



# PILOT TESTS REPORT

## PROPOSAL FOR A DIALOGUE MODEL



Supported by Norway through the Norway Grants 2014-2021 in the frame of the Programme Social Dialogue – Decent Work







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**PROJECT: SOCIAL DIALOGUE SCHEMES FOR DECENT WORK  
IN THE PUBLIC SECTOR AT MUNICIPAL LEVEL**

DEVELOPED BASED ON THE PILOT TESTS RESULTS BY:  
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Gdańsk, 2022

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Publikacja wydana w ramach projektu  
„Schematy Dialogu Społecznego dla Godnej Pracy  
w sektorze publicznym na poziomie samorządów”  
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www.tekst.com.pl, e-mail: info@tekst.com.pl

ISBN 978-83-85610-37-3



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Supported by Norway through the Norway Grants 2014-2021 in the frame of the  
Programme Social Dialogue – Decent Work



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## INTRODUCTION

The main objective of the project Social Dialogue Schemes for Decent Work in the Public Sector at Municipal Level, implemented jointly by the National Commission of NSZZ Solidarność trade union, the Association of Polish Cities, the Norwegian Union of Municipal and General Workers (Fagforbundet) and the Norwegian Association of Local and Regional Authorities (KS) has been identification of solutions which may strengthen social dialogue in a very specific area i.e. local government sector. It is a huge challenge as the local government sector is a significant employer on the Polish labour market. As stated in the project report, as much as 20% of the Polish working population is employed in public institutions that are part of local government administration or in organisations which are owned by local government or which deliver services that are a statutory competence of local government (the Report: Local Government and Trade Unions - the conditions, potential and perspectives of social dialogue, Chapter: The Local Government Labour Market).

The problem with a social dialogue in the local government sector is a consequence of what the authors of the report identified as a triangle of impossibility. It is made of employees of the organisations with the trade unions which represent them and direct (formal) employers within the meaning of the Labour Code and the local government. If you look at the sides of the triangle in the context of social dialogue, it is easy to understand the issue. Pursuant to the Polish law, trade unions may negotiate with a formal employer who is closely connected with the local government. One side

is missing - the one that would connect trade unions directly with the local government which de facto exercises economic power. This situation results from the prevalence of the employer's organizational (management) concept over the ownership concept in the Polish labour law. In other words, the formal employer is in many respects not a real employer, but only its representative, with a limited scope of agency, especially in the sphere of financial management. This has far-reaching drastic consequences for the possibility for trade unions to actually exercise their constitutional rights. They may only negotiate with the direct employer, while the real employer in economic terms is the local government, which, however, is not legally liable to enter into collective bargaining with trade unions.

As a result of the impossibility triangle, negotiations, including those concerning wages and salaries, undertaken by trade unions in this sector very often lead to an escalation of conflict in the workplace due to the lack of the employer's actual mandate to make commitments. The demands are directed to the local government. However, this often takes place amidst high social tensions manifested in pickets and street demonstrations. It is also difficult to develop a dialogue for the future, regarding the challenges that face the Polish economy and the world of work, such as digitization, the need to care for the environment or improving the well-being of employees.

On top of it, the COVID-19 pandemic has clearly demonstrated the need to set a framework for ongoing dialogue which in times of "peace" would be used as a general consultation on issues of mutual interest to unions and local government, while in a crisis, it would allow for quick arrangements to be made regarding the situation of employees.

The need to strengthen the dialogue also results from other reasons. The first is the dynamically changing and unpredictable financial situation of local governments. The rules introduced under the governmental reform program called the Polish Deal have reduced the sources of permanent funding for the local government. This is accompanied by a prolonged uncertainty as to the possibility for Poland to use funds from the UE National Recovery Plan. This report is not the right forum to describe all these changing conditions – however, they undoubtedly result in the need to deepen the flow of information on the financial capabilities of the local government and to share this knowledge and to consult the consequences with the local trade unions.

The ongoing demographic change (aging of the workforce), migrations, technological change or changes eluding environmental and climate policy should not be forgotten either. These are all factors that substantially increase the need for a social dialogue, formalize its effects and, most importantly, open it to new areas and challenges.

The question is how to close the gap in the triangle in order to avoid crisis and at the same time to open up to new perspectives. The optimal solution would seem to be to build the dialogue on the multi-enterprise collective labour agreements tailored to the needs of an individual local government and employees in the subsidiary companies. However, the current legal and factual situation with regard to collective agreements does not give much hope that it will become possible in the foreseeable future. In such circumstances, it is worth inclining to voluntarily create an optional framework for dialogue. The Project decided to test this option under a pilot program.



## **PILOT TESTS**

# **ASSUMPTIONS AND THE PROCESS**

In the initial phase of the Project, the focus was on collecting opinions from the scientific community, local government community and trade unions regarding the current state and the prospects for the development of social dialogue between local government organisations and trade unions which represent employees in companies working for these local governments.

