DEFEN-CE:

Social Dialogue in Defence of Vulnerable Groups in Post-COVID-19 Labour Markets

Report on Germany and the Netherlands

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Introduction

This is a comparative country report on Germany and the Netherlands for the DEFEN-CE project: Social Dialogue in Defence of Vulnerable Groups in Post-COVID-19 Labour Markets. DEFEN-CE is a research project funded by the Directorate-General for Employment, the European Commission (Grant number: VS/2021/0196). The project investigates the experiences of various stakeholders in the design and implementation of Covid-19-related policies relevant to work and employment in EU member states (Finland, Sweden, the Netherlands, Germany, Latvia, Lithuania, Czechia, Slovakia, Italy and Spain) and two candidate countries, Serbia and Turkey. The aim of the project is to identify the role of social dialogue in facilitating policy implementation that addresses the labour market situation of vulnerable groups in the post-Covid-19 labour markets.

Outline of the main questions/themes that the report addresses:

1. What public policy and social dialogue measures targeting the selected vulnerable groups were implemented for employment and social protection during the Covid-19 pandemic in 2020–2022?

2. To what extent and how did social dialogue play a role in the implementation of the social and employment rights of selected vulnerable groups during the Covid-19 pandemic between 2020 and 2022?

3. What lessons and opportunities does the Covid-19 pandemic yield for strengthening social dialogue in the countries studied?

Methods and data used:

DEFEN-CE Database, international databases (Eurofound, ICTWSS), national and international policy documents, academic literature.

Interviews with stakeholders (see Annex for anonymized list of respondents in DE and NL).

- the Netherlands is based on **10 interviews** with respondents in trade unions, employers' organisations, and state representatives (ministry)

- Germany is based on **13 interviews** with selected trade unions, employers' organisations, state representatives, and various NGOs representing the interests of vulnerable groups

Method: desk research, interview data analysed with qualitative content analysis based on DEFEN-CE coding scheme, using ATLAS.ti (NL) and MaxQDA (DE).

The report is structured as follows. First, contextual information is provided on the German and Dutch labour markets and social dialogue. Second, the impacts of the Covid-19 pandemic are discussed in the two countries, including the identification of policies and vulnerable groups. Third, the mechanisms for social dialogue are analysed. Fourth, the conclusions are presented and the lessons learned are discussed.

1. Contextual information

Pre-pandemic labour market developments

The Netherlands and Germany have been classified as continental welfare states representing corporatist traditions with strong employment and social protection (Esping-Andersen 1990). The inclusiveness of these regimes – which was never all-encompassing, to the disadvantage of immigrant minorities and women – diminished, however, as a result of mass unemployment, deregulation of labour markets, and cuts in social benefits from the 1980s onwards. This became evident, for example, with the considerable increase in low-wage work in both countries (see Bosch and Weinkopf 2008; Salverda et al. 2008).

In the years leading up to the pandemic, the labour market situation was good in both countries, at least in quantitative terms. In 2019, labour force participation rates stood at 83.4% in the Netherlands (up from 80.6% in 2009), and at 78.5% in Germany (up from 75%); and unemployment rates had fallen to a historical low (NL: 4.4%, DE: 3%) (see Table A-1 in the Annex). The labour market situation in both countries had recovered quickly from the 2008 financial crisis. In qualitative terms, the economic upturn had not resulted in direct improvements in employment across all segments of the labour market. Instead, the picture was more mixed:

- Both countries retained a rather high share of *low-wage employment* (less than 60% of median wages). According to the latest available comparative figures, the share was at 18.2% (NL) and 20.7% (DE) in 2018. Compared to the beginning of the decade, this was even a slight increase in the case of NL (2010: 17.5%), whereas in the case of Germany, a slight decrease (2010: 22.2%) was primarily attributable to the introduction of the statutory minimum wage in 2015 and subsequent stronger wage increases for the lowest wage deciles (see also Kalina and Weinkopf 2023).

- Compared to other European countries, both countries stand out with regard to their high share of *part-time employment, particularly among women*. While part-time jobs are often voluntary and not precarious per se, a significant proportion of them offer little income security due to the accumulation of risks: in both countries, the incidence of low-wage work is particularly high among those with very low weekly hours (Salverda et al. 2008; Bosch and Weinkopf 2008); and in Germany[1] the specific form of employment designated 'marginal part-time employment' is not covered by statutory pension, unemployment and health insurance. The share of this type of work has decreased over the last decade, however, and to a large extent explains the overall decrease in atypical employment in Germany among women since the beginning of the 2010s (Wanger 2020: 88).

- The use of external flexibility through *flexible employment contracts* (fixed-term and temporary agency employment) – a core element of labour market reforms in both countries at the end of the 1990s – had also decreased slightly, but remains particularly significant in the Netherlands (2019: 20.8% with a 'temporary contract'; DE: 9.9% – see Table A-1), making the hyper-flexible labour markets in the Netherlands particularly vulnerable in the event of a sudden external economic shock.

[1] "Geringfügige Beschäftigung" = jobs up to a monthly earnings threshold of €520 at present.

Industrial relations

Trade union density is relatively similar in Germany and the Netherlands (15.4% in NL and 16.3% in DE in 2019), but the bargaining coverage extended to a broader range in NL (76.7%) than in Germany (54%) in 2019 (see Table A-2 in the Annex). This is partly because the state plays a different role in extending collective agreements. In the Netherlands, the government extends collective agreements (CAs) to employers that are not members of employers' organisations when the coverage in an industry comprises at least 55% of the employees in that industry (De Beer and Keune 2017), and this instrument is effectively used in many industries (OECD/AIAS 2021). In Germany, there is no such automaticity, and the extension of CAs to non-organised employers remains the exception, even though this was facilitated by a law in 2014 (lower minimum thresholds for the proportion of employees directly covered by a CA) (Müller and Schulten 2019).

CAs are traditionally concluded at industry level in both countries, and are predominantly concluded by industry-specific trade unions affiliated to the German Confederation of Trade Unions (Deutscher Gewerkschaftsbund, DGB). In addition to the DGB, there are two smaller trade union confederations (the German Civil Service Association, DBB; and the Christian Trade Union Federation of Germany, CGB), as well as several small but influential occupational unions (for doctors, train drivers, pilots), which are not affiliated to any confederation. On the employers' side, industry-level CAs are negotiated by (cross-)industry associations affiliated to the German Employers' Association (Bundesvereinigung der Deutschen Arbeitgeberverbände, BDA). In the Netherlands, there are three main confederations for trade unions: the Federation of Dutch Trade Unions (FNV), the Christian Dutch Trade Union Confederation (CNV) and the Confederation for Professionals (VCP), of which the FNV is the largest. The main confederations for employers' organisations are the Confederation of Netherlands Industry and Employers (VNO-NCW), Small and Medium-sized Enterprises Netherlands (MKB Nederland) and the General Employers' Organisation (AWVN).

Industry-level negotiations have diminished in importance as a result of decentralisation processes in both countries and due to a stronger role for company-level (or even individual-level) agreements. These can take different forms: in addition to employers simply opting out of industry- level bargaining (and concluding company-level agreements or no agreement at all instead), there are several forms of 'coordinated decentralisation' (Haipeter and Rosenbohm 2023), based on opening clauses in sectoral agreements (permanent or temporary) that allow for the renegotiation of contractual wages and other working conditions at enterprise level. This often translates into more flexibility and ongoing wage moderation for employees (Been and Keune 2019). Depending on trade union density at company level and, importantly, the degree and quality of cooperation between the trade union and the works council, the results can vary considerably across industries and companies, however (Haipeter and Rosenbohm 2023). For instance, of the 700 regular collective agreements in the Netherlands, approximately 500 are company collective agreements and around 200 are sector collective agreements (Jansen 2021). However, the company collective agreements play a smaller role in the Netherlands: of the 5.5 million employees covered by a collective agreement, it has been estimated that over 5 million

are covered by a sectoral collective agreement and only 500,000 by a company collective agreement (Jansen 2021). The preference for sectoral collective agreements may be explained by the wider reach of the sectoral CAs.

The most significant difference between the two countries – which also proved highly relevant for the management of the pandemic – relates to the involvement of social partners in policymaking at national level, which is more strongly institutionalised in the Netherlands, where tripartite dialogue takes place at a permanent national level through the Social and Economic Council (Sociaal-Economische Raad, SER), an advisory body with employer and employee representatives along with independent experts. Moreover, the Labour Foundation (Stichting van de Arbeit, STAR) is a bipartite national consultative body with members from the three peak trade union federations and the three peak employers' organisations; it also advises the government on labour-related topics on request. This tripartite collaboration is perceived to be behind the "Dutch miracle" – the miraculous job growth in the 1980s that has commonly been attributed to the Dutch tradition of conferring and consulting between the government and the social partners (Visser and Hemerijck 1996). Social dialogue in the Netherlands was seen to be in reasonably good order before the Covid-19 pandemic, especially after turbulent times in the early 2010s. Despite the relatively solid relations and stability of the Dutch social dialogue (structures), scholars have often noted signs of "erosion of the polder model" in recent decades (de Beer and Keune 2018), particularly due to the increasing inability to reach consensus on social agreements. At the national level, the most ambitious plan relating to the labour market was in 2013, a decade ago (see also de Beer and Keune 2018). In Germany, by contrast, the formal involvement of social partners in labour market and social policy decision-making usually occurs via hearings in the parliamentary process and through lobbying activities. There is no permanent social dialogue at the national level, with some temporary exceptions – notably, before the pandemic, the 'Konzertierte Aktion Pflege' (KAP), which was launched in 2018/2019 to combat labour shortages and increase the attractiveness of jobs in healthcare and elderly care. Moreover, in the field of vocational education, the 'Allianz für Aus- und Weiterbildung' (alliance for education and training) has been a forum for tripartite social dialogue since 2015. Both forums facilitated social dialogue during the pandemic in these specific fields (see 3.1).

2. Covid-19 and its impact on vulnerable groups

In this section, a comparative analysis is provided of 1) the impact of the pandemic on the labour markets in Germany and the Netherlands, 2) the uneven impact of the Covid-19 pandemic as portrayed in the identification of vulnerable groups, and 3) the key labour market and social policy responses in the two countries under scrutiny. The analysis is based on the secondary and primary data collected for the study, including interviews.

2.1 Impact of the pandemic on labour markets

Both countries, similar to the rest of the world, were taken by surprise when the first wave of the Covid-19 pandemic swept across the European continent. The initial reactions were limited to protecting public health and broad restrictions on public and economic life to contain the disease.

In Germany, the federal and state governments responded to the first and second waves of the pandemic with two hard lockdowns: the first from mid-March 2020 (successively lifted from the beginning of May 2020); the second from mid-December 2020 (successively lifted from mid-January 2021, depending on federal state-level policies and local infection rates). Both lockdowns included the closure of schools and kindergartens, public offices (including job centres), hotels and restaurants, non-food shops, providers in the cultural and sports sector, transport providers (airports) and many other service sector businesses. The restrictions on opening hours and the maximum number of guests lasted much longer than these hard lockdowns, and the government imposed nightly curfews and contact restrictions among citizens. In January 2021, the federal and state governments agreed on a 'Duty to offer remote work' ("Homeoffice-Angebotspflicht", obliging employers to offer their employees the option of working from home, providing that there were no adverse operational reasons); this obligation was lifted in June 2021. The following waves in the second half of 2021 and 2022 were not met with lockdowns by law; still, the production of goods and services continued to be temporarily affected by massive infection rates, posing a particular challenge for parents with smaller children. While the service sector was generally more affected by the pandemic, companies in the manufacturing sector suffered in part from logistics and supply chain disruptions, border closures, company closures due to quarantined employees, and a slump in orders.

