Innovative union practices in Central-Eastern Europe

Edited by Magdalena Bernaciak and Marta Kahancová
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Introduction: innovation against all odds?

Magdalena Bernaciak and Marta Kahancová

1. Introduction

In the industrial relations literature, Central and Eastern European (CEE) trade unions have traditionally been portrayed as powerless and inactive (Crowley 2004; Contrepois and Jefferys 2010; Varga 2015; Bohle and Greskovits 2012). Following the collapse of state socialism they have had limited capacity to shape public policy, win material benefits, organise workers in the private sector and prevent ‘a general decline of labour’s social and cultural standing’ (Crowley and Ost 2001: 219; Kaminska and Kahancova 2011).

Union weakness derives from socialist legacies, on the one hand, and from the difficulty of adapting union structures and strategic repertoires to new socioeconomic conditions after regime change, on the other (Kubicek 1999; Ost 2000; Crowley and Ost 2001). Under state socialism trade unions were subordinated to political power and often served as an extended hand of the communist party, which did not allow them to develop capacities for genuine employee interest representation and collective bargaining (cf. Myant 2010). At the same time, new organisations set up in opposition to the former regime endorsed the tough economic reforms implemented in the early transition years, which undermined societal trust in the labour movement (Crowley and Ost 2001; Ost 2009). The result, in most CEE countries, is that the effectiveness of social dialogue has indeed been limited; with the exception of Slovenia, formal social pacts have remained rare and unions have relied instead on unstable political alliances (Avdagić 2004). Unions’ limited influence on the policy-making process was accompanied by dwindling associational power. Between 1992 and 2012, unions from new EU Member States lost 77 per cent of their members, considerably more than their Western European counterparts during the same period (Visser 2015).

The economic structures that emerged in CEE countries in the course of the systemic transition since 1989 involved to a significant extent labour-intensive activities financed and controlled by multinational companies (MNCs). Kristensen and Zeitlin (2005) argue that MNCs may develop new bargaining mechanisms and thus open new opportunities for trade union action. Similarly, Meardi (2012) asserts that it is possible to develop ‘high-road’, high-involvement employment relations in MNC-dominated economies, but acknowledges that it is rather an exception. Empirical evidence from CEE countries testifies to the limited interest on the side of western employers in transferring any form of employee representation to the postsocialist region (Bluhm 2001; Bohle and Greskovits 2004; Meardi 2012).
Despite the significant challenges faced by CEE labour movements, it seems that the thesis of pervasive union weakness in the postsocialist region is premature and overly deterministic. Both path dependency and structural accounts overlook the role of union agency – that is, their ability to recognise threats, frame problems, reorganise their resources and use them in a creative manner. Kahancová (2015) asserts, however, that even organisations with limited institutional power and a shrinking membership base can act strategically: through targeted and well-planned actions, they can exert a considerable impact on working conditions and policy-making outcomes in their respective countries. This argument derives from recent developments in CEE industrial relations. In the second half of the 2000s, there was already evidence of heightened worker mobilisation, an intensification of unions’ organising efforts and the emergence of new trade unions in the postsocialist region (see, for example, Meardi 2007; Krzywdzinski 2010; Mrozowicki 2011; Czarzasty and Mrozowicki 2014). CEE trade unions liaised with their counterparts from other countries, became involved in cross-border bargaining and participated in pan-European protests against the liberalisation of the EU Internal Market (Gajewska 2009; Bernaciak 2010; Bernaciak and Lis 2017).

These trends became even more pronounced with the outbreak of the economic crisis in the late 2000s. CEE economies were hit hard by the downturn, while the reforms pursued in many countries further weakened unions’ institutional standing, but a ‘counter-movement’ opposing government-driven austerity measures was on the rise throughout the postsocialist region. Trade unions were at the forefront of this societal discontent, staging large-scale protests against budgetary cuts, labour market deregulation and social exclusion (Bernaciak 2015; Varga 2015). They also opposed the privatisation of health care and other services of general interest (Kahancová and Szabó 2015) and became more open to the concerns of marginalised and under-represented employee groups (Mrozowicki and Maciejewska 2013).

Against this background, it seems that the post-2008 period presents CEE labour organisations with an opportunity to reassert themselves as representatives of the broad sections of CEE populations that have become increasingly disillusioned with neoliberal policy prescriptions, and of employee groups that have emerged as a result of labour market segmentation trends. By recapturing the ‘ideological initiative’ (Hyman 1999: 108) and getting involved in innovative measures, unions could limit – and in certain cases perhaps even reverse – problems related to membership loss and the decline of unions’ institutional power that characterised most of the transition period in the 1990s and the early 2000s. Still, the evidence on union innovation in CEE is unsystematic and highly uneven, which highlights the need for a more thorough and systematic investigation.

In a bid to address this gap, our book provides a detailed account of the innovative practices pursued by CEE trade unions since 2008 which include – but are not limited to – crisis responses. The volume has four interrelated goals. First, it seeks to conceptualise innovation in the context of trade union action. Secondly, it aims to identify the drivers
of union innovation in CEE countries, paying attention to the characteristics of their national/sectoral industrial relations institutions, the resources remaining at unions’ disposal and the role of union agency. The volume covers eleven postsocialist states that joined the EU in 2004, 2007 and 2013: Bulgaria, Croatia, Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.² Thirdly, the book seeks to provide systematic empirical evidence on innovations taking place in particular national contexts. The final, fourth, goal is to assess the sustainability and impact of innovative union initiatives on unions’ established roles and on their countries’ industrial relations systems.

This introductory chapter outlines the conceptual framework that guides the empirical analysis in the country chapters. We first build up the concept of innovative union practices with reference to the literature on trade union revitalisation. We then identify the specific dimensions of innovation and outline the instruments remaining at union disposal when implementing innovative practices. In the last two sections, we set benchmarks for union innovation in CEE and briefly present the plan of the book.

1. Varieties of unionism and the power resources approach

Union responses to external challenges became a subject of academic inquiry with the decline of the ‘Golden Age’ of capitalism in Western Europe. After nearly three decades of unprecedented growth bolstered by corporatist compromises, the oil crisis of the early 1970s brought an end to the post-war economic miracle. Struggling to bring down growing unemployment figures, Western European governments had recourse to new policy remedies inspired by neoliberal ideology. Advances in business internationalisation and changes in labour market structure, as well as the decline of traditional alliances between unions and left-wing parties, further added to the problems besetting labour movements in advanced capitalist countries. Even ‘under siege’ (Martin and Ross 1999: 368), however, labour organisations did not remain passive observers of their own demise. On the contrary, they undertook multiple efforts ‘to tackle and potentially to reverse [...] problems related to membership loss, the erosion of workplace representation, declining mobilisation potential, institutional change and loss of union power resources’ (Frege and Kelly 2003: 9). In the last two decades, the literature on union revitalisation, also referred to as union renewal, has grown to encompass country analyses (Bronfenbrenner and Juravich 1998; Heery et al. 2002; Annesley 2006) and comparative volumes examining unions’ activities in different political-economic settings (Gall 2009), including those located outside Western Europe (Fairbrother and Yeates 2003; Phelan 2007).

Studies reveal diverse patterns of union renewal. Frege and Kelly’s (2003) volume presents the revitalisation efforts of western European and US trade unions in six areas: (1) organising; (2) organisational restructuring; (3) coalition building; (4) partnership with employers; (5) political action and (6) international cooperation. This demonstrates that unions’ strategic responses are, to a large extent, determined by the

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² Throughout the book, the 11 examined CEE countries are also referred to as new EU Member States.
institutional setups in which they operate. Specifically, organisations based in countries with established social partnership traditions rely predominantly on social dialogue and collective bargaining channels to make their voice heard. This is because in the presence of these institutional supports they have fewer incentives to get involved in organising and coalition-building than unions in liberal market economies, whose very survival depends on the presence of a strong membership base and unions’ ability to liaise with other civil society organisations (Baccaro et al. 2003). This finding is confirmed by Phelan’s (2007: 22) study documenting the activities of unions in 34 states, which shows that labour organisations in liberal market economies and developing countries have been ‘freer to experiment’ with innovative practices given the limited access they have enjoyed in their respective national settings. The result is that they have been more likely to get involved in organising and social movement unionism, especially in the global South where the issue of social justice and the protection of basic employee rights are of particular relevance. To mobilise successfully in such hostile environments, however, strong union agency – that is, their ability to overcome internal constraints, act as ‘bridge builders’ between traditional trade union structures and wider societal groups and to organise at grassroot level – has been necessary (Turner 2007).

In line with Phelan’s logic, one could expect that, in the CEE context, where tripartite dialogue is largely ineffective and union membership and collective bargaining coverage have been systematically declining, unions will also be oriented primarily towards membership recruitment and societal mobilisation. Still, even though individual instances of organising have been documented (see for example, Krzywdzinski 2010; Czarzasty and Mrozowicki 2014), systematic and comparative accounts of CEE unions’ strategies aiming to ‘turn their fate’ (Behrens et al. 2004: 11) are still missing. It is also noteworthy that the activities of unions in new EU Member States have not yet been examined from the revitalisation perspective, which might stem from the widely shared conviction about the weakness of CEE organised labour presented in the introductory section. An interesting take on the topic is nevertheless offered by Meardi (2007 and 2012), who examines company-level revitalisation initiatives in MNC subsidiaries located in CEE. The author identifies examples of organising, social partnership and novel types of services offered to union members at some of the analysed plants. At the same time, however, company-level initiatives, if not accompanied by actions at other levels, may lead to the ‘Mexicanisation’ of the CEE union landscape, i.e. the emergence of ‘islands’ of heightened union representation and mobilisation surrounded by the ‘sea’ of the non-unionised, deregulated economy (Ost 2009).

The literature of union revitalisation offers important insights to the activities of unions in different institutional and socioeconomic settings. At the same time, the concept of revitalisation remains somewhat rigid insofar as it focuses mainly on unions’ attempts to improve their organisational efficiency and external influence. It must be remembered, however, that new challenges located outside labour organisations, related to adverse macroeconomic conditions, an unstable regulatory environment and changing workforce composition, might be addressed in ways that do not directly translate to higher membership rates, unions’ growing role in the bargaining process and/or their increased political leverage. In consequence, tackling these problems might not necessarily improve unions’ standing within their country’s socioeconomic
setup. Another problem is related to the ambitious goal set for revitalisation, implied by the very term and its commonly used synonym – renewal. The expectation of a tangible change and/or a considerable improvement in unions’ position might divert scholarly attention from novel initiatives that perhaps are not that spectacular, but nevertheless constitute a timely and apt response to internal or external challenges. One can expect that in setups where labour organisations do not enjoy institutional support, like in most CEE countries, such small-scale adjustments and attempts to address old and new challenges in a non-standard fashion are much more common than remarkable successes testifying to the ‘rebirth’ of trade unionism.

In sum, the concept of trade union revitalisation is a useful starting point for this book’s approach to trade union actions, but its limitations discussed above point to the need to ‘widen’ and ‘flatten’ the revitalisation concept. Therefore, in our book we focus on innovative practices within CEE trade union movements rather than on trade union revitalisation. The notion of innovation has been brought up in the industrial relations literature but scholars have remained ambiguous in regard to what constitutes an innovative practice in the context of trade union action (cf. Kloosterboer 2007; Bernaciak et al. 2014). In the next section, we review the existing uses of the term and adapt it to the needs of the present study.

2. Conceptualising innovation: from business to union actions

The concept of innovation has been used and elaborated mainly in relation to business organisations. In his early work, the economist Schumpeter (1934) asserted the crucial role of innovation, which he understood as the ‘creative destruction’ of old economic structures and the ‘new combinations’ carried out and diffused by entrepreneurs, for investment and employment creation. He accordingly identified five types of innovation: 1) the creation of new products; 2) the introduction of new production processes; 3) the opening of new sales markets; 4) the identification of new supply sources; and 5) changes of the existing industrial structure. With technological progress, innovation becomes increasingly complex and might involve transformations of companies’ entire business models (Chesborough 2007). Such comprehensive processes of change are often supported by institutions external to the company such as research institutes or governments. In this holistic vision of innovation, different elements of a given country’s political and economic systems come together to create national systems of innovation involved in the production and dissemination of economically useful knowledge (Lundvall 1992).

One of the defining characteristics of business innovation is its profit orientation. Rogers (1998: 2 and 5, respectively) argues that the latter aims at ‘introducing new ideas to the firm which result in increased firm performance’ or, differently put, at ‘commercialising or extracting value from ideas’. Innovative practices are not an exclusive domain of commercial entities, however. A growing body of literature on so-called social innovation sets to examine ‘new ideas that work in meeting social needs and improving people’s lives’ (Mulgan et al. 2007: 7). Undertaken by individuals, movements and organisations, social innovation encompasses a broad spectrum of initiatives. In some cases they receive
government support to be sustainable; this is because, unlike business innovation, they are not driven by revenue-seeking motives. On the other hand, the absence of the profit orientation does not prevent them from exerting an impact on the socioeconomic sphere. Local social innovation aiming at poverty reduction, for instance, improves the ability of the most impoverished members of society to satisfy their basic needs and thus complement the existing welfare state institutions (Oosterlynck et al. 2015). 3

According to BEPA (2011), social innovation might involve new initiatives, but it can also be related to the application of already existing ‘ways of doing things’ to new social contexts or to their availability to wider groups of actors. This logic is shared by an EU-commissioned report on trade union involvement in anti-discrimination policies prepared by the Working Lives Research Unit – one of the first studies that systematically applied the concept of innovation to the analysis of trade union actions. The report (WLRU 2010: 9) defines innovative trade union practices as ‘those representing new ways of engagement for the trade union in the context in which they operate, or engagement beyond traditional trade union communities’.

Building on BEPA and WLRU’s definitions, we conceptualise an innovative union practice as a course of action differing from the one pursued in the past, staged by a trade union to address a newly emerging challenge or tackle an existing problem more effectively. In this regard, ‘innovative’ is more than simply ‘new’: it is not a coincidental shift in union actions, but a deliberate initiative or set of initiatives launched in response to a specific problem. Moreover, innovation in our study refers not only to the adoption of novel strategies, but also to their pursuit outside unions’ traditional audience, and/or the use of tools that enable trade unions to be more effective in their action. To account for the different ‘new combinations’ (Schumpeter 1934) that can emerge in this regard, we focus on the following dimensions of innovative union action:

(1) innovation in regard to organisational structure, involving, among other things, a change of union leadership; a reform of internal union organisation, such as the creation of new unit(s); the emergence of new unions or a merger of existing organisations;

(2) innovation in regard to choice of strategies, which includes both the adoption of new strategies and a changing balance between ones already pursued (for example, putting a greater emphasis on organising workers in comparison with earlier periods);

(3) innovation in regard to the selection of target group, which might refer either to those defined on the basis of their labour market position (precarious workers, new professions) or to wider social groups (pensioners, migrants; broader public opinion).

In order to bring forward strategic innovation, trade unions may use diverse instruments. Using insights from Frege and Kelly (2003), Boonstra et al. (2011), Kahancová and Martišková (2013), Keune (2015) and Trif et al. (2016), in our book we focus on six types of measures:

3. Despite their ‘social welfare enhancement’ function (Pol and Ville 2008: 4), some social innovation projects remain controversial. See, for example, the critique of New Public Management (Atrey and Armstrong 2002) or microcredits (Ashta et al. 2013).
– **Organising.** Frege and Kelly (2003: 9) argue that organising ‘focuses on the acquiring of membership’ while, at the same time, it strengthens employee representation in the workplace and boosts unions’ mobilisation capacity. In the book, we pay particular attention to the use of new recruitment methods, the organising of previously under-represented groups such as young workers, and/or the targeting of new audiences such as atypical employees.

– **Servicing.** Servicing is often put in opposition to union models based on broader participation and community activism (see, for example, Ost 2002). The two approaches do not necessarily have to be contradictory, however. In practice, servicing and coalition-building can be and are pursued simultaneously, the former enhancing the internal and the latter the external reach of labour organisations.

– **Collective bargaining and social dialogue** could at first sight be considered traditional union instruments but in fact they have a significant innovation potential. In the field of bargaining, innovation may involve taking up new topics and/or bringing the concerns of previously unrepresented groups of employees to the bargaining agenda. Innovative practices in the field of social dialogue, on the other hand, could entail bringing new topics to the bargaining table and/or changing the dialogue’s formula, e.g. by the conclusion of bilateral accords between trade unions and employer associations.

– **Coalition-building.** In recent years, the literature of so-called social movement unionism provided examples of both ad hoc cooperation and sustained alliances between unions and non-governmental organisations (see, for example, Turner and Cornfield 2007; Kay 2011). Such a broadening of the union agenda can be seen as a response to growing workforce diversity; conversely, it can be used to extend organisations’ reach beyond the workplace. Cooperation among labour organisations or between labour organisations and social movements might transcend state boundaries and involve joint negotiations with company management and transnational advocacy on behalf of certain categories of workers (Moody 1997; Hardy and Fitzgerald 2010; Bernaciak 2010; Kay 2011).

– **Political instruments and attempts to influence legislation** encompasses unions’ participation in the legislative process through the use of direct democracy tools as well as through the conclusion of formal and informal alliances with political parties, especially in relation to previously unregulated spheres or on behalf of new constituencies. It also refers to litigation procedures launched by trade unions in order to enforce existing employment regulations (Boonstra et al. 2011; Keune 2015).

– **Mobilisation and identity politics** can involve a variety of measures such as protests and demonstrations, advocacy campaigns and media appearances as well as the innovative use of different types of media and information and communications technologies (ICTs) to present unions’ claims, opinions and concerns (Trif et al. 2016). It also encompasses actions aimed at influencing societal perceptions of
‘decent work’ and geared towards building and disseminating benchmarks on employment standards, worker rights and employer obligations within society. In the sphere of identity politics, unions may cooperate with non-governmental organisations and social movements and forge pro-employee rights alliances and coalitions.

3. Benchmarking union innovation

In our book, the presence and the extent of union innovation is assessed against status quo / ‘traditional’ union actions, reconstructed in each country chapter on the basis of three sets of benchmarks. The first benchmark is provided by the characteristics of the Fordist model of trade unionism. In the literature, the term ‘Fordism’ is used to designate a particular type of production regime developed in the early twentieth century which involved the manufacture of standardised goods and the employment of low- and semi-skilled workers at large, automated production facilities. Fordism’s reliance on commodification, bureaucracy [and] social homogenisation (Jessop and Sum 2006: 65) also manifested itself in the sphere of employee interest representation, where it led to the establishment of large labour organisations with a hierarchical structure, centralised leadership and a homogeneous membership base. In the ideational sphere, Fordist unions espoused what Hyman (1999) refers to as mechanical solidarity: a set of standardised values and interests aggregated by the unions and catering to the needs of ‘standard workers’, i.e. a relatively protected subset of employees. In terms of strategies, Fordist unions relied on formalised procedures and official access channels, making their voice heard mainly via national-level social dialogue and company-level collective bargaining negotiations. By contrast, rank-and-file involvement, self-governance at lower levels of the union structure and communication between the different levels of the union hierarchy remained rather limited (Heckscher and McCarthy 2014). Originally developed in the United States, many elements of the Fordist production regime and the Fordist model of employee interest representation ‘travelled’ during the post-WW2 industrialisation drive to other capitalist countries and to CEE command economies. Against this background, union innovation could involve organisational changes boosting unions’ internal democracy and grassroots activism, departing from traditional modes of union operation, or, as indicated in the previous section, using the latter to take up new topics and express the demands of previously under-represented employee groups.

Our second ‘traditional union actions’ benchmark are the socialist legacies of unionism. Labour organisations in command economies displayed certain Fordist features: they were large, bureaucratic structures concentrated in manufacturing and the public sector, grouping employees that were similar to each other. In contrast to their counterparts in capitalist economies, however, they were not created to maximise workers’ welfare and/or defend their rights; rather, they assumed the role of ‘transmission belts’, communicating political decisions on production plans to their members (Thirkell et al. 1998). The lack of autonomy vis-à-vis the state went hand-in-hand with low levels of internal union democracy and rank and file involvement as well as limited bargaining experience (cf. Myant 2010). Union membership was either compulsory or ‘expected’
from the workers by company directors; in most cases, it was also driven by workers’ personal needs given that certain services such as company social funds or holiday facilities were managed by unions and accessible only for their members. Elements of the socialist legacy are still present within some CEE trade unions that are highly hierarchical, focus on routine servicing and remain alienated from their members and even more so from broader societal concerns; they also negatively influence societal perceptions of unions. Against this background, activities falling within all three dimensions outlined in section 2 of this Introduction could be considered innovative. Of particular importance are the activities through which unions try to overcome the negative perceptions of (post)socialist trade unionism and boost their internal and external legitimacy.

Last, but not least, the presence and the extent of union innovation is assessed against elements of the industrial relations system and the patterns of mobilisation typical for a given country/country group. Owing to their shared legacies of trade union roles during state socialism, in the initial years of transformation CEE countries were often bundled together and put under the catch-all label of a ‘transition’ model of industrial relations (Kohl and Platzer 2004). Over time, however, it became increasingly clear that referring to CEE states as a single category obscures important cross-country differences.

In this respect, Bohle and Greskovits (2012) constructed the to-date most elaborate typology of postsocialist political economies. Based on an analysis of socialist legacies and the transitional policy choices made by individual countries, they distinguished between three types of capitalism in CEE. First, Slovenia can be viewed as the only CEE economy closely approximating to the corporatist model as it features centralised bargaining structures and well-established tripartite dialogue. Second, the ‘liberal’ market economies, most notably the Baltic states, have developed decentralised union structures and have little tradition of tripartism; the belated start to the reforms made them embark on a radical path of transition that favoured macroeconomic stability over the various forms of labour market protection and welfare provision. Finally, the ‘embedded liberal’ economies, including Czechia, Hungary, Poland and Slovakia, could be placed in the middle between the Slovenian and Baltic extremes: they have demonstrated some degree of labour involvement in the policy-making process, but their collective bargaining systems have been largely decentralised and sectoral-level agreements have remained scarce or declined in importance. The economies of Bulgaria and Romania share many characteristics with the Baltic states, even though in both countries the transformation and democratisation processes were protracted in view of the low levels of state capacity to introduce reforms through social dialogue. Croatia, analysed by Bohle and Greskovits (2012) together with Romania and Bulgaria, shares many characteristics with countries of the embedded neoliberal group. Even though its trade unions remain fragmented and the collective bargaining system is decentralising, sector-level bargaining still plays a role and unions are able to exert policy influence through legislative pressures (Butković et al. 2016).

A related typology can be built in relation to the extent of labour mobilisation and the presence/absence of institutional supports for union action (Table 1). Here again, Slovenia is the only CEE country characterised by high levels of labour mobilisation and bargaining institutionalisation. The liberal Baltic states Estonia, Lithuania and
Latvia are at the other end of the spectrum, with low levels of labour mobilisation and bargaining institutionalisation. Initially strong and militant labour in Bulgaria and Romania was not matched by an equally strong state that would have been capable of building corporatism and including trade unions in policy-making. Finally, governments in Croatia and in the Visegrád countries of Czechia, Hungary, Poland and Slovakia initially aimed at building democratic corporatist institutions and a generous welfare state, but these efforts gradually vanished and the role of social partnership in economic governance became more limited.

<table>
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<tr>
<th>Labour mobilisation</th>
<th>High</th>
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<tr>
<td>Institutionalisation of bargaining</td>
<td>High</td>
<td>Slovenia, Czechia, Croatia, Hungary, Poland, Slovakia</td>
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<tr>
<td></td>
<td>Low</td>
<td>Bulgaria, Romania, Estonia, Latvia, Lithuania</td>
</tr>
</tbody>
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Source: Authors’ adaptation of Bohle and Greskovits (2012) and Bejaković (2015).

To conclude, the presence and the type of union innovation are assessed in individual country chapters against three sets of benchmarks: (1) features of Fordist unionism; (2) socialist legacies in industrial relations; and (3) elements of countries’ industrial relations setup developed after 1989 in the course of the political and economic transition. We expect that these characteristics will provide a country-specific ‘point of departure’ for each study. This approach is consistent with the national systems of innovation scholarship (Lundvall 1992) and with the varieties of capitalism literature according to which different types of capitalist economies follow different paths of innovation (cf. Hall and Soskice 2001; Allen and Aldred 2009). It can also be expected that differences in unions’ resources and repertoires of action derived from the two typologies presented above will translate into different forms and extents of innovation. Specifically, unions that traditionally relied on established negotiation channels might be reluctant to use mobilisation-based strategies. By contrast, unions with a greater legacy of mobilisation but weak institutional support may be more open to collective action outside traditional industrial relations channels. Building on Meardi (2006), we also expect that, in view of the largely decentralised nature of CEE industrial relations systems, innovative initiatives will be undertaken primarily at the company level.

4. Plan of the book

The present volume has been compiled within the framework of the project ‘Beyond the crisis: innovative practices within CEE trade union movements’, run jointly by the European Trade Union Institute (ETUI) and the Central European Labour Studies...
Institute (CELSI) in 2014-2016. The project examined the extent of union innovations in eleven EU Member States from CEE, as well as their drivers and impact on labour organisations and national industrial relations. Individual country chapters have been written by country experts on the basis of the theoretical framework outlined by the editors in this Introduction.

The book’s concluding chapter confronts the above expectations regarding the differing forms and extents of innovation with insights from the individual country chapters. It is structured along the three research questions addressed by the project and examines: (1) the drivers of union innovation in the CEE region; (2) the innovative practices and instruments adopted by CEE unions after 2008; and (3) the sustainability of union initiatives and their impact on CEE union labour organisations. It also focuses more generally on the procedures of collective bargaining and industrial relations institutions in the studied countries.

**References**


Introduction: innovation against all odds?


All links were checked on 21 February 2017.
Innovative trade union practices in Bulgaria: a remedy for falling membership and declining institutional power?

Lyuben Tomev

Introduction

The creation of the current industrial relations system in Bulgaria was part of the economic and social transformation following the fall of the command economy. Unlike in Western Europe, where socioeconomic regimes developed in an evolutionary manner, in Bulgaria industrial relations institutions had to be put in place within a very short period of time. Social dialogue was set up from scratch without the traditions and experiences of the past, while trade unions had to undergo deep internal reforms and assume the new identity of social partners. The economic downturn of the late 2000s additionally weakened the country’s labour movements as far as it limited their capacity to pursue traditional bargaining-based strategies and actions, and put pressure on the labour and social rights of their members.

This chapter argues that, in response to falling membership and the decline in their institutional power, Bulgarian trade unions launched a number of innovative strategies. They accordingly intensified autonomous, bilateral dialogue with employers; intensified their organising efforts; launched new services for existing members; and became more involved in identity politics, reaching the broader public through campaigns and signature-gathering. Union campaigns organised in the last years have raised societal awareness of trade union activities; they also led to the establishment of new trade union organisations and the improvement of the employee information and consultations process in a significant number of enterprises. All in all, it seems that the policy mix, including traditional instruments and an innovative combination of organising and servicing instruments, has enabled the country’s biggest trade union confederation to reverse the trend of declining membership in that new sector/branch organisations have been established and/or affiliated to it.

This chapter is based on a series of trade union documents and earlier academic publications on Bulgarian industrial relations. It is structured as follows. Section one presents selected features of Bulgaria’s systemic transition and the country’s industrial relations landscape. Section two documents the impact of the recent crisis on social dialogue and outlines the internal and external challenges faced by Bulgarian labour organisations. Section three presents innovative practices and instruments that have recently been used by Bulgarian trade unions: bipartite dialogue with employers; organising combined with new forms of servicing; and campaigns launched in defence of labour and union rights. The latter two practices are reconstructed on the basis of the experiences of CITUB – the largest trade union confederation in the country, which possesses more resources than other organisations to launch innovative initiatives.
The concluding section outlines the drivers of union innovation and assesses the sustainability of union initiatives.

1. **Trade unions and the systemic transition in Bulgaria**

The transition from totalitarian rule to democracy, which involved a paradigm shift in the economy and upheaval in the political and institutional structures, posed a major challenge to trade unions and other social actors in Bulgaria. On the other hand, it seems that the assumption of CEE labour weakness (see for example, Crowley and Ost 2001, Bohle and Greskovits 2004; Bernaciak et al. 2014) is valid only if labour organisations from new EU Member States are compared with those in ‘old’ Europe. In the Bulgarian context, if one considers the specific circumstances of the country’s transformation from the command economy to capitalism, and compares the current situation with the starting point at the outset of the transition, one can say that the country’s unions emerged from these turbulent times both weakened and empowered. They were weakened because, in the course of privatisation, economic restructuring and painful social reforms, they incurred significant membership losses. At the same time, however, they were empowered because, in just a few years, they succeeded in implementing deep internal reforms, became democratic and independent actors and assumed a new role as social partners. The re-organisation and consolidation of the Bulgarian trade union movement in the early 1990s, in turn, allowed for the smooth adoption of new labour legislation and contributed to the institutionalisation of social dialogue (Dimitrova and Vilrokx 2005; Upchurch 2006).

In the course of transition, Bulgarian trade unions followed two distinct paths: the establishment of a new organisation (Podkrepa) and radical reform of the old trade unions (CITUB). The Confederation of Labour Podkrepa arose semi-legally a few months before the systemic changes as an opposition organisation modelled on the Polish Solidarność. It initially aimed at protecting the civil rights of workers but soon attracted a significant membership. Its emergence seems to have had a dual impact: it was an alternative to the disappointing ‘old regime’ trade unions, but it also served as a catalyst for the latter’s reform. In late 1989, the communist Central Council of Bulgarian Trade Unions (CC BTU) began a radical reconstruction towards organisational and political independence and declared the protection of workers’ interests as its primary objective. In February 1990, the Extraordinary Congress of Bulgarian Trade Unions was transformed into a Constituent Congress of the Confederation of Independent Trade Unions in Bulgaria (CITUB). CITUB has, since then, undergone significant development, reformed its structures, strengthened its position and won recognition as the largest trade union in the country (Daskalova 2015).

Despite the multitude of political movements in the country, in practice the ideological differences remained heavily blurred. One of the paradoxes of Bulgaria’s systemic transition was what can be referred to as the illusory identity of the political parties, which all pushed through neo-liberal policies albeit with different rhetoric. Their attitude toward unions was ambivalent – friendly when in opposition and hostile when in power. Moreover, many political parties tried to create their own unions, meant
to act as new ‘transmission belts’: the Bulgarian Socialist Party (BSP), for instance, launched the Edinstvo union; whereas the Union of Democratic Forces (UDF) and National Movement Simeon II (NMSS) recognised the representativeness of Promyana union (Petkov 2010). These moves contributed to the fragmentation of social partner organisations and challenged the effectiveness of the National Council for Tripartite Cooperation (NCTC) and other tripartite bodies. At the macroeconomic level, successive Bulgarian governments – be it left, right, liberal-centrist or coalition-based – ultimately implemented policies influenced from the outside, following the neoliberal recommendations of the international financial institutions. The President of CITUB argues that this forced trade unions permanently to play the role of opposition and corrector of the country’s socioeconomic policy (Dimitrov 2011). CITUB has accordingly, since its establishment, declared its independence from political parties and continues to maintain ‘equal distance’ from all political movements. Podkrepa, on the other hand, was part of and one of the founders of the Union of Democratic Forces (UDF), the anti-communist coalition created at the beginning of the transition, although it left in 1992. This was a turning point and the start of continuing cooperation between the country’s largest union confederations.

The unions’ political independence has its positive and negative aspects. On the one hand, it has enabled its organisations to preserve their members’ confidence and to maintain a wider social appeal; it has also given them the freedom to act without the restrictions of political loyalty. On the other hand, however, unions lacked a political partner ready to further their demands and it was easy for parties in power to adopt an anti-union and restrictive labour legislation. Against this background, the leadership of both trade union confederations has recognised that unions’ political independence does not exclude partnership with political actors. Hence CITUB and Podkrepa CL’s leadership and experts meet regularly with political parties and address to them their declarations, statements, analyses and proposals, expressing employee interests and seeking to ensure the protection of their rights.

The model of Bulgarian transition in the early 1990s was shaped largely by the international financial institutions (IFIs) and this had an impact on the development of social dialogue. In their stabilisation plans and restructuring programs, IFIs systematically introduced elements of the neoliberal order in the country using the mechanism of conditionality attached to loans. The result was that the tripartite consultations and agreements concluded in the post-transition years were often a tool for a more equitable distribution of the negative effects of the reforms rather than a process in which everyone wins. The country’s tripartite negotiations were sometimes described as ‘transition corporatism’ or ‘tripartism of political legitimacy’; rather than originating from class compromise, they served the purpose of the ‘symbolic inclusion’ of workers’ interests, as well as delivering social peace in the presence of weak government legitimacy (Delteil 2015; see also Ost 2011). In fact, the process was not tripartite but quadripartite, with the fourth (and main) ‘shadow partner’ being the IMF,

1. Despite the protests of CITUB and Podkrepa CL, the socialist government of Jan Videnov made use of the absence of official procedures for assessing social partners’ representativeness, allowing in 1996 four other trade unions to participate in the tripartite dialogue. The caretaker government in 1997 recognised one more union while, in 2004–2005, a further union and two employer organisations officially became representative.
which did not formally sit at the negotiation table but had the ability to shape and re-shape labour relations in the course of the transformation process and to redefine particular socioeconomic policies (Gradev 2001). That successive governments would lead negotiations first with their foreign partners and only then with social partner organisations significantly limited the ability of the latter to influence important domains such as labour and employment, social, and incomes policies. In a similar vein, the introduction of the currency board in 1997 shaped the framework of the country’s socioeconomic development and significantly curtailed the scope of social partnership.

2. The economic crisis: increased pressure on trade unions and industrial relations

The economic crisis of the late 2000s brought about a dramatic decline in domestic demand and investment volume that had been key drivers of growth in the pre-crisis period. One part of the austerity measures introduced by the government saw wages in the public sector and social benefits frozen in 2010 and 2011. After five years of uninterrupted growth, the country has lost, since 2008, about 400 000 jobs, corresponding to over 20 per cent of the total number of jobs. Consequently, the employment rate has fallen while the unemployment rate doubled to over 12.9 per cent in 2013, according to Labour Force Survey data (NSI 2013). Long-term unemployment also rose and the youth unemployment rate of 28.4 per cent remains one of the highest in the EU.

In view of the negative trends, the centre-left government led by Sergei Stanishev proposed in December 2008 what later became known as the first anti-crisis package. It contained subsidies for training and retraining and job-saving measures, in particular the possibility of introducing unpaid leave and/or part-time employment. The anti-crisis programme did not bring the expected results, so the government decided to resort to austerity measures, including a wage freeze in the public sector, which was to be introduced in July 2009. In protest, trade unions organised a mass rally on 16 June 2009 demanding the cancellation of the wage freeze, an increase in unemployment benefits and minimum wages, and assistance for the payment of mortgages for families that had been hit particularly hard by the economic crisis.

In the immediate aftermath of the July 2009 parliamentary elections and the electoral victory of the centre-right party Citizens for European Development of Bulgaria (CEDB), led by Boyko Borisov, the NCTC was very active. A standing working group within the body was created with the aim of optimising the social dialogue process and involving the social partners in crisis management. Another working group discussed new anti-crisis policies, the NCTC adopting 32 anti-crisis measures that subsequently were included in the nine-month government anti-crisis programme adopted by Borisov’s cabinet for the period from August 2009 to April 2010. The government failed to implement most of these measures, however, which caused discontent among the social partners, especially among the trade unions. In light of the failure of tripartite discussions, the social partners launched bipartite negotiations and agreed on 50 measures to rescue the economy, improve employment and living standards, increase budget revenues
and restore the financial discipline of the state. The government and social partners subsequently launched joint negotiations on the programme and, in late March 2010, the third crisis package was agreed upon, containing 59 anti-crisis measures based mainly on the proposals of the social partners.

In other spheres, the development of national-level social dialogue was highly uneven. The conclusion of the tripartite National Agreement on Pension Reform in 2010 took place only after a 15 000-strong protest rally organised by CITUB, which discouraged the government from unilaterally raising both the retirement age and the required years of social security contributions. Following CEDB’s victory in the presidential and local elections in late 2011, the government refused to negotiate within the NCTC and proposed legislative changes negatively affecting employees’ labour and social rights. These proposals were related to the government’s intentions to withdraw benefits related to length of service and to its unilateral decision to increase the retirement age by one year as of January 2012, instead of 2021 as had been agreed with the social partners the previous year. CITUB and Podkrepa decided to withdraw from the NCTC and the regional councils for tripartite cooperation, and to organise national protests. Once again, a 35 000-strong demonstration of the two confederations forced the government to withdraw from its initial plan and to adopt a more gradual approach of increasing the retirement age and contributions period by four months each year.

All in all, the tensions around pension reform confirms Bernaciak’s (2013) diagnosis of the crisis-period social dialogue in Bulgaria as ‘PR corporatism’ according to which the government staged tripartite negotiations in ‘hard times’ to maximise its popularity and ensure its re-election by demonstrating adherence to a consensual mode of policy-making. Even though it boosted the governing parties’ popularity, however, such ‘PR corporatism’ failed to improve the quality of social dialogue.

During the downturn, labour organisations relied on traditional instruments, in particular social dialogue, collective bargaining and protest. In addition, they commissioned expert studies and participated in the development of social and labour legislation. Despite the austerity measures and the pressure on the social dialogue, unions also had their achievements. Collective bargaining coverage remained almost unchanged and currently stands at over 30 per cent (ISTUR 2016). To some extent, this is due to the extension of collective agreements. Apart of the anti-crisis package saw, in 2010 and 2011 for the first time, four sector-level collective agreements – in water supply, brewing, mining, and pulp and paper – extended to cover the whole sector. The extension was intended to tackle the growing informal economy, and to prevent unfair competition and social dumping. It was not continued in the following years, however, with the government and employers using the crisis as an excuse to avoid additional commitments.

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2. On the other hand, a slight decrease is observed as far as the number of collective agreements is considered, especially at company level.

3. This legislative provision was in force since 2003 but it was not applied until 2010.

4. Brewing was the only sector where three consecutive collective agreements (for 2010, 2011 and 2012) were extended.
Average real wages in Bulgaria have been steadily growing since 2012, with the biggest increase recorded in 2015 (8.9 per cent) although there are considerable differences across sectors (ISTUR 2016). Despite the resistance of employer organisations, the minimum wage was raised in three steps between January 2015 and January 2016; in 2017, it is expected to be BGN 460 (EUR 232). In addition, trade unions managed to win salary increases in the 2016 budget for public sector employees in education, health insurance administration and a number of other government agencies, as well as in museums and state-run galleries. They also blocked the government’s attempts substantially to cut wages and social benefits for policemen and other employees in the public security sector. On the whole, the accepted proposals of CITUB included in the 2016 budget will have a positive direct impact on approximately 175 000 workers and involve an increase in salaries and an increased annual allocation of food vouchers for workers.

Despite improvements in some areas, the crisis and related austerity measures challenged not only the established mechanisms but also the very spirit of social partnership at various levels. Both the processes and outcomes of social dialogue and collective bargaining, as well as labour and trade union rights, were put under pressure (Tomev 2014). The government’s strategy of austerity and strict expenditure control was further reinforced by a parliamentary vote on the so-called Financial Stability Pact in the summer of 2011. This voluntary acceptance of outside supervision has raised fiscal discipline to the level of dogma, even beyond the requirements set by the EU, and has limited tripartite dialogue aiming at social gains.

Besides the crisis, unions also face other external and internal challenges. Importantly, unions’ membership and financial resources continue to decline, especially after crisis-related layoffs in unionised enterprises. Data from official censuses show that the trend of declining union membership has continued, albeit at a slower pace than in the initial years of transition. The number of union members declined from 2 191 901 in 1993 to 346 091 in 2012; out of this number, 275 762 were members of CITUB and 88 329 of Podkrepa. In recent years, union density has started to rise again (see Table 1 for details).

<table>
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<th>Trade union members as a proportion of all employees in Bulgaria, 2008–2014 (%)</th>
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<td>2008</td>
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Note: * Data from Work-climate-index survey (ISTUR); ** data from Sindibarometer survey (ISTUR 2014).

Changes in the structure of employment and in employment and payment regimes, and the growing spread of non-standard forms of employment and undeclared work, have diminished unions’ traditional social base; they have also made it difficult to organise workers and provide them with traditional trade union protection through collective bargaining. An additional challenge to trade unions, as organisations based on collective action and group solidarity, is a change in societal attitudes and an
increase in individualism at the cost of collectivism, especially among young people, as well as the underdevelopment of civil society in the country. A large proportion of Bulgarian society demonstrates a general distrust of unions, associating them with the old regime, and perceives them to be ineffective and, perhaps, no longer required (Daskalova 2015). The word ‘union’ for many Bulgarians still has a negative connotation that is further strengthened by the neoliberal narrative adopted by some employers, policy-makers and researchers. Nevertheless, part of the blame for the persistently low trust in unions by Bulgarian society also lies with the unions themselves given that, over the past twenty years, they have done relatively little to improve their image. Information about unions’ expert work, difficult negotiations and the gains for workers and the entire population that they have obtained has been scarce and often hidden behind the veil of institutionalised social partnership. In this regard, the recent development of information and communication technologies (ICT) opens up new opportunities for unions to communicate their achievements to potential members and the wider public.

Finally, a serious challenge to traditional union strategies and policies is the changing world of work, in particular the growing fragmentation of economic entities and the increasing number of people without a clearly-differentiated workplace and employer. Most of these workers are in the informal economy or in precarious employment; they are self-employed, farmers, home workers, subcontractors, independent contractors, freelancers and workers in the shared economy. An additional difficulty stems from the need for their growing presence on the labour market to be addressed at a time of crisis and continued pressure on the industrial relations system. Solutions, on the other hand, depend to a significant extent on the availability of external funding as well as unions’ organising resources – well-trained human resources capable of developing and implementing innovative schemes targeting these new employee categories.

3. Innovative union practices in the Bulgarian context

In addressing the structural and crisis-related challenges outlined in the previous section, Bulgarian trade unions have had recourse to non-traditional instruments; they have also offered new services and got involved in cooperative projects with employer organisations. The account presented in this section focuses on the policies and practices pursued at the national level, as this is where strategic responses to the challenges faced by trade unions are drafted and the bulk of unions’ human resources and expertise concentrated. This, however, does not exclude, but actually presupposes, the active participation of organisations at sectoral and company levels in the development and implementation of such measures.

5. The share of the shadow economy in Bulgaria is estimated at over 30 per cent, compared with an EU average of 18 per cent (Schneider 2015).
3.1  Collective bargaining and social dialogue – expanding the autonomous social dialogue

**Agreements between the social partners**

Against the background of ineffective tripartite dialogue, the social partners have become more involved in autonomous bipartite negotiations. Before EU accession, partnership between leading employer and labour organisations was limited and involved the occasional adoption of joint statements, positions or opinions. After 2007, however, favourable conditions have been created for a deepening of autonomous, bilateral dialogue, not least thanks to EU support. In July 2007, representatives of trade unions and employer organisations signed the first bilateral agreement on the recommended index of wage growth in the private sector, advocating a wage increase of 12.9 per cent. The results were encouraging: a few months after the conclusion of the arrangement, the average wage increase was more than 17 per cent, while the increase in the minimum social insurance incomes negotiated at branch level averaged 26 per cent. The social partners considered the increases to be largely a consequence of their earlier accord (Detchev 2007). Furthermore, in response to the government’s unilateral decision to introduce a flat-rate income tax in 2007, CITUB and Podkrepa signed another agreement with five of the six employer organisations. The deal contained a recommendation to increase wages below BGN 490 (EUR 246) to cover the losses incurred by low wage-earners as a result of the new tax regime and the increases in personal social security contributions. The conclusion of these two agreements gave rise to optimism on the side of researchers and the social partners about a social dialogue being based on bipartite compromises. Detchev (2007) argued that it ‘restore[d] the hope that social dialogue in Bulgaria regain[ed] a strategic objective beyond the safeguarding of social peace’.

The government’s disregard for social dialogue during the downturn fostered the further expansion of bilateral dialogue. The social partners accordingly concluded the National Agreement for the Legal Regulation of Home Working, based on ILO Convention 177, and the National Agreement on Teleworking, which transposed the 2002 Framework Agreement of the European social partners. In addition, the two parties agreed on amendments to the Labour Code related to working conditions and the employment rights of homeworkers and teleworkers, as well on changes to the Labour Code transposing the EU Temporary Agency Work Directive. The importance

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6. Social security and taxes ought to be paid on the basis of the effective compensation received. There is quite extensive underreporting, however, with a large part of the workforce declaring the statutory minimum wage while receiving additional compensation in cash (“envelope wages”). To fight undeclared work and tax evasion, a system of differentiated minimum social insurance incomes (MSII), or minimum incomes on the basis of which social insurance contributions are to be paid, was established in 2003. MSII is negotiated each year by sector/branch social partners for 77 economic activities and nine occupational groups, and social security contributions paid in each sector and/or occupational group cannot be lower than the ones set by the MSII. In case no agreement is reached or no social partner organisation exists in a given sector, MSII is determined administratively by the government. The agreed MSII becomes mandatory for all companies in the respective branch or sector through the State Budget Act (Budget of the State Social Security Act) for the corresponding year.

7. A similar deal was not concluded in following years as employers used the crisis as an excuse not to get involved in negotiations but one could expect, however, that the negotiations will resume once the economic situation improves.
and the innovative character of these agreements lie in that, for the first time, social dialogue was being used as a tool to transpose a European framework agreement into the Bulgarian legal system.

In late 2011, the trade unions left the national tripartite body, the NCTC, following the government’s breach of the earlier pension agreement. Despite the stalemate in the tripartite dialogue, several bipartite meetings continued. Indeed, employer organisations and trade unions signed agreements on joint proposals in three areas, including:

(1) measures to stabilise the pension system, including the criminalisation of the non-payment of social security contributions, more stringent control of disability pensions, reconsideration of occupations entitled to early retirement, and others.
(2) legislative changes related to the improvement of the organisation of the tripartite and bipartite social dialogue. These included changes to the NCTC Regulation that aimed to ensure the efficiency and transparency of its work, the equality of the rights of the social partners, adherence to the rules by the government and the NCTC holding regular monthly meetings.
(3) legislative changes associated with the development of industrial relations, including proposals for improvement of the social dialogue and collective bargaining, the suggestion that bipartite agreements should become official laws with the government’s consent, and a provision stating that the NCTC is to be consulted not only on the government’s draft laws related to labour and social issues, but also on MPs’ proposals.

The final package of proposals was delivered to the Prime Minister, who agreed to discuss the measures with the social partners who then allowed the trade unions to return to the NCTC. A significant part of the suggestions made by the social partners already has a legislative settlement. For instance, the work of the NCTC has become more transparent thanks to press conferences being delivered after each NCTC session and to the creation of an NCTC website linking to documentation for all meetings as well as the regulatory proposals put by the social partners. Of particular importance for the future development of bipartite dialogue is the new Labour Code provision that gives social partners the possibility of concluding agreements related to amendments to labour and social legislation. This new rule is also very much in line with the principles of European social dialogue.

All in all, recent progress in the bipartite dialogue, against the background of ineffective tripartite negotiations, shows that, in times of crisis when negotiations on wage increases and social benefits are stalled, it is nevertheless possible for unions and employer organisations not to lose the momentum of the dialogue and to retain its efficiency.

**Joint projects of social partners**

In view of the depletion in their own financial resources, the Bulgarian social partners used EU funds to launch innovative projects aiming to boost their own expertise
and to improve the efficiency of the social dialogue as a whole. To this end, they implemented a number of joint projects financed by the European Social Fund and related to the issues of flexicurity; social dialogue and collective bargaining; employee information and consultation; decent work and combating the informal economy; skills development; mobility and migration; and labour, social and trade union rights. Within the framework of these projects, they conducted surveys and studies, made proposals for legislative changes and developed new tools to improve the social dialogue and collective bargaining. In addition, they also prepared training materials and joint training courses, publications and campaigns.8

Reaching consensus on the specific tools and policy measures developed in the process of project implementation, particularly on those related to legislative changes and social dialogue improvements, resulted in an increased efficiency in the dialogue between trade unions and employers within the NCTC and the sectoral councils for social partnership. At the same time, joint participation in the projects contributed to the organisational development of the leading social partner organisations and their affiliates as it helped them gain additional expertise and also promoted a culture of cooperation and trust.

**Joint protests of social partners**

The enhanced partnership of trade unions and employer organisations found expression in an employer protest, unprecedented for Bulgaria – and perhaps for the whole world – backed by trade unions and workers. The reason for the protest was a planned increase in electricity prices for business entities and the introduction of a supplement related to so-called ‘public service obligations’ – taxes imposed on energy-generating companies and spent on security of supply, environmental protection and energy efficiency measures. Both employers and unions argued that the new financial burdens could lead to company bankruptcies, dismissals and cuts in workers’ wages and social benefits. These shared interests brought them to the streets together: in June 2015, protests were staged across the whole country by four nationally representative employer organisations and supported by both CITUB and Podkrepa. The actions were held in two stages. In the first phase, hundreds of companies stopped their operations for one hour; while, in the second phase, joint rallies and marches took place in the country’s capital and other major cities.

Despite the protests, the government increased the electricity price but it did start negotiations with the social partners and all stakeholders on a strategy for the development of the electricity sector and, in November 2015, it lowered the price.

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3.2 Organising and servicing trade union members

At its 12th Congress in 2012, CITUB adopted a programme for the union’s development for the period 2012-2017 which outlined the main challenges faced by Bulgarian society and trade unions in the context of EU membership and the crisis as well as the priorities, objectives and activities of the confederation (CITUB 2012b). The Programme stressed the need for the strategic reorientation of trade unions and of taking into account the growing diversity of trade union members and non-members. It also identified emerging representation gaps related to new groups of workers and offered guidelines for the diversification of union actions beyond collective bargaining. In implementing the 2012-2017 Programme, CITUB has developed an innovative approach based on a combination of organising and servicing instruments. The main goal was to provide a positive image of the union and to reverse the trend in membership decline by means of retaining old and recruiting new members.

Large-scale organising campaigns have not been as commonly used in Bulgaria as in some other countries. Previous activities by CITUB were related to the appointment of union organisers in several priority regions and sectors, and these brought some positive results but were cancelled due to the lack of sufficient financial resources. In recent years, however, following the aims of its 2012-2017 Programme, CITUB has used innovative tools to reach workers that are not yet represented by trade unions. These include the possibility of maintaining trade union membership during labour market transitions (for example, during periods of unemployment or training, or after retirement); and a membership offer for certain labour market groups, for example the self-employed, homeworkers, unemployed people and workers in non-unionised companies, provided through membership of territorial trade union organisations which affiliate to CITUB. In addition, in 2015, and for the first time, CITUB staged an extensive training programme on organising and campaigning for union leaders, activists and experts at regional, sectoral and company levels. It was conducted within the framework of the project ‘Trade union cooperation for sustainable socio-economic development’, run in cooperation with the Swiss trade union Unia and accompanied by the publication of CITUB’s first guide on this topic.9

Similar to organising efforts, unions’ earlier attempts to offer targeted services (such as discounts in some retail chains, training or vouchers enabling employee participation in privatisation funds) were usually short-lived and limited in scope. In 2013, however, CITUB launched new services for its members – Individual Legal Protection Fund; Mutual Aid Scheme; and Mutual Life Insurance Scheme.10 The three programmes, highly innovative in the Bulgarian context, aim to individualise the relationship between the union and its members. They are also considered as means of retaining existing members and attracting non-unionised workers to the organisation. CITUB’s Individual Legal Protection Fund was set up in late 2013 to provide employees with procedural representation in court in cases of unlawful dismissal and/or discrimination.

9. Available also as an e-publication at: http://trade-union-social-development.org
However, it has not been extensively used and, so far, only about 20 workers have sought the legal protection it offered. The National Mutual Aid Scheme was established in March 2014 as a voluntary association of individuals – union members – for the purpose of mutual financial support through the provision of credit on favourable terms. In March 2016, the Scheme had over 1 200 members, 200 of which have already benefited from assistance at a total sum of BGN 400 000 (approximately EUR 200 000). The union promotes the scheme by regularly publishing news and updates; it has also created a Facebook profile for the scheme and placed a separate information banner on its website. Last, but not least, the Mutual Life Insurance Scheme is closely linked to CITUB structures and offers mixed and risk life insurance, pension insurance and supplementary insurance, including unemployment insurance entitling insured parties to three months of unemployment benefit. At present, it has more than 35 000 members who are also affiliated to CITUB.

The use of ICT and the Electronic Trade Union project

In its organising and servicing activities, CITUB is increasingly making use of modern information and communication technologies. The organisation has, since 2009, extended the contents of its website11 in order to make trade union policies and activities better known among both internal and external audiences. Thanks to constant improvements and website updates, the number of users has been steadily growing – from 500 unique visits per month in 2008 to 15 000 in 2015. In parallel to the website, CITUB has developed an intranet to improve internal communication. It has also established an internet portal on labour, social and trade union rights, in addition to one on collective bargaining and employee information and consultation. Both websites provide information on collective bargaining developments in Bulgarian enterprises and legislative projects, as well as analysis and commentaries on current events and practical information related to the defence of employee and union rights.

In 2015, CITUB launched an internet platform ‘Electronic Trade Union CITUB’ which, according to the organisation, makes it possible to reach workers not only through ‘the factory gates’ but also through ‘the computer monitor in their homes’ (CITUB 2012b). The content of the platform is both personalised and interactive, with possibilities for two-way communication. In the open-access part of the platform, the union publishes news and general documents related to the organisation. The closed-access part, in contrast, is available only to registered union members and provides more than 70 services for union members and union leaders tailored to their specific needs enabling, inter alia, direct internet-based consultation on labour and social legislation and registration for training courses offered by the union. According to information from CITUB’s Department for Organisational Development, Coordination and Communication, between the launch of the platform in late 2015 and February 2016, 33 371 users were registered and 881 articles uploaded; while the articles were read by 93 185 visitors.

