

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific countries or regions.

Trade Unions in Poland

Current Situation, Organisation and Challenges

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- Trade unions in Poland face a number of major challenges. Above all, they have to limit the effects of globalisation and market liberalisation on employment. Their scope of action is significantly impaired by the post-communist legacy, however. The trade unions are severely fragmented: on the one hand, because of their enterprise-level organisation and, on the other hand, because of their ideological trench-warfare.
- The main level of negotiation for Polish trade unions is the enterprise: there are hardly any industry-wide agreements. At the national level, the three major trade union confederations try to exert influence especially on legislation, for example, directly in the area of labour law, but also with regard to social and labour market policy.
- Currently, the trade unions are calling for an increase in the minimum wage, restrictions on civil law employment and the amendment of the trade union act. Medium-term challenges include trade union organisation in the service sector and in large private companies, attracting new members and also rejuvenating union organisation and union officials.



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1. The Polish Trade Union Landscape: Fragmented and Dualistic

The collapse of state socialism in Central and Eastern Europe happened over twenty years ago. *Solidarność* as an opposition movement of workers and intellectuals helped to bring down the system with its protests and today stands as a symbol of the peaceful revolution of 1989. *Solidarność* took part in the round table talks as a legalised reform party and unexpectedly formed the new government after the first free elections. Since that time, *Solidarność* has wrestled with the problem of whether it is a civil society movement, a political party or a trade union.

Although it has been decided to withdraw from party politics the loss of an anchoring in civil society has seriously impaired the legitimacy of the trade unions overall. The 1990s were characterised by confrontation between *Solidarność* and OPZZ, the confederation set up by the Communist powers-that-be in the 1980s in response to the trade unions initiated by *Solidarność*. Only since the middle of the past decade have relations between the two trade union camps relaxed. As a result, in 2006 *Solidarność* finally consented to OPZZ's membership of the European Trade Union Confederation (ETUC).

The trade unions themselves account for their long-standing differences in terms of Poland's history and ideological warfare. *Solidarność* considers itself to be the heir of the opposition reform movement and points to OPZZ's long-term conformity to the system and its closeness to the former communist rulers. OPZZ, in contrast, claims to be the representative of the post-Communist left-wing workers' movement and regards *Solidarność* as an organisation with close links to both the rightwing conservative camp and the Catholic Church. As a consequence of these differences Forum FZZ was formed in 2002: its trade unions resolutely assert their political neutrality.

Where do the trade unions stand now, seven years after EU accession and the conclusion of the post-Communist transformation linked to it? Roughly speaking, there are around 25,000 individual trade unions in Poland. Three-quarters of all company unions belong to one of the three trade union confederations: NSZZ *Solidarność*, OPZZ or Forum FZZ.

The Polish trade union system has a dual structure. That means that collective bargaining is conducted predominantly at company level. At sectoral level, however, political power is concentrated in the three confederations. Here the trade unions try both by dialogue with the employers and the government in the Tripartite Commission and via other political channels to influence social legislation and social policy. At branch level, the trade unions are weakly represented and significant collective bargaining is rare.

In Poland, trade unions are organised at company level. Only employees of a company can be members of a trade union, that is, a so-called company trade union. To establish a trade union needs at least ten employees at a company. Since Poland's economic structure is strongly characterised by small and micro enterprises – 96 per cent of all firms have fewer than ten employees and 40 per cent of all employees work at small companies – a majority of workers cannot organise themselves in trade unions. On top of that, unemployment currently stands at 10 per cent, there are 2 million students and the proportion of solo self-employed is growing (23 per cent of all workers),¹ who are also denied trade union membership. It is against this background that the low level of trade union organisation – at present, 16 per cent of employees – across the country must be assessed.

Although trade union membership has fallen dramatically in absolute terms, the ratio between organised workers and those who could be organised represents a level of organisation of almost 50 per cent. In some branches, organisational strength is indeed at this level: particularly strongly organised are teachers (39 per cent), steel workers (40 per cent), pilots (52 per cent), nurses (58 per cent), railway workers (80 per cent), postal workers (60 per cent) and miners (almost 100 per cent).² Strongest are the public sector trade unions and (former) state-owned companies; one-quarter of all trade union members are teachers. Particularly weak are the trade unions in the service sector and in trade and construction.

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1. Eurostat.

2. These are approximate values based on trade unions' own figures and branch analyses by *EIRO*, available at: <http://www.eurofound.europa.eu/eiro/2011/country/poland.htm> (last accessed on 12.8.2011).

