforms (World Bank, 2017, p.174)      | 1 reform (World Bank 2017, p.184)        |
| <b>2018</b> | 2 reforms (World Bank, 2018, p.129)      | 1 reform (World Bank, 2018, p.138)       |
| <b>2019</b> | 0  | 1 reform (World Bank, 2019, p.148)       |

Note\* Reforms are noted in Doing Business in reference to legislation changes that took place the year prior e.g. a reform listed for 2016 refers to legislation changes in 2014/15.

## Appendix 8 – UCINET Output Czechia

### CLOSENESS CENTRALITY

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 Input dataset: Czech\_RC\_2\_RemovedLocalActors\_UCINET\_TEST\_1 (C:\Users\Simon\Documents\UCINET data  
 \Czech\_RC\_2\_RemovedLocalActors\_UCINET\_TEST\_1)  
 Method: Geodesic paths only (Freeman Closeness)  
 Output dataset: Czech\_RC\_2\_RemovedLocalActors\_UCINET\_TEST\_1-c1o (C:\Users\Simon\Documents\UCINET data  
 \Czech\_RC\_2\_RemovedLocalActors\_UCINET\_TEST\_1-c1o)

WARNING: Data matrix dichotomized such that  $X_{ij} > 0$  was recoded to 1

### Closeness Centrality Measures

|       |             | 1       | 2          |
|-------|-------------|---------|------------|
|       |             | Farness | nCloseness |
| ----- |             |         |            |
| 2     | ILO         | 39.000  | 76.923     |
| 10    | ITUC        | 51.000  | 58.824     |
| 6     | INDUSTRIALL | 53.000  | 56.604     |
| 3     | TUAC        | 54.000  | 55.556     |
| 1     | EUROFOUND   | 56.000  | 53.571     |
| 4     | ETUC        | 56.000  | 53.571     |
| 24    | FLA         | 56.000  | 53.571     |
| 7     | WB          | 56.000  | 53.571     |
| 8     | IMF         | 57.000  | 52.632     |
| 17    | ETI         | 57.000  | 52.632     |
| 21    | CCC         | 58.000  | 51.724     |
| 18    | BSCI        | 59.000  | 50.847     |
| 9     | WTO         | 60.000  | 50.000     |
| 23    | SAI         | 61.000  | 49.180     |
| 15    | PSI         | 61.000  | 49.180     |
| 27    | WFTO        | 61.000  | 49.180     |
| 22    | UNIDO       | 66.000  | 45.455     |
| 19    | UNGP        | 66.000  | 45.455     |
| 14    | UNDP        | 66.000  | 45.455     |
| 31    | G20         | 68.000  | 44.118     |
| 29    | IOM         | 68.000  | 44.118     |
| 30    | AI          | 68.000  | 44.118     |
| 11    | UNGC        | 70.000  | 42.857     |
| 26    | USDS        | 74.000  | 40.541     |
| 13    | COE         | 80.000  | 37.500     |
| 20    | FTA         | 80.000  | 37.500     |
| 12    | ETUI        | 83.000  | 36.145     |
| 25    | WRC         | 85.000  | 35.294     |
| 5     | TSP         | 85.000  | 35.294     |
| 16    | BS          | 86.000  | 34.884     |
| 28    | UNCTAD      | 90.000  | 33.333     |

Statistics

|    |                    | 1        | 2          |
|----|--------------------|----------|------------|
|    |                    | Farness  | nCloseness |
| 1  | Minimum            | 39       | 33.333     |
| 2  | Average            | 65.484   | 47.407     |
| 3  | Maximum            | 90       | 76.923     |
| 4  | Sum                | 2030     | 1469.631   |
| 5  | Standard Deviation | 12.069   | 8.960      |
| 6  | Variance           | 145.669  | 80.289     |
| 7  | SSQ                | 137448   | 72160.477  |
| 8  | MCSSQ              | 4515.742 | 2488.970   |
| 9  | Euclidean Norm     | 370.740  | 268.627    |
| 10 | Observations       | 31       | 31         |
| 11 | Missing            | 0        | 0          |

11 rows, 2 columns, 1 levels.