11. www.citub.net
Organising and servicing initiatives have been launched only recently and thus it is difficult to assess their results. On the other hand, union membership has grown which might, to some extent, be related to the new schemes that have been developed. Information from CITUB’s Organisational Development Department indicates that 102 new local trade union organisations were established in 2015, with 116 workers making use of individual trade union membership. Almost one-half of CITUB-affiliated federations recorded membership increases; for instance, the Federation of Independent Trade Unions of State Government and Organisations (FITUGO) gained 9,500 new members, despite the austerity measures and cuts in public administration. Three new national trade union structures were established and affiliated to CITUB in 2015: Trade Union Music Stage Art; National Trade Union at the National Revenue Agency; and the National Union State Automotive Inspectorate – CITUB. The National Branch Trade Union Information and Communication Technologies joined in 2016. In addition, the previously independent Union of Fire-fighters also became a member of the confederation, while the 5,000-strong Federation of Trade Unions in the Finance Sector became the ninth associate member of CITUB. The result of the National Agreement on Home Working, discussed in section 3.1, and the related legislative changes was that the Trade Union of Home Workers has been created, although it is currently not affiliated to any confederation. Preliminary data from the latest census of social partner organisations, conducted from February to July 2016, shows that, for the first time in the post-transition history, CITUB managed to halt membership decline and even extend its presence to previously non-unionised sectors. According to the preliminary data of the census, CITUB has 276,000 members (compared to 275,762 in 2012), while Podkrepa has 60,970 members (88,329 in 2012).

3.3 Media-oriented instruments, campaigns and identity politics

CITUB has been involved in the National Campaign for the Protection of Fundamental Human Rights in the Workplace since 1998. Within the framework of this continuing initiative, union leaders and experts visit enterprises in which there are reported violations of labour and trade union rights which, in some cases, has led to the establishment of company-level trade union organisations. Beyond this campaign, trade unions in Bulgaria have not had significant experience of mobilising public support through campaigning. In view of the limited effectiveness of traditional trade union tools in the time of crisis, however, they have increasingly sought to raise their visibility through public campaigns and to reach new target groups, particularly young people. In recent years, CITUB has launched two such initiatives, ‘A Right for One is a Right for All’ and ‘Be Info’.

The campaign ‘A Right for One is a Right for All’ was organised in the second half of 2011, with the aim of countering legislative changes that threatened workers’ social and trade union rights. In particular, it sought to establish stronger safeguards for the protection of the right to information and consultation, the right to payment of outstanding wages and the right of association in trade unions, to bargain collectively and to strike. The initiative involved visits by the CITUB leadership and experts to 82 companies employing more than 10,000 employees. The aim of the visits was to promote social dialogue within
companies and to resolve local problems. In addition, CITUB’s youth organisation used a mobile pavilion over 44 days to gather signatures in different parts of the country in support of the CITUB proposal for legislative amendments related to labour rights. Meetings were also held with trade union activists, representatives of the managements of companies and mayors, during which citizens could seek legal advice and obtain information on CITUB and its activities. The initiative led to the union coming up with proposals for legislative changes in the Penal Code and the Civil Procedure Code which were sent to parliament together with the national petition in support of them. At some of the participating companies, significant membership increases were recorded. On the basis of the information gathered during the campaign, a list of enterprises without trade union organisations in the visited regions and a ‘Map of Collective Bargaining in the Regions’ were elaborated with a view to providing further organising and collective bargaining support. Thanks to the considerable interest of the national and regional media, the campaign provided the union with an opportunity to mark its presence in the public domain and to highlight the need for legislative amendments in the sphere of labour and union rights.

One part of the campaign saw CITUB and the Union of Bulgarian Teachers launch an information and training initiative ‘My First Job’, implemented in the academic years of 2011/2012 and 2012/2013. This aimed to foster the transition of secondary school graduates from school into the labour market, expanding union influence beyond its traditional target groups and raising students’ social and civic consciousness. In the course of two years, more than 2000 teachers in 280 settlements were trained on labour, social and social security rights and subsequently passed this knowledge to 117 983 pupils. Manuals for teachers and students, as well as information leaflets, were published and distributed; they were also made available in electronic form.12

In 2016, within the framework of the initiative ‘Promoting Respect for Trade Union Rights in Europe’ adopted at the European Trade Union Confederation’s Executive Committee Meeting on 16-17 December 2015, CITUB has continued to campaign in defence of trade union and labour rights and created a website ‘Stand Up for Your Rights’ as well as a telephone hotline for reporting legal violations. On the basis of the information gathered, it published its first annual Report on the Violation of Trade Union Rights in 2015 and, by July 2016, it had gathered more than 10 700 signatures in support of labour and trade union rights.13

The second major initiative – the 2012 National Campaign on Employee Information and Consultation ‘Be Info’ – was the joint initiative of CITUB and the Bulgarian Industrial Association (BIA) related to Directive 2002/14/EU on employee information and consultation. In the first stage of the campaign, 152 companies from 32 different industries in 44 settlements were visited by CITUB and BIA leaders and experts with the aim of increasing employee awareness of their information and consultation rights and the legislative provisions on the issue. In the second stage, 600 enterprises were selected for this type of training; currently, 20 per cent of them have an established

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13. The target is 20 000 signatures.
Innovative trade union practices in Bulgaria

system for information and consultation while in 10 per cent employees have expressed a willingness to create a trade union organisation.

All in all, ‘Be Info’ marks a new approach in building and developing relations between labour representatives and employers based on trust and respect for workers’ rights and labour standards. The campaign can be considered a major success, especially against the background of the sluggish implementation of the EU Directive on Employee Information and Consultation in Bulgaria.

Petitions

In recent years, Bulgarian trade unions have also added petitions and opinion polls to their repertoire of innovative instruments. These were used for the first time purposefully and successfully during the crisis in the course of protests against the government’s unilateral mode of policy-making, when 200 000 signatures were collected under a petition against the planned law on pension reform. The document was submitted to parliament on 7 October 2010 by the leader of CITUB and on behalf of the National Protest Rally organised by CITUB the same day. Thanks to the combination of heightened mobilisation and pressure exerted through the petition, the draft law on pension reform, which had been adopted at first reading by the Parliamentary Commission on Labour and Social Policy, was subsequently withdrawn; instead, the government and the social partners concluded an agreement on the issue.

One year later, within the framework of its campaign ‘A Right for One is a Right for All’, CITUB gathered 105 160 signatures under its legislative proposals for the promotion and protection of labour and trade union rights, including the right to organise, the right to strike and the right to collective bargaining, which were subsequently submitted to parliament on 7 October 2011.

Conclusions

This chapter has argued that the establishment of a new system of industrial relations and social dialogue in Bulgaria was, to a significant degree, shaped by external factors, in particular by IFI and EU conditionality. The country’s social dialogue structures were set up in the initial phase of transition, but social partners proposals were often ignored by successive Bulgarian governments. During the recent crisis, the initial considerable involvement of unions and employer organisations in the elaboration of anti-crisis policies gave way to mounting conflicts and government unilateralism; consensus-based solutions were replaced by austerity policies aiming to reduce the public deficit and consolidate public finances (Tomev 2015). Growing disappointment with the dysfunctional social dialogue, coupled with the need to address the government’s pressure on employee rights, pushed unions to reassess their activities and launch new, non-standard initiatives. Other factors, such as the challenges associated with the changing world of work and the availability of external funding for developing joint projects with employers also played an important role in stimulating these activities.
The majority of innovative practices presented in this chapter have been launched only recently and thus it is difficult to measure their impact and the role they have played in strengthening the influence of trade unions, especially in that the latter depends also on other factors as well. However, it seems that some of the new internet tools; individual membership; campaigning on employee rights and the combination of organising and servicing – might have a sustainable character and could be taken up by trade unions in other countries. By contrast, in view of the considerable fragmentation and specific interests of employer organisations, it can be expected that bipartite cooperation in the absence of tripartite dialogue might be unsustainable. The uncertainty over the bilateral dialogue is best illustrated by the continuing refusal of employers to negotiate the National Agreement on Violence and Stress in the Workplace, a draft for which was prepared by unions in 2012 and the opposition to negotiate minimum insurance thresholds in 2016.

The initiatives complement and reinforce the traditional channels of employee interest representation and can strengthen legitimacy and improve the image of unions among their members and the wider public. Some of them are directed towards new audiences; for instance, new tools for recruiting and retaining union members – such as individual membership; individualised services for members; the bilateral agreement on telework and the CITUB-affiliated National Branch Trade Union Information and Communication Technologies – are intended to respond to the challenges of the changing world of work. On the other hand, however, these new instruments, as yet, have not been actively used to organise precarious workers, in particular part-time and undeclared workers. In relation to these groups, Bulgarian unions tend to focus on traditional strategies, such as lobbying for legislation that defends their rights, and not on attracting them into trade unions.

The latest data on trade union membership indicate that the declining trend has been halted and that union density has even increased a little. To retain this positive trend in the future, it will be crucial for Bulgarian unions to diversify their structures and membership schemes and to cater to the interests of an increasingly diverse workforce through a combination of organising and servicing models. There is also a need for increased use of ICTs to manage internal and external communications. Ultimately, it remains to be seen whether organisations will be able to expand their activities in these areas further, beyond the pilot innovative projects presented in this chapter.

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All links were checked on 12 December 2016.
Innovative practices of Croatian trade unions: is there sufficient ground for optimism?

Hrvoje Butković

Introduction

The economic crisis had a strong destabilising impact on the Croatian economy and it weakened the country’s trade unions. Trade union membership, which is currently around 30 per cent, continued to decline (Šeperić 2015); the same was true for collective bargaining coverage, which decreased from 60 per cent in 2008 to approximately 40 per cent in 2015 (Bagić 2015). Furthermore, the crisis compelled the government to make rapid decisions in a unilateral manner, without prior discussion with the social partners (Butković et al. 2012). Last, but not least, the crisis induced an increase in atypical employment. Such workers are difficult to recruit into trade union membership due to the non-permanent character of their work engagement (Keune 2015). In these circumstances, labour organisations are increasingly in need of innovative practices even though it is not clear whether, weakened by the crisis, they possess the resources and capacities necessary for their implementation (McGuire 2011; Keune 2015).

This chapter presents three instances of innovative practices pursued by Croatian trade unions in the aftermath of the economic crisis, which could be singled out as particularly important for the future of the trade union movement in the country. The first case concerns union involvement with direct democracy which was chosen due to its growing popularity as an alternative tool for channelling labour discontent. It is arguably the most visible example of union innovation and its overall success and potential will be analysed. The two other cases deal with trade unions’ participation in the development of vocational education programmes and their efforts to represent temporary agency workers. Both concern rather isolated activities which, however, carry much potential as examples of best practice. The selected initiatives are subsequently assessed with respect to the so-called dimensions of innovation, developed in the Introduction to this volume.

The chapter argues that, through innovative practices, Croatian trade unions gain higher recognition, but it is questionable to what extent this translates into membership increases and boosts their associational and organisational power. Still, it seems that the relatively rare examples of innovative trade union practices do have the potential to contribute to overcoming the current crisis of trade unionism in the country; in particular, they could bring much-needed membership increases if certain conditions were met. The potential of these initiatives is also closely related to their addressing of much broader audiences and not just workers employed on standard contracts and/or current union members.
The account relies on qualitative analysis of secondary sources that include academic publications. It is also based on five interviews with social partners conducted within the framework of the PRECARIR project,1 as well as on media reports. The chapter first presents selected features of Croatian industrial relations and the drivers behind innovative union practice. It then focuses on the three instances of union innovation and reflects on their impact and long-term implications. The concluding section summarises the most important insights of the chapter.

1. Trade union movement in Croatia: understanding the drivers of innovation

In their comparative study of the legacies that shaped industrial relations in Bulgaria, Croatia, Romania and Slovenia, Bohle and Greskovits (2012: 192) differentiate between Slovenia, on the one hand; and Bulgaria, Croatia and Romania on the other. They note that, only in Slovenia, did neo-corporatist structures prove strong enough to adopt systemic traits, despite similar frameworks being established in all four states. In the remaining three countries, referred to as ‘the laggards of transformation’, low state capacity reduced the chances for a coordinated transition from the old to the new socio-political order. The economic downturn of the late 2000s only worsened this situation as the governments of Bulgaria, Croatia and Romania proved inconsequential in their responses to the crisis.

The conclusions reached by Bohle and Greskovits are largely confirmed by Croatian researchers who point towards the systemic weaknesses in Croatian industrial relations. In this respect, fragmentation is a prominent feature of the Croatian trade union scene (Bagić 2010; Butković et al. 2012). From the outset of the transition process, the country had several representative trade union confederations, each of them assembling unions covering various segments of the economy. Fragmentation weakens the labour movement, so trade unions tend to avoid entering direct relations with employers due to their inability to challenge employers’ agendas and a lack of trust. In effect, unions frequently focus on the state, searching for legislative solutions to issues that should normally be addressed at bipartite level (Bagić 2010). An additional problem is union concentration in the public sector and a weak presence in the private sector which, to some extent, could be explained by socialist legacies. Significant differences are recorded between trade union coverage in the wider public sector2 (68 per cent) and in the private sector (17 per cent); and between collective bargaining coverage in privatised companies (31 per cent) and newly-established ones (9 per cent; Bagić 2010).

The country’s biggest trade union confederations – the Union of Independent Trade Unions of Croatia (UITUC); and Independent Trade Unions of Croatia (ITUC) – are

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1. The project ‘The rise of the dual labour market: fighting precarious employment in the new member states through industrial relations’ (PRECARIR) was supported by the European Commission, DG for Employment, Social Affairs and Inclusion (reference number VS/2014/0534). The project, running between December 2014 and September 2016, was coordinated by Aurora Trif (Dublin City University) and Marka Kahancová (CELSI).

2. Public sector in the wider sense refers not only to state administration but also to all legal entities that are in majority public ownership, such as state-owned enterprises.
sometimes perceived by the public as closer to the social democratic (UITUC) or the Christian democratic (ITUC) political option. However, research has shown that this perception is not well-founded because there is no evidence that, over the course of transition, various political options have favoured some confederations over others. Furthermore, all confederations compete for members since they are not specialised in particular sectors of the economy or profession (Bagić 2010; Butković et al. 2012).

On the employers’ side, the Croatian Employers’ Association (CEA) assembles companies employing more than 50 per cent of private sector workers, and it is the only representative national-level social partner on the side of employers. However, the CEA’s internal structure does not always correspond with the structure of union organisations: it is divided into 25 branches, some of which have been created to cater to the interests of particular groups of employers, which lowers its capacity to participate in bilateral and trilateral agreements at the level of specific sectors (Bagić 2013). The relatively underdeveloped sectoral collective bargaining further weakens the organisation; some companies, especially smaller ones, do not see the benefits of becoming members of the organisation despite the widespread practice of extending sectoral collective agreements (Franičević 2008; Bagić 2013).

Tripartite social dialogue in Croatia takes place within the Economic and Social Council (ESC) created in 1994. This is an advisory body that consists of representatives of the government, CEA and representative union confederations. ESC provides opinions on legislative proposals in the fields of labour, the economy and social security, and encourages the peaceful resolution of collective and individual labour disputes (Butković et al. 2012). Still, the body’s record in the past two decades could be described as poor, judging by its ability to reach compromises and conclude long-term social agreements. According to Bagić (2013: 33), the work of the ESC is characterised by ‘an unproductive balance of power’, which prevents it from finding constructive solutions to difficult questions in the area of economic and social policy; in other words, the same issues are being discussed throughout the years without obtaining resolutions. Šokčević (2009) further notes that the hierarchical structure of the tripartite body often serves the interests of the leaders of the social partners. It endows leaders with an additional layer of legitimacy, despite results of the social dialogue at tripartite level often being poor, while ones at bipartite (sectoral and company) level tend to be satisfactory.

After the outbreak of the economic crisis, the tripartite social dialogue experienced a further setback which manifested itself through two lengthy periods in which the work of the ESC was suspended. In 2010 and in 2014, the body did not hold its regular monthly sessions for a number of months due to boycotts of its work by the trade unions; on both occasions, the latter claimed that the procedures for amending the Labour Law were unilateral and therefore unacceptable (MUE 2015). However, the boycotts were not successful since they did not bring the desired change in the procedures.

In Croatia, the high bargaining coverage (at least before the crisis) is due to the widely-used extension of sectoral agreements and the well-established practice of bargaining in the public sector. Thereby it must be stressed that, even though sectoral and company agreements are not mutually exclusive, there is a growing trend towards company-level
bargaining, and the willingness of employers to conclude sectoral accords is decreasing (Miličević Pezelj 2013). As for the content of collective agreements, accords in some industries tend to be very similar to some company-level agreements. Moreover, they often contain provisions that are repetitions of the Labour Law and thus fail adequately to address the specificities of various sectors or companies (Rebac 2010).

Throughout the long process of the EU accession negotiations (2005–2011), Croatia harmonised its legislation with the _acquis communautaire_, which sets out minimum standards in some areas of labour legislation. In 2008, the Croatian government and the European Commission launched the so-called Joint Assessment of Croatia’s Employment Policy Priorities (JAP) process, which is aimed at reaching an agreed set of employment policy objectives necessary to advance the country’s labour market transformation. Despite this, final adjustments to Croatia’s labour legislation in line with the _acquis_ were implemented as late as 2013. Moreover, more substantial changes related to growing flexibility were introduced to the Labour Law in 2014, that is, one year after the country’s EU accession (see below)3.

The activities of Croatian trade unions have generally been in line with the ‘traditional’ concept of trade unionism, with an extensive focus on collective bargaining, legislative processes, litigation and industrial action. In particular, strategies that would make them capable of addressing the needs of the growing number of nonstandard workers are still largely missing (Šokčević 2009; Butković and Samardžija 2016). This phenomenon could partly be explained by the limited human resources of Croatian trade unions compared to their counterparts in older EU Member States. Proportionate to the size of membership, unions in Western Europe tend to have five times more employees than their Croatian counterparts (Butković et al. 2012). However, the relative absence of innovative trade union strategies targeting non-standard workers in the Croatian context is also related to the delay in introducing flexibility measures in the country’s labour market, because many atypical forms of work are rare and previously unknown. For example, agency work was non-existent in Croatia before 2003, while the use of part-time work became financially worthwhile for employers only in 2014.

2. **Union innovation in Croatia**

This section presents three innovative union practices selected in line with the conceptualisation of union innovation developed by Bernaciak and Kahanová in the

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3. The 2014 Labour Law relaxed the rules on the use of fixed-term and agency work, improved the regulation of part-time work and introduced concepts of an additional employment contract, unequal working hours schedules and the posting of workers. The additional employment contract allows full-time workers to work for an additional employer for up to eight hours per week. The unequal working hours schedule gives an employer the right to modify employee working hours according to current company needs. Finally, the posting of workers refers to the possibility of sending a worker to work for a company associated with an employer and within Croatia for a maximum period of six consecutive months, or for two years if the associated company is situated abroad. These changes reduced the employment protection legislation index from 2.55 to 2.28 (CNB 2014: 17). The changes primarily concerned non-standard types of employment and thus contributed to the further segmentation of the Croatian labour market, deepening the gap between well-protected workers on standard contracts and other workers who increasingly face uncertainty (Butković et al. 2016).
Introduction to this volume. The cases originate from all three levels of trade union activity (national, sectoral and company level) and have attracted significant academic and media attention in recent years.

2.1 The use of direct democracy

Direct democracy has been part of Croatia’s political system since independence. However, its implementation used to be hampered by a participation quorum, which prescribed that valid referenda and people’s initiatives need a turnout of at least 50 per cent of registered voters. These unfavourable conditions lasted until 2010, when the quorum was abolished. It is notable that this change was not made with the intention of encouraging direct democracy, but in order to save the imminent referendum on Croatia’s EU membership from possible failure (Butković 2015). The immediate consequence of the reform was a sharp increase in the number of people’s initiatives which, on three separate occasions, have been organised by trade unions. In all three cases examined in this chapter, as required by the Law on the Referendum, trade unions organised 15-day campaigns collecting signatures from at least 10 per cent of registered voters in order to launch national-level people’s initiatives on particular issues.

The first people’s initiative was launched in June 2010 by all five representative union confederations. It aimed to block changes to the Labour Law that would eliminate the after-effect of collective agreements – one of the core principles of Croatia’s industrial relations that secured the continuing validity of expired agreements until the conclusion of new ones (Butković et al. 2012). The proposal was directly related to the crisis in public finances in 2010, which forced the government to make budgetary cuts. Specifically, the government planned to abolish certain rights of employees in the public sector. Such proposals had been previously rejected by trade unions, and a unilateral decision by the government to cancel the agreements would not have achieved anything due to their continuing effect. Therefore, in order to cancel the chosen rights of public sector employees, it was necessary for the government to abolish the after-effect of collective agreements (Bagić 2010).

The second people’s initiative addressed the issue of the outsourcing of non-core activities in the public sector. Within public administration, this process started in the early 2000s and, by the end of that decade, most ministries and other public administration bodies had, at least partially, outsourced auxiliary activities such as cleaning and security services. Before 2014, however, there was a 2 per cent ceiling on the institution’s wage bill concerning expenditure on such services. Moreover, outsourcing measures did not apply to the public sector in the wider sense which, in Croatia, comprises almost all activities in healthcare and education (Frančičević and Matković 2013). In May 2014, the government decided to implement the outsourcing of all non-core services in the public sector (except in healthcare) in order to reduce public spending and increase efficiency. If implemented, some 25 000 workers would be transferred overnight from the relative

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4. People’s initiative represents an instrument of direct democracy and can be launched once it obtains the support of a specific number of citizens defined by law (Jung 2001).
safety of the public sector to the insecurity of the private sector. Seventeen trade unions from the public sector (including those in healthcare), with some 125 000 members, accordingly reacted promptly against this decision and, in June 2014, they launched a people’s initiative that would ban outsourcing in the public sector by means of a special law (IURHEE 2014).

Finally, the third people’s initiative concerned the government’s 2013 decision to lease motorways, which are public property, to a private partner under concession for 40 years. The concession was to be granted because roads were built with the help of loans that started to overburden the state budget. Based on the conclusions of an expert study commissioned by the government, it was argued that the concession scheme represented the best way for the motorways’ fiscal recovery and, as a result, in late 2013 an international tender was announced to lease the motorways under concession (Laušić 2014). In reaction to this decision, in October 2014, a peoples’ initiative was launched by two trade unions in the area of road transport; seven civil society organisations, among the most active in the country; and five trade union confederations (CCRC 2015b). The organisers intended to prohibit the planned concession by means of amendments to the Law on Road Transport. They argued against the recommendations of the expert study based on providing a guarantee to the prospective holders of the concession that traffic on Croatian motorways would increase by 1.5 per cent per year, claiming that this unrealistic calculation would inevitably lead to penalties that the state would be obliged to pay to the concessionaires (Opačić 2013). Moreover, they claimed that the concession scheme would decrease quality and make motorways more expensive. Finally, the protesters pleaded for the re-scheduling of the existing motorway loans (Vidov 2014).

The outcomes of the three people’s initiatives were surprisingly similar. All three managed to collect the required number of valid signatures, which demonstrated the strong organisational capacities of Croatian trade unions. Their success should partly be attributed to professional media campaigns, which included promotional video clips during prime-time television. Ultimately, the initiative concerning amendments to the Labour Law collected 717 149 signatures, almost double the required minimum (CCRC 2010). The other two also achieved prominent results – 547 866 against outsourcing (CCRC 2015a); and 498 545 against the monetisation of the motorways (CCRC 2015b). On all three occasions, it took the Ministry of Public Administration several months to validate the accuracy of the collected signatures. During this time, despite protests, the government continued to work on these controversial proposals. Similarly, in all three cases the Croatian Parliament sent an inquiry to the Constitutional Court asking if the proposed question was in accordance with the Croatian Constitution. The most surprising similarity concerns the final reaction of the government, which abandoned all three original proposals before the expected ruling of the Constitutional Court. This proved premature because the Court cancelled all three initiatives by declaring voting on the Labour Law unnecessary (since, in the meantime, the government had withdrawn its original proposal) and ruling the other two issues unconstitutional (CCRC 2010; CCRC 2015a; CCRC 2015b).

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5. There were other occasions in which the Constitutional Court stopped trade union initiatives. In 2003 and 2008, the Commercial Trade Union of Croatia, with the help of the Catholic Church, successfully lobbied the government to ban working on Sunday in the retail sector by means of a special law. However, on both occasions,
In terms of the dimensions of innovation, the initiatives described in this subsection could be considered innovative in regard to the choice of union strategies. Specifically, involvement with direct democracy represents a novelty in the context of the traditional activities of Croatian unions which have mostly concerned the mobilisation of trade union members over preserving existing employee rights; collective bargaining; lobbying for legislative changes and litigation to enforce existing employment regulations (Butković et al. 2012). The adoption of this new strategy is closely linked to the setback in the tripartite- and sectoral-level social dialogue that has been recorded in Croatia since the outbreak of the crisis. Due to the problems with the social dialogue, trade unions searched for alternative instruments to express their discontent and attain their goals. At the same time, people’s initiatives could be considered innovative also in relation to target group selection because they addressed citizens in general, not just union members. As such, they fit well with Greskovits’ (2015) argument, according to which unions’ traditional repertoire of contention, motivated by workers’ interests, has been replaced by massive protests in the public space staged by workers acting in the capacity of citizens.

2.2 The development of new vocational training schemes

Croatia belongs to the group of EU countries with the highest unemployment rate. In recent years, the jobless rate in the country has sharply grown, from 9.2 per cent in 2009 to 17.3 per cent in 2013, and started to fall only in 2015 when it reached 16.6 per cent (Eurostat 2016a). The effect of the crisis notwithstanding, unemployment in Croatia is, to some extent, the result of a mismatch between the skills of employment seekers and the needs of the labour market (Tomić 2014; World Bank 2015). According to the World Bank (2011), in order to adjust supply and demand in the labour market, Croatia would need to spend a higher share of its GDP on active labour market policies. However, in 2013 the country spent only 0.2 per cent of GDP on this area, which ranks it among the worst-performing EU Member States (Eurostat 2016b).

To remedy the situation, the Croatian government had already started to work in 2006 on establishing the Croatian Qualifications Framework (CROQF), a reform instrument that regulates the system of qualifications at all levels, thereby contributing to the lowering of skill mismatches in the Croatian labour market. Special legislation was adopted in February 2013 (CROQF Act) for the purpose of the implementation of CROQF, after broad consultation with the social partners and professional associations. CROQF, which was adopted under the strong influence of the EU, enables Croatian qualification levels to be made compatible with the levels specified in the European Qualifications Framework and the Qualifications Framework of the European Higher Education Area. In addition, it introduced occupational standards; that is, it lists the
clearly-defined competences required for a certain occupation. The original CROQF Act stipulated the creation of 25 sectoral CROQF councils as advisory and professional bodies, expected to ensure that the professional skills acquainted by future workers in respective sectors correspond with the needs of the labour market. Each council has 11 members, with trade unions and employers each represented by two members within each council (CROQF 2016).

Involvement in CROQF is a novelty for Croatian trade unions, but it is not necessarily the best example of their innovative potential since the scheme was, to a high extent, EU-driven and designed by the Croatian government. On the other hand, research conducted within the framework of the PRECARIR project (2016) reveals that trade unions viewed participation in CROQF sectoral councils as an opportunity to adjust Croatia’s education system to the needs of the labour market. They also praised it as it allowed their active participation in the policy-making process, which is still not the general rule in Croatia (interview MTUC 2015; interview CTUC 2015). Last, but not least, due their involvement in CROQF, Croatian trade unions started to work more independently and innovatively in the area of lifelong learning. This is a particularly problematic area in the Croatian labour market policy given that, in 2015, only 2.6 per cent of workers were involved in lifelong learning while the EU average was 10.6 per cent (Eurostat 2016c).

In the context of skills development, the establishment of the Centre of Metal Industry Competences at Đuro Đaković (CEMEKO) should also be mentioned. This is an association founded in May 2015 jointly by the Metalworkers’ Trade Union of Croatia (MTUC), the Croatian Employers’ Association (CEA), the Uljanik shipyard and Đuro Đaković Holding Ltd. CEMEKO facilitates lifelong learning insofar as it connects education institutions with employers who express a need for the training of their workers; it also supports the development of educational programmes based on the needs of specific metal industry companies; and is engaged in the development of occupational standards as required by CROQF (MTUC 2015). Concerning occupational standards, CEMEKO also lobbies the authorities to grant qualifications to those workers with work experience who possess the necessary competences but lack formal training (MTUC 2015).

Work on the development of new vocational education schemes at national (CROQF) and sectoral (CEMEKO) levels could be considered innovative in regard to choice of strategies. It departs from the focus of Croatian trade unions on traditional trade union activities, similar to the aforementioned case of union involvement with direct democracy. The most innovative aspect of union work in this regard is the establishment of CEMEKO, providing specific education services. The creation of the association fits well within the servicing type of union strategies identified by Cunningham and James (2010) and it is innovative simply in the sense that the range of services offered by the Croatian trade unions is still relatively limited. Apart from choice of strategy, work on the development of new vocational education schemes could also be considered innovative from an organisational perspective since, for Croatian trade unions, engagement in CROQF and CEMEKO represents a new form of cooperation with employers and the state. Additionally, elements of innovation in terms of target group are also present.
because the educational offer of CROQF and CEMEKO is directed more broadly towards labour market participants and not only towards current union members.

2.3 Representing the interests of agency workers

Temporary agency work was introduced in Croatia back in 2003, but it is not as common as in other EU Member States. According to Eurostat (2016d), in 2014 the country had only 5,371 temporary agency workers (TAWs; around 0.4 per cent of its labour force), which is a relatively small number compared to other EU Member States. This could be explained by the lack of production facilities financed by foreign capital, whose workforce in some new EU Member States is made up to 30 per cent of TAWs (interview Adecco Croatia 2015). Currently, there are no trade unions that organise TAWs and the number of agency workers who are members of sectoral or company-level trade unions is very low. Agencies themselves are not members of the Croatian Employers’ Association (CEA), but they do form a coordinated structure that is associated with the CEA and serves as a contact point for government bodies.

Croatian trade unions protested at the introduction of agency work back in 2003 and, later on, objected to all legislative changes that relaxed conditions for their employment (Butković and Samardžija 2016). So far, there have not been many instances of trade unions advocating the transfer of TAWs into standard employment, which would be directly beneficial for such workers. The absence of activities in this area stems mainly from difficulties in recruiting TAWs into unions and the scarce human resources remaining at union disposal, as well as strong resistance to this type of action from employers (interview Adecco Croatia 2015). Still, actions carried out by the Waste Disposal Trade Union in 2014 and 2015 show that such transfers are possible.

The Waste Disposal Trade Union (WDTU) is an in-company union operating within the City Waste Disposal subsidiary of Zagreb Holding Ltd. that is entirely owned by the City of Zagreb. The company consists of 16 subsidiaries and employs 12,000 workers in total. There are 24 trade unions operating within the holding company, around half of them being active in the Zagreb Electric Tram subsidiary. The City Waste Disposal subsidiary, which has some 900 workers, has struggled since 2008 as a result of the shortage of some 200 refuse collection vehicle drivers. This situation was remedied by engaging TAWs (interview WDTU 2015) who were tasked to perform work of a permanent character, alongside their colleagues on standard contracts, but who were employed on temporary contracts lasting two, three or six months. After the expiry of the maximum period for which a TAW is legally allowed to work with a particular agency (one year until 2014), they were transferred to a different agency. TAWs did not receive numerous cash-based benefits, such as Christmas and Easter bonuses, transport reimbursements or annual vacation allowance; and they also had fewer vacation days than permanent workers.6 Importantly, neither did TAWs have the right to compete in the internal tenders of Zagreb Holding Ltd. concerning new job openings (Tomićić 2013).

6. The practice of depriving TAWs of bonuses and equal vacation periods is against the law but is quite common in Croatia. Workers usually accept unequal treatment, fearing that their contracts might not be renewed.
In mid-2014, a leadership change at WDTU led to a redefinition of the union’s approach towards TAWs. The new leadership modified the union’s statute, allowing TAWs to become members of the organisation. It also informed TAWs working in the City Waste Disposal subsidiary that the union considered their transfer into standard employment as its priority goal and, as a consequence, 156 out of the 192 TAWs joined the union. Managers in the holding company and the subsidiary were informed about the intentions of the new trade union leadership and there was much initial and subsequent resistance towards the idea of transfer. The principal argument evoked by the company was that the employment of TAWs represented an economically more sound option which, however, was challenged by trade union leaders with specific calculations and cost simulations (interview WDTU 2015). However, the real reason could well be that agency work is not registered as de facto employment, since the official number of employees in the company excludes agency workers. Therefore, the hiring of such workers fitted well with the post-2008 job cutting policy of Zagreb Holding Ltd. (Tomičić 2015).

Between mid-2014 and mid-2015, Zagreb Holding Ltd. went through a turbulent period: its management boards were replaced while, for several months, the city mayor of Zagreb was not in a position to administer his duties. In the meantime, WDTU received valuable legal advice and support from the Independent Trade Unions of Croatia, the confederation to which it was affiliated (interview WDTU 2015). In terms of public reaction, the daily newspaper Novi List closely followed this story and published a number of articles which objectively portrayed the situation.

In the end, the company agreed to transfer to standard employment all TAWs working as refuse collection vehicle drivers in the City Waste Disposal subsidiary. The process involved nearly 200 workers and was completed by the end of 2015. WDTU advised other trade unions in the Holding company, and outside of it, to exercise similar pressure for the transfer of TAWs. However, only the City Markets Trade Union, operating within the same Holding company, responded positively and, by following a similar path, managed to transfer 13 of its TAWs into standard employment (interview WDTU 2015).

With respect to the three dimensions of innovation, WDTU’s activities on behalf of TAWs could be considered innovative primarily in regard to the selection of target group. Research shows that the organising of non-standard workers, including agency workers, is notoriously difficult and has been successful only in a limited number of cases (Keune 2015). The Croatian precedent documented in this section represents one of these successful cases, and shows that the vision and the courage of the company-level trade union leaders, combined with the relatively weak arguments of the company management, led to a positive outcome.

3. Assessing the impact of innovative union practices

The setback in social dialogue that has been observed in many European countries since 2010 has forced trade unions to shift their focus to political and protest-oriented actions (Butković et al. 2012; Guardiancich 2012; Greskovits 2015; Kahancová 2015), and
Croatia is not an exception in this respect. Still, as argued by Vospernik (2014), the use of direct democracy as a tool for channelling union discontent has not been as common in other new EU member states as it has been in Croatia. There are three reasons that explain the relative popularity of this measure in the Croatian context. Firstly, the abolition of the participation quorum for national-level referendums and initiatives in 2010 made direct democracy in Croatia much more appealing to all actors. Secondly, due to the still relatively high union density, Croatian trade unions possess the capacity successfully to implement national-level signature-capturing campaigns. Finally, and perhaps most importantly, as the most ardent advocates of leftist ideas, Croatian trade unions often claim to have no interlocutors among political parties which, in their view, almost exclusively follow a neoliberal agenda (Butković et al. 2012). Therefore, it should not come as a surprise that they have used national-level people’s initiatives to contest neoliberal economic reforms.

By strategically utilising direct democracy tools, trade unions manged to veto government reform proposals that were controversial and had not been the subject of consultation with the social partners. Unions’ actions exposed the weaknesses of the governments led by Jadranka Kosor (2009–11) and Zoran Milanović (2011–15): the two cabinets gave up on their reform proposals after the trade unions managed to collect the required number of signatures and before the expected judgement of the Constitutional Court, and ultimately were not re-elected. Judged from a long-term perspective, however, it is questionable how much was actually achieved by the unions. The changes to the Labour Law planned in 2010, in particular the abolition of the after-effect of collective agreements, were implemented only one year later by means of another act. Furthermore, the Constitutional Court’s rulings on outsourcing and the monetisation of the motorways opens the doors to the current or any future government to continue these reforms.

From a strategic point of view, unions’ engagement with direct democracy could be interpreted as a sign of them losing associational and organisational power, and the attempt to compensate for these losses by means of discursive power (Levesque and Murray 2010; McGuire 2011). The latter refers to the ability of trade unions to define work-related problems in a way that mobilises public opinion and challenges the existing hegemony of the dominant socioeconomic paradigm (see Mrozowicki and Maciejewska, this volume). On the other hand, having investing so much effort into a strategy which did not translate into increased membership numbers (Šeperić 2015) does pose a question regarding the degree of its success and its potential to reverse, or at least hold back, the general trend of union decline. In this context, it seems that, in the future, Croatian trade unions should carefully weight their involvement with direct democracy against traditional activities such as strikes and protests. The latter two instruments have been somewhat avoided in the post-crisis period although, if well planned and implemented, they might have prevented the government from implementing socially harmful policies. By building a positive image of labour organisations, they could also indirectly contribute to membership increases.

The reduction of the skills mismatch in the Croatian labour market was one of the main reasons for the establishment of CROQF. Trade unions participated in this government-
led initiative from the very outset, as it gave them an opportunity to be actively involved in policy-making processes. In the metal industry, cooperation through CROQF led the social partners jointly to establish the CEMEKO association. The latter has been operational only for one year, which makes it difficult to evaluate its accomplishments.

Still, in terms of the broader implications, CEMEKO could be viewed as an example of best practice that could lead to the increased involvement of workers in lifelong learning schemes and should be followed in other sectors. On the other hand, our earlier research (Butković et al. 2016) demonstrated that Croatian trade unions are aware that representing the interests of non-standard workers thorough associations like CEMEKO might be difficult. This is because trade unions and employers have very different perceptions concerning the desirable role of vocational education. For trade unions, such training should make workers better equipped for standard employment; while for employers it should lead to increased labour market flexibility and the further development of non-standard forms of work (interview MTUC 2015; interview CEA 2015). Therefore, in addition to associations like CEMEKO, Croatian trade unions should perhaps consider establishing sectoral and/or professional associations aimed at the affiliation and representation of non-standard workers. In Italy, for example, such associations have managed to extend the coverage of collective agreements and have fostered transitions from nonstandard to standard contracts (Pulignano et al. 2016). This is, of course, just one possibility which also has its downsides because it may also deepen the isolation of non-standard workers. In any case, given that social partner views on nonstandard employment tend to differ significantly, trade unions need to address the issue independently from employers who, as a general rule, always promote atypical forms of work.

WDTU’s innovative approach to TAWs at Zagreb Holding Ltd. was preceded by the decision that the transfer of agency workers into standard employment represented a primary goal for the union. This was linked to the election of a new trade union leadership that enjoyed strong support, which points to the important role of union leaderships in setting innovative goals and pursuing innovative practices. Still, the sustainability of WDTU’s inclusive strategy within the City Waste Disposal subsidiary is difficult to predict because it is unclear whether the practice of engaging TAWs to perform work that is clearly of a permanent character will continue. Moreover, despite the successful transfer of 200 TAWs into permanent employment, the City Waste Disposal subsidiary still suffers from serious staff shortages. According to some commentators, this situation is part of a deliberate plan by Zagreb Holding Ltd. and the City of Zagreb to portray the City Waste Disposal subsidiary as dysfunctional in order to outsource this activity to a private concession (see, for example, Tomičić 2015).

In terms of the broader implications of WDTU’s actions for the Croatian trade union movement, the inclusion of TAWs represents an example of best practice that could be followed by other organisations. There can also be other means through which unions could represent the interest of agency workers. An alternative strategy, which is undocumented in Croatia, could leave such workers short of full trade union membership but provide them with services tailored to their specific needs.
Conclusions

Croatia’s industrial relations system suffers from a number of structural deficiencies, such as trade union fragmentation, the limited representativeness of the employers’ association, generally underdeveloped sectoral bargaining and an unproductive tripartite dialogue. In the post-2009 period, trade unions have been additionally weakened by the goals of employers and the government in the area of industrial relations becoming increasingly similar as both strive for greater flexibility on the labour market. Throughout most of the period, the activities of Croatian trade unions have still been very much focused on traditional practices such as collective bargaining. Innovative practices ‘beyond the enterprise’ remain relatively rare, but may also be observed.

The three innovative practices analysed in this chapter were selected, as stated in the Introduction, due to their frequent usage (direct democracy) and their potential application to other sectors and companies (vocational training programmes and the transfer of TAWs). In the post-2009 period, direct democracy has been applied on three separate occasions as an innovative tool for channelling trade union protests against the government’s programmes and has proved successful in blocking them. However, the unions’ victories were only temporary, and therefore it remains questionable whether direct democracy represents the best tool for channelling trade union grievances, especially given that it does not translate into membership increases. It is possible that trade union membership could be increased by means of direct democracy if unions themselves were to launch innovative people’s initiatives on specific issues in the area of industrial relations. Here, however, unions would need to make sure that the initiatives complied with the Constitution so that they stood a chance of being fully implemented.

Unions’ involvement in new vocational training programmes seems to have directed their attention to lifelong learning initiatives. In addition, through their involvement in the development of education programmes, trade unions have become more aware of the need to develop specific actions aimed at supporting the growing cohort of non-standard workers. In the future, this awareness could lead to concrete actions on a wider scale and the development of new training schemes directed towards this category of employees.

The third innovative practice – union efforts to transfer TAWs into standard employment – could be followed by other company-level labour organisations. Despite being very innovative in terms of chosen target group, it remains traditional regarding an understanding of trade union work insofar as the union acted on behalf of the agency workers only after the latter joined its ranks. This and the previous initiative point to the necessity for Croatian trade unions to launch services that could be available to non-standard workers regardless of their membership status. Even though such services would be initially costly for the organisations, they would raise awareness of the trade union role among this category of workers and could ultimately lead to an increase in trade union membership.
Regarding the dimensions of innovation, two of the three examined initiatives – direct democracy and vocational education programmes – could be considered innovative mainly in regard to the choice of trade union strategies. On both occasions, trade unions adopted new, previously unused approaches in response to specific challenges. The transfer of TAWs to permanent employment, in contrast, could be viewed as innovative in regard to the selection of target group; in the past, Croatia’s trade unions addressed the issue of temporary work only by opposing new legislation promoting this form of employment and did not try to reach temporary workers.

All in all, innovative practices in the context of the Croatian labour movement are still relatively scarce, isolated examples. Thanks to these initiatives, trade unions have boosted their discursive power: they have managed to gather visibility and recognition although such activities have generally failed to produce the much-needed increases in membership. The increase of union membership is extremely important for the future of industrial relations in the country because trends currently go in the opposite direction. Stronger unions with more members could arguably help overcome the systemic weaknesses of industrial relations in the country discussed in Section 1.

Despite all their imperfections, the innovative practices analysed in this chapter can be viewed as a step forward. If modified and further developed, they have the potential to strengthen the associational and organisational power of trade unions. This, however, means that, in the future, organisations should set the increase of union membership as their primary goal. Therefore, the answer to the question posed in the title of this chapter should be in the affirmative but with some reservations: the innovative practices of Croatian trade unions do provide grounds for cautious optimism at this point, but it remains to be seen whether they will be applied on a larger scale and accompanied with more resolute actions in the field of membership recruitment.

**Interview**

Interview with Adecco Croatia – Agency for temporary employment, Zagreb, 9 June 2015.
Interview with Commercial Trade Union of Croatia (CTUC), Zagreb, 3 June 2015.
Interview with Croatian Employers Association (CEA) Department for Metal Industry, Zagreb, 2 June 2015.
Interview with Metalworkers’ Trade Union of Croatia (MTUC), Zagreb, 28 May 2015.
Interview with Waste Disposal Trade Union (WDTU) in Zagreb Holding Ltd. – The Secretariat, Zagreb, 2 December 2015.

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Reinventing the role of the Czech trade unions: halfway through the journey

Monika Martišková and Mária Sedláková

Introduction

Trade unions in Central-Eastern Europe (CEE) face a variety of challenges. In comparison with their counterparts in Western Europe, they are considered weak but, since the beginning of the economic crisis, they have shown signs of heightened activism (Bernaciak et al. 2014; Bernaciak 2015). The purpose of this chapter is to challenge the thesis of CEE labour weakness in the context of Czech industrial relations and to analyse the innovative practices pursued by Czech trade unions in the post-crisis period.

In line with the conceptualisation developed by Bernaciak and Kahancová in the Introduction to this volume, we define an innovative union practice as ‘a course of action differing from the one pursued in the past, staged by a trade union to address a newly emerging challenge or to tackle an existing problem more effectively’. We hence focus not only on initiatives launched by unions for the first time, but also on previously known instruments used in response to new problems, as well as those addressing an old problem in a novel manner. It should also be noted that the catalogue of innovative practices presented in this chapter is not exhaustive. It solely aims at providing examples of best practice and demonstrating trade unions’ capacity to address long-standing newly emerging problems (cf. Butković, this volume), and is limited to actions or policies with the most tangible impacts.

We base our account on the empirical data gathered within the framework of the PRECARIR project, which analysed social partners’ responses to the rise of precarious work in five sectors: construction, healthcare, metal, retail and temporary agency work (Martišková and Sedláková 2016). We accordingly present the initiatives undertaken by Czech unions in relation to labour market flexibilisation, but also in response to other challenges that they have faced, such as the decrease in union density rates and the fall in collective bargaining coverage.

We show that the innovative practices pursued by Czech labour organisations in the aftermath of the downturn correspond to all three dimensions of union innovation outlined in the Introduction. The unions have (1) reformed their organisational structure in order to boost their membership; (2) adopted new strategies to promote collective bargaining; and (3) targeted new groups and types of workers. On the other hand, the evidence suggests that their innovative approach has not always been consistent. In particular, representation and protection of the atypical workers is not accompanied with the strategy of their organization and inclusion into the trade unions.
The chapter is structured as follows. In the first section we present industrial relations developments in Czechia since the 1990s. We argue that the choices made by unions during the economic transformation have determined their position in the country’s political-economic setup and had an impact on the current state of the social dialogue in Czechia. We also discuss trade union responses to the inflow of foreign direct investment and the flexibilisation of the Czech labour market in the 2000s as well as during the crisis. We conclude by outlining unions’ traditional activities and identifying the drivers of their innovative actions. In the second and third sections we present the innovative practices pursued by Czech labour organisations in the post-crisis period. The discussion section assesses the impact and the sustainability of these initiatives and draws some brief conclusions.

1. Background: Czech trade unions before and during the crisis

1.1 Industrial relations in Czechia

Over the past 20 years, all four Visegrád countries (Czechia, Slovakia, Hungary and Poland) have reported a sharp drop in union membership rates (Figure 1); in Czechia, union density fell from 64 per cent in the mid-1990s to 12.7 per cent in 2013 (Visser 2015). The biggest union confederation, the Czech–Moravian Confederation of Trade Unions (Českomořavská konfederace odborových svazů, ČMKOS) inherited a large membership base, substantial financial resources and valuable assets such as buildings and hotels. Even though ČMKOS still remains the country’s strongest labour organisation, its membership figures have gone down over time. At present, it associates 29 sectoral trade unions with 5 600 basic (plant-level) organisations and has 366 000 members. Other trade union confederations associate another 147 000 members (Visser 2015).

Figure 1  Structural trade union density in Visegrád countries (per cent), 1992–2013

Source: Eurostat.
The social dialogue in Czechia has developed at three levels: national, sectoral and company level. At national level, the tripartite Council for Economic and Social Accord (Rada hospodářské a sociální dohody, RHSD) serves as a platform where the social partners discuss legislative proposals with government representatives. Despite the proposals and agreements concluded at the RHSD not being binding on the government and parliament, the social partners regard the RHSD as a useful tool that enables them to get in direct contact with government representatives and hence gives them an opportunity to influence the legislative process (Myant 2010).

In Czechia, company-level collective bargaining is dominant, with an estimated coverage of 31.3 per cent in 2014 (Kyzlinková et al. 2015). Collective bargaining is continued by 3,910 basic ČMKOS organisations. When sector level collective agreements are included, Czechia reaches a 47.3 per cent coverage rate in 2013, the highest number among the Visegrád countries. Even though the rate has decreased since the launch of the transition process, it has remained fairly stable for the last ten years, especially in comparison with other Visegrád countries (Figure 2). One of the reasons for its relative stability is the extension mechanism for sector-level collective agreements; this is the case in several sectors including construction, electronics and retail.

Despite low union membership figures, societal perception of unions has improved. Regular surveys conducted by two independent companies, STEM and CVVM, show that public trust in trade unions is rising. In 2014, almost 49 per cent of the STEM respondents and 42 per cent of the participants in the CVVM poll found trade unions trustworthy, compared to 43 per cent and 35 per cent in 2004, respectively (Kyzlinková 2015).
1.2 Challenges and drivers of trade union action

Trade unions in Czechia face several challenges that are shaping their positions and action. First, despite the growing societal trust that they have enjoyed in recent years, they continue to struggle with the negative perceptions inherited from the state socialist period, when labour organisations served as an ‘extended hand of the Communist Party’, often accused of representing its party political and business interests (cf. Kahancová and Sedláková forthcoming). In order to restore their legitimacy in the post-transition period, trade unions have not only had to find ways to increase their popularity and public trust, but also to ‘reinvent’ themselves and redefine their role within the country’s new socioeconomic setup. Secondly, the inflow of foreign direct investment (FDI) and ownership changes related to the increased presence of multinational corporations challenged unions’ bargaining position at company level and contributed to the decline in union density and collective bargaining coverage rates. Thirdly, the economic crisis of the late 2000s and the subsequent austerity measures negatively affected social partners’ ability to bargain with the government, which turned trade unions’ attention towards more radical action such as strikes and demonstrations. Last, but not least, trade unions have had to address structural changes in the labour market, involving extensive migration to other EU countries from sectors such as healthcare, as well as labour market dualisation and the rise of precarious forms of work in all segments of the Czech economy. In the remainder of this subsection, we will discuss these four sets of challenges in more detail.

The economic transformation of the 1990s – in particular enterprise restructuring, privatisation and the emergence of new firms, accompanied by the rise of unemployment (Myant and Drahokoupil 2011) – challenged trade union legitimacy and, to a large extent, determined trade unions’ current structure and role in the country’s policymaking process. The successor of the communist Labour Unions, the Czechoslovak Confederation of Trade Unions, split in 1993 into the Confederation of Trade Unions (Konfederácia odborových zväzov, KOZ) in Slovakia and the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS) in Czechia. The newly-formed organisation in Czechia managed to preserve most of the financial and property assets of the Czech part of the Labour Unions and thus had substantial resources for future activities. At the same time, however, it had to change its organisational structure in order to distinguish itself from the centralised and politicised Labour Unions and adjust to the changing labour market conditions. ČMKOS was accordingly transformed into a highly decentralised organisation that granted its basic organisations a high degree of independence. This strengthened the trade union position at company level and increased the importance of enterprise-level bargaining, but the changes came at the expense of sectoral and national-level bargaining (Myant 2010).

In view of the relative weakness of the latter two areas, politics became the main channel of influence for the Czech trade unions at national level. Their initial intention to be independent of any political party proved difficult to reconcile with their willingness to co-shape the newly emerging socioeconomic system in general, and labour relations in particular (Myant 2010). Unions were focused on labour legislation, seeking to
establish high levels of employee protection through the provisions of the Labour Code, so they needed a political ally. The Czech Social Democratic Party (Česká strana sociálně demokratická, ČSSD) proved to be the closest match. Up to now, not only the contents but also the intensity of the national-level social dialogue are, to a significant extent, determined by the governing party’s colour: social democrats encourage dialogue, whereas centre-right governments tend to ignore the opinions of the social partners. At the same time, the emphasis on legislative action and lobbying motivates unions to act as political entities and interact with potential ‘voters’ (or members), and therefore presupposes the use of PR-style communication tools and extensive mass media presence (Martišková and Sedláková 2016).

The inflow of FDI has been another important factor shaping the strategic repertoire of Czech trade unions. Foreign capital has been attracted thanks to changes in employment legislation and the introduction of labour market flexibilisation measures. This has led to the intensification of trade union efforts to influence the country’s regulatory process outlined in the previous paragraph. At the same time, labour organisations based in the Czech subsidiaries of multinational corporations have had an opportunity to cooperate with their Western European counterparts, which has been enriching in two respects. First, it has allowed the unions to signal the bad practices and employee rights breaches taking place in Czech company units to the companies’ central managements. Second, thanks to cross-border links, Czech trade unions have become acquainted with new forms of action developed by their foreign colleagues. We will show in the following section that they have also experimented with these practices in the Czech context.

The economic crisis of the late 2000s challenged the Czech unions’ capacity to protect employee rights. Before the downturn, Czechia’s economy was in a relatively good shape, with a yearly GDP growth rate of 5.5 per cent in 2007 and 2.7 per cent in 2008 (Eurostat 2016). Faced with the 4.5 per cent decline in GDP in the following year, the centre-right government sought to reduce the budgetary deficit by cutting spending in the public sector. In consequence, the wages of public sector employees were set to decrease by 10 per cent, but were eventually cut to an even higher extent (Kahancová and Martišková 2016). In addition, the government announced plans to dismiss 22 500 public sector employees. The trade unions regarded the latter decision as unreasonable in a country in which employment in the public sector was 19.1 per cent compared to an EU average of 24.4 per cent (European Commission 2013).

Austerity policies introduced in response to the crisis had a significant impact on trade union strategy. During the downturn, public sector pay issues remained at the discretion of the government and were eventually codified in decree No. 564/2006. The only platform where changes to the Act could be proposed and discussed was the country’s tripartite body. The centre-right government did not attempt to reach any compromise solutions with the trade unions, however, which led to the deterioration in the relationship between the two and the increase in industrial action (Veverková 2013).

