

Conclusions

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The individual studies in our volume depicted a wide array of innovative practices pursued by CEE trade unions since 2008. This concluding chapter groups the findings along the three research questions posed in the Introduction. The first section looks at the drivers of union innovation. The second part focuses on dimensions of innovation and presents the specific instruments used by unions in this regard. The third, final section confronts the findings with our expectations regarding patterns of innovation derived from the literature. It also assesses the sustainability of union actions and their impact on CEE industrial relations systems.

1. Drivers of union innovation in the CEE context

Innovative union practices in CEE were driven by multiple factors. First, in many cases, innovation was a response to the decline in union density and collective bargaining coverage rates. Szabó rightly observes that these trends affected labour movements in established industrial democracies and developing countries alike, and thus were not specific and/or limited to new EU Member States. In certain country cases examined in our book, however, the decline in union membership and influence reached such substantial proportions that the very survival of organised employee representation at the company and national levels was put at stake, which called for prompt and adequate reaction. The Baltic states were a case in point: in all three countries, union density was dramatically low and societal trust in labour organisations limited given that the latter were not only associated with the previous regime but also with Soviet occupation. The weakness of unions and industrial relations systems was also related to the developmental paths taken by CEE countries during the systemic transition and in its aftermath. In this regard, Samaluk shows that, in the case of corporatist Slovenia, the conditions attached to the country's EU and European Monetary Union entry required the adoption of liberal policies. At the same time, however, the marketisation agenda met with growing societal resistance and triggered the emergence of new forms of civic activism.

Second, the recent economic downturn similarly made unions embark on innovative practices and/or employ old strategies in novel ways. On the basis of evidence from our country cases, two distinct types of crisis impact can be identified. In some countries, the institutional and regulatory contexts of trade union action changed radically as a result of government-imposed limitations on collective and individual worker freedoms and/or large-scale restructuring measures. Deprived of the statutory rights that had guaranteed them influence on the socioeconomic policy-making process, Romanian

unions tried to regain representativeness by adopting innovative organisational forms and bargaining strategies. Similarly, austerity policies and changes in the ownership structure of Slovak and Hungarian healthcare institutions triggered extensive protests and led to the foundation of new organisations, including trade unions, defending the interests of professional groups affected by the reforms. In other CEE countries such as Slovenia and Croatia, the downturn was not synonymous with a ‘frontal attack’ on union rights (Trif and Stoiciu, this volume), but nevertheless brought about an accelerated decline in membership rates and the failure of traditional union instruments. Social partners in most EU Member States were also heavily disappointed either with the outcomes of tripartite negotiations or with the subsequent patchy implementation of the accords by governments. The narrowing of traditional access channels in ‘hard times’ often served as a catalyst for changes in unions’ strategy insofar as it forced them to think ‘out of the box’ and adopt a more assertive, mobilisation-based approach (cf. Kahancová 2015; Bernaciak 2017).

Third, changes in the structure of national labour markets prompted union involvement with new employee groups and their move beyond traditional social dialogue-oriented tools. The spread of precarious employment was of particular significance in this respect, motivating union efforts to regulate atypical employment and launch recruitment schemes focused on non-standard employee groups, such as that at the City Waste Disposal subsidiary of Zagreb Holding Ltd. Unions also responded to changes in corporate structures and business models. For instance, the increased use of outsourcing and growing job insecurity in Romania spurred a major organising drive among IT specialists who were usually not prone to collective action. Innovative forms of labour advocacy can also be regarded as a response to crisis-time labour market flexibilisation measures and the effects that the latter had on workers’ professional and private lives. The expansion of public works schemes in Hungary and the vulnerable position of migrants and young workers in Slovenia triggered the increased involvement of labour and human rights activists in the two countries.

Last, but not least, several chapters in the volume point to the role of ideational factors and the importance of union agency, understood as the organisations’ capacity to recognise the emerging challenges and to aggregate and channel societal and/or worker discontent. In many countries, innovative initiatives were the domain of dedicated, visionary individuals who either set up new organisations (like in Hungary, Slovakia or Slovenia), or took on leadership positions and subsequently reformed the existing organisations (like in Romania and Estonia). Alternatively, Mrozowicki and Maciejewska’s study of the Polish labour movement shows that the emergence of small, radical labour organisations with a stronger focus on direct mobilisation and greater openness to the concerns of marginalised groups may trigger changes in the organisational structure or strategic orientation of the established organisations (see also section 2.1).

2. Dimensions and instruments of union innovation in new EU Member States

In the introductory chapter, we have distinguished between three dimensions of innovative union practices, including innovation in relation to unions' organisational structure; the choice of strategies; and the target group of union action. We have also distinguished between various instruments to bring forward strategic innovation. Below we systematise evidence from the country studies by grouping it along the lines of these two categories.

2.1 Innovation in unions' organisational structure

Organisational innovation within CEE labour movements took several forms. One of the most interesting initiatives in this respect was the introduction of anonymous membership schemes. In the Czech metal sector, anonymous membership addressed employee fears of persecution that prevented them from joining company-level union organisations. A similar institution introduced in Lithuania proved very popular: according to representatives of sectoral unions cited by Blažienė and Gruževskis, in the immediate post-crisis period around 20 per cent of the country's union members decided to keep their membership secret. In response to employers' efforts to put pressure on company-level union activists, Lithuanian unions went even further and appointed external union chairs. The latter remained independent of individual employers and could gain additional expertise through training events organised by unions' sectoral structures.