This was the starting point for testing the main thesis of the project in practice: that it is possible to initiate a constructive, voluntary dialogue in this area, based at the same time on a mutually agreed framework of cooperation. Extensive promotion of this type of optional solutions, such as voluntary agreements, may contribute to the fact that the social dialogue triangle of impossibility in local government described above will transform into a “triangle of cooperation”.

For the purposes of the pilot tests, two medium-sized municipalities with extensive services for residents have been selected. It was important to have companies who employ workers for whom the local government is an “indirect employer”. After consultations with the National Secretariat of Public Services of NSZZ Solidarność, Jaworzno and Płock were selected. An additional advantage was the fact that the existing rela-

tions between the local government and trade unions were satisfactory in both cases. Due to the unconventional nature of the entire project, a certain level of mutual trust was desirable.

After consultations with the local NSZZ Solidarność trade unions, invitations to the pilot tests were sent to the local governments of Jaworzno and Płock in September 2020. The response from the mayors of both cities was very positive. In October 2020, experts of NSZZ Solidarność visited both Płock and Jaworzno and held meetings with local governments and local trade unions of NSZZ Solidarność as well as employers of the municipal companies. The assumptions of the entire project and the goals of the pilot activities were presented. These visits have been very important as they provided the first and, for a longer period of time, the only opportunity for a direct meeting of experts with participants of the pilot tests.

Due to the COVID-19 pandemic, subsequent contacts took place primarily in the remote mode, which was a very serious challenge, given the innovative nature of the planned activities. December 1, 2020 a joint online expert workshop was held where key actions in the pilot tests were discussed. In addition to the main stakeholders, the meeting was also attended by the researchers on social dialogue issues. The next online workshop, organized separately for each local government, took place in February 2021. In both cases, the participants of the pilot tests decided to negotiate agreements which would define the framework for cooperation between local government, trade unions and employers from the companies covered by the pilot program. For the next few months, intense negotiations (though slowed down by the pandemic) continued. Under the assumptions of the project, the talks of interested parties took place in a completely autonomous formula. Project experts provided ongoing advice, but did not interfere with the direction of the negotiations nor the shape of the arrangements being developed.

On July 14, 2021 an agreement on the principles of dialogue and cooperation was signed in Jaworzno, and an agreement on partnership cooperation in Płock was signed on September 28, 2021.

The agreement in Jaworzno covered the following organisations:

- Municipal Office in Jaworzno, Municipal Centre of Culture and Sports, Poviats Employment Office, Waterworks in Jaworzno, City Transport Company in Jaworzno

The agreement in Płock covered the following organisations:

- Municipal Social Welfare Centre, Płock Culture and Art Centre, Płock Library, Płock Public Transport, Municipal Employment Office.

Detailed reports on the pilot tests were submitted by the coordinators in respective cities.

**Below find the link to the agreements:**

**<https://www.solidarnosc.org.pl/szkolenia/wspolpraca-zagraniczna/programy-europejskie/realizowane/item/19449-7-schematy-dialogu-spolcznego-dla-godnej-pracy>**



# CONTENT OF THE AGREEMENTS MADE UNDER THE PILOT TESTS (A LIST OF TOPICS)

## PROCEDURAL ISSUES

### **INFORMATION**

- The employers, at the request of trade unions, will provide trade unions with information on a long-term strategy of operations, especially in cases where it will have a significant impact on the situation of employees.
- The employers, at the request of trade unions, will inform them about the employment structure, including providing collective numerical information on changes in workers classifications and promotions.
- The employers inform trade unions about significant organizational changes in their workplaces.
- At the request of trade unions, the employer provides information on the amount of funds available for remuneration, including those intended for awards/bonuses as stipulated in the working rules.

## **NEGOTIATIONS**

- Prior to entering any negotiations, the parties set the goals and area of the negotiations so that it is possible to determine the scope and level of realistic expectations to be met.
- The parties shall have their obligatory annual negotiations on the dates set by them.
- The negotiations should be conducted in a spirit of respect for the parties and goodwill so that they do not turn into a mock dialogue.
- The parties shall communicate their position on matters requiring arrangements without delay.
- The parties shall not disclose the content of the negotiations until their completion, unless the negotiations require consultations with the workforce.
- The parties shall not question the content of their jointly developed position and shall convey it in an agreed form.

## **MUTUAL COOPERATION**

- The parties undertake to cooperate in the implementation and delivering the objectives of the agreement
  - guided by the principle of respect for other's rights and views;
  - striving to maintain mutual trust;
  - by taking care of the positive image of the parties and reaching a compromise;
  - that the good cooperation of the parties should be an inspiration to take further actions for the development of employees.
- The parties undertake to cooperate on the basis of partnership, mutual respect for their respective legitimate interests and in the spirit of good cooperation. In the event of a different interpretation of these principles, the parties shall endeavour to resolve the differences through dialogue.
- The parties shall undertake joint, short-term and long-term measures to protect the employees and the interests of employers.
- The parties undertake to involve in joint activities to promote a positive image of cooperation both inside the plant, within the city and outside.
- The parties shall cooperate to promote the city by implementing good solutions and practices for the well-being of its inhabitants.

