

# BARSERVICE



## Smart bargaining in the services sector: overview, challenges, opportunities

SOCPL-2022-IND-REL  
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## Introduction

The BARSERVICE project collects and analyses data in the selected case countries, including: Croatia, Czechia, France, Italy, North Macedonia, Romania, Slovakia, Serbia, Türkiye. In each of these countries a total number of 15 interviews is foreseen. This toolkit provides structured information on the recruitment strategy of interviewees, the interview guide (including a questionnaire, a project endorsement letter and an informed consent form), and tips for processing the data gathered in the interviews.

This methodological toolkit provides a guideline for project partners for the collection of qualitative data in the covered countries. The main research method is conducting interviews with representatives of stakeholder organisations (not interviews with individuals). In each studied country, 15 interviews in total are expected, covering the following subsectors within the services sector:

- Commerce (including wholesale and retail, NACE 45, 46 and 47),
- Publishing (NACE 58),
- Finance (NACE 64),
- Social Care (NACE 87 and 97).

The contents of this document solely reflect the opinion of the authors and do not necessarily reflect the official opinion of the European Commission.

### **i.1.a.i.1.a.i.1. Recruitment and respondent selection strategies**

Researchers will collect data from the respondents on what they think are the main challenges and solutions to establish and/or strengthen bargaining, to increase bargaining coverage in their sectors, and how they (can) use the institutional tools available to them to reach this aim. While the focus is on the sectoral overview in 4 sectors, the framework will also consider the relevance of the company level and the EU level for the sectoral bargaining. **Especially in countries with limited sectoral bargaining, identification of 10 largest players (companies) in the sector, number of workers and similar data serves as evidence to understand the field where there is a future opportunity for union organizing. If sectoral actors are not available, interviews can be conducted with higher-level actors** (e.g. a national union confederation), assuming that higher-level actors are aware of economic developments and eager to organize workers in non-organized sectors. The role of the EU-level actors (e.g. UNI Europa) is important to the extent that it can serve as a resource for national/sectoral actors for developing smart bargaining.

The questionnaire will be sent in advance to the respondents and can be answered in writing or during the interview. With regard to the topic of undeclared work, it will be necessary to verify the competence/knowledge of the respondents on the topic and possibly try to involve experts from labour inspectorates at national level to collect relevant data. Each interviewer can decide for him/herself whether to translate the questions or not.

## 2. Data collection via interviews

### 2.1. The logic of the questionnaire structure

The questionnaire consists of 35 questions, some of which are closed-ended and some are open-ended. The questions cover topics such as the associations and expectations of smart bargaining, the use of extension mechanisms, the role of the minimum wages directive and the EU sectoral social dialogue, the content and quality of collective agreements, and the issue of undeclared work. The questionnaire will be sent in advance to the respondents and can be answered in writing or during the interview. With regard to the topic of undeclared work, it will be necessary to verify the competence/knowledge of the respondents on the topic and possibly try to involve experts from labour inspectorates at national level to collect relevant data. Each interviewer can decide for him/herself whether to translate the questions or not. CELSI will finalise the outline (also establishing the best way to operationalise the smart bargaining concept so that it is understandable in different geographical contexts) and also prepare the informed consent form, which each respondent needs to sign.

### 2.2. Questionnaire

The consortium agreed to use both open-ended and structured questions in the questionnaire. A standard questionnaire will be applied in each country's interviews. Upon demand by the local respondents, the research teams may translated the questionnaire to the local language. The next section focuses on challenges in collective bargaining, followed by a section on the respondent's views how to develop smart bargaining in his/her respective sector. The last sections of the questionnaire include a battery of questions on the impact of EU-level social dialogue and social partner support for developing smart bargaining, the quality of bargaining by looking at the content of collective agreements, and the incidence of undeclared work in the sector to assess the potential of smart bargaining in mitigating undeclared work.

The applied standard questionnaire:

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## Interview questionnaire

### Respondent information

1. Organisational affiliation
2. The aims/mission and/or main activities of your organisation [can be skipped if info is already available]
3. What is your role in the organisation (e.g., an expert/researcher/consultant, negotiator of sectoral and multi-employer agreements, negotiator of company-level agreements, international department of my organization, etc.)

