



## Naïve or Realistic?

### *The Approach of Polish Trade Unions to the Strengthening of the Social Dimension of the EU Integration<sup>1</sup>*

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#### **Abstract**

Polish trade unions are generally positive about social initiatives undertaken at the EU level. They also place high hopes in more effective cooperation between trade unions at this level, especially when it comes to transnational corporations. On the other hand, the structure of the Polish trade union movement is still anchored at the company level, which is a direct heritage of the communist times. In many cases this does not allow for problem solving at higher levels and for establishing a bipartite dialogue with employers.

It seems that the following hypothesis can be made therefore: the structural features of Polish trade unionism translates into greater confidence in the driving force of actions at the EU level. Yet, to make it effective, internal reforms of the Polish trade union movement are needed anyway, so that it can influence the development of relevant actions at the supranational level and be able to meet new challenges in the world of work, which are largely of cross-border nature.

**Keywords:** trade union cooperation, Central Eastern Europe, social dimension of European integration, industrial relations.

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<sup>1</sup> The thoughts contained in this paper are solely the authors' conclusions and comments, and can no, under no circumstances, be equated as the views of any institution.

## 1. Necessary introduction

The issue of the deepening asymmetry between the economic and social dimensions of the European integration process has a long history<sup>2</sup>. However, it gained new significance after the EU's eastward enlargement in 2004-2007 concerning the post-communist countries in Central and Eastern Europe (CEE), characterized by weak quality of industrial relations. From this perspective, examining the ability and willingness of trade unions from the relevant region to articulate their own voice at the EU level seems not only advisable but even necessary in the context of the new start for the idea of Social Europe.

Polish trade unions are an interesting subject of research in this respect since they generally remain very positive about all pro-labour activities undertaken at the EU level. Interestingly enough such attitude is often adopted even against the interests of domestic entrepreneurs or the government, which is rather rare in Europe. The solidarity participation in the struggle of the European trade union movement against the so-called Bolkenstein Directive concerning services in the internal market or supporting changes to the Posting of Workers Directive can serve as examples of such an approach.

The most recent example of this is the positive attitude of Polish trade unions to the ongoing work on the draft directive on adequate minimum wages in the European Union. Despite the negative position of the Polish government that this area of social policy should remain the domain of the Member States and that the project is questionable in terms of subsidiarity, trade unions see the need to adopt EU legislation in this regard<sup>3</sup>.

One can ask what is the reason behind this. A very optimistic answer would be that it simply means that Polish trade unions realize that a European response is needed to effectively defend the interests of the world of work in the face of deepening economic integration. From such perspective, Polish and, in general, CEE trade unions would present themselves as organizations whose vision goes beyond their national horizon in contrast to the unions from the so-called EU old Member States, mainly keeping an eye on their own national industrial relations. There is probably some truth in this, especially as the trade unions from the EU new Member States undeniably have nothing to defend when it comes to the „good old days”. Industrial relations in the CEE began to emerge in the 90s of the last century from the non-existence induced by years of authoritarian rule in this region. Their quality is still deeply unsatisfactory. It comes as no surprise therefore that, trade unions from this region do not have internal “mental limitation” in looking ahead.

<sup>2</sup> Fritz W. SCHARPF: Negative and positive integration in political economy of European welfare states. In: Gary MARKS – Fritz W. SCHARPF – Phillipe C. SCHMITTER – Wolfgang STREECK (eds.): *Governance in the European Union*. London, SAGE, 1996. 15–39.; Fritz W. SCHARPF: The asymmetry of European integration, or why the EU cannot be a social market. *Socio-Economic Review*, Vol. 8., Iss. 2 (2010) 211–250.

<sup>3</sup> Barbara SURDYKOWSKA: Inicjatywa w sprawie wynagrodzeń minimalnych: papierek lakmusowy woli rozwoju społecznego wymiaru integracji europejskiej, *Monitor Prawa Pracy*, 2021/1. 14–20.; Barbara SURDYKOWSKA – Łukasz PISARCZYK: The Impact of the Directive on Adequate Minimum Wages in European Union on Polish Labour Law. *Italian Labour Law e-Journal*, Vol. 14., Iss. 1 (2021).

However, it seems that the reason for looking to the European level of reference is more prosaic. The internal determinants of trade unions related to their organizational structure and to the poor quality of social dialogue at the national level play a major role here. The dysfunctional nature of the domestic mechanisms results in increased expectations of measures to strengthen the EU-level initiatives, though not unconditionally.