Relatively similar developments occurred in the Netherlands. The initial restrictions were harshest during the first wave (March–June 2020) when most public institutions closed. The government introduced so-called "intelligent" lockdowns to protect those in frail health (the elderly) and to restrain mobility, for instance by closing public institutions such as schools and daycare facilities. The restrictions were aimed at keeping the healthcare system operational (essential staff and hospital beds), and later at guaranteeing the (availability of) protective gear and vaccines. The initial reactions were in line with safeguarding the individual liberties of the Dutch people: the government did not want to put too much pressure on the population, hence the framing of the "intelligent" narrative and a general appeal to people to take their own measures to limit contact in public places. After a temporary easing, the second wave (September– December 2020) brought partial lockdowns. Harder measures were subsequently needed again to combat increasing infections, and a nighttime curfew from January 2021 to February 2021 was imposed. Additional rounds of restrictions were implemented during the third and fourth waves of the pandemic, occurring in spring 2021 (March 2021 to June 2021) and winter 2021/2022 (December 2021–January 2022), respectively. Restrictions were gradually lifted from 15 January 2022 onwards and by the end of February 2022, most safety procedures concerning Covid-19 were removed.

As a result of the pandemic and the restrictions to contain it, the German economy was hit by a severe recession in 2020, with a 3.7% decline in price-adjusted GDP. In 2021, the economy recovered to some extent and price-adjusted GDP grew by 2.6%. In the third year of the pandemic, the German economy continued to recover despite the war in Ukraine and the energy crisis (GDP +1.8%). Compared to 2019, the year before the pandemic, the price-adjusted GDP was only 0.6% higher in 2022, however.[2]

[2] See https://www.destatis.de/DE/Themen/Querschnitt/Corona/Wirtschaft/kontextinformationen-wirtschaft.html#410470.

Similar developments were seen in the Dutch economy. In 2020, GDP declined by 3.9%, which was equivalent to the GDP decrease inflicted by the financial crisis in 2009 (3.7%). The opening of the economy and the easing of restrictions led to a 4.9% growth in GDP in 2021. In 2022, the GDP growth of 4.5% was higher than in the adjacent countries and the EU average. The significant growth in GDP for two consecutive years marked an exceptional development (CBS 2023).

The impact on the number of employed persons was much stronger and longer lasting than during the 2008 crisis (see Figure A-1 for Germany in the Annex). Nevertheless, the massive expansion of short-time work schemes (see next paragraph) curbed the rise in unemployment rates (from 3% in 2019 to 3.7% in 2020 and 2021, see Table A-1 in the Annex). In the Netherlands, the number of employed people decreased considerably, by more than 200,000, during the first wave of the pandemic from March to May 2020. By the end of July 2021, employment had recovered in terms of the number of people in work, which stood at over 9 million. The Dutch unemployment rate peaked at 4.9% in the first year of the pandemic in 2020, but has since fallen to 4.2% in 2021 and 3.5% in 2022 (Jongen, Ebregt and Verstegen 2021).

2.2 The uneven impact of the Covid-19 pandemic

In both countries, the impact of the Covid-19 pandemic was unevenly distributed, affecting some industries and social groups more than others. Other evaluations of the pandemic suggest that traditionally vulnerable groups, namely people distanced from the labour market (long-term unemployed, partially disabled, migrants, and low-skilled), were also among the groups most affected by the restrictive measures. Based on the primary (interviews) and secondary sources, we identified the following vulnerable groups (see also the list of vulnerable groups per interview in the charts in the Annex):

- **Young people.** In both countries, the youth unemployment rate increased significantly more than the unemployment rate for the population as a whole. In comparison to the EU27 average, the increase in youth unemployment was less drastic in Germany and the Netherlands, but in both countries youth unemployment increased in 2020. Youth unemployment stabilised reasonably quickly, however, and dropped to pre-Covid-19 rates even in 2022 (see Figure A-2 in the Annex). Among young people in Germany, school-to-apprenticeship transitions, which were hampered by factory closures and remote working arrangements, were a cause for concern. Apprenticeship numbers dropped considerably in 2020 and 2021, thereby accentuating a more long-standing downward trend (Dummert and Umkehrer 2021; Fitzenberger et al. 2022). In the Netherlands, young people with low or intermediate levels of education were particularly impacted by the stillstand in the labour market (Jongen, Ebregt and Verstegen 2021).
- Likewise, unemployment rates among adults with a **migrant** background increased more strongly, particularly among **refugees and migrants with non-Western origins** (e.g., Jongen, Ebregt and Verstegen 2021). This is only partly explained by their shorter job tenure, and higher share of atypical jobs with lower employment protection levels (i.e., transitions from employment to unemployment). An important explanatory factor is also the pandemic-related

discontinuation of active labour market measures such as language and training courses (i.e., transitions from 'inactivity' to officially registered unemployment) (Brücker et al. 2021: 10). **Female refugees**, whose labour market participation rates had started to increase from a very low level in the years before the pandemic, were the most adversely affected by the pandemic (Knuth 2022).

- **Marginal part-time employment** (so-called 'mini-jobs') declined particularly strongly in Germany (Grabka et al. 2020; Gartner et al. 2021), which can be attributed both to their concentration in service sector industries heavily affected by the crisis (such as hotels and restaurants, or retail), and to the fact that mini-jobbers, due to their exemption from unemployment insurance contributions, were not entitled to the short-time work schemes. The same was true of the Netherlands, where workers with **non-standard labour contracts** were found to be vulnerable (Jongen, Ebregt and Verstegen 2021).

- Whereas the 'Great Recession' following the 2008 crisis had almost no effect on the **self-employed**, their number also dropped considerably during the pandemic (Gartner et al. 2021). Female self-employed workers were more likely to go out of business and suffer higher income losses, both because they were concentrated in certain industries that were more affected by the pandemic, and because of higher psychological distress (Seebauer et al. 2021), which was probably due to the fact that they had more responsibilities caring for others. The self-employed in the Netherlands were also a group considered vulnerable to the new crisis, as will be discussed below.

- Long-term unemployment also increased disproportionately, particularly among the **low-skilled**, both in absolute and in relative terms (DGB 2021).

Regarding the Covid-19 crisis and its impact on the labour market, and particularly on vulnerable groups, the interviewees raised concerns about **people who are distanced from the labour market**, that is, the "traditional" groups of vulnerable people. Yet the interviewees also revealed perceptions concerning the vulnerability of workers who may not previously have been considered "vulnerable". This group consisted of **flex workers, people with temporary contracts, and the self-employed**, many of the segments of the labour market that are considered to be part of **the flexible labour market.** The increased flexibility – without security – has fostered economic vulnerabilities, namely among workers with atypical or flexible employment contracts. These workers lack social protection and are at risk of vulnerability in the event of a sudden external shock, such as the Covid-19 pandemic, which drives widespread insecurities in the labour market.

In addition to these economic risks, the pandemic generated labour market vulnerabilities due, for example, **to uneven deterioration of working conditions**. The pandemic was associated with a number of health risks related to infection risks, but also with an increased workload due to sudden work changes. This affected employees in healthcare and elderly care in particular, but also employees in other 'system-relevant' activities (retail, transport, security services, agriculture) unsuited to remote work. In the first year of the pandemic, the working and living conditions of migrant workers in agriculture and in the meat-processing industries received increased media attention in both countries, largely triggered by high infection risks that were the result of specific features of the working environment (slaughterhouse work), poor-quality group accommodation, and travel arrangements for seasonal workers that were not suited to social distancing (see also Lange et al. 2020; see also section 3).

Furthermore, the prolonged closure of schools and childcare facilities, and repeated service disruptions long after the hard lockdown, posed particular challenges for working parents with young children, and particularly for single parents (see also Yerkes et al. 2022). Debates on the 'retraditionalisation of gender roles' as a result of Covid-19 are still very much ongoing, and empirical results are inconclusive and perhaps still premature with regard to effective and more long-standing changes. Yet it is safe to suggest that the pandemic did reveal old patterns of gendered inequalities.

It was observable in both countries that the prolonged crisis and consequent lockdowns led to a shift in public attention from perceptions of the vulnerability of middle-income workers, particularly in the event of their continued unemployment, to the (continuing risks of) the self-employed. In the second year of the pandemic, vulnerabilities were more closely tied to **working in certain sectors** (cultural sectors, restaurant and tourism, transport); for instance, the retail and restaurant sectors were greatly impacted by very long closures, especially during their high season (e.g. Christmas/New Year 2020). For those who remained in work, financial measures, such as short-time work schemes, helped to curb income losses. The effect on income was nevertheless more severe than during the 2008 crisis, particularly in the hotel and restaurant industry, where wages were already low (as can be seen in Figure A-3 for Germany). Moreover, the recent Dutch "Value of work" survey of 2021 (de Beer and Coenen 2022, 76) supports the argument that – when disaggregating factors – sectors mattered more than individual social-demographic characteristics. This shows that the restaurant and catering, and culture, sport and recreation sectors in particular stand out in the Netherlands. Almost half of the workers in these sectors claimed to have changed jobs, more than twice the proportion in other sectors. The result should be interpreted with some caution, however, since certain vulnerable groups are often more heavily concentrated in certain industries with precarious jobs; thus, the factors that cumulatively contribute to their precarity overlap.

2.3 Labour market and social policy responses

The measures adopted in Germany and the Netherlands in response to the pandemic broadly addressed two types of risk: loss of employment and income, and health and infection risks in the workplace. A more country-specific discussion of the policy responses is provided in section 3 for both countries. The main policy responses are discussed comparatively below.

Regarding *employment and income protection*, the most important labour market and social policy measures comprised:

- expansion of the pre-existing short-time work scheme – with a loosening of the eligibility criteria, the inclusion of additional employee groups (temp agency workers), and temporary higher replacement rates. While the scheme was already the backbone of the 2008 crisis management, it was even more important during the coronavirus crisis. In Germany, for example, the number of employees in short-time work peaked at 6 million in April 2020 (compared to a peak of 1.44 million during the 2008 crisis). Unlike in other countries such as France and Italy, the short-time work schemes were not expanded to domestic work and/or

seasonal work in Germany, however (Bruckmeier et al. 2021), nor to marginal part-time employees, who were accordingly among the groups most affected by job losses.

- financial support for small businesses and the self-employed, from the national/federal state level, in the form of lump-sum allowances and income loss compensation to cover their fixed costs and avoid insolvencies.
- expansion of the social assistance scheme, most importantly to facilitate access for the self-employed.
- a range of measures for working parents, such as a one-time direct payment or reimbursement of day-care fees during lockdown; extension of paid sick leave for parents in the event of closed schools/kindergartens and quarantined children.
- loans, guarantees and investments, financed, inter alia, through a special budget (e.g., 'Wirtschaftsstabilisierungsfonds' with a volume of up to €500 billion).

With regard to *health and infection risks in the workplace*, remote work became the preferred option, with employers obliged to offer remote work opportunities to employees and provide them with protective items. Other measures included restricting visitor access to hospitals and elderly care homes, and the (controversially discussed) compulsory vaccination of staff in health and elderly care facilities.