## **SETTING DATES FOR MEETINGS AND CONSULTATIONS**

- The parties shall meet at least once a year.
- In the third quarter of each year the parties will meet to discuss the municipal budget for the next year and to submit proposal for changes if they have any.
- Trade unions take part in a consultation process concerning the assumptions for the municipal budget.
- The employers and the trade unions shall in each workplace set fixed dates when they will be available for the ongoing consultations.

## **DOCUMENTATION OF THE MEETINGS**

- Minutes will be drawn up of the meetings. The minutes will be submitted for approval by each party within 7 days from the date of the meeting
- Minutes will be drawn up of the meetings. The minutes will be submitted for approval by each party within 7 days from the date of the meeting

## **PARTICIPATION IN THE MEETINGS**

- Representatives of the parties are required to attend the meetings.

## **ORGANISATION OF THE MEETINGS**

- The parties shall inform each other about the need to hold a meeting on a given matter and to conduct consultations no later than three working days before the planned meeting.
- The parties shall prepare and then provide the necessary information on the issue which is subject of the consultations.
- Meeting employees on important matters of their workplaces at the written request of either party.

## **RELATIONS BETWEEN THE PARTIES**

- By putting forward their demands, trade unions undertake to consider the current financial and organizational situation of the workplace and the municipal budget. The parties undertake to take into account the demands which may be met in light of the economic standing of the workplace and the municipal budget.
- Regardless of the results of the negotiations, consultations or arrangements, the parties to the agreement will not express negative opinions about the other party.

- The employers enable trade unions to display their logotype and informational materials and ensure the clarity of regulations on time for trade union activities for the employees.
- The parties to the agreement may not demand from the other party any actions that are against to the law, nor actions that could result in their being held criminally, officially or politically liable.
- In the event of evident and proven violations of the law, including the Labour Code and internal regulations and H&S rules by employees, trade unions undertake not to act against the employer's position.
- The parties recognize that everyone has the right to the legal protection of private and family life as well as the good name, and undertake to refrain from any action that could put both employers' representatives, trade unions and their families in a bad light.
- The parties to the agreement agree that the party who is solely responsible for a given decision or actions should have a decisive influence on that decision or actions.
- Trade unions undertake to provide reliable, objective and comprehensive information to the employees about the discussions/negotiations with the employer, in the purpose of not provoking unrest and social tensions.

## MATERIAL ISSUES

### **SKILL DEVELOPMENT**

- Inspiring employees to raise their qualifications, including digital and other competences in response to the changing needs of the labour market.
- Enabling employees to participate in training courses organized by the parties with retaining the right to remuneration for the time of training.

### **CONTROLLING PSYCHOSOCIAL HAZARDS**

- Joint actions to prevent and eliminate mobbing and other psychosocial hazards.
- An anti-mobbing committee will be established at each of the employers, whose purpose will be to resolve reported complaints on mobbing. The anti-mobbing committee shall consist of representatives of the employer and trade unions.

The committee's operation will be triggered in the event of a mobbing event being reported. The committee operates on the basis of the working rules agreed by the employer and the trade unions.

- The employers shall strive to provide trainings on customer service, anti-stress techniques, working with a difficult client, to the extent of available funding.

## **HEALTH AND SAFETY AT WORK**

- The parties unanimously declare that they will make efforts to improve occupational health and safety in their workplaces, and in particular foster solutions increasing work standards and H&S, as well as initiate and support innovative solutions aimed at improvement of the efficiency of the workplace. The parties declare their will to provide adequate training for the employees.

## **RENUMERATION PRINCIPLES**

- The parties will make every possible effort to ensure transparent principles of remuneration, respecting the standard included in the Labour Code that employees have the right to equal remuneration for the same work or for work of equal value.

## **REMOTE WORK**

- The employers shall include the principles of remote work in their work regulations in agreement with the trade unions.

## **PROMOTION OF THE CITY**

- The parties unanimously declare that they care for the good image of the city by promoting it in their published materials and websites.
- The parties shall display the city's coat of arms or its logo at the events they organize, after they have obtained the appropriate consent of the City Hall.