The main feature of CEE trade unions is the concentration of their activities at the workplace level. It is a legacy of the period of authoritarian rule, perfectly fitting into the model of liberal market economy promoted in most countries of the region after the collapse of the communist system. It was convenient for the new political elite, foreign capital, but also for the trade unions themselves. It must be admitted that this strong concentration of trade unions at the company level helped to save many jobs during the process of chaotic privatization that accompanied the first years of socio-economic transformation. Over time it became apparent that this trade union structure has turned into a trap preventing the development of effective industrial relations systems. In order to get out of this dead end, Polish trade unions strongly support the social dimension of European integration, seeking there support to strengthen their own position at the national level. In our opinion, this may be a purely naïve search, given the absence of any coherent vision of Social Europe capable of influencing national circumstances, including blatant weakness of even such a treaty mechanism as European social dialogue. This means that only overcoming the historically conditioned organizational weakness (strengthening of higher structural levels) may cause that Polish unions will not become hostages in the fight for the future of the European integration process, but will be the actual participants in the discussion on strengthening the social dimension of the EU.

It seems that from the Polish perspective the following hypothesis can be put forward: the weakness of the trade unions at the national level results in the creation of postulates and expectations addressed to the European level. The authors want to emphasize that this hypothesis requires further reflection and more empirical research.

It should be borne in mind that Polish and other CEE trade unions do not operate in a geographical vacuum. They form a part of the entire system of mutual socio-economic relations within the European Union. Therefore, their possible collapse or further marginalization may have a negative impact on the functioning of the European Social Model.

In general, the future of industrial relations is becoming increasingly unclear in the context of the COVID-19 pandemic. In Poland the first direct experience has shown the collapse of bilateral dialogue at levels other than the workplace. However, it is too early to comprehensively evaluate its potential effects on the world of work.

The article is structured as follows. In the first part we briefly outline the most important factors shaping the trade union movement in Central and Eastern Europe after the political breakthrough of 1989. In the next two parts, we refer directly to examples and considerations related to the situation

of trade unions in Poland. We present the specificity of the Polish labour market and analyze the importance of the company's trade union organization. Then we move on to some examples of the attitude of Polish trade unions towards the EU benchmark. In this part of the article we briefly consider the shortcomings of the very concept of Europeanization of industrial relations. Subsequently, we briefly present the results of research on the articulation of Polish trade unions voice at the EU level conducted within the frame of ARTUS CEE project. In the next section we refer to the challenges they will experience in the future. The article ends with the concluding remarks.

## **2. The trade unions in Central and Eastern Europe: neoliberal adjustment of the legacy of communism**

Let us start with a bit of history. CEE trade unions have a very difficult legacy. Their independent existence was brutally pacified after World War II by the new political order of authoritarian socialism. According to the Lenin's principle, trade unions were to perform two functions: ideological, as the transmission belt of the communist party to the masses and production –improving the productivity<sup>4</sup>. In the latter function, the unions were to be a tool for achieving the objectives set by the state's economic plans, mobilising workers and ensuring their effectiveness. The right place to fulfill such a 'mission' was the workplace level. Sectoral organizations existed of course, but after the trade unions' independence from the state was destroyed, they were only of a facade nature. The Communist authorities kept ruthless control over trade unions at every possible level and were ready to use force to maintain this monopoly. It is worth remembering that the establishment of the independent trade union movement (NSZZ Solidarność) in 1980 in Poland finally led to the imposition of martial law in this country.

The political transformation after 1989 fully restored the autonomy of the trade union movement in the CEE countries. Yet, the new democratic legal framework has again given special preference to the workplace as the basic level of trade union activity. It is worth noting the conditions in which this was happening. In the same year in 1989, British economist John Williamson for the first time used the term 'Washington consensus' to define a new neoliberal development paradigm that rejected the balance between labour and capital. In this concept, trade unions were an obvious obstacle to building a market economy based on liberalisation, deregulation and extreme privatisation. Reformers in the CEE countries similarly to Chilean *Chicago boys* took this new paradigm seriously. No wonder that the possibility of creating a system of strong trade unions that would be able to conduct collective bargaining at this level was perceived as a threat to the competitiveness of the economy. Therefore

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<sup>4</sup> Juliusz GARDAWSKI: Świat pracy a fordym i postfordym. In: Juliusz GARDAWSKI (ed.): *Polacy pracujący a kryzys fordymu*. Warszawa, Wydawnictwo Naukowe Scholar, 2009. 52–64.

the anchoring of the trade union movement at the workplace level undoubtedly suited the political decision-makers. On the other hand, it was also in line with the tradition from the communist era – trade union played the role of a transmission belt at the workplace level, and its role was not to negotiate at the industry level. Thus these two – seemingly contradictory – factors were mutually reinforcing. As a result, the trade union movement in the post-communist countries of CEE was rebuilt based on workplaces from the very beginning.