Network Centralization = 62.05%

-----  
Running time: 00:00:01  
Output generated: 06 Aug 17 11:07:07  
UCINET 6.632 Copyright (c) 1992-2017 Analytic Technologies

**Source:** (Hayes, 2017)

## Appendix 9 - UCINET Output Slovakia

### CLOSENESS CENTRALITY

-----  
 Input dataset: SLOVAK\_REBUILD\_TEST (C:\Users\Simon\Documents\UCINET data\SLOVAK\_REBUILD\_TEST)  
 Method: Geodesic paths only (Freeman Closeness)  
 Output dataset: Closeness (C:\Users\Simon\Documents\UCINET data\Closeness)

WARNING: Data matrix dichotomized such that  $X_{ij} > 0$  was recoded to 1

### Closeness Centrality Measures

|    |             | 1       | 2          |
|----|-------------|---------|------------|
|    |             | Farness | nCloseness |
|    |             | -----   | -----      |
| 2  | ILO         | 26.000  | 88.462     |
| 3  | TUAC        | 35.000  | 65.714     |
| 10 | ITUC        | 36.000  | 63.889     |
| 6  | INDUSTRIALL | 36.000  | 63.889     |
| 4  | ETUC        | 37.000  | 62.162     |
| 1  | EUROFOUND   | 40.000  | 57.500     |
| 8  | IMF         | 41.000  | 56.098     |
| 7  | WB          | 41.000  | 56.098     |
| 13 | ETUI        | 41.000  | 56.098     |
| 14 | PSI         | 42.000  | 54.762     |
| 21 | ETI         | 42.000  | 54.762     |
| 12 | UNGC        | 42.000  | 54.762     |
| 16 | BSCI        | 42.000  | 54.762     |
| 20 | FLA         | 43.000  | 53.488     |
| 9  | WTO         | 44.000  | 52.273     |
| 17 | UNGP        | 46.000  | 50.000     |
| 15 | UNDP        | 46.000  | 50.000     |
| 19 | UNIDO       | 47.000  | 48.936     |
| 23 | AI          | 48.000  | 47.917     |
| 24 | G20         | 48.000  | 47.917     |
| 22 | IOM         | 48.000  | 47.917     |
| 11 | COE         | 55.000  | 41.818     |
| 5  | TSP         | 62.000  | 37.097     |
| 18 | FTA         | 62.000  | 37.097     |



Statistics

|    |                    | 1        | 2          |
|----|--------------------|----------|------------|
|    |                    | Farness  | nCloseness |
| 1  | Minimum            | 26       | 37.097     |
| 2  | Average            | 43.750   | 54.309     |
| 3  | Maximum            | 62       | 88.462     |
| 4  | Sum                | 1050     | 1303.415   |
| 5  | Standard Deviation | 7.838    | 10.215     |
| 6  | Variance           | 61.438   | 104.344    |
| 7  | SSQ                | 47412    | 73291.367  |
| 8  | MCSSQ              | 1474.500 | 2504.247   |
| 9  | Euclidean Norm     | 217.743  | 270.724    |
| 10 | Observations       | 24       | 24         |
| 11 | Missing            | 0        | 0          |

11 rows, 2 columns, 1 levels.

Network Centralization = 72.89%

Output actor-by-centrality measure matrix saved as dataset Closeness (C:\Users\Simon\Documents\UCINET data\Closeness)

-----  
Running time: 00:00:01  
Output generated: 10 Aug 17 11:40:20  
UCINET 6.632 Copyright (c) 1992-2017 Analytic Technologies