3. Social partners and social dialogue in defence of vulnerable groups

This section identifies the relevant social partners and traces their interactions and power relations in order to examine the structures of social dialogue during Covid-19 in the Netherlands and Germany. Special attention is duly paid to the mechanisms pertaining to the involvement of the social partners. The four main mechanisms are **control** (state dominance over policymaking and the simultaneous neglect of the social partners); **competition** (competing ideas, diverging interests and apparent power relations); **interactive bargaining** (constructive bargaining and active negotiations to reach common positions and policies); and finally **value sharing** (shared interests and priorities that combine in consensually supported policies). These four mechanisms should not be seen as static and rigid, however, but as processual and analytical categories. The mechanisms can both transition from one to another swiftly and result in hybrid categories, an example being what we term **contentious consensus**, that is, a mixture of competition and value sharing.

In the following analysis, the dynamics in the two countries under study are discussed in turn. Both country profiles follow the same structure: the first subsection provides an overview of the actors and dynamics of social dialogue with regard to the most important labour market and social policies. The second subsection focuses more specifically on the key policy field for pandemic containment, namely the health and elderly care system, which, as noted above, was also one of the sectors most affected by pandemic-specific health risks (infection risks), but also heavily increased workloads. The third subsection focuses in more detail on selected policies or industries in order to provide a more in-depth analysis of the mechanisms of social dialogue during the pandemic.

3.1 Germany

Topics, actors and interactions within the labour market and social policies

As was the case in numerous other European countries, in the first phase of the pandemic in spring 2020, swift and rather unilateral measures were implemented by Germany's Federal Government. The content of the two most general and wide-ranging Acts, namely Social Protection Acts I and II ("Sozialschutzpakete") as well as the Act on the Protection of the Population in the Event of an Epidemic Situation of National Importance ("Bevölkerungsschutzgesetz") were for the most part acclaimed as being acutely necessary to confront a pandemic state of emergency. This was most obvious for sectors such as the health system, elderly care, social services and elementary education, where face-to-face interactions with highly vulnerable groups (the sick, the elderly, children, etc.) are essential. The implemented policies were accordingly regarded as both a legitimate and a necessary response to the state of ontological insecurity (Giddens, 1984: 64ff.) brought about by Covid-19. A manager of a regional welfare organisation summed this up as follows:

> There was huge insecurity because nobody knew what kind of virus was unfolding. We wondered: 'How can we protect ourselves? How can we protect our clients?' These were big questions. They gave

> rise to others: 'What protective equipment can we obtain? Where do we get masks, gloves, disinfectant, gowns, glasses, and so forth from?' And then we asked ourselves: 'How can we guarantee our working capabilities? How can we ensure that our organisation keeps running?' (Interview with Welfare I)

Facing this radical insecurity, it is safe to assume that at least in the first phase of Covid-19 most social partners in Germany exhibited an overarching consensus. They upheld an **attitude of value sharing** about public policies. Even if civil rights or freedom of movement were restricted, these measures were overwhelmingly *not* considered arbitrary, let alone oppressive, but rather inevitable evils to bring an unprecedented pandemic to a halt. The "Act on the Protection of the Population in the Event of an Epidemic Situation of National Importance" addressed the direct threat of the virus pathogen with measures such as the authorisation of the health ministry to enforce wide-ranging regulations, the closure of schools and daycare centres or the lockdown of nursing homes. On the other hand, "Social Protection Acts I and II" secured what in the quotation above is referred to as the "working capabilities" of organisations, meaning easier access to short-time work, the basic income support scheme, the parental allowance, or secured continued support for care providers.

Social dialogue contributed to the smooth functioning of the economy in an exceptional situation **(→ interactive bargaining**). With regard to most policy measures, there was no tripartite social dialogue at the national level, but for some of the policy measures at least, politics could *build on pre-existing compromises and forms of social dialogue*. The general decision to rely heavily on short-time work by expanding its coverage could, for instance, build on a consensus adopted during the 2008 crisis. According to both our employer and employee representatives, this facilitated negotiations with the government on the reactivation of this instrument, including the expansion to temp agency work (Interviews IG Metall (trade union) and IGZ (Employers' association of temp agencies) (see also Hopp et al. 2022). Social partners and NGOs used their usual channels (statements in hearings, lobbying) to influence the legislation but broadly supported the most important measures.[3] If anything, the financial support was deemed too low, and there were calls to increase certain financial subsidies for needy families, lower-income employees, or those out of work.[4] In the field of vocational education, a new form of tripartite social dialogue that had been set up in 2004 (known as "Allianz für Aus- und Weiterbildung" since 2015) helped actors to quickly agree on a new programme (Bundesprogramm "Ausbildungsplätze sichern") that for the first time aimed at stabilising the number of apprenticeships through direct payments to employers (Interview ZDH).

Beyond these field-specific forms of tripartite social dialogue and the usual channels through which social partners presented their views on current legislation, it is worth emphasising that the sectoral level remained the main level of activity for social dialogue and collective bargaining. Moreover, while collective bargaining did cover industries with a high share of workers from vulnerable groups, the measures adopted did not specifically address these groups but all employees in that sector. This 'universalist' approach is also in line with the traditional trade union

[3] See e.g., the statements given by social partners and independent experts at the public hearing preceding the extension of the expanded short-term work scheme, https://www.bundestag.de/webarchiv/Ausschuesse/ausschuesse19/a11/Anhoerungen/803342-803342 in November 2020.

[4] See e.g., the public hearing preceding the 'Sozialschutzpaket II', which introduced an increase in the replacement rate for short-term workers, and other subsidies for needy families, https://www.bundestag.de/webarchiv/Ausschuesse/ausschuesse19/a11/Anhoerungen/694198-694198.

identity in Germany. Even where they have stepped up their efforts to mobilise and represent employees from vulnerable groups such as migrant worker in the past, they have tended to address them as workers, not migrants (e.g., Marino et al. 2017). Collective bargaining was also characterised by unusually *low conflict levels and wage moderation*, even by German standards, at least during the first two years of the pandemic (Lesch and Winter 2021). Trade unions were partly willing to postpone wage negotiations by prolonging existing collective agreements (IG Metall, Hotel and restaurant industry) and wage claims were rather moderate where negotiations took place (Schulten/WSI-Tarifarchiv 2020 and 2021). Even in the somewhat more controversial negotiations on the public sector collective agreement, the result was a freeze on wages in 2020 and moderate increases (+1.4% in 2021, +1.8% in 2022). The wage moderation was not least stimulated by a new law introduced in June 2020 that gave employers the option to pay their employees a one-off bonus of up to €3,000, exempt from tax and social security contributions. Many collective agreements made use of this option instead of agreeing on permanent wage increases (Schulten/WSI-Tarifarchiv 2021: 5). More aggressive demands for continued wage concessions from the employers' association in the metal sector, however, also undermined the prospects for peaceful negotiations in subsequent rounds of collective bargaining (Hoppe et al. 2022)

Finally, in addition to wages, collective bargaining focused on *complementing legislative measures*, for example by topping up short-time workers' public allowances (e.g., in the chemical industry, metal and electrical industry, banking and insurance industry, catering, municipal public employers) (Schulten/WSI-Tarifarchiv, 2020) or by securing additional paid days off for parents (Interview IG Metall).

However, this generalised consensus with regard to policies and collective bargaining should not obscure the fact that even in the early phase of the pandemic and increasingly later on, social partners disapproved of different facets of public policies – both with regard to procedural aspects and to their content **(→ competition)**. One overarching critique cast doubt on the *accelerated speed* as well as the *top-down character* of many measures. As various respondents emphasised, legislators took little or no account of advice from the social partners. Legislation processes were accelerated to an extent that hearings in parliament and in its committees became almost meaningless and had a purely formal character. This not only held true for accelerated procedures in the Federal Parliament (Bundestag), but also for the – partial – exclusion of social partners from the legislation process at regional and local levels. As a result, the *underrepresentation of certain actors* in pandemic policymaking was brought to the fore. This was all the more crucial since sectors where vulnerable groups worked – and, as in hospitals and elderly care, lived – were particularly affected. As one respondent put it: "The crisis management committee of the inner ministry of Lower Saxony included many different political system actors, but it did not include welfare organisations. Hence, elderly care, disabled assistance, elementary education and social services weren't sufficiently considered in crucial decisions. We had to lobby hard until our perspective and the people we stand for got at least some attention" (Interview Welfare I).

At the level of concrete policies, Covid-19 health measures were often criticised for *neglecting the needs of specific groups*. The closure of daycare centres and schools for several months was particularly stressful for single parents, who "were confronted with the almost insurmountable challenge of pursuing their daily jobs, for there was no partner to fall back on with a second income, while at the same time conducting their children's schooling", a representative of the

single parents' association (Interview VAMV) underscored. Due to this situation, the VAMV advanced a widely supported petition in civil society demanding that emergency childcare had to include single parents. As a result, in most German regions, emergency childcare was made available for single parents from late spring 2020 onwards. Secondly, economic compensation for vulnerable groups was often considered to be grossly underestimated, particularly for low-income families (Interview VAMV). Nonetheless, the VAMV representative acknowledged that public authorities were receptive towards most of their demands and that the measures taken could be regarded as satisfactory overall. Yet this was not the case for particularly vulnerable groups such as the disabled or chronically ill, for whom contact with COVID-19 could have been fatal. Too little attention was paid to them at the level of concrete policies that could have attenuated their exposure to the virus in and around the workplace. In the words of a representative of a Welfare Organisation:

> In the end, those groups that were already forgotten under normal circumstances were even more so during the pandemic. These groups don't appear in public debates, they have no influence and they hardly participate, be it due to disabilities, age or illness. For example, someone who was chronically ill and therefore highly susceptible to Covid-19 was forced to be present in her workplace, even though this put her at risk. Some form of bridging allowance would have been helpful… The pandemic made it clear: in times of crisis, these marginalised people urgently need committed advocates. (Interview with Welfare IV)

Topics, actors and interactions in the health and elderly care systems

Even if several groups could be identified as vulnerable during the pandemic in Germany (as in many other countries), health and elderly care clearly stood out. In this respect, the consequences of Covid-19 either manifested directly (sick people in hospitals) or greatly restricted patterns of interaction (elderly confined to nursing homes). In health and elderly care alike, vulnerability manifested itself in two ways. On the one hand, patients were particularly vulnerable to the virus, with death tolls ranking high (Rothgang and Müller 2022: 146–151). On the other hand, workers in these sectors were vulnerable both in the sense that they were physically exposed to the virus and – if we exclude doctors – in the sense that they had to cope with above-average levels of performance, stress and health exposure. It is due to this **concentration of vulnerability** in health and elderly care that we will focus on these workers and discuss the main topics addressed in this respect during the pandemic.

In the health and elderly care system, criticisms of social partners followed three main lines. These concerned the too wide-ranging scope of health measures, the too limited scope of economic relief payments, and the structural problems in those sectors where vulnerable groups were employed. Covid-19 exposed the tangible vulnerability of workers in health and elderly care. Nurses were in the frontline when it came to confronting the virus – while suffering from chronic overtime, job strain and precarious working conditions at the same time (chiefly in elderly care) (Ohlbrecht and Selbrecht 2023). To recognise the efforts of healthcare workers, at least to some extent, the Ministry of Health executed two rounds of bonus payments in 2020 and 2022 (e.g., €1,000 in healthcare and €1,500 in elderly care in the first round). Social partners, chiefly welfare organisations and trade unions, complained that these bonuses were too low and that the method of payment was not completely transparent.