This solution had some benefits. Trade unions have been legally equipped with several instruments enabling them to directly influence the situation of employees, while also guaranteeing them the possibility of functioning. The public authority did not intend to help the trade union movement financially in any way. On the other hand, they had no objection to burdening individual employers with such a task by means of a statutory obligation to provide premises for trade union activity and paid time off which could be used for trade union activity. This varies from country to country, but the very principle of employers paying trade unionists is recognized throughout the region. Here are some examples:

- Estonia, a trade union representative has the right to be exempted from his work duties while retaining the right to remuneration at the same time: 5-100 members -4 h per week, 101-300-8 h per week, 301-500-16 h per week, over 500-40 h per week, trade union activist also has the right to 5 days in the year off for training, of which 2 days are paid.
- Hungary – until 2012: 2 hours per month per 3 members, half of which could be converted into cash, now: 1 hour per month for every 2 members with no cash changeover.
- Poland – less than 150 members – 1 paid hour per member per month, 150-500 full-time, 501-1000- 2 full-time jobs.
- Lithuania – irrespective of the number of members 60 hours paid per year and 3 paid days for training.
- Slovakia – written into a collective agreement, and if there is no agreement, 15 minutes per employee per month to share for all the representations (union and works council), an agreement can be made to cash this time.
- Latvia, Romania, Slovenia – only under a signed collective agreement<sup>5</sup>.

These possibilities of financing by the employer were even more valuable for CEE trade unions because their membership fee income was incomparably lower than in Western Europe due to the lower level of employees' earnings<sup>6</sup>.

So how industrial relations in the entire region look like when the 'helicopter view' is applied?

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<sup>5</sup> Lionel FULTON: *Worker representation in Europe*. Labour Research Department and ETUI, 2013., available at <http://www.worker-participation.eu/National-Industrial-Relations>

<sup>6</sup> Also, their assets are smaller, although it should not be forgotten that in most cases, they received certain 'starter assets', also in the form of real estate. However, this applies mainly to unions at the industry and confederal levels. It is worth knowing that during the communist period, it was the trade unions that managed the holiday centers for workers, which were later divided among the 'new' democratic organisations.

Trade unions focus mainly on their interests at workplace level and rarely take initiatives of a sectoral or cross-sectoral nature. Bilateral dialogue does not constitute a permanent element of the relationship between labour and capital at upper levels. It has been replaced by what can be described as a vertical dialogue, conducted separately by employers' organizations and trade unions with public authorities. The entire region (maybe with the exception of Slovenia) is characterized by decreasing coverage collective. Employers' organizations limit their activities mainly to lobbying in the economic sector they represent.

In a dramatic way the weakness of negotiations (or even relations) on the sectoral level between Polish trade unions and employers' organizations became evident during the COVID-19 pandemic. One can see a complete lack of any common positions, appeals or other 'soft' documents (not to mention collective agreements) which would be the result of this particular situation. Of course, the reactions and actions of the social partners in response to COVID-19 in the EU should be properly researched and described, but it is already possible to put forward the thesis that there is a visible disconnect: the lack of cooperation in crisis situations in Central Europe while there is one occurs in the old Member States<sup>7</sup>.

This specificity is relatively easy to explain. The system of industrial relations in the region had no chance to evolved according to the model that has been created for years in Western Europe. It was shaped in a period of dynamic socio-economic transformation, influenced by such factors as: the important role of the state, the nature of privatisation processes, the weakness of employers' organizations, and the pluralism of the trade union movement<sup>8</sup>. The accession of the countries of the region to the EU has not changed this situation in any way<sup>9</sup>. It can even be said that it has worsened, as shown by the case of Romania where it coincided with the destruction of higher levels of collective bargaining<sup>10</sup>. With all the differences between countries, it seems that from the current perspective we can speak of a common denominator of industrial relations in the region, which David Ost aptly refers to as illusory corporatism<sup>11</sup>. Instead of the non-existent bilateral relations, trade unions at a supra-company level have to be content with participation in various types of tripartite bodies, usually controlled by the public authorities.

Of course, the situation of the trade unions in particular countries differs and depends on the background of their activity such as political parties, public institutions, etc. What is important is the states' legitimacy and their ability to effectively implement the measures undertaken. The overall

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<sup>7</sup> Christophe DEGRYSE: *Holy Union? The sectoral social partners and the Covid 19 crisis in Europe*. Brussels, ETUI, 2021.

<sup>8</sup> Giuseppe CASALE: *Tripartism and Industrial Relations in Central and Eastern European Countries: Trends, Issues and Challenges*. Geneva, ILO 1999.