**Source:** (Hayes, 2017)

| <b>Appendix 10 – Node XL Output Table Czechia</b> |               |                               |                             |                               |
|---|---------------|-------------------------------|-----------------------------|-------------------------------|
| <b>Vertex</b>                                     | <b>Degree</b> | <b>Betweenness Centrality</b> | <b>Closeness Centrality</b> | <b>Eigenvector Centrality</b> |
| ILO   | 21            | 218.490                       | 0.026                       | 0.100                         |
| ITUC  | 12            | 46.096                        | 0.020                       | 0.077                         |
| INDUSTRIALL                                       | 10            | 10.596                        | 0.019                       | 0.074                         |
| TUAC  | 10            | 38.317                        | 0.019                       | 0.068                         |
| ETUC  | 8             | 14.471                        | 0.018                       | 0.062                         |
| FLA   | 8             | 59.105                        | 0.018                       | 0.028                         |
| WB  | 9             | 21.879                        | 0.018                       | 0.062                         |
| EUROFOUND   | 8             | 34.917                        | 0.018                       | 0.055                         |
| ETI   | 6             | 33.700                        | 0.018                       | 0.038                         |
| IMF   | 8             | 2.036                         | 0.018                       | 0.064                         |
| CCC   | 5             | 5.286                         | 0.017                       | 0.040                         |
| BSCI  | 6             | 19.033                        | 0.017                       | 0.030                         |
| WTO   | 6             | 3.036                         | 0.017                       | 0.048                         |
| WFTO  | 5             | 30.186                        | 0.016                       | 0.032                         |
| SAI   | 4             | 3.883                         | 0.016                       | 0.021                         |
| PSI   | 5             | 0.536                         | 0.016                       | 0.045                         |
| UNDP  | 2             | 0.000                         | 0.015                       | 0.021                         |
| UNIDO   | 2             | 1.983                         | 0.015                       | 0.014                         |
| UNGP  | 2             | 0.000                         | 0.015                       | 0.016                         |
| IOM   | 1             | 0.000                         | 0.015                       | 0.012                         |
| AI  | 1             | 0.000                         | 0.015                       | 0.012                         |
| G20   | 1             | 0.000                         | 0.015                       | 0.012                         |
| UNGC  | 4             | 4.417                         | 0.014                       | 0.015                         |
| USDS  | 2             | 1.333                         | 0.014                       | 0.011                         |
| COE   | 1             | 0.000                         | 0.013                       | 0.009                         |
| FTA   | 2             | 0.700                         | 0.013                       | 0.007                         |
| ETUI  | 1             | 0.000                         | 0.012                       | 0.008                         |
| TSP   | 1             | 0.000                         | 0.012                       | 0.007                         |
| WRC   | 1             | 0.000                         | 0.012                       | 0.003                         |
| BS  | 1             | 0.000                         | 0.012                       | 0.005                         |
| UNCTAD  | 1             | 0.000                         | 0.011                       | 0.004                         |
| Graph Density                                     | 0.165591398   |                               |                             |                               |
|   |               |                               |                             |                               |

Source: (Hayes, 2017)