What the bonus payments failed to change were the structural problems in health and elderly care. As a respondent from Caritas put it: "In our view, bonuses for personnel in elderly care were little more than a drop in the ocean. Structural reforms of the healthcare system were and still are the big unresolved challenge." This leads to the third line of critique. As Covid-19 unfolded, the paradox that those workers deemed the most essential (nurses, agricultural workers, truck drivers, shop assistants, etc.) were at the same time the most vulnerable, both in their daily encounters with the virus and in their economic precariousness, became a matter of public debate (Nachtwey and Mayer-Ahuja 2021). To demonstrate their willingness to respond to calls to remedy this malaise, public authorities began to **innovate** and **experimented with** rarely used dialogue avenues such as **trilateral formats** between employers, workers and government representatives. The latter will be discussed in more detail in the case of agriculture, so suffice it to say that the Concerted Action Care (Konzertierte Aktion Pflege, KAP), created back in 2018, tackled the major challenges in the care sector during the pandemic with an accelerated approach (Interview Welfare III). Arguably, the unforeseen event of the pandemic empowered an existing institution and helped to channel and implement some of the issues that were being debated in its context. In this way, the KAP saw to it that the rather diffuse public valorisation of essential workers during the pandemic – not only, but especially in health and elderly care – could be transformed into concrete policy measures. One of these reform projects was, and still is, being articulated to improve nurse-to-patient ratios in elderly as well as in health care. In the latter context, a novel staff rating (Personalbemessung) that aims at improving nurse-to-patient ratios nationwide has been in force since July 2023 (§ 113c SGB XI). In stationary care, the number of nursing staff will therefore ideally increase by as much as 40% by 2025 (Rothgang and PeBem-Team 2020: 248). In healthcare alike, an actualised nursing staff regulation (Pflegepersonalregelung, PPR 2.0) has been under implementation in selected hospitals since January 2022 and will eventually be enforced nationwide in 2025.

The social partners were instrumental in driving these reforms forward. PPR 2.0 was a joint project between the German Hospital Federation (Krankenhausgesellschaft), the German Nursing Council (Pflegerat), and the trade union Verdi. Their informal coalition maintained an **interactive bargaining** stance that allowed the reform to be firmly placed on the political agenda and finally adopted by the Ministry of Health in mid-2022. As far as one trade union representative was concerned, it was no coincidence that the previously reluctant minister finally announced that he would implement the reform for the first time in front of a huge demonstration rally: "The nurses' protests were essential when it came to institutionalising PPR 2.0" (Interview Verdi).

Social partners have often, albeit not always, joined forces to achieve common goals and policies. A particularly **conflictual event** occurred in February 2021 in the elderly care sector when the ecclesiastical welfare organization Caritas – a central provider of care services in Germany – blocked the nationwide collective agreement for care workers struck between the trade union Verdi on the one side and the Federal Association of Employers in the Care Sector (Bundesvereinigung der Arbeitgeber in der Pflegebranche, BVAP) on the other. Caritas wanted to retain the specific labour law that applies to ecclesiastical employers in Germany, its argument being that this labour law allowed for higher wages for employees than the nationwide collective agreement would provide for – even if this meant impeding a wage rise throughout the entire care sector. Responding to the failure of collective bargaining, the legislator implemented a collective

bargaining compliance provision ("Tariftreueregelung") in September 2022 that could raise wages in elderly care by 10–30% (BMG 2022).

Social dialogue mechanisms with regard to migrant workers: the paradigmatic case of agriculture

After assessing overarching patterns of social dialogue during the pandemic with an emphasis on the health system, the third part of this section now turns to the impact of the pandemic on migrant workers. We will substantiate the claim that the deficiencies in the protection of the vulnerable can be traced back to a **social dialogue with structural imbalances**. This means that, at the beginning of the pandemic, political decision-makers in several industries considered the demands of social partners in a rather limited sense. In the meat processing industry or in agriculture, to which we turn our attention here, basically only the positions on the employers' side were deemed relevant and brought to bear in the policies that were followed during the first pandemic phase. However, Covid-19 likewise functioned as an accelerator in the sense that during later phases of the pandemic, in several more peripheral industries – specifically meat processing or agriculture – an **experimentation with novel regulations and social dialogue structures** unfolded.

A widely discussed and researched case in point has been the meat processing industry. During the pandemic, a confluence of factors, including miserable working conditions, a largely migrant workforce from Eastern European countries, and employment relationships dominated by subcontracts and service contracts, led to dire situations. In certain companies, hundreds of workers became infected with Covid, prompting **conflictual processes** of public scandalisation and worker mobilisation as a consequence (Birke 2021, 2022; Bosch et al. 2020; Seeliger and Sebastian 2022). As a result, with the "Occupational Health and Safety Act" (Arbeitsschutzkontrollgesetz), the legislator prohibited subcontracting in meat processing from 2021 onwards, and enforced more regular inspections and higher penalties for employers (BMAS 2020). Another trendsetting measure in this context was the "Housing Strengthening Act" (Wohnraumstärkungsgesetz) enforced in the region of North Rhine-Westphalia since July 2021. Prompted by mass infections in migrant worker accommodation, the regional government sought more effective regulation of private accommodation, notably with reinforced control over housing quality and accommodation costs, and with prohibition of the misuse of housing (Interview NRW). At the Dutch-German border, regional authorities are duly cooperating to ameliorate both the working conditions (especially in the Netherlands) and the living conditions (especially in Germany) of migrant workers from Eastern Europe who commute between the two countries (Dahm and Leeson 2022).

Our analysis aims to underscore that meat processing is by no means the only sector where workers' heightened vulnerability and novel regulatory efforts converged. To this end, the following analysis will focus on agriculture as another exemplary, albeit under-researched sector where the pandemic served as a **laboratory** for **regulation** and **social dialogue** to combat economic precariousness, health hazards and social discrimination among workers. In our view, the following discussion is not only of sectoral importance. We argue that the discussion can also reveal how novel regulations and patterns of dialogue can gain a foothold in industries where a symmetrical representation of social partners was formerly absent. Agriculture is a case in point

when it comes to disclosing the accelerated restructuring of both social protection and dialogue in the course of the pandemic. Moreover, seasonal agricultural work is not only of national but also of European relevance, notably with regard to the millions of migrant workers that move back and forth between Eastern and Western Europe each year. As underlined in the conclusions (section 4), developments in Germany also point to a shift in the EU's policies concerning agriculture and hence a potentially Europe-wide problematisation of existing labour relations.

General figures in agriculture read as follows: of around one million agricultural workers in Germany in 2021, about 275,000 or 29% were seasonal workers (Destatis 2021). Of these, more than 95% are estimated to be migrant workers (German Farmers' Association (DBV) 2019). While in the 1990s and 2000s their predominant country of origin was Poland, nowadays the main nationality of seasonal workers is Romanian with a share of over 90% (Wagner and Hassel 2015: 31–36; Initiative Faire Landarbeit 2022: 13). In Germany, seasonal work predominantly falls into the category of "short-term marginal employment" (Kurzfristige Beschäftigung). Since 2015, the duration of such work has been limited to a maximum of 70 working days (3 months) and is supposed to *not* be the worker's primary employment activity, but only provide for a supplementary income. The only social security arrangement for this type of marginal employment is accident insurance, as it is assumed that workers have social security cover elsewhere (Bogoeski 2022: 691; for an overview of working conditions, see Wichern and Varelmann 2022).

When looking at the outbreak of Covid-19 in agriculture, what stands out is the **absence of symmetrical social dialogue** and a **unilateral policymaking process**. The German Farmers' Association, namely the employers' organisation, cooperated closely with the Federal Ministry of Food and Agriculture, as well as with the Federal Ministry of the Interior when confronting the pandemic. A shared goal rapidly took shape: notwithstanding an unprecedented health emergency, Germany's agricultural production was to be ensured at any cost (Biaback Anong 2023: 10–12). The action of both ministries in spring 2020 can with only slight exaggeration be termed a transmission belt. The two ministries enforced what the Farmers' Association demanded. This materialised with two particularly visible measures: the extension of the margins of short-term marginal employment to 115 days through Social Protection Act I, and the establishment of an airlift that brought 40,000 seasonal workers from Romania to Germany between April and June 2020. An expert from an NGO monitoring working conditions in agriculture was critical of these measures:

> [Both] were central demands of the Farmers' Association and both were adhered to by the Ministry of Agriculture without hesitation. Harvest failure had to be avoided and food production safeguarded. They stuck to what I think is a fake argument: 'With the extension of marginal working days, we will protect workers because they will stay longer in our country and thus be less mobile.' What I don't get is that if social mobility had to be restricted, why weren't workers hired with stable social security schemes after the 70-day period? And as for the figure of 40,000 seasonal workers… This contingent fits neatly into what the Farmers' Association had publicly demanded in previous weeks. Its positions were fully accepted at face value by both ministries. (Interview with Peco)

The quotation underlines the strong cooperation between the Ministry of Agriculture and the Farmers' Association, particularly at the outset of the pandemic. At that time, both shared the

objective of maintaining the national agriculture at any cost. To ensure this, both entities **cooperated** closely at the concrete level of **policymaking**. This became particularly clear with the so-called "Concept papers I and II" (Konzeptpapiere I und II), which the Ministries of the Interior and Agriculture issued jointly on 2 April and 10 June 2020, respectively (BMI/BMEL 2020a/2020b). The first of these papers elaborated on the issue of how seasonal workers could be brought to Germany notwithstanding cross-national mobility restrictions in force at the time. While the formal procedure for their arrival (only group entries, detailed registers, standardised health checks, etc.) was controlled and sanctioned by the German state, notably the Federal Police, the logistics of the airlift from Romania to Germany was taken over by the Farmers' Association. This ranged from the organisation of the flights themselves, decisions about places of departure as well as arrival, to the responsibility for the return journey, even if premature due to the (infectious) disease (BMI/BMEL 2020a).

In addition, the concept paper introduced a measure only deployed in agriculture: **14-day work quarantines**. Following their arrival in Germany, seasonal workers from abroad were obliged to work and live in small groups (of up to 20 individuals) for two weeks, not to leave the perimeter of the farm, and to remain "strictly separated from other employees" (ibid.). Even after the quarantine itself, seasonal workers were expected to remain localised between their accommodation and their work in the fields. As a result of these policies, seasonal workers suffered an intensification of their "spatial marginalisation" (Stachwoski and Fiałkowska 2020) by being pushed completely outside the reach of local communities.

Although the coalition between the Farmers' Association and the German Federal Government seemed strong at the onset of Covid-19 – in terms of their institutional resources, but also symbolically given the latent societal acceptance of the enforced policies – a **process of change** took place during spring 2020. Several mass infections of workers on farms as well as a wildcat strike on an asparagus farm in Bornheim, North Rhine-Westphalia, with workers demanding withheld wages and scandalising their squalid accommodation, prompted a spontaneous visit to Germany by Romanian Labour Minister Violeta Alexandru. Alexandru not only visited farms to get a first-hand impression of the working and living conditions and to express her solidarity with the striking workers, she also signed a memorandum of understanding with Federal Labour Minister Hubertus Heil. In their joint declaration, they reached an **agreement** on **coordinating** the efforts of both countries for "occupational safety and health standards and social protection" with particular reference to mobile workers (BMAS 2020). Three binational working groups were duly initiated, targeting (1) social protection, (2) health and safety at work, and (3) information. One tangible result of this binational cooperation has already crystallised: while in the past, seasonal workers employed through short-term marginal schemes often worked without health insurance, employers were from January 2022 obliged to offer them health cover (Interview BMAS). Seasonal workers are now commonly being "offered" private group insurance, which at least covers basic injuries and illnesses.[5] The terms of these private insurance policies are often rather difficult for workers to understand, and the benefits remain basic in that they do not cover specialist treatment or the treatment of chronic diseases. Even if, in principle, the employer is supposed to pay the insurance, the cost is often illegally deducted from the workers' wages (Faire Landarbeit 2022: 27). In this sense, inadequate health insurance remains a structural problem for

[5] Employees could, in principle, opt out of this group insurance. But they would then have to prove that they are covered by another health insurance scheme.

workers (Wichern and Varelmann 2022: 31–33, 49–50). More comprehensive health insurance coverage is currently under discussion.[6] Another outcome of the cooperation between the labour ministries of both countries is the more effective supervision of Romanian employment agencies.[7]

The fact that the traditional hegemonic bloc of the Farmers' Association and the Ministry of Agriculture with its employer-friendly policies is starting to crumble can be explained by three factors: first, concrete policies in Germany; second, the strengthened presence of social partners accompanied by novel dialogue formats; and third, impending EU-wide regulations. The rest of this section focuses on the first two factors, while the third will be dealt with in the conclusions.