<sup>9</sup> Jan CZARZASTY – Sławomir ADAMCZYK – Barbara SURDYKOWSKA: Looking for European solution. Trade unions in Central and Eastern Europe striving for cross-border solidarity. *Transfer: European Review of Labour and Research*, Vol. 26., Iss. 3 (2020) 307–323.

<sup>10</sup> Aurora TRIF: Romania: Collective bargaining institutions under attack?. *Transfer: European Review of Labour and Research*, Vol. 19., Iss. 2 (2013) 227–237.

<sup>11</sup> David OST: „Illusory Corporatism Ten Years Later”. *Warsaw Forum of Economic Sociology*, Vol. 2., Iss. 1 (2011) 19–50.

assessment of the capacity of the trade union movement in CEE is not optimistic. Declining collective bargaining is being replaced by more confrontational ways of articulating trade union demands, such as public protests, and by greater faith in political influence<sup>12</sup>. One can, of course, (and rightly so) point to objective factors such as the destructive impact of transnational corporations. However, one cannot escape the reflection that the CEE trade unions themselves contribute to this situation by stubbornly clinging to the workplace level. In this way, they lose the ability to create ways to deal with new challenges.

The strong trade union presence at the workplace level was conducive to the defense of workers' interests, especially in the industrial sectors in the early years of the transformation, when the entire region was undergoing a wave of restructuring and the industry structures were inefficient<sup>13</sup>. However, as the economic landscape of CEE changed, the weakness of the sectoral level of trade union organizations activity and its consequences for the ability to defend employee interests in the new reality became more and more apparent. This common denominator was largely due to the influence of transnational corporations on the shape of relations between labour and capital in the countries of the region. This influence had become so pronounced that there has even been an attempt to classify the CEE countries as a separate 'transnational' version of capitalism<sup>14</sup>. It is true that transnational corporations (including those from Western Europe) operating in CEE do not see any interest in institutionalising sectoral dialogue. They join national employers' organisations (sometimes even several) but mainly in order to use them for lobbying activities. This is a regrettable but understandable business approach in a situation where the state authorities show complete inertia regarding the promotion of sectoral bargaining.

### 3. The specificity of Polish industrial relations and labour market

Poland is the only medium-sized EU Member State where practically there is no developed sectoral level of collective bargaining, in addition, cross-sectoral bargaining happens sporadically (and this is a common feature for the entire CEE region) and trade unions and employers' organizations are 'clients' of public authorities rather than partners in mutual bilateral dialogue.

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<sup>12</sup> Marta KAHANCOVÁ: Central and Eastern European trade unions after the EU enlargement: successes and failures for capacity building. *Transfer. European Review of Labour and Research*, Vol. 25., Iss. 3 (2015) 343–357.

<sup>13</sup> Aleksandra SZNAJDER LEE: *Transnational Capitalism in East Central Europe's Heavy Industry*. Ann Arbor, University of Michigan Press, 2016.

<sup>14</sup> Magdalena BERNACIAK: *Beyond the CEE 'black box': crisis and industrial relations in the new EU member states*. Brussels, ETUI, 2015.

The strength and quality of social dialogue is determined, among others, by the scale of organization on the side of labour and capital<sup>15</sup>. In Poland, the situation in this respect is indeed very confusing. On the employees side, a pluralistic model of the trade union movement has been functioning for over 25 years, characterized by a multitude of trade unions, based both on the sector-professional and territorial structure, with a strong emphasis on the workplace level. (mainly due to the reason that 10 people are enough to establish (and register) a trade union in the company). According to the data of the Statistics Poland, in 2018 there were 12.5 thousand active trade unions, having together about 1,5 million members<sup>16</sup>. The good news is that the vast majority of them belong directly or indirectly to 3 main trade union central organizations recognized by the law as representative at national level namely: NSZZ Solidarność, OPZZ, FZZ.

As far as employers' side is concerned, its density is difficult to estimate. According to the OECD, a few years ago it could be 20-30%, but one should be careful with these data since very often one employer belongs to several organizations<sup>17</sup>. Overall, this is a very low level compared to other EU countries. In 2018 (GUS 2019), 400 different employers' organizations had 19 100 members: 22.2% of employers' organizations of lower level were associated in the 'umbrella' (cross-sectoral) organizations. The 6 of them, namely Confederation Lewiatan, Employers of Republic of Poland (Pracodawcy RP) Polish Craft Association (ZRP), Business Centre Club (BCC), Union of Entrepreneurs and Employers (ZPP), Federation of Polish Entrepreneurs (FPP) are recognized as representative at national level.