Table 1: Overview of trade unions in Poland

Trade union confederation	Number of member organisations	Chair	Number of members	Level of education / training of members
NSZZ Solidarność (Niezależny Samorządny Związek Zawodowy »Solidarność«), founded in 1980, unified trade union	8,292 company trade unions, 37 regional federations, 16 branch unions	Piotr Duda	649,000	39 % unskilled and semi-skilled; 34 % skilled; 27 % highly qualified
OPZZ (Ogólnopolskie Porozumienie Związków Zawodowych), founded in 1984, confederation of company branch trade unions	79 branch federations from eight branches (exact number of individual company trade unions unknown)	Jan Guz	550,000	24 % unskilled and semi-skilled; 35 % skilled; 41 % highly qualified
Forum FZZ (Forum Związków Zawodowych), founded in 2002, federation of company branch trade unions	75 branch trade unions from eight branches (exact number of individual company trade unions unknown)	Tadeusz Chwałka	420,000	12 % unskilled and semi-skilled; 31 % skilled; 58 % highly qualified

Source: Author's compilation, based on trade union websites and Gardawski (2009)

The trade union act of 1991 initially guaranteed company trade unions comprehensive protection rights, laid down that costs arising for company trade unions must be borne by the company and ensured active trade unionists protection against dismissal on operational grounds. In 2002, however, these rights were curtailed and now only between one and three of the founding members of a trade union enjoy special protection against dismissal.³ The trade unions are currently fighting to improve the legal situation. An additional reason for this is the recent scandal concerning dismissals and failures to extend existing contracts of trade unionists by the discount chain Biedronka.

On average, trade union members are 41 years of age, non-union members around three years younger.⁴ Among the under 24s, unionisation is below 1 per cent and among the under 35s it is 8 per cent.⁵ When considering these figures, however, it is important to bear in mind that the unemployment rate is particularly high among the under 24s, at 26 per cent⁶ and that half of all high school graduates are in college. As already mentioned, both these groups are denied trade union representation in Poland.

3. Stegemann, Karolina (2011): *Gewerkschaften und kollektives Arbeitsrecht in Polen. Wechselbeziehungen im geschichtlichen Kontext*, Nomos Verlag, p. 392.

4. Centrum Badań Oponii Społecznej (CBOS) (2009), *Członkostwo w Związkach Zawodowych. Naruszenia praw pracowniczych i »Szara Strefa« w Zatrudnieniu*, BS/6/2009.

5. Bukowski, Maciek (ed.) (2010): *Employment in Poland 2009. Entrepreneurship for Work*, Warsaw.

6. See: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_Is_labour_force_survey_lq_2011.pdf.

Trade union officials are, on average, 50 years of age: for the independent trade unions the average age of officials is 46, 47 at Forum FZZ, 47.5 at *Solidarność* and 50 at OPZZ. The proportion of women among those in positions of responsibility is between 19 and 37 per cent, depending on the union.⁷ The trade unions are trying to combat this aging among officials by means of rejuvenation initiatives. At OPZZ around half of all its officials are now under 35 years of age. A Youth Committee has also been set up with the aim of introducing young trade union members to leadership responsibilities in trade union structures. The OPZZ currently provides the chair of the Youth Committee of the European Trade Union Confederation and for three years there has been a representative for sexual minorities, which in homophobic Poland is exceptional.⁸

In August 2011, Forum FZZ, together with the Democratic Student Alliance (DZS), launched the campaign »Commission Contract Generation« (EIRO Online), which advocates improvements in the labour market situation of young people. The campaign calls for paid internships, abolition of the use of civil law agreements as employment contracts,⁹ a legal reduction in working

7. CBOS (2009).

8. See European Commission (2007): Eurobarometer Special. Discrimination in the EU, *Eurobarometer Special 263/Wave 65.4 – TNS Opinion & Social*; as well as the Polish campaign against homophobia, available at: <http://www.kph.org.pl/>.

9. Employment relationships not regulated by labour law that define services to be performed in a »contract for work or services« (*Werkvertrag*). At present, around 23 per cent of all Poles are in civil law employment relationships as so-called »dependent solo self-employed« or contract employees.

hours and an increase in the minimum wage to 68 per cent of the average wage.¹⁰ Only *Solidarność* has so far set up a specific department to recruit new and younger members.

Another challenge for the trade unions is the increase in other forms of worker representation, especially due to works councils, introduced on the basis of EU Directive 2002/14/EU on employees' information and consultation. Although works councils have been developed on the model of the German works councils they do not have comparable codetermination rights. There are works councils in only 9 per cent of Polish companies covered by the terms of the EU Directive. What is the reason for this? Hitherto, works councils could be appointed predominantly by the representative trade unions and thus their personnel were identical. Since 2010, however, works councils have had to be directly elected by the workforce, as a consequence of which the trade unions fear a loss of influence. Furthermore, works councils are often elected at the instigation of the management and take up an intermediary communicative position between management and workforce. If one compares the effects of company trade unions and of works councils on working conditions it turns out that in companies with trade unions the proportion of atypical employment is lower and more is done for the employees in the areas of further training, health protection and work-life balance.¹¹ Another shortcoming in the implementation of the EU Directive is the specification of a minimum number of 50 employees for the formation of a works council in the enterprise. The problem of employees' interest representation in small companies therefore remains unsolved.