In the Western European literature, union mergers are often regarded as innovative and can be an efficient tool to aggregate workers' power, achieve economies of scale and reduce inter-union competition (Frege and Kelly 2003; Hyman and Gumbrell-McCormick 2013). In new EU Member States, labour organisations have been rather reluctant to pool their resources and thus union mergers have remained relatively rare. On the other hand, it seems that the deregulation agenda and crisis-time austerity measures acted as a unifying factor that helped the CEE labour movement reduce ideological differences and organisational fragmentation. In Lithuania, for example, the major confederations set up a coordination centre and staged a congress of the main labour organisations operating in the country, which helped them formulate joint responses to the government's belt-tightening agenda. In Poland, 'competitive pluralism' (Gardawski 2003) and turf wars between the main union confederations have similarly been less pronounced since the late 2000s as all confederations took on board the concerns of precarious employees and staged joint protests against the neoliberal policy course.

In several trade unions, the appointment of new leaderships triggered substantial changes in organisations' strategic repertoire. Under new command, Romania's FSC federation reversed the decisions of the former union chair, switched its confederal affiliation to distance itself from the discredited confederation to which it had

belonged and launched a large-scale organising drive in the retail sector. An analogous development took place in Estonia where, after a leadership change, the largest trade union confederation EAKL invested additional resources in strategic planning, sought to strengthen its sectoral organisations and introduced new electronic communications systems. According to Kall, the success of the Baltic Organising Academy in the Estonian context can likewise be attributed to the agency of domestic activists and their Nordic counterparts who promoted the organising model among Estonian workers and union organisations.

The most significant organisational innovation within the CEE labour movement, however, was the emergence of new forms of employee interest representation. Two types of such organisations, differing in respect to the factors motivating their creation and their relationship with the established trade unions, can be identified. The first group encompassed new trade unions in Czechia, Hungary and Slovakia's public sectors that represented the interests of specific occupational groups, such as doctors, midwives or teachers. Set up in protest at ownership changes and poor working conditions in the countries' healthcare and education systems, they considered the activities of the existing union movements as inadequate or insufficient, and used innovative tools such as resignation campaigns, protest actions and appeals to the wider public to put pressure on the government. The second group of organisations did not regard themselves as, or aspired to the status of, trade unions. The scope of their actions was nevertheless wider than that of traditional labour movements insofar as they addressed multiple needs of their constituencies that reached beyond immediate workplace concerns. The Hungarian KMJ movement was involved in advocacy on behalf of public works employees and helped the latter acquire additional professional and social competences. Slovenia's Migration Office, for its part, assisted migrant workers and refugees in their contacts with government administration and helped them to obtain residence permits and to find jobs and appropriate housing.

Kahancová rightly observes that the emergence of new worker movements broke the monopoly that trade unions – both old unions originating in the state socialist system and new organisations created shortly after its collapse – had on the defence of employee rights in CEE. New organisations derived their legitimacy from their focus on particular social groups, their radical tactics and/or from the wide range of assistance schemes they offered. However, it remains to be seen whether the new forms of interest representation will prove sustainable; in particular, it might be difficult for them to reach beyond high-visibility actions and retain their membership and influence given that, with the exception of Slovenia, they are not anchored in national-level social dialogue structures. On the other hand, the lack of commitment to social dialogue enables them to circumvent bargaining channels and push directly for legislative changes favourable to the particular groups that they represent. The Slovak case demonstrates that this combination of radical methods and legislative focus poses a serious threat to sectoral level interest representation structures and collective bargaining mechanisms in CEE (see also the subsection on collective bargaining and social dialogue).

2.2 Innovation in unions' strategies

In the Introduction, we stated that innovation in relation to unions' strategies includes both the adoption of new strategies and a changing balance between strategies already being pursued. We also argued that unions use particular instruments to pursue strategic innovation. Country studies demonstrated that CEE unions had recourse to a wide array of instruments, ranging from organising and collective bargaining to political action and attempts to influence the legislation. In this subsection, we present them in comparative overview and provide a brief evaluation.

Organising

Evidence from our country studies suggests that, despite falling membership numbers and the limited role of collective bargaining, trade unions in new EU Member States have not fully embraced the organising model. In the early 2000s, Poland seemed to be at the forefront of organising efforts in the region, with both *Solidarność* and *OPZZ* confederations establishing special entities dealing with membership recruitment (Czarzasty and Mrozowicki 2014). Even so, organising in CEE has mainly taken the form of isolated experiments and 'best practices' that found relatively few followers and thus had a limited overall impact on national labour movements.

In the examined period, a notable exception from this general trend was the Baltic Organising Academy (BOA), which sought to adapt membership recruitment techniques originating from Anglo-Saxon countries to the Baltic context. Launched by Estonian and Nordic union activists, BOA organisers would focus on selected establishments and, once a 'critical mass' of workers was recruited, press for the conclusion of collective agreements. BOA did not only employ innovative instruments that could appear radical in the Estonian context, but also offered an alternative vision of unionism that combined rank-and-file involvement with group solidarity. In so doing, it gave a new meaning to the concept of collectivism that, before BOA's establishment, had been associated with compulsory Soviet-style union membership. Estonia's largest union confederation EAKL subsequently based its shop steward training module on BOA's experiences; the latter also served as an inspiration for Estonian unions out with the original project structures.