One of the explanations for such atomization may be the fact that the base is significantly fragmented on both sides of the dialogue. According to the GUS (2019a), out of approx. 72,000 enterprises employing ten employees or more, 75% are companies with the employment level below 50 people<sup>18</sup>. Almost 70% of employees in the non-financial enterprise sector are employed in SMEs, of which 40% are in micro-enterprises. This is undoubtedly a factor that seriously affects the ability of unions and employers to organize and to conduct collective bargaining, but it is certainly not the only one.

One of the reasons for the misunderstanding about the role of trade unions in collective bargaining is that, according to the Act on Trade Unions, they represent all employees in collective matters. The consequence of this fundamental assumption is the idea that collective bargaining agreements have an *erga omnes* effect (they cover all employees and not only union members), as do other collective agreements. In other words, any trade union "outcome" in negotiations will always affect the situation of all employees.

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<sup>15</sup> Lane KENWORTHY – Bernhard KITTEL: *Indicators of Social Dialogue: Concepts and Measurements*. [Working Paper No. 5] Geneva, ILO, 2003.

<sup>16</sup> GUS, Statistics Poland (2019): *Partnerzy dialogu społecznego – organizacje pracodawców i związki zawodowe w 2018 r. (wyniki wstępne)*.

<sup>17</sup> OECD: *Collective Bargaining in OECD and accession countries*. Poland, 2015., available at: <https://www.oecd.org/employment/emp/collective-bargaining-Poland.pdf>

<sup>18</sup> GUS, STATISTICS POLAND: *Activity of non-financial enterprises in 2018*. Warsaw, GUS, 2019.



Secondly (and this seems more important, contrary to appearances), the ideological consequence of the assumption that unions represent all employees are the rights of representative trade unions within the meaning of the Act on the Social Dialogue Council. These are the prerogatives attached to the right to give opinion on draft laws and regulations, to participate in the opinion of the state budget, to participate in the procedure of setting the minimum remuneration for work or determining the indexation of pensions with the government. The representative trade union organizations consider these rights to be key to maintaining their role as „political players” and a socially recognizable entity.

At the same time, there are quite common voices, in particular from activists at the company level, that the current system of conducting negotiations on behalf of all employees is ineffective, because the scale of free riding is enormous. Employees do not join trade union knowing that if something is negotiated, they will still benefit from it.

Also rhetorically, the leaders of NSZZ Solidarność point to the need to introduce a system that would curtail the scale of free riding and allow for negotiating something only for members<sup>19</sup>. However, the union has never postulated such legal changes, neither in the Tripartite Commission for Social and Economic Affairs, nor in its successor Social Dialogue Council. The fear of losing the qualities of entities which by definition represent all employees, regardless of the number of members, is too great.

Two important determinants of the labour market have also an impact on the situation of the Polish trade union movement: very low unemployment benefits and high scale of civil law employment.

When it comes to the amount of the unemployment benefit, (without going into details that are not crucial here), first, its amount is constant (regardless of the amount of remuneration received), secondly, the period of unemployment benefit is relatively short and the fulfillment of the conditions for receiving the allowance is relatively difficult (the majority of people registered as unemployed in poviats labour offices are not entitled to unemployment benefits). Trade unions repeatedly postulated to increase the amount of benefits (recently in connection with COVID-19) and to change the method of their calculation. However, no government after 1989 approached this issue seriously. It is indicated that the increase in benefits would have to be associated with higher non-wage labour costs. And raising them is the biggest taboo in Poland. As a result, in many cases the trade unions’ negotiating strategy during collective bargaining focuses on preventing layoffs at all costs, as this means falling into poverty.

Another characteristic feature of the Polish labour market is the high scale of the so-called civil law employment. From a purely legal point of view, this is the phenomenon of tolerating high levels of bogus self-employment and false civil law contracts by the legislator and control authorities. This work is performed under the conditions of subordination, so in accordance with the regulations, the parties should be bound by an employment contract. Looking more broadly, it is a sign of ‘consent’ to the search for cheaper forms of work associated with lower costs (for example, these people do not

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<sup>19</sup> Wiesława KOZEK: *NSZZ Solidarność wobec nowych wyzwań od roku 1989*. Warszawa, Wydawnictwo Naukowe Scholar, 2020.

have the right to paid holiday leave), lower social security and tax burdens. An important factor was also the jurisprudence of the Supreme Court, which (to put it very simply) emphasized the importance of the will of the parties who were bound by a specific type of contract. It should be emphasized that the Polish inspection body (National Labour Inspectorate) has no legal possibility to establish the existence of an employment relationship – this process requires filing a suit in the labour court.