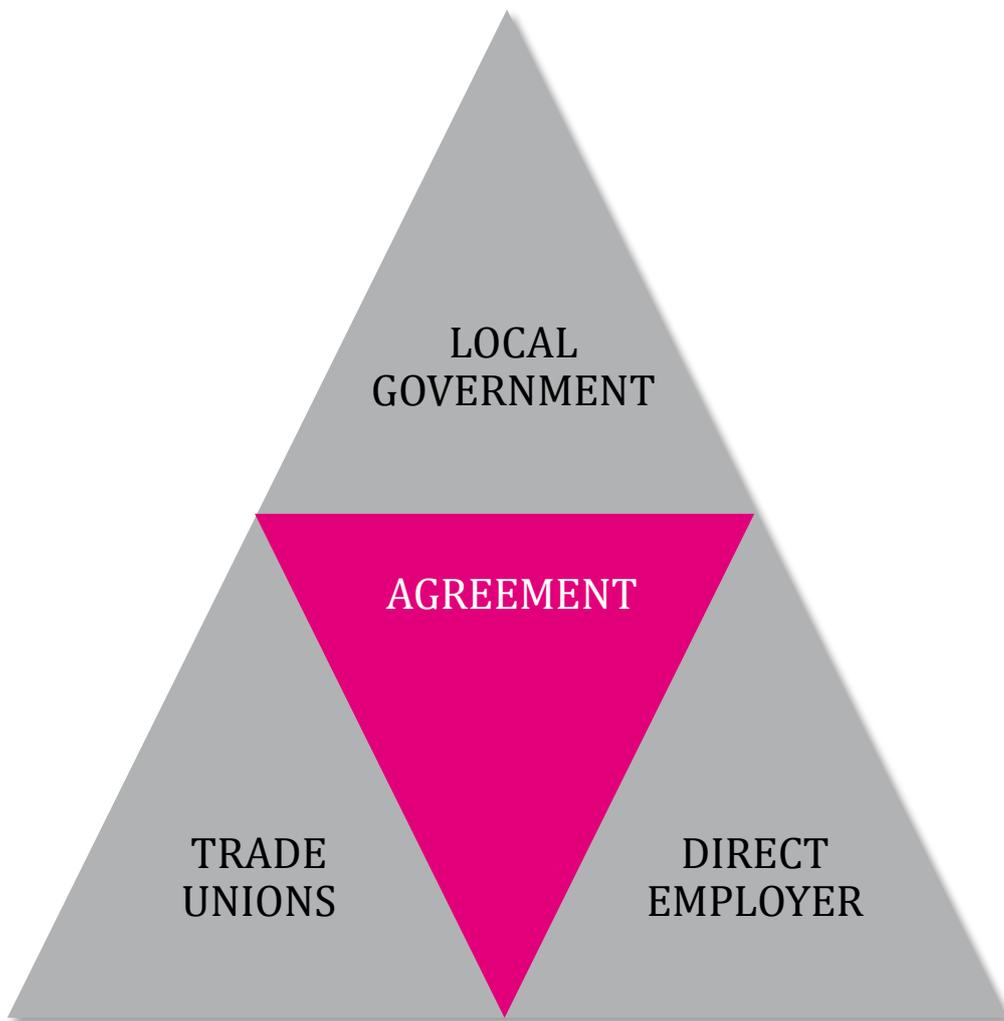


## THE DIALOGUE MODEL

Based on the experience from the pilot tests and on the previous analysis presented in the report Local Government and Trade Unions - conditions, possibilities and prospects for social dialogue, this Project made an attempt to develop a model of social dialogue in local government. The formula presented below, in relation to the employee side, is a proposal addressed to a specific organization, namely the NSZZ Solidarność trade union with a nationwide cover and a combination of a territorial (regions) and sectoral structures (national secretariats and national sections). However, this model can also be applied to other trade unions or even joint trade union representations. The latter requires additional practical tests, which was not foreseen in this project.

The main concept of the model is a dialogue based on a flexible, but at the same time structured procedure of communication between the stakeholders with regard to the possibly wide range of issues related to the working environment. This means striving to work out agreements in writing, either framework agreements which regulate, inter alia, forms of mutual communication, or dedicated to a specific challenge. Such an agreement would be subject to periodic review by its parties. The experience resulting from the pilot tests shows that it is advisable to have a tripartite discussions on the

agreement with participation of the trade unions, direct employers and executive actors of the local government. Thus, the “triangle of impossibility” described in the introduction would be transformed into a “triangle of cooperation”.