## Appendix 11 – Node XL ‘screen capture’ Czechia

|    | A             | S      | T         | U          | V                      | W                    | X                      | Y        | Z                      |
|----|---------------|--------|-----------|------------|------------------------|----------------------|------------------------|----------|------------------------|
| 1  | Graph Metrics |        |           |            |                        |                      |                        |          |                        |
| 2  | Vertex        | Degree | In-Degree | Out-Degree | Betweenness Centrality | Closeness Centrality | Eigenvector Centrality | PageRank | Clustering Coefficient |
| 3  | ILO           | 21     | 21        | 20         | 218.490                | 0.026                | 0.100                  | 4.011    | 0.200                  |
| 4  | ITUC          | 12     | 11        | 11         | 46.096                 | 0.020                | 0.077                  | 2.181    | 0.424                  |
| 5  | INDUSTRIALL   | 10     | 8         | 9          | 10.596                 | 0.019                | 0.074                  | 1.729    | 0.600                  |
| 6  | TUAC          | 10     | 10        | 9          | 38.317                 | 0.019                | 0.068                  | 1.822    | 0.467                  |
| 7  | ETUC          | 8      | 8         | 7          | 14.471                 | 0.018                | 0.062                  | 1.417    | 0.643                  |
| 8  | FLA           | 8      | 7         | 6          | 59.105                 | 0.018                | 0.028                  | 1.731    | 0.143                  |
| 9  | WB            | 9      | 9         | 8          | 21.879                 | 0.018                | 0.062                  | 1.610    | 0.500                  |
| 10 | EUROFOUND     | 8      | 6         | 6          | 34.917                 | 0.018                | 0.055                  | 1.529    | 0.500                  |
| 11 | ETI           | 6      | 6         | 6          | 33.700                 | 0.018                | 0.038                  | 1.254    | 0.333                  |
| 12 | IMF           | 8      | 8         | 7          | 2.036                  | 0.018                | 0.064                  | 1.383    | 0.786                  |
| 13 | CCC           | 5      | 5         | 5          | 5.286                  | 0.017                | 0.040                  | 0.960    | 0.700                  |
| 14 | BSCI          | 6      | 5         | 5          | 19.033                 | 0.017                | 0.030                  | 1.253    | 0.267                  |
| 15 | WTO           | 6      | 6         | 6          | 3.036                  | 0.017                | 0.048                  | 1.094    | 0.733                  |
| 16 | WFTO          | 5      | 5         | 5          | 30.186                 | 0.016                | 0.032                  | 1.063    | 0.400                  |
| 17 | SAI           | 4      | 4         | 4          | 3.883                  | 0.016                | 0.021                  | 0.861    | 0.500                  |
| 18 | PSI           | 5      | 1         | 5          | 0.536                  | 0.016                | 0.045                  | 0.921    | 0.900                  |
| 19 | UNDP          | 2      | 2         | 2          | 0.000                  | 0.015                | 0.021                  | 0.467    | 1.000                  |
| 20 | UNIDO         | 2      | 2         | 2          | 1.983                  | 0.015                | 0.014                  | 0.499    | 0.000                  |
| 21 | UNGP          | 2      | 2         | 2          | 0.000                  | 0.015                | 0.016                  | 0.490    | 1.000                  |
| 22 | IOM           | 1      | 1         | 1          | 0.000                  | 0.015                | 0.012                  | 0.312    | 0.000                  |
| 23 | AI            | 1      | 1         | 1          | 0.000                  | 0.015                | 0.012                  | 0.312    | 0.000                  |
| 24 | G20           | 1      | 1         | 1          | 0.000                  | 0.015                | 0.012                  | 0.312    | 0.000                  |
| 25 | UNGC          | 4      | 3         | 3          | 4.417                  | 0.014                | 0.015                  | 0.879    | 0.167                  |
| 26 | USDS          | 2      |           |            | 1.333                  | 0.014                | 0.011                  | 0.486    | 0.000                  |

Source: (Hayes, 2017)