As one can guess, civil law employment mainly concerns young people. At the same time, it concerns people with a weak position on the labor market (low qualifications) and people with relatively high qualifications – for example, a large number of IT specialists actually prefer the B2B relationships, believing that their skills are a guarantee of security on the labour market. From the point of view of this article, the most important observation is that the mass of people who are parties to civil law and self-employed contracts is a factor that „cools down” employees’ expectations as to an increase in wages or improvement of working conditions. Persons who are parties to a civil law contract are difficult to organize, but more importantly, trade unions perceive their existence on the labour market as an absolute obstacle to its proper functioning.

At this point, it is worth paying attention to the unpleasant truth revealed by the COVID-19 pandemic, namely the fragility of social dialogue structures, which collapsed completely in the face of this threat to the economy and the labour market. So far, no major bilateral and trilateral initiatives in this area have been reported, and dialogue on anti-pandemic actions takes place only at the workplace level.

What is worse, in the initial phase of the epidemic, the government introduced legal solutions that violated any principles of the autonomy and independence of social partners (through a regulation that allowed the prime minister to unilaterally dismiss representatives of trade unions and employers’ organizations from the Social Dialogue Council). This solution was met with protests from the ILO, ETUC and ITUC. Ultimately, a legal tool that has never been used in practice by the government was removed from the legal order in December 2020. Trade unions and employers’ organizations indicate that they are not sufficiently consulted by the government side when introducing new legal regulations aimed at responding to the epidemic. It can be said that this is nothing new – the COVID-19 simply demonstrated once again the illusory nature of tripartite structures in Poland<sup>20</sup>. However, it is possible, that the epidemic will completely bury even those meager structures of social dialogue that existed. We do not know that yet. We refer to these issues to emphasize that at the time of writing this article more questions than answers appear.

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<sup>20</sup> Barbara SURDYKOWSKA: Social Dialogue Council: the Shifting Sands of Tripartite Social Dialogue. *Warsaw Forum of Economic Sociology*, Vol. 11., Iss. 1 (2020) 41–61.

#### 4. The company level organization as the highest trade union value

As it was previously described, the trade unions in their relationship vis-a-vis employers mainly focus at company level. The most legal regulations supporting the activities of trade unions apply to this level, including the introduction of employer's obligation to finance trade union leader remunerations while meeting certain criteria.

Thus, the trade union organization at the company level constitutes a kind of supreme good that must not be disturbed. However, such reasoning leads to certain problems. The works on amending the Act on Trade Unions in 2017-18 may be the example. The amendment aimed at extending the coalition law to persons who are employed under civil law contracts or who are self-employed while having collective interests.

At the same time, the trade unions ensured that the amendment did not in any way affect the traditional institution of a trade union organization as a basic unit of a trade union with certain rights (e.g. to enter into negotiations) and certain privileges (e.g. to have paid time for trade union activities). However, everyone, including trade union activists, is aware that the company organization model is completely unsuitable for organizing and representing people who perform works/services of a more varied and casual nature, which are addressed to a greater number of contractors.

Another example was the attempt to re-codify the Polish labour law. In September 2016 the Prime Minister appointed a Codification Committee, which was entrusted with the preparation of two draft legal acts: the Labour Code and the Collective Labour Law Code. These acts were to replace numerous specific laws in the field of labour law, and above all to evaluate the Labour Code in force, which dates to 1974, i.e. communist times. On this occasion, a proposal was made to introduce the institution of a trade union delegate. He would represent employees in those workplaces where classic company organizations do not operate and would be selected in a vote from among candidates proposed by the representative cross-sectoral trade unions, somewhat according to the French model. Undoubtedly, this would be a significant step towards moving the center of union activity to higher levels and, above all, would give a greater chance for the entry of trade unions into smaller workplaces.

None of the three main trade unions (NSZZ Solidarność, OPZZ, FZZ) agreed to introduce this institution, despite the fact that the principles of financing such a representative by the employer would be the same as in the case of financing a classic company organization. Ultimately, the draft new codes were abandoned, however, such solidarity of the trade unions' resistance proves their attachment to the current model of their activity and to the struggle to maintain it even at the expense of the effectiveness of own activities in broader sense.

The anchoring trade union structures on company level may cause the sense of broader collective bargaining at higher levels to be completely undermined and that's what happens. Although there are legal possibilities to conclude so-called supra-company collective agreements, not a single sectoral

agreement has been signed with employers' organization representing mainly private employers since the beginning of the socio-economic transformation of 90's. On the other hand, the existing sectoral agreements signed earlier with state employers disappeared when private (especially foreign) employers became more dominant within the relevant employers' organization. Sometimes it took place with the consent of trade unions. As recently as 20 years ago, supra-company agreements covered about 1 million employees, now only 200 000, and trade unions have never introduced any mechanisms to coordinate collective bargaining, not only between different federations or confederations, but also within the industry structure of the same union. The solutions beneficial for the employees of a given industry are achieved primarily by influencing the legislation not by collective bargaining<sup>21</sup>.