In terms of concrete policies, in addition to the above-mentioned compulsory health insurance, the Social Democratic Ministry of Labour paid greater attention to agriculture from late 2020 onwards. For example, since 2021, the German statutory pension insurance scheme has been looking more closely at which seasonal workers are actually entitled to obtain short-term marginal contracts, and which are not. As a result, more workers seem to be employed with social insurance schemes (Faire Landarbeit 2022: 10). In addition, the "Law on Transparency of Working Conditions" (Gesetz über Transparenz der Arbeitsbedingungen) issued in August 2022 compels employers to inform future employees in greater detail about the concrete labour process, such as working hours (ibid: 35). When it comes to housing conditions and illegal deductions of accommodation costs from wages, an amendment to the Workplaces Ordinance (Arbeitsstättenverordnung) is underway (Interview Peco). This could at least partially simplify the currently overly complex regulation of collective accommodation, strengthen public surveillance, review unjustified payroll deductions, and tackle poor accommodation conditions such as several beds per room, inadequate hygiene or substandard sanitation facilities, which were regularly observed by counselors during the pandemic (Bogoeski 2022: 697).

In agriculture, as in any other sector, enforceable regulations require active and vigilant social partners. However, agriculture, and seasonal work in particular, has been characterised more than other sectors by the complete absence of workers' representatives. This situation has at least started to change. The branch-specific trade union for agriculture, IG Bauen-Agrar-Umwelt (Building-Agriculture-Environment, IG BAU), strengthened its resources for this sector during Covid-19. A coordination office was set up in 2021 to manage the so-called "field actions" (Feldaktionen) of trade unionists, counselors and other activists, aimed at informing and organising farmworkers, particularly seasonal workers.[8] In this sense, since 2022, membership – which expires automatically after 12 months – can provide migrant agricultural workers with legal advice and representation in labour-related litigation issues. This membership has not yet solidified into a widely used organising tool, however.[9]

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[6] This would do justice to the coalition agreement between the Social Democrats, Greens and Liberals. To quote: "We will provide full health coverage for seasonal workers from day one" (Koalitionsvertrag 2021).

[7] A respondent explained that these agencies are not entitled to demand money from employees, and must be transparent with them about the cost of accommodation and board. Employment agencies must then inform the Romanian authorities on a monthly basis how many people have been placed in Germany.

[8] These actions take place under the umbrella of the "Initiative Faire Landarbeit", a loose network of trade unions, NGOs and other civil society organisations. The initiative authors yearly reports about the working and living conditions of seasonal workers (https://igbau.de/Initiative-Faire-Landarbeit.html).

[9] A union representative duly assessed the novel membership with mixed feelings: "What for the trade union is a generous, potentially costly package of legal protection, for the individual worker remains a considerable amount of money (177 euros in 2022) to be paid at once. Membership could only function properly if large groups of

Although trade unions actively cooperate with each other at the European level to amend the working conditions of seasonal workers, it is also evident in the case of agriculture that unionised activities are currently intertwined with public regulatory efforts, which in Germany are chiefly driven by the Ministry of Labour. On the one hand, the above-mentioned working groups of the Romanian-German ministries of labour include many trade union representatives, and hence employee-friendly positions come to the fore. On the other hand, the ministries of labour of Germany and Eastern European countries are actively embarking on information campaigns on working conditions, workers' rights and organising options for workers.[10] Shaping – and ameliorating – working conditions in agriculture does not therefore take place through collective bargaining and collective agreements, but rather through tripartite consultations, which eventually crystallise into binding regulations.

The Federal Ministry of Labour has "empowered" the employees' side in agriculture insofar as it has achieved a more balanced social dialogue structure at national level. A tripartite social dialogue between employees, employers and government, a format that is only used exceptionally in Germany in contrast to the Netherlands, was promoted in agriculture in 2021 when the Farmers' Association, the competent trade union IG BAU, as well as the ministries of agriculture and labour convened together. "Given that IG BAU has no real organising power among seasonal workers, as the union's membership is still low, the creation of such a social dialogue format with a binding nature for seasonal work was in itself a step forward," stressed a union representative (Faire Landarbeit). This trilateral dialogue has continued at a regional level, for example in Brandenburg. The regional minister expressed the growing awareness and recognition of seasonal workers in the following terms: "Without seasonal workers, notably migrant workers, vegetable and fruit cultivation would disappear from Brandenburg and agrarian land would become overgrown" (MWAE Brandenburg 2020).

3.2 The Netherlands

Topics, actors and interactions within the labour market and social policies

Covid-19-related policies involving social policy and the labour market in the Netherlands were first and foremost aimed at protecting income and job retention, secondly at protecting health and safety in the workplace (discussed in the next section), and finally at providing social security for the self-employed. Most attention was paid to generating income-oriented measures, however, with the aim of rescuing *Netherlands Ltd* ("BV Nederland" as one respondent from the employers' organisations put it), and safeguarding job retention.

In March 2020, the Dutch government quickly invited the social partners to discuss the package that was needed to deal with the sudden and unexpected external shock caused by the Covid-19 pandemic. Trilateral negotiations were held over a very short time period (2–3 weeks) and resulted

seasonal workers collectively become union members before arriving in Germany. We have not reached this stage yet."

[10] An example is a new app for seasonal workers that is being developed by the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) in conjunction with national ministries of labour as well as trade unions and NGOs.

in an unanticipated economic package to safeguard the incomes of the self-employed, SME entrepreneurs, and large companies, and to mitigate the consequences of Covid-19. In short, and as confirmed by all respondents, the economic package ensured that companies could continue to pay wages, provided temporary compensation for the self-employed, and kept companies afloat through tax arrangements, compensation and additional credit options. One of the most important measures in the initial crisis package was the **Temporary Wage Costs Allowance Scheme** (Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud), hereafter **NOW**, which was administered by the Ministry of Social Affairs and Employment. Thanks to NOW, companies expecting a loss of turnover (minimum 20%) could apply to the Social Insurance Institution (UWV) for aid towards wage costs (up to 90% of wages, depending on the loss of turnover). UWV paid 80% of the requested compensation in advance, which ensured the continuation of wage payments in a failing economy. NOW also included a clause that no staff could be dismissed for economic reasons during the subsidy period. In this way, NOW catered to the needs of all social partners and was a result of **interactive bargaining, but based on shared values**. In practice, NOW replaced the previous short-time working scheme that had been in operation since the previous financial crisis. NOW was initially valid for three months, but was later expanded – in new rounds – until mid-June 2023.

At the onset of the crisis, and with the mutual agreement of the social partners, the inclusion of self-employed workers became an important aspect of state intervention, in addition to protecting employment in general. The major economic package introduced in March 2020 led to several specific measures for the self-employed. **Temporary support for necessary costs** (Tijdelijke Ondersteuning Noodzakelijke Kosten TONK) was aimed at people whose income had fallen significantly and who could no longer manage fixed costs, such as rent, mortgage repayments, mortgage interest, service costs, gas, water, electricity, and municipal taxes. TONK was not an income support scheme, but a scheme to reimburse fixed costs. Municipalities were in charge of the scheme, and hence there could be variation in how each municipality handled the costs. There was also a **Fixed costs allowance** (De Tegemoetkoming Vaste Lasten TVL), a subsidy applicable to the self-employed only, which helped them cover fixed costs. A total of €10 billion was allocated to the TVL. In addition, there was a **Temporary bridging scheme for independent self-employed** (Tijdelijke overbruggingsregeling zelfstandig ondernemers, TOZO), which was a temporary allowance covering the living expenses of self-employed persons whose income dropped below the social minimum due to the coronavirus crisis (Rijksoverheid 2023 sources). The variation in these responses indicates that the underlying issues for the self-employed were inevitably related to the fact that 1) the self-employed were excluded from regular social security, and 2) the self-employed are in themselves a very diverse group.

The social partners were the driving force in the policy responses discussed above, and played a pivotal role in the design and implementation of these measures. The trade union (TU) side had long been vocal about the problems of the hyper-flexible labour market, and hence the pandemic opened a window of opportunity to put their issue on the agenda again. As described in interviews with the ministry, trade unions were active in lobbying for equal support for all vulnerable people, and were concerned that many groups fell outside the generic regulations. However, when it came to making decisions on the coverage provided by the financial packages, concerns about the status of the self-employed gained particular traction among other partners (the government, and employers' organisations).

What becomes clear after reviewing the policy responses (DEFEN-CE dataset) is that very few measures focused on the "traditional" vulnerable groups, namely those most distanced from the labour market. This was also confirmed in the interviews. Being recognised in **interactive bargaining** processes seemed to require an established position in the labour market (negotiation) structures. People outside the labour market relied on existing automatic stabilisers and safety nets (income protection schemes such as insurance and social assistance), which are reasonably generous by European standards. However, lockdowns particularly hampered the provision of services, which vulnerable groups in particular often needed, and very little was done to facilitate their activities.

Rather, according to respondents, the Dutch response to the Covid-19 pandemic focused more on creating measures to protect the economy, namely companies and subsequently jobs. The **shared values** of the social partners were reflected in the accentuated understanding of the vulnerable groups and the policies that ensued. Respondents' perceptions of vulnerability tended to relate to certain sectors, and to the group of self-employed who had long been on the margins of social protection. Respondents saw that the pandemic had made the vulnerability of these groups more visible: precarious flex workers, workers on short-term contracts (and contracts that ended during Covid periods), and the (bogus) self-employed were the ones most affected by restrictions and lockdowns. All of these groups had been under the radar for a long time, but the pandemic made them all the more visible. In the words of one respondent (MIN1):

> I don't think you can say that the weaker groups in society have changed. No, I think that in the case of the Netherlands, the groups themselves haven't changed, but the sectors that were affected by lockdown measures/coronavirus measures have shifted somewhat. (Interview with Ministry)

The pandemic also led to delays in the decentralised negotiations. When it came to collective bargaining, there were two kinds of strategies: either 1) collective bargaining was postponed for a year, or 2) CLAs were concluded that specified wage freezes (or even wage reductions). National-level social partners (as well as SER/STAR) were criticised in some interviews for not pursuing a social agreement or a national plan to help sectors cope with the new situation. Branch organisations and sectoral TUs also noted that little guidance was provided at the central level.

Topics, actors and interactions in the health system

In the area of healthcare systems, interactions took place later, after the initial pandemic restrictions were lifted, with more controversy and disagreement between social partners concerning the topics and the scope of interventions.