Beyond BOA, organising activities in CEE were undertaken mainly in response to the rise in precarious employment. Slovenia's trade union *Young Plus* and the Trade Union of the Precarious, as well as Hungary's *KMJ* movement, focused on servicing but, at the same time, sought to recruit members among vulnerable societal groups. In several countries, unions attempted to overcome legislative limitations preventing them from organising certain categories of employees. In Poland, unions tried to affiliate temporary agency workers, the self-employed and those working on the basis of civil law contracts within so-called milieu union committees and inter-company trade union organisations, the former taking the form of peer support groups and the latter grouping workers employed in several small establishments. By the same token, Bulgarian and Romanian unions circumvented their countries' rules on the minimum numbers of workers required to set up a union at enterprise level by organising them

directly in territorial union organisations. In several cases, CEE unions sought to include atypical employees in their ranks in order to improve their working conditions and ultimately replace their flexible contracts with permanent ones. This approach was adopted in Croatia by the Waste Disposal Trade Union operating at Zagreb Holding Ltd. and in Czechia by a company-level union at Škoda Mladá Boleslav that belonged to the Volkswagen Group. However, the authors of the two country chapters (Butković, and Martišková and Sedláková, respectively) acknowledged that such innovative organising practices constituted an exception rather than the rule.

According to Krzywdzinski (2010), organising is resource-intensive and entails shifts in power relations within labour organisations which is not always welcomed by established union bureaucracies. The limited extent of organising in CEE documented in our volume testifies to the continued salience of the author's arguments and suggests that, even in relation to new challenges such as the rise of atypical employment, unions tend to rely on traditional instruments and influence channels. The Romanian crisis experience shows, however, that statutory provisions granting trade unions the right to participate in the policy-making process are limited and can be done away with literally overnight. In this respect, the scant attention paid by CEE labour organisations to organising is a matter of concern.

Servicing

Under socialism, trade unions were 'servicing machines par excellence' (Ost 2002: 37). The limited variety of services offered and the arbitrary, paternalistic fashion in which they were distributed caused widespread resentment towards the servicing model in the early transition period. Over time, however, it became increasingly clear that, in order to maintain its relevance and legitimacy in the new socioeconomic setup, CEE trade unions needed to address their members' grievances and offer services tailored to their specific needs. In most countries examined in this volume, such awareness grew in the second half of the 2000s, i.e. shortly before the outbreak of the global economic crisis.

The impact of the recent downturn on union service provision may seem contradictory. Crisis-related dismissals and the related fall in union membership levels had a detrimental effect on organisations' resources, but the related drop in revenues made unions rationalise their expenditure and search for solutions that would guarantee the highest possible 'return' on funds invested in servicing, both in terms of membership satisfaction and organisational outreach. The resulting innovative practices encompassed new services as well as functional improvements to unions' organisational structure.

In terms of new services, several initiatives focused on advice on skills and career development and were directed to both existing and potential union members. In this regard, the foundation of the CEMEKO lifelong learning centre in Croatia constituted a fairly novel form of the involvement of the Croatian social partners in vocational training. Other initiatives went further in their focus on improving workers' employability and came to resemble active labour market policy schemes. Legal and careers advice offered to young people by the Slovenian trade union Young Plus, and workshops on labour law and the principles of running one's own business led by Lithuanian trade unions,

are cases in point. In Hungary, the KMJ movement similarly trained the participants of Hungary's public works schemes with the aim of empowering them and increasing their chances of finding a job on the regular labour market. In some cases, new services reached beyond employment issues and work-related needs. Samaluk argues that such a comprehensive approach reflected changes in the structure of national labour markets, and that socioeconomic policies often affected multiple spheres of workers' lives. Her case study of the Slovenian Migration Office demonstrates that the organisation assisted migrant workers and refugees with multiple issues, ranging from their residence and housing status to relations with state authorities. Legal protection and the mutual aid and life insurance schemes launched by the Bulgarian CITUB were arguably less ambitious in scope than the Slovenian initiative, but similarly catered to workers' needs located outside the immediate labour market sphere.

Union efforts to boost their efficiency and increase the outreach of their services often went hand-in-hand with the use of information and communications technologies. Tomev's chapter on Bulgaria shows that CITUB's Electronic Trade Union platform was designed not only to facilitate members' access to trade union services and resources, but also to personalise their membership experience and provide the union with feedback concerning its performance and the services it offered. It was similar to the 'smart union' initiative launched by the Romanian BNS confederation which offered multiple points of access for current and potential union members.

Through the launch of new services and their new forms of involvement with current and potential members, CEE trade unions sought to respond to the growing and increasingly diverse needs of their constituencies. Such initiatives improved organisations' external and internal communication and made them more transparent which, in turn, might translate into growing societal trust in unions. On the other hand, there is a risk that unions' growing focus on individualised skills development services will lead to the emergence of a 'service consumer' attitude among its members, characterised by strict goal-orientation and the expectation of immediate returns from the obtained services. Finally, several country reports suggest that, even where formally open to non-members, the majority of new services were nevertheless targeted primarily at the organisation's current 'clientele'.

Collective bargaining and social dialogue

Collective bargaining and social dialogue featured in the traditional strategic repertoires of CEE labour organisations, even though in most countries union capacity to shape employment conditions and social regulation through the two channels was considerably limited. The role of bargaining further diminished with the outbreak of the economic crisis in the late 2000s. At the national level, governments would skip tripartite consultation and introduce austerity measures in a unilateral fashion, whereas company and sectoral-level negotiation focused mainly on minimising the extent of wage cuts and working time flexibilisation measures (cf. Gonser 2010; Bernaciak 2013). In Romania and Hungary, social dialogue and collective bargaining institutions were thoroughly reformed following changes in the countries' labour regulations.

Notwithstanding the enduring weaknesses and crisis-related challenges confronting collective bargaining and social dialogue in CEE, several innovative approaches in the two areas could nevertheless be identified. Faced with the failure of tripartite talks, the social partners sought for alternative ways to continue their dialogue and embarked on bipartite cooperation. In Bulgaria, such bipartite negotiations between trade unions and employer organisations resulted in joint recommendations on wage increases as well as proposals for reforms and legislative amendments. Parallel to these bargaining activities, Bulgarian social partners jointly participated in EU-funded cooperation projects in the spheres of employee information and consultation and collective bargaining. Lithuanian unions, for their part, became involved in regional tripartite councils that increased local civic activism and fed into regional development planning.