# MODEL PROCEDURE FOR THE DIALOGUE FRAMEWORK

The model presented below has been designed with the assumption that the trade union, namely NSZZ Solidarność, is the driving force for initiating social dialogue in the area of local government. It has been the objective of the project Social Dialogue Schemes for Decent Work in the Public Sector at Municipal Level. However, the model is universal in most parts and can be applied by any party who declares its will to have such a dialogue

## INITIAL PREPARATION PHASE



## ADEQUATE PREPARATION MEASURES



## NEGOTIATIONS



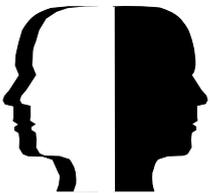
## AFTER AN AGREEMENT HAS BEEN CONCLUDED ... DISSEMINATION



## PERIODICAL AGREEMENT REVIEW

## INITIAL PREPARATION PHASE

- The trade union(-s) takes the initiative to create a channel of cooperation with a local government in relation to working relations or simply to highlight an issue that cannot be effectively addressed in the dialogue with the direct employer.
- The local or regional trade union consults with the enterprise trade union in the area of impact of the local government, while reviewing the effects of social dialogue in their parent companies (the existence of collective labour agreements, the employer's approach, key employee issues).
- Consultations with the relevant national industry unit of NSZZ Solidarność (National Secretariat of Public Services, possibly also Secretariats for Healthcare, Science and Education, Culture and Media).
- Making demands, approaching the local government with a proposal to initiate discussions.

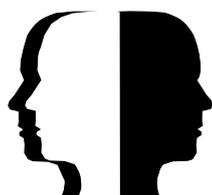


### COMMENT:

*It may sound a bit perverse, but the desire to strengthen and formalize the relationship may be the result of both good (or correct) cooperation so far and, on the contrary, the result of a dispute, crisis or growing challenge. Any of the parties may initiate this type of action. In the pilot tests, it was the trade union party and it seems it is the most typical situation. However, the initiative to make a specific agreement may also come from a local government or a group of employers indirectly dependent on the local government. You can imagine, for example, that it will be an part of corporate social responsibility, but it can also be an attempt to address a specific problem, for example, growing issues with effective recruitment of employees, which will “force” the employer’s side to take action to improve working conditions or to streamline channels for information and consultation. The union side should then respond by following the procedure indicated above.*

## ADEQUATE PREPARATION MEASURES

- They begin if the parties express their will to initiate a dialogue on a raised issue which may take place in any form (written arrangements, a working meeting also online, via telephone consultation)
- The companies that are to participate in the discussions on the side of direct employers are identified. Although in some cases these will be organisations subordinate to a local government, they should independently express their will to participate in the process.
- It is recommended to jointly organize fact finding seminar (searching for data and information) to which external experts (academics, chambers of commerce, etc.) will be invited. Their role is not to participate in the negotiations but rather to support raising knowledge necessary for active involvement in the process.
- The trade union party may attempt to outline a potential agreement in writing.
- In this phase, it is also necessary to decide on the “composition” of the trade union representation, in particular the participation of other trade union organizations.



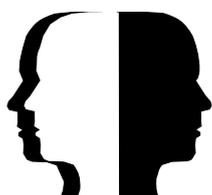
### COMMENT:

*Extensive preparation measures are essential for the success of the negotiation process. This is the phase where you should discuss in depth the expectations towards an agreement and the prioritization of goals to be achieved. It will be helpful to collect the available good practices and analyse them in terms of the conditions of your own local government.*

## NEGOTIATIONS

- As a rule, negotiations should have a tripartite formula: union representation - direct employers - local government authorities.
- Immediately prior to the negotiations, it is worth to hold a preparatory meeting (it may online) with external experts of the negotiating parties (trade union experts in collective labour law, experts from the Association of Polish Cities).

- You should plan the schedule of negotiation rounds in advance, specifying the expected date of their finalization.
- It is advisable for the parties to appoint a small group of a joint secretariat (up to 6 people), which would handle the ongoing updating of the results and the preparation of materials for their next round.
- It is recommended to provide for the possibility of working contacts in the form of online meetings between consecutive rounds of formal negotiations, aimed at clarifying or preliminary clarifying the positions of the parties.
- The subject of the negotiations depends on the needs reported by the parties. For example, they may relate to the following areas:
  - Information exchange, consultation
  - Promoting collective labour agreements
  - Promoting training and professional development, including within the digital skills
  - Counteracting psychosocial risks (work-related stress, burnout, anti-mobbing training, anti-mobbing committee)
  - Searching for new solutions to increase work efficiency
  - Searching for new solutions to improve occupational health and safety and work ergonomics
  - Ensuring the effectiveness of the principle of equal pay for the same work and work of equal value
  - Consultation of municipal budget assumptions
  - Promotion of the city



**COMMENT:**

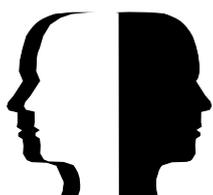
*In specific negotiation cases, there might be a complementary role also for other actors such as NGOs. It will depend on the specifics of the negotiation topics and the involvement of such organisations at the local level. It is also possible to plan in advance on how to overcome a possible stalemate in ongoing negotiations. Perhaps the Regional Council for Social Dialogue could play a mediating role.*

*As for the negotiation areas, the list provided above is based on the topics covered in the two pilot agreements and the material from the project kick-off*

*report. Undoubtedly, other topics may arise, such as adapting the ergonomics of workplaces and work organization to the specific needs of employees or the issues of active age management in the workplace. The specific issues (including training policies) may change according to the circumstances of the overall development of lifelong learning*

## **AFTER AN AGREEMENT HAS BEEN CONCLUDED... DISSEMINATION**

- It is crucial that the provisions of the agreement are widely disseminated both within the parties to the agreement, but also within organisations which didn't participate in the negotiations.
- The text of the agreement should be available on the websites of the parties and provided to all organizations whose members /affiliates are parties to the agreement (higher-level trade unions, the Association of Polish Cities, industry organizations and chambers of employers, etc.).