By contrast, the trade unions do not feel threatened by the introduction of the European Works Council (EWC). On the contrary, they very much appreciate the influence of the EWC on labour relations in Polish companies. Overall, there are already around 500 EWCs in Poland,¹² whose access to information at group level

often strengthens the trade union negotiating position in relation to local management. Effective and active cooperation is limited by lack of resources, funds and competences on the part of EWC members, however. Lack of knowledge of English in particular still hinders international cooperation.

2. The Long Road to Interest Representation

Collective Bargaining Law and Labour Law

With the reform of the collective bargaining act in 1993 and the labour act in 1996 the trade unions successfully reshaped the legal basis of their work.¹³ The central factor was the introduction of free collective bargaining and the withdrawal of the state from detailed regulation of labour relations by means of a simplified labour code and limitation to minimum standards. In particular, the trade unions were able to negotiate a number of beneficial regulations to mitigate the social costs of the economic transformation: employees' claims in the case of insolvency, disability pensions and early retirement for relevant occupational groups, especially in regions with higher unemployment. These instruments were used to excess, which led to a reduction in social tensions, but also rendered large parts of the population inactive, as a result of which Poland today has the lowest employment rate in the EU, at 51 per cent. The state budget is heavily burdened by excessive pension payments. Currently, there is a struggle to revoke these special regulations for some occupational groups.

Further progress has been made for workers since the mid-1990s: health and safety at work was adapted to the standards of the International Labour Office (ILO); companies with more than five employees were obliged to introduce a wage system, minimum holidays were increased from 14 to 18 days a year and the number of successive fixed-term contracts per worker in a given firm was limited. Only in relation to the working week were the trade unions unable to enforce their demands. Since 2001 they have only been reduced from 42 hours to 40.

10. Trawinska, Marta (2011): Unions and students act to help young workers, *European Industrial Relations Observatory Online*, PL11060391 (last accessed on 12.8.2011).

11. Jasiński, Krzysztof/Przybyś, Dariusz/Trappmann, Vera (forthcoming): *Industrial relations in Poland, Hungary and Germany compared*, in: Bluhm, Katharina/Marten, Bernd/Trappmann, Vera (eds), *Business leaders and new varieties of capitalism in post-communist Europe*, Routledge.

12. European Works Councils database, ETUI-REHS, March 2008, <http://www.ewcdb.org/> (last accessed on 4.8.2011).

13. On the application of collective bargaining and labour law see the well-grounded analyses by Stegemann (2011) and also Krzywdzinski, Martin (2008): *Arbeits- und Sozialpolitik in Polen. Interessenvermittlung und politischer Tausch in einem umkämpften Politikfeld*, Wiesbaden.

At the beginning of the 2000s the tide turned, and since then the employers' side has asserted its demands more robustly. Thus there has been deregulation and flexibilisation of labour law. First, the legislator relaxed employment protection in companies with fewer than 20 employees (also, compensation payments were abolished in the case of collective redundancies). Second, the threshold for the mandatory instruction of a schedule of rates in companies not covered by collective agreements was raised from five to 20 employees. Third, the use of fixed-term contracts and subcontracted work was made easier. And fourth, some employer payments were lowered, such as overtime. At the urging of the European Union in 2008-2009 there were far-reaching amendments to EU directives dealing with labour law – now in favour of the employees – especially in the areas of health and safety, antidiscrimination, equal treatment, legal protection of pregnant and nursing mothers and parental leave.

Despite the new legal basis for collective labour relations to date it has not been possible to embed collective agreements nationwide. There is also a major problem in Poland with regard to implementing existing legislation on free collective bargaining. The same applies in many areas of social policy. Although 30 per cent of all employees work in companies with trade union representation collective agreements rarely apply and the trend is pointing sharply downwards. Although this affects predominantly industry-wide collective agreements there is also a problem with company agreements. The result is that only one in three employees is covered by a collective agreement. The spectrum varies by branch: in the retail trade, approximately only 3 per cent of employees are covered by a collective agreement, while in the metal industry it is 70 per cent and in aviation 80 per cent. Polish labour law, that is, suffers from an imbalance due to overregulation on one side and a plethora of vague formulations on the other, which enable the employers' side, time and again, to dilute standards.

In principle, all trade unions are entitled to engage in collective bargaining at the enterprise level – but with a handicap: before they negotiate with the employer they have to achieve unanimity with regard to their demands. This is difficult to manage in Poland's extremely pluralistic trade union system: in many companies, 20 or more company trade unions have to reach agreement. The dissent of only one of these unions is sufficient to prevent a wage settlement. Number one as far as the

number of trade unions in an enterprise is concerned is the biggest coal company *Kompania Weglowa*, with 177 individual trade unions for its 63,000 employees, but even the Polish Post has an impressive 47 individual trade unions for its 100,000 employees.¹⁴

The right to conclude collective agreements in cases of conflict pertains only to representative trade unions. Trade unions are representative when they represent at least 300,000 members industry-wide as a federation or confederation, or if they are members of a representative association at enterprise level and organise at least 7 per cent of the workforce. Enterprise trade unions that do not belong to a representative association must organise 10 per cent of the workforce. The trade unions are currently calling for this to be raised to 20 per cent in order to simplify negotiations. But even if only the representative trade unions sit at the negotiating table many, many different positions and demands have to be mediated. It often costs trade unionists a great deal of time and effort to negotiate these forced compromises which would be better spent on negotiations with the employer.