In this regard, one of the most important union actions was the protest ‘Democracy Looks Different’ in May 2011. Its anti-austerity slogan ‘Stop the government!’ mobilised more than 100 000 people who gathered in Prague for what proved to be the biggest
demonstration in Czechia since 1989. Given the rare incidence of strikes and the generally low level of mobilisation within Czech society, ‘Democracy Looks Different’ should be viewed as an exceptional success (cf. Myant 2013). The intensification of protest activity could also be observed in public sector branches, especially in healthcare and education (Veverková 2011; Kahancová and Martišková 2016). In the healthcare sector, low pay and the migration of healthcare workers motivated the doctors’ trade union to launch the campaign analysed in greater detail in section three of this chapter.

All in all, during the crisis trade unions managed to demonstrate their associational power and mobilising capacity, even though in the legislative sphere they remained highly dependent on political alliances.

Last, but not least, Czech trade unions have responded to the rise of precarious work, but their strategies have differed considerably across sectors. In the automotive industry, unions recognised the need to fight precarious work through legislation but, at the same time, intensified their efforts to bargain collectively on behalf of non-standard workers at the workplace. In rare and rather isolated company cases, they also sought to include the latter in their ranks. In other sectors, unions opted for a protective strategy and represented the interests of core workers at the expense of atypical employees (Martišková and Sedláková 2016). The protective stance stemmed from trade unions’ belief that the interests of their members should be prioritised but also from the general union intention to limit or, if possible, eliminate contracts that allowed for the worsening of employment conditions. In this regard, the reason why the automotive federation recognised the need to protect precarious workers was the overall deterioration of working conditions in the sector (visible e.g. in the increase of overtime work) that initially affected atypical employees but subsequently spread to core workers. This realisation was followed by the union’s efforts to push for the regulation of temporary agency work, presented in the following section. At national level, trade unions similarly took the increasing precariousness of work seriously and tried to raise the level of legal protection of the flexible workforce through the Labour Code and related acts.

To conclude, the economic transformation of the early 1990s, the subsequent FDI inflows, the recent crisis and increasing labour market flexibility have directed the attention of Czech trade unions to three main areas. First, the organisations have continued their efforts to influence the legislative process, mainly through lobbying within the tripartite body or through direct contact with politicians and political parties. Second, even though the focus on political access and labour law has, to a considerable extent, shifted unions’ attention away from sector and company-level collective bargaining, unions have still tried to make their voice heard at company level and become actively engaged in company-level negotiations. In this regard, the unions have also adjusted their structures at sectoral level to assist their basic organisations, providing them with support and legal advice in collective bargaining process and help in various individual

1. For the period 2009–2014, the International Labour Organization’s database on labour unrest (ILO 2016) reports zero strikes and lockouts in Czechia.

2. Similar reasoning is used by Čaněk and Kobová (2016) in their analysis of the reasons why trade unions should pay attention to migrant workers and try to protect them, despite the latter group’s low organising potential.
problems and issues. Third, trade unions’ efforts to communicate their demands and actions to the media and the broader public have become an integral element of their strategic repertoire.

In the next section we go beyond these three traditional sets of instruments and examine the innovative practices launched by Czech trade unions in the post-crisis period.

2. How to stay relevant? Innovative union practices in Czechia

In the Czech context, innovative union practices could be traced at all levels of union action, including the national, sectoral and company levels. In this chapter, we focus on the three dimensions of innovation outlined in the Introduction to this book and evaluate the specific instruments used by unions in each of these areas. The account covers the post-crisis period, mostly after 2010, and, as stated in the introductory section, is limited to the most representative cases which have had a tangible impact.

The section demonstrates that, in order to address long-standing and newly emerging challenges, Czech trade unions have complemented their traditional forms of action with several innovative initiatives. First, they have tried to tackle, and potentially reverse, the membership loss trend by changing their organisational structure and launching an anonymous membership scheme. Second, they have become more actively involved in the dissemination of benchmarks on employment standards, workers’ rights and employer obligations within Czech society. Their activities in this area ranged from innovative ways of promoting company-level collective bargaining and heightened worker mobilisation to campaigns targeting the wider public. Last, but not least, trade unions have targeted precarious workers on atypical employment contracts.

2.1 Anonymous membership: innovation in the field of union organisational structure

During the systemic transition and in its aftermath, Czech trade unions have been confronted with negative public perceptions of labour movements related to unions’ subordinate role to the Communist Party under the previous regime. To overcome the view that they were ‘creatures of the past’ (Bernaciak et al. 2014: 81), the organisations needed to prove that they had the capacity to respond to old and new challenges. This pushed them to implement changes in their organisational structure that would bring them greater legitimacy and possibly lead to their revitalisation.

Certain organisational changes aiming to reverse membership decline have been extensively used in the Czech context over the last two decades and thus cannot be regarded as new or innovative. Trade unions have experienced mergers of existing organisations, the creation of new unions as well as changes in union leadership, especially in the initial years of the systemic transition (cf. Myant 2010). In recent years, however, several innovative schemes have been launched to change union organisational
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structures and to boost union membership. The most prominent initiative in this regard was the introduction of an anonymous membership scheme by the Czech Metalworkers’ Federation OS KOVO, the country’s largest sectoral trade union.

The idea to launch the scheme came from the German metalworking union IG Metall after an internal OS KOVO survey reported that fear of repression was the most common factor preventing Czech metalworkers from establishing and/or joining a company-level trade union organisation. Addressing these concerns, the anonymous membership scheme launched in 2014 gives workers an opportunity to become OS KOVO members either at their plant-level trade organisation or external to the particular workplace, i.e. as individual members of the regional OS KOVO trade union organisation. The employer is subsequently informed about a trade union operating in the company, but the members’ names are not revealed (see Blažienė and Gruževskis, this volume, for a similar institution in Lithuania). Collective bargaining on behalf of the unionised workers is subsequently led by a professional OS KOVO negotiator. This enables employees to launch collective bargaining negotiations without fear of losing their jobs and gives trade unions an opportunity to increase their membership. In 2015, in the South Bohemia region alone, around 200 workers anonymously joined plant-level trade unions associated with OS KOVO (Pokorná 2015).

The innovative nature of the anonymous membership scheme lies in that it addresses the long-term problem of declining union density. In addition, it aims at boosting the union’s capacity to bargain collectively at the level at which it is still relatively strong, which is especially true in the metalworking sector. The following subsection presents other bargaining-focused initiatives.

2.2 New strategies to promote collective bargaining

In response to declining collective bargaining coverage and low wage levels, Czech trade unions have introduced innovative means of promoting company-level collective bargaining. The most emblematic initiative in this regard has been an ongoing ČMKOS campaign “The end of cheap labour in Czechia” (“Konec levné práce v ČR”). The campaign was launched at a conference in September 2015 in the presence of 1,500 union members and aimed to encourage them to demand a minimum 5 per cent wage increase during the upcoming collective bargaining round. In the following year, the campaign included additional demands, such as that of raising the wages of teachers by 8 per cent.3

Justifying the campaign, the unions expressed their disappointment with income developments in the country, pointing out that, 20 years after the systemic transition, the average hourly wage in Czechia stood at just 28 per cent of the Austrian rate and 29 per cent of the German (iDNES 2015). In order to change the status quo, representatives of company-level trade union organisations associated with ČMKOS followed the example of the Austrian and German trade unions and launched regular meetings between their

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3. The teachers eventually received a 6 per cent increase, as approved by the government in August 2016 (ČT24 2016).
negotiators ahead of the collective bargaining round. The meetings were an innovative tool used to coordinate demands in advance of company-level negotiations in the absence of sectoral bargaining structures. The formation of a unified position boosts the bargaining position of basic union organisations and demonstrates to employers that, although unions favour collective bargaining, they are strong enough to resort to alternative measures such as protests, demonstrations and strikes. At the same time, regular meetings provide company-level negotiators with fact-based arguments that can be used to justify their subsequent demands and act as an identity-building tool: they empower them and improve self-recognition as an important and legitimate negotiation party.

The final innovative aspect of ‘The end of cheap labour in Czechia’ campaign was ČMKOS’s increased media presence, based on the communication of a clear message – the need for wage increases – and aimed at gaining support for unions’ actions among the general public. Social media are often used to approach a wider (and younger) audience. The ČMKOS President regularly refers to the campaign on his Twitter and Facebook accounts by using a hashtag with its name (#koneclevnychucitelu, #koneclevneprace), which is an innovative communications tool in the Czech trade union context.

2.3 Targeting new types of workers

The third dimension of union innovation is related to organisations’ increased focus on new employee groups. In Czechia, non-standard employment includes agency work and atypical small job contracts called work agreements as well as full-time employment of a temporary nature. Following the economic crisis of the late 2000s, the proportion of temporary workers in the total labour force in the country grew from 7.5 per cent in 2009 to 10 per cent in 2015 (Eurostat 2016). The number of temporary agency workers (TAWs) nearly doubled, rising from 39,000 in 2009 to 65,000 in 2014 (CZSO 2015).

Given that 76 per cent of all TAWs in Czechia are employed in the metalworking sector, OS KOVO took the lead in reporting instances of worker mistreatment and the misuse of agency work to government representatives and employer organisations. Even so, the union’s position on temporary agency work and other forms of precarious employment might seem inconsistent. On the one hand, OS KOVO undertakes significant efforts to improve precarious workers’ working conditions, especially via legislative measures; but, on the other, it does not seek actively to recruit them and thus the unionisation rate in the TAW sector remains very low (Martišková and Sedláková 2016). The union justifies its approach by claiming that it is very difficult to reach non-standard workers: the latter frequently change employers and employment sectors and this does not sit well with a traditional membership mode based on company-level organisations affiliated to sectoral unions. Paradoxically, then, OS KOVO is speaking up on behalf of workers who are not significantly present in its structures. Such a partial inclusion constitutes an

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4. ‘#the end of cheap labour’, ‘#the end of cheap teachers’.
5. Most temporary workers stay in one employment for seven to twelve months, while almost 84 per cent of the temporarily employed would rather prefer permanent job.
innovation in relation to the selection of a target group, but it does not entail innovation in relation to unions’ organisational structures or choice of strategies. It stems from Czech trade unions’ focus on legislative action at the national level, combined with their interest in establishing a media presence. It is also linked to the union’s protective approach toward ‘core’ workers, who constitute an overwhelming majority of (paying) trade union members, as well as to a long-term absence of comprehensive organising strategies targeted at ‘peripheral’ workers.

During the recent downturn, OS KOVO-affiliated organisations continued to protect the jobs of standard employees rather than those in the flexible workforce (Veverková 2012; Myant 2013). When the number of TAWs in the metalworking sector started to grow after the crisis, some company-level unions undertook efforts to ensure better working conditions for this employee group. Union activists at Škoda Auto in Mladá Boleslav, for example, tried to empower agency employees working in their plant by providing them with information about their rights, but these were ad hoc local initiatives. At the same time, OS KOVO tried to increase job protection for TAWs as well as to eliminate illegal practices related to social contributions and the misuse of overtime working, primarily through lobbying for legislative changes at the national level.

The agenda was later adopted by ČMKOS. In the course of 2015, the confederation organised several workshops and conferences that aimed at discussing the problems related to temporary agency work with representatives of employer organisations and the Ministry of Labour, in order to prepare the ground for legislative amendments. Legislative proposals addressing the most blatant abuses of agency work were drafted in June 2015, but were approved by the government only in August 2016 and, at the moment of writing (December 2016), they are still waiting to be discussed in the parliament and implemented. The legislative process has been protracted due to heated discussions between the social partners and cabinet representatives regarding the final content of the regulations. In particular, employers could not agree whether the responsibility for the working conditions of TAWs should be borne by the employer who hires them or by the sending agency. In addition, the current proposals seek to reduce the relatively high number of temporary work agencies by introducing a registration fee of CZK 500 000 (approx. EUR 18 500). Despite the controversies, it is expected that the compromise version of the acts will be approved by parliament in 2017.

3. Labour unrest in the public sector: the case of health care

In 2010–2011, the Czech Trade Union of Doctors (LOK-SČL) launched a campaign “Thank You, We Are Leaving” (Děkujeme, odcházíme), probably the most innovative initiative undertaken by labour organisations in the history of independent Czechia, and certainly the most vocal trade union action to date. The campaign was unique in three
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respect: first, because of its reliance on professional tools; second, due to the inclusion of a new target group – patients, viewed as users of healthcare services; and third, as the union’s attempt to come up with a coordinated position in the sector characterised by the absence of sectoral level social dialogue and collective bargaining structures.

The name of the campaign was a reference to the 1999 civil initiative ‘Thank You, Now Leave’ (‘Děkujeme, odejděte’), staged by student leaders against the minority government of Miloš Zeman that was formed after the conclusion of the so-called opposition agreement between Zeman and Václav Klaus in 1998. Similar to the politically turbulent years of 1998-1999, between May 2009 and June 2010 Czechia was governed by the caretaker government of Jan Fisher after Prime Minister Topolánek received a vote of no confidence in the Lower House of the Czech parliament. After belated elections in 2010, the right-wing government of Petr Nečas came to power and soon introduced cuts in public spending. Against the background of the planned austerity measures, LOK-SČL decided to confront the new government with its demands, which had already been formulated during Fisher’s caretaker government.

The doctors’ protest action was triggered by the adverse economic conditions in the healthcare sector, mainly low wages and an underfinanced healthcare system, as well as by the socioeconomic effects of the crisis, in particular the migration of doctors and healthcare workers to other EU countries. In addition, LOK-SČL was not satisfied with the structural features of the Czech healthcare system, in particular with the inefficient system of medical training, the unfulfilled political promises of healthcare reforms and Labour Code violations affecting doctors’ working time. In the so-called ‘13 reasons for exodus’ issued by LOK-SČL, demands for higher wages and continuing training for medical personnel featured most prominently. If the demands were not met, the doctors threatened to hand in their resignation letters as of March 2011 (Děkujeme odcházíme 2011).

Czechia’s healthcare system is characterised by a continuing presence of political pressures for privatisation, the transformation of hospitals into commercial entities, frequent reform of the health insurance system and, at the same time, by its dependence on public money (Veverková 2011; Kahancová and Martišková 2016). In the absence of sectoral-level employer associations, collective agreements in the sector are concluded exclusively at the company/establishment level. These two factors – dependency on political support and the absence of a unified voice for healthcare professionals at sectoral level – determined the choice of instruments used by the healthcare trade unions to achieve their goals. Demonstrations and protest actions aiming at the improvement of working conditions in the sector, and the condition of the Czech healthcare system more generally, have been more common than in other sectors (Veverková 2011). Even so, the ‘Thank You, We Are Leaving’ campaign was particularly innovative both in regard to the choice of instruments and the selection of its target group. We elaborate on this argument in more detail below.

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7. Healthcare workers are remunerated either in line with the salary scale laid out in specific regulations or on the basis of a standard employment contract. The latter arrangement is more widespread (Martišková and Sedláková 2016).
3.1 The choice of strategies and the professionalisation of the union campaign

The aim of the ‘Thank You, We Are Leaving’ campaign was to persuade doctors to join their colleagues and submit resignation letters by the end of 2010. This, in turn, was expected to boost doctors’ bargaining position vis-à-vis the government and the Ministry of Healthcare and help them push for higher wages. To improve its communication with the government and reach the wider public, LOK-SČL hired an external PR agency. The latter was responsible for the planning of the campaign, the preparation of a crisis management plan, external communications and media training for union spokespersons (Ewing Public Relations 2017).

The professionalisation of the campaign was visible through the use of media-oriented instruments and the choice of unconventional marketing tools. The campaign’s main feature was an ambulance car with several doctors visiting hospitals across Czechia (‘59 cities, 63 hospitals and more than 8 500 km’, Ewing Public Relations 2017). This so-called ‘road show’ did not only attract media attention but was also very successful at winning doctors’ support for the campaign and mobilising them. The purposefully aggressive tone adopted by the PR agency, demonstrated for example by the use of an image of a doctor with a ticking clock counting the time until the doctor’s exodus (leaving), was perceived as a powerful tool since it appealed to a new target group – patients.

3.2 New target group: patients as hostages?

Doctors’ focus on patients as end users of healthcare services shed light on new actors whose inclusion in the campaign could possibly shape the outcome of the bargaining process. The campaign’s slogans, such as ‘Our exodus, your exitus?’ and ‘Doctors are leaving! Have your blood pressure measured for the last time!’ were addressed directly to patients, making it explicit that the lack of doctors would have a negative impact on their lives and on the quality of the healthcare services they received.

By the end of 2010, doctors had submitted 3 837 resignation letters, which affected 78 out of approximately 200 hospitals in Czechia; in some regions of the country, as many as 80 per cent of doctors resigned (iDNES 2010; Ewing Public Relations 2017).

A follow-up petition for better healthcare, ‘SOS Healthcare’ (‘SOS Zdravotnictví’), was launched by public personalities, provoking Czech tabloid newspapers to run an alternative petition in response. One of the arguments used by the organisers of this response was that the union had used an ‘unacceptable method of pressure’ and held patients as ‘hostages’ to ‘blackmail’ the government (Reflex 2011). In addition, public discussion touched upon doctors’ criminal liability, with some claiming that the protest methods used in the campaign had put patients’ lives under threat (Procházková 2011). Indeed, it seems that, similar to the partial inclusion of temporary agency workers by OS KOVO and ČMKOS, LOK-SČL did not aim to involve patients in its protest actions,
but rather used them in an instrumental manner to improve its bargaining position vis-à-vis the government. This testifies to the missing link between user involvement and social dialogue in the sector, and shows that patients do not have a say regarding the working conditions of medical personnel, even though this is reflected in the quality of healthcare services (cf. Kahancová and Sedláková 2015).

The campaign ended in February 2011 when Martin Engel and Leoš Heger, the representatives respectively of LOK-SČL and the Ministry of Healthcare, signed a memorandum that promised higher wages for doctors, after which the majority of doctors were accepted back to work.

In line with Bernaciak et al. (2014), we argue that LOK-SČL was able to recognise a strategic opportunity to bargain with the government that was brought about by the crisis. By applying innovative, professional tools to their campaign and, at the same time, targeting patients as the end users of healthcare, they were able to exercise pressure and win wage increases for doctors. Alongside the salary increases, LOK-SČL sought to improve its visibility and stress the importance of union agency. Even though the union does not conclude collective agreements at sectoral level, the February memorandum could be seen as a signal through which LOK-SČL tried to mark its strength at national level and to strengthen its impact on the legislative process (Martišková and Sedláková 2016).

To summarise, we argue that the gaps in sectoral collective bargaining in healthcare pushed Czech trade unions to come up with innovative strategies and instruments, stirring up otherwise absent discussions over broader socioeconomic issues. At the same time, however, the government-targeted campaign of the healthcare workers did little to promote social dialogue in the sector; on the contrary, it has further strengthened the role of central regulation (Kahancová and Martišková 2016; see also Kahancová, this volume, for a similar development in Slovakia).

**Assessment and conclusions**

This chapter has examined innovative practices launched by Czech trade unions in the post-crisis period. We classified activities according to the three dimensions of union innovation outlined in the Introduction to this volume. The introduction of the anonymous membership option at OS KOVO, as a remedy for membership loss, could be viewed as innovation in relation to union organisational structure. Strategic innovation, in turn, is exemplified by ČMKOS’s efforts to coordinate the positions of basic union organisations in advance of collective bargaining rounds and to create a positive public image of unions via campaigns and a media face. The third dimension of innovation encompasses unions’ attempts to represent new types of marginalised employee groups, in particular their efforts to improve the working conditions of precarious workers. The case of labour unrest in healthcare illustrates how the professionalisation of union campaigns and new means of involvement with social groups outside their own organisations can help trade unions achieve their goals.
Can the innovative actions presented in this chapter lead to the revitalisation of the Czech trade union movement? In regard to organisational innovation, the aggregate data points to an overall decline in trade union density in Czechia, although the example of OS KOVO and its anonymous membership scheme suggests that trends may differ across sectors and organisations. As for strategic innovation, it seems too early to assess the impact of innovative means of promoting collective bargaining, but some tentative observations can nevertheless be made. The initiatives represent an effort to come up with a unified position in a situation in which sector-level collective bargaining structures are either weak (in the metalworking industry), or virtually non-existent (in healthcare). The work of ČMKOS shows that unions can benefit from coordinating their strategies before collective bargaining rounds at company level. In the healthcare sector, the absence of sectoral collective bargaining structures shifted unions’ attention to protest actions. The innovative (if controversial) communications strategy adopted by LOK-SČL during the doctors’ campaign helped it gain publicity and win demanded wage increases.

Ultimately, unions’ attempts to represent new types of workers have, so far, been limited. Both OS KOVO and ČMKOS have sought to influence the legislative process in order to improve the working conditions of temporary agency workers. However, the unions do not actively recruit precarious employees as they often work temporarily and do not easily fit into traditional union structures based on sectors. The result, even if the effort to improve the working conditions of non-standard, atypical employees is clearly discernible, is that this has not translated into higher membership rates. This, in our view, constitutes an untapped potential and gives trade unions room for improvement.

We reached similar conclusions on the basis of the extensive empirical material on precarious employment in Czechia’s retail, construction, healthcare, metalworking and temporary agency work sectors gathered for the purpose of the PRECARIR project (Martišková and Sedláková 2016). The social partners were primarily focused on influencing labour market regulation, perceiving the legislative path as the most effective tool for eliminating precarious employment, or at least for limiting its future spread. This partial-only engagement with a group that remains outside unions’ membership circle was even more pronounced in the case of trade unions in healthcare: there, doctors boosted their bargaining position vis-à-vis the government by exerting indirect pressure on patients and feeding on their legitimate concerns over the quality of the healthcare system.

All in all, efforts to influence the legislative process remain at the core of Czech unions’ activities. Their strong belief that labour legislation offers the best remedy to employee problems is not surprising since it is consistent with their earlier approaches (cf. Myant 2010). At the same time, unions’ constant need to ‘reinvent’ themselves as legitimate actors, and to present themselves as relevant both in terms of the number of workers they represent and the issues they address, motivates them to experiment with innovative tools and non-standard communications channels. The dominant focus on lobbying, however, makes their response to newly emerging challenges fragmented and limited; in particular, they continue to pay scant attention to organising new types of workers.
It therefore seems that, in the future, Czech trade unions would need to follow more consistent and inclusive strategies in order to address more adequately the country’s labour market problems.

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Post-crisis innovation within Estonian private sector unions

Kairit Kall

Introduction

This chapter depicts the innovative practices that Estonian private sector unions, mostly the Estonian Trade Union Confederation (Eesti Ametiühingute Keskliit, EAKL) and its affiliates, have pursued since 2008. EAKL is Estonia’s biggest trade union confederation and unites mostly private, but also some public sector, unions. In addition, the chapter documents the establishment of the Estonian financial workers union, which is not a member of the central federation, but certainly a new development in the Estonian trade union movement given that, before its establishment, the finance sector was without union coverage. The account focuses on private sector unions since, during the period under consideration, most innovation has taken place within them.

The chapter shows that, since 2008, Estonian private sector unions have demonstrated innovativeness on all three dimensions outlined in this book’s introductory chapter. Firstly, unions have implemented new strategies, having recourse to organising and heightened mobilisation, as well as service-oriented instruments; and they have also engaged with identity politics and disseminated benchmarks on employment standards within Estonian society. Secondly, they have targeted new employee groups in previously unorganised companies and sectors. Thirdly, EAKL has implemented several organisational innovations insofar as it strengthened sectoral unions’ administrative capabilities and developed a new electronic communications system. Innovation has been driven by factors engendered in the post-crisis environment which are external to unions but unionists’ agency has also played an important role.

The analysis is based on 16 semi-structured interviews (including two follow-ups) conducted between 2014-2016 with officials and activists from trade unions that have demonstrated innovativeness during the period under study. Interview data is supplemented with documentary research, including union documents and media reports. Innovative union practice is defined as ‘a course of action differing from the one pursued in the past, staged by a trade union to address a newly-emerging challenge or tackle an existing problem more effectively’ (see Bernaciak and Kahancová in the Introduction).

1. This research has been conducted within the framework of the Academy of Finland’s project ‘Industrial Citizenship and Labour Mobility in the EU: A Migrant Centre Study of Estonia-Finland and Albania-Italy Labour Mobility’, funded by the Research Council for Culture and Society (Principal Investigator Dr. Nathan Lillie), and the project ‘Alternatives at Work and Work Organisation: Flexible Postsocialist Societies’, funded by the Estonian Ministry of Education and Research (Principal Investigator Dr. Triin Roosalu).
The chapter is structured as follows. Firstly, it gives an overview of the country’s socioeconomic setup in relation to the position of unions. Secondly, it presents selected instances of union innovation and examines their drivers. Finally, it evaluates the sustainability and impact of unions’ initiatives. Brief conclusions follow.

1. Estonian industrial relations before, during and after the crisis

In order to gain legitimacy and establish themselves as the representatives of workers’ interests, Estonian unions have had to overcome socialist and, later also, post-socialist legacies (for example, Ost 2009) after Estonia regained its independence. However, this has been difficult both because of factors external to the trade union movement and internal union bureaucracy, as well as the lack of experience and the meagre resources within the union movement. To make up for the latter shortcomings, Estonian unions have been supported by their Western, especially Finnish, counterparts since the early 1990s in a variety of ways, with the central aim of capacity building (Skulason and Jääskelainen 2000). Cooperation projects have mostly focused on building up sectoral-level bargaining mechanisms, but these have been not very successful as employers have shown very little interest in engaging with unions.

Concerning the factors external to labour organisations, following Estonia’s regaining of its independence in 1991 its political and economic elite has tried to distance the country from anything associated with the previous Soviet order, including politically left ideas and trade unions. The result has been that it has adopted radical socioeconomic reforms, including extensive privatisation and liberalisation of the economy. The country has pursued neoliberal policies ever since and these have been generally accepted by the public without major protests, as macroeconomic stability and independence from Russia have been seen by large segments of society as the ultimate goals. Lagerspetz (2001: 413) argues that, by the end of the 1990s, ‘the prevailing goal – national prosperity as expressed in monetary terms – has become taken-for-granted; other possible meanings of a free and just society have become forgotten or delegitimized.’ In a similar vein, public discourse on class and inequality issues has been marginalised – although Estonia is a highly unequal society – and the focus has rather been on the national/ethnic discourse, together with ‘transition culture’ lionising the capitalist future (Helemäe and Saar 2015). Estonia, together with other Baltic counties, has also undergone heavier deindustrialisation and deskilling compared to other Central and Eastern European (CEE) countries (Bohle and Greskovits 2007), which has further undermined unions’ position by destroying their industrial strongholds.

Present-day Estonia’s industrial relations are characterised by low union density, limited employer coordination, decentralised collective bargaining, low collective bargaining coverage and weak social dialogue (Feldmann 2006; Bohle and Greskovits 2012). Trade union density has declined since the early 1990s and stood at around seven per cent in 2011 (Visser 2015). The company is the main focus of collective bargaining, while sectoral level agreements are rare. The initiative to bargain is usually taken by trade unions whereas employers are not interested in concluding collective agreements.
Estonian unionists have been influenced by the West European union movement: they see themselves mostly as social partners both to the state and employers and try to stay on good terms with them, without expressing more radical ideas about class struggle and without exercising more militant tactics to reach their goals (Kall 2016). Industrial action has been very rare in Estonia and has mostly taken place in the transport sector (Carley 2013). Unions have generally declared themselves apolitical organisations, representing members with different world views and cooperating with all political parties that are willing to cooperate. Social movement unionism and joint activities with non-union civil society associations have not been high on the agenda for unions, either, which can, to some extent, be explained by the general weakness of civil society in Estonia. Cooperation with civil society actors takes place mostly when unions consult different actors before formulating their opinions on planned policy changes. New civil society actors who would partly take over the role of unions have, so far, not appeared.

Throughout most of the postsocialist period, routine servicing has been the instrument used by Estonian trade unions; they have also been characterised by low levels of worker mobilisation and involvement in union action (Kall et al. 2015). These characteristics can possibly be explained both by the socialist unionism legacies of passive union membership and by the most extensive cross-border cooperation projects in which Estonian trade unions have participated being run by the Nordic, especially Finnish, unions who are traditionally focused on servicing and collective bargaining. One of the Estonian union officials noted, after being engaged in a new organising-model initiative presented later in this chapter:

‘[...] in previous years... maybe communication with workers was a bit superficial meaning that, well, let’s say a person came, wanted to join a union; we were really glad that he/she joined and we did talk a bit about trade unions, but long and comprehensive conversations with workers we did not have. Moreover, workers should actually realise that they are the trade union. [...] That the trade union is not somewhere far away, it is not the president, it is not the finance officer [...] Actually, they themselves [the workers / union members] can make a change, can improve their situation in the company’ (interview ETKA 2014).

Moreover, unions have targeted mostly ‘traditional’ employees on standard employment contracts – and often in sectors and companies with strong traditions of unionism dating back to the Soviet period, without having any special initiatives towards those in non-regular employment arrangements – the self-employed, part-time and agency workers and those on temporary contracts. This might be because the latter groups are more difficult to represent, considering the limited resources that unions have, even though this might also stem from non-standard forms of employment being less widespread in Estonia than in other European countries (ILO 2015; cf. Butković, this volume, for the Croatian case).

As regards the public perception of trade unions, survey results indicate that, rather than being anti-union, a large proportion of workers are unaware of the role of unions or perceive them as ineffective organisations. For example, in a representative survey conducted in 2011, 43 per cent of Estonian non-unionised respondents answered...
the question ‘What should unions do, so that you would join a union when you have the chance?’ by responding that trade unions should be more active and vigorous so that they would be listened to and that being a member would provide real benefits. In addition, 15 per cent stated that trade unions should provide more information or advertise themselves more and only 7.5 per cent claimed that they did not want to join (Hill and Knowlton 2011: 21).

During the economic crisis, Estonia’s neoliberal policy paradigm became even more pronounced (Kattel and Raudla 2013) and the position of unions as political actors further weakened. Consultative processes with the social partners remained limited; decisions were made fast and at the level of the ministries, with a particularly strong position held by the Ministry of Finance. In contrast to several other European countries, public protests were practically absent even though unemployment levels rocketed. The reason for societal quiescence was that the government was successful in constructing a simple and persuasive crisis discourse: Estonia could not abandon the currency peg and the euro must be adopted (and it was, in 2011), and thus adjustments to the budget, together with expenditure and wage cuts, were inevitable (Kattel and Raudla 2013; Thorhallsson and Kattel 2013).

After the economic crisis hit Estonia hard in the second part of 2008, it became even more evident that trade unions were weak and largely incapable of negotiating tangible gains or even reducing the losses incurred by their constituencies. Gonser (2010) argues that, during the downturn, unions further lost their structural, associational and institutional power. Structural power was negatively affected in view of rising unemployment levels. The loss of associational power was mainly due to union members either being made redundant or stepping out of the union as a cost-saving measure. Declining institutional but also associational power resulted from the further weakening of collective bargaining and social dialogue mechanisms. The result was that the number of newly signed collective agreements decreased considerably during the economic crisis. There were 88 either company or sector level agreements signed in 2007, but only 53 in 2010 (Kollettiivlepingute andmekogu 2016). At sectoral level, in two sectors with extended collective agreements, unions’ attempts to start dialogue during the crisis were unsuccessful. At company level, ‘successful negotiated responses’ to the crisis included achieving a consensus on postponing bargaining and making trade-offs (such as substituting a decrease in wages with unpaid leave), but there were also unilateral employer actions (Kallaste and Woolfson 2013).

At national level, the government to a great extent ignored unions’ voice during the crisis. Firstly, in 2009 it unilaterally modified a pre-crisis tripartite agreement on amendments to the new Employments Contracts Act that was supposed to follow the principles of flexicurity. Its main argument justifying the unilateral changes, reducing previously-agreed unemployment benefits and the number eligible for those benefits, was economic feasibility. The unions demanded that social dialogue was resumed and, when this did not happen, they organised small-scale strike action in 2009 in protest at the government’s unilateral approach (about 1 800 people took part in the strike; Nurmela and Osila 2009). The changes pushed through by the cabinet were, nevertheless, adopted. Unionists themselves were not very satisfied with how the industrial action
turned out as too few people participated and there were no transport disruptions that would make the protest more visible (interview EAKL1 2014). In the end, the new law decreased employment protection and simplified redundancy procedures so unions’ institutional power was further weakened (Gonser 2010).

Social partners also felt excluded from decision-making when the government formulated and enacted austerity measures (Nurmela and Karu 2008). There was a tripartite agreement signed in 2009 that dealt with the (re)training of employees, but it remained of marginal importance and did not counterbalance all the unilaterally imposed measures (Kallaste and Woolfson 2013). The government continued to ignore social dialogue practices when the economy started to recover. For example, the reserves of the Unemployment Insurance Fund were consolidated into the general state budget despite the opposition of unions and employer federations (Kallaste and Woolfson 2013: 260). By the same token, between 2008 and 2012 annual minimum wage negotiations between employers and union representatives were also not held and the minimum wage rate remained constant. All in all, with the government not taking into account any proposals for anti-crisis measures formulated by the unions, making unilateral changes in the labour legislation and continuing to ignore tripartite negotiations even when the economy recovered, the weak social dialogue structures that had previously existed were completely marginalised (Woolfson and Kallaste 2011).

To conclude, trade unions have struggled to maintain their legitimacy and power ever since Estonia regained its independence. They have mostly relied on routine servicing of their members and been involved in peaceful collective bargaining and social dialogue. However, given low and declining membership levels, a continuing lack of legitimacy and the failure of social dialogue and other traditional ways of operating, especially during the crisis, but also before and after it, they have launched several innovative practices that depart from or are complementary to the ways in which they have operated so far. The next section examines these initiatives in more detail.

2. Innovation within Estonia’s private sector unions

This section explores the innovative practices undertaken by Estonian private sector unions since the outbreak of the crisis. All instances of innovation presented below are, to a certain extent, interrelated: for example, both the implementation of the organising model and changes within EAKL have facilitated the extension of union activity into previously non-unionised companies and sectors; while they have widened the scope of the activities that unions are engaged with as well as the range of instruments that they use.

2.1 Innovative choice of strategies and instruments

As regards new service-oriented instruments, EAKL – together with its member organisations – launched a four-year training programme in 2009 for union activists and officials at different levels. The project was financed by the European Social Fund
and aimed to improve unions’ ability to engage in social dialogue and policy-making and to prepare development bargaining plans and strategies for unions. Within the framework of the programme, various information materials and strategic documents (such as ‘Trade Unions 2020’) were prepared, surveys were conducted that identified both the external and the internal problems that unions faced and training sessions and seminars were organised for nearly 2,000 participants (Sõelsep 2013).

After the crisis, EAKL and its affiliates took several other initiatives to build and disseminate benchmarks on employment standards. For example, in 2010 they organised a week-long campaign in several Estonian towns, for the first time actively consulting people on the problems in their working lives and discussing how unions could help resolve them (EAKL 2010). Similar information days were also staged in subsequent years. A more recent example of an initiative of this kind involved a nationwide signature collection campaign to restore compensation for the first days of sick leave, launched by EAKL in April 2015. This has been the most extensive signature-collection initiative in which the unions have, so far, been involved. Currently the first three days of sick leave are without any compensation for workers; according to unions, this means that workers, especially low-wage earners, go to work sick because they cannot afford to stay at home. Signatures were collected electronically, but unionists also travelled across the country to collect them and to inform the wider public about the issue. Around 25,000 signatures were accordingly handed over to Parliament in May 2015, in addition to a policy proposal for a change in the legislation. At present the issue is still under debate: the Parliament’s social commission has agreed to support the proposal in part and has ordered an analysis of its potential effects. EAKL also created a Facebook group (which in June 2016 had over 4,500 members) to disseminate information on this topic and to collect the stories that people have related of going to work while sick. There is widespread popular support behind this issue and, this time, politicians are at least not able to ignore the unions’ policy proposal. Having hired some young officials, EAKL is generally extending its activities in social media (interview EAKL3 2015).

The most significant instance of strategic innovation within the Estonian trade union movement, however, is the establishment of the Baltic Organising Academy (BOA), financed by Nordic unions, and the related adoption of an organising model of unionism. Estonian unions have traditionally, as mentioned in the previous section, relied on a social partnership ideology coupled to a servicing model of unionism. Estonian unions have traditionally, as mentioned in the previous section, relied on a social partnership ideology coupled to a servicing model of unionism. The turn towards organising marks a shift in unions’ strategy insofar as it puts an emphasis on empowering and engaging workers at shopfloor level and implies a more confrontational stance vis-à-vis employers (Kall et al. 2015). In this respect, it is not only changing the strategies and tactics of unions, but it is also transforming the way unionists see themselves and their roles within companies and in society as a whole.

BOA was born out of the acknowledgment among some Nordic and Baltic union leaders (of whom the Estonian and the Finnish have been the main advocates) that, in order to prevent the Baltic countries from becoming a totally union-free zone, it is necessary to work beyond national and sectoral boundaries. The Baltic unions have been supported

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2. The materials are still available on EAKL’s internet site at http://www.eakl.ee/?pid=228&lang=5 (in Estonian).
by their Nordic counterparts in numerous ways since Lithuania, Latvia and Estonia regained their independence but attempts to transfer the Nordic model, based on social partnership and a solidaristic wage policy, to the Baltic region has not been very successful, as evidenced by continuously falling union density and the dwindling power resources of labour organisations.

Estonian unions were willing to engage with the initiative to a greater extent than their Latvian and Lithuanian counterparts, so the BOA project was first launched in Estonia where the fieldwork started in 2012. Estonians’ openness and Finnish unions’ support resulted from previous sustained cooperation between unions from these two countries which facilitated trust, common understanding and shared objectives. However, the main advocates of the model devoted considerable time to convincing their more sceptical counterparts to join the initiative: they had to demonstrate the suitability of this new strategy in Baltic countries, while previous failures of cooperation projects had to be overcome. The Latvian and Lithuanian unions were less willing to engage with the project possibly because of a reservation towards being controlled by Nordic unions. In addition, compared to Finnish-Estonian cooperation, their interactions with Nordic unions had been less frequent and had not led to the emergence of close, trust-based relations (Kall et al. 2015).

In Estonia, six manufacturing, service and transportation sector unions, as well as EAKL, got involved in BOA. From the Nordic side, 11 Finnish, two Swedish and four Danish unions in different sectors committed financial and/or human resources to the programme. In addition, the Friedrich Ebert Foundation and the Council of Nordic Trade Unions supported the initiative (Häkkinen 2013: 6). Finnish unions justified their support for the project by pointing to the notion of free movement of labour and services within the European Union. Specifically, they argued that, due to the interconnectivity of the Estonian and Finnish labour markets, non-unionised Estonian workers working both in Estonia and Finland influence working conditions in Finland. In addition, Finnish unionists agreed that previous cooperation had not been successful in raising unionisation rates in the Baltic states (Kall et al. 2015).

BOA’s funding is based on annual fundraising and the funds obtained in this way are directed to organising work. Estonian unions are committed to invest at least 35 per cent of campaign-generated membership fees in further organising (Häkkinen 2013: 7). In each sector, organisers focus on several strategic companies. Campaigns aim to achieve a high trade union membership rate in the target companies, set up an on-site organisation, elect shop stewards and start collective activity leading to the conclusion of a company-level collective agreement. The most important elements are one-to-one conversations with workers to figure out the topics that are most important to employees and what employees want to improve the most. In addition, a significant amount of organisers’ time and energy is devoted to explaining to employees what a trade union is and what its goals are.

In order to organise workers and start collective agreement negotiations, organisers apply a comprehensive set of tactics that depend on both company and sectoral
specificities going beyond the scope of the tactics traditionally used by Estonian unions. These include conducting surveys among workers to identify the most acute problems in a specific workplace, petitions, campaigns to raise awareness (both towards customers/the general public and certain groups of workers), attracting media attention when an employer is hostile to unions, establishing Facebook groups, wearing signs to create a feeling of unity and solidarity between workers and, in the case of multinational companies with Nordic origins, asking for support from union operations at company headquarters. One major difference to American organising campaigns is the lack of cooperation with social movements, as social movement unionism is practically non-existent in Estonia and weakly developed also in other CEE countries (Mrozowicki 2014; for recent Slovenian experiences, see Samaluk, this volume).

Sectoral-level unions connected to the Academy have also started to cooperate more closely with each other by staging joint social campaigns and helping each other with industrial actions, given that this kind of activity is also financed by BOA. For example, in 2014 seafarers’ and private service workers’ unions (EMSA and ETKA, respectively) launched an awareness-raising campaign ‘Decent work, decent salary’. With this campaign, financed by the Danish union for hotel workers, the unions aimed to raise awareness among both workers themselves and the general public of the employment conditions of hotel workers (cleaners and chambermaids) by distributing leaflets near harbours and large hotels in Tallinn (ETKA 2014). Such activities can be regarded as engaging with identity politics as they intend to empower low wage-earning (mainly female) workers while, at the same time, making these groups of workers and their employment conditions more visible to society.

The Estonian Seafarers Independent Union (EMSA) has also used the organising model, although it was not part of the official BOA project. One of their officials, however, was previously engaged with the Academy and, when he started working for EMSA, got involved in promoting and practising the approach within the union. Following BOA’s logic, he led one-to-one conversations with staff in the Tallink hotel chain and soon identified a future trade union activist who later became a head shop steward. Despite management opposition and the different tactics used by the employer to undermine the trade union which included, inter alia, the creation of a ‘yellow’ union, EMSA staged several successful campaigns. In December 2014, the unionisation rate at Tallink hotels was 60-90 per cent; in addition, EMSA managed to sign a collective agreement that secured hotel workers a gradual wage increase and other benefits. Moreover, EMSA was financed in 2014-2015 by the Nordic Transport Workers Federation (NTF) and the International Transport Workers Federation (ITF) to organise one of the dry bulk terminals, so it also used the strategies inspired by the organising model there (interview EMSA 2014).

In addition to BOA’s launch, 2012 was marked by a considerably heightened mobilisation of trade unions in Estonia – the country that traditionally recorded the lowest strike records in Europe (Vandaele 2014). In early March 2012, several unions, as well as non-unionised workers in transport and healthcare, organised solidarity strikes to back the industrial action being staged by teachers and to support trade union demands of the government. Unions explicitly demanded that the government restored social dialogue
and included trade unions in the decision-making process on labour policy issues.\(^3\) The strikes spread over the whole country and are known as the ‘strike week’ – the most extensive industrial action since Estonia regained its independence. The protests gained considerable attention, partly because they affected people’s daily lives due to transportation stoppages; they were also widely covered in the media. Moreover, the healthcare unions mobilised their ranks later that year and carried out an extensive strike wave that lasted for 25 days. Both strike waves brought modest wage increases and some other benefits to teachers and healthcare workers but, equally importantly, they have shown that unions are capable of mass mobilisation.

### 2.2 Organisational innovation within EAKL

In 2013, EAKL saw a leadership change as well as the replacement of some of its officials. In late 2012, Harri Taliga, president of EAKL since 2003, suddenly announced that he would resign and a new, younger president, Peep Peterson, was elected.\(^4\) Peterson has a Social Democratic party background and, because of that, some unionists considered him unsuitable for the position. One of the union officials interviewed put it that the Estonian trade union movement had been ‘a bit allergic’ to political parties and thus some members preferred to retain the organisation’s political neutrality. Peterson promised to withdraw himself from party politics while being President of EAKL. Before taking up the post, he had run one of Estonia’s most visible sectoral unions, the Estonian Transport and Road Workers Trade Union. He stated that he was not satisfied with the way EAKL was reactive rather than proactive in relation to the policy-making process; he was also determined to halt the trend of membership decline (Vahter 2013).

The leadership change facilitated several changes within the confederation. For example, in 2014 the organisation hired an analyst, a civic activist connected to the Social Democratic Party with an economics and philosophy (ethics) background. The aim of hiring her was, arguably, to make EAKL more forward-looking and strategically capable (interview EAKL\(^3\) 2015). Currently, EAKL is administering a project that aims to strengthen sectoral unions’ administrative capabilities and, where possible, make them less dependent on EAKL. The project includes developmental conversations between EAKL and its affiliates to examine the strengths and weaknesses of specific unions and to facilitate possible mergers of different unions from the same or overlapping sectors.\(^5\) In this context, an EAKL official concludes that the lack of financial resources hampers unions’ prospects for innovation and growth:

‘[Based on the developmental conversations] I dare say that about half [of the 19 affiliates] are willing to develop further, but half of those don’t have the resources

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\(^3\) At that time, collective labour legislation was also under review and there were plans to make changes to the legislation, to which unions were opposed (EAKL 2012), in addition to the failed social dialogue negotiations in 2008–2009 during the implementation of the Employment Contracts Act.

\(^4\) In the past, Peterson had twice been nominated to run against Taliga, but lost.

\(^5\) On the other hand, during the interviews some officials from the sectoral unions affiliated to EAKL expressed concern that they were not as aware of the activities and plans of EAKL as they had been during the previous administration.
for that; as you know, if you have few members then you have little money and you cannot perform those tasks’ (interview EAKL3 2015).

Recently, EAKL launched another major initiative – a new electronic communications system that would facilitate communications between EAKL and its affiliates and which would enable organisations to share information and resources, and increase organisational democracy (interview EAKL3 2015). This has the potential to boost affiliates’ engagement with the confederation but, as it is still in its initial stages, it is not yet possible to evaluate its effectiveness.

2.3 New target groups

Within the framework of the Baltic Organising Academy, several Estonian sectoral unions are expanding their reach and organising previously non-organised companies as well as sectors operationally linked to them. For example, the Estonian Transport and Road Workers Trade Union (ETTA) organises workers employed in logistics. Furthermore, EAKL’s analysis detected the sectors without any trade union presence and developed a strategy to cover the whole economy with sector-specific unions. Construction was one of the industries without any union, so EAKL initiated several meetings with the aim of setting one up. These meetings were directed towards workers in construction and encompassed employer representatives and labour inspectors. Worker participation was low, but one of EAKL’s affiliates, the Estonian Metalworkers Trade Union Federation, decided to change its name into the Industrial and Metalworkers Trade Union Federation (IMTAL) and to widen its scope so that it could organise construction workers (interview EAKL3 2015). In 2016, IMTAL concluded a cooperation agreement with Finnish construction workers union Rakennusliitto, which states that members of IMTAL can also turn to the Finnish union while working in Finland, and vice versa (IMTAL 2016).

In 2013, the first Estonian union for financial workers (Eesti Finantssektori Töötajate Liit, EFL) was created. In contrast to the top-down organising approach adopted in the construction sector, EFL was a bottom-up, grassroots initiative. Several finance sector workers set up a union for which they work pro bono and which workers can join for free. An EFL official explained that they had decided not to set a membership fee to encourage workers to join but that, in the long run, introducing a fee might become a necessity (interview EFL 2015). At the end of 2015, EFL had around 150 members without staging any campaigns or organising activities. According to the official, the need to create a union was related to there being no form of worker representation in the sector and to the example set by the Nordic finance sector unions.

In Nordea, one of the multinational banks operating in Estonia, workers established an EFL unit and used the new structure to counter the dismissal of workers and company restructuring proposals, and to address the gender pay gap in the finance sector that is the biggest in Estonia (Mets 2015). Sustaining union activity at Nordea is difficult as the management fired union’s shop steward after he had turned to the Labour Dispute
Committee, claiming that the employer had discriminated against him because of his involvement in the union. The Committee ruled that there was indeed discrimination and that the bank should cease, but the shop steward was sacked instead. When he appealed to the Labour Dispute Committee, the latter ruled that the dismissal was unlawful and that the worker should be reinstated and compensated. However, the bank did not follow the Committee’s ruling and appealed to the court. Ultimately, Nordea agreed to pay significant financial compensation to the shop steward and he withdrew his statements. However, he is still involved in the activities of Nordea’s union, while the bank continues to refuse to cooperate with workers’ representatives (Postimees 2016).

Unlike unions in several other CEE countries (see, for example, Mrozowicki and Maciejewska, this volume), Estonian labour organisations have not been active in representing non-standard workers. This is likely to be due to the lack of resources that makes it difficult for unions to represent workers even on standard contracts, but it also stems from non-standard working arrangements not being as widespread a phenomenon in Estonia as in other countries (ILO 2015). The share of workers with non-standard working arrangements being rather marginal, unions have not framed these types of employment as particularly problematic and, consequently, have not engaged with them.

2.4 Drivers of innovative union practices

It can be argued that the innovative practices presented in this chapter address the challenges of the external post-crisis environment, in which unions’ structural, institutional and associational power had declined even further. Unions had lost their members, employers were unwilling to engage in collective bargaining and national level social dialogue mechanisms were further weakened due to the government’s unilateral policy-making. Employees’ increased mobilisation – in particular the ‘strike week’ of 2012 – was, to a large extent, a consequence of the government’s unwillingness to acknowledge unions’ consultative role; it also resulted from workers being tired of wage cuts and other employer-directed changes and it was thus easier for union leaders to mobilise them.

In the context of the crisis demonstrating that unions were incapable of defending workers’ rights through social dialogue and collective bargaining, several administrative capacity-building initiatives have been launched. However, the decision to launch one or the other initiative has still been in the hands of union leaders, which points to an important role being played by union agency. This assertion is consistent with Heery (2005), who claims that external factors alone are not sufficient to push unions to innovate. In the Estonian context, the role of both local and, in the case of BOA, also Nordic trade unionists should not be underestimated. In Estonia, trade union density has been on the decline since the early 1990s but the organising approach was adopted only in 2012, under the influence of strong advocates of the model from Finland and Estonia. Several other innovations – hiring an analyst; strengthening sectoral unions’ administrative capabilities via developmental conversations and mergers; and
developing a new electronic communications system – similarly materialised only after the change within EAKL.

3. **Sustainability and impact of union innovations**

Estonian unions have, since the late 2000s, demonstrated all three dimensions of innovation identified in the Introduction: they have used new strategies and instruments; implemented organisational changes; and targeted new employee groups and the wider public. The most important instruments used in this regard have been heightened mobilisation, engagement in identity politics and in the dissemination of benchmarks within society, servicing and the adoption of the organising model.

As regards the direct effects of the heightened mobilisation of private sector unions and the ‘strike week’ of 2012, collective labour legislation is still on hold and the changes to which the unions were actively opposed have not been implemented. However, union mobilisation might be only one of the reasons for this development. In 2014, the International Labour Organization sent a letter to the Estonian government in support of several of the unions’ demands, claiming that some of the changes proposed by the government were against international labour standards (ILO 2014). In addition, the legislative standstill might be related to continuing political games. However, at least one of the union officials interviewed (interview EAKL2 2014) considered it a small union victory that the changes had not been implemented.

Unions have also engaged with identity politics and attempted to build and disseminate benchmarks on employment standards within Estonian society. There have been several awareness-raising campaigns directed towards the general public and/or particular groups of workers. Engaging with these instruments helps unions gain greater legitimacy; workers seem increasingly to feel that unions are dealing with issues which are important to them, an important consideration given that, in Estonia, the awareness of what unions do and belief in their effectiveness has been rather low. In addition, the campaigns have given the general public the possibility of demonstrating that they agree with unions’ objectives. By putting their signature on a union petition, people feel that they are, in some way, involved in the policy-making process.

Moreover, it is likely that new elements of servicing, such as EAKL’s training programme for union activists and officials, has raised unions’ professionalism in representing workers and engaging in social dialogue. In addition, EAKL has also carried out, and is still planning to implement, several organisational innovations, led by the new president of the federation. These aim to strengthen the capabilities of the sectoral unions and those of the central federation alike, but also to cover the whole economy with unions. These initiatives, if successful, will certainly strengthen the Estonian trade union movement, even though it is early at this point to be evaluating their effects.

The biggest innovation, however, was the launch of BOA and the adoption of the organising model of unionism. BOA has brought membership gains and influenced the identity of the trade unionists engaged in the project, but it has also had wider
implications for the Estonian labour movement. BOA’s strategy has proven to be successful on several accounts. First of all, organisers I interviewed are certain that, given enough time, many people would become more open towards the idea of joining unions, change their thinking and gain more confidence. Secondly, after the start of organising activities, employers seem to have changed their attitude towards employees. Some have taken steps to unify pay systems (the same wage for the same work), replaced (illegal) fixed-term contracts with open-ended ones and increased wages even on sites without collective agreements. There is also some evidence of the success of the model in terms of membership growth, even though growth has been rather slow and the campaigns small-scale. According to data provided by BOA officials (Häkkinen 2014), by November 2014, that is, less than three years after the launch of the organising drive, the BOA project has brought over 1 200 new members, 50 shop stewards and 15 new union organisations. In several of the organised companies, unions have also managed to sign collective bargaining agreements. Concerning the BOA-induced changes in union identity and ideology, trade unionists themselves have become more acquainted with the organising model and the ‘organising turn’ seems to be making ground among union officials both within and beyond the BOA project. The organising model is currently also advocated by EAKL, which has incorporated elements of it into its general training module for shop stewards. It therefore seems that these ideas have spread within trade union structures and might also influence unionists outside the original BOA structures.

Still, despite several victories, the organising approach is not without disadvantages and some unionists have questioned its suitability. It is, in many respects, different from previous forms of union action, so it is understandable that some union officials feel uneasy about it. Firstly, it is different since the aim is to mobilise and empower workers at shopfloor level so that they themselves set the agenda. Thus, it decreases the autonomy of sectoral unions and challenges the role of union officials. One of the organisers explained:

‘[...] XXX [an older trade union official] who is running it [one of the unions involved in BOA], she is, well, old-school. [...] For her, the trade union is still like... sitting in the office and waiting until workers come there’ (interview BOA 2016).

Secondly, BOA’s organising approach assumes that union members are willing to get involved in more aggressive tactics, such as keeping organising secret for a certain period or organising industrial action, especially if the employer refuses to cooperate. This increased worker/union activism has facilitated tensions among some unionists favouring less radical approaches (and ones more traditional for Estonian unions) when communicating with employers.