In several countries, innovative practices in the spheres of collective bargaining and social dialogue were launched in response to the changes taking place within national labour markets. In view of the rapid spread of temporary agency work, the Slovak metal union OZ KOVO and the employer organisation APAS signed a memorandum demanding stricter regulation of agency work and launched negotiations with the aim of concluding a sectoral collective agreement for the TAW sector in the future. By the same token, company-level union representatives in Poland and Romania bargained on behalf of temporary workers and/or employees of outsourced units, seeking to ensure the latter received the same wages as the ‘core’ company workforce. In response to skill mismatch and limited possibilities for vocational (re)training, Croatian unions and employers joined a council that worked towards a new system of vocational qualifications; they also set up an association promoting lifelong learning in the metal sector and connecting companies willing to provide their workers with additional qualifications with suitable training facilities.

The collective bargaining and social dialogue initiatives presented in our volume go beyond traditional bargaining agendas and represent novel forms of collaboration between the social partners. However, it should not be forgotten that, at the time when the new initiatives were being launched, negotiations over wages and working conditions – that is, what Blažienė and Gruževskis refer to as ‘real bargaining’ – were on the decline in most CEE countries. In this respect, there is a risk that joint recommendations on wage increases, the growing focus on non-wage issues and the resolution of wage-related conflicts via legislative measures will ‘dilute’ and further weaken collective bargaining systems in new EU Member States. At the same time, the weak institutionalisation of the new bargaining forums and the ‘soft’ character of recent accords do not bode well for the sustainability of the measures. These shortcomings became clear in Lithuania in view of the limited impact of the 2009 National Agreement. In Bulgaria, low levels of trust between the bargaining parties and the absence of non-compliance sanctions similarly call the future of bilateral social dialogue into question.

Coalition-building

In developing countries, unions often cooperate with social movements and NGOs on rule enforcement and social justice issues (see e.g. Moody 1997; Waterman 2001; Kay 2011). CEE offers a different picture: even though the institutional supports for

union activity are similarly weak, the incidence of broad labour advocacy coalitions has been relatively rare. This development can be traced back to the high degree of union politicisation, characteristic especially of large organisations (Shlyk 2009), and to the general weakness of civil society in the postcommunist region (Howard 2002).

That being said, there were notable exceptions from the general trend. Slovenia's Migration Office and trade union Young Plus offered a highly innovative fusion of union and social activism that originated from the anti-austerity protests staged in the early phase of the recent downturn. Both organisations were formally created under the auspices of ZSSS, the country's largest union confederation, but relied extensively on activist involvement and targeted groups outside traditional union constituencies. They employed methods characteristic of social work and cooperated closely with civic movements and law enforcement bodies, which allowed them adequately to address the complex needs of vulnerable societal groups. Their unique organisational form secured them access to the confederation's infrastructure, at the same time leaving them considerable freedom to set their own agenda and making them eligible for external funding. Similar advantages were enjoyed by the Movement for Decent Work and Welfare Society that, however, remained formally separate from ZSSS and by the recently established Union of the Precarious. Outside Slovenia, explicit alliances between unions and social movement organisations were rare and often limited to small radical organisations (e-mail exchange with Adam Mrozowicki 2017). The KMJ movement, analysed by Szabó in his chapter on Hungary, was nevertheless an interesting example of an activist-based worker assistance group that maintained close links to other civil society organisations and was involved in social advocacy initiatives such as the anti-poverty campaign.

Despite their limited engagement in domestic alliances with social movements and advocacy groups, CEE unions and labour advocacy bodies remained open to cooperation with organisations from other countries. Slovenia's Migration Office, for instance, became involved in the Fair Mobility initiative launched by the German union confederation DGB, assisting migrant and posted workers in cases of exploitation and lobbying for a more comprehensive regulation of cross-border employment flows. In formulating their own policies, CEE labour organisations often referred to employment standards set outside their countries or to the experience of their foreign colleagues. In this capacity, union activists at Polish Volkswagen plants used the company's Temporary Work Charter to guarantee better working conditions for the company's non-standard workforce, whereas the Czech union confederation ČMKOS followed the example of German and Austrian unions and held pre-bargaining meetings to solidify its negotiation position. Finally, CEE labour organisations relied on the assistance of their foreign counterparts in preparing innovative activities. According to Martišková and Sedláková, the anonymous membership scheme launched by the Czech metal union OS KOVO was inspired by its German counterpart in IG Metall. In post-crisis Romania, the assistance of unions from other countries, European Works Councils and international union federations helped mobilise and recruit workers in sectors that were otherwise very difficult to organise, such as IT or retail. By the same token, the involvement of foreign activists was instrumental in the launch of the Baltic Organising Academy in Estonia; Kall shows that the ultimate success of the initiative largely

depended on the support granted to the Academy by the Finnish, Swedish and Danish labour organisations that provided the financial and human resources necessary for its organising activities.

Innovative practices based on domestic and cross-border alliances encounter two problems. The first is related with the peripheral, quasi-experimental character of the initiatives. The activists involved in them often feel that their work is not sufficiently valued by 'core' labour movements in their respective countries, especially if their actions do not directly translate into membership gains. The Slovenian and Estonian case studies show that the new structures and alliances might meet with hostility, or at least suspicion, on the part of established trade union structures, because their methods are radical and/or their actions could undermine the position of the 'old' union hierarchy (cf. Krzywdzinski 2010). Secondly, the dependence of the initiatives and alliances on external funding and the project-based character of the work, combined with their limited capacity to generate their own resources, makes it unclear whether they will be sustained in the future.