The Tripartite Commission

Negotiations between trade unions and employers at the national level take place in the Tripartite Commission. It was set up at the beginning of the 1990s to help to ease social tensions after the so-called »extraordinary politics« of economic reform in post-Communist Poland. Continual strike waves demonstrated the workers' displeasure even with the so-called »protective shield« that *Solidarność* had spread out over the far-reaching market economic reforms. The Commission was provided with consultation rights concerning labour, social and economic policy and the right to recommend wage rises in companies.¹⁵ However, the Commission was not always able to function effectively: time and again, in the 1990s individual actors boycotted the Commission – sometimes the OPZZ, sometimes *Solidarność*, sometimes the employers – in favour of seeking to gain influence via Parliament.

14. Rode, Clemens (2008): Die aktuelle Situation der Gewerkschaften in Polen, *Polen-Analysen* 36/2008, pp. 2-6.

15. Hitherto, the government had, for example, laid down maximum rates for wage increases and punished violations with penalty taxes. Now wage growth in state-owned companies was to be determined with the participation of trade unions and employers together with the government and recommendations put forward for wage development in private companies.

Like political conflicts, negotiations in the Tripartite Commission were polarised and aggressive. Dialogue was not a priority, but rather asserting one's own position.¹⁶ Although there has been no direct confrontation between the trade union confederations since the mid-2000s the Commission remains ineffectual. Today it is primarily the state that stays out of the tripartite dialogue, which does not strengthen bilateral dialogue but rather weakens the position of the employees. Crucial to this development is the fact that if agreement is not reached the Commission's decision-making power devolves upon the government. As long as extreme liberal parties are in power statism will have a dire effect on the employees since the trade union side in the Commission is ultimately unable to counter anti-labour positions.

This throws up two key questions. Where is the broad-based support for these parties coming from?¹⁷ And how can trade unions represent workers' interests more effectively? The success of the (economic) liberal parties in Poland can be attributed fundamentally to the Communist and post-Communist legacy. The promises of the market economy, the dream of economic advancement and individual benefits have given rise to a certain forbearance with regard to the socioeconomic conditions brought about by liberal policies. As one *Solidarność* trade unionist explains it: »if you've ever had to queue in the street overnight for toilet paper you can never be a Marxist« (July 2011). Furthermore, the transformation years were characterised by extremely unstable political conditions: since 1989 there have been 18 changes of government. Poland also has to combat the problem of political corruption.¹⁸ The liberal government under Tusk is now focusing on pragmatism »free of political zeal and ideological obduracy«,¹⁹ is oriented towards post-Communist reform beyond the old trench warfare and thus meets the desire of many voters for political stabilisation.

16. Gardawski, Juliusz (2003): *Konfliktowy pluralizm polskich związków zawodowych* (The conflict pluralism of Polish trade unions), Friedrich-Ebert-Stiftung, Warsaw, cited in: Stegemann (2011).

17. At present, the government coalition comprises the Civic Platform (*Platforma Obywatelska*) and the Polish People's Party (*Polskie Stronnictwo Ludowe*, PSL).

18. See CBOS (2010): *Związki zawodowe i naruszenia praw pracowniczych*, BS/109/2010.

19. Majcherek, Janusz A. (2011): *Die Bürgerplattform (PO) vor den Parlamentswahlen, Polen-Analysen 91/2011*, pp. 2-7.

Current Trade Union Demands

Against a background of 13 per cent unemployment due to the crisis, unusually high inflation of 5.5 per cent, rising food prices and a budget deficit of 7.9 per cent of GDP (as of mid-2011) the major trade union confederations are demanding improvements in four areas: an increase in the minimum wage, regulation and curtailment of civil law contracts and fixed-term employment, and reform of the pension system.

Minimum Wage

The level of the minimum wage is set by law and at present stands at 1,368 złoty (PLN), around 330 euros. The trade unions are calling for it to be raised to 50 per cent of the average wage, which is currently 3,366 złoty or 810 euros. The trade union struggle for higher wages has a chequered history in Poland. Two years ago, in the wake of the anti-crisis package, employers' organisations and trade unions agreed bilaterally on an increase in the minimum wage to 50 per cent of the average wage. The proposal was not taken up by the government, however. The government is currently offering 1,500 złoty (360 euros), around 41 per cent of the average wage and 300 złoty less than what *Solidarność* is demanding. Piotr Duda, chairman of *Solidarność* since 2010, put this at the top of his agenda, gathered 300,000 signatures for a legislative initiative to raise the minimum wage and started an effective media campaign with rallies and demonstrations. Amazingly, *Solidarność* has not cooperated with the other two confederations, although they are largely in agreement on the wage issue and the differences between their demands are negligible. This is not the first time that *Solidarność* has followed its own path. In 2007, it concluded an independent agreement with the government after the employers had not met union demands in the Tripartite Commission. In the current instance, this solo course can be explained primarily on the basis of internal reasons: the new leader needs a successful project to consolidate his position in the organisation and in the eyes of the public.