Thus, the most important future challenges for unionism based on the organising model are whether officials currently chairing unions perceive the approach as something of their own, and will want to engage with and invest in it when the foreign funding ends, and whether the model gains ground outside BOA structures as well. There are some promising developments. For example, the Finnish metalworkers and private service sector unions are also making use of the organising model after seeing that it works in
Estonia, while one of the Estonian organisers has recently started working as a BOA coordinator in all three Baltic countries, and trains also Latvian and Lithuanian unions on the model’s principles.

Unfortunately, there are no comparative studies that would enable an evaluation of how the public perception of unions has changed during these years. Nevertheless, a survey (n=2007, age 15+) carried out in 2015 showed that 67.5 per cent of the Estonian population agree that employees need strong trade unions to protect their interests, with only 7 per cent disagreeing with that proposition (ISSP 2015). This might indicate that initiatives like the awareness-raising projects that have kept unions in the picture have had a positive impact on the perception of unions. According to the same survey, union density in late 2015 was 8 per cent (ISSP 2015), which is around the same as it has been in previous years (Visser 2015).

Another indicator that helps evaluate the effectiveness of the initiatives described above is the number of collective bargaining agreements signed. Information included in the collective agreements register (which, however, might not cover all agreements) does not provide a very optimistic picture. In 2014, the number of newly signed agreements was 50 and in 2015 only 38, compared to 53 in 2010 and 88 in 2007 (Kollektiivlepingute andmekogu 2016). Alongside the argument that the external environment has become more difficult for unions during the post-crisis period, so one could wonder if the number of accords would be even smaller without unions’ innovative actions.

Finally, most of the new developments within the Estonian trade union movement have relied on funding either from foreign unions or the EU. This raises the question of the sustainability of these activities and highlights the project-based nature of recent trade union initiatives in Estonia. It seems, however, that organising new sectors and unorganised companies, but also conducting different awareness-raising campaigns, might help strengthen the unions immediately (as regards membership levels and increased legitimacy) and bear more long-term results for the union movement as well. Capable and forward-looking leaders have a major role in the process, especially in the case of organisations as small and top-down managed as Estonian trade unions.

Even so, it has to be noted that the innovative practices presented in this chapter have been carried out by a certain group of private-sector unions, but a large number of labour organisations have been rather passive. Therefore, the question remains how to motivate the more passive unions to get involved in assertive, innovative actions.

**Conclusions**

This chapter argued that, despite a generally weak position and meagre resources that were further depleted during the recent economic crisis, several Estonian private-sector unions and the Estonian Trade Union Confederation have become involved in a variety of innovative initiatives. These have included the development of new strategies and instruments, an increased focus on unorganised sectors and companies, and the
implementation of organisational changes within the confederation. At the same time, unions have put much more effort in being visible: they have launched awareness-raising campaigns, showing that unions are there and are dealing with ‘real’ problems. There have also been periods of heightened mobilisation which indicate that, if Estonian unions are pushed too far, they are willing and able to react more militantly as well.

The most far-reaching innovation in the Estonian context has been the adoption of the American-style organising model. For unions that have embraced it, it signifies a move away from routine servicing to direct engagement with rank-and-file members and the latter’s involvement in setting unions’ goals. It has also brought more militancy into unions’ actions and thus departed from the cooperation-oriented union-employer relations that had been characteristic of Estonian unions prior to BOA. This innovation can have a considerable impact on the Estonian labour movement as a whole but, in order to achieve this goal, unions that are currently outside the BOA project need to demonstrate a willingness to take on the organising agenda. In any case, expanding to new sectors and companies, and aiming to cover the whole economy with at least the possibility of joining a union, has been an important development, as sectors like finance and construction have, previously, been union-free. The next step for Estonian unions might be to target non-standard groups of workers as these groups have, thus far, not featured high on unions’ agenda.

All in all, these innovations might stop, or at least slow down, the downwards spiral of membership decline and have the potential to increase the legitimacy of unions. On the other hand, at least up to this point, most Estonian unions have continued to require considerable foreign financial assistance to get engaged in them, which raises the question of their long-term sustainability.

**Interviews**

Interview with the Association of Estonian Financial Sector Employees (EFL), Tallinn, 21 Oct. 2015.
Interview with the Baltic Organising Academy (BOA) organiser, Tallinn, 27 January 2016.
Interview with the Estonian Seamen’s Independent Union (EMSA), Tallinn, 3 December 2014.
Interview with the Estonian Trade Union Confederation (EAKL) #1, Tallinn, 3 April 2014.
Interview with the Estonian Trade Union Confederation (EAKL) #2, Tallinn, 10 December 2014.
Interview with the Estonian Trade Union Confederation (EAKL) #3, Tallinn, 5 November 2015.
Interview with the Estonian Trade Union of Commercial and Servicing Employees (ETKA), Tallinn, 11 September 2014.

**References**


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Hungary: inertia of the old actors, constrained innovation from the new
Imre Szabó

Introduction

In addition to the long-term challenges of membership loss, political fragmentation and delegitimisation (Tóth 2001; Bohle and Greskovits 2012), Hungarian trade unions have had since 2010 to face a change in the political environment (Tóth 2012; Szabó 2013). The Orbán government used its centralised political power to transform labour market institutions; it adopted a new Labour Code, abolished the tripartite council and introduced restrictions on the right to strike. These measures further weakened the institutional guarantees of collective bargaining and hindered trade union access to the policy-making process.

Many of the established trade unions and confederations protested against the measures but could not prevent them. This chapter claims that the established unions have not fundamentally altered their strategies in view of the challenges and have been forced to accept the new ‘rules of the game’ set by the government. In this context, innovation comes from new actors who often do not even define themselves as trade unions but fulfil the same function: they collectively speak for workers in bargaining situations. To illustrate this argument, the chapter analyses four such actors: the Hungarian Resident Physicians’ Association (Magyar Rezidens Szövetség, MRSZ) and the Independent Trade Union of Healthcare Workers (Független Egészségügyi Szakszervezet, FESZ), operating in healthcare; and the Movement of Public Works Employees for the Future (Közmunkás Mozgalom a Jövőért, KMJ) and the Trade Union for Public Works (Közmunkás Szakszervezet, KMSZ), active in the public works sector. Despite their different professional and political background, the emergence of these new actors demonstrates the potential for heightened employee engagement at the margins of the labour movement. At the same time, however, the limits of these initiatives have also become clear: the new organisations have fragile structures, are unable to overcome political divisions and/or are constrained by operating in limited professional domains.

The chapter’s findings are based on a review of the secondary literature and media sources, as well as on interviews with representatives of trade unions and emerging actors that do not officially define themselves as trade unions. The list of interviews conducted by the author is presented before the reference list. Two of those interviews – with a representative of the Hungarian Resident Physicians’ Association as well as one from the Trade Union of Teachers – were part of the author’s dissertation research. The section on the resignation campaign of junior doctors is based on a chapter in his dissertation (Szabó 2016a).
The chapter is structured as follows. The first section briefly outlines long-term developments in the Hungarian trade union movement after 1989 and the short-term political challenges they have faced since 2010. It identifies the main reasons for the inertia of the old actors. The second section presents the role of the new actors and outlines the drivers of their emergence. The chapter concludes by comparing the examined organisations and highlighting their limited impact on the broader labour movement in Hungary.

1. The inertia of old actors in the context of long- and short-term challenges

The first section of this chapter deals with established trade unions’ reactions to the long-term challenges of structural decline and to the short-term changes in the political environment. It will show that the space for innovation by established actors has been rather constrained, and that their behaviour has not been driven so much by strategic decisions but rather by current economic and political circumstances. The long-term context of trade union activities in Hungary is not so much different from that in other countries, so the narrative will focus on the political challenges that emerged following the electoral victory of Viktor Orbán’s FIDESZ party in 2010 and the corresponding trade union reactions. The account demonstrates that the two interrelated instruments mentioned in the Introduction to this volume by Bernaciak and Kahancová, namely political action/lobbying and short-term mobilisation, have dominated mainstream trade union activity in Hungary in recent years. However, this did not imply innovation for two reasons. First, both instruments were already long present in unions’ toolboxes, but became dominant only after 2010 due to the lack of strategic alternatives. Secondly, they could not make up for unions’ failure to recruit new members and to coordinate their strategies across different confederations.

1.1 Trade union movement in Hungary: setting the scene

Hungarian trade unions have low and declining membership rates and are characterised by a high degree of fragmentation. Table 1 shows that, between 2001 and 2015, trade union density in Hungary halved, dropping from 19.7 per cent to 9 per cent. There are significant differences in trade union presence across economic activities, with employees being more likely to be union members in transportation, utilities and public services than in the private sector. Even in public services, however, unions have a difficult time attracting and keeping members. Healthcare – one of the focal areas of this study – is still relatively well unionised, but the membership decline trend is similar to that characteristic in other sectors of the Hungarian economy. In 2001, the union density rate in health and social work was 33.8 per cent, whereas in 2015 it stood merely at 17.7 per cent (Table 1).
As of 2012, Hungary had six trade union confederations: MSZOSZ (National Confederation of Hungarian Trade Unions); LIGA (Democratic League of Independent Trade Unions); SZEF (Forum for the Cooperation of Trade Unions); ASZSZ (Autonomous Trade Union Confederation); ÉSZT (Confederation of Unions of Professionals); and MOSZ (National Confederation of Workers’ Councils). MSZOSZ, LIGA and SZEF were the three largest, representing two-thirds of all trade union members in the country (Kiss et al. 2015). These organisations were partly formed around historical and political cleavages, with MSZOSZ and SZEF regarded as ‘legacy’ unions of the communist system, but also along economic sectors and activities. SZEF represents public sector workers and ÉSZT represents professionals; while the rest of the confederations have mixed membership. Otherwise, there is no clear demarcation between the different confederations and affiliate unions tend to compete for membership at the workplace level.

In terms of the long-term political economic context, Hungary shares many similarities with other countries. Unions have had to face structural challenges stemming from capital mobility, de-industrialisation and the spread of non-standard employment practices. Even before 2010, Hungarian labour relations were characterised by managerial and state unilateralism, with a limited role for collective bargaining and social partnership (Koltay and Neumann 2006). Declining membership rates, difficulty organising precarious groups, and differences in unionisation rates across sectors (with unions much better represented in larger firms and in the public sector) are all challenges that are not specific to Hungary but constitute regional or, in fact, global problems for the labour movement.

Socialist legacies still have an imprint on Hungarian trade unions’ attitude towards the state and towards each other. A legacy of their transmission belt function within the state-party apparatus is that trade unions have little experience in organising and instead rely heavily on state-mandated institutional channels of influence. In other countries, these legacies were either not so strong to begin with (in Czechia, for example, a unified trade union movement survived the transition: Avdagic 2004) or are gradually fading away (in Poland, hostilities among union confederations are less pronounced now than they used to be: Varga 2015); however, in Hungary they seem to persist, an issue which will be detailed later.

In addition to these long-term trends, Hungarian trade unions have had to adapt to the restructuring of the political and institutional environment of labour relations after
2010, when the Orbán government, with a parliamentary ‘supermajority’ and a statist-conservative agenda, came to power (Neumann 2012; Szabó 2013). It is a matter of debate whether a critical juncture took place then and a strict separation of the post-2010 developments from what was going on between 1989 and 2010 is justified. The author of this chapter pointed out in an earlier contribution (Szabó 2013) that the direction of the recent change is also controversial, with some measures pointing towards increasing labour market liberalisation and others towards more extensive state involvement in employment affairs. Liberalisation is in line with pre-2010 developments but the increasing role of the state is a new phenomenon in the Hungarian context. Examples of the former process include the adoption of the new Labour Code that frees up the hands of employers in many areas; while the latter centres around a more unilateral and interventionist tax and employment policy of the government (Neumann 2012; Szabó 2013).\(^1\)

It is difficult for trade unions to adapt to the newly emerging socio-political setup, precisely because the developments are highly contradictory. On one hand, more flexible labour market regulation could galvanise workplace-level bargaining processes and would require a union strategy that is focused on strengthening their presence in the workplace. The available evidence suggests, however, that this activation of local bargaining had not, as of 2015, taken place (Laki et al. 2013; Dabis et al. 2015). On the other hand, the state’s increased involvement in the micromanagement of employment would call for a trade union strategy of pressing directly the government – a dimension that has always been more prominent in the Hungarian case than workplace-level presence. Finally, the recent changes affect the public and the private sector differently. The changes in the private sector are themselves substantial, but they are constrained to a reshuffling of the ‘rules of the game’, i.e. the adoption of the new Labour Code. In the public sector, by contrast, the state took advantage of its employer role and became much more intrusive. The central government regained ownership of schools and hospitals from municipalities and set up administrative bodies to control them. It also modified wage systems in education and healthcare and launched extensive, centralised public works programmes (Busch and Bördös 2015).

The new environment does not only make it difficult for unions to decide which level of activity – the workplace or the national – they should focus on to represent the interest of the largest number of employees in the most efficient manner, but it also weakens institutionally guaranteed channels of representation at both levels. This is because the new Labour Code reduced the number of protected union representatives at a given workplace and weakened their time-off guarantees (Neumann 2012). At the national level, the abolition of the tripartite council was a major blow to the institutionalised channel of unions’ influence on government policies (Szabó 2013).

\(^1\) It needs to be emphasised here that government activism and unilateralism does not favour employees against employers; it rather has its own logic cross-cutting the labour-capital divide. For example, new tax policies had equally negative effects for low-income earners (the introduction of a flat tax system) and service multinationals (the introduction of sectoral taxes on finance, utilities and retail). Likewise, employment policies created a new precarious employee group – participants in public works programmes – whose employers, however, are not private sector firms but state agencies.
1.2 Established union responses

What were the established unions’ reactions to the above challenges and how innovative were their actions? This subsection outlines the two most widespread responses: lobbying\(^2\) and protest mobilisation; while it also looks at the failure to reconcile intra-movement cleavages and to regain organisational capacities. It argues that short-term protest mobilisation and lobbying have indeed featured prominently in the repertoire of action of established unions, but these tools are insufficient for union revitalisation as long as there has been no progress in terms of organising. By the same token, no long-term commitment has been made from rival unions and confederations to overcome long-standing divisions and work together.

Throughout the examined period, the established unions in Hungary continued to regard influencing legislation and government decisions as their main task, despite having fewer formal channels to access legislation and the executive than before 2010. This was especially evident in the public sector. The main education union, PSZ, for example, was highly critical of government policies but it insisted on maintaining its image of a responsible, professional actor that played by the rules. Until 2016, the organisation’s activities focused primarily on legal scrutiny of education reforms and legal help to members (interview PSZ 2015). When in 2016 it called a one-day strike, this happened at the tail-end of a grassroots protest initiative by NGOs. The largest trade union in healthcare has taken an even more conservative position by agreeing with the general direction of government policies since 2010, not calling protests and trying to achieve concessions exclusively at the bargaining table (interview MSZ-EDDSZ 2015).

In their lobbying activities, unions do not only target the Hungarian government directly; they also try to influence it by approaching international organisations. When the Orbán government issued the first draft of the new Labour Code, which contained even more radical changes than the finally adopted version, major trade union confederations turned jointly to the International Labour Organisation and the EU Commissioner for Employment, Social Affairs and Inclusion. Both institutions expressed serious concerns about the draft legislation. According to Neumann (2012), the intervention of these international actors provided a breakthrough in the negotiations; in consequence, the government was ready to scale back on some major issues, such as guarantees of union presence at the workplace.

Protest is related to lobbying as it is also a way of trying to affect government policies in the absence of bargaining or social partnership institutions. Street demonstrations and other forms of public campaigns, such as petitions and referenda, have been an increasingly dominant part of the trade union repertoire at least since 2007-2008, when the LIGA confederation initiated a referendum against the healthcare reform of the

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\(^2\) For the purpose of this chapter, lobbying is understood broadly and is conceptualised as attempts to influence the policy decisions of the government and the legislature. When institutional channels of influence are narrowing down, there are two ways in which unions can have an impact on policy-making: through direct (often informal) lobbying and through protest mobilisation; and therefore their innovative strategies will also focus on these two areas. Both dimensions were present when traditional formal channels of influence were stronger but, while the latter institutions are losing strength, the former are gaining increased prominence.
socialist-liberal government (Neumann 2012). After the government change in 2010, street demonstrations continued to be the most prominent way of expressing societal dissatisfaction and an attempt to alter the course of government policies. This time, however, protests were more equally distributed across confederations and unions with different political affiliations, gathering both MSZOSZ and SZEF-affiliated unions that were traditionally linked to the socialist party and LIGA-affiliated organisations, considered to have ties to FIDESZ.

Despite the increased frequency of protests, demonstrations in themselves can achieve little and trade unions’ increasing reliance on them should not be read as a sign of strategic innovation but rather as a suboptimal course of action forced upon them by the political environment. Against this background, the weakness of the established labour organisations demonstrates itself in several areas. First, trade unions’ most important traditional weapon, the strike, has almost completely disappeared from their repertoire since 2010, which means that street demonstrations could be less and less efficiently backed by threats of industrial action. Data collected by Berki (2016) on labour protests in Hungary lends support to this statement. The number of labour-related protest events increased substantially after 2005, and remained higher than the 2005 level up until 2014. However, in the 2006-2010 period, strikes made up 27 per cent of all protest events but, after 2010, their share has dropped to a mere 6 per cent (Figure 1).³

Secondly, there is consensus in the literature on Hungarian labour relations that the established unions continue to be largely unsuccessful in recruiting and retaining their

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³. The Hungarian Statistical Office records a similar decline in strike activity (KSH 2016b).
members. Neumann’s (2012) study concludes that there is little organising activity in the private sector, and my interviews in the public sector confirmed this finding. A high-rank official from the main teachers’ union expressed her union’s attitude to organising in the following manner:

‘Last year, we adopted an organising strategy and we also carried it out. The results did not match the enormous amount of work that we had invested. The recruitment and the retaining of members depend primarily on the personality of the shop steward at a given school.’ (Interview PSZ 2015)

The main healthcare union’s official acknowledged that her organisation faced declining membership numbers but she also highlighted that this was a worldwide problem. Rather than referring to specific organising campaigns, she claimed that, in the Hungarian context, membership decline would be reversed as the union’s policies – and its cooperation with the government – brought positive results:

‘This is not a question of strategy... this is a provisional symptom which we experience right now, and the situation is going to improve gradually, as we get out of this slump. People will see our decent work, and will decide where they want to belong.’ (interview MSZ-EDDSZ 2015)

The available literature also suggests that the main selective incentive that unions use to recruit and retain members is service provision. For example, in the wake of the adoption of the new Labour Code, MSZOSZ urged employees to have their new contracts examined by a union lawyer before signing (Neumann 2012). Legal assistance was also mentioned as an important tool to retain members by a representative of the largest teachers union (interview PSZ 2015). However, Laki et al.’s (2013: 18, 51) comprehensive study of recent industrial relations developments in Hungary points out that the ‘package deal’ of servicing and organising is not sustainable in view of unions’ dwindling financial resources. In the private sector, this model is also being challenged by the new Labour Code’s provisions. Under the old regulation, union officials were allowed to cash in their legally guaranteed reductions in working time. This provided a financial resource for unions that was on a par with membership fees; for example, at a LIGA branch covered in the cited study, it covered up to 40 per cent of expenditure (Laki et al. 2013: 18). The new Labour Code abolished the option of cashing in working time reductions, dealing a serious blow to the servicing-union model.

Continuing membership loss is a particularly salient challenge in the public sector. If current trends are not reversed, labour organisations operating in the public sector might soon lose their right to conclude collective agreements at the national level. According to the current legislation, a 10 per cent density is required for a single union to be acknowledged by the employer as a bargaining partner. In the private sector, where company-level bargaining prevails, unions can reach the 10 per cent threshold in key factories and establishments. For public sector unions, however, the national level has become more important as a result of the centralisation of the provision of health and education services by the government. According to the most recent survey
that took place in 2014, the two largest unions in the public sector reached, but barely surpassed, the 10 per cent threshold nationally. In their relevant domains (education and health, respectively), PSZ organised 12.56 per cent and MSZ-EDDSZ 11.80 per cent of employees (NMORB 2014).

Thirdly, the old actors – and in this chapter trade unions established during the regime change after 1989 also come under the ‘old’ label – remain hostile to each other. Both at the confederal and at the sectoral level, high levels of fragmentation persist among unions with different historical backgrounds. There were a few examples of joint protest against the most radical steps of the Orbán government, but no long-term cooperation or even coordination grew out of them. In addition, as pointed out by Neumann (2012), the government takes a selective negotiation approach: having abolished or set aside the tripartite bargaining institutions, it prefers negotiating with single unions. This adds further fuel to the already existing tensions among the organisations.

Out of the six confederations existing as of 2010, the three that were anyway closest to each other beforehand (MSZOSZ, SZEF and the Autonomous Federation) did start merger negotiations. Even from among these three, however, the two larger bodies (MSZOSZ representing the private and SZEF the public sector) could not agree on a final institutional merger. At the same time, feuds broke out within LIGA, the arch-enemy of MSZOSZ, with one of its largest constituent unions leaving and formed a new confederation on its own (Hetedik Szövetség 2014). At the sectoral level, politically divided unions continue to dispute each other’s representational domain. A telling example in this respect is education, where the smaller Democratic Union of Teachers attacked the official representativeness figures of the larger Union of Teachers in court (Fővárosi Törvényszék 2015).

2. **Innovation from new actors**

This chapter presents innovative practices coming out of the new institutions of employee representation in the Hungarian public sector. It was mentioned earlier that, in the public sector, the state not only changed the ‘rules of the game’; it also directly shaped employment trends (Fazekas and Neumann 2014). Most importantly, the Orbán government took over the control of hospitals and schools from local governments and extended public works programmes that, by 2016, constituted a substantial and stable part of employment by the state (KSH 2016c). Therefore, the public sector serves as a test case for the emergence of new actors under the circumstances of radical restructuring.

Within the public sector, this chapter focuses on new actors in healthcare and public works. New movements of employees in uniform emerged, but their strategies were either less innovative (street demonstrations) or had lost momentum by 2013. In education, a grassroots protest campaign that was supported by the established unions had similarly subsided by the second half of 2016. Moreover, apart from a one-day strike

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4. In the public sector, triannual administrative surveys are used to establish union density.
in April 2016, the larger union in education continued to rely on traditional institutional channels, negotiating with the government in a strike committee. Compared to the ongoing protests in education, then, the activities in healthcare and in public works can be judged as more innovative and persistent.

The two (sub)sectors can be viewed as most different cases in terms of their legal background as well as that of workers’ structural power and social status. In healthcare, labour shortages and increasing migration opportunities grant a high degree of structural power to employees, especially to skilled groups such as nurses and doctors (Kaminska and Kahancová 2011; Szabó 2014). By contrast, public works programmes exclusively target the unskilled, formerly long-term unemployed population, predominantly in rural areas. Participants in public works schemes have a vulnerable legal status, are employed on temporary contracts and receive compensation that is lower than the minimum wage (Cseres-Gergely and Molnar 2015). Nevertheless, both healthcare and the public works sector saw the emergence of new employee representation groups, some of which do not even call themselves trade unions but which fulfil very similar functions. This chapter accordingly focuses on four such organisations: the Hungarian Resident Physicians’ Association (MRSZ); the Independent Trade Union of Healthcare Workers (FESZ); the Movement of Public Works Employees for the Future (KMJ); and the Trade Union for Public Works (KMSZ). Table 2 summarises their main characteristics.

<table>
<thead>
<tr>
<th>Hungarian Resident Physicians’ Association (MRSZ)</th>
<th>Independent Trade Union of Healthcare Workers (FESZ)</th>
<th>Movement of Public Works Employees for the Future (KMJ)</th>
<th>Trade Union for Public Works (KMSZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foundation year</td>
<td>1999</td>
<td>2011</td>
<td>2012</td>
</tr>
<tr>
<td>Number of members as of 2015</td>
<td>Maximum 3 600 active</td>
<td>Around 3 000</td>
<td>Less than 100 permanent</td>
</tr>
<tr>
<td>Main event organized</td>
<td>Resignation campaign in 2011</td>
<td>Street demonstration in 2015</td>
<td>N/A</td>
</tr>
<tr>
<td>Affiliation</td>
<td>No confederal affiliation</td>
<td>Munkástanácsok (National Federation of Workers’ Councils)</td>
<td>No confederal affiliation</td>
</tr>
<tr>
<td></td>
<td>Action Group for Honesty in Healthcare</td>
<td>Hungarian Anti-Poverty Network</td>
<td>MSZOSZ, MSZSZ (Hungarian Trade Union Confederation)</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>MSZP (Hungarian Socialist Party)</td>
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2.1 Hungarian Resident Physicians’ Association

The Hungarian Resident Physicians’ Association (Magyar Rezidens Szövetség, MRSZ) was established in 1999 and, up to 2007, its activities were confined to lobbying on professional issues. MRSZ’s first contentious public action took place in 2007, when it collected 4 000 signatures against the government’s plan to introduce a tuition fee for
resident training (Fabók 2011). Under new leadership, MRSZ organised in 2009 the first mass demonstration of junior doctors in protest against unfair working conditions. In 2010, another campaign was triggered by the government’s intention to oblige state-funded resident physicians to sign a contract to work in Hungary as a specialist for a certain period of time after finishing their resident training, which was dubbed as the ‘serfdom clause’.

During 2010-2011, the emigration of Hungarian healthcare professionals reached unprecedented levels. For those who have left the country, this was an opportunity but it increased the pressure on those who remained and who continued to work for the same wage since 2008, when public sector wages were frozen. Moreover, the exodus increased labour shortages and, as a result, working time and the working conditions of doctors remaining in Hungary deteriorated even further.

MRSZ was dissatisfied with the established union actors who acknowledged the problem of emigration but, for a long time, it did not take action: it was only in May 2011 that the union launched a resignation campaign among junior doctors. Doctors’ demands focused mainly on a pay rise and the improvement of wages and working conditions for young doctors, but more general claims were also formulated, including the long-term goal of increasing the wages of practising physicians to three times above the national average (Szabó 2014). From the outset of the campaign, MRSZ targeted not only junior doctors but also senior practitioners, asking the latter to join the campaign. The initiative was also supported by the Medical Chamber (MOK) and the Federation of Hungarian Physicians (MOSZ). Their contribution remained largely symbolic, although the president of MOSZ called its members to consider joining the initiative and also to refrain from taking up compulsory overtime in case the demands of MRSZ were not met (Origo.hu 2011).

In early autumn 2011, MRSZ leaders toured the country to convince the employees of regional hospitals to hand in their resignations. MRSZ – as a small organisation – managed to keep its message clear, simple and consistent, but the government was initially unwilling to negotiate with it. This was because MRSZ was not formally a representative association, and the government was not legally obliged to enter into negotiations on wage claims with it. For this reason, the Health Secretary started talks only reluctantly, and these broke down in October 2011. MRSZ subsequently approached other members of the cabinet and MPs in the parliamentary faction of the governing party with its demands (Papp 2011).

By mid-November 2011, MRSZ claimed to have collected 2 300 letters of resignation that were to take effect on 1 January 2012. Sixty per cent of the resignations came from specialist doctors (Papp 2011). Therefore, it had become increasingly difficult for the government to ignore MRSZ, while events taking place in neighbouring Slovakia in early December gave a warning sign, too: after their notice period ended on 1 December 2011, 1 200 Slovak doctors refused to report for work. In response, the Slovak government declared a state of emergency in 15 hospitals, which obliged the resignee doctors to take up work. However, many of them just called in sick and the Slovak government had to
request neighbouring countries (including Hungary) to provide substitute medical staff (Czirá 2012; cf. Kahancová, this volume).

Meanwhile in Hungary, the number of resignations approached 3 000, which was set by the MRSZ leadership as the critical level. In one of the major regional hospitals, 70 per cent of doctors filed their notices; a much lower percentage would have been enough to paralyse a medical facility if key professional groups, such as anaesthetists or radiologists, left (Hvg.hu 2011). There were built-in checks in the system of employment law that helped the government prepare for possible service disruptions, however. Even if the resignations had taken effect, the government and hospital managers would have had three months to tackle the crisis during employees’ compulsory notice period. Moreover, in December 2011 the government designed a contingency plan that allowed them to order doctors to go back to work even after the latter had terminated their employment contracts (Szijjártó 2011).

During last minute end-of-year talks, the government convinced MRSZ to postpone the resignations by three months. In exchange, a bargaining process on salary increases was initiated. Negotiations were later extended to include the government’s regular bargaining partners – the Federation of Hungarian Physicians, the Medical Chamber and the nursing union MSZ-EDDSZ (interview MRSZ 2015). By the end of March 2012, following MRSZ’s threats to renew the campaign, an agreement was eventually reached. It provided for a two-stage wage increase that favoured resident physicians in the first stage and specialists in the second stage, but also included a wage increase for qualified nurses (interview MRSZ 2015). Resources for the increases were partly derived from a tax on unhealthy food items that had been introduced a year before.

All in all, the doctor’s resignation campaign was the only major workplace-related protest event in the Hungarian public sector after 2010 which also resulted in significant wage increases for all professional groups within the sector.

2.2 The Independent Trade Union of Healthcare Workers (FESZ)

Another major protest event in healthcare took place in 2015. The contention was manifested mostly through street demonstrations; MRSZ participated in their preparation, but this time the initiative came from the Independent Trade Union of Healthcare Workers (FESZ) that represented nurses and other general occupations in healthcare. László Kiss, the chair of the union until October 2015, said in a radio interview that FESZ was established with 16 members in 2011 with membership numbers growing to 3 000 in just four years (Kiss 2015).

The 2015 protests were called to push for wage increases as the pay scale put in place in 2012 after the resignation campaign of MRSZ had not been updated in the following years. FESZ member Mária Sándor became the face of these protests: a practising nurse from a Budapest hospital, she gained widespread media attention by launching a campaign of wearing black to express her ‘grief’ for the Hungarian healthcare system.
In her media appearances, apart from low salaries, she mentioned inhumane work schedules (for example overlapping day and night shifts) and working conditions as the reasons for the grave state of Hungarian healthcare.

FESZ was the most active and most radical actor in the 2015 protests but, not being a representative union, it exerted pressure on the government by liaising with other professional associations. FESZ accordingly joined the action group/umbrella organisation Honesty in Healthcare that also included the Hungarian Resident Physicians’ Association (MRSZ), the Association of Hungarian Physicians (MOSZ), the Trade Union Alliance of Medical Faculties (OSZSZ) and the Association of General Practitioners in Villages. On 12 May, the international day of nursing, the members of the umbrella organisation held a joint rally in front of Parliament and the Ministry of Health. The Chamber of Hungarian Healthcare Professionals (MESZK) held a separate street demonstration at the same time, and the two groups joined forces in front of the Ministry.

The momentum of the protests subsided, however, once the government made minor concessions: it incorporated the 2012 increases into base salary, which meant that overtime pay and other bonuses were now calculated on top of the regular (higher) rate. Moreover, the government expressed readiness to engage in regular bargaining talks only with the two representative unions in their respective domain, i.e. with MSZ-EDDSZ and the union of paramedics. The two chambers, however, were also to be involved in these talks as observers.

FESZ had the explicit goal to achieve representativeness as this would pave its way to the bargaining table. Despite the rapid increase in its membership between 2011 and 2015, with 3 000 members the union was still far away from this goal and it was unclear whether it could reach it in the foreseeable future. Partly due to procedural glitches made during the expansion phase, such as that of the central committee not registering new local branches, FESZ went through an organisational crisis during its convention in October 2015. Both the leading figures in the May demonstrations, General Secretary László Kiss and Mária Sándor, left the organisation in the wake of these disputes (FESZ 2015). Under new leadership, FESZ continues to be active but has a less confrontational attitude towards the government and the larger healthcare union MSZ-EDDSZ (FESZ 2016).

2.3 Movements and trade unions in public works schemes

One of the most salient employment policy measures of the Orbán government was the extension of public works schemes. These programmes provide employment opportunities for the long-term unemployed in various – mostly unskilled – activities such as cleaning, maintenance and assistant tasks in elderly care and agricultural work. Participation in the schemes is compulsory for those who wish to claim social assistance and do not have other grounds for doing so (for example, do not have young children). In recent years, employment in public works programmes has increased rapidly, from 87 000 in 2010 to 159 000 in 2014 (Szabó 2016b). Its participants occupy a precarious
Hungary: inertia of the old actors, constrained innovation from the new

legal position compared to employees both in the public and the private sector. Their legal status is distinct from, and inferior to, that guaranteed to workers by the Labour Code. They can only sign fixed-term contracts and they are entitled to compensation that is around 30 per cent lower than the minimum wage (Bördős 2015; Busch and Bördős 2015; interview KMJ 2016).

This large and new group of precarious workers is not represented by established unions given that Hungarian trade unions have neither the tradition nor the long-term strategy of organising precarious employees, not even those who fall under the jurisdiction of the Labour Code (Meszmann 2016). The result is that organising in the public works sector takes place through two channels, neither of which is directly linked to the established labour organisations. The first, grassroots channel is represented by the Movement of Public Works Employees for the Future (KMJ), a Budapest-based activist group that relies on cooperation between socially-conscious organisers with different social backgrounds and the actual participants of public works schemes. It is part of a broader activist network in Hungary that engages in anti-poverty campaigns and has very close links to NGOs standing up for other marginalised groups, such as Város Mindenkié (‘The City is for All’), an advocacy group for homeless people. It also cooperates with trade unions representing workers employed on the basis of regular contracts in low-paid activities where public work is widespread and, therefore, putting a downward pressure on regular employees’ wages. These include labour organisations representing workers in public facility management and in public archives and museums (Interview KMJ 2016).

KMJ was able to attract media attention with a street protest in early 2013, during which it handed a petition to the Ministry of the Interior that was, at the time, responsible for managing public works (Vojtonovszki 2014). The petition called for the improvement of labour standards in the public works sector.

Owing to KMJ’s extensive media presence, the Ministry at least communicates with them and, in some cases, also takes measures to address the issues raised by the organisation (Interview KMJ 2016). However, the Movement faces severe difficulties in building and maintaining its membership base and its organisational structure more generally. Organisers mention the fear of employer retaliation as the main reason for this lack of commitment on the side of workers (Vojtonovszki 2014).

KMJ provides services that are open to non-members, such as language, computer and communications skills training courses as well as legal advice. With these measures it not only tries to attract new members, but also helps empower and upgrade the skills of participants in public works schemes in order to increase their chances of finding employment in the regular labour market. The focus on service provision reflects the two-track approach of organisations active in public works programmes: apart from addressing short-term instances of injustice within the system, which are related mainly to poor working conditions, the main goal of the activists is the abolition of the entire system and its replacement with regular employment contracts. In this regard, the provision of job-seeking services to the participants of public works schemes is a step towards the reconciliation of these two goals. Following KMJ’s recommendation,
the Ministry has indeed implemented measures allowing workers to take time off when they attend a job interview on the open labour market (Interview KMJ 2016).

KMJ does not even call itself a trade union, rather a movement, but there is also a trade union of public works participants in Hungary. The Trade Union for Public Works (KMSZ) was also established in 2012 but, compared to KMJ, it followed a different, top-down path. The president of KMSZ is a socialist party-affiliated mayor in a village in northern Hungary and its vice-president is an MP from the same party. Moreover, its first secretary has a background in trade union bureaucracy (he used to be vice-president of MSZOSZ) and was, furthermore, also formerly an employment secretary in a socialist government (Kordás 2015).

KMSZ relies on socialist party organising structures in rural areas, and its activities are concentrated on the poor northern region of Hungary, where public works are the main source of income for a significant proportion of families. Taking advantage of having a base in the countryside, the movement’s leaders, and other socialist party-affiliated politicians, organised a ‘Hunger March’ on Budapest in February 2013. The march was repeated in later years but attracted dwindling public attention. There was also mounting criticism of the union on the government side for involving discredited socialist party politicians.

Similarly to KMJ, KMSZ also faces difficulties building a stable membership base. On the other hand, thanks to its links to MPs, it can channel grievances directly into political debates (Kordás 2015).

**Discussion and conclusion: the limited impact of new actors**

All four organisations discussed in this chapter are innovative in the context of Hungarian labour relations. They emerged, as new actors, to fill the gap created as a result of traditional trade unions’ inability to address changing labour market conditions. The two organisations operating in the public works sector responded to the government-led restructuring of low-skilled, precarious employment structures. For legal and organisational reasons, the established trade unions did not target employees on public works programmes, but the two newly emerging organisations did. In healthcare, the two new organisations tapped into emigration-related employment dynamics. Using Beverly Silver’s terms, emigration increased the marketplace bargaining power of healthcare employees as they could rely on a credible threat of exit from the labour market (Kaminska and Kahancová 2011; Szabó 2016a). At the same time, through making labour shortages more severe, emigration also deepened the work-related grievances of those who stayed in Hungary. This combination of grievances and opportunities was not picked up by the major representative union or by the traditional professional associations, but by MRSZ and FESZ.

Moreover, the four cases are similar as they all involve experimentation with innovative forms of labour protest compared to traditional actors, both with regard to the selection
of protest instruments and issue framing. The most successful case in this respect is MRSZ, which relied on a coherent set of innovative practices during the resignation campaign in 2011-2012. The organisation used the threat of mass resignation as an innovative protest tool and framed its wage demands not only in the context of labour shortages and increasing emigration rates, but also linked them to wider issues of public concern, such as patient safety and the prevalence of informal payments in the Hungarian healthcare system (interview MRSZ 2015). Likewise, demonstrations organised by the new healthcare union, FESZ, highlighted the need to create a united front across all groups working in healthcare; at the same time, they also made the gendered dimension of contention explicit given that the organisation mostly represented nurses – a highly feminised profession in which long working hours put substantial pressure on employees who also have additional care responsibilities at home. In public works, despite their very different origins, the two analysed groups framed their demands in terms of the fight against poverty. During their protest events, such as the Hunger March in 2013, they criticised the government for not paying living wages to participants in public works schemes, thereby preserving rather than resolving the problem of poverty among the long-term unemployed in Hungary. All in all, their strategies have been geared towards raising awareness of the problems of poverty, unfair treatment and exploitative employment practices that would otherwise escape the attention of government officials and the broader public.

The main differences among the four cases lie in their organisational structures and in their long-term alliances. Among the four initiatives, FESZ is the only trade union in the strict legal sense, with formalised membership rules and governance structures. KMSZ calls itself a union but lacks the required structures and has low membership. MRSZ, by contrast, continues to see itself solely as a professional association that, from time to time, has to use its emigration-related market power to achieve concessions from the government (interview MRSZ 2015). It does not have fee-paying members but benefits from a consolidated organisational structure and has clearly-defined goals. Finally, KMJ continues to have a loose structure while its activities are based around recruitment, training and the organisation of issue-based campaigns.

In terms of political commitments and alliances, MRSZ and KMSZ are at opposite extremes. MRSZ frames its activities using non-political language; it does not have links to political parties or social movements even though it supported FESZ’s protest campaigns as a trade union ally would. KMSZ, by contrast, is explicit about its affiliations with the current political opposition and its leadership has close links to the MSZOSZ confederation. KMSZ organisers were, from the beginning, linked to the Hungarian Socialist Party and KMSZ’s influence on traditional trade unions is reflected in the former head of KMSZ being elected secretary of the new confederation formed in 2014 after the merger of MSZOSZ and the Autonomous Federation. The other two organisations analysed in this chapter, FESZ and KMJ, occupy a middle position in terms of political alliances. KMJ does not have links to political parties but is firmly embedded in a network of movement-type civil society actors (interview KMJ 2016). Finally, as the only ‘trade union proper’ among the four groups, FESZ went through an organisational crisis partly because of the emerging political divisions within the
union, where the old leadership was criticised for not consulting the membership before talks (even though non-binding) with opposition parties. The new leadership elected in November 2015 has a more cautious attitude to reaching out to oppositional political forces and takes a less confrontational stance vis-à-vis the larger, established healthcare union MSZ-EDDSZ.

The above comparison highlights the limits of trade union innovation coming from the newly emerging actors. It suggests that there is a trade-off between short-term campaigns focusing on grievances and emerging opportunities, on the one hand, and building long-term organisational capacities and securing a stable position within a complex system of institutional structures and political alliances on the other. Under these circumstances, the questions are whether the established unions could learn from the experience of these new actors and use their innovative framing tools in their own strategies; and whether they will be able to notice the structural and political opportunities emerging in the future.

**Interviews**

Interview with the Movement of Public Works Employees for the Future (KMJ), Budapest, 22 June 2016.

Interview with the Hungarian Resident Physicians’ Association (MRSZ), Budapest, 10 June 2015.

Interview with the Democratic Union of Employees in Healthcare and Social Work (MSZ-EDDSZ), Budapest, 30 September 2015.

Interview with the Union of Teachers (PSZ), Budapest, 17 June 2015.

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Hungary: inertia of the old actors, constrained innovation from the new


All links were checked on 23 January 2017.
Lithuanian trade unions: from survival skills to innovative solutions
Inga Blažienė and Boguslavas Gruževskis

Introduction

The condition of the Lithuanian economy since 2006 can be described with reference to three features. Firstly, Lithuania’s gross domestic product is among the lowest in the EU. Secondly, in terms of wage share of GDP, the country similarly features at the lower end of the European scale. Finally, the volatility of economic cycles is extremely high; over the past ten years, Lithuania has experienced both the biggest downturns and the most rapid rise in GDP in the EU (Gruževskis and Blaziene 2013).

These characteristics point to several labour market-related problems: low minimum and average wages and a correspondingly low level of consumption and living standards; low incentive to work; high rates of emigration to countries with higher living standards and a resulting scarcity of skilled labour; and the presence of the shadow economy. An unbalanced character of economic development and a disregard for social targets have negatively influenced employment and unemployment indicators. The unemployment rate was 5.9 per cent in 2008, having peaked at 15 per cent during the crisis and, in 2014, it still stood at 10.9 per cent. This indicates as low labour market recovery from the economic downturn given that GDP growth had already resumed in 2011. In addition, Lithuania is characterised by poorly-developed social dialogue and a relatively low level of collective bargaining coverage. In 2015, trade union density in Lithuania was less than 8 per cent, while employer organisation density stood around 17 per cent (Statistics Lithuania 2016). According to the ICTWSS database (Visser 2016), the collective bargaining coverage rate in 2012 was only 9 per cent.

This chapter shows that, despite their limited human and financial resources, Lithuanian trade unions have not only survived the economic downturn but have also strengthened their positions in some areas compared to the pre-crisis period. Aware of their weak positions at company and sectoral levels, unions focused mainly on national-level actions and cooperated with their counterparts from other confederations, foreign trade unions, employers, civil society and international organisations. In this capacity, they succeeded in organising a protest campaign on a previously unseen scale; had trade union representatives appointed to the Parliament and the government; concluded a tripartite National Agreement; extended the competences of the main national social dialogue institution; and fostered the establishment of regional tripartite councils. They also managed to increase awareness of trade union activities through increased media presence and extended their outreach to previously non-unionised sectors and population groups.
The chapter is structured as follows. Section one provides an overview of social dialogue and industrial relations developments in Lithuania. Special attention is paid to the company and national-level social dialogue as well as to the situation of trade unions during the recent economic crisis. Section two examines innovative union practices pursued by Lithuanian trade unions during and after the downturn. This is followed by a short summary of the initiatives and conclusions.

1. Social dialogue and industrial relations in Lithuania

When Lithuania regained independence in 1991, trade unions were commonly regarded as elements of the former socialist production-management system ‘unsuitable’ for the newly established market economy. Some of these attitudes have remained unchanged until the present day: confidence in trade unions is close to 45 per cent (PN 2016), but trade union density is the lowest among EU countries. Due to the principle of tripartite cooperation and the activism of leading trade union organisations, the national-level social dialogue is relatively well-developed; but the sectoral-level social dialogue, on the contrary, remains weak. With some minor exceptions, ‘real’ collective bargaining – that is, negotiations over wages and working conditions – takes place at company level. Below, we analyse these different bargaining levels in more detail.

1.1 Company level social dialogue

After the collapse of the Soviet Union in 1991, Lithuania’s economy underwent major structural changes. Many large and medium-sized enterprises that hosted trade union organisations went bankrupt or simply ceased their activities. The emerging new – often small – businesses, in turn, had neither the experience nor the willingness to get involved in collective bargaining. In this regard, it can be argued that the economic restructuring and business development processes of the 1990s determined the current structure and position of trade unions in Lithuania. The old ‘reformed’ trade unions tend to be based in companies that survived the restructuring process and are concentrated mainly in the education, health care, energy and transport sectors. In addition, relatively strong trade union organisations were set up in the companies and sectors which had attracted foreign capital, especially if the latter came from regions with strong social dialogue traditions, such as Scandinavia. The latter development was characteristic of the food industry as well as of some service sectors, such as security services or petrol station operations where collective agreements were subsequently concluded.

No studies on the activities of company-level unions have so far been conducted in the Lithuanian context. Relying on our earlier research on Lithuanian industrial relations, however, we can say that, in view of the relative absence of strikes in Lithuania, trade unions have traditionally relied on social dialogue and negotiated more favourable working conditions in a peaceful manner. The personal qualities of the union leaders, as well as unions’ ability to maintain teams of economists and lawyers who could intervene

1. The education sector is an exception in this regard.
and defend the interests of their members in courts in cases where no amicable settlement could be reached, were of crucial importance. Appreciable levels of employee interest representation have existed in education, the food industry, and security; at the same time, labour organisations have failed to anchor in many large sectors, such as wholesale and retail trade, hospitality and construction. As a consequence, the development of Lithuania’s company-level industrial relations has been very uneven: alongside strong trade unions and well-functioning social dialogue in some companies and market segments, other sectors have been virtually union-free and average union density and the collective bargaining coverage rate have remained very low.

1.2 Sectoral and national level social dialogue

After 1991, the trade union movement in Lithuania split into several confederations. It soon became evident, however, that trade unions could not be effective when acting separately and thus they started collaborating with each other. At present, three trade union confederations – Lithuanian Trade Union Confederation, Lithuanian Labour Federation and Lithuanian Trade Union ‘Solidarumas’ – and two national employer organisations – Lithuanian Confederation of Industrialists and Lithuanian Business Employers’ Confederation – operate in the country.

An important step towards enhanced inter-union collaboration was the establishment of the Tripartite Council of the Republic of Lithuania (TCRL) – a national-level social dialogue institution that brought together top-ranking ministerial officials and the leaders of the largest national trade unions and employer organisations. Since its creation in 1995, no social and labour-market related legislation has been adopted without prior consultation with this body. TCRL holds regular sittings to address and tackle issues relevant for the social partners, which are usually related to employee welfare, and to discuss draft legislation and/or amendments to existing socioeconomic acts (TCRL 2016). National-level tripartite negotiations have also been strongly influenced by the informal relationships between the leaders of the social partner organisations and public authorities, and their participation in joint projects and events.

Social dialogue has been well established at the national level, but it is virtually non-existent in the majority of sectors. In result, the Lithuanian situation may seem paradoxical: the structure of all leading national trade unions and employer organisations is sector-based (i.e. all such social partner organisations have sectoral affiliates), but these are not engaged in any form of dialogue at the sectoral level. This is due to three reasons. First, in the public sector, the state has taken the position of ‘third party’: it has not got involved in social dialogue despite its role as an employer. Second, in the private sector, there has been in congruence between the respective structures of sectoral trade unions and sectoral employer organisations that has prevented the parties from engaging in social dialogue. For example, trade unions in the transport sector cover mainly passenger transport drivers whereas the employer associations unite freight transport undertakings. Last, but not least, employer organisations have been reluctant to take up the role of sectoral social partners and/or sign collective agreements, claiming the absence of a mandate from their members to do so.
1.3 Trade unions and the crisis

Because of the weakness of the sectoral social dialogue, when the global crisis hit Lithuania in 2008-2009 the country’s trade unions were able to act on two levels, the company level and the national level. It is therefore useful to make a distinction between these two arenas when analysing the effects of the crisis and trade union responses to the downturn.

Looking at the enterprise level, trade unions had little room for manoeuvre given that companies facing financial difficulties could either go bankrupt (or at least dismiss a substantial proportion of their employees) or try to survive by embarking on cost-cutting programmes. Company-level trade unions would consequently accept the austerity measures proposed by a company’s management, including shorter working time, unpaid leave or even wage cuts. They accordingly tried to make sure that the worsening of the company’s financial situation would have as few negative effects on workers as possible. At the same time, they defended the interests of workers who faced redundancies, representing them in front of employers, labour dispute commissions and courts. Unions’ involvement in the latter activities led to a situation in which non-unionised workers facing a threat of pay cuts or redundancies sought union membership in order to receive similar assistance and protection. In 2009, Lithuania witnessed the unusual phenomenon of a significant, instantaneous increase in trade union membership: the total number of salaried employees dropped by 8 per cent year-on-year, whereas the number of trade union members increased by 3 per cent (Statistics Lithuania 2016). Still, this quantitative increase did not result in a rise in collective bargaining coverage and, in 2011, the pre-crisis downward trend in union density resumed.

In view of the crisis-related difficulties and falling membership levels, innovative practices within company-level labour organisations have been relatively rare. This contrasts with the situation at national level. We have already mentioned that Lithuania has had relatively strong traditions of national-level social dialogue, especially within the TCRL. In addition, in 2006-2007 trade unions negotiated and received EUR 2.5 million from the state within the framework of the Programme for Strengthening the Social Dialogue in Lithuania in 2007-2011, which enabled them to get more actively engaged in crisis management. Against this background, innovative trade union practices initiated just before, during or after the crisis encompassed the following initiatives (group interview 1 2015; group interview 2 2015):

- heightened mobilisation and increased frequency of industrial action;
- unions’ increased role in social dialogue and the policy-making process;
- initiatives for legislative amendments;
- organising and servicing;
- national and cross-border cooperation;
- campaigns and media-oriented instruments.

Many of the above practices would not be considered innovative in western European countries characterised by long-standing social dialogue traditions. In the Lithuanian
context, however, they are novel both in regard to their scale and their objectives. We elaborate on them in greater detail in the next section.

2. Innovative union practices in Lithuania

2.1 Heightened mobilisation and increased frequency of industrial action

At the end of 2008, the government drafted a so-called ‘anti-crisis action plan’ without prior consultation with the social partners. The plan’s main objective was to balance the budget, which implied large-scale savings, tax increases, business restrictions and social benefit reductions. In response to the draft, in January 2009, three union confederations called for national protest action in front of the Parliament and government buildings. According to Jackevicius et al. (2009) and Daskeviciute (2013), the number of protesters was close to 7,000 people. Even though trade unions advised the participants to remain calm and peaceful, the protest action resulted in riots and civil unrest. It was probably the first time in the country’s post-1991 history that protests initiated by labour organisations had gained such scale.

In addition to the January action, trade unions organised several other protest campaigns in the course of 2009, including a hunger strike in the July. The result of the latter was that it was agreed the government would cancel its earlier decision to lower the basic monthly salary for public sector employees and that the burden related to public sector salary cuts would be borne primarily by the highest-paid officials.

After these grand-scale actions, the parties in power had no other choice but to treat trade unions as a serious bargaining partner in the future decision-making process. This triggered extensive consultation between the social partners and the government which resulted in the conclusion of the National Agreement and the appointment of trade union representatives to state institutions, as described in section 2.2.

2.2 Unions' increased role in social dialogue and the policy-making process

At the outset of the economic crisis, the social partner organisations represented in the national social dialogue institution TCRL approached the country’s President and the Speaker of the Parliament requesting a meeting to discuss opportunities for closer cooperation and an increased role for the tripartite dialogue. Moreover, following the January 2009 demonstrations and the other protest actions presented in the previous subsection, repeated discussions took place between trade unions and the national authorities. The main topic of these talks was the government’s failure to consult the social partners before adopting new legislation and taking decisions that had important consequences for the national economy. With a view to improve collaboration between the government and the social partners, trade unions had succeeded by the end of 2009 in having trade union representatives appointed to Parliament and the government. The establishment of the two posts gave trade unions the opportunity to receive information concerning draft legislation and policy proposals, and secured access for them to the minutes of the meetings of the cabinet and relevant parliamentary committees. This,
Another important and unprecedented social partner initiative was the conclusion of the National Agreement in October 2009. The crisis-related increase in the unemployment rate and the reduction of wages and social guarantees had resulted in growing societal dissatisfaction. In order to stabilise the employment situation and prevent civil unrest, the government and the social partners signed an accord in which the social partner organisations agreed to abstain from organising protest campaigns while the government committed to apply socially painful, unpopular measures only for a limited period of time and subject to consultation with union and employer representatives. The Agreement was of significant importance for all parties. For the government, it guaranteed social peace while opening up new opportunities for trade unions and employer organisations to participate in the policy-making process. It remained valid until the end of 2010 and prevented civil unrest during the most acute phase of the economic downturn.

From the trade union point of view, several elements determined the innovative nature of the Agreement. Firstly, the negotiations preceding its conclusion made it possible for labour organisations to make public authorities and political parties aware of their demands. Secondly, by concluding the Agreement the national-level trade unions sent a clear message to their existing and potential members showing that the trade union voice was being heard and that they played an important role in the adoption of fundamental political and economic decisions. Thirdly, the Agreement gave unions an opportunity to demonstrate to the Lithuanian public that they did not only serve narrow employee interests but were ready temporarily to withhold their demands if such action catered to wider societal interests.

Despite the promising start, however, the effectiveness of the National Agreement initiative was rather limited. The accord stated that employee-unfriendly austerity policies such as wage reductions would cease to be applied once the economic situation had improved. When the economy started growing, however, both employers and the public authorities proved reluctant to lift the restrictions and bring the reduced wages and social guarantees back to their pre-crisis levels.