| <b>Appendix 12 –<br/>Node XL<br/>Output Table<br/>Slovakia</b> |               |                                   |                                 |                                   |
|--|---------------|-----------------------------------|---------------------------------|-----------------------------------|
| <b>Vertex</b>  | <b>Degree</b> | <b>Betweenness<br/>Centrality</b> | <b>Closeness<br/>Centrality</b> | <b>Eigenvector<br/>Centrality</b> |
| ILO  | 20            | 137.660                           | 0.038                           | 0.103                             |
| TUAC   | 11            | 14.478                            | 0.029                           | 0.080                             |
| ETUC   | 10            | 14.376                            | 0.027                           | 0.074                             |
| ITUC   | 11            | 19.493                            | 0.028                           | 0.076                             |
| INDUSTRIALL  | 11            | 7.848                             | 0.028                           | 0.083                             |
| IMF  | 7             | 0.821                             | 0.024                           | 0.059                             |
| WB   | 7             | 1.206                             | 0.024                           | 0.059                             |
| PSI  | 6             | 0.310                             | 0.024                           | 0.055                             |
| EUROFOUND  | 7             | 22.000                            | 0.025                           | 0.057                             |
| BSCI   | 6             | 14.172                            | 0.024                           | 0.032                             |
| WTO  | 5             | 0.143                             | 0.023                           | 0.046                             |
| ETI  | 5             | 3.139                             | 0.024                           | 0.038                             |
| UNGC   | 5             | 3.611                             | 0.024                           | 0.035                             |
| FLA  | 5             | 9.744                             | 0.023                           | 0.025                             |
| UNDP   | 2             | 0.000                             | 0.022                           | 0.021                             |
| UNIDO  | 2             | 0.000                             | 0.021                           | 0.016                             |
| IOM  | 1             | 0.000                             | 0.021                           | 0.012                             |
| AI   | 1             | 0.000                             | 0.021                           | 0.012                             |
| G20  | 1             | 0.000                             | 0.021                           | 0.012                             |
| COE  | 2             | 0.000                             | 0.018                           | 0.018                             |
| ETUI   | 6             | 0.000                             | 0.024                           | 0.056                             |
| FTA  | 2             | 0.000                             | 0.016                           | 0.007                             |
| TSP  | 1             | 0.000                             | 0.016                           | 0.007                             |
| UNGP   | 2             | 0.000                             | 0.022                           | 0.016                             |
| Graph Density  | 0.246376812   |                                   |                                 |                                   |

**Source:** (Hayes, 2017)

### Appendix 13 – Node XL ‘screen capture’ Slovakia

|    | A           | R             | S         | T          | U                      | V                    | W                      | X        | Y                      |
|----|-------------|---------------|-----------|------------|------------------------|----------------------|------------------------|----------|------------------------|
| 1  |             | Graph Metrics |           |            |                        |                      |                        |          |                        |
| 2  | Vertex      | Degree        | In-Degree | Out-Degree | Betweenness Centrality | Closeness Centrality | Eigenvector Centrality | PageRank | Clustering Coefficient |
| 3  | ILO         | 20            |           |            | 137.660                | 0.038                | 0.103                  | 3.509    | 0.226                  |
| 4  | TUAC        | 11            |           |            | 14.478                 | 0.029                | 0.080                  | 1.731    | 0.509                  |
| 5  | ETUC        | 10            |           |            | 14.376                 | 0.027                | 0.074                  | 1.601    | 0.556                  |
| 6  | ITUC        | 11            |           |            | 19.493                 | 0.028                | 0.076                  | 1.782    | 0.473                  |
| 7  | INDUSTRIALL | 11            |           |            | 7.848                  | 0.028                | 0.083                  | 1.700    | 0.600                  |
| 8  | IMF         | 7             |           |            | 0.821                  | 0.024                | 0.059                  | 1.116    | 0.810                  |
| 9  | WB          | 7             |           |            | 1.206                  | 0.024                | 0.059                  | 1.120    | 0.762                  |
| 10 | PSI         | 6             |           |            | 0.310                  | 0.024                | 0.055                  | 0.973    | 0.867                  |
| 11 | EUROFOUND   | 7             |           |            | 22.000                 | 0.025                | 0.057                  | 1.233    | 0.714                  |
| 12 | BSCI        | 6             |           |            | 14.172                 | 0.024                | 0.032                  | 1.151    | 0.400                  |
| 13 | WTO         | 5             |           |            | 0.143                  | 0.023                | 0.046                  | 0.836    | 0.900                  |
| 14 | ETI         | 5             |           |            | 3.139                  | 0.024                | 0.038                  | 0.897    | 0.600                  |
| 15 | UNGC        | 5             |           |            | 3.611                  | 0.024                | 0.035                  | 0.929    | 0.500                  |
| 16 | FLA         | 5             |           |            | 9.744                  | 0.023                | 0.025                  | 0.976    | 0.500                  |
| 17 | UNDP        | 2             |           |            | 0.000                  | 0.022                | 0.021                  | 0.437    | 1.000                  |
| 18 | UNIDO       | 2             |           |            | 0.000                  | 0.021                | 0.016                  | 0.457    | 1.000                  |
| 19 | IOM         | 1             |           |            | 0.000                  | 0.021                | 0.012                  | 0.299    | 0.000                  |
| 20 | AI          | 1             |           |            | 0.000                  | 0.021                | 0.012                  | 0.299    | 0.000                  |
| 21 | G20         | 1             |           |            | 0.000                  | 0.021                | 0.012                  | 0.299    | 0.000                  |
| 22 | COE         | 2             |           |            | 0.000                  | 0.018                | 0.018                  | 0.424    | 1.000                  |
| 23 | ETUI        | 6             |           |            | 0.000                  | 0.024                | 0.056                  | 0.988    | 1.000                  |
| 24 | FTA         | 2             |           |            | 0.000                  | 0.016                | 0.007                  | 0.479    | 1.000                  |
| 25 | TSP         | 1             |           |            | 0.000                  | 0.016                | 0.007                  | 0.300    | 0.000                  |
| 26 | UNGP        | 2             |           |            | 0.000                  | 0.022                | 0.016                  | 0.462    | 1.000                  |