During the interviews, trade union representatives were very vocal about health and safety issues, which they felt had been badly managed during the Covid crisis. TUs called for more attention to be paid to the health of workers (protocols on the use of face masks on site) and there was less agreement on the legitimacy of Covid-19 restrictions (e.g., the duration and severity of lockdowns, testing, vaccinations, and the use of QR codes to gain entry and access). In fact, the disagreement between trade unions and the government over the management of protective gear eventually came to a head, with the trade unions FNV and CVN filing a lawsuit demanding compensation for healthcare workers with long Covid. TU2 referred to the origins of this conflict, saying:

> It was said that face masks were simply not available... and this was also stated by the government: it's not necessary for everyone to wear masks in nursing homes, they said. It became so strange in the Netherlands at one point that citizens had to wear a face mask on public transport, but not in healthcare and nursing homes. (Interview with trade union)

The TUs lost the case in March 2023, but the incident serves to illustrate the conflicting views amid the pandemic. The diverging views on the management of health and safety issues also exemplify the ways in which – despite the established social dialogue structures – the government exercised **control** over designated modes of action, especially in a situation where **interactive bargaining** proved to be inconclusive.

Heated debates duly arose in the area of health. In addition to different views on health-related issues, such as obligatory Covid-19 tests, vaccinations were another area of **competition and conflicting interests between social partners**. On the one hand, vaccinations were seen as a matter of individual choice, where making them obligatory was regarded as an infringement of fundamental rights. On the other hand, vaccinations were also considered necessary for health and safety reasons, in order to maintain a healthy working environment. Many issues related to Covid-19 restrictions provoked a societal backlash in the Netherlands (e.g., vaccinations, curfew, obligatory masks on public transport), and it is hardly surprising therefore that these conflicts were at the heart of the social dialogue.

Mechanisms for social dialogue

The Dutch case seems to be a "textbook" case of social dialogue, where the necessary parties could be brought together rather quickly and efficiently. The common crisis in the labour market did much to foster **value sharing**, and the established patterns of social dialogue allowed for **interactive bargaining**. In an unforeseen environment characterised by great uncertainty, the government had to work with social partners to reach broad agreements. The Netherlands has a long history of social dialogue, and the so-called consensus-oriented "polder model" is deeply ingrained in the decision-making processes (Visser and Hemerijck 1997; de Beer and Keune 2018; Keune 2016). The established collaboration between SER and STAR also facilitated a rapid start to the negotiations in this case. One of the respondents (TU2) described this as follows.

> On Friday evening, March 13 2020, we asked the Labour Foundation for an additional consultation with the Cabinet. We usually meet once a month… We had seen the reduction in working hours and the increase in short-term unemployment benefits... At that time, there were already hundreds of applications (for short-time unemployment benefits). (That night) we laid the groundwork for the kind of measure that was needed, and what it should look like... The measure got the support of the social partners that (same) evening. (Interview with trade union)

Although the rescue package was rushed through, all the social partners interviewed shared the perception that they were able to bring their needs to the table. Not all wishes could be accommodated (TU and EO), but for the most part the trilateral bargaining was seen as a success by all respondents.

What made the Covid-19 pandemic exceptional was the fact that the government was willing to invest considerable sums of public money (80 billion, EO2) in keeping the economy running. There was in fact little need for bargaining on this occasion, especially in contrast to "normal

social dialogue", where funds are limited and interests vary. Respondents told us that the negotiations focused in particular on the coverage of the NOW scheme. From the ministerial point of view, NOW was intentionally created to be a simple, easily manageable programme. This also led to NOW becoming a very generic system. Within this context, the social partners lobbied hard on both sides to include issues relevant to their members. In such **interactive bargaining,** for example, the trade union lobbied for those groups that were excluded from the generic NOW scheme, including flex workers and solo self-employed.

Indeed, all respondents talked at length about the discussions on the solo self-employed group. In the Dutch system, the self-employed fall outside of the social insurance scheme. The crisis gave trade unions the impetus to push for the protection of this group and to put pressure on other partners to acknowledge the situation and lack of social protection for these workers. The matter was potentially eased somewhat by the increased attention paid to self-employed workers at the EU level in recent years. In the interviews, both the trade unions and the employers' side declared that Covid-19 had raised public awareness of the situation of solo self-employed people. This was also expressed in discussions with respondents at ministerial level. In relation to the measures that temporarily extended social assistance to the solo self-employed, MIN2 mentioned that:

> They (employers' organisations) recognised the logic behind the introduction of TOZO. But it didn't really matter much to them because their members weren't directly impacted, so they didn't lobby for it very actively. Most of the lobbying efforts were made by the self-employed organisations. (Interview with Ministry)

The situation regarding the solo self-employed was easily resolved, as both sides could readily accept the solution. This was not the case for temporary workers, however. TU pushed for their interests, but did not succeed, as TU2 pointed out:

> We've always said that temporary workers need to qualify for that subsidy. It didn't work out though, despite our efforts. And we remained very vigilant afterwards because in the first few months, 180,000 temporary contracts were terminated and temporary workers were sacked the next day because the contract was not renewed. But we did try. (Interview with trade union)

The pandemic triggered some **innovative practices**. For instance, respondents from employers' organisations gave examples of how companies found ways to innovate and facilitate intersectoral mobility. Respondents explained how the pandemic forced companies and branches to look for new ways of organising work. Many of these entailed "taking digital leaps", transferring communications online and introducing remote working, but new innovative practices also emerged as some companies started to exchange personnel, for instance when airline personnel were transferred to the care sector, or when workers from the hospitality industry went to work at Covid-testing centres in the healthcare sector.

In work-related matters, social partners seemed to find common ground more easily when facing a common enemy: the Covid-19 pandemic. However, as the pandemic persisted, trade unions and employers' organisations ended up taking different positions on certain issues, as discussed in the previous section. For example, respondents reported **conflicts** over compliance with health and safety legislation in the workplace, the unavailability of protective items, and disagreements over testing as a requirement for entering the workplace. The most heated debates concerned the lawsuit brought by TU against the government for violating the constitutional rights of healthcare workers in 2021. TU respondents also talked about the need for their current agenda to pay

attention to post-Covid problems, such as long Covid; but this was seen to be difficult and the Netherlands was considered less progressive in terms of this protection than many other countries.

As some of the examples above have already shown, the Dutch government adopted a firm stance and exercised **control over crisis management**. As EO2 put it:

> It was led by the Cabinet, but the social partners and implementing bodies themselves were closely involved, and in the Netherlands that's mainly the UWV. (Interview with employers' organisation)

This was also the view expressed in interviews at the ministry. In the event of a sudden external crisis, there is a conscious decision to announce who will take control. Interestingly, the finding aptly illustrates how pandemic crisis management was a case where the **solution was developed within the boundaries of implementation**, and thus perhaps to a lesser extent through social dialogue than would appear at first sight (even considering that all parties acknowledged the inclusion and importance of social partners in policymaking in these public policy responses). In discussions with respondents at the ministry, we were told that NOW was deliberately designed as an extremely generic scheme, with the aim of ensuring its applicability to as many employees as possible and ease of administration by the UWV, the Employment Insurance Agency.

Another interesting development in the changing power resources during the pandemic was the **increasing competition** among the government's advisory bodies. Although the first year of the pandemic could be described as a "rejuvenation" of social dialogue, particularly after the intense engagement of social partners and their "successes" with the initial economic packages, the respondents also pointed to increasing competition as the pandemic persisted. Labour issues had been settled with economic interventions (such as NOW), but as the pandemic continued, it also became more medicalised, as issues such as testing and vaccinations became central in defining responses to Covid-19. As EO2 put it, *"the epidemiologists were on the move".* The government was seen to put a high value on the medical views expressed by the Outbreak Management Team (OMT), whereas the interests of the social partners were seen to take a back seat after the first year of the pandemic. The government was deemed insensitive to the interests of the business community (which simply wanted to open up). TU1 described the change that took place:

> OMT came to advise the Cabinet on measures that should be taken, particularly on the basis of medical science. At some point, it (OMT) was set up with other (experts) and had a broader basis than just a medical basis... Of course, from a medical perspective, it's easy to justify why restaurants had to close, for example, but that obviously had consequences for employers and employees. (Interview with trade union)

The social partners effectively felt sidelined: trade union representatives explained that the social partners felt that they were initially valued as full discussion partners, but later found it difficult to "get a foot in the door". Trade unions expressed their disappointment not only at being excluded from the policy design, but also from its implementation and drafting coronavirus protocols and exit plans. The substance of the protocols was also seen to be directly controversial. Trade union respondents wondered in particular how the labour inspectorate was being sidelined from monitoring compliance with the RIVM (the National Institute for Public Health and the Environment, an independent agency of the Ministry of Health, Welfare and Sport) guidelines on issues related to employee safety.

Discussions with state-level respondents did not confirm such sidelining, but civil servants considered that this perception could be explained in part by the nature of the crisis, which transitioned from being a labour market crisis to a health crisis during the lifecycle of the Covid-

19 pandemic. This transition meant that the Ministry of Health was given a larger role in managing the risk. In this way, the Ministry of Health became more central in policy responses as Covid-19 persisted, and the dynamics and network (comprising more health-related agencies and fewer labour market actors) changed. As MIN2 explained:

> The measures taken by the Ministry of Health, Welfare and Sport had at least as much impact on companies and society as any support measures, or any other measures for that matter. And yes, they traditionally have different networks, different ways of arriving at their policies. Moreover, they've also been in crisis mode a lot, making many decisions themselves and implementing numerous measures. We've often tried to play a role on behalf of the social partners as well. (Interview with Ministry)

As a consequence, from late 2021 onwards, the social partners expressed sentiments of **increased unilateralism**. The social partners (TU and EO) felt that decisions about successive lockdowns did not always play out fairly for the different sectors (e.g., the restaurant and retail sectors were severely affected by the pre-Christmas lockdown and the evening curfew). The responsibility for making decisions regarding lockdowns and vaccinations, and for leading debates on public health priorities lay with the state. The social partners who were interviewed (both TU and EO) had sought to be more visibly involved in formulating the exit plans from Covid and in developing strategies in the event of new waves to come. The government's reaction to these wishes was less forthcoming than the social partners had hoped. The final phase of Covid 2022 was therefore seen to be less transparent and less well coordinated than the initial phase of the pandemic.

4. Conclusions

This final section synthesises the key findings from the German and Dutch cases with regard to the main research questions posed at the beginning of the report. The conclusions are therefore structured around three threads: (1) What public policy and social dialogue measures targeting the selected vulnerable groups were implemented for employment and social protection during the Covid-19 pandemic in 2020–2022? (2) To what extent and how did social dialogue play a role in the implementation of the social and employment rights of selected vulnerable groups during the Covid-19 pandemic between 2020 and 2022? (3) What lessons and opportunities does the Covid-19 pandemic yield for strengthening social dialogue in the countries studied?

Although the impact of the Covid-19 pandemic on the labour market was less pronounced in two of the "economic powerhouses" of Europe, Germany and the Netherlands, the pandemic clearly had an uneven effect on the labour markets and working conditions in both countries. Looking at the broader picture, we argue that the pandemic has intensified both the virtues and the flaws of the political economies of Germany and the Netherlands. A *polarised* labour market structure divided between high value industries on the one hand, and those where low wages, (marginal) part-time jobs, and temporary agency work dominate on the other, has not only been exacerbated by the pandemic, but has also been revealed in terms of a dichotomous social dialogue structure. Whereas in German as well as in Dutch "core industries", the existing regulations, and the balanced presence of social partners and workers' councils facilitated policies that provided reasonably decent protection, in the "peripheral industries", low levels of coverage by collective agreements, weak trade unions and few work councils intensified the structural vulnerability of workers confronting both the virus itself and its socioeconomic consequences (Lessenich 2020; Holst et al. 2021).