In this regard, it could be said that trade unions’ consent to the Agreement was used in an instrumental manner and served solely as a tool to ease public discontent in the period of crisis (see Bernaciak 2013 for similar experiences in Poland and Bulgaria). That is why, if similar measures were to be implemented in the future, the obligations assumed by the relevant signatory parties should be laid out in much greater detail and supplemented with sanctions for non-compliance. In guaranteeing the social peace in the country for a certain period of time, trade unions should take a firmer stance and insist that other signatory parties fulfil their commitments. Moreover, the conclusion of

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2. Trade unions also planned to establish a representation office in Brussels, but the idea was later abandoned on financial considerations.
any similar deal should be preceded by separate agreements between trade unions and political parties/public authorities/employer organisations that would serve as a basis for the final pact.

Notwithstanding the negative experiences with the National Agreement, the social partners, and trade unions in particular, have sought to extend the competences of Lithuania’s tripartite council. In 2010, alongside 11 new committees set up under the auspices of the TCRL in the areas of youth and regional development (MSSL 2016), regional tripartite councils (RTCs) were established comprising representatives of trade unions, employers, municipal administration and non-governmental organisations (NGOs). According to union representatives, the creation of the RTCs greatly increased the importance of regional social dialogue, helped raise awareness in local communities of the idea of social partnership and encouraged municipal administrations to consult social partner representatives in the process of local decision-making (group interview 1 2015; group interview 2 2015). The main topics discussed within the RTCs have included company restructuring and its consequences; issues to do with young people; the reduction of poverty and social exclusion; and issues related to local economic development.

The initiative to establish RTCs came from trade unions, while the resources for their creation came mainly from a project financed by the European Social Fund. Such external support for employee and citizen involvement was justified given that, in the case of Lithuania, the extent and the quality of regional social dialogue was highly dependent on the level of the economic development of a given municipality. As a rule, municipalities with a predominantly rural population structure, which comprised more than 50 per cent of municipalities in Lithuania, had weak economic potential. There, decision-making power on work-related issues was concentrated almost entirely within narrow groups of large employers, with employees being afraid to speak up and defend their rights in fear of losing their jobs due to the dire labour market situation. The situation was better in municipalities with a predominantly urban population structure and in bigger cities but, even there, social dialogue would take place only at company level.

The establishment of RTCs has considerably altered this picture. Targeted campaigns, announcements in the local media and meetings with local residents have raised local populations’ awareness of trade union activities. This, in turn, has boosted the activism of local employees and led to the establishment of several company-level trade unions. Parallel to company-level initiatives, RTCs have promoted civil dialogue and contributed to the elaboration of more efficient and forward-looking regional development policies. The role of the Councils has been further strengthened by the increased attention paid to them by the national tripartite body. As regional tripartite councils started growing

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3. Lithuania does not have well-established social dialogue traditions, especially at sectoral level, so trade unions have sought to develop their relationships with NGOs. Both types of organisations pursue similar goals insofar as they combat poverty and discrimination, and fight for better safety regulations at work. In addition, trade unions consider NGOs as partners in the pursuit of political lobbying and as a channel to reach groups with whom they themselves do not have direct contact such as young people, the elderly, child-raising mothers or ex-prisoners. Finally, NGOs help trade unions attract new members and volunteers to their ranks.
in number, the TCRL has regularly invited their representatives to attend its meetings, and analysed and discussed key regional problems at the national level.

All in all, the foundation of RTCs could be regarded as a positive development in the Lithuanian context, but additional work is needed to strengthen the country’s regulatory framework in this area. It would also be worthwhile to conduct a monitoring of RTC activity and make their performance results publicly available, as well as improve coordination between individual councils so that good practice is shared. Finally, there is room for even closer collaboration between trade unions and local NGOs working on socioeconomic issues.

2.3 Initiating legislative amendments

Initiating amendments to existing and new legal acts is a traditional area of trade union activity. During the crisis and in the post-crisis period, however, Lithuanian unions were instrumental in pushing through innovative legal provisions. In July 2009, for example, a number of temporary (i.e. valid only during the crisis) amendments were adopted to Lithuania’s Labour Code that aimed at fostering social dialogue. The amendments sought to help companies survive the downturn and provided for the possibility of negotiating collective agreements whose provisions were less favourable to employees than those stipulated by the Labour Code. Another legislative initiative of trade unions was implemented in the area of individual labour disputes. In cooperation with Lithuania’s State Labour Inspectorate (SLI), unions published proposals for the reorganisation of the Labour Disputes Institute that resulted in a shifting of the resolution of individual labour disputes from the courts to Tripartite Labour Disputes Commissions (TLDCs) attached to the SLI.

During the downturn, the unemployment rate in Lithuania increased considerably and more than 100 000 employees became jobless on top of the 94 000 pre-crisis pool of the unemployed. In view of the inefficient and often unfair settlement practices accompanying employee dismissals, more active cooperation between trade unions and the State Labour Inspectorate, as well as the establishment of a new institution for labour disputes, had been deemed necessary. Before the establishment of a separate institution for the resolution of individual labour disputes, conflicts between employers and employees had usually been settled in courts of general practice. These procedures were protracted and expensive, and thus failed to serve employee interests: in individual cases, it was often six months or more before the court issued a verdict. To remedy the situation, trade unions drafted legislation outlining the TLDC model between 2010 and 2012, and liaised with the Ministry of Social Security and Labour and with Parliament during the subsequent legislative process; they also collaborated closely with the SIL.

TLDCs became operational only in 2013, but evidence suggests that they have accelerated the process of individual labour dispute resolution. Between 2013 and 2015, they became involved in 15 000 proceedings, out of which 90 per cent concerned unpaid wages or other irregularities in the remuneration system. 21 per cent of the disputes were settled prior to TLDC sessions and 12 per cent ended in peaceful settlements. 50
per cent of the claims brought in front of the Commissions were satisfied fully or in part, and involved an order to pay due remuneration (VDI 2016).

Last but not least, amendments to the Law on Trade Unions adopted in 2013 stipulated, for the first time in the history of independent Lithuanian trade unions, that not only salaried employees but also those not working on the basis of employment contracts should have access to trade union membership. Prior to the changes, trade unions had not been able to represent employees following their dismissal, which went against the logic of international labour conventions and European practice.

The interests of the unemployed would frequently be disregarded by successive Lithuanian governments. For example, measures to overcome the crisis included a reduction of one-half in the maximum unemployment benefit and tightening the conditions for receiving assistance. These policies were smoothly implemented since no reaction followed from the general public. From this perspective, the right to retain trade union membership after dismissal provided the unemployed with organised representation of their interests. Moreover, the initiative seems beneficial on a ‘micro’ scale: evidence suggests that jobless trade union members actively engage in the activities of trade unions and take part in training and voluntary activities which, arguably, reduces the stress associated with job loss.

In the future, the initiative is supposed to provide unemployed trade union members with additional training possibilities within trade union structures. It would be also worthwhile to develop special employment initiatives, such as an internet website that could keep the unemployed informed about the labour market situation, job opportunities and trade union activities. Initiatives of this kind are important because support for unemployed trade union members could be an additional driver attracting potential union members and it may also help stabilise trade union membership in ‘hard times’.

2.4 Organising and servicing

We mentioned in section 1.3 that, during the initial phase of the downturn, an increase in interest in trade unions could be observed within the Lithuanian population. Labour organisations sought to capitalise on this situation and extended their activities to previously low-unionised sectors such as IT, mobile communications, major retail chains and theatres (group interview 1 2015; group interview 2 2015). The main factors that motivated employees in these sectors to join a union and/or establish union representation in their enterprises were restructuring, salary cuts and deteriorating working conditions (cf. Trif and Stoiciu, this volume, for the SITT initiative). According to representatives of the Lithuanian Service Workers Trade Union who supported this bottom-up organising drive (group interview 1 2015), following the creation of company-level union structures fewer employees were fired during subsequent restructuring processes; the number of overtime hours was reduced; salaries were increased or, at least, not reduced; and several company-level collective agreements were concluded.
In their organising activities, Lithuanian unions deployed a scheme for anonymous union membership, similar to that used by their Czech counterparts (see Martišková and Sedláková, this volume). As a rule, Lithuanian employers had been very negative about trade unions and there had been instances of union busting as well as of the persecution of trade union leaders. In effect, many Lithuanians not only shunned taking up leading union positions, but they also tried to hide their union membership from their employers and colleagues. Already in place before the crisis, the anonymous membership scheme expanded considerably in 2008-2010 when companies faced economic difficulties and staged mass redundancies. The scheme gave unions an opportunity to protect existing trade union members from persecution; and it also helped them attract new members at a time when a growing number of employees were seeking unions’ assistance and/or legal advice but were unwilling to declare their union membership publicly. According to Lithuanian trade unions (group interview 1 2015), the anonymous members scheme accounted for about 20 per cent of the total number of union members in the country between 2009 and 2011.

In addition to the extension of anonymous membership, there were cases when unions appointed persons not employed in a given company to chair enterprise-level employee organisations. Such ‘outsiders’ were arguably less familiar with the internal problems of particular companies and their employees; on the other hand, they were independent of particular employers and thus capable of countering their desire to interfere with trade union activities. Thanks to the training provided by sectoral and national-level union organisations, external union chairs were equipped with additional skills and competences enabling them effectively to manage plant-level union organisations, protect employee rights and cooperate with employers. In the future, it would be worthwhile to establish how many chairs of this type have so far been appointed, forge links between them and further develop their professional competences.

With regard to recruitment, unions’ work with young people deserves particular mention. In a way, trade unions in Lithuania had always paid attention to young people: all major trade union organisations had youth committees in their structures, appointed special youth chairman/women and carried out projects targeting this particular group. However, only when the economic situation deteriorated and discussions on the introduction of new, more flexible labour market instruments intensified did trade unions realise that they would have no future unless they encouraged young, mobile people to join their ranks. The consequence has been that they have fundamentally reshaped their attitude towards young people since the outset of the crisis, defining them as one of their main target groups and embarking on measures aimed at attracting them to labour organisations. They accordingly focused on the organisation of workshops, seminars and conferences during which they provided young people with practical information on relevant contemporary issues, such as the principles of setting-up one’s own business, labour law, skill enhancement, communications and coaching, and information regarding the functioning of the trade union movement (cf. Samaluk, this volume, for the Young Plus initiative). Major trade union organisations have also provided quotas for youth participation in their events and tried to recruit young people to work in their administrative structures.
The amendments to the Law on Trade Unions discussed in section 2.3 could also be regarded as pro-organising measures insofar as they gave access to trade union membership to people who did not have employment contracts but who paid membership fees. The changes had been advocated by trade unions for several years and were finally enacted in 2013. So far, however, they have not translated into union membership increases, even though they might have prevented an even more abrupt decline in density figures.

2.5 Coalition-building at home and abroad

Lithuanian trade unions have, since the outbreak of the recent crisis, become increasingly involved in cooperative initiatives at both national and international levels. Collaboration between the major union confederations, as well as the intensification of union efforts to attract the attention of the international community to labour law breaches in Lithuania, have been of particular importance in this regard.

In the initial period following the restoration of Lithuania’s independence, trade union confederations competed with each other. Over time, however, competition gave ground to cooperation, in particular at the national level. This trend was already discernible in the late 1990s, but a coordination centre for all national trade unions was established only in 2007. One year later, for the first time in Lithuania’s contemporary history, the leading union confederations organised congress of all trade unions functioning in the country, also inviting independent unions not affiliated to any of the major national organisations. During the meeting, unions discussed the possibility of coordinating their activities and taking joint actions in the face of the crisis. Even though they did not sign any particular agreement, the meeting helped boost mutual trust between the participating organisations, improved their public image and facilitated work on joint protest actions that were subsequently launched in reaction to the downturn (see section 2.1).

During the crisis, multiple violations of employee and trade union rights were recorded; in its aftermath, in turn, there was strong pressure to make the labour market more flexible in order to stimulate the development of the national economy. Under these unfavourable circumstances, national and sectoral unions actively sought the support of international institutions and partners. They accordingly addressed international bodies such as the European Parliament, the European Commission, the International Labour Organisation and the European Trade Union Confederation, searching for assistance for trade union activities in Lithuania.

In 2011, after almost a year of unsuccessful attempts to push for an increase in the minimum wage, trade unions approached Lithuanian Members of the European Parliament, the ETUC and the European Economic and Social Committee to ask for their support (Blaziene 2011). In a similar vein, once the court did not permit the organisation of industrial action at UAB Svyturys-Utenos Alus, Lithuania’s biggest brewery, trade unions complained to the International Union of Food, Agricultural, Hotel, Restaurant,
Catering, Tobacco and Allied Workers’ Associations (IUF) and the EESC, pointing to restrictions on the right to strike and alleged breaches of the Lithuanian constitution and regulations on human rights.

In parallel to international advocacy, trade unions actively participated in international trade union networks. In 2010, for instance, they attended the Baltic Subregional Meeting of the PERC Human and Trade Union rights network, where trade union representatives from Lithuania, Latvia, Estonia and Russia’s Kaliningrad region revealed instances of trade union rights violations in their respective countries and discussed how to fight them. All those activities did not pass unnoticed in Lithuania: the Parliament, the government and individual ministries were challenged and forced to explain the rationale for policies that harmed the interests of employees and unions during meetings with international representatives and experts visiting Lithuania at the initiative of the unions. According to trade union representatives, this external pressure facilitated the social dialogue process during the crisis and in the post-crisis period, making the government more open to considering the trade union point of view (group interview 2 2015).

2.6 Campaigns and media-oriented instruments

A considerable number of projects and trade union initiatives were financed by the EUR 2.5 million Programme for Strengthening the Social Dialogue in Lithuania that ran between 2007 and 2011. Measures implemented within its framework encompassed the development of direct contact with workplace-level employee representatives through training and seminars; public communication and information campaigns in the radio, on television and in the press; the establishment of bipartite and tripartite councils at all levels; and the provision of legal assistance and counselling to union members and non-members. Trade union teams would visit different regions of the country, hold meetings with local residents, speak about their activities and about the possibilities of protecting employee rights; they would also organise round-table discussions with regional employers, trade unions, municipal administrations and NGO representatives. During the crisis, trade unions used the Programme to get involved in direct work with individual workers at the local level. According to trade union representatives, without additional funds it would have scarcely been possible to organise these activities on such a large scale (group interview 1 2015; group interview 2 2015). In this regard, the Programme was seen as a very timely means of contributing to trade union survival during the crisis; at the same time, unions pledged that direct work with potential union members, initiated during the project, would be continued in the future.

With a view to increasing public awareness of trade union activities during the crisis, unions not only sought to have their voice heard through various radio and TV programmes, but also collaborated with universities, colleges and vocational training centres (cf. Butković, this volume). Trade union representatives held lectures for students on the trade union movement in the EU and Lithuania, explaining to them unions’ role in society and the principles of social dialogue. In the eyes of the union representatives interviewed (group interview 1 2015; group interview 2 2015), such
activities proved highly effective as most young people in Lithuania had not been aware of what trade unions stood for or in what activities they had been engaged, and what benefits might be related to union membership.

**Conclusions**

The crisis of 2008-2009 had a negative impact on the Lithuanian labour market and the population’s living standards. It led to the reduction of GDP, the employment rate and the average wage, whereas the unemployment rate and the number of social benefit recipients were on the rise. At the same time, however, the downturn had some positive effects on Lithuanian trade unions insofar as it motivated them to launch several new initiatives designed to strengthen their position at company level and in the national and regional-level social dialogue.

In reference to the theoretical framework outlined in the Introduction to this book, we may conclude that the innovative practices pursued by Lithuanian labour organisations fall predominantly within the category of strategic innovation; in addition, they encompassed elements of organisational innovation and targeted new constituencies such as young people, the unemployed or broader society. Instruments used by the unions involved social dialogue, organising, heightened mobilisation and media- and service-oriented tools. In this regard, particular emphasis should be put on the conclusion of the National Agreement; the establishment of regional tripartite councils; the implementation of a new system for labour disputes; the further development of anonymous union membership; and the opening of unions to non-salaried workers and the unemployed.

In post-crisis Lithuania, trade union density and collective bargaining coverage remain low and company-level collective agreements are an exception rather than the rule. The collective bargaining process is impeded due to the enduring structural problems and negative employer attitudes, and, in the social dialogue process, the government tends to cater first and foremost to employers’ demands. In this regard, Lithuanian trade unions still have a long way to go until they are able effectively to represent and defend the interests of employees, restore the confidence of broader sections of Lithuanian society and to ensure the long-term, harmonious socioeconomic development of the country. The above overview of initiatives suggests, however, that trade unions are able to react promptly to changing socioeconomic circumstances and to cooperate with their partners at home and abroad in the pursuit of social goals.

**Interviews**

Group interview 1 with representatives of the Lithuanian Trade Union Confederation and its sectoral trade unions representing public and private services and manufacturing sectors: Lithuanian Service Workers Trade Union, Lithuanian Trade Union of Food Producers, Lithuanian Trade Union of Health Care Employees, Vilnius, 24 November 2015.
Group interview 2 with representatives of the Lithuanian Trade Union ‘Solidarumas’ (conducted by telephone), 26 November 2015.

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All links were checked on 9 January 2017.
From politics to schools: innovative union practices in Latvia

Linda Romele

Introduction

Latvia is often portrayed as a country that successfully steered through the economic crisis of the late 2000s and managed to restore macroeconomic stability (see, for example, Åslund and Dombrovskis 2011). The social price of this achievement was very high, however. In 2010, the unemployment rate reached 14.5 per cent; and workers in the public administration, defence and compulsory social security sectors saw their wages decrease by 25.1 per cent in 2010 in comparison to 2008, while those in state institutions experienced a 25.75 per cent salary reduction. Unpaid leave, reduced redundancy payments and cuts in social benefits, imposed rather than agreed upon with trade unions, were also widespread in the public sector (LRD 2010). The result was that many people decided to look for job opportunities abroad. Between 2009 and 2010, around eight per cent of the workforce left the country in search of higher pay and better working conditions (author’s estimates based on Krasnopjorovs 2011 and CSB 2016a).

In the late 2000s, not only the economy but also the industrial relations system faced a deep crisis. Gonser (2011: 409) argues that the downturn brought ‘a dramatic change in the balance of bargaining power in favour of employers [and a] further weakening of trade unions due to losses in membership, in turn leading to decreased representativeness, a lack of success in the public protests and a deinstitutionalization of the collective bargaining system’. Even so, unions did not remain passive in view of their decreasing institutional power and the government’s cost-cutting offensive. They launched large-scale protests, even though they did not manage to reverse the government’s austerity course. They also tried to change the institutional set-up to promote collective bargaining and improve the image of labour organisations within Latvian society.

This chapter examines the innovative practices implemented by Latvian trade unions during and after the recent downturn. It focuses on legislative initiatives regarding tax exemptions for the social benefits specified in company-level collective agreements, as well as on unions’ efforts to disseminate benchmarks on employee standards through the creation of the Index of Sustainability and the organisation of knowledge contests for school pupils. The selected activities represent ‘new ideas that work’ (Mulgan et al. 2007: 7; see also Introduction to this volume) and depart from traditional forms of

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1. The views expressed in this chapter are those of the author and do not represent the official opinion of the Latvian State Labour Inspectorate.
union action in Latvia. Some of them may still be at an early stage of implementation, but they have the potential for boosting collective bargaining coverage and granting labour organisations higher levels of public recognition. On the other hand, it seems that the new initiatives might not by themselves be sufficient to reverse the process of union decline, and thus should go hand-in-hand with more vigorous organising efforts.

The chapter is structured as follows. Section one presents selected features of Latvia’s industrial relations. Section two focuses on the socioeconomic impact of the recent crisis. Section three outlines the innovative practices pursued by Latvian trade unions during the downturn and in its aftermath. Brief conclusions follow.

1. **Industrial relations in Latvia**

In Latvia, collective bargaining generally takes place at company level, between trade unions and enterprise management, rather than between union federations and employer associations. This is mainly due to low union membership, given that the bargaining power of labour organisations tends to be related to their density rates (Lewis *et al.* 2003). Trade unions are set up at the level of enterprises or public institutions. A new trade union outside an enterprise can be registered if it has at least 50 founding members, whereas to establish an enterprise trade union there should be at least 15 members or 25 per cent of the total amount of employees (minimum five employees). Enterprise-level union organisations can be simultaneously affiliated to several different sectoral trade unions.²

The absence of multi-employer collective agreements covering all employees in a given sector does not allow unions to negotiate better employment conditions for particular industry sectors. According to the Labour Law ‘[i]f members of an organisation of employers or an association of organisations of employers employ more than 50 per cent of the employees in a sector, or the turnover of their goods or the amount of services is more than 60 per cent of the turnover of goods or amount of services in a sector, a general agreement between the organisation of employers or association of organisations of employers and an employee trade union or an association of employee trade unions shall be binding for all employers of the relevant sector and shall apply to all employees employed by such employers’. However, agreements of this kind are extremely rare in the Latvian context and single-employer bargaining is dominant (Fric 2016).

There is only one representative trade union confederation in Latvia – the Free Trade Union Confederation of Latvia (LBAS). This can be viewed as an advantage as the employee voice in the social dialogue process is not fragmented. Over the last years, merger processes have taken place during which smaller trade unions have joined larger ones, thus consolidating their resources and power. In late 2007, LBAS had 23 member organisations whereas in 2016 it had only 20 members. The confederation

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². For example, transport companies are represented in the Trade Union of Public Service Employees (LAKRS) and the Railway Workers Trade Union.
is a member of the National Tripartite Cooperation Council (NTSP), a national-level social dialogue institution, as well as of its nine sub-councils. It is also involved in public relations activities: it takes stances in public debates on behalf of all trade union organisations, stages protests and organises campaigns, training events and cultural and social undertakings.

In view of the weakness of collective bargaining structures and low bargaining coverage, trade unions in Latvia focus primarily on influencing the country’s legislative process. Latvia’s Labour Law provides relatively high guarantees for employees but there are serious problems with the enforcement of the existing rules (Vizule 2016). In this respect, LBAS focuses on monitoring the application of the legislation and putting forward proposals for the improvement of national-level regulation. Within companies, an analogous role is played by enterprise-level union organisations that monitor the implementation of company statutes and collective agreements. According to LBAS’s EU Policy Expert Natalija Mickēviča, then, ‘[...] in some way a trade union could be compared with an insurance policy [...] because one knows that if something happens one will be assisted by [them, acting as] an insurance agency’ (Vizule 2016).

Despite their role as social legislation watchdogs, labour organisations are among the least trusted institutions in Latvia. According to the latest public opinion survey (Lasmanis 2016), in which the negative evaluations of a given institution were subtracted from the positive ones, unions scored minus 1 point, suggesting that negative attitudes towards them prevailed among the Latvian population. Commenting on the poll, LBAS president Egils Baldžens linked the negative result to the general crisis of trust within Latvian society, arguing that ‘[p]eople are convinced neither by the ruling power nor the opposition – everywhere only self-interest is seen’ (Viksne 2016). Another public opinion survey from 2011 showed that 52 per cent of respondents belonging to the 15–74 age group believed that trade unions were ‘almost untrustworthy’ or ‘rather untrustworthy’; only 33 per cent said trade unions were ‘fully trustworthy’ or ‘rather trustworthy’ while 16 per cent had no opinion on the issue. Unions’ trust ratings improved somewhat in 2012, when 41 per cent of respondents said they trusted unions, but the figure was still very low (TNS Latvia 2013). Organisations explained the low level of trade union popularity with reference to low union membership numbers (Delfi 2012) and the high share of the shadow economy that remained beyond unions’ sphere of influence.

Over the past two decades, the union density rate in Latvia has been steadily falling and the current crisis has only expedited this process. According to estimates provided to the author by LBAS (2016), in 2014 around 11 per cent of Latvia’s working population belonged to labour organisations, compared to almost 20 per cent in 2003. The decrease in the number of union members is mainly due to three factors. First, it stems from most employment creation taking place in less organised or virtually union-free industries, whereas employment in traditional union strongholds such as the public sector and manufacturing has been declining since the late 2000s. Second, it seems that collective interests and identities no longer appeal to more educated and higher-skilled workers; Pedersini (2010) argues that it is more and more difficult for trade unions to reach and organise them. Finally, similar to labour organisations in other countries, Latvian unions have been confronted with a free-rider problem. Even though the improvements
in working conditions are negotiated by labour organisations, according to the Labour Law collective agreement provisions 'shall apply to all workers who are employed by the relevant employer or in a relevant undertaking of the employer, unless provided for otherwise in the collective agreement'. The unions were pondering an idea of limiting the circle of collective agreements’ beneficiaries to union members and introducing special paid schemes for non-members who wish to be granted the benefits stemming from collective agreements, but abandoned the plan.

Despite their thinning ranks, unions’ financial resources have remained at a level sufficient to support their day-to-day activities thanks to the external assistance provided to them by EU Structural Funds and the Norway Grants. Two large European Social Fund projects, one running from 2008–13 and the other from 2009–15, were of particular importance as, in addition to the direct financial advantages, they enabled unions to attract highly-qualified professionals such as labour rights and occupational health and safety specialists, as well as experts on EU issues and public relations. The unions have also benefited from their long-standing cooperation with the Friedrich Ebert Foundation.

2. Trade unions during and after the crisis

According to Latvian trade unions, the most adverse social effect of the recent crisis was the salary cuts (interview Baldzēns 2016). Wages in the private sector fell by 2.41 per cent in 2010 in comparison to 2008, while those in the public sector fell by 17 per cent (CSB 2016b). In 2014, average remuneration in the private sector exceeded that in 2008 by 19 per cent but, in the public sector, wages had merely managed to return to their 2008 levels. The second most serious consequence of the crisis, according to the trade unions, was a significant increase in unemployment and subsequent emigration to other European countries.³ It should be stressed that emigration occurred also before the crisis, particularly after Latvia’s accession to the EU in 2004. During the two-year crisis period (2009–10), however, emigration rates were 2.5 times higher than before the crisis and four times higher than in 2000–2003 (Hazans 2011).

By 2015, employment had increased in several sectors compared to the pre-crisis period. For instance, the number of workers in financial, insurance, scientific and administrative activities and real estate activities was 23.43 per cent higher than in 2008; a positive trend could also be observed in accommodation and food service activities (6.29 per cent), information and communications (7 per cent) and human health and social work activities (15.77 per cent). By contrast, employment in construction went down by a staggering 42.06 per cent (CSB 2016c).

Both during the crisis and in its aftermath, trade unions rarely had recourse to extreme measures such as strikes to object to the austerity measures and/or influence management decisions. A notable exception to this trend was the protest staged by

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³ According to Hazans (2011), between 2009 and 2010 69 per cent of Latvian emigrants went to the UK, 4 per cent to Ireland and 19 per cent to other EEA countries.
the Trade Union of Education and Science Employees (LIZDA) in April 2009, which attracted over 10 000 teachers and scientists. The main goal of the protest, which was supported by representatives of international trade unions and attended by the European Trade Union Committee for Education (ETUCE) General Secretary, Martin Rømer, was to prevent cuts to the education and science budget. On the evening of the day of the protest, however, LIZDA declared to the media that the results of the union mobilisation were unsatisfactory as no concrete promises had been made on the side of the government (Delfi 2009). In late 2009, LIZDA intended to call another strike but, instead, a Conciliation Committee was set up consisting of the representatives of the union and the Ministry of Education and Science that was to decide jointly on future policies and possible austerity measures in the education sector. The Committee agreed that, as of 1 September 2009, teachers’ salaries would be reduced by 20 per cent. However, the result of subsequent amendments to the 2009 budget was that wages were slashed even further and, in the end, the decrease reached 40 per cent (LIZDA 2009).

In the following years, several pickets against tight budgets and growing social inequality took place outside the Cabinet of Ministers or Parliament buildings, but they were similarly ignored by the government. The protests were organised either by LBAS or by the sectoral trade unions, in particular LIZDA or the Latvian Trade Union of Health and Social Care Employees (LVSADA). In July 2009, the Trade Union of Employees of State Institutions, Self-Governments and the Finance Sector (LVPUFDA) staged a rally outside the office of the Cabinet of Ministers against salary cuts for the lowest-paid employees of the State Social Insurance Agency, the State Employment Agency and the State Revenue Service. In addition, protest letter campaigns were organised, such as that by LIZDA in February 2011, during which the latter encouraged Latvian education institutions to send e-mails to all parliamentary factions urging them not to support the Ministry of Finance plan to cut the teachers wage bill still further. Thanks to the LIZDA-led mobilisation, the targeted state subsidies for teachers’ salaries remained unchanged (LIZDA 2011).

The only warning strike organised by LIZDA after the crisis took place in November 2015 and gathered over 24 000 education and science employees. All in all, the union leadership considered strikes as an extreme measure and sought to get involved in social dialogue instead (interview Baldzēns 2016). By the same token, LVSADA abstained from protests and used other instruments to try and improve the conditions of health and social care and prevent the reduction of financial inflows to the sector. During the 2010 European Day of Action the union, together with two non-governmental organisations, lodged a complaint with the European Ombudsman ‘On European Commission’s (EC) actions that breach the law’ (‘Par Eiropas Komisijas (EK) rīcības neatbilstību tiesību aktiem’) signed by 54 000 Latvian citizens. In the complaint, the union argued that, during the crisis, the Commission had ‘not paid the least attention to the fact that the decrease of financing and structural reforms had negatively influenced the quality and accessibility of health care in Latvia’ (Iesniegums Eiropas Ombudam 2010). The union referred to Article 35 of the Charter of Fundamental Rights of the European Union, which stipulated that EU policies and activities should ensure a high level of human health protection. To some extent, the complaint was an attempt to force the Latvian
government to improve the conditions of the healthcare system in Latvia that had suffered as a result of insufficient financing. However, Latvian political experts pointed out that the European Ombudsman was not in a position to intervene in matters subject to national legislation; by the same token, the Commission could not interfere in national-level policies (Diena 2010).

LBAS and the sectoral trade unions have also taken part in protest actions initiated by the European Trade Union Confederation (ETUC). In September 2010, LBAS and the sectoral unions organised support activities in Riga, Liepāja, Valmiera, Daugavpils and Jelgava for the EU-wide initiative ‘No to austerity measures, priority for jobs and growth’. However, the union rallies attracted a relatively small number of participants which shows that Latvians generally remained reluctant to join industrial action and collective protests. Neither has their attitude changed after the crisis: in a 2016 opinion poll, 57 per cent of respondents agreed with the statement that strikes did not help trade unions to achieve their expected results; 36 per cent held the opposite view while seven per cent had no opinion on this issue (LNT 2016).

Against the background evidence presented in this section, it could be argued that unions’ decision to revisit their strategies and launch innovative practices was driven by two factors. The first was the necessity to reverse, or at least slow, the fall in union density and the collective bargaining rate that had accelerated during the crisis. The second was unions’ desire to change the negative societal perceptions of trade unions prevailing within the Latvian population. In the next section, union innovative actions are examined in more detail.

3.  Innovative union practices in Latvia

This chapter follows the conceptualisation of innovative union initiatives provided by Bernaciak and Kahancová in the Introduction to this volume. All the examined initiatives can be viewed as instances of strategic innovation; they also reach beyond traditional union audiences targeting employers, young people and the wider public.

3.1  Legislative changes and the promotion of collective bargaining

The period during and after the crisis coincided with the introduction of amendments to the Labour Law that granted social partners the right to submit legislative proposals to relevant public institutions. Trade unions accordingly focused on protecting the existing regulations on overtime payments.

According to Latvia’s Labour Law, in the case of overtime work an employee ‘shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him or her but, if piecework pay has been agreed upon, a supplement of not less than 100 per cent of the piecework rate for the amount of work done.’ During the crisis, this rule was heavily criticised by employers, who argued that the payments should be
reduced. Justifying their stance, the Employers’ Confederation of Latvia (LDDK) and the Latvian Chamber of Commerce and Industry (LTRK) referred to a study carried out by the Foreign Investors’ Council in Latvia (FICIL), which targeted a 50 per cent reduction in overtime payments to boost Latvia’s competitiveness. According to FICIL (2015: 9), the change would make the regulations analogous to those in Estonia ‘which have proven to be an economically substantiated and efficient instrument balancing the interests of the employer and employee’. Trade unions, by contrast, argued that Latvian overtime payment rates could not be automatically compared with overtime payment rates in Estonia, and that the remuneration system should be constructed in a way that takes into account the interests of both parties, not just the employers. To counterbalance FICIL’s results, LBAS presented a calculation of the prospective losses of income in terms of social contributions that would result from the decrease in overtime payments. Within the framework of a campaign ‘Hands off the Labour Law’, an innovative application of information and communications technologies (ICTs) enabled the union to gather approximately 20 000 signatures to a petition to rebut the employers’ proposal. This was subsequently sent to the Speaker of the Parliament and the cabinet. The changes were ultimately not implemented, but it is likely that discussions will resume the next time the Labour Law is amended, given that employers are firm about the need to decrease the payments. It therefore cannot be excluded that, despite the initial success of the unions’ campaign, the change might nevertheless take place (cf. Butković, this volume, for a similar case in the Croatian context).

A more positive example of social dialogue in Latvia is provided by recent amendments to the country’s legislation on labour taxes and social benefits. The initial union proposal called for the introduction of tax exemptions on benefits laid out in collective agreements. Justifying the plan, unions argued that employers who complied with the rules enshrined in the Labour Law, dutifully paying their taxes and offering their workers additional benefits specified in company-level collective agreements, found it difficult to compete with firms operating in the shadow economy. The exemption was expected to eliminate this competitive disadvantage and reduce social inequality. It was also considered a promising tool to tackle the phenomenon of ‘envelope’ wages, the second most widespread illegal business practice in Latvia after the under-reporting of enterprise income. Last but not least, trade unions hoped that it would indirectly encourage company-level negotiations: the exemption was to be applied solely to benefits stipulated in collective agreements, so it would give ‘a green light to collective bargaining agreements’ (Baldzēns 2015).

The proposal targeted three types of benefits constituting company expenses: for catering, education and transport. The main prerequisites for the exemption would be that: (1) the benefits in question were laid out in an enterprise-level collective agreement; (2) the company did not rely on illegal employment and did not pay ‘envelope’ wages; and (3) no serious violations of employment and/or occupational health and safety

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4. In line with the 2016 tax regulations, if employer-covered expenses related to employee training were placed in the same bill as salary, a tax of EUR 79.34 would be levied on top of every EUR 100 spent.

5. ‘Envelope’ wages are still estimated to account for a 17.9 per cent share of all salaries paid in Latvia, even though their incidence has been decreasing since 2010 (Sauka and Putniņš 2016).
regulations were detected. The unions also suggested that the social benefits in question should constitute 10 per cent of the total enterprise salary fund.

In the first place, LBAS representatives discussed the idea with the Communication Workers Trade Union (LSAB), as the latter was active in enterprises that could potentially be interested in the new provision, and approved the scheme at its 2011 Congress (LBAS 2011). LBAS representatives subsequently met with employer organisations LDDK and LTRK, which unanimously supported the initiative, and started drawing up the exemption proposal. The project also received the support of the Latvian Association of Local and Regional Governments (LPS).

The Minister for Economy at that time included the initiative among new policy proposals presented by the Ministry of Economy to the Cabinet of Ministers. However, the project lost its priority following the outbreak of war in Ukraine, the imposition of sanctions against Russia and the subsequent Russian embargo on agricultural products, raw materials and most food products, which led the Ministry of Economy to focus on supporting enterprises that had lost export markets as a result of these events. Nevertheless, trade unions continued to press the government and, in February 2015, the tax exemption scheme gained ministerial approval. In November 2015, the country’s tripartite council NTSP set up a new Sub-Council on Budget and Taxes, which also debated the initiative. The State Revenue Service, for its part, confirmed its support for the scheme by including it in the State Plan for the Reduction of the Shadow Economy, which can be viewed as an instance of successful cooperation between public authorities and social partners (interview Baldzēns 2016).

Both the State Revenue Service and trade unions were convinced that working conditions and the general level of compliance with employment regulations were significantly higher in unionised enterprises than in those which have no trade unions. This conclusion was reached by several studies conducted by trade unions and by other institutions. According to a survey carried out by the Marketing and Public Opinion Research Centre SKDS (SKDS 2013a), for example, only five per cent of respondents received ‘envelope’ wages in enterprises with a trade union while at enterprises without trade union representation the proportion was 19 per cent.

In spring 2016, different variants of the amendments were put under consideration. It was proposed inter alia that, in the case of small companies with six to 20 employees, an enterprise collective agreement should be in force for at least one year for the company to be eligible for exemptions. Trade unions used additional arguments in support of their initial cause, pointing out that the reimbursement of transport expenses by the employer may increase people’s willingness to take up employment in regions where people have to commute long distances to get from home to work.

The amendments entered into force on 1 January 2017. Following the intervention of the Ministry of Finance, however, they are more limited than the original proposal insofar as they stipulate that only catering expenses, agreed in the collective agreement and not exceeding EUR 480 per year spent on an individual worker, are exempted from labour taxation. Moreover, the exempted social benefits should constitute just five per
percent of the total enterprise salary fund instead of the 10 per cent discussed in earlier stages when the original proposal was opened for negotiations. Finally, state and local government capital companies are excluded from the scheme, which considerably reduces the impact of the bill.

According to LBAS, the process leading to the implementation of the tax exemption has been protracted due to the complexity of the issue and the necessity to coordinate the work of numerous state institutions, on top of the difficult situation triggered by the Ukraine war and the related sanctions. Despite the limitations applied to the final version of the act, the union hopes that the regulatory change will encourage enterprises to conclude collective agreements, boost unions’ role in improving employment conditions and open up new possibilities for cooperation between company-level unions and management. The confederation also plans to continue negotiations with the government and search for possibilities to extend the circle of beneficiaries eligible for this scheme within the framework of the 2018 state budget.

3.2 The promotion of employee and trade union rights

Index of Sustainability

In 2010, LBAS launched the so-called Index of Sustainability, an initiative designed to evaluate the progress of social dialogue and the quality of working conditions in individual enterprises. The Index allows companies to self-assess their performance in five areas: (1) business strategy; (2) labour relations; (3) working environment; (4) environmental impact; and (5) societal impact. It is measured every year and thus enables enterprises to monitor their progress over time.

Between 2010 and 2013, the Index was run by LBAS in cooperation with LDDK within the framework of a European Union-funded project on employment relations and occupational safety and health (OSH). The additional financial resources provided by the project enabled the union to hire highly-skilled personnel with an innovative approach to their work. In 2010, LBAS launched an internet site by means of which Latvian enterprises could express their willingness to take part in the initiative and request a self-evaluation questionnaire. The latter was elaborated by a Council consisting of experts from LBAS, LDDK, a World Wide Fund for Nature associate in Latvia, SKDS, the Latvian Association for Quality and a Latvian information technology company, Lursoft, that maintains databases of enterprises registered in Latvia.8 The questionnaires were subsequently evaluated by experts of the organisations represented in the Index Council. In addition, LBAS provided free consultations for companies that had expressed their willingness to participate in the initiative, advising them on how to

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6. The Index’s methodology is based on the theory of corporate social responsibility; it resembles other internationally applied indices such as the Dow Jones Sustainability Index or Business in the Community’s Corporate Responsibility Index.


8. Each year, a different company is represented in the Index Council.
meet the Index criteria. In the first half of 2010, its training events attracted 100 out of 138 participating enterprises.

The Index does not rank enterprises but classifies them and ultimately assigns them to one of the evaluation levels – platinum, gold, silver and bronze. Enterprises that comply with over 90 per cent of the Index indicators are at the platinum level; from 80 to 89.9 per cent – golden; 60 to 79.9 per cent – silver; and 40 to 59.9 per cent – bronze. Within the Index, the working environment indicator, based on enterprise scores on OSH, legal employment relationships and the quality of the company-level social dialogue, was assigned the highest weighting, taking a 25 per cent share of the Index (Ilgtspējas indekss 2010). Particular emphasis was also put on training and employee motivation schemes. Finally, the absence of workplace accidents being reported to the State Labour Inspection in the year preceding the evaluation was an important asset.

During the first edition of the Index in 2010, 70 enterprises – mainly large, well-known companies – took part in the evaluation. Foreign company subsidiaries located in Latvia obtained the highest scores in terms of working environment. Overall, none of the participating companies reached platinum or gold level; 20 enterprises were awarded silver, with 25 taking bronze and the remaining 25 receiving recognition diplomas marking their participation. However, in the following year three enterprises, all companies that reached silver level in the previous edition, qualified for a gold award. This suggests that the questionnaire served as an educational tool that helped enterprises identify the fields in which they needed to improve. It is also noteworthy that all 20 enterprises with the best scores regarding the working environment had trade unions or another form of employee representation and that in 15 of them collective agreements were in force (Ilgtspējas indekss 2011).

Company evaluation went hand-in-hand with the use of media-oriented instruments. In 2010, the results of the Index were published in a special edition of the Latvian newspapers Diena and Dienas Bizness, and an official awards ceremony was organised. According to the trade unions, the Index could be considered as a public relations tool because it gave additional publicity to enterprises; at the same time creating incentives to introduce improvements to the working environment. In the history of the Index there have indeed been cases when, in order to improve the level of assessment, companies signed collective agreements although there are no precise data on this issue. All in all, even though the working environment variable was just one of the indicators in the Index, the initiative has contributed to building and disseminating benchmarks on employment standards among participating enterprises and within Latvian society, given that the examples of best practice were made known to the wider public. In 2014, the Institute of Corporate Sustainability and Responsibility took over the organisation of the Index, but LBAS remained one of its core partners.

**Campaigns and contests for school pupils**

Information on labour rights and OSH is largely absent from the curricula of Latvian schools. In consequence, young people aged 15 to 24 years are poorly informed about
the legal aspects of employment relationships; they also know little about union activities at company and national level (SKDS 2013a). In order to raise young people’s awareness of employment regulations and to promote union activity, LBAS launched a contest among vocational school pupils dedicated to labour rights and OSH issues. The initiative departed from traditional union approaches because it did not target the union’s existing members. At the same time, it also used an innovative method – a competition scheme – to reach the selected audience.

The first contest for vocational schools, ‘A Pro’ (‘Profs’), was organised in 2007, but the scheme was extended in 2009 thanks to additional financial resources provided by an EU-funded employment relations and OSH project. In 2011, it was also introduced to secondary school pupils and named ‘Smart. Game for those who learn’ (‘Smārts. Spēle tiem, kuri mācas’). The Ministry of Education and Science, the Ministry of Welfare and the State Labour Inspectorate also supported the contest by providing human resources and ideas, and by distributing information among schools.

The initiative ‘Smart. Game for those who learn’ started with an invitation letter and an application form distributed to all secondary schools in Latvia. The subsequent competition was organised in two stages. In the first stage, a teacher responsible for the registered class received an e-mail with a link under which pupils could fill in a questionnaire consisting of 45 questions divided into three categories according to their level of complexity. In each category, there were six questions about legal aspects of the employment relationship, six about OSH and three devoted to social dialogue and trade union activities. During the second round, five semi-final competitions were organised in the capital city of Riga and four other regions of the country. The winners of each of these took part in a final contest that was divided into three parts: homework; a quiz; and practical tasks to be resolved by each team. Both the regional semi-finals and the national final were filmed and transmitted on Latvian television. Parallel to the contest, LBAS organised training sessions on labour rights and OSH at all schools whose teams qualified for the semi-finals. In addition, the union issued a manual ‘Becoming an Employee’ that acquainted pupils with the most important employment regulations, included tips for the preparation of CVs and covering letters and provided information concerning job search tools and resources.

The contest was a part of a project that ended in 2013, but trade unions made sure that it was continued. At present it still takes place in secondary schools of the Riga municipality with the active support of the Ministry of Education and Science and the municipal authorities. In October 2015, 35 per cent of all secondary schools in Riga took part in the contest, which points to the scheme’s potentially extensive reach. In autumn 2017, the competition among vocational school pupils, ‘A Pro’, will be relaunched as part of a new EU-funded project implemented by the State Labour Inspectorate scheduled for 2016–22, and LBAS will act as one of its core partners.

From a trade union point of view, the competition was viewed as an investment in the future insofar as it created incentives for school pupils to obtain knowledge of labour rights and work safety and thus indirectly boosts their interest in trade union activity (Interview Rācenājs 2016). On the other hand, this means that the more tangible
results of the project – and a possible increase in the trade union membership rate among young workers – will be visible only in the long term. In the meantime, the proportion of people below 35 years of age within Latvian labour organisations is steadily decreasing: it was around 10 per cent in the early 2010s, while currently it stands at around 7 per cent. According to the LBAS Youth Council Coordinator (e-mail exchange with Ieva Freiborne 2016), the main reasons for low unionisation rates among young people are their emigration to other EU Member States, company restructuring (mergers or divisions of the existing entities) and limited knowledge concerning trade union activities within Latvian society.

Conclusions

The economic crisis of the late 2000s changed little in terms of the conditions under which labour organisations operated in Latvia. In particular, unions’ possibilities to co-shape working conditions through collective bargaining and/or to influence the policy-making process remained rather limited. For this reason, the innovative practices pursued by LBAS and its affiliates and presented in this chapter should not be regarded solely as a response to the crisis. Even though their launch coincided with the downturn, in the majority of cases the ideas behind the schemes had already been born before the downturn.

Latvians had become generally reluctant to participate in strikes and protests, so union activities focused on proposing legislative amendments and disseminating benchmarks on labour rights and OSH standards among their existing and potential members. Recent public opinion surveys attest to a positive reception of these efforts by Latvian society. According to a survey commissioned by LBAS and conducted by the Marketing and Public Opinion Research Centre SKDS in October 2013, awareness of labour rights among Latvian employees had increased in comparison to 2008 (SKDS 2013b). Another survey conducted in February 2013 revealed that, in comparison to 2009, when only 12 per cent of respondents were ready to ask a trade union for assistance where their labour rights had been violated, this option would now be taken up by 21 per cent of respondents. Even so, it seems that, in order to bring about tangible change and turn the trend of union decline, initiatives in the sphere of ideas should be combined with more vigorous organising efforts. So far, however, membership recruitment drives have rarely been organised in the context of the Latvian labour movement.

It should also be taken into consideration that the labour market itself is changing and that new forms of employment, characterised by lower levels of job security and work safety such as remote work, ICT-based mobile work or portfolio work are becoming increasingly popular. In the future, trade unions should intensify their efforts to attract new members among these new categories of employees, but it is unclear whether they will be able to win the resources that are necessary to put forward ‘new ideas that work’ and make efficient use of them in the changing socioeconomic context.
Interviews

Interview with Egils Baldzēns, President of LBAS since December 2016 (former Vice-President), Riga, 1 February 2016.
Interview with Kaspars Rācenājs, Lawyer of LBAS, Riga, 1 March 2016.
E-mail exchange with Ieva Freiborne, LBAS Youth Council Coordinator, March–April 2016.

References

Innovative union practices in Central-Eastern Europe


All links were checked on 9 January 2017.
Bricolage unionism. Unions’ innovative responses to the problems of precarious work in Poland

Adam Mrozowicki and Małgorzata Maciejewska

Introduction

In macroeconomic terms, Poland was not significantly affected by the global financial crisis that hit Europe in late 2007. Apart from the slowdown in 2009, when GDP per capita dropped from 5.1 per cent in 2008 to 1.6 per cent and the unemployment rate grew from 9.5 per cent in 2008 to 12.1 per cent, the following years have not resembled the previous economic crisis of the years 2001–2004. We have argued elsewhere (Maciejewska et al. 2016) that it is difficult to assess the extent to which the increased labour market flexibility resulting from economic reforms in the 2000s and the anti-crisis legislation actually helped in cushioning the employment effects of the slowdown. Indeed, a range of other contributing factors can be mentioned, including low dependency on exports, the resilience of the financial sector, continuing public spending and the high outflow of workers from the labour market through migration.

Nevertheless, one of the negative outcomes of the labour market reforms implemented in the 2000s was the expansion of temporary and civil law contracts. At present, Poland retains its infamous status of the country with the highest share in the European Union of employees on contracts of limited duration (28 per cent in 2015). Moreover, following Latvia, Lithuania and Romania, Poland belongs among those EU countries with the highest proportion of low-wage earners in the total number of employees (excluding apprentices), with 24.7 per cent in 2006 and 24.2 per cent in 2010 (the latest data available, Eurostat LFS). It is also estimated that between 700 000 and 1.35 million workers in Poland performed their jobs in 2014 based on various civil law contracts as their sole form of work, that is, without an additional employment contract (GUS 2015a, GUS 2016). The young are, in particular, facing very precarious conditions of work in terms of low wages, low stability of employment and limited possibilities to unionise.

This chapter aims at exploring trade union responses to precarious work, discussing the tools used by unions to address the problems of precarious workers and assessing the outcomes of trade union actions. Following Kahancová and Martinšková (2012), we understand the precarisation of employment as the mechanisms which create, reproduce and possibly extend the disadvantaged segment(s) of labour market in terms of: (1) low wages (two-thirds of median gross hourly wages); (2) limited or no social security entitlements; (3) low job security; and (4) other labour conditions less favourable than in standard regulated employment contracts. In the context of the contemporary trade union movement and employment relations in Poland, we argue that the expansion of precarious employment is one of the most urgent issues for unions to deal with in order to survive and thrive. The problems of precarisation result not only from the economic...
and legal changes on the labour market but also from the belated response to labour market dualisation by the majority of trade unions in Poland. The emergent challenges are not restricted to a narrow group of atypical employees, but they also concern those within standard employment, since precarisation creates new benchmarks to assess ‘normal employment’ (Mrozowicki 2016) and to discipline the ‘core’ workforce (Dörre 2015: 51). Additionally, if we consider low wage jobs as a form of precarisation, they concern both standard and atypical employment; thus, a part of ‘normal employment’ also falls into the ‘precarious’ category.

We also claim that, once they began to emerge in the late 2000s, union responses to precarisation represent an important analytical ground in studying the scope of innovation within the trade union movement. New ideas and practices staged to address the newly-emerging challenge and the needs of new groups of workers fit well into the definition of innovation adopted by Bernaciak and Kahancová in the Introduction to this volume; at the same time, they bring to mind the classic notion of bricolage (Levi-Strauss 1968) due to their experimental and recombinant nature.

Trying to meet the challenge of precarious work in the past several years, trade unions in Poland have combined old and new instruments with novel tactics which have proved, to some extent, to be successful (cf. Bernaciak et al. 2014; Czarzasty et al. 2014; Kahancová 2015). Mass media campaigns and street protests, as well as national and international pressure for legislative changes to improve union representation of precarious workers, raise the minimum wage and counteract the expansion of civil law and fixed-term employment contracts bring evidence for a re-shaping of unions’ strategies towards the problems of the dual labour market. Simultaneously, the biggest unions in Poland are still focused mainly on organising and protecting employees with stable employment contracts, and the process of the gradual decline in union density has been only slowed down, not halted. The result, as in the case of Croatia discussed by Butković (this volume), is that mobilisation and activities in the public sphere do not translate into increases in membership.

Taking into account the rather contradictory outcomes of union approaches, it is legitimate to formulate the key problems of this chapter, namely: (1) What are the drivers which contribute to the emergence of union innovative practices? (2) What are the forms of innovative union instruments used by Polish unions in the context of their established/dominant union strategies? And, finally, (3) What is the impact of these practices on trade unions’ capacities, position and influence on improving working conditions in Poland? Addressing these questions, the chapter is structured as follows. The next section presents the analytical framework used to explore innovative union practices in Poland. The subsequent part presents the most important features of trade unionism in the country and serves as a background to understand the innovativeness of unions’ recent activities targeting precarious workers, including the drivers that stand behind them. In the third part of the chapter, four types of instruments used by unions to address the problems of precarious workers are explored, together with their innovativeness and related challenges. A discussion of the outcomes and limits of union practices and conclusions follow.
1. Dimensions of trade union innovation

The analytical framework for our chapter refers to the discussion of trade union innovation in the Introduction to the current volume by Bernaciak and Kahancová, supplemented with reference to the various dimensions of workers’ power, resources and social agency to understand the drivers of innovative trade union actions (Behrens et al. 2004; Wright 2000; Silver 2003). Discussing the notion of social innovation, Mulgan et al. (2007: 4) refer to ‘new ideas that meet unmet needs’. Bernaciak and Kahancová note that there are three main dimensions of innovative union activities: innovation with regards to organisational structure (restructuring, change in leadership, emergence of new unions, merger of existing organisations); innovation with regards to the choice of strategies (the adoption of new strategies or the reconfiguration of existing ones); and, finally, innovation with respect to the selection of new target groups / audiences, including precarious workers (cf. European Commission 2010). Regarding precarious workers, trade unions might choose among various approaches, ranging from no differentiation between precarious and regular workers (inclusion), through the special treatment of precarious workers (separation), to the exclusion of the issue of precarious work from their agendas (Heery and Abbott 2000; Kahancová et al. 2015). In the Polish context, both approaches – treating precarious employees as a special group and strategies for their inclusion – can be seen as innovative as they were very weakly developed in the context of post-socialist unionism.

The forms of union innovation are conditioned, but not determined, by the various factors of workers’ power which are shaped by processes both external and internal to trade union organisations. Following Wright (2000) and Silver (2003) we can distinguish between structural power, resulting from workers’ location and role within an economic system, a particular sector or a workplace, and thus external to unions; and associational power, reflecting the formation of the collective organisation of workers and its internal features. Union innovation is also influenced by broader elements of the existing opportunity structure related to ‘the presence or absence of particular barriers in the institutional, political and social context’ (Turner 2007: 1). The concept of bricolage, as developed by Claude Lévi-Strauss (1968), offers an interesting theoretical approach to address some of the characteristics of union innovativeness. A ‘bricoleur’, according to Lévi-Strauss (1968: 17), is one who is ‘adept at performing a large number of diverse tasks’, which are not subordinated to ‘the availability of raw materials and tools conceived and procured for the purpose of the project’. Bricolage is based on the refusal to accept limitations set by institutional context and the recombination of scarce union resources for new purposes. It points to the relevance of social agency, understood as ‘choices and strategies pursued by union leaders and their organisations’ (Turner 2007: 1). Turner (2009: 308–309) summarises that ‘institutions can facilitate or block innovation depending in part on how actors choose to use institutions’. In this context, the notion of bricolage unionism refers to some of the basic features of social innovation and the use of instruments that are ‘are usually new combinations or hybrids of existing elements, rather than being wholly new in themselves’ (Mulgan et al. 2007: 6).