### Sector identification

4. Which economic characteristics and recent trends do you consider crucial in your sector? Please briefly present the trends referring e.g. to employment structure, workforce composition, working conditions, wage levels. *[Prompt: sectors covered are social care, finance, commerce and publishing]*
5. Which processes affect these trends, e.g. technological change, globalization, changing local demand for services, etc.?

**Current state of collective bargaining in the sector** *[not interested in overall overview, focus specifically at bargaining within the respective sector, broader info only as a context for understanding sector-specific developments]*

6. Which are the most important levels of collective bargaining in/for your sector (i.e. firm-level, sector level, national level)?
7. How would you characterize the state of collective bargaining in your sector (e.g., coordinated vs. decentralized, sector-specific, or company-specific, scope for collective bargaining vs. individual bargaining)?
8. What are the strengths of the current bargaining mechanism? What are its weaknesses?
9. Who are the main actors that engage in collective bargaining [at the sector and/or company level]? Has there been changes to the main actors in the last 10 years?
10. Are there any significant actors (e.g. companies or unions) that are not part of collective bargaining in the sector?
11. How would you describe the power relations between actors that do engage in bargaining in your sector (exclusively in reference to bargaining)? Has there been changes in the power relations in the last 10 years?
12. If relevant and available, were there specific points in the last decade when the bargaining mechanism changed significantly? When and why?
13. If data are available, please provide the sectoral bargaining coverage of:
  - sectoral or multi-employer agreements
  - single-employer agreements

14. What is the trend in bargaining coverage over the last decade? Why do these changes occur?
15. If there is a legal possibility to extend bargaining coverage, (how) is it practiced? Please report relevant sectoral extension cases in the last 5 years (initiated by which actors, when, why, outcome).
16. Is mediation/arbitration common in your sector? Please explain and provide examples.

**Challenges to collective bargaining in the sector**

17. Are there challenges to bargaining because of

- deregulation of the labour markets in the sector
- gender segregation
- vulnerable groups (e.g. young and migrant workers not covered by bargaining and/or not working declared)
- workers' rights
- digitalization?

[yes/no on each of the above, multiple answers possible, ask the respondent to explain if some of these challenges are identified]

18. Please identify and rate the importance of the following collective bargaining challenges in your sector [tick the assigned importance for each challenge in the table]:

	<b>Challenge</b>	Not important at all	Low importance	Neutral, neither important nor unimportant	Important	Very important	Do not know
1	<b>Low union presence</b>						
2	<b>Union fragmentation</b>						
3	<b>Unions present but lack capacity to bargain</b>						
4	<b>Employers do not organise</b>						
5	<b>Employers are hostile towards unions and/or bargaining</b>						
6	<b>Employers not interested in bargaining</b>						
7	<b>Bargaining traditionally not a relevant regulatory mechanism</b>						
8	<b>Bargaining is fragmented</b>						
9	<b>Low bargaining coverage</b>						
10	<b>Lacking legal support for sectoral and multi-employer bargaining</b>						
11	<b>Union busting</b>						

- Other challenges - please state if there are other challenges than the ones above, and evaluate them using the same scale as above

19. List up to 3 tools that you consider most important in addressing each of the above challenges:

<b>Challenge from Q18</b>	Tools relevant to address the respective challenge

.....	1. 2. 3.

Feel free to add as many challenges as identified in Question 18 above and consider the most relevant tools to address these.

### Towards 'smart bargaining'

20. Bargaining should be **smart - delivering improvements, meeting expectations, and securing a high bargaining coverage**. What would smart bargaining mean in your sector, in order to increase bargaining coverage?

<b>Delivering improvements</b>	Not important at all	Low importance	Neutral, neither important nor unimportant	Important	Very important	Do not know
<b>New actors should be created (eg., unions)</b>						
<b>New employers' associations needed</b>						
<b>Better trust among the existing actors</b>						
<b>Higher frequency of bargaining</b>						
<b>Better content of collective agreements</b>						

<b>Meeting expectations</b>	Not important at all	Low importance	Neutral, neither important nor unimportant	Important	Very important	Do not know
<b>Bargaining always produces an agreement</b>						
<b>Bargaining is trusted by all involved parties</b>						
<b>Bargaining is the best way to regulate working conditions.</b>						

Please feel free to elaborate on any of the dimensions of smart bargaining above, or add other dimensions to 'smart bargaining' not mentioned before.