This polarisation surfaced when we analysed public policy measures and social dialogue structures during the pandemic and deciphered their scope. For instance, both in Germany and in the Netherlands, the main strategy at the onset of the pandemic was to secure the economy, which primarily entailed getting the core sectors of their respective labour markets safely through an unprecedented state of emergency. Public subsidies protected both workers and companies during the foreseen circumstances of society closing down. The picture that emerges is one of *institutional path dependency*. The well-established income protection measures that proved their worth in the Great Recession of 2007–2008, notably short-time work and its further developments, guaranteed that job cuts did not become a massive phenomenon leading to social unrest. The assertion by Vogel and Breitenbroich (2020: 10), also applicable to the Netherlands, that the pandemic can be assessed as proof that "the German system of industrial relations is working" and remains "stable" hints at an important fact: even if criticisms were articulated against the respective governments for their top-down policymaking, the social partners were from the outset constitutive pillars of the crisis management in both countries. The cooperative attitude of social partners was reflected in the fact that major conflicts were largely absent (particularly in the first phases of the pandemic), trade unions acquiesced to wage moderation, and social actors largely joined forces to co-manage the crisis at the industry and company level.

The implemented policies mitigated the vulnerability that Covid-19 caused, but they did so unevenly. In both countries, the well-established automatic stabilisers in the form of social

protection schemes acted as a buffer to absorb the impact of the pandemic at a societal level, including people at work as well as those outside the labour market. Notwithstanding the general success of protection measures, four virulent types of vulnerability at least temporarily overwhelmed the German and Dutch social security systems.

- First, traditionally vulnerable groups, commonly defined as people at a (long) distance from the labour market, faced difficulties due to restrictions. Their access to the labour market was further hampered by an economic shock halting turnover and job creation.
- Second, those working in unprotected, flexible segments of the labour market, such as solo self-employed or seasonal workers, were in a very vulnerable position economically since they were not covered by the social security schemes provided in the primary labour markets.
- Third, for many workers, Covid-19 posed a health hazard that could result in chronic illness (long Covid) or even death. In agriculture, meat processing, logistics and elderly care, to name just some of the prominent sectors, both vulnerabilities, economic and medical, intersected.
- Fourth, indirect vulnerabilities, resulting not so much from the pandemic but from the measures to combat it, must be mentioned. A case in point is the care burden on parents when schools and childcare facilities were closed down; another is the disruption of public employment services (training, job matching), which hampered labour market traditions for long-term unemployed and refugees.

Two policy models sought to address these vulnerabilities. The first can be labelled *conservative* in the sense that it resorted to institutionalised policy instruments. The extensive use of short-time work, trust in the resilience of established social protection schemes, and the acceptance of flexible contracts in the Netherlands or marginal part-time employment in Germany (so-called mini-jobs) meant that amid an unprecedented health emergency, basic labour policies were not questioned. This tended to obscure dire working conditions and missing safety measures of (essential) workers in more peripheral industries. Such conservativeness had a counterpart in social dialogue. The Dutch case exemplified how the initial impetus for the rejuvenation of social dialogue at the beginning of Covid-19, with the intense engagement of social partners and their successes within the initial economic package, was short-lived. In the second year of the pandemic, the increasing medicalisation of the response to Covid-19 (notably testing and vaccination) that reduced the pandemic from a generalised emergency to a medical crisis went hand in hand with the successive exclusion of social partners from policymaking. This return to the normal, pre-pandemic working mode eventually led to the conclusion that, as one of the experts interviewed in the Netherlands put it, the pandemic was a missed opportunity to adopt novel, more ambitious dialogue structures.

A differing policy model can be regarded as *innovative*. The German case showed, through a detailed discussion of the healthcare system and especially agriculture, that at least in some sectors where essential workers are employed, the pandemic has served as a **laboratory** for structural (re-)regulation and reorganisation. Measures such as the ban on subcontracting and temp agency work in the meat processing industry, the introduction of compulsory health insurance for seasonal workers in agriculture, or the improvement of nurse-to-patient ratios in elderly and health care

through novel monitoring instruments reveal that the widespread vulnerability of workers is at least beginning to be countered. The driving forces behind these measures are chiefly platforms for social dialogue that were either created amid the pandemic or that gained momentum as it unfolded. Tripartite platforms involving the government, employers' and employees' organisations gained visibility – even in a binational format between Germany and Romania in the case of agriculture – and set in motion the aforementioned reforms. This is noteworthy, not only because tripartite dialogue is used only exceptionally in Germany, but also because in elderly care and agriculture these platforms served to (partially) overcome unbalanced dialogue structures and (sometimes unexpectedly) "empowered" trade unions against employers' associations.

One long-term effect of the pandemic in Germany has been the perpetuation of these experimental regulations. For instance, changes to the basic allowance for jobseekers introduced during the pandemic have been made permanent since January 2023. This reform comes with a new title, "citizens' benefit" (Bürgergeld), instead of "basic income for jobseekers" or "Hartz IV". Novel directives such as a higher maximum threshold for protected assets facilitate access for the self-employed and for the long-term unemployed from the (lower) middle income groups, thus extending social protection schemes. This suggests that the coalition of social democrats, Greens and liberals towards social demands to overcome access restrictions introduced with Hartz IV nearly two decades ago and to combat protective gaps for self-employed. German's novel citizens' benefit is one example; another one could be the perpetuation of so-called bonus payments in collective agreement or the extension of the inclusion of temporary work in short-time work schemes: Several of the exceptional measures applied during the pandemic are in the process of becoming *permanent policies*. In view of the perpetuation of the crisis mode (inflation, Ukrainian war, climate change), it could be argued that what began as blurry, unstable and short-term laboratories are now crystallizing to legitimate policy instruments. Further research is required to assess whether this extension of exceptional policies helps to overcome structural inequalities, or rather tends to stabilize them. The 'normalisation' of temp agency work (by permanently including it in the short-time work scheme), for instance, is likely to additionally support the widespread practice of using lower-waged TAW for 'cost flexibility' reasons in Germany.

Another potentially lasting effect of Covid-19 is a stronger focus by the European Union on the vulnerability and hence the social protection of essential workers. In this sense, on June 19 2020, the European Parliament passed a (non-binding) resolution that demanded more thorough protection of "posted", "cross-border and seasonal workers in the context of the Covid-19 crisis", and called for identifying protection gaps and promoting fair mobility rights, health and safety at work and social rights (2020/2664/RSP/EU). The parliament's position reverberated in the debates about the EU's Common Agricultural Policy (CAP) for the period 2023–2027. In the agreement struck between the European Council and Parliament in December 2021, the two main pillars of the EU's agricultural policy, direct payments to European farmers and support for rural development, were now conditioned upon a third. This third pillar not only encompasses ecological standards, meaning "good agricultural and environmental conditions of land" (Regulation 2021/2115/EU), but also, and for the first time, social conditionality, that is, "compliance with minimum standards on working conditions" (Fortuna 2021). How social conditionality will shape European agriculture still remains to be seen. The EU's final mandatory regulation stipulates an array of core rights to be met by the final implementation of the CAP in 2025. These include transparent and predictable working conditions as well as health and safety

measures (Regulation 2021/2115/EU). The implementation of the social conditionality mechanism is intended to be coordinated with social partners representing both management and labour (ibid.). Europe's new agricultural policy therefore not only envisions a more socially just labour regime for seasonal workers, but also one with more symmetrical social dialogue structures.

The long-term effects of the Covid-19 pandemic on social dialogue and vulnerability in the labour market are still unknown and should be subjected to further investigation. Based on the results of this comparative case study, we can nonetheless convey the message that the impact of Covid-19 was buffered and mitigated by the social dialogue and well-functioning social security arrangements in Germany and the Netherlands. The countries could more or less continue along their track of "business as usual" with the help of massive economic injections by the government, and income protection that strongly adhered to the social dialogue traditions established in the two countries. The findings of the German and Dutch case study, however, also reveal that the Covid-19 pandemic served as a **reminder about the necessity for social dialogue with regard to the emerging issues of working conditions** that expand beyond the pandemic. The results of the German and Dutch cases point to the importance of social dialogue in identifying, addressing and resolving issues affecting workers' well-being that go beyond income replacement in the event of job loss. The pandemic exposed vulnerabilities in power relations between different sectors as well as in working conditions, highlighting the need for interest representation to improve the working conditions, health and safety in workplaces, and to foster equality and general wellbeing in society.

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Annex: Figures and Tables

Table A-1: Labour market indicators, the Netherlands and Germany

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Labour force participation rate[1]														
NL	80.6	80.4	80.6	81.5	81.9	81.5	82.1	82.2	82.2	82.7	83.4	83.4	83.7	84.7
DE	75.0	75.4	76.0	76.0	76.4	76.5	76.4	76.7	77.0	77.5	78.0	77.3	78.5	79.4
Unemployment rate[2]														
NL	5.4	6.1	6.0	6.8	8.2	8.4	7.9	7.0	5.9	4.9	4.4	4.9	4.2	3.5
DE	7.3	6.6	5.5	5.1	5.0	4.7	4.4	3.9	3.6	3.2	3.0	3.7	3.7	3.1
Low-wage work[3]														
NL		17.5				18.0				18.2				
DE		22.2				22.5				20.7				
Part-time employment[4]														
NL	37.4	38.4	38.6	39.3	40.0	39.7	40.2	40.0	40.4	40.8	41.1	41.6	42.2	42.2
DE	31.7	32.0	32.4	32.3	33.3	33.2	33.5	33.4	33.7	33.6	34.1	27.9	27.8	28.0
Involuntary part-time employment[5]														
NL	6.3	5.6	7.2	9.0	9.8	10.9	9.9	9.9	8.2	7.0	5.4	6.0	3.7	- -
DE	22.1	21.7	16.8	16.3	15.6	14.5	13.8	12.0	11.3	10.2	9.2	7.4	7.2	
Employed persons with a temporary contract [6]														
NL					22.1	22.8	21.7	21.9	22.5	21.9	20.8	19.2	19.4	19.8
DE					10.9	10.7	10.8	10.9	10.7	10.5	9.9	9.1	9.3	9.9
Employees who could not find a permanent or full-time job[7]														
NL	7.2	6.3	6.9	8.0	9.3	10.5	10.7	10.4	9.5	8.7	7.6	6.8	5.3	- -
DE	7.2	7.3	6.1	5.8	5.8	5.3	5.1	4.9	4.8	4.3	3.9	2.7	2.7	

Sources: Eurostat, various datasets

1 https://ec.europa.eu/eurostat/databrowser/view/LFSI_EMP_A__custom_5954110

2 https://ec.europa.eu/eurostat/databrowser/view/UNE_RT_A__custom_5954309

3 https://ec.europa.eu/eurostat/databrowser/view/earn_ses_pub1s/

4 https://ec.europa.eu/eurostat/databrowser/view/LFSI_PT_A__custom_5964172/. The distinction between full-time and part-time work is generally based on a spontaneous response by the respondent, with the exception of the Netherlands (and Iceland), where a 35-hour threshold is applied.