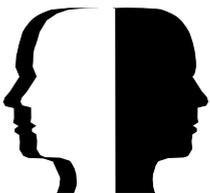
### **COMMENT:**

*Dissemination and promotion of the collective bargaining agreements is a very important part in building the entire structure of social dialogue in our country. Therefore, it is worth considering presenting them on the forum of the relevant Regional Council for Social Dialogue, which could also act as a platform for the exchange of good practices. Consideration should also be given to promoting agreements on the forum of the Polish Joint Commission of Government and Local Government and the Social Dialogue Council.*

## PERIODICAL AGREEMENT REVIEW

- It is important that the parties to the agreement include a point in it providing for a regular review of the practical implementation of the agreement.
- As a result of such a review, the agreement could be modified and adapted to new challenges.
- The review would also be an opportunity to expand the group of signatories to the agreement to include other stakeholders (companies and trade unions).

### COMMENT:



*One of the basic flaws of the Polish system of collective labour relations is a kind of “ossification” of the once received results of social dialogue. Concluded agreements, and in particular collective bargaining agreements, are rarely subject to regular renegotiations in order to “improve” them and bring positive effects for all its parties. In most cases, discussions, if any, take place in crisis situations, which means that the potential pursuit of “change” is perceived by trade unions as something negative. Having a permanent, regular review mechanism is a solution to allay these concerns and, at the same time, to ensure that the employers’ side ensures that the agreement can be flexibly adapted to the changing economic environment.*

## THE ROLE OF THE EXTERNAL ACTORS

In relation to the proposed agreement special focus should be on the role of external actors who are at the same time “internal” due to organizational interrelations. They could provide support at all stages of the development of the social dialogue in their local government.

In the case of NSZZ Solidarność, these will be the higher-level organizational structures: the National Commission, the relevant national sector secretariat (or national sector section) and the regional board. Depending on the scope of their competences, they could undertake the following supporting activities: collecting information about

concluded agreements, legal support, mediating in the exchange of good practices, inspiring in negotiating, recruitment and organizational activities, in relation to companies that could be participants of a potential agreement, organizing and carrying out projects facilitating subsequent negotiation processes.

On the local government side, as was the case in this project, such support could be provided by the Association of Polish Cities. One should also remember about other similar organizations, such as: the Union of Polish Poviats, the Union of Rural Communes of the Republic of Poland, the Union of Polish Metropolises, the Union of Maritime Cities and Municipalities, etc. Depending on the nature of the local government, they could be involved in the supporting activities.

And finally, local government employers providing public services are very often members in a variety of organisations, such as chambers of commerce (Polish Waterworks Chamber of Commerce, Polish District Heating Chamber of Commerce, Chamber of Commerce for Municipal Transport) or even employers' organizations (Union of Waste Management Employers, Polish Association of Transport Employers Public). Thus, they could look for substantive support for their involvement in building social dialogue at the local level.



# **DETERMINANTS OF THE NEGOTIATION PROCESS**

- LEGAL FACTORS**
- FACTUAL FACTORS**
- EXPERIENCE AND PRACTICE IN NEGOTIATIONS**
- PREVIOUS RELATIONS**
- EXTERNAL FACTORS**

## **LEGAL FACTORS**

The legal factors are presented in detail in Chapter 2 (Legal Conditions and Practice of Social Dialogue in the Local Government Sector in Poland) of the report Local Government and Trade Unions - conditions, possibilities and perspectives for social dialogue. The conclusions to this chapter emphasize that there is a clear need:

- to revitalize collective bargaining practice, including through the use of the institution of generalization of collective agreements,
- to amend the act on collective disputes,
- to amend the limitations of the right to strike.

## **FACTUAL FACTORS**

It is inevitable to constantly take into account the entire economic and social situation of a local government and employers who indirectly depend on it, both during the negotiations and in the foreseeable future. The factual conditions are of a different nature, they can be, for example, ongoing investment processes, etc.

One should also not forget about the objective conditions of the local labour market (e.g. closing of local plants which were important for the local labour market, restructuring processes, etc.) or social conditions (e.g. increased number of local employees who are interested in commute to work in a neighbouring city as a result of improvement in collective transport with clear impact on an “outflow” of employees from the local labour market). We want to emphasize the need to remember that certain issues that seem obvious to one of the negotiating parties may not be so obvious if not completely unknown to the other party. Hence, it is crucial to bear in mind that each party may at any time indicate the need to receive explanations regarding the conditions that the other party refers to in negotiations.

