

# **From bargaining to advocacy: a trade-off between improved working conditions and trade union fragmentation in Slovakia**

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## **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 (Czírka 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.<sup>1</sup> 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).

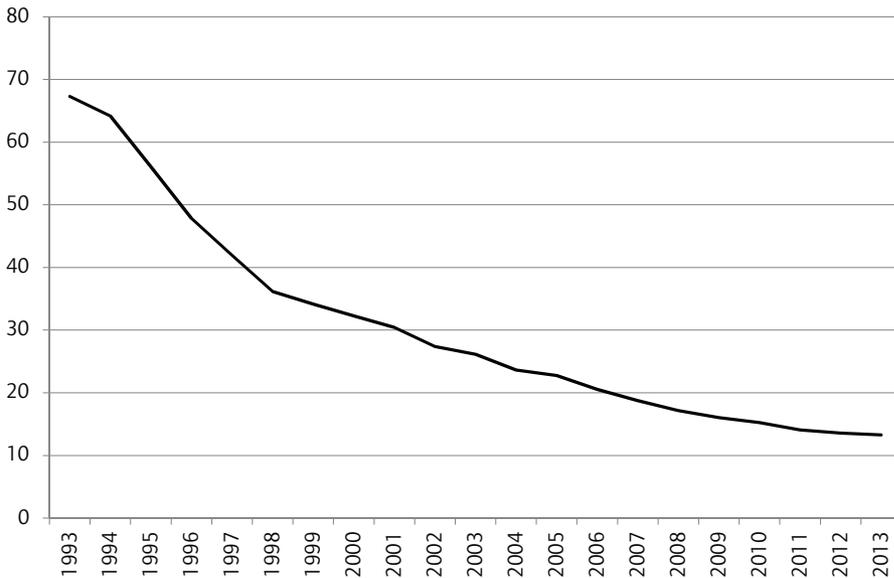
Collective bargaining in Slovakia takes place at sector and company levels. In most sectors with established sectoral bargaining structures, bargaining is bipartite and takes place without the involvement of the top-level social partners that are members of the tripartite committee. Each sector developed 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

Figure 1 Trade union density in Slovakia, 1993–2013 (per cent)



Source: Visser (2016). Note: Net union membership as a proportion of wage and salary earners in employment.

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

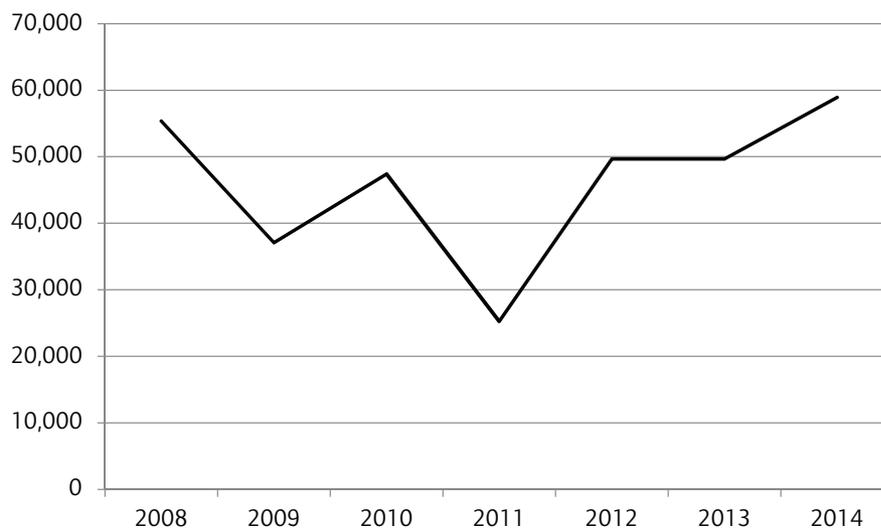
the metalworking sector, with a focus on those targeting temporary agency workers, as well as innovative union strategies in public services, especially in healthcare and education.

## 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



Source: ÚPSVaR (2015).

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.

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

zdravotníctva a sociálnych služieb, SOZZaSS) and the other representing medical doctors (Lekárske odborové združenie, 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

učiteľov, SKU), professional associations and self-organised groups, as well as the general public, expressed their solidarity with teachers' demands for pay increases.

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 (Czírta 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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