Political action and attempts to influence legislation

CEE trade unions have, since the outset of the systemic transition process, attempted to influence the legislative process in their respective countries. Still, several innovative aspects could recently be observed in regard to: (1) the instruments used by labour organisations to influence legislation; (2) the target groups of their legislative initiatives; and (3) the alliances they forged in the course of the regulatory process.

In the examined period, CEE unions often had recourse to direct democracy tools, launching people's initiatives and referenda on social and work-related issues. In some countries, this was related to changes in the national legislation. In Croatia, for example, the abolition of the 50 per cent quorum for people's initiatives enabled unions to mobilise large sections of society against the government's marketisation plans and proposed reforms of the country's industrial relations system. Elsewhere, the provisions on direct democracy tools were already in place but deployed for the first time in the defence of social standards. This was the case in Romania, where the (still ongoing) people's initiative put forward in 2014 by the BNS confederation sought to repeal the crisis-time Labour Code changes that paralysed the country's collective bargaining system and social dialogue institutions. Legislative initiatives were often preceded by consultation with rank-and-file members and relied on the support of broader societal groups. In Latvia, for example, unions gathered signatures among the public to prevent the government from cutting overtime payments and launched a protest letter campaign against wage cuts in the education sector. Such activities would often gain high levels of public support: in 2012, 1.4 million Poles signed the Solidarność confederation's call for a referendum on the government's pension reform plans.

In their efforts to influence legislation, trade unions increasingly targeted weakly-regulated labour market segments and disadvantaged social groups. In view of the growing spread of atypical employment, they advocated the stricter regulation of new forms of employment and closer supervision of the companies offering them. In

this capacity, the Czech confederation ČMKOS organised a series of workshops and conferences for government and employer representatives in order to prepare the ground for a new, more detailed regulation of the temporary agency work sector. Slovak unions, for their part, succeeded in incorporating provisions on equal treatment of standard and agency workers into the country's Labour Code and lobbied for caps on the deployment of agency workers in user undertakings. Beyond the issue of precarious work, the activists in Slovenia's Migration Office were represented in the national tripartite bodies dealing with immigrant inclusion and managed to ensure better legal and social protections for migrants and migrant workers.

As far as unions' partners in the legislative process are concerned, Bulgaria offers an interesting example of trade union-employer collaboration. The Bulgarian social partners worked on the transposition of EU framework agreements into national legislation and elaborated joint regulatory proposals for the reform of the country's national welfare institutions and tripartite system. In a similar vein, Polish unions and employers presented joint demands for the reform of the public procurement system that aimed at introducing new social criteria into the tendering process. Some unions cooperated with state institutions; for example, a joint legislative proposal filed by Lithuanian labour organisations and the State Labour Inspectorate facilitated an individual labour dispute resolution system and triggered the establishment of new tripartite arbitration bodies.

The use of direct democracy tools and new regulatory targets, and opening up to new allies, granted high visibility to CEE unions' legislative initiatives. On the other hand, our country studies clearly show that governments and national parliaments ultimately played a goalkeeper role in the regulatory area. In consequence, some proposals, such as the Polish referenda calls, were rejected outright while others, such as the Latvian unions' motion to exempt certain social benefits from taxation, were significantly 'downsized' in the course of the legislative process. Butković and Romele, in their respective chapters on Croatia and Latvia, acknowledge that, even in cases when unions succeeded in pushing forward a particular piece of legislation or, conversely, prevented it from being enacted, their victories were short-lived and could be reversed at the government's next reform attempt.

Mobilisation and identity politics

Recent studies show that, since the second half of the 2000s, there has been an increase in the incidence of protest actions in new EU Member States (see e.g. Beissinger and Sasse 2012; Greskovits 2015; Kahancová 2015). The evidence presented in our volume confirms this trend: expressions of public discontent with recently implemented austerity measures and/or with the neoliberal policy course took place in all examined countries, even in settings that had traditionally not been conducive to protests, such as the Baltic states. Some large-scale actions took highly innovative forms. For example, the so-called Hunger March from Hungary's rural areas to the capital city of Budapest, organised in 2013 by the KMSZ union, attracted considerable media attention and raised the societal awareness of the plight of public works scheme participants and the country's persistently high poverty levels. Other protests stood out in view of the

unusual, more or less explicit coalitions they involved. The 2015 production stoppages and rallies against planned electricity price hikes, staged by Bulgarian employers and backed by the country's largest trade union confederation CITUB, are a case in point.

All in all, even though public demonstrations and rallies did not always succeed in influencing the policy agenda, they had important implications in the societal sphere insofar as they served as an identity-building tool and encouraged CEE citizens openly to express their socioeconomic grievances. The results of this 'civic awakening' were very different across individual countries. In Poland and Lithuania it provided a stimulus for closer collaboration between trade union confederations; whereas in Slovenia, Hungary and Slovakia it triggered the creation of new forms of employee interest representation outside the established organisations.

In addition to large-scale protest actions, labour representatives became increasingly resourceful in designing their campaigns. In the face of large-scale restructuring, the high rates of emigration of medical personnel and meagre working conditions, unions and professional associations operating in the Hungarian, Slovak and Czech healthcare systems staged resignation campaigns, using the threat of exit to force the government to enter into a bargaining process and to improve the terms of employment of medical personnel. Polish unions, for their part, labelled increasingly-widespread atypical employment forms as 'junk jobs', influencing the official discourse on the topic and making the broader public aware of the risks and uncertainties linked to agency work and civil law contracts. They also used innovative tools, such as interactive maps and media slots, in their campaigns against employee exploitation and the further spread of non-standard employment forms, particularly in sectors such as retail where unions lacked the associational power to enforce better wages and employment conditions.