21. Rate the importance of the following actions for increasing bargaining coverage in your country and sector:

<b>Actions for increasing bargaining coverage</b>	Not important at all	Low importance	Neutral, neither important nor unimportant	Important	Very important	Do not know
<b>Activities internal to unions: strengthen union organizing</b>						
<b>Develop/strengthen a negotiation culture in the society (via activities for increasing awareness on the benefits of bargaining)</b>						
<b>Strengthen employers willingness to bargain (at the company level)</b>						
<b>Strengthen employer organizing in associations (at the sector and/or multiemployer level)</b>						
<b>Use more extensively the existing extension mechanism</b>						
<b>Use more extensively the existing mediation/arbitration mechanism</b>						
<b>Introduce legislative changes to introduce/revise the current extension mechanism</b>						
<b>Improve the content of collective agreements</b>						

Elaborate on the above if you wish to add comments.....

22. How to reach the state of this kind of smart bargaining? Who should be involved and how?

23. Do you think there is a 'one size fits all' approach to smart bargaining?

24. How would you rate the relationship between legal regulation and collective bargaining in your country/sector? *Please express the degree to which you agree with the following statements.*

<b>Assessed aspects</b>	<b>Strongly disagree</b>	<b>Disagree</b>	<b>Neither agree, not disagree</b>	<b>Agree</b>	<b>Strongly agree</b>

1	Legislation is the foundation for more specific regulations in CBAs					
2	Legislation is too detailed, leaving little scope for bargaining for more than already stipulated in the legislation					
3	Legislation triggers more bargaining and social partners should support both processes (legislative changes and bargaining)					
4	We do not need extensive legislation, bargaining should be used as the predominant mechanism to set working conditions in the sector					

### European perspectives for developing smart bargaining

25. How is the EC Directive on Adequate Minimum wages helping you with increasing bargaining coverage?
26. How do EU-level social partners support the increase of bargaining coverage in your country/sector?
27. On the trajectory towards smart bargaining, are you in favour of mutual learning and cooperation among social partners operating in the same sectors in different countries? Explain.
28. How can EU level sectoral social partners develop innovative communication strategies vis-a-vis their affiliates to support organising, strengthening bargaining and bargaining coverage?

### CBA content

29. Are you familiar with the content of CBAs in your sector? Is this sufficient in your view?
30. Where would you like to see changes in the current content of CBAs?
  - more wage bargaining
  - more diversified topics not necessarily just wage bargaining
  - more tailored content and better stipulations on top of the legislation (some CBAs just copy the legislation or are very vague)
  - more concessions/trade-offs
  - other, please list
31. What tools is your organization already implementing and plan to implement to improve the content of CBAs?

### Undeclared work (optional) [depending on respondent knowledge]

32. Do you perceive your sector is exposed to high risk of undeclared work? Why (not)?
33. Are the trends in undeclared work changing?
34. How do different actors such as enforcement authorities, labour inspectors and social partners address and view the current situation in undeclared work and how do they aim to address these?
35. Which tools do you consider the smartest in preventing and deterring undeclared and under-declared work in services? *[please assign priorities 1 to 5 to each row below, 1 being the highest, 5 being the lowest].*
- collective bargaining
  - more inspections by enforcement bodies
  - more direct services for undeclared workers (e.g. by employers and trade unions)
  - more prevention/education of workers
  - more prevention/awareness raising of employers
  - If you have other ideas, please mention them and assign a priority level

**Thank you for your time and participation in this interview!**

## 2.3. Endorsement letter

For each interview, the researcher informs the respondent on the project aims via an endorsement letter. This letter has been agreed in the consortium and can be translated to local languages if needed.