Employment under Civil Law Contracts

The second major issue is so-called civil law employment. Civil law contracts are not subject to labour law and thus the trade unions have hitherto had no influ-

ence over working conditions regulated on this basis. At the same time, the number of such contracts has risen meteorically: more and more companies and sectors are trying to circumvent labour law by adopting this kind of contract in order to flexibilise employment and cut wage costs.²⁰ The main trade union confederations are currently trying to enable these »solo self-employed« to become organised, primarily through their redefinition as persons with the same status as employees and thus a change in the trade union law. At present, only employees of a company are entitled to become members of a trade union. The trade unions regard this as a violation of the ILO Conventions on freedom of association and the right to collective agreements (ILO Conventions 87 and 98) and are calling for the amendment of the law so that the interests of these groups of employees can be represented. *Solidarność* filed a complaint about this with the ILO in July 2011. How far the demand for representation will go and what protective provisions of labour law should also apply to persons in employment-like relationships (working time regulations, holiday entitlements, maternity protection) remains unclear. The only thing that is certain is that after the parliamentary elections in October 2011 a *Solidarność* proposal on regulating the status of persons in employment-like relationships was introduced.

Fixed-term Employment Relationships

The trade unions' third target is fixed-term employment, which they would like to see curtailed. In Poland, this is governed by so-called »garbage contracts«. Poland, indeed, has the highest level of fixed-term employment in the EU, at 31 per cent. As of the end of 2011 a special regulation within the framework of the anti-crisis package still applied, to the effect that fixed-term contracts can be continuously renewed within 24 months. The trade unions are calling for the restoration in 2012 of the regulation in force before the crisis: this laid down that the third successive fixed-term contract must result in a permanent contract. However, the trade unions also want an amendment that limits fixed-term employment with one employer to a maximum 18-24 months.

20. According to EWCS data the self-employed in Poland work an average 56 hours a week (European Foundation for the Improvement of Living and Working Conditions (EIRO), Fourth European Working Conditions Survey, Dublin 2007).

Pension Reform

The most extensive reform package is in the area of pension policy. In order to consolidate the public finances the government has already partially reversed the pension reform of 1999. Since April 2011, employees have paid, instead of 7.3 per cent, only 2.3 per cent into the private capital fund, the rest going into the state pension scheme. This regulation is expected to remain in place until 2017, when the contribution to the private pillar rises to 3.5 per cent. Critics regard this as a short-term attempt to put the state budget back on its feet without addressing the long-term problems of pensions. Well-known liberal reformer and former president of the Polish National Bank Leszek Balcerowicz has even talked of a »pension tax«.²¹

Long-standing contentious issues include the raising and alignment of the retirement age for men and women – at present this stands at 60 years for women and 65 years for men – and special regulations for specific occupational groups. Soldiers, police officers, railway employees, mine workers and teachers benefit from significantly earlier pensions. The national average de facto retirement age is 59 years of age for men and 58 years of age for women. After the difficult amendment of the retirement age in the pension reform of 1998 the problem was postponed and transitional rules – so-called bridging pensions – were adopted until 2008. Since then, individual trade unions have fought to maintain the privileges, by means of both citizens' legislative initiatives and militant confrontation. This struggle has sometimes taken on bizarre forms, for example, when trade union leaders occupied meeting rooms all night in order to force the prime minister into talks. The miners in particular have had at least partial success: they can now retire, regardless of age, after 25 years. Among uniformed employees – police, army and fire service – agreement was reached on a raising of the retirement age to at least 55 years after 25 years' service in return for higher pensions. Teachers can now retire only after 30 years' service instead of the previous 25 years. Another cost-saving measure is to make it easier to get work after retirement (...) and to set off wage earnings against pension payments.

The trade unions lack a balanced and sustainable concept, however. Their members belong to a large extent among the beneficiaries of the current pension system as

21. *Gazeta Wyborcza*, 1.2.2011, p. 5.

public sector employees, particular occupational groups and older workers. It remains unclear how the trade unions imagine they can pull off the balancing act between protecting their members' interests and solidarity-based old-age provision for all.

How Things Stand at the Moment

The current major issues of the Polish trade unions – minimum wage, pensions, fixed-term employment and civil law contracts – do not all concern their members directly, but are directed rather at exercising political influence over the economic environment in Poland. These issues also provide the trade unions with a public arena in which they can act more visibly than as small company trade unions.

In comparison to the 1990s, a gradual shift in the trade unions' position is emerging: their market-creating, market-oriented course has been superseded by a more strongly market-corrective course. At the enterprise level, the trade unions have long been engaged in tasks »determined by the system«, such as socially cushioning enterprise privatisation. In practice, this was often to the advantage of the companies concerned and at the expense of long-term employment prospects. However, even at company level trade unions are turning away from compromise – which during the transition they considered indispensable – towards doing more to protect workers' interests. The dominance of system-logic over member-logic,²² as well as trade unions' political entanglements led to a considerable loss of legitimacy among their members and the general public, which they are now trying to counteract.