It is notable that the campaigns staged by CEE unions in recent years have sought to address wider societal goals and concerns. For example, 'The End of Cheap Labour in Czechia' initiative led by ČMKOS advocates wage increases across the whole economy, whereas the Croatian trade union campaign against the monetisation of the highways frames the latter in terms of attacks on public goods. Unions' willingness to reach the widest possible audience was also illustrated by their efforts to build and disseminate benchmarks on employment standards in their respective national contexts. Slovenia's Movement for Decent Work and Welfare Society is an interesting example of an organisation geared toward raising societal sensitivity in relation to precarious workers through the use of unconventional methods such as theatre performances. Some of these initiatives targeted specific groups: employers, as in the case of the Latvian unions' Index of Sustainability initiative; or secondary school pupils, through the organisation of knowledge contests (Latvia) or training schemes tailored to their specific needs (Bulgaria; see also section 2.3).

2.3 Target group innovation

It was noted in the previous section that, in all countries covered by the present study, one could observe increased efforts on the union side to appeal to broader sections

of CEE societies. During large-scale protests and rallies they sought to aggregate and channel the socioeconomic grievances of diverse social groups and integrate them into their agendas. Such openness and responsiveness would bring positive results in terms of unions' increased visibility and public trust. For example, the launch of broad societal consultations by the Estonian EAKL, or the creation of a web-based communications platform for members and non-members by the Romanian BNS, boosted the confederations' legitimacy and increased societal awareness of their actions.

Conversely, unions' attachment to narrow bargaining agendas and paying inadequate attention to the concerns of particular groups would meet with growing dissatisfaction within their own ranks, or trigger the formation of new unions and employee rights advocacy organisations. The latter trend was discernible in Hungary, where tactical and administrative barriers prevented the established trade unions from representing public works scheme participants. In consequence, two new organisations, KMJ and KMSZ, took up the task of organising and assisting this particular group of employees. In a similar vein, the perceived inaction and non-responsiveness of established groups motivated Slovak nurses and teachers to establish separate unions and professional associations. The newly formed bodies tend to have loose structures and low membership but, due to their high visibility and radical methods, in some labour market segments they have competed with or even taken over the representation function from established unions.

New flexible forms of work have been on the rise in the postsocialist region since the early 2000s. CEE unions have thus adapted their strategies to labour market changes: instead of contesting the phenomenon or ignoring its implications, they became aware of the need to regulate the sector and tried to take on board the concerns of precarious workers. This new activism was driven not only by unions' willingness to ensure a 'level playing field' and protect their core members from the competition posed by rule-bending providers of 'cheap labour', but it was also an attempt to mark their presence and shape the regulatory set-up in weakly unionised, growing market segments.

Unions' involvement with atypical workers took a variety of forms. The widest array of actions was presented by Mrozowski and Maciejewska's study on Poland. There, unions bargained for stricter regulation of non-standard employment and used innovative framing and campaigning tools to raise societal awareness of vulnerabilities related to temporary employment, agency work and employment based on civil law contracts. They also fought for the extension of organising rights to dependent self-employed people and organised them in inter-company union structures and mutual support groups known as milieu committees. Beyond these diverse but relatively small-scale examples, however, it seems that the prevalent form of CEE unions' involvement with atypical workers were their efforts to introduce more specific regulations on their working conditions as well as criteria for their deployment. In this regard, Martišková and Sedláková show that unions' responses to the growth of precarious employment in Czechia were innovative in regard to the choice of target group, but relied on traditional bargaining-based strategies and attempts to influence legislation via political channels and direct lobbying. In particular, most CEE unions made no systematic attempts to recruit atypical workers, largely due to the difficulty in reaching precarious employees and retaining them in the organisation, especially under conditions of dwindling

resources. Notable exceptions from this general trend portrayed in our volume include the recruitment drive among agency workers staged in Croatia by the Waste Disposal Trade Union at Zagreb Holding Ltd. and the organising campaign targeting outsourced IT workers led by Romania's SITT union. In both cases, key factors behind the success of the initiatives were the presence of a dedicated leadership and considerable organisational mobilisation to recruit vulnerable employees in view of a tangible, immediate threat of employment loss and/or deterioration of working conditions.

The crisis and post-crisis periods in CEE were marked by increased activism among particular societal groups. The latter often mobilised outside the established trade unions; for instance, both the Hungarian FESZ and the Slovak OZSaPA unions representing nurses and midwives were set up in response to the specific needs of the highly feminised nursing profession. Traditional labour organisations also tried to modify their strategies, offering schemes crafted to the needs of specific groups and using innovative forms of communications to reach them. In this capacity, competitions for Latvia's secondary and vocational school pupils organised by the LBAS confederation sought to acquaint future job seekers with employment regulation and the role of unions in the country's socioeconomic context. The 'My first job' training programme organised in Bulgaria and the education scheme developed by Lithuanian unions were similarly targeted at young people. Beyond these positive examples, the pay rise campaign staged in 2010-2011 by the Czech doctors' union LOK-SČL was an initiative that targeted a specific group – patients as users of healthcare services – without mobilising them and/or inviting them to feed into the union's strategy. The highly provocative form of the campaign, together with indirect references to the welfare of the latter group, raised concerns over the broader societal implications of the union's protest actions. The campaign showed that labour organisations needed to communicate and exchange ideas with societal groups located outside their immediate ranks and to take account of this feedback when drafting their agendas.