Czarzasty et al. (2014: 128–129) argue that ‘having experienced dramatic decline in membership in the 1990s, at the beginning of the new millennium, the Polish trade
unions began to employ whatever “best practices” originated elsewhere that seemed locally applicable. In this chapter, we focus on both top-down (sectoral and national) and bottom-up (company-level) instruments aimed at transforming trade unions in Poland to better represent those in precarious employment. Referring to the analytical framework outlined by Kahancová and Bernaciak in the Introduction, we propose to focus on four innovative instruments:

(1) trade union organising and servicing, including the organising of precarious workers, developing new services to attract precarious employees, creating new organisational forms to cover precarious workers and building coalitions with non-union organisations;
(2) collective bargaining and social dialogue taking up the problems of precarious and non-standard employees;
(3) political and litigation instruments developed to limit precarious employment in the economy by giving opinions on legislative acts, lobbying, building political coalitions and mounting political campaigns and protests, as well as making use of national and international leverage to influence legislative changes;
(4) media-oriented instruments, identity politics and benchmarking aimed at influencing social consciousness of the problems of precarious employment and changing the collective identity and perception of trade unions.

The combination of some instruments, such as organising and servicing, might appear contradictory, but it reflects, as we will demonstrate in the next sections, actual union practices in Poland (see also Tomev, this volume). In order to understand the innovative character of union responses to the problems of precarious work, however, it is necessary to focus first on the general features of trade unionism in Poland and the role of the economic, political and institutional-legal changes in the country in conditioning the emergence of innovative union strategies.

2. Background: unionism and drivers of innovation in Poland

The general characteristics of trade unionism in Poland have been discussed extensively in the existing literature (see, for example, Gardawski et al. 2012; Trappmann 2012). A systematic decrease in trade union density (Table 1) combined with other indicators of limited union power in industrial relations, politics and society led to the formulation of the hypothesis of multi-faceted labour weakness in Poland and other CEE countries (Ost and Crowley 2001). Its origins included, among others, (1) the erosion of trade union structural and organisational power and resources in the course of restructuring and privatisation; (2) the emergent features of industrial relations being marked by a limited role for tripartite institutions described in terms of ‘illusory corporatism’ (Ost 2011), as well as limited collective bargaining coverage, in particular at the sectoral level, and anti-union employer strategies; (3) ‘competitive pluralism’ manifested into trade union fragmentation and inter-union competition; (4) the loss of unions’ legitimacy as a result of their incapacity to reinvent their identities after the end of socialism, the support granted by some of them for capitalist reforms and their alliances with the political parties which led those reforms.
The most recent survey data on trade union membership, presented for the first time in 25 years by the Central Statistical Office (GUS 2015b), suggests that in 2014 there were 1.6 million union members in Poland; a tiny proportion of the 6 million estimated for 1987 (Gardawski et al. 2012: 51). At the same time, the number of registered union organisations systematically grew in 2001–2014, from 15 200 to 19 500, testifying to the fragmentation of Polish unionism (GUS 2015b: 3). Besides the three nationally-representative trade union organisations, including two confederations (the All-Poland Alliance of Trade Unions, OPZZ; and Trade Union Forum, FZZ) and one unitary union (NSZZSolidarność), there is a relatively large number of autonomous trade unions, of which 2 000 are not linked to any larger union structure. Based on Central Statistical Office data, membership of non-affiliated unions can be estimated at the level of 270 000 (17 per cent of total union membership).

Trade unions are traditionally better-represented among middle-aged employees, men and public sector workers and those in the manufacturing sector (Gardawski et al. 2012: 56–58). Despite the many efforts undertaken since the late 1990s, they have not managed to expand significantly into private services. It has been discussed elsewhere (Trappmann 2011, Czarzasty and Mrozowicki 2014; Maciejewska and Mrozowicki 2016) that trade unions in Poland did not develop systematic approaches to deal with precarious employment until the mid-2000s. In the Polish context, the three major limitations on union participation by precarious workers include: (1) legal barriers, such as the minimum membership threshold needed to establish a union (10 persons) and the exclusion of the self-employed and those with civil law contracts from union rights until the verdict of the Constitutional Tribunal in June 2015; (2) cultural factors, for instance the identification of unions with socialism, the pragmatisation of worker strategies and a relative acceptance of temporary employment in society; (3) organisational factors, including ‘segmented’ union strategies focused on large companies and easy-to-organise professions/occupations or branches, and limited politics of organising beyond enterprises.

We have already mentioned that trade union approaches to the problems of precarious workers began to change by the late 2000s. Several drivers of these changes can be mentioned. Firstly, due to the unprecedented expansion of non-standard employment in Poland, especially civil law contracts and temporary jobs, trade unions could no longer ignore it without risking their legitimacy and organisational resources (including membership fees). In particular, the very limited union membership of young workers,

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1. It should be noted that only 12 900 (out of 19 500) unions were active in 2014.

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of whom the majority is employed temporarily,\(^2\) required more decisive actions to secure the intergenerational survival of unions (Mrozowicki \textit{et al.} 2016). Secondly, the impasse in the tripartite social dialogue in 2009–2015, especially in respect of the limited influence of the social partners on the final version of the anti-crisis legislation in 2009, the lack of tripartite agreement on increases to the minimum wage since 2010 and the failed negotiations on the reform of the pension system and changes in the working time regulations, contributed to the withdrawal of unions from the Tripartite Commission for Social and Economic Affairs in 2013–2015. The crisis in the national-level social dialogue, combined with the limited role of sectoral and company-level collective bargaining, made unions search for new topics and instruments for their actions. Thirdly, the worsening labour market situation in many European countries made the option of migration temporarily less attractive to Polish workers. Simultaneously, those who returned home often brought expectations of higher wages and job quality which, in some cases, led to their greater assertiveness in labour relations and the search for collective voice (cf. Karolak 2016). Fourthly, as noted in several other studies (for example, Krzywdzinski 2010), the rather slow, but visible, generational change of union leadership at various levels also played a role in the search for new topics and new tools for union action, including those regarding the precarisation of employment. Fifthly, a gradual change in the political climate of the country has been observed since the mid-2000s, with growing competition between the right-wing liberal party (Civic Platform, governing in 2007–2015) and the right-wing conservative party (Law and Justice, currently in power since 2015), and the increasing role of anti-liberal, nationalist movements. The problems of the precarisation of employment appeared in the anti-government demonstrations of various political forces in 2009–2015, so trade unions made good use of the changing political contexts to emerge as one of the central actors in these protests. Last but not least, the discourse of ‘junk contracts’ – critically describing and naming unstable, temporary contracts not regulated by the Labour Code, for example, civil law contracts – made its way into mainstream trade unionism as a result of the pressure of radical political trade unions, such as the All-Poland Trade Union Workers’ Initiative and the Confederation of Labour OPZZ, which had begun to organise various categories of precarious workers in the 2000s (cf. Mrozowicki \textit{et al.} 2016).

Trade union membership has not increased in recent years, but there are some indicators which suggest that greater union assertiveness has brought the first measurable results. For instance, the proportion of respondents who positively assess union effectiveness in protecting workers’ rights is increasing, even if it is still lower than the share of those who claim that their activities do not bring any outcomes (Table 2). In the next section, we also note a number of incremental legislative, organisational and cultural changes which, at least partially, reflect trade union activities targeting the problems of precarious workers.

\(^2\) In 2014, 71.2 per cent of those aged 15-24 were on temporary contracts (Eurostat).
### Table 2
Union effectiveness in Poland – survey data. Answers to the question: ‘In your opinion, are trade unions in Poland generally effective or ineffective in defending workers’ rights?’ (per cent), 1999–2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Effective</th>
<th>Ineffective</th>
<th>Difficult to say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 1999</td>
<td>23</td>
<td>63</td>
<td>14</td>
</tr>
<tr>
<td>May 2000</td>
<td>15</td>
<td>66</td>
<td>19</td>
</tr>
<tr>
<td>Jul 2001</td>
<td>13</td>
<td>74</td>
<td>13</td>
</tr>
<tr>
<td>Jul 2002</td>
<td>15</td>
<td>69</td>
<td>15</td>
</tr>
<tr>
<td>Jul 2007</td>
<td>24</td>
<td>50</td>
<td>26</td>
</tr>
<tr>
<td>Dec 2008</td>
<td>33</td>
<td>49</td>
<td>18</td>
</tr>
<tr>
<td>Jul 2010</td>
<td>26</td>
<td>52</td>
<td>22</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>29</td>
<td>48</td>
<td>23</td>
</tr>
<tr>
<td>Apr 2013</td>
<td>28</td>
<td>57</td>
<td>23</td>
</tr>
<tr>
<td>Sept 2013</td>
<td>25</td>
<td>55</td>
<td>15</td>
</tr>
<tr>
<td>May 2013</td>
<td>27</td>
<td>55</td>
<td>20</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>35</td>
<td>46</td>
<td>19</td>
</tr>
</tbody>
</table>

Source: Own elaboration based on the data of the Public Opinion Research Centre (CBOS) (Feliksiak 2015). Note: Age 18+, representative samples for Poland.

### 3. Innovative union instruments targeting precarious labour

Addressing the particular dimensions of trade union innovative practices regarding precarious workers, we will predominantly refer to the Polish results of the PRECARIR project carried out in 2014–2016. The empirical data in the project consisted of 14 expert, individual and group interviews with 18 national, sectoral- and company-level union leaders, and four interviews with the representatives of four employer associations, across five sectors: public health care; steelworks; construction; temporary work agencies; and the retail sector. These were supplemented by a group interview at the Ministry of Labour and Social Policy (with representatives from the Department of Labour Law, the Department of Economic Analysis and Prognosis and the Department of Social Dialogue and Partnership), two interviews with industrial relations experts and an interview at the Ministry of Health. In addition, we also selectively refer in the chapter to the results of two other research projects: (1) ‘Development of trade unions in new member states of the EU’ (carried out in 2009–2010 and funded by the ETUI) (cf. Gardawski et al. 2012); and (2) ‘Negotiating capitalism in Central and Eastern Europe: between marginalisation and revitalisation of organised labour’, carried out in 2009–2011 and focused on the retail and automotive sectors (project HOM/2009/8B, funded by the Foundation of Polish Science) (cf. Mrozowicki 2014).

In presenting the empirical material, we adapt the classification provided by Bernaciak and Kahancová in the Introduction to the current volume. An overview of the analysed instruments in tackling precarious employment is presented in Table 2.
Table 3  Innovative trade union instruments: the case of Poland

<table>
<thead>
<tr>
<th>Instruments</th>
<th>Assessing the impact</th>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade union organising and servicing</td>
<td>– The Anglo-Saxon organising model transferred and adopted (with modifications) by NSZZ Solidarność – Inter-company unions covering temporary agency work – Milieu-based organising by radical unions – Occasional cooperation with non-union employee associations and social movements</td>
<td>– Resource-intensive tools – Limited focus of trade union organising of atypical employees – Limited development of social movement unionism – Limited legal services provided to non-members with civil law contracts</td>
</tr>
<tr>
<td>Political and litigation instruments</td>
<td>– International leverage: acknowledged complaints to the ILO (the limited right to unionise atypical employees) and the European Commission (the regulation of temporary contracts) – Motion to the Constitutional Tribunal regarding the limited right to unionise – Shifting the arena of protest from companies to the streets</td>
<td>– The problems of legitimacy and the imbalance of power between unions in the case of political coalitions – Very slow legislative changes, in particular in the Trade Union Act</td>
</tr>
<tr>
<td>Media-oriented instruments, identity politics and benchmarking</td>
<td>– Large-scale media campaigns bringing new concepts to political discourse (for example, ‘junk contracts’)</td>
<td>– Limited political and ideological work on the long-term, strategic, political goals of trade unions regarding precarious work</td>
</tr>
</tbody>
</table>

Source: Authors’ own elaboration.

3.1  Trade union organising and servicing

Dealing with trade union innovation, it seems necessary to start with trade union organising, of which the experience in Poland presents a rather unique phenomenon in the CEE context. In the early 1990s, activists of NSZZ Solidarność were trained by representatives of the Service Employees International Union (SEIU) in US-inspired organising techniques and principles (Gardawski 2001). The international transfer of the ‘organising model’ proved to be an important source of trade union innovation due to the traditions of rather passive, semi-mechanical membership in the ‘official’ unions during state socialism (Mrozowicki 2014). The establishment of a Union Development Office (Dział Rozwoju Związku, DRZ) in NSZZ Solidarność in the late 1990s, which
employed around 50 paid union organisers by the end of the 2000s, as well as the emergence of the organising-oriented Confederation of Labour (Konfederacja Pracy, KP within OPZZ), contributed to the unionisation of workers in sectors considered difficult to organise, such as the private security sector and supermarkets and hypermarkets in the retail sector.

However, the limitations of a centralised approach to organising with regard to precarious workers also became visible. Firstly, trade union organising focused on relatively large enterprises in which a rapid increase in membership could have been expected. Secondly, large trade unions have rarely organised workers in atypical employment (self-employed, temporary agency workers, civil law workers) (cf. Czarzasty et al. 2014) due to their high turnover, anti-union employer strategies and the legal barriers to unionisation. Thirdly, the quantitative outcomes of organising for union density at the sectoral level proved to be limited. For instance, NSZZ Solidarność managed to unionise some 15 000 employees in the retail sector, but overall union density in the sector is still below 2 per cent. Fourthly, due to the core characteristics of industrial relations in Poland and trade union weakness, trade union organising did not lead to the development of sectoral-level collective agreements that would be extended to non-organised workers.

Yet, in some sectors and nationwide, a few experiments regarding the organisation of non-standard and, more broadly, precarious employees have been observed. In some sectors, company and inter-company union structures are being used by larger unions to represent precarious workers. In our earlier studies, we discussed the instances of the inclusion of temporary agency workers in NSZZ Solidarność company-level structures in large plants in the automotive sector, such as GM Opel or Volkswagen Motors Poland (Mrozowicki 2014). A similar approach was observed in Arcelor Mittal Poland (AMP), in which NSZZ Solidarność managed to organise outsourced workers employed by companies acting as AMP’s subcontractors.

The existing legal framework (the Trade Union Act) has still not been changed to allow for the union membership of self-employed and civil law workers (especially in the context of access to all the labour protections provided by union membership), but there are instances of the organising of such groups of employees by some unions. Since the mid-2000s, radical trade unions, such as the All-Poland Trade Union Workers’ Initiative (OZZ IP) and the Confederation of Labour OPZZ, experimented with the organising of those on civil law contracts, the self-employed and temporary agency workers by affiliating them in milieu union committees (komisje środowiskowe) and inter-company trade union organisations. Similar to the idea of ‘community unionism’, milieu union committees involve all workers regardless of their employment status, in the form of peer-support groups, and they are also open to students and the unemployed. Inter-company union organisations (komisje międzyzakładowe), which cover more than one employer in their activities, were initially considered a means of maintaining union organisation in restructured state-owned companies which had often been divided into smaller entities. However, they are now actively used by some unions to organise atypical employees and workers in micro-companies. OPZZ’s Confederation of Labour was active in organising predominantly self-employed street traders, the self-
employed in passenger transport, DJs and party promoters, and call centre workers on civil law contracts. In 2013–2015, Workers’ Initiative created an inter-company union committee involving temporary agency workers in Amazon and two milieu committees of particularly precarious groups of workers in Poland – art workers (without permanent employment); and civil law workers and volunteers in NGOs – as well as a committee associating self-employed crane operators. In both cases, trade union statutes allow individual employees, the self-employed and civil law workers to join inter-company union structures. In some instances, organising also involved cooperation with left-wing social movements, for instance the squatter and anarcho-syndicalist movements in the case of Workers’ Initiative. However, the scope for such ‘social movement unionism’ is limited.

Contrary to earlier suggestions by US researchers (Milkman and Voss 2004), the various forms of trade union organising do not necessarily mean abandoning the servicing approach. A combination of efficient servicing and active membership recruitment seems to be typical of the most successful trade unions in the automotive and retail sectors (Mrozowicki 2014). NSZZ Solidarność helps civil law workers in the retail sector by directing them to Labour Inspectorates and non-governmental organisations, such as the Association of Franchise Holders Żabka or the association of the ex-employees of Biedronka discount shops. In the health care sector, in which many nurses are simultaneously employed on standard employment contracts in public health care units and civil law contracts in private firms, trade unions help their members regardless of the contractual basis of their employment. However, union leaders admit that it is rather uncommon that such services are granted to non-members.

Developments in trade union organising in Poland are innovative on all three dimensions discussed in the analytical section. Inter-company and milieu union committees, involving workers in non-standard employment, represent novel approaches with regard to organisational structures. The radical trade unions which have advanced such innovative approaches can deepen union rivalry and, in some cases, crowd out traditional, large unions, but they also create grounds for the development of new ideas and approaches to organising which involve civil law workers and the self-employed even before the (now anticipated) legal changes in the Trade Union Act. Thus, they are also innovative in terms of the selection of new target groups. Finally, the ongoing involvement of NSZZ Solidarność in the centralised organising approach also represents a strategic innovation in the context of the strategies of the dominant and established unions – as there is a regular transfer of a part of union resources for the purpose of the existence of the Union Development Office. Importantly, however, both newly-recruited members and existing ones are also attracted by the range of (rather traditional) services provided by the union, including legal support in the case of problems at work, social benefits and union training.
3.2 Collective bargaining and social dialogue

Due to low collective bargaining coverage and the under-development of tripartite institutions, collective bargaining has not become an important means for improving the situation of precarious workers in Poland. Recent data on collective bargaining coverage suggests that it ranges between 25 per cent (as of 2000) and 15 per cent (as of 2013) (Visser 2015); and that multi-employer agreements cover less than 3 per cent of the workforce. Wratny (2008: 32) points out that the rights of such workers can be represented by unions through collective bargaining agreements (Article 239 §2 of the Labour Code), even if civil law employment is not covered by the existing trade union law. However, our interviews suggest that this possibility is very rarely used in practice by Polish unions.

Important innovations at the level of collective bargaining concern union activities aimed at covering temporary agency workers and the employees of subcontractors. We have already mentioned that, in steelworks (more specifically, Arcelor Mittal Poland), trade unions regularly and successfully attempt to influence the wages and working conditions of outsourced workers in subcontracting firms as well as to organise them in inter-company unions. In Volkswagen Poland in Poznań, the negotiation and signing of the Temporary Work Charter for the Volkswagen Group (2012) by the company’s World Works Council, which also included representatives from Polish locations, enabled unions to secure favourable conditions for temporary agency workers: they can be no more than 5 per cent of the total workforce, they must receive the same remuneration (wages and bonuses) as the core workforce and they have to be treated equally to permanent workers.

Innovative instruments also concern attempts to overcome collective bargaining decentralisation and negotiate wage increases at occupational and sectoral levels. An example of a recent, rather successful campaign to raise the wages of occupational groups experiencing precarious working conditions is the initiative of the All-Poland Trade Union of Nurses and Midwives (OZZPiP). In mid-2015, the union threatened the government with a general strike of nurses and midwives, demanding a PLN 1 500 (EUR 375) wage increase for both groups in order to lower wage differentials between these professions and doctors; and to decrease the intensification of work stemming from the hybrid employment of nurses, who would often have two jobs, one in the public sector with a standard employment contract and the other based on a civil law contract in a private health care facility. The result of lengthy negotiations was that, in the context of upcoming parliamentary elections, the Ministry of Health agreed to a pay rise of PLN 300 (on average) in publicly-financed entities. This, in turn, provoked an angry reaction from other trade unions in the sector who criticised the pay hikes for nurses and midwives only, proposing instead to introduce new wage tariffs and wage increases for all groups in the sector.⁴

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⁴ During the February 2016 meeting of the Tripartite Team on Health Care, the union demand for working conditions in the sector to be regulated by supra-company (‘sectoral’) collective agreement did not gain the support of the government and employer representatives. Instead, changes in legislation providing for salary increases for other occupational groups than nurses and midwives were proposed (MRPiPS 2016). During the subsequent meetings, the act on minimum wages for medical staff in healthcare units was discussed.
In sectors where the structural power of trade unions is weaker, negotiated instruments to counteract precarious employment tend to take the form of recommendations rather than collective agreements. In this context, the most important tool to tackle precarious employment is the effort to increase wages. An example can be the agreement on the minimum accepted labour costs (minimalna stawka kosztorysowa) in construction and in real estate management, concluded between major trade unions and employer associations in 2014 and renewed in 2015. The minimum accepted labour costs encompass all employer costs (PLN 14.83 per hour in 2015) and takes account of elements such as the costs related to various holidays, sick leave and the costs of obligatory medical check-ups and work clothing. Both employer organisations and trade unions view it as a means to counteract unequal competition practices by subcontractors through lowering the costs of employment. However, its impact is limited given that its implementation remains voluntary.

Another case in the emerging social dialogue regarding precarious employment can be observed in the temporary agency sector. In 2014, the employer organisation Lewiatan, together with other employer organisations in the sector, the Ministry of Labour and Social Policy and the Chief Labour Inspector, initiated a Round Table on Temporary Work to start a discussion on a code of conduct and the certification of temporary work agencies. Trade unions officially refused to join the Round Table, but NSZZ Solidarność nevertheless submitted for discussion at the Round Table its earlier proposal for legislative changes. Following the Round Table, in late 2015, a tripartite expert team was established by the Ministry of Labour and Social Policy to discuss desirable regulatory changes. At present, the team is considering several changes to the regulations on temporary work in Poland, among others the need for a reduction in the use of civil law contracts in the sector.

At national level, social dialogue has been in stalemate due to the trade union boycott of the Tripartite Commission for Social and Economic Affairs (2013–2015) reflecting their criticisms of the lack of social dialogue with Civic Platform and the Polish People’s Party government. Nevertheless, some collectively-negotiated solutions to the problems of precarious work can be mentioned. A good example is the changes in the Public Procurement Act reflecting the demands of employer organisations and trade unions (especially in the construction sector) for the introduction of non-price related criteria in the choice of contractors by public institutions. Their activities were partially successful. Following the changes, which came into force in October 2014, the choice of offers in public tenders is no longer dependent solely on the price criterion (except for commonly-available services). In addition, a contracting authority has the opportunity to require in its tender that the contractor employs workers on employment contracts that excludes the use of civil law contracts. Most importantly, however, the joint trade union boycott of the Tripartite Commission resulted in reforms being made to the tripartite institutions of social dialogue. In September 2015, a new Social Dialogue Council (SDC) Act came into force as a result of a compromise proposal made by the social partners. The Social Dialogue Council, endowed with additional prerogatives, such as the right to propose legislative changes that have to be looked at by the government, replaced the Tripartite Commission.
Some collective bargaining developments can be assessed as innovative in terms of the selection of new target groups (temporary agency workers and workers employed by subcontractors) as well as the choice of strategy. The latter concerns, in particular, union attempts to counteract the fragmentation of collective bargaining (in the healthcare sector, both at the occupational and the sectoral level) and the shift towards ‘soft’ agreements to substitute for the lack of sectoral-level collective bargaining (in construction), as well as the lobbying for the legal changes to bring about new tripartite social dialogue institutions. However, it is unclear whether these newly-adopted instruments and tools will be able to address the problems of precarious workers more effectively. Looking at it from a critical perspective, it can be argued that some of the new developments seek to prevent the further weakening of collective bargaining by shifting the focus to ‘soft’, non-binding agreements and/or making the regulation of the problems of (precarious) workers increasingly dependent on state involvement rather than being resolved through autonomous social dialogue (cf. Kahancová, this volume).

3.3 Political and litigation instruments

Like other CEE countries (Greskovits 2015; Kahancová 2015), due to the protracted crisis in the national-level social dialogue in the country, Poland observed between 2009 and 2015 a visible shift in union approaches to political instruments, based on a combination of union lobbying and pressure to change legislation at national and international levels, as well as various forms of worker mobilisation outside the workplace. Greskovits (2015: 281) has noted that EU and international labour legislation has allowed trade unions to ‘frame their demands in European labour rights terms and use such regulations to externalize domestic conflicts’.

The most prominent example of a successful international union campaign concerns changes made to the Labour Code regarding temporary employment. In 2012, NSZZ Solidarność filed a complaint to the European Commission concerning the improper application of Council Directive 99/70/EC in Poland with respect to abuses arising from successive fixed-term employment contracts. The complaint was acknowledged by the Commission in December 2013 and specific recommendations followed (Surdykowska 2014). In March 2014, the European Court of Justice (ECJ) ruled that the provisions of the Polish Labour Code infringed the prohibition of treating fixed-term employees less favourably than permanent employees where the situations of such employees were comparable (as stated in Council Directive 99/70/EC). Acting under the pressure of trade unions, the ECJ and the Commission’s recommendations, the government in March 2015 accepted a complex draft amendment to the Labour Code that brought major changes in the use of fixed-term contracts (Czarzasty 2015). The new provisions, which entered into force in February 2016, limited both the duration and the scope of temporary employment contracts. They also expanded the protection of employees employed on fixed-term contracts against dismissal, in practice liquidating some of the crucial differences in notice periods between open-ended and fixed-term contracts.

Another instance of the use of national and international institutions to push through legal changes at national level concerns the struggle for the right to association among
self-employed workers and civil law employees. In 2011, NSZZ Solidarnośc lodged a complaint with the International Labour Organisation (ILO) concerning the violation of ILO Convention 87 by the existing Trade Union Act. In 2012, the ILO advised the Polish government to change its labour legislation so that all workers, including the self-employed and those on civil law contracts, could join trade unions. In June 2015, following a motion filed in the Constitutional Tribunal of Poland by the All-Poland Alliance of Trade Unions (OPZZ) in 2012, the Tribunal deemed unconstitutional the limitation of union membership to employees. This potentially opened the way to legislative change, not only in the Trade Union Act but also in other legislation that currently excludes from workers’ rights those working under non-employment types of contract. At present (November 2016), the government proposal for legal change in this area is being consulted with social partners.

Similar to Croatia (Butković, this volume) and Romania (Trif and Stoiciu, this volume), Polish trade unions have initiated campaigns and collected signatures to organise referenda on labour-related issues. The initiatives proved unsuccessful, however, due to strong government opposition. In 2011, NSZZ Solidarnośc gathered over 300,000 signatures to support a union legislative proposal progressively to increase the minimum wage to a level of 50 per cent of the national average. The proposal was taken up by Parliament, but no legal changes have followed. In 2012, NSZZ Solidarnośc managed to collect 1.4 million signatures on its proposal to organise a referendum on the issue of retaining a retirement age of 60 years for women and 65 for men, against the extension to 67 for both men and women being pursued by the government of Civic Platform (PO) and the Polish People’s Party (PSL). Despite such substantial support, the referendum initiative was voted down by the Polish Parliament. Both referenda campaigns seem to demonstrate the limits of national-level legal actions in an unfavourable political context. Nevertheless, it has to be noted that the new Law and Justice (PiS) government did address union demands and ultimately lowered the retirement age to 65 years for men and 60 for women in November 2016.

The political pressure for legal changes was reinforced by street protests and media campaigns (discussed in the next section) addressing the problems of precarious workers. The issue of ‘junk contracts’ featured during anti-austerity protests and union demonstrations in 2011–15. The demand to counteract the extensive use of ‘junk contracts’ was also raised in the first general strike in Poland since 1989, held in the Upper Silesia region in 2013, and in the so-called Days of Protests in September 2013. In the course of the political mobilisation, the three nationally-representative trade unions stood surprisingly united, which could have been taken as proof of their having overcome the old political divisions. However, the established political alliances have not disappeared. In particular, the linkages between Solidarnośc and the right-wing conservative PiS became stronger with Solidarnośc’s support for PiS candidates in the presidential and parliamentary elections in 2015. In the course of the presidential campaign, the PiS candidate and current President, Andrzej Duda, concluded a formal

5. Support for the PiS candidate (and the current President of Poland, Andrzej Duda) took the form of a formal agreement between the Party and NSZZ Solidarnośc, but trade union backing in the parliamentary elections was not formalised similarly.

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agreement with NSZZ Solidarność in which he promised to support union demands, such as lowering the retirement age, raising the minimum wage to 50 per cent of the average wage, retreating from changes to the Labour Code regarding the flexibilisation of working time and counteracting the use of ‘junk contracts’. Following the double victory of PiS (in presidential and parliamentary elections) in 2015, PiS introduced a minimum hourly wage for freelance contracts and the solo self-employed at the level of PLN 12, effective as of 1 January 2017, and gave labour inspectorates the right to control the observance of the minimum hourly wage by employers.

The combination of political pressure, mass-media campaigns and collective mobilisation made the trade union voice heard in the public debate, which can be considered as an instance of strategic innovation. The context of the double presidential and parliamentary elections in 2015 certainly aided in fulfilling some of the trade unions’ demands. The tangible results of union actions include the changes to the Labour Code regarding temporary employment, the reform of the tripartite institutions and the changes to the Public Procurement Act discussed above, legal changes establishing obligatory social security contributions on all freelance contracts up to the level of the minimum wage as of 2016, lowering the retirement age and introducing the minimum hourly wage for workers with freelance contracts and solo self-employed. However, it is notable that the innovative union approaches in the political sphere have neither undermined old political alliances nor been translated into comprehensive union strategies to address the problems of precarious workers. Moreover, political instruments make unions dependent on the current configurations of political forces. The revival of the political coalition between PiS and NSZZ Solidarność can certainly help in advancing important labour reforms that could improve the situation of precarious workers. However, the alliances between trade unions and political parties need to be seen as a rather traditional tool and cannot be assessed as innovative. First, they may undermine union effectiveness once the Polish political scene changes again unless the union’s autonomy regarding the state authorities is retained. Secondly, there is a risk of thwarting the inter-union cooperation developed in opposition to the previous, PO-PSL government unless other unions are granted an equal voice and influence on policy-making.

### 3.4 Media-oriented instruments, identity politics and benchmarking

The role of media-oriented instruments has been particularly strong in sectors in which the associational power of trade unions remains rather weak. Examples include the activities of the National Section of Trade Workers of NSZZ Solidarność, such as: (1) the ‘hyper-exploitation’ internet site, which made it possible for retail sector employees to voice their concerns about issues of pay and working conditions in their companies anonymously;⁶ (2) the campaign against Sunday working and shopping on Christmas Eve, including the distribution of leaflets in the front of shops and press releases, which had a partial success in shortening working hours on 24 December in most large-scale retail shops; (3) activities within the framework of the International Day of Decent Work

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⁶ The website (www.hiperwyzysk.pl) was registered in August 2011 but is currently unavailable.
on 6 October 2014, including an event in Warsaw during which MPs were encouraged to help unload a heavy pallet truck, and letter-sending campaigns to the government and MPs. In the construction sector, a ‘Campaign for Fair Work’ was implemented during preparations for the Euro 2012 football championship in Poland and Ukraine by Budowlani Trade Union (OPZZ), NSZZ Solidarność, the Chief Labour Inspectorate in Poland, the Ukraine building union CBMIWUU, the Building and Wood Workers’ International and the Friedrich Ebert Foundation. It aimed at increasing trade union influence on working conditions at large construction sites and infrastructure projects prepared for Euro 2012, and involved press releases and spots in the public media.

At the national level, one of the first initiatives against ‘junk contracts’ was the Sisyphus campaign. This was carried out by NSZZ Solidarność in 2012 and involved internet sites and spots in the major national media under the slogans ‘Stop junk contracts!’ and ‘I do not want to start every day from zero’, which referred to the lack of social and employment security of those employed on civil law contracts. The campaign was mostly addressed to young people and, among others, encouraged them to notify the Labour Inspectorate of instances of the misuse of civil law contracts by employers. In 2015, Workers’ Initiative jointly organised a campaign and demonstration called ‘We, the Precariat’ (https://myprekariat.wordpress.com), which aimed to bring precarious workers together, raise their networking and mobilising potential and reinforce a basis for a ‘precariat’ consciousness. The campaign was present in electronic media and it was also popularised through interviews in leading political magazines with activists from Workers’ Initiative. The most recent campaign, ‘Poland without Exploitation’ (www.polskabezwyzysku.pl) was launched in November 2015 by Social Poland (Polska Społeczna), an association originating from urban movements in cooperation with OPZZ’s Confederation of Labour and the Małopolska Region of NSZZ Solidarność. Its main demands, included in a complex legal reform proposal, involve the introduction of a minimum hourly wage of PLN 17 for all types of contract (compared to the PLN 12/hour proposed by the PiS government), legal changes enabling the transformation of civil law contracts into standard employment ones, employment to be based on the Labour Code at the initiative of the employee, and increased penalties for employer breaches of the Labour Code. Using online forms and the telephone numbers made available on the campaign website, workers can contact campaign organisers when their rights are breached and seek help by notifying the Labour Inspectorate, filing a case in a labour court, attracting public attention to their problems, joining trade unions and acquiring support for organising protest actions.

The result of trade union activities that have strengthened unions’ discursive power (Urbański 2014) is that the term ‘junk contracts’, connected mostly with civil law contracts, made its way into mainstream political discourse. More generally speaking, trade union public campaigns can be assessed as innovative both with respect to choice of strategy (with a greater emphasis on trade unions’ public image and the use of electronic and social media) and the selection of target groups consisting mostly of precarious workers and young people. The role of unions as promoters of new ways of framing the social problems at hand cannot be underestimated. However, successes in the ideological ‘battle of ideas’ (Hyman 1999: 108) need to be understood in the context of other instruments discussed in this chapter, including unions’ rather weak and
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...uncoordinated efforts to organise and represent precarious employees. We may observe a shift in union approaches, from building on their structural and organisational power to relying more on their capacities to shape ideas and discourses in the public sphere, but the effectiveness of the latter is still largely dependent on the structural position of labour organisations. In addition, the long-term, strategic, political goals of trade unions regarding precarious work, as an inherent part of capitalist labour relations, remain unclear besides the (rather unrealistic) demand to eliminate it as such from the economy.

Conclusions

This chapter explored innovative trade union strategies in addressing the problems of precarious workers and their impact on the position of trade unions in Poland in the context of the country’s post-2008 economic slowdown. We have identified several drivers of such strategies, such as the unprecedented growth in non-standard employment since the early 2000s; the crisis in the national-level social dialogue after 2009; the temporary limitation of migration opportunities; generational change within unions; the changing political climate in the country; and the pressure for strategic changes coming from radical unions. In line with earlier observations (for example, Czarzasty and Mrozowicki 2014; Kahancová 2015), the research has allowed us to detect experimental union responses to the problem of precarious work across various sectors. Instead of fully novel, deliberate and planned strategies to include precarious workers in trade unions, we can observe a plethora of various instruments, developed locally or internationally-transferred and adjusted to local, national, sectoral and often company-level circumstances. The novelty of instruments concerned mostly the choice of strategy and target groups/audiences and, to a lesser degree, the development of new organisational structures. More broadly, it has reflected unions’ ability to recombine existing tools for new purposes, for instance by linking innovative forms of collective bargaining with mass media campaigns, ad hoc political coalitions, international litigation procedures and the street-level mobilisation of workers as ‘angry citizens’ demanding that the political elites take their voices into account in the policy-making process (Greskovits 2015: 282). No major ‘hard’ successes at national level, in terms of reversing the decline in union density, can be identified, but unions’ influence on the political discourse is clearly visible, in particular with respect to framing ‘junk contracts’ as one of the most pertinent social problems in the country.

Despite successful union attempts at developing new, sector-wide regulation in some sectors, such as steelworks, healthcare, construction and temporary agency work, research confirms the earlier observation of Kahancová (2015: 353) concerning the shift in union activity from ‘traditional resources, including strong membership and collective bargaining, to exerting union influence through legislation, public protests and political support’. This catalogue can be supplemented by various forms of public campaigning and (new) media-oriented tools. Losing their structural and political power as a result both of the economic slowdown and the protracted crisis in the social dialogue in Poland since the late 2000s, trade unions have begun to rely increasingly on their discursive power. The latter has relied on unions’ framing capabilities, understood...
as their ability to define problems at work in a way that enables the mobilisation of workers’ and public opinion (Lévesque and Murray 2010: 343). The impact of such campaigns has been reinforced by the closer inter-union cooperation visible since the late 2000s, with the three nationally-representative union confederations developing joint statements and actions on a number of issues, including precarious employment. Such a development might indicate a potential breakaway from the established historical divisions and ‘competitive pluralism’ of the Polish labour movement, but this positive change might now again be challenged by tighter cooperation between PiS and NSZZ Solidarność.

Last but not least, the impact of innovative union strategies on potential changes in industrial relations in Poland can be discussed. On the one hand, new ideas and discourses have helped to frame workers’ problems in a new way and have led to tangible changes in the existing legislation, for instance in the expected reforms to the Trade Union Act enabling all workers, including those on civil law contracts and the self-employed, to establish and join trade unions. This might contribute to a far-reaching transformation in trade unions’ potential constituency. On the other hand, concrete and sustained actions in the field of membership recruitment require associational and structural power that unions usually lack, while the political discourse is easily captured by various political forces. The result is that the ‘hard’ outcomes of union actions, in the form of legislative changes, do not translate into membership growth and/or increased support for trade unions because the link between trade union campaigns and legal changes is not always clear to the general public. Thus, we might conclude that trade unions might have successfully joined the ‘battle of ideas’, but they still seem to lack the structural, organisational and institutional resources to capitalise on their successes and reconstitute themselves as fully autonomous economic and political actors.

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Turning crisis into opportunity: innovation within the Romanian trade union movement

Aurora Trif and Victoria Stoiciu

Introduction

This chapter examines change and continuity in the activities of Romanian trade unions following the 2008 economic crisis. It argues that the shift in unions' strategies from focusing predominantly on their external legitimacy to actions geared towards increasing their internal legitimacy was the most important change after 2008. The findings show that the downgrading of employment rights has amplified the internal and external challenges that unions faced, pushing them to search for innovative solutions to justify their own existence and to defend employees' terms and conditions of work. In the best case scenarios, the frontal attack on fundamental union rights was utilised as an opportunity for union innovation.

The findings are based on primary data on unions' initiatives adopted after 2008 by a confederation (Blocul Național Sindical, BNS), a federation (Federația Sindicatelor din Comerț, FSC) and a local organisation (Sindicatul IT Timișoara, SITT). These unions were selected as best case scenarios with regard to their responses to the challenges faced after 2008. In all three cases, unions' actions were innovative in respect to organisation (for example, leadership change), strategy (for example, shift from collective bargaining to servicing members at the national level) and the choice of target group (for example, organising atypical workers). These developments suggest that the three dimensions identified by Bernaciak and Kahancová in the Introduction to this volume complement each other. Moreover, in contrast to the general trend in line with which employees on standard employment contracts tend to represent the bulk of union members (Heery 2009), the case of SITT shows that atypical (outsourced) workers can also form the predominant group of union members which, in turn, can trigger the unionisation of employees on standard employment contracts.

This chapter has three main sections. First, it introduces the Romanian unions, arguing that their reliance on statutory rights made them vulnerable to external challenges such as the 2008 economic crisis. Second, it discusses the empirical findings concerning unions' innovative actions in the recent context of a deregulated labour market. At

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1. The findings presented in this chapter are based on primary data collected for the EU project 'The rise of the dual labour market: fighting precarious employment in the new member states through industrial relations' (PRECARIR) (VS/2014/0534), funded by the European Commission and Dublin City University. We want to thank other contributors to this book, particularly Magdalena Bernaciak, for their very helpful feedback on preliminary versions of this chapter.

2. A total of 20 interviews conducted in 2015: 11 respondents were senior union officials; seven respondents were representatives of employer associations; and two were senior government officials.
national level, it examines two novel initiatives adopted by BNS aimed at strengthening its legitimacy: the ‘smart trade union’ initiative illustrates a shift in the confederation’s focus from collective bargaining to servicing, while the civic initiative is an example of involving union rank-and-file members in developing legislative projects. At sectoral level, the focus is on FSC’s organising campaign in the retail sector launched to ensure the union’s survival. At company level, it examines how a global outsourcing plan has triggered the establishment of the first union in the IT sector in Romania. Finally, the discussion and conclusion section shows that, in these best case scenarios, the crisis was used by labour organisations as an opportunity to employ innovative actions that boosted unions’ internal legitimacy.

1. **The context of trade union actions**

Bohle and Greskovits (2012) argue that Romania represents a special type of neoliberal society with weak state institutions, high collective bargaining centralisation and coverage and a relatively high mobilisation power of trade unions. The labour laws adopted during the 1990s supported the development of bipartite and tripartite consultation and negotiation between trade unions, employers and the government. The statutory *erga omnes* extension of collective agreements\(^3\) resulted in almost 100 per cent collective bargaining coverage before 2010 (Trif 2016a). The restructuring of companies led to a massive decline in union membership (union density fell from 90 per cent at the beginning of the 1990s to around 33 per cent in 2008), but union density remained one of the highest in the region (Trif 2013). Also, the number of days not worked per thousand workers per annum in Romania was approximately twice the Central and Eastern European (CEE) average during the 1990s (Crowley 2004).

The support lent by Romanian labour organisations to gradual economic reforms and their links to political parties enabled them to play a key role in establishing one of the most favourable legal frameworks for employees in the region before 2008 (Trif 2008). The Romanian unions became one of the strongest in CEE by preserving their political role, but the interplay between the political system and unions led to serious challenges for the labour movement. Unions had weak internal legitimacy as their role and influence was primarily determined by their statutory rights, gained by union confederations’ involvement in national-level decision-making via lobbying, their participation in tripartite fora and union leaders’ involvement in politics.\(^4\) Confederations played a key role in the establishment of a comprehensive legal framework for industrial relations (Hayter *et al.* 2013; Trif 2013), but their involvement in socio-political decision-making (for example, the Economic and Social Council – the national tripartite body – which had to be consulted and could sanction any bills concerning economic and social policies), made them co-responsible for the economic problems that followed. Unions were perceived as ineffective at improving workers’ living standards (Kideckel 2001) in the context of wage earnings in Romania being amongst the lowest in the EU. Furthermore,

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\(^3\) This refers to a collective agreement being generally binding within its field of application, covering all employees and employers, including those which are not members of the parties to the agreement.

\(^4\) A former union president, Victor Ciorbea, served as Romania’s prime minister between 1996 and 1999.
the discrepancy between unions’ declared mission and their actual activities, particularly ‘the lavish and corrupt lives of some leaders compared to the meagre lives of workers’ (Kideckel 2001: 113) and the involvement of union leaders in politics in the 1990s, broke workers’ trust in unions and their leaders (Korkut 2006). Apart from unions being the only societal institution that survived the fall of the communist regime, they preserved a reliance on external sources of legitimacy rather than on membership support (Kideckel 2001; Korkut 2006), which resulted in weak internal legitimacy.

Similar to other CEE countries, company-level unions constitute the basic unit of the Romanian union movement as employees join and pay membership fees to those organisations (Trif et al. 2016). Two or more company-level unions can create a federation, while two or more federations can set up a confederation. This organisational structure resulted in the fragmentation of trade unions, but their statutory rights before 2011 led to a degree of functional integration (Trif 2016b). Vertical integration was supported by the favourability principle, in line with which lower-level collective agreements could only improve on the conditions of employment set at higher levels. Furthermore, legal provisions entitled company-level unions and sectoral federations to negotiate collective agreements if they were affiliated to a representative union at a higher level in the union hierarchy. At the same time, the *erga omnes* principle supported horizontal integration within the union movement as the law required all representative unions at a specific level to negotiate a single collective agreement covering all employees in the bargaining unit. Multiple unions often operated at each level, although the latter provision forced all unions operating within a bargaining unit to cooperate during the collective bargaining process.

Inter-union cooperation was further facilitated by the lack of a clear division between the old reformed unions and the newly established organisations in Romania. In 1993, the reformed and the largest of the new union organisations merged to create the National Free Trade Union Confederation of Romania – Fraţia (CNSLR-Fraţia), the country’s largest confederation. There are four other important union confederations: the National Trade Union Block (BNS); the National Democratic Trade Union Confederation of Romania (CSDR), created in 1994 as the result of a split from CNSLR-Fraţia; the National Trade Union Confederation Cartel Alfa; and Meridian. Despite a widely-publicised proposed merger of three of these five confederations in 2007, namely CNSLR-Fraţia, BNS and Meridian, did not eventually take place (Trif 2008). Since 2011, there have been further attempts by BNS to merge with CNSLR-Fraţia and Cartel Alfa, but these plans were abandoned by 2013 (Fulton 2013).

The reliance of unions on their statutory rights made them vulnerable to external challenges such as political and economic cycles. Romania was severely affected by the recent international financial crisis (GDP declined by 6.6 per cent in 2009, followed by a further reduction of 1.6 per cent in 2010), and thus it borrowed EUR 20 billion from the Troika consisting of the European Union (EU), the International Monetary Fund (IMF) and the European Central Bank (Trif 2016a). The conditions attached to the international financial assistance agreement supported Boc’s centre-right government in undermining unions’ fundamental rights, namely the freedom of association of workers and the rights to bargain collectively and to strike (Trif 2016b).
In 2011, the government downgraded employee collective rights through the adoption of the so-called Social Dialogue Act (Law 62/2011) and their individual rights through amendments to the Labour Code (Trif 2013).

The five national confederations tried to use their political role to contest these reforms. They signed a cooperation protocol with the opposition, in which the latter promised to reverse the employment regulations introduced by the centre-right coalition in exchange for union support in the 2012 elections. When the centre-left opposition came into power in 2012, it tried to change the Social Dialogue Act provisions. The Troika strongly opposed that bill, however, stating that ‘...we strongly urge the authorities to limit any amendments to Law 62/2011 to revisions necessary to bring the law into compliance with core ILO conventions’ (European Commission and IMF 2012: 1).

To conclude, unions’ political role and their reliance on statutory rights proved inadequate to deal with recent political and economic upheavals. The late 2000s crisis represented an opportunity for the centre-right government to curb union power by radically downgrading collective and individual employment rights. The next section focuses on the innovative actions undertaken in this difficult context by unions at national, sectoral and company levels.

2. Innovative union actions: examples of best practices

In line with the conceptualisation developed by Bernaciak and Kahancová in the Introduction to this volume, the term ‘innovative union actions’ refers to deliberate activities that are either different from those used in the past or employed to address new challenges. We accordingly focus on three dimensions of innovative union actions, namely: (1) changes regarding unions’ organisational structure; (2) unions’ choice of strategies vis-à-vis employers and/or the government; and (3) the selection of a target group for their actions. We examine unions’ initiatives at different levels.

2.1 National-level developments: counteracting old and new challenges

The most dramatic changes in unions’ role and influence as a result of the labour law amendments in 2011 occurred at the national level. First, prior to 2011, the five union confederations and their employer counterparts negotiated each year a national collective agreement that stipulated minimum rights and obligations for the entire labour force. However, the SDA prohibited cross-sectoral collective bargaining in 2011. Second, the role of union (and employer) confederations in national tripartite institutions was diminished. The government ignored virtually all the suggestions agreed by the institutions concerning the substantive and procedural austerity measures adopted since 2009, and so unions withdrew from those bodies in 2011 (Trif 2016b). A new National Tripartite Council was established under the SDA provisions, but it was not operational until 2016. Finally, the SDA hindered the organisation of nationwide protests by prohibiting unions from getting involved in industrial action if their demands required a legal solution to resolve the conflict. In practice, this provision
outlaws protests demanding amendments to the law. Thus, apart from losing their role in collective bargaining, the use of political instruments by union confederations was severely hampered by the new law.

Union confederations were deprived of their most important instruments of action after 2008, and thus their legitimacy declined a great deal. In addition to their failure to influence the austerity measures introduced unilaterally by the government (Stoiciu 2012), some union leaders were accused of corruption. There had been an organised campaign to intimidate and discredit the leaders of the five main confederations launched by Boc’s centre-right government (Varga and Freyberg-Inan 2015; Trif 2013), but some union leaders did appear to be corrupt. Petcu, the former leader of CNSLR-Fraţia, was arrested in 2011 for allegedly accepting a bribe from a businessman over the building of an education centre (Trif 2013). All in all, media reports about the alleged corruption of union leaders damaged the organisations’ legitimacy and led to the decline in union membership: CNSLR-Fraţia, for instance, lost more than half of its members between 2008 and 2014 (Stoiciu 2016). Overall, union density declined from 33 per in 2008 to around 20 per cent in 2015 (Guga and Constantin 2015).

Nevertheless, the falling membership trend was also affected by other factors, such as the 2011 removal of the legal obligation of employers to collect union membership fees at company level. Company-level unions found it more difficult to collect membership fees and so they have also become more reluctant to provide confederations with the agreed share of membership fees (Trif 2016a). Government actions in downgrading collective rights and intimidating union leaders have intensified the loss of trust in the leaders of the confederations which, in turn, led to the vertical fragmentation of the union movement.

The recent legal changes also accelerated the horizontal fragmentation of Romanian labour organisations. Before 2011, the five confederations used to work together using political instruments: they signed a cooperation protocol with the centre-left opposition; sought to influence government decision via tripartite bodies; and mobilised workers to protest against labour law changes (Trif 2013). However, the limited effects of their political actions, combined with the prohibition of cross-sectoral collective bargaining and corruption allegations targeting confederation leaders, undermined inter-union cooperation at national level.

In 2011, the interplay between the external and internal challenges put the survival of trade union confederations at stake. In this dire context, where traditional political and collective bargaining instruments failed to defend employee interests, BNS utilised a new political instrument, namely a civil society initiative, to amend the new Labour Code regulations. BNS sought to use a provision of the Romanian constitution that allows citizens to initiate a bill if it is supported by at least 100 000 citizens with voting rights. Despite having more than 200 000 union members and inviting the other four confederations to support the scheme, BNS was unable to gather 100 000 signatures in 2012 (interview BNS 2015). Nevertheless, the confederation secured the required level of support in a second attempt to introduce this bill in 2014.
The 2014 campaign was the first initiative by a Romanian union confederation to invite individual citizens and rank-and-file members, as well as lower-level union officials, to have a direct input into a draft bill. Apart from gathering signatures, BNS consulted its supporters on the draft law and incorporated some of their suggestions in its proposal (interview BNS 2015). The democratic process used to gain support for the civil legal initiative helped BNS tackle key challenges to its legitimacy. First, union members recognised that, rather than furthering leaders’ interests, the confederation genuinely sought to improve employment conditions, which helped rebuild rank-and-file members’ trust. Second, the campaign improved bottom-up communications within the organisation and boosted internal democracy which, in turn, enhanced vertical integration within the confederation. Finally, it increased the union’s external legitimacy vis-à-vis the government; it made it more difficult for the cabinet to ignore the amendment proposal as it was supported by a large number of citizens. The bill was passed by the Senate in 2015 and approved by the relevant committees of the Chamber of Deputies in 2016, although it still needs to be debated in a plenary session of the Chamber of Deputies.

The civil initiative can be regarded as a continuation in terms of the political role of union confederations, but it was the first time this instrument had been used to amend labour legislation. It also marks a radical departure from earlier union initiatives insofar as it relied on high levels of rank-and-file involvement. Hence, this democratic process is a novel union strategy in the Romanian context. Nevertheless, it seems that additional measures are needed to reverse the substantial decline in unions’ role and influence since 2008. Furthermore, in many highly unionised large companies, local officials still use their position for personal gain, according to a national union official:

‘The large majority of local leaders (not all of them) act like they are owners of the company-level unions. Very few of them consult their members and involve them in the decisions taken. With these ‘ownership rights’ over the union organisation, union leaders use their position to get involved in local politics, make money and get high power status in the local community’ (interview BNS 2015).

Attempts to tackle such behaviour further weaken labour organisations: when federations or confederations try to remedy the situation, company-level unions threaten withdrawal from higher-level organisations which may see the latter lose financial resources and face threats to their representative status.

In order to tackle both internal and external challenges, BNS decided to shift its focus away from collective bargaining to providing individual services to its members. It developed a virtual interface to improve communication with its members and the interconnections between its internal structures. The platform, launched in August 2015, was part of an initiative called ‘smart trade union’. This required affiliated organisations and individual members to register on an electronic platform in order to gain quick access to a wide range of services, varying from assistance with collective bargaining for

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5. BNS’s membership dropped from 375,000 in 2008 to 253,227 in 2014 (Stoiciu 2016).
affiliated unions, to bargaining and occupational health and safety, as well as financial and legal advice. Considering that some members may not have internet or telephone access, this initiative provided three options for members to contact unions, namely: (1) to visit territorial or company-level unions operating in their geographical proximity; (2) to phone a specialised call centre that registers their queries and directs them to a dedicated team of experts in their specific area; and (3) to use an online platform to register their queries. In addition, the platform allows BNS to provide information and particular services to potential members, such as students, the unemployed and migrants working in Romania. If they register as associated members, they get free access to selected individual services such as support in finding a job and/or access to training schemes. The virtual service platform has been launched relatively recently and it is too early yet to assess its outcomes.

This initiative is innovative on all three of the dimensions identified by Bernaciak and Kahancová in the Introduction. First, BNS has changed its strategy from partnership with the government and employer associations via collective bargaining and tripartite negotiations to servicing its members. Second, its target group was broadened to include those who could potentially become union members. In this regard, the platform also allows the reaching of under-represented groups, including young workers, teleworkers and other workers on atypical contracts. It also facilitates support for workers wishing to change jobs either by moving to another company in Romania or abroad. Finally, as the ‘smart trade union’ concept seeks to provide transparency concerning all the actions taken by unions at each organisational level, it may reduce distrust and division between the different echelons within BNS. For instance, as the e-platform stores evidence on the registered number of members in company-level unions, it could eliminate the suspicions of federations and BNS concerning the under-reporting of membership by company-level unions. This initiative does not modify the union’s organisational structure, but it is likely to improve its functioning. Thus it adds a new, functional dimension to Bernaciak and Kahancová’s conceptualisation of organisational innovation.