This reorientation requires organisational transformation and a change in attitude on the part of trade unionists. There are some signs of such change already: for example, the campaign announced by *Solidarność* – »Europe 2020« – against the phenomenon of the »working poor« and poverty in Poland. Also to be understood within this framework is the answer given by a young man when asked why he works for OPZZ: that he would like to do something for the socially excluded because »the heart lies on the left«.

22. See Krzwydzinski (2008).

3. Political Endeavours after the Renunciation of Party Politics

Trade unions in Poland are strongly politicised. Ideologically, they cover virtually the whole political spectrum. *Solidarność* is somewhere between centre-right and right, which is reflected in parliamentary elections by a large vote for the national-conservative *Law and Justice party (Prawo i Sprawiedliwość – PiS)*. Members of Forum FZZ are generally in the political centre, which means a large number of votes for Donald Tusk's conservative-liberal Civic Platform (*Platforma Obywatelska – PO*). Only the OPZZ is ideologically on the left or centre-left and at elections most of its members vote for the Democratic Left Alliance (*Sojusz Lewicy Demokratycznej – SLD*). The independent trade unions are rather centre-left, although their members predominantly vote for the Civic Platform.²³

In the 1990s, the trade unions sought their own party-political and parliamentary representation in order to play a part in government. Many political parties have emerged from trade union contexts, for example, *Electoral Action Solidarność (Akcja Wyborcza Solidarność – AWS)* or the *Democratic Left Alliance*. Characteristic of this period was the separation into two political camps of the post-Communist left and the post-*Solidarność* right, within both of which there were representatives of trade union positions. Cooperation between trade union representatives from the different political camps was almost impossible. Government participation on the part of the trade unions therefore led not to a strengthening of trade union positions but to the subordination of trade union demands to the exigencies of political coalition-making. This did enormous damage to trade union legitimacy, at a time when the situation of many workers was deteriorating. Since the 2001 parliamentary elections most trade union officials have by necessity reined in their party political activities. Only a few now sit in parliament.

Proximity to a political party is especially apparent in the case of *Solidarność*: some trade unionists – even though no longer of the first rank – still represent the PiS in the Sejm and sometimes trade union meetings were used in support of election campaigns. This is due in no small degree to the close ties between former *Solidarność* chair-

23. See Gardawski, Juliusz (2009): *Dialog społeczny w Polsce. Teoria, historia, praktyka*, Warsaw, p. 338.

man Janusz Śniadek and PiS leader Jarosław Kaczyński. Śniadek, however, having failed to win re-election as chair resigned his trade union mandate and now is a PiS candidate. Piotr Duda, the new chairman, has openly announced that he wants dialogue with all parties. What position *Solidarność* will in fact take up remains to be seen. It is entirely possible that this is a genuine change of direction, as many trade unionists and observers hope. Turning away from the PiS would not only constitute a political opening-up but also amount to a renunciation of historical polarisation and greater concentration on representing workers. This is how Duda himself sees it: »My election as head of the National Commission is in reality a call to transform our trade union. We are a wonderful organisation and have an extraordinary history – but we cannot live in the past. The trade union faces any number of tasks that it has to deal with and problems that have to be solved. It cannot keep looking back.«²⁴

The OPZZ also has members active in the SLD. The OPZZ does not regard these close ties as problematic. On the contrary, it assumes that under the anti-trade union Tusk government it can be the spokesman for trade union concerns, also at the political level. It is indeed true that under Tusk bilateral agreements between the trade unions and the employers in the Tripartite Commission have often been ignored or not implemented. The minimum wage is one example, but the government has also implemented only some of the social partners' bilateral agreements from the anti-crisis law. The chairman of OPZZ put it like this: »the government has no respect for our trade unions« (Jan Guz, July 2011).

Bowing out of trying to play a part in government policy-making and from party politics seems to have been a key condition for building up cooperation between the trade unions. Joint opposition to government policy has brought the confederations closer together: »having a common enemy is a bond between us« (Guz, July 2011). In order to realise their aims the trade unions are therefore seeking to form a broad coalition, but also involving labour-friendly parties and new actors, such as NGOs. However, these civil society coalitions are still in their infancy.

The trade unions' activities in the political arena are expanding significantly. First and foremost, they are lobbying, with direct talks with responsible ministers, the pre-

sident and the prime minister, as well as getting involved in the public debate. Citizens' legislative initiatives enable them to get their concerns directly into parliament: legislative initiatives attracting more than 150,000 signatures can be submitted to parliament, bypassing the government and the employers. Should this prove unsuccessful, the trade unions can appeal to the Labour Court against government legislation or even try to call the Polish government to account for its policies at the EU level.