3. Comparative assessment and sustainability of union innovation in CEE

In the Introduction, we stated that the innovative character of CEE union practices will be assessed against the benchmark of Fordist production structures; socialist legacies; and postsocialist institutional arrangements and policy choices. Fordist production structures and socialist legacies were fairly similar across the new EU Member States, but the different policies and institutional arrangements put in place in CEE states after 1989 could be expected to guide the choice of union instruments and translate into diverging patterns of innovation. In this respect, following Frege and Kelly (2003) and Phelan (2007), we hypothesised that trade unions whose access to the policy-making process was limited would be more open to strategic experiments, mobilisation-based strategies and membership recruitment. Conversely, we expected that, in the presence of institutional supports, unions would be more likely to stick to their traditional bargaining channels. We also built on Meardi's (2007) presumption that, in the face of decentralised CEE industrial relations systems, union innovation in the postsocialist region will take place predominantly at company level.

Our volume depicted a great variety of innovative union initiatives that defy the image of CEE labour organisations as inward-focused, top-down bureaucracies engaged in routine servicing and a façade-based social dialogue process. Union efforts to reach a broader audience, raise union legitimacy and improve the functioning of their organisations clearly went beyond traditional union activities shaped by Fordist and socialist legacies. On the other hand, our initial expectations concerning the impact of country-specific institutional arrangements on the choice of innovative union strategies and instruments were not confirmed. Contrary to expectations, all CEE countries featured heightened levels of worker mobilisation and increased willingness on the part of labour organisations to take societal concerns on board. It is true that the biggest organising drive in the examined period was launched in Estonia, where unions operate in a particularly hostile institutional environment, but the most extensive involvement of civic movements and opening up to vulnerable groups not represented in the traditional bargaining process took place in Slovenia, where trade unions enjoy extensive codetermination rights. Neither was the company level the sole arena of union innovation. Innovative practices were launched at all levels of union organisation, from the enterprise to the national. In this respect, a relatively large number of the innovative initiatives undertaken by union confederations – ‘non-reformable bureaucratic machines’, as the stereotype would have it – should not go unnoticed.

All in all, diverse features of CEE capitalisms did not translate into country or group-specific specific patterns of union innovation. Across the region, unions’ motivation to pursue innovative practices was driven by two sets of conditions identified by Turner (2007): (1) opportunity structures, understood more broadly than the institutional set-up and additionally encompassing socio-economic conditions, labour market trends, political set-up and societal attitudes; and (2) union agency, including but not limited to competent, visionary leadership capable of identifying threats and seizing emerging opportunities. As for the selection of innovative tools and practices, the notion of bricolage, theorised by Lévi-Strauss (1968) and evoked in the Polish study by Mrozowicki and Maciejewska, could also be applied to the other country cases analysed in our volume. Within the specific national sets of constraints and opportunities, CEE unions sought to address old and newly emerging challenges by making the best of the strategies available, constantly recombining them and adding new instruments. Such experiments enabled them to develop highly innovative solutions even under the conditions of resource scarcity and dwindling associational power. At the same time, they became ‘jacks of all trades’ insofar as their ‘heterogeneous repertoires’ (Lévi-Strauss 1968: 17) of actions escape the established typologies of industrial relations.

Despite their originality and resourcefulness, bricolage-type activities have considerable limitations. In the majority of the country cases examined in our volume, union innovations took a form of ‘best practice’ pursued at the margins of established labour movements. Even if the new practices were highly effective within the specific domains in which they had been undertaken, unions lacked the resources or the will to extend them to whole organisations or national labour markets. The result was that successful organising drives often remained limited to a particular company or sector, whereas reforms resulting in functional improvements and/or increased legitimacy were implemented by one out of several labour organisations operating in a given

country. Another important limitation stemmed from the so-called ‘projectisation’ of union initiatives. Some of the most innovative schemes examined in our book, such as Slovenia’s Migration Office or Estonia’s Baltic Organising Academy, were run by a relatively small group of enthusiasts; moreover, their funding was limited in time and dependent on the involvement of external actors. In view of these characteristics, there is a risk that, once highly motivated individuals take on other positions within or outside their organisations, and/or the external assistance dries up, innovative schemes will not be continued despite their high social importance and the breath of fresh air that they bring to their countries’ labour movements and industrial relations systems.

A comparative examination of post-2008 CEE union strategies points to a general shift in trade union repertoires of action. Greskovits (2015) observes that, in postsocialist countries, concerns over the neoliberal agenda and the unilateral mode of government action were often framed as grievances of citizens, not just workers. In effect, societal discontent was channelled not so much through company or sector-level industrial action and the collective bargaining process, but rather through mass demonstrations, public protests and direct democracy tools such as people’s initiatives and referenda. In the examined period, trade unions in the new EU Member States were clearly part of this trend: their heightened mobilisation was coupled with their opening up to the concerns of wider sections of CEE societies such as minimum wage earners, atypical workers and young people. This approach brought positive results in terms of organisations’ increased visibility and transparency, and helped them gradually shake off the image of Soviet-style bureaucratic machines. It also defied earlier fears of the ‘Mexicanisation’ of CEE labour movements (Ost 2009); that is, the possibility that they would be focused solely on skilled labourers enjoying privileged labour market positions.

An alternative, more pessimistic assessment of the shift in unions’ strategic repertoire is offered by Butković and Szabó in their respective chapters on Croatia and Hungary. According to these authors, recent mobilisation drives resulted from the decrease in unions’ associational and structural power and the narrowing of their traditional access channels. Traditional forms of union action have indeed come under strain during the recent crisis and unions’ resources have been depleted. However, the move beyond unions’ traditional target groups and the expansion of their strategic repertoire could also be regarded as a conscious strategy that enabled CEE labour movements to remain legitimate and important actors in the ‘battle of ideas’ (Gumbrell-McCormick and Hyman 2013: 132) over the post-crisis policy course in their respective countries. At the same time, their advocacy on behalf of wider societal groups should be coupled with more active efforts to include their members into union ranks. Large-scale organising would bring unions closer to the ideal of broad community-based groups to which they increasingly seem to aspire; it would also help to avoid the further fragmentation of the employee voice in the postsocialist region.