## **EXPERIENCE AND PRACTICE IN NEGOTIATIONS**

The previous negotiating experience of the process participants is of great importance. Soft skills are key, such as the ability to work in a team, present arguments, carefully listen to the arguments of the other party, ability to look at a specific issue from a different angle.

It is worth considering the need for ad hoc training when we realise that the parties encounter numerous problems in listening to each other, respond with great tension to the arguments of the other party, etc.

## **PREVIOUS RELATIONS**

The beginning of formalizing mutual relations may be the result of various situations, from good cooperation to an effort to overcome an apparent conflict.

At the start of the negotiations, the parties will inevitably (which is not reprehensible) refer to the previous experience in their mutual relations. It is important to clearly present feelings about previous attitudes and behaviours in a clear and multifaceted way. This allows for some emotional “clearing the field” and focusing on the common goal which is an efficient negotiation process.

As part of the negotiation process, it is worth keeping all personal comments to the absolute minimum.

## **EXTERNAL FACTORS**

External factors that may affect the negotiation process are legislative changes which give consequences to the financing of local government, and changes in tax law. In particular, sudden changes in the sphere of public levies may disrupt the process of the parties’ efforts to conclude an agreement or significantly impede its implementation.

An important factor external to the actors of the process are also changes in the field of social insurance law which directly affect labour costs or the dynamics of changes in the minimum wage.



# EXAMPLES OF PRACTICES THAT COULD BE IMPLEMENTED THROUGH A DIALOGUE BETWEEN A LOCAL GOVERNMENT AND TRADE UNIONS

## PRACTICE ONE

**An agreement that strengthens and deepens the dialogue between the local government and trade unions which represent employees in companies delivering services commissioned by the local government**

The main result would be the designing a mechanism of consultation and obtaining opinions of trade unions with regard to the assumptions for the municipal budget or other plans of the local government in the scope relating directly or indirectly to the situation of employees of these organisations.

## RELEVANCE

Pursuant to the Act on Public Benefit Activity and Voluntary Organisations, local government can have a wide cooperation with non-governmental organizations, including the consultation process. The framework of these activities is determined by the annual or multi-annual cooperation program adopted by a decision-making body of the local government. There is also a noticeable development of direct public consultations with citizens by local government. However, this is not enough. There is no practice for the local government to initiate a separate dialogue with trade unions representing employees of organisations which deliver tasks for local governments in relation to the plans of local government that have a significant impact on the working conditions and pays of these employees. The query conducted for the purposes of the project Social Dialogue Schemes for Decent Work in the Public Sector at Municipal Level shows that this may often lead to social conflicts

### PRACTICE TWO

**Promotion by the local government of the idea of collective bargaining as an instrument regulating employee relations in municipal companies and other organisations for which the local government is the founding body.**

An agreement signed by the executive body of the local government with the local trade unions which represent employees of the organisations providing services to the local government. The purpose of the agreement would be to create conditions facilitating the conclusion of a collective labour agreements. It could refer to such aspects as: local government would provide trainings on the bargaining technique, negotiations and collective bargaining agreements; legal support to employers in the negotiation process, mediation activities in the negotiation process .

## RELEVANCE

For many years, the number of collective and inter-company collective bargaining agreements has not been increasing in Poland. Also the share of workforce covered by the agreements has been gradually decreasing. At the same time, both sides of the dialogue (and the doctrine of the labour law) clearly indicate collective labour agreements as the most adequate method of organizing working and pay conditions, potentially ensuring social peace and optimal conditions for the development of enterprises.

### **PRACTICE THREE**

#### **Joint measures to improve the quality of the working environment in selected areas of municipal services**

One example is an agreement on organizing trainings for urban transport drivers on how to mitigate work-related stress, verbal violence, etc. The local government could check whether the employer provides training activities and the added value would be inspiring to and organizing trainings and workshops which would help the drivers to learn stress management skills; inspiring the exchange of good practices in this area between local government and the trade unions

#### RELEVANCE

Relations between local government and organisations which provide local (urban) transport services may be different. A local government may be a founding body, these services may be provided by a municipal company or an organisation completely independent of the local government. A quick search on the Internet shows that the problem of drivers' stress is widely acknowledges (which in extreme situations may translate into their aggressive or destructive behaviour). Certain factors that act as stressors, such as unsatisfactory salary levels, traffic jams and other obstacles on the road, increasing aggression of passengers will not change as a result of training activities. On the other hand, the role of trainings and workshops is to learn the skills of a healthy lifestyle which will contribute to better handling of the work-related stress

### **PRACTICE FOUR**

#### **Joint actions to reduce the problem of mobbing and other psychosocial threats in local government cultural institutions (such as libraries, community centres, museums).**