The favorite melody of Polish trade unions is the quotation from a song saying that „it takes two to tango”. Of course, this can be treated as absolution from small efforts to undertake negotiations on a level other than the workplace, but at the same time it is necessary to emphasize that trade unions do not „name and shame” those employers' organization that speciously explain that they are not representative enough to undertake any collective bargaining, although at the same time they lobby effectively on behalf of their members.

Trade unions do not put strong pressure on sectoral dialogue because their leaders are very much attached to cultivating the company level of their own activity. Still, it is interesting that this attachment of trade unionists to the company level as the key level in the Polish reality is not confirmed by the perception of the effectiveness of the company organizations by the employees. In the survey conducted in 2017, the majority of employees who declared that trade unions existed in their workplaces criticized their effectiveness, claiming that, despite their efforts, little had been achieved (43%) or their presence was not visible at all (34%). Only one in seven (14%) believed trade unions were effective<sup>22</sup>. We see a contradiction in here.

The question remains, however, why sectoral trade unions are not more active. One may fear that this is the result of the organisational structure of the trade union movement, where not only the main powers given by the legislation are attributed to company organisations, but most of the trade union contributions remain there as well. As a result, higher-level trade union structures become de facto „hostages” of large company organisations. This has very serious consequences for the whole pattern of industrial relations and for solidarity in the world of work in general. We are aware of cases where the possibility of initiating negotiations on sectoral collective agreements has been blocked by individual company organisations afraid of lowering standards in their own companies.

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<sup>21</sup> A perfect example is the introduction, at the request of NSZZ Solidarność, of a statutory ban on Sunday commerce activity, the main reason being that the trade unions were unable to negotiate any sectoral arrangements with employers to provide employees with free Sundays in the rotation system.

<sup>22</sup> CBOS, Public Opinion Research Center (2017): *Działalność związków zawodowych w Polsce*, available at: [https://www.cbos.pl/SPISKOM.POL/2017/K\\_087\\_17.PDF](https://www.cbos.pl/SPISKOM.POL/2017/K_087_17.PDF)

The situation in Poland does not look normal. There are national headquarters (confederations) which bring together sectoral organisations (often very influential, although as we mentioned earlier not able to conduct collective bargaining), but the whole strength of the trade union movement focuses on the company level. It is difficult to expect that such an organisational model of the trade union movement would be able to meet the challenges facing the world of work.

## **5. Defending the national labour law but looking for European solutions**

We should start with the fact that Polish trade unions are very attached to the national legislation. A fairly detailed Labour Code inherited from the communist period, contains most of the employee rights related to the organization of the work process. The Code contains the rights and obligations of both parties of employment relationship. There is absolutely no place in this paper for the description and evaluation of solutions contained in the Labour Code. It can be just indicated that in some areas (for example maternity protection) it includes a high standard of protection even in comparison to Western European countries. In some others, standard of protection is relatively low. The simplest example is the amount of compensation in the event of unlawful termination of the employment contract by the employer – compensation may not exceed 3 month salary of an employee – even for employees with a long work tenure.

However, as we have already mentioned, the collective bargaining system is not very functional as an instrument for regulating working conditions in a broader scale. Therefore trade unions perceive the defense of the provisions of the Labour Code as their primary duty towards the world of work.

On the other hand, however, they feel their growing weakness in the face of increasing pressure from the business community, which bases its influence on an entrepreneurship support paradigm accepted by public authorities without much reflection. That is why they are looking for support in the impulses ‘coming from Brussels’ which they mostly consider to be positive in the area of social policy. This can be discussed using only a few examples.

The first one concerns a long-term problem faced by Polish trade unions related to the incorrect implementation of the directive on fixed-term contracts in Poland. The Polish regulation allowed for the conclusion of three fixed-term contracts, one after the other, without specifying the maximum permissible duration of legal, long-term employment of employees on the basis of fixed-term contracts. The main strategy of the trade unions was initially focused on addressing this issue in the tripartite dialogue (notabeneu unsuccessfully). Finally, NSZZ Solidarność submitted a complaint to the European Commission that recognized the arguments of the trade unions. It coincided with

the judgment of the Court of Justice of the EU in this case, which finally resulted in the relevant amendment of Polish law<sup>23</sup>.

With respect to issue of posted workers, trade unions immediately focused on supporting the proposed changes to the EU directive (implementing the principle of equal pay for equal work in the same place), rather than trying to find solutions at the national level. This is another example of the atrophy of collective bargaining. After all, the improvement of the situation of posted workers can also be achieved through collective bargaining in the sending country. However, according to the authors' knowledge, no Polish company collective labour agreements, contain provisions concerning posting.