The past four years have been characterised in particular by protests and strikes. This is remarkable given that for years participation in protests and industrial action has been generally low. In Poland, strikes are not always directed towards settling a wage dispute, but are regarded as a legitimate means of calling for a change of direction in social policy or the reinforcement of democratic rights.²⁵ The strikes of recent years were frequently economic in origin, especially concerning wage rises or redundancies. In 2008, there were around 13,000 strikes in Poland. The trade union of nurses and midwives (OZZPIP) and the teachers' trade union (ZNP) have had most success in mobilising their members,²⁶ but also the trade unions in mining, transport, manufacturing and postal services.²⁷ Particularly noteworthy are the increasing strikes for higher wages in individual private companies. This may be a sign that the era of cooperative politics is over and that the trade unions will stand up for the workers' interests more robustly. The nurses were particularly successful and through their actions – including hunger strikes and a four-week sit-in in front of parliament – obtained a 30 per cent pay rise. This show of strength was unable to prevent the health service from being privatised and labour contracts liberalised, however, despite further protests and strikes, so that labour contracts are now to be converted into contract labour agreements (interview July 2011).

Political protest was stepped up in the parliamentary election year of 2011. In a number of cities *Solidarność* trade unions organised demonstrations against the deterioration of living standards, the rising cost of living and

24. *Tygodnik Solidarność*, No. 44 (1151), 29 October 2010.

25. See Stegemann (2011), p. 500. Although political strikes are banned in Poland, politico-economic strikes are tolerated, based on the role of the strike in 1980-81 in Poland's development towards democracy.

26. See also *ILO Statistics*, available at: <http://laborsta.ilo.org/> (last accessed on 4.8.2011).

27. *Ibid.*

the lack of wage rises. There were emphatic demands for an increase in the minimum wage, tax reductions on petrol, the devotion of more resources to combating unemployment and the slowing down of the privatisation of state-owned companies and the attendant job losses. On the day before Poland's EU presidency commenced *Solidarność* members demonstrated with the slogan »your power – our poverty«. Further major demonstrations are planned, also in cooperation with other trade unions.

On the other hand, the popularity of trade unions is at a low ebb. They have a negative image on account of their strong politicisation in the 1990s. Furthermore, media reporting tends to be anti-trade union. However, the most recent surveys show that 38 per cent of Poles believe that trade unions benefit the country²⁸ and over 65 per cent think that without trade unions the situation of workers would be even worse.²⁹ By contrast, trade union activities at enterprise level are rated as poor: 44 per cent of Poles think that although the trade unions have tried they have often failed; only 14 per cent rated negotiations at enterprise level positively.³⁰ This is consistent with the well-known scepticism among trade union members: 57 per cent of *Solidarność* members and 49 per cent of OPZZ members thought at the end of the 1990s that no trade union represents their interests and revealed themselves to be pessimistic about their ability to represent workers' interests at enterprise level.³¹

4. In the Face of Global and Transformation-related Challenges

However, they face substantive and organisational tasks, including halting their dwindling membership and attracting new members. This requires above all the development of the private sector. *Solidarność* has established an Organising department »Trade Union Development« and has already had some success in the retail trade and the security industry. In the past four years the confederation's professional organising campaigns,

managed by union headquarters, have gained almost 50,000 new members. *Solidarność* has already taken on 40 organisers across the country. The goals of the organising campaigns are to develop previously union-free areas and to strengthen trade unions with a low level of organisation in multinational companies, such as in the retail trade and in the food industry.

The OPZZ does not have its own organising department, but a member trade union – the Confederation of Labour (*Konfederacja Pracy*) – is dedicated to organising precarious employees in the service sector. Besides these new approaches to increasing membership, however, traditional recruitment cannot be neglected, since it has been shown that especially older trade unionists frequently do not recruit new members at company level for fear that they could compete for top positions.³²

Recruiting new members gives rise to complex questions within the trade unions: from an organisational perspective, is it worth trying to mobilise precarious workers, which is personnel and cost intensive? Such workers do not bring the trade unions much by way of contributions and, because of their fixed-term contracts and high job turnover, are soon lost again and rarely take part in protest actions for fear of losing their jobs. Does it make more sense to continue to recruit from traditional sources, such as workers in the automobile industry or in the white goods industry, where young activists are in many respects even more militant than the trade unionists themselves?³³

Another problem is trade union funding: 60 per cent of contributions remain with company-level organisations and are partly used to provide members with social benefits, so that organisations at national and branch level have insufficient resources to be able to take on experts or conduct campaigns. *Solidarność*'s two most successful organising campaigns, for example, were not financed exclusively from trade union funds, but with funds from the EU and with the support of US trade unions.

In terms of collective bargaining, the biggest challenge is to reinforce autonomous dialogue between employers and trade unions, without the participation of the govern-

28. See CBOS (2010), p. 4.

29. See Gardawski Juliusz (ed.) (2009): *Polacy pracujący a kryzys fordyzmu*, Wydawnictwo Naukowe Scholar, Warsaw.

30. See CBOS (2010), p. 3.

31. See Gardawski, Juliusz/Gaciarz, Barbara/Mokrzyszewski, Andrzej/Pańków, Włodzimierz (1999): *Rozpad bastionu. Związki zawodowe a gospodarcę prywatyzowanej*, Warsaw, p.137.