2.2 Sectoral level: organising workers in multinational corporations in the retail sector

The 2011 legislative changes also had a negative impact on sectoral trade unions. The new legal provisions did not abolish sectoral collective bargaining, but trade unions were de facto unable to negotiate new sectoral collective agreements in the private sector after 2011 (Trif 2016a; Stoiciu 2016). Previously, the social partners that fulfilled the representativeness criteria (or were affiliated to a representative confederation) could negotiate collective agreements that covered all employees and employers in a particular industry sector. The social partners had agreed on 32 branches that were eligible for collective bargaining, out of which 20 had collective agreements in 2011 (Trif 2013). The new law redefined 29 industrial sectors eligible for collective bargaining according to NACE activity codes. It obliged the social partners to restructure and re-register with local courts and prove that they were representative in the re-defined sectors. Trade
union federations were keen to become representative in the re-defined sectors to be able to bargain collectively on behalf of their members, but there was a disincentive for employer associations to become representative. This was because sectoral agreements ceased to be generally applicable in 2011; they apply only to employers who are members of the employer organisations that signed the collective agreement although, where employer organisations cover more than 50 per cent of the labour force in the sector, the social partners could ask for an extension of the collective agreement (Trif 2016a). According to recent data, only seven\(^6\) out of 29 economic sectors have both representative trade unions and employer organisations (Stoiciu 2016). Thus, many union federations lost their bargaining function as they had no counterparts with which to negotiate sectoral collective agreements after 2011.

Furthermore, the 2011 legal changes made it very difficult for some union federations to fulfil the representativeness criteria. Prior to 2011, federations could obtain representative status either by having 7 per cent union density in a particular sector or by being affiliated to a representative confederation. The latter option was abolished in 2011, after which date the federations had to meet the membership threshold in order to be eligible to negotiate a sectoral collective agreement. Federations that did not fulfil this condition had two options: they could either merge with other unions in the sector – if these existed (Guga and Constantin 2015) – or they could seek to organise non-unionised workers in the sector. In 2015, there were eight sectors without representative union federations, namely retail, textiles, wood processing, postal services, industrial and civil construction, tourism, assistance and consulting services, and sports activities (Stoiciu 2016).

The Federation of Commerce Unions (FSC) was one of the organisations that lost its representative status in 2011; prior to the reform, it had derived this status from being affiliated to a representative confederation. Despite being the only federation operating in the retail sector, FSC membership represented less than 1 per cent of the sectoral labour force (interview FSC 2015). It lost the majority of its members in the 1990s, when most retail companies were privatised; similar to other countries, the majority of retail employees work either in small firms or in multinational companies (MNCs), both of which are very difficult to unionise (Mrozowicki et al. 2013). In 2015, the retail sector had 730 000 employees, out of which approximately 100 000 worked in large MNCs while the remaining 86 per cent were employed in small and medium enterprises (Stoiciu 2016). In effect, there were very few unionised companies in the retail sector.

In order to ensure its survival, FSC used external resources and implemented internal structural changes. In the 1990s, it had taken out a loan of EUR 100 000 from Danish unions. The declared purpose of the loan was to be used to organise workers, but it appears that it was primarily used to buy an office in a central location in Bucharest (interview FSC 2015). FSC did not manage to increase its membership so it was unable to pay back the loan. In this critical context, the union changed its leadership during an extraordinary congress in 2001. The new team sold the city centre office and bought

\(^6\) The sectors are: agriculture; energy and gas; food industry; furniture industry; car manufacturing and metalworking; public utilities and waste management; and transportation.
a far cheaper one on the outskirts. It subsequently planned to use the money received from selling the central office to pay back the loan and launch an organising campaign.

The FSC’s organising campaign took place in three stages. In the first phase, which lasted between 2003 and 2005, the union sought to develop 20 territorial (county) organisations to create a critical mass of union structures and activists in order to reach the threshold needed to become representative at the sectoral level. The territorial organisations were expected to recruit members in companies operating in their respective areas. In the context of high labour turnover, their initial attempts to organise retail workers were not successful as many recruited workers, including those who were trained to recruit others, left the retail sector. Also, one respondent involved in this campaign indicated that the new members were afraid to reveal their union membership because they were fearful of losing their jobs (interview FSC 2015). None of the new union structures survived, but the organising team did train around 500 union activists during the first phase, some of whom subsequently helped organise workers. Furthermore, the Danish unions decided not to take back the loan given to FSC when it became clear that the new leadership was using the resource to organise workers.

Despite the failure to set up territorial structures, the experience gained from the first attempt to organise workers played a key role in preparing and implementing the second phase of the organising campaign. Between 2006 and 2009, FSC focused on organising workers in MNCs. FSC is affiliated to UNI Global, and the union’s leadership team asked other affiliates of the confederation for advice and support in recruiting this group of employees.

First, the German trade union ver.di provided support in the form of training and access to relevant senior managers in German companies operating in Romania, which helped FSC unionise workers in several retail chains such as Metro, Real and Selgros. By 2008, up to one-third of the labour force in these three MNCs was unionised and unions successfully negotiated company-level collective agreements that covered all employees.

Second, FSC gained the assistance of UNI Global to organise workers at the Carrefour chain. The request for UNI Global support for trade union recognition came when a local initiative to organise Carrefour workers resulted in the harassment of the union members and their leader (interview FSC 2015). UNI Global put pressure on the Carrefour management to allow FSC to unionise workers in their Romanian subsidiaries as freedom of association was covered by the International Framework Agreement signed by the company. Following discussions between a member of the European Works Council (EWC) and senior human resource managers, a decision was taken to allow the chain’s unionisation and to reinstate the company-level union activists who had been fired. The first company-level collective agreement in Carrefour was subsequently concluded in 2009. Despite its initial resistance, Carrefour has developed a workplace partnership with the company-level union that involves regular monthly meetings between the two parties. According to the management, these regular consultations enable the company to resolve problems at an early stage.
reduces voluntary labour turnover that is particularly challenging in the context of high emigration (interview Senior Manager Carrefour 2015). After Carrefour, FSC managed to organise workers in other MNCs, such as Billa and Penny, but union density in those chains was rather low by the end of 2010.

The third phase of the organising campaign commenced with FSC’s annual congress in 2011, which approved two important changes. First, FSC switched its affiliation from CNSLR-Fraţia, whose leader was associated with corruption allegations, to Cartel Alfa. Second, FSC re-focused its organising efforts on MNCs that had over 20 per cent union density in order to get ‘real representativeness’, namely, over 50 per cent density (interview FSC 2015). This latter change was triggered by the 2011 legal reforms which increased the representativeness threshold from 33 per cent to at least 50 per cent at company level and abolished the provision that allowed company-level unions to become representative by being affiliated to a representative federation. Following the implementation of the Social Dialogue Act, several company-level retail unions lost their representative status. FSC’s consolidation efforts were successful in four MNCs: by 2012, more than 50 per cent of the labour force was unionised at Carrefour, Selgros, Metro and Real which enabled company-level unions, with the support of FSC, to negotiate collective agreements.

The long-term organising campaign staged by FSC was innovative on all three dimensions identified by Bernaciak and Kahancová in the Introduction. First, the top-down approach to recruitment – that is, the strategy of organising workers at the company level by a sectoral federation – is rather novel in Romania given that, as a rule, federations associate already established unions (Guga and Constantin 2015). In the case of FSC, the federation’s activists visited the outlets of retailers and held discussions with individual workers during their lunch or cigarette breaks and at the end of their working day in order to convince them to join unions. According to a union official, this was a very difficult period: ‘We worked very hard for the three years, sleeping in poor conditions, in a van or in hostels – wherever we could find very cheap accommodation – and we ate canned food’ (interview FSC 2015). Despite international support in the form of training and access to relevant management representatives in MNC hierarchies, the unionising process was, in a way, similar to developments in the early stages of the creation of the union movement in Western Europe. Second, the organisational changes implemented by FSC, in particular the leadership change and the switch of confederal affiliation, have not been very common in Romania. According to senior managers at Selgros and Carrefour, the FSC leadership elected in 2001 played a pivotal role in convincing them of the potential benefits of working with unions. Finally, FSC targeted workers in MNCs who are often very difficult to unionise, particularly in the service sector.

Apart from organising workers and negotiating company-level collective agreements, FSC negotiated a sectoral collective agreement in 2010 that included the most favourable provisions of company collective agreements. Some MNCs were unhappy with this sectoral agreement and contested the legitimacy of the employer organisation that had signed it, and they decided to create a new employer association in 2011 to enable them
to negotiate sectoral collective agreements. In a way, then, the increase in the power of trade unions led to the creation of a new employer association in the retail sector.

2.3 Company-level developments: organising IT workers

The 2011 legal changes undermined fundamental union rights to organise workers and to bargain collectively at the company level (Trif 2016b). First, the SDA requires a minimum of 15 workers from the same company to form a union, whereas previously 15 employees working in the same profession could set up an organisation. In effect, the SDA makes it impossible for unions to organise workers and bargain collectively at over 90 per cent of Romanian companies as they have fewer than 15 employees (Barbuceanu 2012). Secondly, the SDA increases the required membership threshold from one-third to at least one-half of the total company labour force and forbids company-level unions from obtaining representativeness through affiliation to representative federations. Consequently, the total number of collective agreements declined by 25 per cent between 2008 and 2013 (Trif 2016a). Furthermore, representative unions negotiated just 15 per cent of the total number of collective agreements in 2015 (the others were signed by other employee representatives); whereas, prior to 2011, they negotiated all collective agreements (Guga and Constantin 2015).

In this context, employers faced little resistance to the adoption of cost-cutting measures to tackle the economic downturn, such as salary cuts in the public sector and massive lay-offs in the private sector (Trif 2013). Between 2008 and 2011, the total number of employees was reduced by 13 per cent; over 85 per cent of these lay-offs were in the private sector, mostly in the manufacturing, construction and retail sectors (Stoiciu 2012). Moreover, the Labour Code changes of 2011 allowed employers to use different forms of temporary employment and outsourcing to reduce labour costs (Trif 2016a). Under these difficult circumstances, many company-level unions struggled to survive and justify their raison d’être to their members. Nevertheless, the cost-cutting measures also led to a greater need for workers to organise in order to deal with these new challenges. For instance, the plan to outsource almost one-third of the labour force at Alcatel-Lucent Timișoara (ALU), the Romanian branch of the French telecommunications multinational company, triggered the unionisation of IT workers in several companies.

The IT sector had not been heavily affected by the recession and IT employees were relatively well-paid, but there was an increase in job insecurity and labour market dualisation as a result of efforts to reduce costs in the sector. In 2009, a French member of ALU’s EWC found out by chance that the company planned to outsource 500 (out of 1700) of its Romanian employees involved in maintenance services to Wipro Technologies Romania (hereafter, Wipro),7 a local branch of an Indian IT services corporation. It was estimated that the outsourcing would reduce labour costs by 25 to 30 per cent (Mihai 2010). The outsourcing plan was part of a global Maintenance

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7. The EWC member found a copy of a memorandum containing the outsourcing plan for the Romanian branch lying forgotten on a photocopier.
Innovative union practices in Central-Eastern Europe

Services Agreement between ALU and Wipro, in line with which Wipro was to take over specific maintenance and engineering activities in Romania, India, Germany, France, China, Morocco and Egypt. The French EWC member subsequently passed on this information to a Romanian colleague with whom he was working on a separate project (interview SITT 2015). He was keen to inform his Romanian colleagues as he had seen the deterioration of working conditions for outsourced employees in a French branch in which outsourcing to Wipro had already taken place. The outsourced employees were expected to do the same tasks in the same workplace as they had at ALU, but their remuneration and other benefits would be reduced to the level prevailing at Wipro. The perceived unfairness of a sudden worsening of working conditions, as well as it being evident which employees were going to be outsourced, made it easier to organise ALU employees despite the lack of tradition of IT workers in Romania being organised (interview SITT 2015). The EWC provided support in the form of activist training and the French EWC member visited the Romanian branch and informed the Romanian workforce of the negative consequences of outsourcing at the French branch. Ultimately, the company’s outsourcing plan triggered the establishment of the first trade union in the IT sector in Romania in 2009, namely SITT.

The initial aim of this union was to negotiate better terms and conditions of employment for the outsourced employees. The outsourcing of maintenance services was a global strategy, so SITT did not consider that it could stop it. There was also a rather limited time to register as a union and begin collective bargaining as the outsourcing plan was to be implemented within a couple of months. Between September and December 2009, the newly created trade union was involved in negotiations with company management, with support from UNI Global and Cartel Alfa, to which SITT had become affiliated. Following a series of protests and strikes in December 2009, staged primarily to support the union’s demands for job security provisions for the outsourced workers (Ziare 2009), SITT concluded a collective agreement with the local management and the ALU chief executive officer. This happened on 22 December 2009, just a few days before the outsourcing plan was implemented in January 2010. The agreement protected the outsourced workers from lay-offs for a period of 18 months. It also provided for a redundancy package, namely a lump sum of between three and ten months wages paid to ALU workers depending on their years of service (interview SITT 2015).

SITT was amongst the first unions in Romania to adopt a novel territorial structure that was based on organising employees in different companies. The 2011 legal framework did not explicitly prohibit employees from different companies joining the same union, so the ALU workers who were outsourced to Wipro remained members of SITT. Nevertheless, the increase in the representativeness threshold to more than 50 per cent of the workforce triggered an organising campaign at both ALU and Wipro (interview SITT 2015) and, by 2012, SITT became representative in both companies. Furthermore, when in 2012 ALU outsourced 100 workers to Accenture, the latter also remained SITT members. The union managed to uphold working conditions for the ALU workers outsourced to Accenture, with the exception of bonuses which were paid on the basis

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8. At that time, the Romanian branch had no members in the EWC or a trade union.
of the performance of the ALU branch (interview SITT 2015). It was reported that entry-level wages for IT graduates in Accenture were around 40 per cent lower than those for ALU employees (interview SITT 2015); also, Accenture provided real-time information about the performance of each employee to ‘name and shame’ those with poor performance. In this context of high stress levels and substantial wage differentials between employees doing similar jobs, SITT managed to recruit additional members in Accenture. In 2014, there was another wave of outsourcing from ALU to Accenture and Wipro, as well as some insourcing from Accenture (that is, the re-employment by ALU of its previously-outsourced workers).

All in all, the frequent cost-motivated changes of employer for specific groups of workers who, in practice, were performing the same job for the same organisation spurred the creation of a novel territorial union federation. This type of structure is still relatively rare in Romania, but it has been adopted by unions in several other large companies that had been divided into several undertakings (Trif 2016a). In the latter cases, the union that used to represent the entire company continued to represent workers in each undertaking. The fragmentation of ownership, coupled with the decentralisation of collective bargaining, has therefore led to an increase in the importance of territorial multi-employer collective bargaining (Trif 2016b).

SITT's activities have been innovative on all three dimensions identified in the Introduction. First, its organisational structure is innovative due to employees from different companies joining a territorial union directly whereas, as a rule, territorial and other federative structures are formed by agreement between two or more company-level unions (Guga and Constantin 2015). SITT’s structure was a response to the relatively new challenge of frequent, costs-motivated changes of employer being experienced by employees effectively working in the same workplace. Second, the union’s strategy vis-à-vis the employer could be considered innovative in several inter-related dimensions: (1) the union bargained collectively with a particular employer, but the negotiated provisions had to be followed by another employer too; (2) similar to the employer, SITT hired lawyers to help company-level teams negotiate collective agreements, which is unusual in Romania (Trif 2016b); (3) the union negotiated the first collective agreement not only with the local management but also with the CEO of the French company, who also signed it; (4) the new union received international support from the company’s EWC and from UNI Global for its collective bargaining and organising activities. Third, the target group was also novel insofar as SITT managed to organise young IT professionals and outsourced employees working in MNCs. Moreover, outsourced workers became the predominant group of union members, which led to the unionisation of employees on standard employment contracts following the success of the union in negotiating improved working conditions for the outsourced workers. This is contrary to the general trend in line with which employees on standard employment contracts represent the bulk of union members (Heery 2009).

To sum up, the new challenges aimed at reducing labour costs, coupled with a lucky coincidence concerning the initial information about the outsourcing from ALU to Wipro, led to the creation of SITT and the launch of important innovations in relation to union structure, strategy and choice of target group. The newly elected union
leaders lacked experience in organising and collective bargaining, but it seems that being ‘novices’ enabled them to think ‘outside the box’. They were highly-educated IT professionals used to solving IT problems, and their professional skills arguably helped them find novel solutions to the employment challenges that they faced. They also sought advice and support from more experienced organisations. Last, but not least, SITT is a new union with no links to the pre-1989 communist unions, so it did not face difficulties related to communist legacies which is an issue for many traditional unions (Trif 2016a).

The case of SITT demonstrates that it is possible to organise and mobilise any type of worker. The union was set up during the recession, it organised young IT workers and, in fewer than five years, it has managed to become representative and negotiate collective agreements in three MNCs in the IT sector. This case also shows the importance of strategic leadership and international union collaboration, and it highlights the need for unions to respond to global MNC strategies to reduce labour costs. Nevertheless, the successful story of SITT constitutes an exception rather than the rule in the Romanian context. Moreover, the union has not yet managed to become representative at sectoral level, even though it has members in other IT companies. At present, it is striving to win over 50 per cent union density in companies such as Microsoft, Athos and Continental.

**Discussion and conclusion**

This chapter showed that, despite the major external and internal challenges that the Romanian labour movement has been exposed to since 2008, certain unions have been able to turn the crisis into an opportunity for union innovation. It examined three instances of best practice in this regard at national (BNS), sectoral (FSC) and company (SITT) levels.

At all three levels, trade unions were heavily affected by changes in the labour law, albeit in different ways. At national level, the prohibition of cross-sectoral collective bargaining and the outlawing of protests that demanded amendments to the law made it difficult for union confederations to justify their role after 2011. The loss of external legitimacy provided by legislation led to fragmentation and divisions within the union movement which, in turn, translated into a further decline of internal legitimacy. Against this background, BNS adopted two innovative actions aimed at increasing its legitimacy. The ‘smart trade union’ initiative marks a shift in the focus of a union confederation from collective bargaining to the servicing of members and potential members, while the civic initiative illustrates a radical change in the process of involving union rank-and-file members in developing legislative projects. It needs to be underlined that, even though the 2011 attack on statutory employee rights was the main driver behind both BNS initiatives, these also addressed the long-standing problem of the declining reputation of unions among workers and the increasing disconnection of the union leadership from grassroots organisations and activists (Kideckel 2001; Korkut 2006). The crisis provided an opportunity for internal changes within BNS. The confederation had already developed the ‘smart trade union’ initiative in the course of the 2000s, but
it was not able to implement it before the crisis. According to a senior union official, this was because many affiliated organisations did not want BNS to have a record of their individual members (as confederations and federations receive a percentage share of the fees collected by company-level unions and, sometimes, the latter report lower membership numbers in order to limit their contributions), or information concerning the support provided by them to individual members (interview BNS 2015). The crisis reduced the resistance of the lower echelons as their survival was also put at stake; this, in turn, allowed BNS to implement changes that made the organisation more transparent. Hence, concerns over actual survival during the crisis facilitated radical changes in the functioning of union confederations. The BNS case shows that unions’ organisational innovations may concern not only structural aspects, such as changes of leadership or mergers of existing organisations, but also functional improvements within unions’ organisational structure.

At sectoral level, the case of FSC demonstrates that innovative actions in relation to organisational structure, strategy and target group can help even very weak federations to survive. FSC had long-standing problems related to the limited levels of financial resources associated with low union membership. Leadership change in 2001 played a pivotal role in triggering organisational changes, in particular the switch to a different confederation and the strategic re-orientation towards organising workers in MNCs. All in all, the developments within FSC substantiate Hyman’s (2007) argument concerning the importance of leadership and organisational learning for generating new initiatives that help unions survive and thrive.

Innovative actions at national and sectoral levels were triggered by the 2011 legal reforms and were aimed primarily at increasing unions’ resources in order to survive, but the third case examined in this chapter presents an example of innovative union action undertaken in response to an international economic challenge, namely a multinational’s global strategy to reduce labour costs by means of outsourcing. It demonstrates, first, that any workers, including the young IT workers employed by MNCs, can be unionised when their job security and income is at stake. Second, it shows that an international response from workers is needed to deal with global plans to reduce labour costs by MNCs. It also reveals the crucial role that EWCs can play in protecting the working conditions of employees working in subsidiaries operating in different countries, and in supporting the efforts of company-level unions to defend the interests of their members. Last but not least, this case illustrates the importance of decisions taken by certain individuals, particularly those in leadership positions. Unionisation would not have been possible without the information shared informally by the French EWC member with his Romanian colleague and his willingness to support his Romanian colleagues in their endeavour to organise workers. The local SITT leadership, for its part, played a key role not only in organising the outsourced workers, but also in unionising workers in other IT companies, which led to the creation of a novel territorial organisational structure. Even though it operated in unfavourable legal and economic circumstances, SITT managed to become representative and further its members’ interests in several IT companies by utilising traditional instruments such as organising, strikes and collective bargaining alongside new methods such as international support and the use of external legal support during collective negotiations. Furthermore, atypical (outsourced)
workers became core members at each unionised company which, in turn, facilitated the unionisation of their workforces. In addition to the strategies of inclusion, exclusion and elimination that unions exhibit towards atypical workers, this study adds a new dimension to Heery’s (2009) account by showing that atypical workers may become core union members.

To conclude, this chapter demonstrates that the dire circumstances that threaten the very survival of labour organisations may also represent an opportunity for trade union innovation. The selected case studies show that the unions that have adopted innovative practices have managed to survive and, sometimes, even increase their role and influence. Interestingly, all three organisations examined here had charismatic leaders, which seems to be a necessary condition for adopting novel practices, even though it is not necessarily sufficient. In all three instances, the trade unions’ actions were innovative with regard to organisation, strategy and choice of target group, which suggests that these three dimensions identified by Bernaciak and Kahančová are mutually reinforcing. Last but not least, our study demonstrates that international support for national unions plays an important role in adopting and implementing innovative actions, particularly among MNCs. Still, further research is needed to determine the circumstances under which national unions are likely to get support from unions operating in other countries, as well as from global unions and EWCs. By the same token, it would be interesting to establish the circumstances under which this international collaboration is mutually beneficial for all parties involved, as it seems that, otherwise, it may not be sustainable.

**Interview list**

Interview with senior union official, BNS confederation, Bucharest, 17 July 2015.
Interview with senior official, FSC federation, Bucharest, 20 July 2015.
Interview with senior manager, Carrefour retail chain, Bucharest, 21 July 2015.
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From bargaining to advocacy: a trade-off between improved working conditions and trade union fragmentation in Slovakia

Marta Kahancová

Introduction

Similar to other CEE countries, trade unions in Slovakia have, since the early 1990s, undergone a transition process and taken on new functions in a democratic society and market-oriented economy. At the same time, they have tried to boost their legitimacy, understood as the compatibility of their behaviour with workers’ demands at company and sector levels (Hyman 1997). Union legitimacy suffered in the postsocialist period for two reasons. First, the public associated unions with their functions in the previous regime in which they served as an extended hand of the communist party rather than genuine interest representation organisations (Myant 2010). Second, following the systemic change, labour organisations were perceived as subordinate to newly emerging business interests and party politics.

EU enlargement in 2004 and the 2008 economic crisis brought new opportunities and challenges for the Slovak labour movement. These varied significantly across sectors. Slovakia’s EU membership and the subsequent labour emigration yielded labour shortages, especially in construction and healthcare. In response, unions managed to negotiate wage increases in some sectors and thereby improved their legitimacy as workers’ representatives (cf. Kaminska and Kahancová 2011). The 2008 crisis, in turn, intensified the need for flexible and non-standard forms of work in the country’s most important production sectors including automotive manufacturing and electronics (Czíria 2012; Kahancová and Martišková 2012). This increasing demand pushed trade unions to acknowledge workforce diversity and to address the specific needs of atypical employees. In the public sector, the post-crisis austerity measures likewise motivated major changes in trade union structures and strategies (Kahancová and Martišková 2016).

This chapter evaluates the responses of Slovak trade unions to the above challenges, focusing on the post-2008 period. It seeks to identify innovative aspects in union practices and pays particular attention to innovation in relation to unions’ organisational structure, their choice of strategy and the selection of target groups for union action. The chapter also presents the broader implications of unions’ recent activities for their role in society, the circumstances of industrial relations institutions and, more generally, the quality of working conditions in Slovakia.

The chapter argues that labour quiescence and low levels of mobilisation best characterised the period before 2008, but the post-crisis years have brought a turn away from these trends in key parts of the Slovak economy and trade union movement. In
effect, Slovakia saw the emergence of two phenomena. First, the creation of new actors represented a break with the embedded perception that union legitimacy was closely related to state socialism (Kahancová and Sedláková forthcoming). At the same time, the new unions, together with new non-union actors partly taking over the role of trade unions, have posed a threat to established trade union structures. Second, the shift in focus of union strategies in favour of advocacy, public protests, campaigns in the public space and the increased attention paid to previously unrepresented labour market groups has challenged the interest representation role that Slovak trade unions played in coordinated bargaining and social dialogue processes. The latter trend also yields questions about the future of coordinated bargaining as an institutional mechanism for the regulation of working conditions in the country.

The chapter draws on the author’s earlier research on Slovak industrial relations.¹ In particular, it is based on 64 interviews conducted between 2011 and 2015 within the framework of research projects on union representation and action in Slovakia in several sectors including temporary agency work and public services. Additional evidence was collected from media sources and trade union websites.

The chapter is structured as follows. The first section reviews key characteristics of the Slovak industrial relations system and labour movement, thus setting the stage for the analysis of innovative union practices. The second section examines innovative aspects of trade union activities in Slovakia’s private and public sectors. These include a shift in the strategy of metalworking trade unions to act on behalf of temporary agency workers; and the emergence of new unions and non-union actors with an innovative repertoire of actions in sectors including healthcare and education. The third section offers a comparative assessment of the drivers, the extent and the effects of union innovations while the concluding section summarises the findings and presents their broader implications.

1. **Trade unions in the Slovak industrial relations context**

The role of trade unions in Slovakia’s industrial relations system crystallised during nearly three decades following the fall of state socialism. The established sectoral industry structures assured the continuity of the social partner hierarchy and sector-level bargaining institutions. Trade unions are still relatively well established and not as fragmented as their counterparts in many other CEE countries. They are predominantly organised along sectoral lines, with the Confederation of Trade Union Federations of the Slovak Republic (Konfederácia odborových zväzov Slovenskej republiky, KOZ SR) being the dominant top-level organisation representing 26 sectoral unions in national tripartite negotiations. On the employers’ side, there are two dominant top-

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¹ The most important sources of evidence are original face-to-face interviews that the author conducted with trade union representatives and other stakeholders in Slovakia within the framework of the following three projects funded by the European Commission: Bargaining for Social Rights at Sectoral Level (BARSORIS, Project Number VS/2013/0403); The Rise of the Dual Labour Market: Fighting Precarious Employment in the New Member States through Industrial Relations (PRECARIR, Project Number VS/2014/0534); and New Challenges for Public Services: Integrating Service User and Workforce Involvement to Support Responsive Public Services in Tough Times (Project Number VS/2013/0362).
level organisations – the Federation of Employers Associations of the Slovak Republic (Asociácia zamestnávateľských zväzov a združení, AZZZ) and the National Union of Employers (Republiková únia zamestnávateľov, RÚZ SR).

Collective bargaining in Slovakia takes place at sector and company levels. In most sectors with established sectoral bargaining structures, bargaining is bipartite and takes place without the involvement of the top-level social partners that are members of the tripartite committee. Each sector developed its own bargaining procedures. Negotiating sector-level or multi-employer regulation through collective agreements is the key role of unions in some sectors (for example, metal, steel, electronics and healthcare) whereas in others (for example, retail, agriculture and the food industry) company-level bargaining has taken the lead. In the latter case, sectoral bargaining is either non-existent or sets only very broad minimum standards. In general, wages, employment security and working conditions remain the most important issues discussed during the bargaining process (Czíria 2012).

Against the background of the established but declining relevance of the sectoral principle for collective bargaining, trade unions have increasingly looked for other channels of influence at national and company levels. At national level, the last decade brought increased efforts on the part of unions to exert an influence on legislation. In this respect, trade unions ascribe high relevance to defending legal frameworks negotiated in the early years of transition or preventing their further erosion. Under the rule of the social democratic government since 2012, unions have also succeeded in introducing new elements into legislation, for example the regulation of temporary agency work and the extension of collective agreement coverage. All in all, unions still perceive (coordinated) collective bargaining as one of their most important functions, but their extensive orientation towards legislation reflects their weakening capacities to negotiate better working conditions through collective bargaining. In a sense, then, it can be argued that unions themselves have contributed to the erosion of the sectoral bargaining principle.

Besides efforts to regulate working conditions through legislation at national level, Slovak trade unions have invested considerable resources in developing their representatives’ capacities for company-level collective bargaining. Next to collective bargaining, the key task for trade unions at company level is monitoring employers’ compliance with labour legislation in companies both with and without union presence.

Beyond these key activities of Slovak unions, other forms of action, in particular organising, mobilisation and industrial action, have remained relatively underdeveloped. The transition period and the subsequent social and economic reforms, the growth of non-standard work and the 2008 crisis were accompanied by very low levels of labour unrest in Slovakia. Bohle and Greskovits (2012) argue that labour quiescence in the Visegrád countries, including Slovakia, resulted from the welfare contract in the early 1990s, in line with which trade unions agreed to abstain from protests in exchange for policy influence. As a matter of fact, Slovak trade unions never developed a strong policy influence and the decisions taken at tripartite level were merely of an advisory nature (Czíria 2012). Still, together with other CEE countries, it belongs among the
countries with the lowest number of working days lost through industrial action in the EU (Vandaele 2011).

Trade unions in Slovakia are also exposed to the pan-European trend of declining union membership. The financial crisis of 2008 and the EU growth crisis in the aftermath of the downturn are likely to have accelerated the fall in union density (Figure 1). That fewer people are union members relates to company restructuring and the spread of self-employment, part-time work and temporary agency work which undermine the traditional perspective of the representative role of trade unions (KOZ SR 2017).

In sum, trade unions in Slovakia are established along sectoral lines. They have represented workers’ interests mainly by (1) getting involved in collective bargaining at sectoral and company levels; (2) influencing legislation, which was viewed as a tool to regulate working conditions at national level; and (3) monitoring employers’ compliance with legislation at company level. At the same time, unions have been facing legitimacy problems, declining membership rates and labour market segmentation trends which have seen a growing number of new (precarious) workers lacking organised representation. Still, Slovak unions’ resources are not completely depleted: they are still able to mobilise, seize new opportunities and serve as relevant interest representation organisations in post-crisis conditions (Kahancová 2015; Kahancová and Martišková 2015). Moreover, unions’ attempted policy influence is, to a growing extent, being complemented by innovative actions that sometimes deliver more satisfactory
outcomes than traditional bargaining-based representation roles. The remainder of this chapter presents selected evidence on union innovation and outlines the implications of such innovations for workers, for unions’ legitimacy and for Slovak industrial relations more generally.

2. **Innovative strategies and their justification**

This section presents union strategies in respect of which innovation in regard to unions’ organisational structures, their choice of strategy, audience and the effects on working conditions and industrial relations institutions have been most pronounced. The extent of union innovation will be evaluated on the basis of criteria developed in the Introduction to this volume and benchmarked to empirically documented trends in union strategies and actions.

In the Introduction, Bernaciak and Kahancová (2017) conceptualise innovative union practice as ‘a course of action differing from the one pursued in the past, staged by a trade union to address a newly emerging challenge or tackle an existing problem more effectively’. Innovation in this context refers to a deliberate set of initiatives undertaken in response to a concrete problem, and/or the pursuit of these outside unions’ traditional audience, while using tools that enable a given organisation, event or initiative to be more effective. In line with the book’s analytical framework, this chapter will evaluate recent union initiatives in Slovakia referring to the following dimensions of innovation and the questions which arise from them:

1) **innovation in relation to unions’ organisational structure:**
   - What impact did recent union initiatives have on the organisational structures of Slovak unions?
   - Did organisational change facilitate innovative strategies, in particular in terms of unions’ responses to post-crisis challenges?

2) **innovation in relation to unions’ choice of strategy, which includes both the adoption of new strategies and the changing balance between strategies already pursued:**
   - What strategies did unions employ to influence labour market policies and working conditions? Did they try to boost their own legitimacy and, if so, how?
   - Did the newly adopted or revived union strategies result in innovation in terms of outcomes? In particular, did they lead to improvements in working conditions, the adoption of new regulations and/or increased union legitimacy?

3) **innovation in relation to the choice of target group(s) for union initiatives, such as precarious workers or other previously unrepresented groups in the labour market:**
   - Did recent union initiatives cater to the interests of new target groups?
   - Did recent union initiatives help to improve labour market conditions for particular (target) groups and possibly broaden unions’ constituencies?

The selection of empirical cases for the study of union innovation was guided by the importance of the analysed sectors for the Slovak economy and labour market. Against this background, the remainder of this chapter examines innovative union practices in
the metalworking sector, with a focus on those targeting temporary agency workers, as well as innovative union strategies in public services, especially in healthcare and education.

2.1 Shift in unions’ strategy to represent temporary agency workers

Mechanical engineering, automotive production and electronics belong among the key industries of the Slovak economy. The automotive industry in particular experienced rapid growth in the 2000s but, because of its highly export-oriented character, it faced production decline in the 2008-2009 crisis years. After a quick recovery, Slovakia became the world’s largest producer of motor vehicles per capita, with 540 000 automobiles produced per year in the second quarter of 2015 (OICA 2015).

The production changes in these sectors before and after the crisis went hand-in-hand with the increased use of temporary agency work. In response to output decline during the crisis years, companies sought to adjust employment levels through internal and external flexibility, the former involving the reorganisation of working time and the latter adjustments in workforce size through the changing shares of permanent, temporary and agency workers (Atkinson 1984; Gallie et al. 1998). The most important dimension of internal flexibility was the so-called ‘flexikonto’, or the system of working time accounts. Agency work, in turn, was used as an additional source of external flexibility,

Figure 2  **Number of temporary agency workers in Slovakia, 2008–2014**

![Number of temporary agency workers in Slovakia, 2008–2014](source: ÚPSVaR (2015).)

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providing the industry with a flexible pool of ‘outsiders’, without the need on the part of employers to establish long-term commitments to their employees. Even though temporary agency work still comprises only a marginal share of total employment in Slovakia, it has been gaining in importance since 2011 (Figure 2).

The two biggest challenges related to the growing incidence of temporary agency work were, first, the lack of targeted regulation of this form of work; and, second, the absence of trade union representation of agency workers. Prior to 2013, acting on behalf of temporary agency workers (TAWs) remained outside unions’ strategic goals for three reasons. First, given a declining membership base and the limitations on unions’ codetermination rights introduced between 2010 and 2012 by the right-wing government coalition, labour organisations focused on consolidating their position at workplace and sectoral levels. Second, unions reported difficulties in organising TAWs because the latter frequently changed jobs across sectors and thus failed to develop a long-term commitment to sector-based labour organisations. Finally, in the metalworking sector where the bulk of agency workers is concentrated, the skill base was of crucial importance. During and after the crisis, the large and influential metalworkers’ union OZ KOVO prioritised the representation and protection of skilled regular employees (Kahancová and Martišková 2015). In consequence, OZ KOVO for a long time remained an organisation of insiders, or core skilled workers, in the metalworking sector with TAWs being excluded from mobilisation attempts, union services and collective bargaining. This strategy was not a purposeful union goal, but rather a natural consequence of the interplay between the dual character of work in the metalworking sector (skilled ‘insiders’ vs. flexible and less skilled ‘outsiders’), and the interests of employers and unions in protecting core skilled workers in large automotive and electronics firms.

In 2013-2014, however, OZ KOVO’s approach to agency work began to change. The union pushed for stricter regulation of the operation of agencies and of working conditions for agency workers; it also succeeded in broadening the scope of interest representation through a new inclusive approach towards TAWs (Kahancová 2016). The shift in the union’s strategy derives from the interplay of several factors, including a change of union leadership and the increasing incidence of agency work and unlawful practices among some agencies calling out for greater regulation. The latter development in particular encouraged OZ KOVO to seize new opportunities to establish itself as the first and, so far, the only union active in the agency sector.

OZ KOVO’s involvement with TAWs also coincided with a push among employer associations for the stricter regulation of agency work, which was an attempt to eliminate unfair competition among agencies and the abuse of agency workers (for example, the replacement of a part of their salary with tax-free travel refunds or the use of so-called ‘work agreements’ without social security entitlements and health insurance instead of regular employment contracts). The Association of Personnel Agencies of Slovakia (APAS), one of three employer associations active in the sector, accordingly signed a memorandum of cooperation with OZ KOVO demonstrating the shared understanding of the social partner organisations of the necessity to strengthen the regulation of
temporary work agencies. In 2014, APAS and OZ KOVO launched talks on the possibility of signing a sectoral collective agreement for TAWs. The latter would set a benchmark for agency employment in Slovakia and partly substitute for the lacking state control mechanism to define decent working conditions for agency workers. OZ KOVO also expressed a readiness to push for the extension of the validity of such an agreement to the whole agency sector through the institutionalised practice of collective agreement extension.

Even though OZ KOVO’s interest in establishing bargaining institutions in the agency sector represented an important shift in the organisation’s approach to agency workers, the union leadership still maintained some hesitations. These related mainly to the strategic aim of the union to eliminate agency work, driven by agency workers serving in many cases as a flexible pool from which to replace regular employees. Moreover, TAWs are usually not unionised but increase total workforce size in companies which means that a further spread of this form of employment might lead to a decline in union density rates and to a decrease in OZ KOVO’s bargaining power at company level.

Talks on the collective agreement have not progressed since 2014, mainly because of a change in the APAS leadership and a lack of support for the initiative on the part of the other two employer associations – HR Aliancia and the Association of Providers of Employment Services (Asociácia poskytovateľov služieb zamestnanosti, APSZ). OZ KOVO and APAS have not completely withdrawn from the plans for an agreement but, in the meantime, both organisations are focused on influencing state legislation on agency work. Union proposals that have already been incorporated into legislation involve legal guarantees for the equal treatment of agency workers and regular workers, the prohibition of hiring agency workers on other than regular employment contracts (substituting the earlier practice of ‘work agreements’) and equal pay for agency workers. Presently, unions are lobbying for a regulation that would limit the deployment of agency workers to a certain proportion of staff working at the end user company. To an extent, then, it can be said that regulatory initiatives and possible future regulation through a collective agreement have the potential to replace the state’s role in setting and enforcing fair employment practices in the sector.

In sum, the shift from the union’s non-interest in representing agency workers to its efforts to guarantee better working conditions and improved employment protection for this group of employees is an innovative development in regard to the target group for union action, despite its marginal impact on union density. Furthermore, in the context of membership decline and bargaining decentralisation, it might lead to the emergence of coordinated bargaining structures in a previously unorganised sector. The factors facilitating an innovative approach in this sphere were twofold. First, organisational change within OZ KOVO made the union leadership realise new windows of opportunities for strengthening its role in an underregulated sector. Second, employer associations, especially their efforts to push for stricter legislation as well as their incentives for establishing sector-wide collective bargaining structures, played an important role in fuelling TAW-focused union initiatives.
From bargaining to advocacy: a trade-off between improved working conditions and trade union fragmentation in Slovakia

The above case of innovative practices was the most extensive and important, but trade unions in Slovakia’s private sector did launch other minor innovative initiatives. These related, first, to the increased readiness on the part of trade unions to seek partners abroad and stage joint activities geared towards strengthening union capacities in Slovakia; and, second, to a slight increase in the incidence of industrial action, which contradicts the pre-crisis labour quiescence trend discussed in the previous section. Protests were staged in response to individual company conditions such as company restructuring, delays in wage payments and dissatisfaction with working conditions, or were aimed at making legislative changes to the Labour Code. The strikes, protests and demonstrations of sector-level and company-level unions were usually centred on specific company affairs, and OZ KOVO was the most visible union federation involved in them; while the activities of the top-level confederation, KOZ SR, were, in turn, staged mainly in response to regulatory developments.

2.2 New actors and innovative strategies in public services

Reforms to the Slovak healthcare system had already been launched in the first half of the 2000s. They aimed at strengthening patients’ individual responsibility for their health, and introduced market principles and regulated competition into the sphere of healthcare provision. From the perspective of employment and working conditions, the most important change concerned the decentralisation and corporatisation of smaller, so-called regional, hospitals. Corporatisation refers to the change of hospital ownership and management from one public actor to another – in this case, from central to local government – without the involvement of private capital (Kahancová and Szabó 2015). Corporatisation was launched in the mid-2000s but was put on hold in 2006-2010 by the social democratic government. After 2010, the right-wing government coalition attempted to resume the process but withdrew from it in response to trade union initiatives and negotiations between the professional medical chambers and the government.

Major reforms in the Slovak education system, which introduced a self-governance mechanism for schools and made their operation relatively independent of the state, had already been introduced in the 1990s. In contrast to healthcare, employment in education was not exposed to marketisation challenges and remained part of the public services employment system. The result was that wage rates in education were increased gradually through the collective agreement for the public services sector, whereas the majority of healthcare employees were excluded from public sector bargaining and scales of remuneration. This divergence in relation to the regulation of working conditions, wages and trade union roles in the two sectors fuelled the inter-union tensions that had been growing since the mid-2000s.

No longer covered by public sector bargaining rules, industrial relations in reformed hospitals stabilised at sector level and were characterised by a relatively high union membership and bargaining coverage. The healthcare sector developed its own bargaining structure after 2006 with two trade union organisations, one representing the broad employee interests of all occupational groups (Slovenský odborový zväz

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zdravotníctva a sociálnych služieb, SOZZaSS) and the other representing medical doctors (Lekárske odborové zdravie, LOZ). In 2012, a new trade union representing nurses and midwives (Odborový zväz sestier a pôrodných asistentiek, OZSaPA) was established at the initiative of the Chamber of Nurses and Midwives (Slovenská komora sestier a pôrodných asistentiek, SKSaPA). The reason for OZSaPA’s creation was growing dissatisfaction among these two professional groups and their perception of not being adequately represented by the other trade unions, especially by SOZZaSS. The latter acted through established bargaining channels and public sector-wide tripartism whereas the ‘younger’ unions LOZ and OZSaPA were more innovative in their activities and often engaged in public protests, campaigns, political lobbying and direct negotiations with the government and parliamentary factions. Especially on the part of OZSaPA, this focus derived from their weak recognition and uneasy penetration of the established bargaining structures where SOZZaSS had enjoyed a strong bargaining position since the early 1990s.

In the examined period, SOZZaSS, LOZ and OZSaPA alike focused their efforts on the harmonisation of working conditions, advocating equal pay for equal work regardless of hospitals’ corporatisation status, as well as wage increases for healthcare workers. Their views on how to reach these goals differed significantly, however. The doctor’s union LOZ was the first to get involved in activities that went beyond established bargaining procedures. In late 2011, the organisation staged a successful resignation campaign during which about 2 400 of the 6 000 medical doctors working in Slovak hospitals committed themselves to quitting their hospital jobs if union demands, in particular those related to halting the proposed corporatisation of large state-operated university hospitals and to increases in pay, were not met by the centre-right government (Krempaský 2016).

Faced with the threat of the hospital system’s collapse, the government agreed to gradual wage increases and put the corporatisation process on hold. The plan was to raise doctors’ wages in a gradual manner, with the final wage level being 2.3 times higher than the average wage in the economy. This target was to be achieved within a period of two years, starting in 2012.

LOZ’s success motivated OZSaPA to launch public protests by nurses, a hunger strike and a billboard campaign against the government in order to gain wage increases exclusively for nurses and midwives. The Act on Nurses’ Remuneration was adopted in 2012 but was repealed the same year after a ruling of the Constitutional Court. Despite the defeat, OZSaPA continued to lobby for legislative tools that would set out wage levels in healthcare and be applicable to all healthcare employees. After three years of negotiations with the government, an act aiming to regulate the wages of all healthcare employees was finally passed in late 2015 but faced harsh criticism on the part of OZSaPA. The union argued that the legislation did not take into account union recommendations and that, in some cases (for example, that of older nurses), it would actually result in wage decreases. A further point of union criticism was related to the absence of motivating factors in respect of personal commitment to the medical profession given the context of generally high staff shortages, especially in nursing. The Ministry refused to renegotiate the Act so OZSaPA, with the support of LOZ (but not
SOZZaSS), launched its own resignation campaign in late 2015. It was initially joined by over 1,000 nurses (2.3 per cent of all nurses in Slovakia), which caused shortages and required reorganisations at some hospitals. OZSaPA and the Chamber of Nurses, SKSaPA, continued actively to campaign for legislative changes, at the same time urging nurses to join the resignation campaign, but a critical mass of resignations was not reached and the campaign failed to achieve its main goal – legislative change in the remuneration system.

It has already been mentioned that, in the examined period, the education sector was not exposed to large-scale restructuring and ownership reforms. Here, the main challenge was the government’s failure to address the needs of employees, culminating in wage freezes introduced as part of post-crisis austerity measures. Trade unions tolerated the wage freezes until 2011 but, in late 2011, the education sector featured a series of new types of action including strikes, public protests, campaigns and petitions. These were organised and supported not only by unions but by several other stakeholders, including established professional associations and also newly founded teaching organisations. The period of increased industrial action in education commenced on 13 September 2011, when over 10,000 teachers rallied in front of the government office in Bratislava in protest against the long-standing underfinancing of the education sector in general and low wages in particular. Exactly one year later, on 13 September 2012, trade unions staged a warning strike that affected 90 per cent of elementary schools, up to 80 per cent of secondary schools and up to 30 per cent of universities. Some private and church-operated schools expressed their solidarity and also joined the strike.

The role of new actors in representing teachers’ interests was increasing, for example, through the establishment of New Unions in Education (Nové školské odbory, NŠO) in 2012 and a variety of self-recognised student groups organising protest actions and public meetings, but the largest education union, Trade Union Federation of Employees in Education and Science in Slovakia (Odborový zväz pracovníkov školstva a vedy na Slovensku, OZPŠaV), maintained its dominant role and prioritised bargaining with the government over innovative actions. At the same time, however, OZPŠaV also became more involved in industrial action. The government failed to accept the union’s request for a wage increase that aimed to make up for the wage freezes in the post-crisis austerity period, and a chain of strikes and public protests was organised after September 2012 calling for higher wages in education (TASR 2016). The strikes did yield success, even though wages went up only by 5 per cent instead of the requested 10 per cent.

The post-2013 developments, however, brought increasing divergence between the strategies of OZPŠaV and the newly-emerged employee representation bodies. OZPŠaV focused on bargaining for wage increases, whereas the new (predominantly non-union) actors fought for the same goal but used more radical instruments. Late 2015, for example, saw massive public protests organised by the Initiative of Bratislava Teachers (Iniciatíva bratislavských učiteľov, IBU) and the Initiative of Slovak Teachers (Iniciatíva slovenských učiteľov, ISU) that continued until the March 2016 parliamentary elections. One of IBU’s forms of action was the so-called ‘Babysitting Day’ in December 2015 which aimed at raising public awareness of teachers’ low remuneration levels (TASR 2015). Many other actors, such as the Slovak Chamber of Teachers (Slovenská komora
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During the 2013-2016 protest actions, direct government lobbying and strike threats were framed as the initiatives of teachers acting as a group of professionals, often without a clear link to trade unions. During the latest protests organised in 2016, the tensions between OZPŠaV and ISU intensified, motivating OZPŠaV to explain publicly its reasons for not supporting the wildcat protests and strike activities organised by the new actors (OZPŠaV 2016a). OZPŠaV criticised the lack of experience of the new actors and the fragmentation of interest representation that resulted from their protest action. It therefore called for a joining of forces to strengthen unions’ roles in the established channels of collective bargaining with the Ministry (OZPŠaV 2016b).

Comparing the recent developments in healthcare and education, we find similarities in regard to the fragmentation of employee interest representation and the emergence of new actors, as well as in the choice of strategy. The largest unions in the two sectors remained committed to collective bargaining, but the newly-created unions and non-union actors opted for innovative strategies and tried to improve working conditions in their respective professional domains through mobilisation, advocacy, public protests, political lobbying and (resignation) campaigns. The bargaining power of the new actors stemmed from their direct confrontation with the government and their warning that non-compliance with their demands could threaten the provision of healthcare and education services. In education, public action yielded some wage increases, whereas in healthcare the outcome was not limited to direct wage increases but also included the adoption of revised wage-setting regulations. There were some important similarities between the two sectors on the dimension of the outcomes, however. First, the initial demands were only partly fulfilled and thus led to dissatisfaction on the part of employees and trade unions. Second, in both healthcare and education, innovative actions have crowded out collective bargaining and relied on legislative solutions catering to the needs of employees who in only certain cases were represented by trade unions.

3. Analysis of innovative union practices

The innovative union strategies presented in this chapter were driven by changing labour market structures and the growth of non-standard forms of work in the metalworking sector, and by post-crisis austerity measures, combined with the government’s failure to address long-existing challenges, in healthcare and education. Employers’ support served as an additional factor facilitating innovations in union strategies in the temporary agency work sector.

The innovative aspect of union strategies concerned, first, the choice of strategy and instrument. Unions increasingly relied on public protests, strikes and (resignation) campaigns. This development posed a challenge to coordinated collective bargaining at sectoral level that had been well established in Slovakia. Specifically, the role of sector-level bargaining has been decreasing as both unions and employers preferred regulating working conditions via legislative solutions rather than through the bargaining channel. Second, changes in union strategy facilitated innovation in unions’ organisational
structures. These involved the fragmentation of the previously relatively unitary labour movement, especially in the public sector, and the emergence of new industrial relations actors, including new trade unions and professional associations organised along occupational rather than sectoral lines.

Both the existing unions (LOZ, SOZZaSS and OZPŠaV) as well as the newly-founded ones (OZSaPA and NŠO) have employed innovative strategies in their recent initiatives. Thereby the role of labour organisations shifted from bargaining to advocacy as, in many cases, targeting the government and the public proved more effective than collective bargaining with employer representatives and the conclusion of collective agreements. It is noteworthy that not only established labour organisations but increasingly also non-union actors took part in campaigning for better working conditions. Some non-union actors, such as the Chamber of Nurses and Midwives (SKSaPA) and the Initiative of Slovak teachers (ISU), dominated the massive public protests staged before the 2016 elections, taking over the role of trade unions and launching campaigns on traditional trade union topics such as wage increases and job protection.

All in all, it seems that non-union actors have helped trade unions reach their goals but they also represent a challenge to the traditional role of trade unions within society. The crowding out of unions by non-union actors constitutes a considerable threat to established forms of labour interest representation especially because non-union actors have recently enjoyed stronger public support than traditional trade unions.

The emergence of new union and non-union actors and their innovative strategies is driven by two sets of factors. First, it stems from the dissatisfaction of selected groups in the labour market with the strategies of already-existing trade unions. Second, innovation in the choice of union strategy is often related to internal organisational change that came hand-in-hand with the realisation of new windows of opportunities. The case of OZ KOVO and its turn towards representing agency workers showed that such an extension of union focus to previously unorganised employee groups might help strengthen the union’s legitimacy and increase its influence on the policy-making process. From unions’ perspective, this is a relevant achievement in view of declining union membership and bargaining decentralisation.

Finally, interest on the part of trade unions in representing previously unrepresented labour market groups constitutes innovation in relation to the selection of target group/audience. This involved, in particular, the change in OZ KOVO’s approach vis-à-vis agency workers, from their exclusion from the trade union agenda to their representation in the regulatory process, without the union undertaking efforts to organise them (cf. Martišková and Sedláková, this volume; Kahancová and Martišková 2015). The union aimed at improving the working conditions of agency workers and avoiding their abuse, which sat well with the union’s overall goal to raise employment standards. In so doing, it also protected the interests of its core constituency, which consisted of workers on regular employment contracts. In the public sector, innovation in regard to the selection of target group was manifested by the shift in the attention of union and non-union actors towards the government and the parliament, as well as by recourse to lobbying and militant action instead of negotiating with selected employer
representatives (or particular government representatives in the case of education) through established collective bargaining channels.

The main effects of the above innovations can be summarised in the following points. First, in the metalworking sector, unions extended their representation role to agency workers but without a clear link to membership growth. Second, through its activities on behalf of agency workers, OZ KOVO facilitated the possible emergence of new sectoral bargaining institutions in a sector with no employee representation. Third, in the public sector, unions won improvements in working conditions at the price of organisational fragmentation. Fourth, the public sector developments also yield a crowding-out effect of the trade union role through new non-union actors that took over some functions typically belonging to the domain of trade union action. The result is that the Slovak public sector faces a growing divergence between old unions focused on established channels of influence, such as collective bargaining and tripartite social dialogue, and new unions and non-union actors that are more militant and opt for direct lobbying, threats, strikes and protests in the public space. Fifth, thanks to the application of new instruments, including campaigns, advocacy, media debates and petitions, unions reached greater visibility and increased their legitimacy in the eyes of the wider public.

Conclusions

Recent years have seen changes in legislation that have modified unions’ representativeness thresholds and limited their information and co-determination rights. Together with the austerity drive and the changing labour market structure, these had implications not only for working conditions but also for trade union legitimacy as such, pushing trade unions to a position in which they constantly have to work on their public image and convince workers, employers, policy-makers and the public that they were legitimate organisations capable of representing the interests of both their members and the wider labour force. These challenges served as an important driver of innovation in relation to trade union structures, strategies and the selection of their target groups.