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### **Smart bargaining in the services sector: overview, challenges, opportunities (the BARSERVICE project endorsement letter)**

Services constitute an important pillar of the European economy, yet little is known on its challenges and opportunities related to the structural transformation of European countries and increasing shift from manufacturing towards the service sector and deterioration of working conditions. There is also a lack of adequate space and margin of intervention for collective bargaining and industrial relations. An important aspect also relates to uncovering the likelihood and incidence of undeclared work and strategies to mitigate it and support declared work via decent working conditions and collective bargaining.

In response to the above challenges, the BARSERVICE project maps bargaining practices, structure and power relations between unions and employers, the effective coverage of collective agreements, content of collective agreements and strategies to uncover and reduce undeclared work in services. It also aims to provide policy recommendations on how to address these challenges. It seeks to understand bargaining practices in order to develop *smart* bargaining in services in 9 countries (6 EU Member States and 3 Candidate Countries, predominantly in Southern and Eastern Europe: Croatia, Czechia, France, Italy, Slovakia, Serbia, North Macedonia, Romania and Turkey).

The findings directly inform capacity building initiatives of social partners, mutual exchange, co-creation and interactive learning for social partners in those member states and candidate countries where bargaining in services and those where bargaining in services needs to be enhanced and strengthened.

The BARSERVICE project collects and analyses data in two ways:

### 1. Stakeholder interviews

The research team is grateful to all representatives of organisations in the services sector that are willing to participate in this study and share with us their experience of recent challenges and opportunities related to collective bargaining in the services sectors.

### 2. Collection of collective agreements (CBAs)

For the purpose of the project, the BARSERVICE consortium is collecting collective agreements in 9 countries: Croatia, Czechia, France, Italy, Slovakia, Serbia, North Macedonia, Romania and Turkey. Anonymity of the collected CBAs is secured. When collecting full text agreements, sometimes signatories are reluctant to share their CBAs. This happens for competitive reasons, or because CBAs are claimed to be available and accessible only for the signatories' parties. The CBAs collected within the BARSERVICE project will be stored as part of the WageIndicator CBA database. This database can guarantee total anonymity - if explicitly requested - to both the signatories of the agreements as well as the people who would like to share them with the database team. To ensure anonymity two options are provided:

- The CBA can be fully hidden to the public. This means that the text will not be published on the website of WageIndicator (project partner responsible for CBA collection). The text will only be coded and analysed internally for research purposes only.
- The CBA can be published in the database of CBAs but without showing any sensitive data regarding the signatories. All data regarding the names and affiliations of the signatories are deleted by the team prior to publishing the text of the agreement on the WageIndicator website.

Thank you for your cooperation! For questions, please contact:

[insert your name] [insert your contact]

The BARSERVICE Consortium



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## 2.4. Consent form

Prior to conducting an interview, the researcher sends to the respondent an informed consent form. The respondent expresses agreement to participate in the interview voluntarily and learns about data processing and anonymity. The following consent form has been agreed in the consortium. Translation to local languages is secured by each research team upon specific need across the studied countries where interviews are being conducted. The research team will collect and store the content forms according to GDPR rules.

The preferred way is to ask for a signature on the provided consent form document.

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## INFORMED CONSENT FORM TO PARTICIPATE IN A RESEARCH INTERVIEW

Thank you for your consent to participate in this interview. The research interview takes place in the framework of the project BARSERVICE (Smart bargaining in the services sector: overview, challenges, opportunities, funded by the European Commission). The project maps bargaining practices, structure and power relations between unions and employers, the effective coverage of collective agreements, content of collective agreements and strategies to uncover and reduce undeclared work in services. It also aims to provide policy recommendations on how to address these challenges. It seeks to understand bargaining practices to develop *smart* bargaining in services in 9 countries (6 EU Member States and 3 Candidate Countries, predominantly in Southern and Eastern Europe: Croatia, Czechia, France, Italy, Slovakia, Serbia, North Macedonia, Romania and Turkey). The findings directly inform capacity building initiatives of social partners, mutual exchange, co-creation and interactive learning for social partners in those member states and candidate countries where bargaining in services and those where bargaining in services needs to be enhanced and strengthened.