Source: (Hayes, 2017)

Appendix 14 – Czechia and Slovakia regime sub-constellation significance tests

Appendix 14

|                    | Y1<br>Czechia | Y2<br>Slovakia                      |
|--------------------|---------------|-------------------------------------|
| Ilo closeness      | 76.92         | 88.46                               |
| N                  | 31            | 24                                  |
| SD                 | 8.96          | 10.215                              |
| Network Centrality | 62.05         | 72.89<br>(Source: Appendices 8 & 9) |

↓

① Ilo Centrality T-Test

$$ESE = \sqrt{\frac{(N_2 - 1)SD_2^2 + (N_1 - 1)SD_1^2}{N_2 + N_1 - 2}}$$

$$ESE = \sqrt{\frac{23(104.846) + 30(80.282)}{24 + 31 - 2}}$$

$$ESE = \sqrt{90.72}$$

$$ESE = 9.52 * \sqrt{\frac{1}{N_2} + \frac{1}{N_1}}$$

$$ESE = 2.59$$

$$T = \frac{Y_2 - Y_1}{ESE}$$

$$T = \frac{88.46 - 76.92}{2.59}$$

$$T = 4.456$$

$T > \text{critical value } 3.29$

$\therefore P < 0.001$

② Network Centralisation T-Test

$$T = \frac{Y_2 - Y_1}{ESE}$$

$$T = \frac{72.89 - 62.05}{2.59}$$

$$T = 4.18 > \text{critical value } 3.29$$

$\therefore P < 0.001$

Appendix 14

|                        | Y1      | Y2       |
|------------------------|---------|----------|
|                        | Czechia | Slovakia |
| N                      | 31      | 24       |
| SD                     | 40.65   | 27.99    |
| World Bank Betweenness | 21.87   | 1.21     |
| IMF Betweenness        | 2.04    | 0.82     |

(Source: Appendices 10-13)