32. See Rode (2008).

33. On this see the research results of Krzywdzinski, Martin (2009): Organisatorischer Wandel von Gewerkschaften in postkommunistischen Ländern. Der Fall der *Solidarność*, in: *Industrielle Beziehungen*, 16(1): pp. 25-45.

ment. To this end, first the principle of employer representativeness must be revised. At present, anyone can count as an employer who has the right to take on employees or make them redundant and to lay down working conditions. However, only a tenth of employers are represented in one of the federations. Since wage negotiations in Poland take place predominantly at company level employers scarcely have an incentive to organise in employers' associations. Closely linked to promoting dialogue is the promotion of industry-wide collective agreements. Admittedly, this demand is not shared unconditionally by all trade unions: on the one hand, many company-level trade unions fear that they will lose their position of dominance, and on the other hand, the tendency towards decentralisation to the company level and the weakening of centralised agreements is familiar, for example, in Germany. Sparse coverage of collective agreements is a major problem – however, it remains to be seen what the best way might be to attain nationwide coverage.

There are also a number of specific challenges: no effective mechanisms against overdue or delayed wage payments have yet been agreed and implemented. Health and safety at the enterprise level also requires attention: many workplace accidents are not even reported by the company concerned, employees keep quiet about such accidents for fear of losing their job and employers reward this by paying bonuses for »accident-free« operations.

The biggest social policy challenges arise from the following, as indicated by the analysis in Section 2: raising the minimum wage, better protection of atypical and precarious workers, entitlement to representation and protection for contract workers, pension reform and high unemployment among 15-24 year-olds.

The trade unions' social policy objectives also require some organisational changes: first, the pronounced pluralism at enterprise level must be curbed, industry-wide trade union structures must be formed and cooperation between individual trade unions must be improved, in particular between the confederations operating in the political arena. Cooperative intentions are rarely put into practice, however. All too often, due to competition for potential members, actions on the political stage are carried out alone for the sake of media coverage. The fact that a campaign such as »Commission Contract Generation« is not carried out jointly by all three trade union confederations diminishes its effectiveness.


This is regrettable because in particular the younger trade unionists have left their ideological differences behind them. One of the younger secretaries said: »I'm working for the future, for the future and the present« (July 2011). The consistent rejuvenation policy seems to be the right approach. This requires young trade union secretaries, targeted organising campaigns among young workers and self-employed, effective publicity and image-building and educational activities in schools. Many young people still associate Polish trade unions exclusively with *Solidarność* as the historical force that brought down socialism. The fact the trade unions are organisations that represent workers' interests must be systematically explained. Vocabulary and media of communication must also change in order to reach younger people. Another important development could be *Solidarność's* plan to move its head office from Gdansk to Warsaw, a tangible sign that a new era is dawning for trade unionism.³⁴

5. Summary

Current developments indicate an exciting period in Polish trade unionism. Poland has caught up considerably in economic terms and by EU comparison has weathered the financial crisis well. Furthermore, Polish workers are in demand throughout the EU. This provides the trade unions with an opportunity to demand higher wages, aiming long term at the Western European average. However, Poles are disappointed with the quality of democracy and complain about government inefficiency, their own lack of influence on government and the latter's lack of transparency.³⁵ Dissatisfaction with general living standards and precarious employment is also growing. But will the trade unions be able to channel this disaffection? Will they be able to present themselves as credible representatives of workers' interests? Will their current demands for an increase in the minimum wage and their claims to represent contract workers earn the trust of the people affected? Will they be able to build bridges to other social forces that are also calling for more solidarity among Poles? It remains to be seen. Even whether the trade unions overcome enterprise-level pluralism and can reconcile their political polarisation remains open.

34. The move was announced by Duda at the last national conference in autumn 2010, although no one seems prepared to say when.

35. See Garsztecki, Stefan (2011): *Polens Linke und alternative Milieus: Ansätze für ein Revirement der polnischen Sozialdemokraten?*



It partly depends on how much power the young trade unionists are able to exercise, who are less under the shadow of the transformation period. The trade unions currently face the difficult task of bidding farewell to interest-driven politics along the ideological axes Catholic/secular and opposition/conformist and instead pursuing interest-driven politics in accordance with the conflict between labour and capital.³⁶ To this end they need to broaden their approach, based hitherto on *business unionism* and a predominant orientation towards older skilled workers and collective identities in order to reinforce a stance based on criticism of the system. As we have seen, there are already signs of this: in particular, their ability to engage in conflict has increased. How can the trade unions assert their willingness to engage in conflict against internal and external opposition? For this purpose, new approaches are needed.

36. On this, see the thesis of David Ost that the trade unions' neoliberal orientation has contributed to their marginalisation: Ost, David (2005): *The defeat of solidarity. Anger and politics in postcommunist Europe*, Ithaca; or the case study on the steel industry by Vera Trappmann: *Fallen heroes in global capitalism. Workers and the restructuring of the Polish steel industry*, Palgrave Macmillan (forthcoming).



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