Parallel to agenda-broadening and heightened mobilisation, CEE trade unions have increasingly relied on regulatory solutions to labour market problems. This focus on legislation has important implications for CEE industrial relations systems insofar as it prioritises lobbying and direct democracy tools over the collective bargaining mode of employment regulation. Further marginalisation of bargaining in CEE, however, might

have negative economic consequences and be detrimental to industrial democracy. We hence argue that ‘new ideas that work’ (Mulgan *et al.* 2007: 7) should not be pursued at the expense of traditional union tools and instruments. Much as they are geared towards extending unions’ reach and accounting for new labour market trends, they should ‘complement and reinforce the traditional channels of employee interest representation’ (Tomev, this volume), helping unions to reverse the declining membership trend and strengthen national collective bargaining systems.

What broader lessons and implications can be derived from the innovative practices of trade unions presented in our volume? We conclude that the variety of adopted innovations has not brought a paradigm change to CEE industrial relations systems: in certain spheres, they have strengthened the existing institutions and provided additional resources to social partner organisations (e.g. through mobilisation initiatives); while in others they have challenged the existing structures and channels of representation (e.g. through an extensive focus on legislative instead of negotiated solutions). It seems, however, that despite their sometimes limited and/or localised impact, union innovations in the new EU Member States can serve as an inspiration for labour organisations from other parts of Europe and the world, motivating the latter to go beyond their traditional repertoires of action and tackle newly emerging problems. In the post-crisis reality marked by austerity and precarisation, experiences from the region in which the defence of basic employee rights had constituted a daunting challenge long before the downturn might be particularly instructive.

References

- Beissinger M. R. and Sasse G. (2014) An end to ‘patience’? The Great Recession and economic protest in Eastern Europe, in Bermeo N. and Bartels L.M. (eds) *Mass politics in tough times. Opinions, votes and protest in the Great Recession*, Oxford, Oxford University Press, 334-370.
- Bernaciak M. (2013) Social dialogue revival or ‘PR corporatism’? Negotiating anti-crisis measures in Poland and Bulgaria, *Transfer*, 19 (2), 239-251.
- Bernaciak M. (2017) Coming full circle? Contestation, social dialogue and trade union politics in Poland, in Lehdorff S., Dribbusch H. and Schulten T. (eds), *Rough waters - European trade unions in a time of crises*, Brussels, ETUI.
- Czarczasty J. and Mrozowicki A. (eds) (2014) *Organizowanie związków zawodowych w Europie. Badania i praktyka społeczna*, Warsaw, Scholar.
- Frege C. and Kelly J. (2003) Union revitalization strategies in comparative perspective, *European Journal of Industrial Relations*, 9 (1), 7-24.
- Gardawski J. (2003) *Konfliktowy pluralizm polskich związków zawodowych*, Warsaw, FES.
- Gonser M. (2010) How hard a blow for the collective representation of labour interests? - The Baltic industrial relations and the financial crisis, *Emecon*, 1/2010, 1-25. <http://www.emecon.eu/current-issue/gonser/>
- Greskovits B. (2015) Ten years of enlargement and the forces of labour in Central and Eastern Europe, *Transfer*, 21 (3), 269-284.
- Gumbrell-McCormick R. and Hyman R. (2013) *Trade unions in Western Europe. Hard times, hard choices*, Oxford, Oxford University Press.

- Howard M. (2002) *The weakness of civil society in post-communist Europe*, Cambridge, Cambridge University Press.
- Kahancová M. (2015) Central and Eastern European trade unions after the EU enlargement: successes and failures for capacity building, *Transfer*, 21 (3), 343-357.
- Kay T. (2011) *NAFTA and the politics of labor transnationalism*, Cambridge, Cambridge University Press.
- Krzywdzinski M. (2010) Organizing employees in Central Eastern Europe: the approach of Solidarność, *European Journal of Industrial Relations*, 16 (3), 277-292.
- Lévi-Strauss C. (1968), *The savage mind*, London, Weidenfeld and Nicolson.
- Meardi G. (2007) Multinationals in the new EU member states and the revitalisation of trade unions, *Journal of Contemporary Central and Eastern Europe*, 15 (2), 177-193.
- Moody K. (1997) Towards an international social movement unionism, *New Left Review*, 225, 52-72.
- Mulgan G., Tucker S., Ali R. and Sanders B. (2007) *Social innovation. What it is, why it matters and how it can be accelerated*, Oxford, Said Business School. <http://bit.ly/1pNkg3w>
- Ost, D. (2002) The weakness of strong social movements: models of unionism in the East European context, *European Journal of Industrial Relations*, 8 (1), 33-51.
- Ost D. (2009) The consequences of postcommunism: trade unions in Eastern Europe's future, *East European Politics & Societies*, 23 (1), 13-33.
- Phelan C. (2007) *Trade union revitalisation: trends and prospects in 34 countries*, Brussels, Peter Lang.
- Shlyk A. (2009) Social movement unionism in Poland: towards revitalization of organized labor?, *Theory in Action*, 2 (1), 158-190.
- Turner L. (2007) Introduction: an urban resurgence of social unionism, in Turner L. and Cornfield D. B. (eds) *Labor in the new urban battlegrounds*, Ithaca, Cornell University Press, 1-18.
- Waterman P. (2001) *Globalization, social movements and the new internationalisms*, London, Continuum.

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