\*Note\* Standard deviation calculated using Excel

World Bank Betweenness t-test

$$ESE = \sqrt{\frac{(N_2 - 1)SD^2 + (N_1 - 1)SD^2}{N_2 + N_1 - 2}}$$

$$ESE = \sqrt{\frac{(23)788.44 + 30(1652.42)}{53}}$$

$$ESE = \sqrt{\frac{18019.12 + 49572.6}{53}}$$

$$ESE = \sqrt{1275.82}$$

$$ESE = 35.71 * \sqrt{\frac{1}{N_2} + \frac{1}{N_1}}$$

$$ESE = 9.71$$

$$T = \frac{Y_2 - Y_1}{ESE}$$

$$T = \frac{1.21 - 21.87}{9.71}$$

$$T = -2.13$$

Critical Value 1.96

$\therefore P < 0.05$

IMF Betweenness T-test

$$T = \frac{Y_2 - Y_1}{ESE}$$

$$T = \frac{0.82 - 2.04}{9.71}$$

$$T = -0.126 < \text{Critical Value}$$

1.65  $\therefore P > 0.10$



Appendix 14

Network Centralisation Confidence Interval

$$\hat{\Delta} \pm 1.96 \times \text{ESE}$$

$$10.84 \pm 1.96 \times 2.59$$

$$= 5.77 : 15.91$$

ILO Closeness centrality Confidence Interval

$$\hat{\Delta} \pm 1.96 \times \text{ESE}$$

$$11.54 \pm 1.96 \times 2.59$$

$$= 6.47 : 16.61$$

World Bank Betweenness centrality Interval

$$\hat{\Delta} \pm 1.96 \times \text{ESE}$$

$$= 20.66 \pm 1.96 \times 9.71$$

$$= 18.8 : 39.69$$



Appendix 15 - Regime sub-constellations versus global – significance tests

|                      | Appendix 15 |          |        |
|----------------------|-------------|----------|--------|
|                      | N1          | N1       | N2     |
|                      | Czechia     | Slovakia | Global |
| N =                  | 31          | 24       | 89     |
| Closeness SD         | 0.003       | 0.005    | 0.149  |
| Betweenness SD       | 40.65       | 27.99    | 496.92 |
| I/O Closeness        | 0.006       | 0.088    | 0.026  |
| IFUC Closeness       | 0.02        | 0.028    | 0.003  |
| InduskiAll Closeness | 0.019       | 0.028    | 0.004  |

Source: Appendixes 10-13  
\* SD calculated using Excel

ESE for Czechia/Global Comparison - Closeness centrality

$$ESE = \sqrt{\frac{(N_2-1)SD_2^2 + (N_1-1)SD_1^2}{N_2 + N_1 - 2}}$$

$$ESE = \sqrt{\frac{88(0.0222) + 30(0.000009)}{118}}$$

$$ESE = 0.0165 \sqrt{\frac{1}{89} + \frac{1}{31}}$$

$$ESE = 0.2083$$

ESE for Slovakia/Global Comparison - Closeness centrality

$$ESE = \sqrt{\frac{(89)0.0222 + (23)0.00002}{111}}$$

$$ESE = \sqrt{\frac{1.95046}{111}}$$

$$ESE = 0.133 \sqrt{\frac{1}{89} + \frac{1}{24}}$$

$$ESE = 0.031$$

## T - Tests

ILO Centrality  
Czechia vs Global

$$\bar{T} = \frac{Y_2 - Y_1}{ESE}$$

$$\bar{T} = \frac{0.006 - 0.026}{0.00344}$$

$$\bar{T} = -5.81 > \text{critical value } 3.29$$

$$\therefore P < 0.001$$

ILO Centrality  
Slovakia vs Global

$$\bar{T} = \text{" "}$$

$$\bar{T} = \frac{0.006 - 0.038}{0.031}$$

$$\bar{T} = -1.032 < \text{critical value } 1.65$$

$$\therefore P > 0.10$$

ITUC Centrality  
Czechia vs Global

$$\bar{T} = \text{" "}$$

$$\bar{T} = \frac{0.003 - 0.02}{0.00344}$$

$$\bar{T} = -5 > \text{critical value } 3.29$$

$$\therefore P < 0.001$$

ITUC Centrality  
Slovakia vs Global

$$\bar{T} = \text{" "}$$

$$\bar{T} = \frac{0.003 - 0.028}{0.031}$$

$$\bar{T} = -0.81 < \text{critical value } 1.65$$

$$\therefore P > 0.10$$

Industrial All centrality  
Czechia vs Global

$$\bar{T} = \text{" "}$$

$$\bar{T} = \frac{0.004 - 0.019}{0.00344}$$

$$\bar{T} = -4.41 > \text{critical value } 3.29$$

$$\therefore P < 0.001$$

Industrial All centrality  
Slovakia vs Global

$$\bar{T} = \text{" "}$$

$$\bar{T} = \frac{0.004 - 0.028}{0.031}$$

$$\bar{T} = 0.77 < \text{critical value } 1.65$$

$$\therefore P > 0.10$$