5 https://ec.europa.eu/eurostat/databrowser/view/LFSA_EPPGAI__custom_5967645/

6 https://ec.europa.eu/eurostat/databrowser/view/LFSI_PT_A__custom_6353377/

7 https://ec.europa.eu/eurostat/databrowser/view/LFSA_EETPGAR__custom_5967948/

Table A-2: Industrial relations indicators

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Union density												
NL	20	20	19.5	19.3	18.8	18.2	18.1	17.7	17.3	16.8	16.5	15.4
DE	19	18.8	18.9	18.4	18.3	18	17.7	17.6	17	16.7	16.6	16.3
Employers' organisation density												
NL	85	- -	- -	- -	- -	- -	- -	- -	- -	- -	85	- -
DE	69.1										67.9 *	
Adjusted bargaining coverage												
NL	81.8	86.3	90.6	87.2	85.1	85.7	85.9	79.4	79.3	77.1	76.7	75.6
DE	61.3	61.7	59.8	58.9	58.3	57.6	57.8	56.8	56	55	54	

Source: OECD/ICTWSS database: *https://www.oecd.org/employment/ictwss-database.htm*

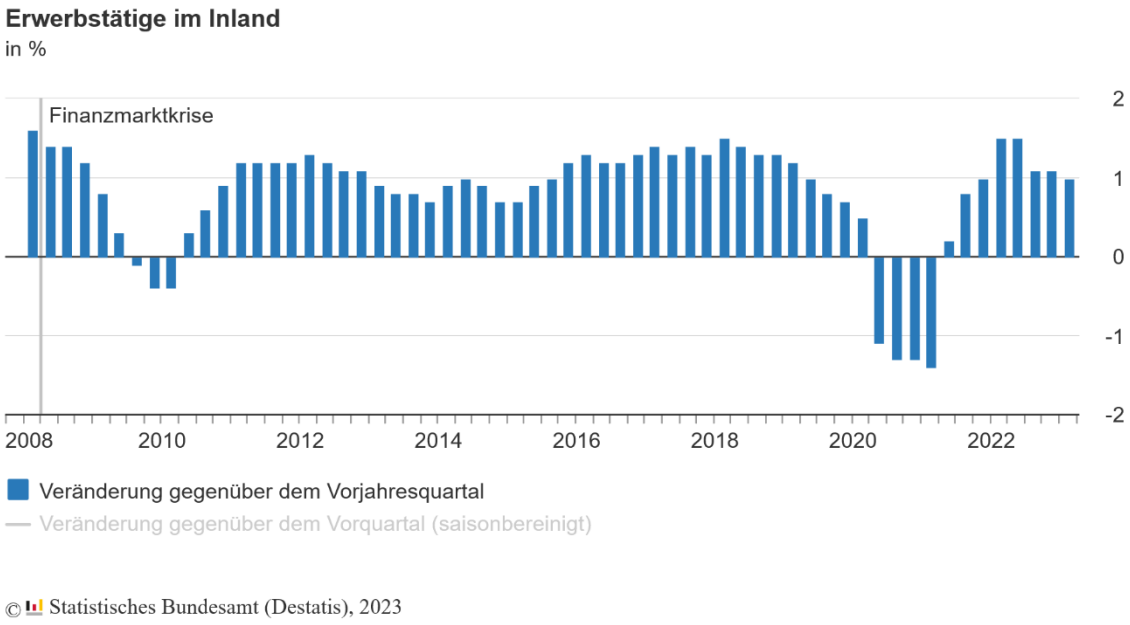

Figure A-1: Employed persons in Germany (in % of prior year quarter)

Source:
https://www.destatis.de/DE/Themen/Querschnitt/Corona/Wirtschaft/kontextinformationen-wirtschaft.html#408900

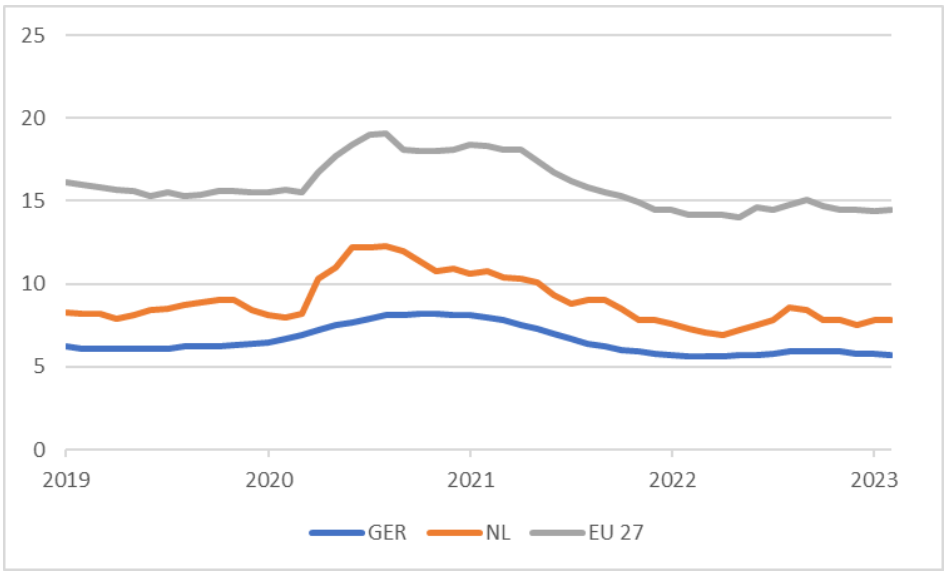

Figure A-2: Youth unemployment rate (in % of the labour force aged 15-24)

Source: https://www.destatis.de/Europa/DE/Thema/COVID-19/_inhalt.html

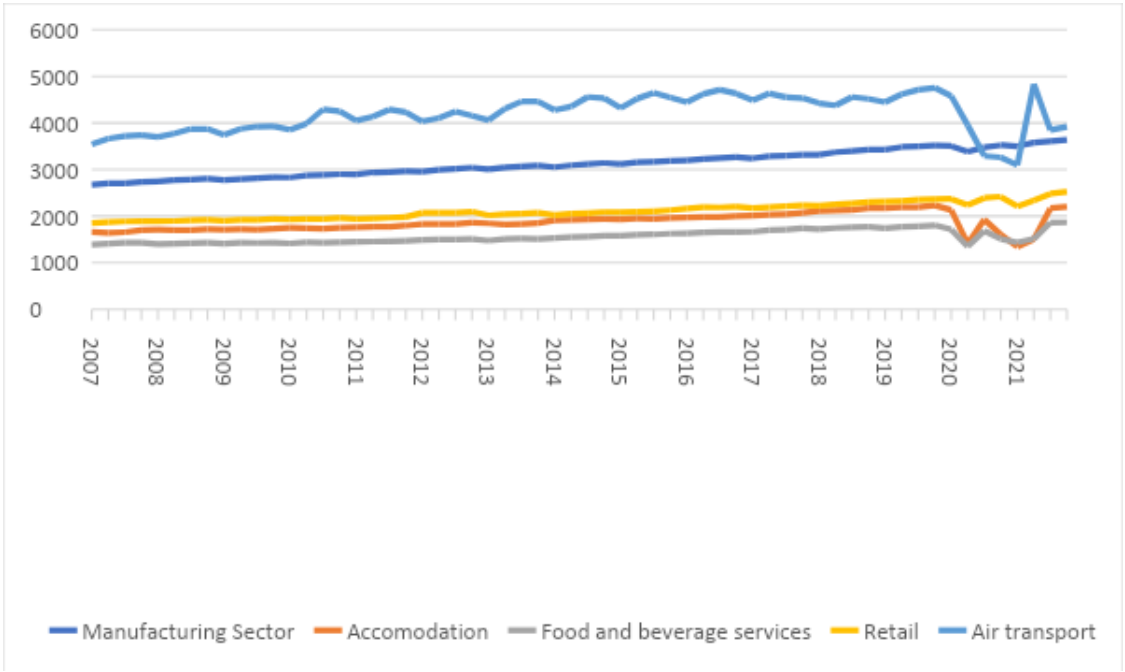

Figure A-3: Average monthly earnings of dependent employees (full-time + part-time), EUR

Source:
https://www.destatis.de/DE/Themen/Querschnitt/Corona/Wirtschaft/kontextinformationen-wirtschaft.html#411364

Annex: List of interviews, Germany

	Who	When	Vulnerable groups
1	**IG Metall,** *Trade union, national level*	19.1.2023	atypical employees (temp agency workers)
2	**IGZ,** *Employers' organisation for temp agencies, national level*	18.4.2023	atypical employees (temp agency workers)
3	**Zentralverband des deutschen Handwerks (ZDH)** German Confederation of Skilled Crafts, *represents interests of employers in the skilled crafts field*	26.1.2023	young adults, apprentices
4	**Ver.di,** Bereichsleitung Gesundheitswesen/Gesundheitspolitik *Trade union for service sector, here: healthcare section, national level*	23.3.	employees in hospitals and long-term care
5	**[Welfare I] AWO,** Bezirksverband Hannover e.V.	5.4.2023	employees in long-term elderly care and childcare facilities
6	**[Welfare II]** *Welfare organisation, federal office with focus on rehabilitation and care*	15.5.2023	employees in long-term care
7	**Caritas [Welfare III],** Bundesverband, Bereich Rehabilitation, Alten- und Gesundheitspolitik *Church Social Welfare Organisation, Federal Office with focus on rehabilitation, senior citizens and health policy*	16.5.2023	employees in long-term care
8	**Paritätischer Wohlfahrtsverband [Welfare IV]** Department of public relations, press and campaigns	12.4.2023	focus on particularly vulnerable groups (disabled persons and chronically ill)
8	**MHKBD NRW** – Ministerium für Heimat, Kommunales, Bau und Gleichstellung NRW	31.1.2023	posted workers / migrant workers (focus on quality of housing / accommodation)

	(Ministry of Regional Identity, Local Government, Building and Digitalization of the State of North Rhine-Westphalia)		
9	**BMAS** / German Ambassy in Romania	28.2.2023	migrant workers
10	**'Faire Mobilität'** (Fair Mobility) = consulting agency for migrant workers operated by trade unions and financed by the State Ansprechpartner (PECO)	24.3.2023	migrant workers + atypical work/seasonal work in agriculture
11	**PECO-Institut** = NGO; consulting agency for migrant workers in agriculture	26.4.2023	migrant workers + atypical work/seasonal work in agriculture
12	**IG Metall** Trade union national level	11.1.2023	migrant workers / cross border commuters (from Poland+ Czech Republic to Eastern Germany)
13	**VAMV** – Verband alleinerziehender Mütter und Väter e.V. *Association of Single Mothers and Fathers*	24.4.2023	single parents

Annex: List of interviews, the Netherlands

	Who	When	Vulnerable groups
1	**FNV,** *Trade union, national level*	8.2.2023	atypical workers, temp workers, self-employed, bogus self-employed, migrants
2	**FNV,** *Trade union, national level*	8.2.2023	people with frail health, the elderly, workers in healthcare, workers in essential services, people with long Covid
3	**VCP,** Trade union for professionals, national level	18.1.2023	youth, bogus self-employed, flex workers, migrants, partial work incapacitated, financially dependent women
4	**VNO-NCW/MKB Nederland,** employers' organisation, national level	6.2.2023	companies affected by restrictions (restaurants, retail), self-employed, people with contracts coming to an end, atypical workers
5	**VNO-NCW/MKB Nederland,** employers' organisation, national level	6.2.2023	
6	**AWVN,** employers' organisation	13.2.2023	people outside the labour market
7	**SZW,** Ministry of Social Affairs and Employment, national level	9.2.2023	people with distance from the labour market, low-skilled, older workers, partially disabled
8	**SZW** Ministry of Social Affairs and Employment, national level	9.2.2023	flex workers, self-employed (depending on sector in which they worked), people with long Covid
9	Academic, researcher in labour relations and social dialogue	21.2.2023	The elderly, workers in healthcare, young people, families reconciling work and family (women)
10	Academic, expert in trade unions	20.2.2033	people with distance from the labour market, workers in certain sectors (exacerbated by migrant status, gender, education level, etc.)