Development of an agreement which will define the principles of cooperation between trade unions and local government on, inter alia, monitoring and enforcement of the anti-mobbing policy and implementation of the principle of equal treatment and counteracting psychosocial risks in local government cultural institutions

#### RELEVANCE

The municipal's tasks in the field of culture, as a compulsory own task of local government, are regulated by the Act of October 25, 1991 on organizing and conducting cultural activities. Literature and media information show that the problem

of mobbing or suspected mobbing or psychosocial risks is significant, among others in the work of librarians. An agreement on the need to “check” working conditions in terms of the mental well-being of employees of cultural institutions is important due to two reasons. Firstly, various types of training activities are cheaper and easier to organize when they cover a larger number of organisations. This is also how there is a field for cooperation between local governments. Secondly, signing an agreement even in one local government can act as a good practice when disseminated and promoted. This is important because libraries are subject to several significant changes related to growing number of tasks.



## SUMMARY

The aim of the Project was to analyse how to strengthen the processes of social dialogue and to present proposals for action in this direction. We considered that a pre-condition is to ‘unblock’ the mechanisms of mutual communication. To verify this assumption, a pilot test was carried out in each of the two towns (Płock, Jaworzno), under which the agreements described in this report were developed. However, the full success of this venture may be demonstrated only if followed by respective agreements, made with the use of the presented model, in different locations.

A true and complete analysis of where there are obstacles to the dialogue between trade unions, local government and employers requires going through a greater number of negotiation processes based on the experience of this project. First, both pilot tests have been successful. This means that we do not have any “ground material” to analyse cases where, despite the actions taken, the negotiation has failed. While, from the point of view of the project, ending the pilot test with an agreement is a glorious success, we wish to highlight the inability to refer to the issue of failure and its determinants.

The presented model does not illustrate sufficiently the issue of working out ways to overcome negotiation deadlock and how to provide mediation and external support in the negotiation process. Developing a recommendation in this respect would require more empirical material. There is a clear room for possible further project activities.

Secondly, the pilot tests were conducted in the medium-sized cities which was justified by the activities available under it. It should be emphasized that there is a clear need for measures to be delivered also in major cities with their own specific challenges. If such agreements are made in the in voivodship cities (which would require greater cooperation and coordination between a greater number of trade unions etc.) it will help

in making more comprehensive conclusions regarding the driving force of the presented model.

Third, it takes more time to be able to assess the real impact of the agreements concluded during the pilot test. The analysis of how the agreements are functioning over several years will allow for the development of good practices regarding their content. It is a clear indication as to the need of new project activities in the near future.



## CONCLUSIONS

The need to improve or establish efficient mechanisms of social dialogue in the area of local government results from the profound changes taking place on the Polish labour market which are partly due to internal conditions, and partly emanate from the broader global trends.

An internal factor is the changing demography which is reducing the population of Poles in the working age. For employers dependent on the local government this means the necessity to “fight” for the available labour force. In order to attract it, it is necessary to take actions to improve working conditions, to be proactive in the face of new challenges in the field of occupational health and safety and to improve the work-life balance. On the other hand, it is of key importance to invest in the competences and qualifications of employees, including, to a large extent, in their digital competences due to the ongoing global technological changes.

The last two years of the COVID-19 pandemic have further accelerated the pace of processes on the labour market and its transformation. The increasing role of the remote work, in particular in the hybrid form which is about combining work “in the office” and work “from home” shows how fast some processes, which until recently seemed to be marginal, are progressing. Notably, an increasingly important factor attracting an employee will be ensuring a certain level of well-being, not limited to decent remuneration. Elements such as working time flexibility tailored to the employee’s needs, specific benefits (e.g. additional health insurance, specific benefits related to physical activity), the possibility of professional development through training adequate to the employee’s

needs become key factors. In this context, it is particularly worth emphasizing the importance of exchanging good practices. You can learn about such practices by referring to the activities of the participants of the competition: Self-governmental Leader of Management 2020 - Self-government as an employer “- more information at

**<https://www.miasta.pl/aktualnosci/zwyciezcy-konkursu-samorzadowy-lider-zarzadzania-2020-samorzad-jako-pracodawca>**)

The specificity of the employers economically dependent on local governments is largely due to their somewhat failing financial independence. Therefore, it is difficult for them to develop proposals faced with the above described challenges which would be sufficiently attractive for the employees, and on the other hand - possible to implement. If we take into account the specificity of the Polish collective labour relations and the limitations resulting from the current scheme for allocation of public funds to local governments, it is obvious that there is no miraculous panacea for this situation. However, the model of social dialogue based on the political will to make tripartite agreements described in our report, tested under the Project may contribute to finding solutions that may, at least to some extent, reconcile the interests of employees, employers and citizens of local communities on behalf of whom the local government act. In other words, the Project is an important but only initial step towards the development of social dialogue in the field of local government.