This chapter has documented the innovative practices launched by Slovak trade unions and employee interest representation bodies in the post-2008 period. The benchmark for assessing the extent of innovation was set against the established image of Slovak trade unions as organisations built along sectoral principles that were not confronted with such strong fragmentation and bargaining decentralisation trends as their counterparts in neighbouring countries, most notably Hungary and Poland. Moreover, Bohle and Greskovits (2012) described the Slovak industrial relations landscape by referring to the labour quiescence thesis, pointing to the low number of incidences of industrial action taking place in the post-1989 period. In contrast to this established image, in recent years Slovak trade unions have engaged in some innovative actions. It is notable that these new strategies and approaches could be identified in core areas of the economy, including the metalworking industry and the public sector.

Analysis of recent trends in Slovak industrial relations suggests that three developments were of particular importance. First, the emergence of new actors, both union and
non-union, represented a break with the embedded perception that union legitimacy is closely related to the socialist legacy and to the all-encompassing sectoral principle of union organisation (Czíria 2012; Kahancová and Sedláková forthcoming). The fragmentation of union structures was manifested in the growing division between established unions focusing on sectoral collective bargaining and social dialogue at tripartite level, on the one hand, and the new organisations that were dissatisfied with the results of that bargaining on the other. The latter actors, established primarily in the public sector, were more radical and used mobilisation-based instruments that targeted the government, parliament and the public rather than employer representatives.

Second, the shifting focus of union strategies, including the extension of representativeness, advocacy, public protests and campaigns, challenged the established role that trade unions have played in Slovakia’s coordinated bargaining system. The new types of action boosted union resources and helped them win improvements in the social sphere but, at the same time, they undermined the traditional pillars of industrial relations: most importantly, coordinated bargaining and solidaristic wage-setting. One of the reasons behind the latter development was that militant action in the public space, which was widespread especially among public sector unions, would often prove more effective than traditional forms of social dialogue and collective bargaining.

Finally, trade unions increasingly focused on political involvement and direct pressure on the legislative system. From this perspective, the legal setup has become a key resource for trade unions. It is relevant for stipulating unions’ activities insofar as it grants them their bargaining, codetermination and information rights. At the same time, it gives them an opportunity to influence working conditions through legislative mechanisms in addition to, and sometimes at the expense of, the collective bargaining channel.

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Innovative trade union practices addressing growing precarity characterised by rescaled governance and the shrinking welfare state: the case of Slovenia

Barbara Samaluk

Introduction

This chapter explores innovative trade union practices addressing precarity in Slovenia. It conceptualises precarity as vulnerability and disaffiliation that does not only affect one’s job quality or hinders one’s integration into the labour market but also one’s inclusion in the broader social system and access to rights that used to be part of the established compromise of Keynesian welfare states. This poses challenges for the representation of the growing number of precarious workers and ‘non-deserving’ (non)citizens who have been excluded from the labour market and broader social and rights systems. The wider conceptualisation of precarity serves as a point of departure upon which innovation within the Slovenian trade union movement is assessed; it also determines the selection of presented case studies in this chapter.

The erosion of labour and social rights brought de-unionisation and interest fragmentation, but it also stimulated innovative forms of organising of increasingly precarious and non-unionised workers and (non)citizens. This chapter focuses on several initiatives that have emerged during the crisis within or in close relation to Slovenia’s biggest trade union confederation. These have brought important innovations to traditional trade union activities such as the involvement of diverse target groups, the creation of innovative organisational structures and the use of non-traditional strategies to address rescaled class politics and labour market governance. These initiatives are the Counselling Office for Migrants project; trade union Young Plus; and the Movement for Decent Work and Welfare Society, together with the recently established Trade Union of the Precarious.

The chapter is structured as follows. Section 1 begins by providing background information on the Slovenian trade union movement and its development, especially in regard to how it was affected by the current economic crisis. This particular context is also used to provide key concepts related to rescaled governance, changing welfare states and growing precarity. Section 2 presents each of these initiatives and its innovative characteristics. These are then jointly discussed and assessed in Section 3.

1. Slovenian trade union movement in the time of crisis

Up until its EU accession, Slovenia had centre-left coalition governments and strong unions and employers’ organisations, which generated a neo-corporatist compromise focusing on job protection and wage regulation (Bohle and Greskovits 2012; Stanojević
and Klarič 2013). Along with the other social partners, representative trade unions have been members of the Economic and Social Council (ESC), which was founded in 1994 and which consolidated democratic relationships between the social partners (Stanojević and Broder 2012). However, Slovenia’s relatively stable employment and social security system came under pressure with the country’s entry to the EU in 2004 and to the European Monetary Union (EMU) in 2007. These two processes brought about external shocks in the form of a fixed exchange rate and competitive pressures, as well as more invasive EU policy initiatives and governance techniques (Leskošek 2014; Stanojević and Klarič 2013). In effect, the Slovenian neo-corporatist model acquired features of ‘competitive corporatism’, which manifested itself in the policy of wage restraint, the intensification of work and increased pressures on the labour force through tighter managerial control and working time extensions (Stanojević and Broder 2012). These trends became particularly pronounced following the outbreak of the global economic and internal political crisis in Slovenia, which led to the 8 per cent drop of GDP in 2009, increased public debt, the decline in exports and subsequent austerity measures (Stanojević and Klarič 2013).

The transition towards ‘competitive corporatism’ was shaped through the process of so-called rescaling, in which systems of meta-governance on the national and international scale increasingly guided local policies and politics and had an impact on relations amongst various actors (Peck 2002; Sadler 2000; Samaluk 2017). After the outbreak of the economic crisis, EU supranational economic governance became much more comprehensive and intrusive. It turned from soft to hard law that came to resemble executive orders, demanding stricter economic and budgetary surveillance and fiscal discipline from EU member states. It also introduced a more prescriptive approach to social policy reform that obliged EU Member States to use social policy as a means of implementing economic adjustments (Erne 2015; Heyes and Lewis 2015). This came to be most strongly exercised in countries that had been hit hard by the economic downturn, where the threat of, or actual, bailouts were used as leverage to impose austerity measures and structural reforms. In Slovenia, EU pressures triggered the reform of social security legislation that increased control over and imposed new (also work-related) conditions upon benefit claimants (Kobal-Tomc et al. 2015; Leskošek et al. 2008). European institutions also advocated flexicurity, a European version of workfare that imposed market discipline on the unemployed and whose implementation has, throughout Europe, resulted predominantly in greater flexibility and less security (Heyes 2011; Greer and Symon 2014). In Slovenia, these changes intensified the pressures on the labour force, increased the flexibilisation of work and brought the rise of precarious work and unemployment (Ignjatović 2010; Kanjuo-Mrčela and Ignjatović 2015). The rise of precarious work, unemployment and poverty levels increased demands for integral welfare spending, but Slovenia also had to maintain fiscal discipline and austerity measures. The result was that its welfare provision became increasingly malnourished and dependent upon external sources of funding, mainly on the European Social Fund (ESF), whose usage is conditioned upon the implementation of workfarist social policies (Samaluk 2017).

Keynesian welfare states used to provide strong employment and social protection that enabled both integration into work and wider social inclusion, but moves towards
workfare have increased the extent of precarity. To address the complex relation between employment and social protection, this chapter adopts Castel’s (2003) conceptualisation of precarity as vulnerability and disaffiliation that hinders one’s integration into work as well as inclusion in wider social networks. Castel’s focus on vulnerability captures a transitional state between work and non-work statuses that are fundamentally shaped by changing welfare institutions. Precarity is thus not solely an issue of job quality, but is also about wider political and social developments that shape the work-citizenship nexus and connect labour politics to changing (supra)national politics (Lee and Kofman 2012). This suggests that precarious conditions should be assessed and tackled beyond the scale of the immediate workplace or the national labour market, and should include those who are moving between various work and non-work statuses and geographical and political boundaries. Through increasing demands on the unemployed to actively search for and take up any kind of work or the exclusion of migrants from social protection, work also becomes incorporated into everyday life that extends the exploitation of the workforce beyond the workplace. In this sense, ‘precarity means imposing restrictions on the rights for participation in the established national compromise’ (Tsianos and Papadopoulos 2006: 9). In the Slovenian context, this socio-economic restructuring had particularly negative effects on the (lower) middle class, the young, lower-skilled, old, long-term unemployed and migrant workers (Kobal-Tomč et al. 2015; Medica et al. 2011; UMAR 2013). The current crisis, which hinders participation in the established yet shrinking welfare state thus also poses challenges for the representation of the growing number of precarious workers and ‘non-deserving’ (non)citizens, who have been excluded from the labour market and broader social and rights systems.

The massive disillusionment that followed Slovenia’s accession to the EU and the EMU also resulted in de-unionisation. Alongside gradual union decline – trade union density dropped from 43.7 per cent in 2003 to 26.6 per cent in 2008 – the membership structure has been changing. The latter process was marked by a growing share of unionisation being taken by the public sector and the increased levels of interest fragmentation between and within union confederations (Stanojević and Broder 2012). Today, there are seven representative trade union confederations in Slovenia, in addition to 47 trade unions that are representative for individual sectors or professions (MDDSZEM 2016). Despite the de-unionisation trends, trade unions still possess a high mobilising power; through tripartite social dialogue they also play an important role in easing the effects of the economic crisis and austerity.

In 2009, a series of unsuccessful local privatisations that deepened the crisis resulted in a spontaneous wave of strikes, culminating in a massive rally organised by the major confederations at the end of that year. The government reacted by opting for a 23 per cent increase in the minimum wage and providing interim support for companies and redundant workers, which was to serve as an exchange with trade unions for major structural reforms aimed at reforming the labour market and the pension system (Stanojević and Klarič 2013). The unions found this exchange unacceptable, but the government insisted on pushing through the reforms. Together with other affected actors mentioned below, unions started articulating dissatisfaction with the proposed
reforms and using their mobilising power. Part of the restructuring process was that the government wanted to limit students’ income, abolish student work and replace it with German-tailored ‘mini-jobs’ accessible to students, pensioners and the unemployed (Stanojević and Klarič 2013). This was opposed by the Student Organisation of Slovenia and resulted in major protests in May 2010 (Strniša 2010). Trade unions assisted by gathering signatures against the government’s reform proposal, triggering a referendum on ‘mini-jobs’ that prevented the enforcement of the proposed law. This was followed by a referendum concerning reforms of the pension system and the informal economy that further disabled the government’s plans for structural reform and finally forced the cabinet to step down (Stanojević and Klarič 2013). These two instances of mobilisation and further political actions linked the emerging movements, student organisers and trade unions and became important drivers for innovation in the organisation of precarious workers and wider social groups, presented later in this chapter.

In 2011, the centre-left coalition was replaced by a centre-right government that announced even more radical austerity measures affecting social and labour market policies. Using the Troika as a threat, it was able to extract far-reaching concessions from trade unions. The planned 15 per cent linear wage cut for all employees in the public sector resulted in one of the biggest general strikes in the public sector, organised by trade unions in April 2012. This was followed by long negotiations that succeeded in limiting the extent of the government’s interference in social rights. In addition, salaries were agreed to be linearly decreased by 8 rather than 15 per cent (Stanojević and Klarič 2013).

Through social dialogue, trade unions also participated in changes to the legal regulation of precarious work. An outcome of the bargaining process was the 2013 labour market reform which instituted several protective mechanisms (STA 2013). The protection of those in atypical employment was combined with the flexibilisation of regular contracts, which indicates that the bargaining process involved a balancing of the interests of both groups of workers. It is too early to assess the effects of the reform, although some evidence suggest that it has brought mixed results. The number of those in regular employment has increased faster than those on fixed-term jobs but, at the same time, the share of self-employment and the incidence of other work arrangements has sharply increased (UMAR 2014). In 2015, trade unions also succeeded in their attempts to redefine the minimum wage, which now brings minimum wage earners bonuses for night, Sunday and holiday shifts (Belovič 2015).

In the public sector, a result of the bargaining process was government agreement in September 2015 to increase the holiday allowance and release the decreased pay scales and restrictions on promotional pay increases as of 2016 (UL 2015). Negotiations on other austerity measures, mainly regarding the limited recourse, additional collective pension insurance and performance pay have continued since early 2016 but are not yet finalised because the negotiating sides have had problems in reaching a compromise (SVIZ 2016). This led to the unilateral interruption of negotiations by the government, but talks were reinstated as a result of the protests staged by public sector trade unions in June 2016 (SDVIRDS 2016). The bargaining process did bring some concessions,
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but restrictions on recruitment in the public sector still apply, which has particularly negative effects on young and precarious workers.

The crisis has had a heavy impact on the young, most of whom are employed on various types of fixed-term contracts and/or performing other forms of work such as student work, self-employment, or employment under civil law-based contracts or through internships or active labour market policy (ALMP) schemes (Kanjuu-Mrčela and Ignjatović 2015). With on-going austerity measures, temporary ALMP schemes are also increasingly becoming a substitute for permanent employment and thus increase, rather than decrease, the domain of precarious work (Kanjuu-Mrčela and Ignjatović 2015; Samaluk 2017).

In this regard, precarity is, in fact, part of a rescaled state development strategy that is shaped by historical trajectories and countries’ places in the global economy (Lee and Kofman 2012). In many CEE countries, this path relies heavily on low-cost precarious employment and drives intra-EU labour migration from east to west (Stan and Erne 2014). This is now, to a growing extent, being followed by Slovenia, whose worsened socioeconomic conditions have resulted in increased emigration among groups that were previously not prone to leaving the country (Samaluk 2016b). Moreover, the financial crisis has also brought about a chain of bankruptcies within the construction sector, which heavily relied on migrant workers, mainly from former Yugoslav republics. These were greatly exploited and, once the bankruptcies occurred, first targeted for dismissal and often deported without compensation (Medica et al. 2011). The number of migrant workers shrank in 2014 to one-third of that in 2010, but the construction industry still plays a leading role in the employment of migrant workers, many of whom have nowadays become posted workers, mainly to Germany or Austria (ZRSZ 2016; SDGD 2015).

The young, who experience difficulties transiting into the labour market and who circle between various work and non-work statuses, and migrant workers, who face problems with various border regimes and unfamiliar social, cultural and labour market settings, have largely lacked adequate representation from the traditional trade union movement. Unions seem relatively comfortable in addressing precarious work within a familiar political and geographic scale, but they are much more rigid in addressing the problems of the process of rescaling that has re-constituted the politics of labour market governance in Slovenia, the relations among various actors and class politics. Mobilisation and resistance in such a context calls for more Polanyian types of alliances that are not based solely upon class struggles but forged amongst communities facing the commodification of social existence (Burawoy 2008). This also demands a move beyond traditional trade union instruments, such as collective bargaining and national level social dialogue. Trade unions’ renewal and, more broadly, their capacity to innovate thus depend on their capacity to address transnational politics, forge wider (trans)national alliances and shape socio-economic developments in line with worker/ (non)citizens’ interests (Erne et al. 2015; Erne 2015). This rescaled context thus serves as a point of departure upon which trade union innovation will be measured and assessed, and determines the selection of the presented case studies. The remainder of
this chapter explores the innovative approaches that address these challenges within and in association with the Association of Free Trade Unions of Slovenia (ZSSS), the country’s largest trade union confederation.

2. Trade union innovation: case studies linked to ZSSS

ZSSS comprises 23 trade unions mainly from the private, but also the public, sector. It is a relatively centralised organisation, with strong influence on the part of the confederation’s leaders and the leaders of its main affiliates. The central organisation regularly participates in the work of the ESC and is thus systematically involved in interactions with the other social partners and in the public policy formulation process. ZSSS was contemplating the creation of a separate union for the self-employed but, thus far, only some of the existing unions have sought to organise certain groups of self-employed workers in precarious positions, such as taxi drivers, newspaper carriers and cultural workers. Given that these initiatives have been undertaken within the traditional scale of the workplace/sector, and through the use of traditional mechanisms, this chapter does not examine them in detail. Instead, it focuses on three initiatives that have emerged during the crisis within or in close relation to the confederation and that have brought important innovations in terms of the rescaling of trade union activities: they have involved diverse target groups and led to the creation of innovative organisational structures and the use of non-traditional mechanisms to address rescaled class politics and the politics of labour market governance. These initiatives are the Counselling Office for Migrants project and the trade union Young Plus, which have operated under ZSSS; and the Movement for Decent Work and Welfare Society, which cooperates closely with these two initiatives and ZSSS. The findings presented below are based upon the analysis of documents, websites and seven in-depth interviews with trade union activists.

2.1 The Counselling Office for Migrants

The Counselling Office for Migrants (in short, the Migration Office) initially started out as a project within ZSSS at the beginning of the crisis. It was a response to the collapse of the construction sector, which relied heavily on migrant workers who were the first targeted for dismissal. At least within the major construction firms, trade unions did represent migrant workers (Grah 2016). Following the crisis, however, these migrants became hard to organise and were in need of specific assistance: due to the loss of employment, they faced various other problems related to their migration, social and housing status. In other words, their problems have rescaled beyond the labour market and these called for innovative responses that traditional unions lacked.

The key driver that brought this innovative project came from a committed new-generation trade unionist who had not yet been ‘tamed’ by a rigid organisational structure and culture:
‘When you are a newcomer, the best thing is that you are unfamiliar with the structure and you have no idea that you are breaking the rules... Later on I found out: “What is this one doing visiting [single] homes?!”. Then this culture tames you, it guides your way of thinking...you start to self-censor.’ (interview Migration Office 2015)

In order to reach migrant workers, the interviewed activist used a proactive fieldwork approach that resembled the tactics of social movements, such as visiting sites where migrants resided. This has been successfully utilised by trade unions also to organise migrant workers in other contexts (Wills 2005). By so doing, he acted as a ‘bridge builder’ (Greer et al. 2007) between trade unions, social movements and non-governmental organisations (NGO) that were already empowering migrants. This resulted in the formation of strategic coalitions with various organisations that were further strengthened by external factors. Of particular importance in this regard was external funding from the ESF, which determined the Migration Office’s project form of organising and led to various (trans)national project-based coalitions with NGOs, public bodies and trade unions in other countries. External funding and coalition-building, in turn, enabled the rescaling of their services in terms of regional and transnational cooperation and the provision of services to various migrant groups affected by changing structural conditions.

The first project, run in coalition with Slovene Philanthropy, an NGO, was launched in 2010 and lasted until 2013. It focused mainly on migrant workers from former Yugoslav republics who used to be employed in the construction sector. The crisis led to a collapse in the domestic construction sector, which resulted in many migrant workers being posted by their companies to work abroad. To address the specific concerns of migrant posted workers, the Migration Office launched cooperation with the German trade union confederation, the DGB, and, in 2013, became part of its Fair Mobility Network project. In the same year, the Office was also contracted by the Employment Office’s Info Point for Foreigners to provide services related to empowerment and advocacy against the exploitation of migrants. At that point, the Office’s focus shifted towards undocumented migrants, migrant workers within transnational transport, posted workers, female migrant workers, refugees and asylum seekers. Focusing on these complex and diverse social groups required a rescaling of the Office’s service-oriented instruments beyond the labour market to a wider social area linked to migrant workers’ complex legal and social statuses:

‘There is a priority with regards to labour market issues but, because these issues bring other problems, such as legal status, problems with health insurance, problems of family members, problems with schooling, the recognition of qualifications, it turns out that we cover the whole spectrum of needs of an individual...We are very open and offer them these services.’ (interview Migration Office 2015)

In many respects, the Office’s work resembles radical social work that focuses on the structural roots of users’ problems and challenges the oppression they experience. Consequently, some activists also tend to refer to their target groups as users of trade
union/social care services. Their focus on different groups of migrants required the launch of innovative service-oriented instruments grounded within identity and rescaled class politics. This proactive approach was further strengthened through the employment of migrant workers themselves, who had suitable language skills and were familiar with the sites where migrants resided, gathered or worked. This enabled the Office to map the locations of dismissed and hard-to-reach migrant workers throughout Slovenia. Such an approach effectively overcomes the dichotomy between the workplace and migration issues, is able to detect discrimination beyond the workplace and thus offers an important innovation to traditional union approaches that impede the involvement of diverse social groups and marginalised workers in unions (Alberti et al. 2013; Wills 2008).

With the aim of empowering migrants and acquainting them with the Slovenian legislation, institutions, rights and other assistance points, as well as the possible violations to which they might be exposed, the Migration Office prepared various and multi-lingual publications tailored to specific migrant groups such as migrant workers, posted workers, refugees and asylum seekers (COM 2015a); in 2014-15, the Office’s activists also organised three information workshops for 50 refugees. Working with various linguistic groups who often also lack English language skills, they used simultaneous translation through illustrations. This innovative technique enabled the interactive visual presentation of the communicated content, accompanied by verbal English language translation. To increase the spread of information amongst migrants, visual presentations were later disseminated through participants’ Facebook profiles. Innovative media-oriented instruments in the form of social media sites are also used to reach migrant workers who are constantly on the move in the international road transport sector. The Office accordingly designed a Facebook page aimed at providing information for truck drivers, which currently has 893 members. All in all, through innovative methods the Office has rescaled its fieldwork with the use of social media sites that are becoming important intermediaries in migrant worker-oriented strategies, enabling the latter to gain and share information about local institutions and practices within a foreign market (Samaluk 2016a).

In its advocacy work, the Office has cooperated on a daily basis with employers, public institutions and other organisations, particularly with watchdogs and law enforcement bodies, to whom it reported 160 cases of the violation of employment, tax, criminal and other legislation in 2014-15. In many cases, it also provided or assisted migrants in obtaining evidence and information about these violations and thus became indirectly involved in legal and administrative procedures.

Parallel to its country-level activities, the Office’s long-standing cooperation with DGB through the Fair Mobility Network increased its capacities to service posted workers on a transnational scale:

‘[The Fair Mobility] project was an exception, because it aimed at creating a network, info points; therefore not only dissemination, promotion, the average frame of reference of the European Commission. [It was] very concrete (…). We succeeded in that together with DGB...There is no other trade union on a transnational level
so connected on a daily basis. I call their coordinator: ‘Sort this out for that worker.’ The lawsuits go on in Germany and others regarding social issues in Slovenia... All this arose from need and the needs are great.’ (interview Migration Office 2015).

The transnational network with DGB thus provided indispensable services to posted workers on a daily basis and brought positive results insofar as more than one hundred exploited workers received their unpaid wages. Other cases went to court and there the Office assisted in the gathering of documentation and information that eventually led to successful outcomes in these proceedings. With the aim of enabling better protection for posted workers, the Migration Office’s activists participated in workshops and a conference organised by DGB in Germany; they also joined the protest of a group of exploited workers in Munich (COM 2015a). Run simultaneously in two countries, this innovative form of cooperation could be regarded as a step towards the practical implementation of transnational industrial citizenship (Greer et al. 2012). This transnational cooperation is currently under threat, however, because of the unsustainable level of project financing both within Slovenian and the German trade unions. Nevertheless, similar schemes are being set up with organisations from other countries. Austria is the second biggest market for posted workers from Slovenia, so the Migration Office has already held a meeting with Austrian trade unions and other important actors there with the aim of establishing cross-border contacts (COM 2015a). In addition, in late 2015 the Office signed an agreement of coordination between transport sector trade unions in central and south-eastern Europe, guaranteeing their members equal protection in Slovenia, Croatia, Serbia and Bosnia (COM 2015b). The Office also aims to extend this accord to trade unions in Austria, Bulgaria, Montenegro and other countries.

All in all, the Migration Office thus exposes and fights the systemic flaws that enable unscrupulous employers and intermediaries to exploit migrant labour and thus benchmarks employment and social standards for various groups of migrants. Being part of ZSSS also enables it to use the traditional social dialogue institutions to influence legislative changes in this area, especially since one of the Office’s activists has been elected a member of the National Council for the Inclusion of Aliens (COM 2015a). To push forward its proposals with regard to changes in employment, social and migration-related legislation, it has formed informal political alliances, mainly with the United Left. With its rich fieldwork experience and advocacy work, the Office has provided important arguments that have influenced changes in the Aliens Act and the proposed Act of Employment, Self-employment and the Work of Aliens, which would lead to the better protection of migrants and migrant workers. Finally, it has organised training for lawyers and new activists/volunteers and, in the future, it also plans to provide training for public institutions. With this aim in sight, it organised an international conference ‘Migration advocacy: between past and present’ in June 2015, which brought together national and international organisations and institutions that deal with migration issues (COM 2015a).

During the five years of the Office’s existence, its activists have become renowned experts on (labour) migration and are, in this regard, continually invited as speakers at public events, workshops and training courses organised by various institutions. They have
been approached by mass media and documentary film-makers and recognised as an example of good practice by the ETUC (COM 2015a). Nevertheless, this recognition is more felt from the outside of the confederation than from the inside. With the exception of trade unions that benefit from increased migrant workers’ membership, and which refer to them any migrant workers with complex problems, my interviewees did not feel appreciated by the confederation. They have brought hundreds of new members to the existing branch unions, mainly in construction, metalwork and transport, but this was insufficient for the Office’s self-financing. Due to the fact that Migration Office is still not being seen as providing a sufficient amount of traditional trade union ‘currency’ in the form of membership, there is a feeling within the Office that their work is sometimes ‘perceived as nuisance’ (interview Migration Office 2015). At the time of the interviews, a feeling of frustration dominated within the whole Office team due to the lack of internal recognition and of any new external funding being in sight after the end of 2015. Ultimately, the Office re-established itself in January 2016 as a civil society organisation outside ZSSS. This shifts its work entirely towards direct advocacy and empowerment and makes it eligible to apply for external funding not traditionally available to trade unions. However, it still has its office within the ZSSS building and continues to cooperate with it. At the same time, it has started cooperating more closely with trade unions beyond ZSSS, and one of them – the Education, Science and Culture Trade Union of Slovenia (SVIZ) – has granted it a considerable financial donation. Apart from external funding and donations, the Office also relies on its own resources provided by membership fees, and on the devoted work of activists.

2.2 The trade union Young Plus

The trade union Young Plus operates as an independent union within the auspices of ZSSS. It does not only represent the young, but also the ‘young plus’ – activists and those who are unable to become economically and socially independent adults regardless of their age due to their precarious condition. The creation of the union was driven by a combination of external and internal factors. Internally, it was initially supported by the same new generation trade unionist who launched the Migration Office project. This came in the form of assistance provided to young activists in the preparation of a media campaign against ‘mini jobs’ and the actual collection of signatures for the previously-mentioned referendum on the issue in early 2011 (ZSSS 2011a; 2011d). Young Plus was subsequently set up in November of the same year (ZSSS 2011c).

The initiative is innovative as it targets wider social groups that are constantly in transition from student to various temporary work or non-work statuses. Unlike traditional forms of union representation of the young, which are normally set up as committees within established unions, Young Plus operates as an independent legal entity within the Free Trade Union (SSS). This was procedurally the easiest way to become part of ZSSS and, at the same time, maintain independent status. Being part of ZSSS brings many advantages: the confederation provides them with office space and accounting services, as well as access to the traditional social dialogue institutions. In the latter sphere, there is an agreement that Young Plus can represent the confederation
in the ESC, the country’s tripartite body, during meetings on young and precarious workers. At the same time, this innovative organisational form enabled it to gain the status of a youth organisation, which granted it access to other institutions, such as the Government Youth Council. This makes Young Plus a unique and powerful organisation that has access to the tripartite social dialogue institutions on the one hand and, on the other, to other institutions linked to youth politics. Its organisational structure is thus complementary to more traditional Fordist modes of tripartism and it is, with its focus on specific target groups and the rescaled agenda of citizen-workers’ rights, transforming both traditional social dialogue institutions and traditional youth organisations. The activists themselves have observed, however, that this also creates conflicts and might create problems for the traditional social dialogue institutions in the future:

‘Slowly a conflict is emerging within the ESC, while many organisations, especially youth organisations, demand that ESC should include also other groups, not just workers, employers and the government, but also youth representatives’ (interview Young Plus 2015).

Together with the confederation, the union has, thus far, managed to fight off these pressures by shifting the responsibility to the government and employers to include their own youth representatives on specific topics.

Young Plus’s innovative organisational form also rescales its access to external funds not traditionally applicable to social partnership institutions. It is eligible, as a recognised youth organisation, for tenders staged by the public Bureau for Youth; it is also able to apply for smaller projects within the framework of the Erasmus Plus tenders. Moreover, this delivers internal independence and helps avoid problems with internal competition, which it has experienced when applying for large-scale grants through ZSSS. It can also independently set its agenda and voice opinions, which allows it gradually to build a position as specialised experts within and outside ZSSS. On the other hand, a dependence on project financing and an inability to independently apply for large-scale grants, combined with activists’ own precarious situation, imperils the sustainability of this innovative form of union organising. In this regard, interviewees expressed a need for stronger internal support that would allow them to professionalise their activity so that they do not need to depend upon voluntary work and unsustainable project funds.

Their own precarious situation and a unique focus on ‘young plus’ also guides their service provision orientation and their strategy to reach their target group:

‘We wanted to reach the young but, at the beginning, we were too trade union-like for the young to accept us. On the other hand, we were too much for the young for trade unionists to accept us. We needed three years to profile ourselves. If you have to constantly volunteer, you can offer services that are available within the team, but you have to offer them [i.e. the young] something... the young perceive the membership fee as a payment for services. Basically, they pay the membership fee, once you give them something in return’ (interview Young Plus 2015).
Young Plus’s servicing model, as indicated in the above quote, arises from their limited resources and their attempts to reach a target audience who have grown up within the service economy and who perceive membership fees as payments for direct services. Only 5–10 per cent of their members pay fees and, therefore, the organisation finances its activity mainly through voluntary work and external project funds. Its service orientation resembles ALMP provision for the young that includes individual career and legal advice, advice regarding study, internships, employment abroad and tax advice (Plan dela sindikat Mladi plus 2015). Such a servicing model resembles business unionism insofar as it does not challenge the contemporary capitalist system but operates within it, although Young Plus’s advocacy work moves beyond that, seeking to address the issues of precarity within the rescaled governance. In this regard, it employs political instruments and is involved in rescaled advocacy work with regard to Erasmus scholarships, internships and the Youth Guarantee that are all linked to EU policies and funding. Young Plus activists, as members of the Government Youth Council, lobbied the ministries to put the Youth Guarantee on their agendas, vote for it at EU level and define Slovenian’s eligibility for it:

‘In 2012 the ministries were convinced that youth unemployment was not a problem and then youth organisations, many of us, got together to raise awareness about this problem. We wrote to the ministries and to the EU that we support the Youth Guarantee... and then Slovenia voted for it... Later on, it turned out that Slovenia can lobby to become eligible for this funding... This is how the process for the development of the Youth Guarantee scheme started and youth organisations were included from the start till the end... When I talk to youth organisations or trade unions in other countries, the young were not included in this process. In Slovenia, we fought to gain this position and we are being consulted’ (interview Young Plus 2015).

The consequence of Young Plus’s efforts was that the eastern region of Slovenia became eligible for Youth Guarantee ESF funds. In addition, the organisation participated in the development of Youth Guarantee policy, as well as in the workings of the Committee responsible for evaluating its implementation. It has thus actively influenced the rescaled social and labour market governance and thus provides an example of an innovative means of exercising EU citizenship rights. On the other hand, however, its own evaluation of the Youth Guarantee (Young Plus 2015) shows that the ALMP measures adopted do not grant young people permanent inclusion in the labour market and thus act more as a subsidy for growing precarity.

The union’s advocacy work is very visible in the area of internships and in the public sector, especially with regard to social care and education, where austerity measures have done away with state-funded subsidies and exit routes for interns into permanent jobs. In order to expose these problems, Young Plus has forged alliances with professional bodies, public sector trade unions and student organisations (SVIZ 2015). It tries to reach and organise its target audience through public engagement during major student and other events, as well as through mobilisation. For instance, it supported students and young social work graduates in organising a protest in May 2015 that called for sustainable state funding and employment for interns (Kosmač 2015). Its overall efforts
brought victories in terms of achieving the dismissal of an ineffective populist and non-systemic legal proposal against unpaid internships, and forcing the government to take a more serious approach through the publication of an intergovernmental analysis of internships and the actual allocation of funds, but problems with the labour market integration of young people still remain. The major problem in this regard is the continuation of the austerity measures that restrict new recruitment in the public sector. The requirement for the latter is then substituted through various temporary ALMP schemes funded by the ESF that push workers into circular mobility, in place of enabling their permanent integration into the labour market and their upwards professional mobility (Samaluk 2017).

Young Plus is very innovative in the use of communication tools through which it tries to reach its transient target groups and also employ political instruments. It has a website that it frequently updates in order to inform members about their rights and the legislative and other changes relevant to them, publicise its services, seek political engagement and create political pressure:

‘On our webpage we provide a monthly oversight of what is happening... We try to be very prompt in updating the information. With that, we also create pressure; because it becomes visible that we are doing the work of others, that they [the government] do not meet the set deadlines... to prepare some systemic solutions’ (interview Young Plus 2015).

Apart from the website, Young Plus is also very innovative in the use of social media. It has around 700 followers on Twitter and another 1 500 on Facebook; at the same time, social media grants it easier access to ministers and journalists. The union’s activists are also occasionally hired by the confederation, either through ALMP schemes or through individual contracts, for the provision of services related to their target groups or the provision of media and communications support on specific issues or projects. With a more substantial financial commitment on the part of the confederation, Young Plus’s expertise in this area could also help change the public image of ZSSS and its traditional communications strategies. In any case, the appearance of Young Plus activists in mass and social media alters the image of traditional union representatives: it shifts away from the stereotypical older male union representative towards the greater participation of young and female activists, making unions appear more welcoming and open to young women.

2.3 The Movement for Decent Work and Welfare Society

The Movement for Decent Work and Welfare Society is a civil society organisation that cooperates closely with ZSSS. It tries to put the emerging problems of growing precarity on the public and political agenda and to disseminate benchmarks on decent work and welfare within Slovenian society. Initially, the Movement emerged as a result of the coordinating campaigns between ZSSS and the Student Organisation of Slovenia on the referendum on ‘mini-jobs’ and pension reform (ZSSS 2011b). The establishment of the Movement was, as with the other two initiatives examined in this chapter, also linked to
the dedicated work of one activist in particular, who successfully brought together and coordinated the growing number of people who are now active in the movement and who take responsibilities for particular tasks. Their organisation is not part of ZSSS, but they have gained the confederation’s trust by cooperating with it during the above-mentioned mobilising drives. ZSSS supports the Movement by offering it office space at a discounted rent and free use of other areas within the ZSSS building. Moreover, the Movement’s presence in the building provides it with immediate access to all ZSSS staff and branch unions, with whom they have built good relations over the years and who act as an important source of information and as occasional partners:

'We established ourselves in 2012 once we moved in to the building of ZSSS. We discovered that if we want to be informed about the things we do, we need to be within the environment where things are happening' (interview Movement 2015).

The Movement is legally organised as a civil society organisation, which enables it to apply for project funds and to receive donations, but most of its activities entails the voluntary work of activists who are themselves precarious workers or students. Consequently, its internal structure is very informal, non-hierarchical and open to all who want to participate:

'We use our legal status because we need to have one in order to apply for projects, to receive donations. But we operate more as an informal movement. This is due to very practical reasons because we always invite all activists, regardless of their function, activity or whether they have paid the membership fee... When someone wants to become active, (s)he is equal to everyone; when one wants to leave, one leaves...' (interview Movement 2015).

The Movement’s inclusive approach, going beyond its membership base, is useful in activating people with diverse interests, but it also requires a lot of coordination and motivation of people, which is mainly achieved through the committed work of a small number of activists. The majority of its members are not from Ljubljana; therefore, they also have strong links to other regions in Slovenia. These regional links could have been further strengthened by an increase in the financial capacity required to support regional projects. Moreover, it is also trying to build a transnational network of organisations that deal with precarious work. So far, it has attracted foreign volunteers through the European Voluntary Service scheme and organised a two-day workshop ‘Global jobs challenge: tendencies and solutions’, to which it invited organisations with similar interests from other European countries. It lacks the traditional international contact channels otherwise available to trade union movements or student organisations and thus it continues to look for suitable partners across Europe.

The Movement’s membership base is similar to that of Young Plus and includes students, young precarious workers and the unemployed; however, it does not focus on servicing the ‘young plus’ and influencing ALMPs targeted at young people, but rather on building and disseminating benchmarks on decent work and welfare within society and addressing the broader systemic issues of precarious work and the shrinking welfare state. Its greatest achievement so far has been to bring the issue of precarious work into
the public discourse and get it on the political agenda. The aim is to gain and broaden understanding of the growing precarity and to bring together the diverse workers and social groups that are affected by it.

The Movement’s activities include various forms of public engagement, campaigning and innovative use of media. Its founding conference on precarious work in 2013 was followed by a campaign ‘Faces of precarious work’ (MDWWS 2015), which gave a human face and a story to a concept which was then not publicly known and fairly abstract. A part of the campaign was to create a website and an information brochure in order to raise public awareness of the problems of precarious work and to inform precarious workers and citizens about their rights and empower them. To engage the public, they also used innovative methods inspired by Augusto Boal’s (1979) method of the theatre of the oppressed. In this regard, they developed an interactive theatre play ‘Performed work’ (UVK 2015), which exposes the problems faced by precarious workers and engages the audience in finding solutions. The play was performed many times in 2015 in various cities in Slovenia. The Movement also organises an annual conference on precarious work and a summer camp, where they invite expert speakers and hold special sessions to inform precarious workers of their rights. In cooperation with researchers and activists, they organise monthly workshops addressing different aspects of precarity, and many other individual meetings and reading groups, with the aim of expanding their own understanding of the problem as well as that of the wider public.

The Movement’s public engagement and innovative projects quickly gained it public recognition and opened the doors to the mass media: its activists are often invited as expert speakers at various events or media talk shows on the topic of precarious work. Even more importantly, it also gave activists the credibility with which to engage political instruments; specifically, it enabled them to launch lobbying activities and demand that the government takes more seriously the problems related to precarious work, with great success in the latter case via the formation of a government task group on precarious work. This was initiated through a public consultation on precarious forms of work in May 2015, which brought together the government, trade unions, activists, journalists and researchers. In this respect, the Movement has played an important mediating and gatekeeping role between the government and other interested organisations.

The Movement remains outside traditional social dialogue institutions, but it is able successfully to lobby the government. If embraced and supported by trade unions, it could also become an important element of the future revitalisation of the Slovenian trade union movement. The Movement had, for some time, attempted to create a separate union of precarious workers within ZSSS and, in October 2016, did indeed establish a Trade Union of the Precarious (Sindikat prekarcev). Unlike the Movement’s focus on activism and wider advocacy, the trade union aims to provide direct services and support to precarious workers. Its main target is the increasing group of self-employed workers and, since its establishment, it has already been approached by self-employed translators, taxi drivers, architects and agency workers. Its organisational form is very similar to that of Young Plus: it also operates as an independent union within SSS and sees itself as a ‘bridge between the Movement and Young Plus’ (interview Movement
Therefore, they do not crowd out each other’s activities, but complement each other’s work by offering services to different target groups and through mutual cooperation and support. In this regard, they have concluded an informal agreement and Young Plus also appoints one of the members of the Union’s steering committee. Both trade unions thus represent an innovation compared to traditional trade unions but, apart from declarative support, they receive little material assistance from the confederation. All in all, there are frustrations within all the presented initiatives stemming from the limited support they receive from the confederation. It therefore seems that greater involvement from ZSSS would allow them to professionalise their activities and boost their capacities.

Discussion and conclusion

This chapter has argued that post-crisis Slovenia has experienced major changes shaped through the process of rescaling, in which local social and labour market policies, politics and relations became (trans)nationally guided, affecting wider social groups at various scales way beyond the immediate workplace, sector, or the national labour market. These structural changes resulted, on one hand, in de-unionisation and interest fragmentation but, on the other, they have brought innovative forms of organising of increasingly precarious and non-unionised workers and (non)citizens. By focusing on case studies within and in association with the largest trade union confederation, ZSSS, this chapter explored three initiatives – the project of the Migration Office; the trade union Young Plus; and the Movement for Decent Work and Welfare Society.

The case studies show that the launch of the three initiatives was driven primarily by the deterioration in employment and social standards and by breaches of employees’ rights that have become particularly pronounced and widespread since the economic crisis. At the same time, none of the initiatives could have developed without external project funding and the dedicated work of a handful of leading activists who were the driving force for their establishment and growth. This poses the threat of a personification of such projects, but closer exploration of the initiatives shows that, with their development and enhanced activist base, personification begins to fade away both within the very organisations and in their public image. Nevertheless, their limited human resources, constant fight for survival and often very personal stakes and involvement in the issues they address do demand many personal sacrifices. These factors in combination have translated into innovative organising tactics and the formation of new organisational forms and strategic alliances with wider social actors, groups and movements that have addressed the problems of rescaling.

All the initiatives presented in this chapter are innovative in terms of the selection of their target audience. They focus upon the wider social groups facing precarity not only because of their deteriorating employment standards and compromised rights but also because of their limited access to wider social and political rights. In this regard, the Migration Office represents different migrant groups, whereas Young Plus stands for the young, precarious workers, users of ALMP schemes or the unemployed and all those who cannot become economically independent adults due to their precarious situation.
The Movement’s focus, by contrast, is not grounded within identity politics but upon its attempts to understand precarity in all its emerging forms, which could become a sort of radical consciousness for mobilising various precarious groups and for developing and disseminating benchmarks for decent work and welfare society. Moreover, the recent establishment of the Trade Union of the Precarious, which focuses on self-employed workers, aims to complement the work both of the Movement and of Young Plus.

The initiatives’ shared focus on wider social groups required a rescaling of their activities beyond the workplace or the national labour market and radically different forms of organising. In this regard, servicing and empowering individual users, as well as advocacy work, are very proactive and combine social care, social justice and trade union approaches. This is reflected in the innovative choice of strategies and instruments used, as well as in the activist base who themselves belong to these wider precarious groups and who are, as such, better equipped to reach them. The three initiatives are particularly innovative with regard to their public engagement, communication strategies and media-oriented instruments that do not only serve as communication tools but also as political and mobilising instruments, as well as an extended and proactive fieldwork approach to reach constantly mobile and/or isolated workers. It is also noteworthy that these innovative strategies are pursued through coalitions with civil society actors, professional groups, trade unions and institutions on a (trans)national scale. They thus represent an important innovation to traditional union approaches and class politics that targets particular workplaces, sectors and the national labour market. In this regard, they alter the often-negative public image of trade unions, change the normative image of union representatives and make trade unions more welcoming to an increasingly diverse workforce and wider social groups. At the same time, through their rescaled class politics all the initiatives are influencing the rescaled citizenship agenda. Through transnational trade union cooperation, the Migration Office is innovative in terms of the practical implementation of transnational industrial citizenship. Young Plus is similarly innovative through its rescaled advocacy and lobbying work seeking to influence EU citizenship and its rescaled social dialogue agenda linked to EU governance concerning active labour market and social policies. Last, but not least, the Movement’s attempts to build regional and transnational alliances could be important in strengthening civil society on a regional and (trans) national scale.

Migration Office, Young Plus and the newly-established Trade Union of the Precarious have all, as a part of ZSSS, had direct access to the traditional social dialogue institutions whereas the Movement’s proximity and cooperation with ZSSS grants it indirect access. The result has been that these initiatives also have the potential of feeding into the confederation the rescaled agenda and the problems faced by precarious workers and (non)citizens, which can subsequently be addressed within traditional national and EU-level social dialogue institutions. Moreover, they bring typical trade union concerns with class struggle to other institutions. By doing that, they complement traditional trade union instruments that, if applied alone, are inadequate within the current rescaled context. They therefore benchmark employment and social standards and affect legislative and policy change not only in relation to precarious workers but also the wider social groups experiencing precarity.
In this respect, the Migration Office seems to be the most professional and effective, while Young Plus seems to have the most innovative organisational form: it is a unique and powerful youth organisation that, on the one hand, has access to tripartite social dialogue institutions and, on the other, to other institutions that deal with youth politics. At the same time, all organisations are able to set their own agenda independently and to access external funds not traditionally available to social partnership institutions. It seems that, currently, such an organisational structure is complementary to more traditional Fordist modes of tripartism: it does not seem to crowd out traditional trade union structures but rather supplements them; and at the same time, it has the potential to change both traditional social dialogue and civil society institutions.

The activists of Young Plus and the Movement have been struggling with their own precarious situation, their reliance on voluntary work and small scale projects, but the Migration Office has been able in the past to secure the temporary funds with which to professionalise its activity through coalition-building. This positive example notwithstanding, all the initiatives still have an insufficient membership base to finance their activities and are thus dependent upon unsustainable project funds. This shows that the project mode of work organisation, which was traditionally present only within the non-governmental sector, is not only spreading to the public sector (Samaluk 2017) but also to the protective institutions. Different projects can diversify trade union activities, but their temporary character also brings all the pitfalls of unsustainability that forces such initiatives to compete for available funds and which can thus decrease their ability to focus on their core social mission.

In order to avoid these dangers, ZSSS should give these innovative practices greater credibility by increasing their capacities and making their activist base less precarious, thus enabling a professionalisation of their activities. So far, support for the new activities within the confederation has been tentative and has come mainly from branch unions that have benefited from new membership and specialised service provision. The long-term attempts of the Movement and Young Plus to become fully included and supported by ZSSS, the equally tentative support offered to the newly-established Trade Union of the Precarious and the recent distancing of Migration Office from ZSSS indicates that the confederation is not yet prepared to sustain and institutionalise its own innovative projects. If supported and embraced by the traditional trade union movement, these innovative initiatives and the new forms of organising they bring could complement traditional trade union activities and their instruments. Traditional trade unions alone cannot face the contemporary challenges posed by global neoliberal restructuring and its attacks on the social, political and labour rights of transnationally mobile and precarious workers and (non)citizens. If trade union support remains declarative rather than real, however, there is a danger that these new forms of organising might start to crowd out traditional trade union institutions.
Interviews

Interview with activists from the Counselling Office for Migrants (Migration Office) within the Association of Free Trade Unions of Slovenia (ZSSS), Ljubljana, 28 September 2015.
Interview with activists from the trade union Young Plus, Ljubljana, 15 June and 12 October 2015.
Interview with an activist from the Movement for Decent Work and Welfare Society (Movement), Ljubljana, 19 October 2015.

References

http://dostojno-delo.si/?page_id=32


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Conclusions

Magdalena Bernaciak and Marta Kahancová

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
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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 Martičsková 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 Mrozowicki 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


All links were checked on 6 February 2017.
## Appendix

### Innovative union practices in Central-Eastern Europe – summary

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<td>Joint EU-funded projects run together with social partners</td>
<td>Strategic (collective bargaining and social dialogue)</td>
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<td>'My First Job' information campaign for school pupils</td>
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<td>Croatia</td>
<td>Organising temporary agency workers in an enterprise-level union and lobbying for their transfer into permanent employment</td>
<td>Strategic (organising; collective bargaining and social dialogue); target group</td>
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<td>Participation in councils for the reform of vocational qualifications system</td>
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<td>Launch of a joint (re)training facility run jointly by employer associations and trade unions</td>
<td>Strategic (collective bargaining and social dialogue); target group</td>
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<td>Use of direct democracy tools: initiating people's initiatives combined with signature gathering exercises</td>
<td>Strategic (political instruments and attempts to influence legislation); target group</td>
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<tr>
<td>Country</td>
<td>Innovative practice</td>
<td>Dimension of innovation/ instruments</td>
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<td>Czechia</td>
<td>Anonymous membership scheme</td>
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<td>Campaign ‘The end of cheap labour in Czechia’: media presence, identity-building and meetings of union negotiators before collective bargaining rounds</td>
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<td>Doctors’ resignation campaign</td>
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<td>EU-funded project run by the EAKL confederation aiming to increase sectoral union capacities</td>
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<td>Signature gathering and Facebook website related to government’s sick pay leave reform plans</td>
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<td>One-week consultation with local residents all over the country to learn more about people's specific needs</td>
<td>Strategic (mobilisation and identity politics); target group</td>
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<td>Innovative campaigns on social topics</td>
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<td>Hungary</td>
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<td>Provision of multiple services to participants in public works schemes and liaising with anti-poverty movements and advocacy groups</td>
<td>Strategic (servicing; coalition-building); target group</td>
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<td>Attempts to raise wages in healthcare using direct lobbying</td>
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<td>Doctors’ resignation campaign and the so-called ‘black protest’ of the nurses union</td>
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<td>Hunger march against poverty</td>
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<td>Legislative initiative for tax exemptions for social benefits enshrined in company-level collective agreements</td>
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<td>Knowledge contests on labour law and OSH for secondary and vocational school pupils</td>
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<td>Lithuania</td>
<td>Anonymous membership scheme</td>
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<td>Appointment of external trade union chairs for company-level unions</td>
<td>Organisational</td>
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<td>Training and services for young people</td>
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<td>Negotiation of the National Agreement</td>
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<td>Acceptance of the ‘non-favourability principle’ to stimulate company-level collective bargaining</td>
<td>Strategic (collective bargaining and social dialogue)</td>
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<td>Lobbying for the appointment of trade union representatives at Parliament and in the government</td>
<td>Strategic (political instruments and attempts to influence legislation)</td>
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<td>Improved coordination among union confederations and the creation of trade union coordination centre</td>
<td>Organisational; strategic (coalition building)</td>
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<td>Extension of union membership to the unemployed</td>
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<td>Lobbying for the creation of regional tripartite councils and participation therein</td>
<td>Organisational; strategic (collective bargaining and social dialogue; political instruments and attempts to influence legislation)</td>
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<td>Lobbying for the creation of new disputes resolution bodies</td>
<td>Organisational; strategic (political instruments and attempts to influence legislation); target group</td>
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<td>Staging large-scale strikes, including a hunger strike</td>
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<td>Poland</td>
<td>Creation of inter-company committees and milieu committees for atypical workers</td>
<td>Organisational; strategic (organising, servicing); target group</td>
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<td></td>
<td>Bargaining on behalf of temporary workers or outsourced workers</td>
<td>Strategic (collective bargaining and social dialogue); target group</td>
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<td>Setting minimum estimated wage in the construction sector, where collective bargaining is very weak</td>
<td>Strategic (collective bargaining and social dialogue); target group</td>
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<td>Submission of legislative proposals to the Round Table on Temp Work; participation in a tripartite group that drafts regulations on precarious employment</td>
<td>Strategic (collective bargaining and social dialogue; political instruments and attempts to influence legislation); target group</td>
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<td>Formulation of joint recommendations (with employers) for the change of public procurement regulations to take account of the interests of disadvantaged labour market groups and atypical workers</td>
<td>Strategic (collective bargaining and social dialogue; political instruments and attempts to influence legislation); target group</td>
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<td>Signature gathering exercise for referenda proposals</td>
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<td>Innovative campaigns</td>
<td>Strategic (mobilisation and identity politics); target group</td>
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<td>Media presence; promotion of a new way of framing social problems, including precarious employment (‘junk jobs’ discourse)</td>
<td>Strategic (mobilisation and identity politics); target group</td>
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</tbody>
</table>
## Innovative union practices in Central-Eastern Europe

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<th>Innovative practice</th>
<th>Dimension of innovation/ instruments</th>
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<tr>
<td>Romania</td>
<td>Civic initiative to reverse crisis-time Labour Code reforms – signature gathering exercise and input from citizens and rank and file members</td>
<td>Strategic (political instruments and attempts to influence legislation; mobilisation and identity politics); target group</td>
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<td>Individual services and communications platform as part of the ‘smart union’ initiative</td>
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<td>Recruitment drive in the retail sector following a leadership change</td>
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<td>Recruitment drive and the creation of a territorial union structure in the IT sector</td>
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<tr>
<td>Slovakia</td>
<td>Lobbying for stricter regulation of temporary agency work (equal treatment principle, caps on use)</td>
<td>Strategic (collective bargaining and social dialogue; political instruments and attempts to influence legislation); target group</td>
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<td></td>
<td>Cooperation with employers towards a collective agreement for the temporary agency work sector</td>
<td>Strategic (collective bargaining and social dialogue); target group</td>
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<td></td>
<td>Creation of new organisations and employee associations in the healthcare and education sectors and lobbying for legal changes benefiting particular professions</td>
<td>Organisational; strategic (organising; political instruments and attempts to influence legislation; mobilisation and identity politics)</td>
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<td></td>
<td>Resignation campaign of doctors and nurses (the latter unsuccessful)</td>
<td>Strategic (mobilisation and identity politics)</td>
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<td></td>
<td>Protests and heightened mobilisation (hunger strikes, billboard campaign in healthcare) and especially in education (rallies, strikes)</td>
<td>Strategic (mobilisation and identity politics); target group</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Organising and provision of multiple services to migrant workers by the Counselling Office for Migrants</td>
<td>Organisational; strategic (organising; servicing; collective bargaining and social dialogue; coalition-building; political instruments and attempts to influence legislation; mobilisation and identity politics); target group</td>
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<tr>
<td></td>
<td>Provision of services and lobbying on behalf of young precarious workers via the trade union Young Plus</td>
<td>Organisational; strategic (organising; servicing; collective bargaining and social dialogue; political instruments and attempts to influence legislation); target group</td>
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<td></td>
<td>Creation of the Union of the Precarious</td>
<td>Organisational; strategic (organising); target group</td>
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<td></td>
<td>Disseminating benchmarks on good social practices and raising awareness regarding the risks of precarious work through the Movement for Decent Work and Welfare Society</td>
<td>Organisational; strategic (mobilisation and identity politics); target group</td>
</tr>
</tbody>
</table>

Source: Authors’ elaboration based on evidence provided in country chapters.
List of contributors

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