Researchers working with the data collected are bound by confidentiality regarding your responses. You will be asked to consent to being recorded before the interview begins. This will help to ensure that each interview is transcribed correctly. Audio recordings will be stored on secure servers and will be accessible only to the researchers directly involved in the study. If you do not want the interview to be recorded, please let the researcher conducting the interview know.

Your participation in this interview is voluntary. Although we hope that you will be willing to answer all of our questions, you may skip any questions that you do not wish to answer. Please indicate this to the researcher conducting the interview. You may also stop the interview at any time by informing the researcher.

Should you wish to raise any concerns or complaints after the completion of the interview, please contact [primary responsible at project partner, email] or the BARSERVICE project coordinator [marta.kahancova@celsi.sk](mailto:marta.kahancova@celsi.sk).

If this interview is to be conducted remotely, please scan and email this informed consent form to [primary responsible at project partner, email] prior to the interview. Thank you.

## INFORMED CONSENT TO TAKE PART IN THE BARSERVICE RESEARCH INTERVIEW

### Interview

I understand that my participation in the interview is voluntary and that I am free to withdraw at any point, without giving any reason	<input type="checkbox"/> YES <input type="checkbox"/> NO
I understand that my answers will not be shared or linked to myself or my organization without my explicit consent	<input type="checkbox"/> YES <input type="checkbox"/> NO

I give my consent for my answers to be recorded during the interview	<input type="checkbox"/> YES <input type="checkbox"/> NO
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**Data storage and research output**

I give my consent for my responses without personal identifiers to be kept for further licensed research in an archive that meets the criteria for permanent archiving of qualitative research data.	<input type="checkbox"/> YES <input type="checkbox"/> NO
I understand that my answers may be used in research outputs of the BARSERVICE project, after being anonymized	<input type="checkbox"/> YES <input type="checkbox"/> NO
I understand how to raise a concern or make a complaint	<input type="checkbox"/> YES <input type="checkbox"/> NO

Date: .....  
 Respondent Name: .....  
 Name of Organization: .....  
 Signature: .....

**2.5 Tracking scheme**

To assure a transparent management of the interview process, each partner is advised to maintain an interview tracking scheme. The suggested information to be recorded in the tracking scheme is presented below:

Country	No.	Sector	Type	Name of organization	RESPONDENT NAME	RESPONDENT'S POSITION	RESPONDENT'S phone	RESPONDENT'S EMAIL	FIRST EMAIL SENT TO RESPONDENT (date)	INTERVIEW BOOKED (YES/NO)	INTERVIEW DATE/TIME and PLACE	INTERVIEW COMPLETED (YES/NO)	INTERVIEW TRANSCRIPT PREPARED (YES/NO)	INFORMED CONSENT FORM SIGNED YES/NO
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A more detailed example of the tracking scheme, using Slovakia as an example:

Country	No.	Sector	Type
Slovakia	SK1	Commerce	TU sector level
	SK2		TU company level
	SK3		EO sector level
	SK4		EO sector level
	SK5		Employer company level
	SK6	Finance	TU sector level
	SK7		EO sector level
	SK8		TU company level
	SK9	Employer company level	
	SK10	Publishing	TU sector level
	SK11		Employer company level

	SK12		Employer company level
	SK13	Care/social services	TU sector level
	SK14		EO sector level
	SK15		Employer company level
	SK16		TU company level

The selection of specific respondents is country-specific and at the discretion of the research team. The recruitment and selection criteria will be respected regarding the focus on a sector-level or a company-level respondent.

### 3.1. Processing

Interviews will be preferably recorded and transcribed. The consortium will agree on a joint processing method of interviews, e.g. using the same shared software for qualitative data analysis, using the same codes for analysis. This will assure the comparability and the fact that each country-specific and sector-specific analysis, informing particular project deliverables (policy briefs and factsheets), will be coherent and focus on the same kind of evidence.

### 3.2. Storage

For data protection reasons, the storage of recorded interviews as well as the signed consent forms will be secured by each research team separately for their own respective interviews. No shared folder or drive will be used for uploading or sharing interview recordings or notes that could lead to the identification of the respondent.