Of course, in some situations such a strategy of seeking support from 'outside' seems rational and – realistically speaking, the trade union in Poland has no other form of influence. An example of this is the introduction by the government of a contract for harvest aid, thus creating a category of people who work but are not guaranteed a safe and hygienic working condition or a minimum wage guarantee. NSZZ Solidarność again submitted a complaint to the European Commission on this matter, but so far it has not met with understanding of the situation<sup>24</sup>.

Interestingly Polish trade unions do not feel „victims” of the European Semester. Some of the recommendations that Poland received during the Semester even fit into the trade union agenda. These were recommendations related to counteracting labor market segmentation (by reducing the number of fixed-term contracts) or the need for greater investment in employee qualifications. Of course, there were also recommendations that were not welcome by Polish trade unions, such as recommendations regarding the equalization of the retirement age for men and women. Polish unions expect the government to provide them with greater involvement with the Semester process (giving opinions on national reform programs, taking part in implementation activities) but do not see the Semester as a threat to their interests.

Social initiatives of the European Commission such as the European Pillar of Social Rights or the proposal for a directive on an adequate European minimum wage were supported by these organizations even before the European trade unions made any comments on the subject.

It is especially worth emphasizing the involvement of Polish organizations in supporting the latter initiative. In this case, NSZZ Solidarność and OPZZ very consciously carried out an effective lobbying of CEE unions. As a result, the ETUC received a letter signed by 24 member organizations from 12 countries of the region, supporting this proposal and indicating that they expect a directive on this matter, and not just a simple recommendation<sup>25</sup>. This strengthened the position of the ETUC

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<sup>23</sup> Case C-38/2013, 13 March 2014.

<sup>24</sup> <http://www.solidarnosc.org.pl/biura-eksperckie2/kontrola-prawa/komisja-europejska/item/18427-skarga-w-sprawie-nowego-typu-umowy-cywilnoprawnej-umowa-o-pomocy-przy-zbiorach>.

<sup>25</sup> <http://www.solidarnosc.org.pl/aktualnosci/wiadomosci/zagranica/item/19067-piotr-duda-do-ekzz-potrzebna-unijna-dyrektywa-o-placy-minimalnej-ma-poparcie-24-central-zwiazkowych>

authorities, which were supporters of the proposed directive but were therefore heavily criticized by the Nordic trade unions demanding a complete rejection of the Commission's initiative.

Of course, this does not mean that all initiatives that arise at the EU level are uncritically supported. In the case of the Green Deal, Polish trade unions vigilantly speak out against its implementation, if the interests of energy sector employees are not secured. This is because coal is still dominant in the Polish energy mix and the employees of this industry constitute an important membership base.

In any case these examples seem to show that there is a lot of faith in the social proposals coming from Brussels which stems from the internal inability to take effective action at national level.

Of course, there are examples that deviate from the abovementioned thesis. The simplest one concerns the reluctance to the implementation of the directive on employees' right to information and consultation. Polish trade unions are still very skeptical about the very institution of work councils, seeing it primarily as competition to their own presence at company level and as an entity that will be 'played out' by the employer. Trade unions consistently oppose the granting of broader competences to non-union domestic forms of representation.

Interestingly, the same organisations have a much better perception of another non-union institution – European Works Councils (EWCs). This is due to the fact that transnational corporations are particularly active in Poland and many of them try to marginalize local trade unions. The latter often think that thanks to EWCs they can strengthen their position and at the same time establish platforms for effective cross-border cooperation with other unions, that may lead to the initiation of joint collective bargaining within the same transnational corporation in the future. Polish trade unions clearly support the idea of establishing an optional legal framework for transnational company agreements at EU level. They perceive it as a way out of the trap of no sectoral negotiations in sectors dominated by foreign capital. There is no point in denying that a large number of Polish unionists have somewhat bitter experiences in this regard: sometimes Western unions from the same corporation are not willing to share a knowledge about the content of collective labour agreement (treating it as a secret of their negotiation process), trade unions do not want to submit joint demands to establish EWCs, etc.<sup>26</sup>.

Another frustrating experience for Polish trade unions is the failure of one of the EU mechanisms on which they initially placed high hopes. It is about European social dialogue. It so happened that the 2004 enlargement coincided with the increasing insufficiency of this mechanism in the cross-sectoral dimension<sup>27</sup>. It is commonly believed that ESD is still unable to bring about results that would be understandable to the Polish trade union base and would have a real impact on improving the conditions

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<sup>26</sup> Sławomir ADAMCZYK – Barbara Surdykowska: European Framework Agreements – underestimated opportunity for the trade unions to avoid the trap of globalization. In: Jo CARBY-HALL – Magdalena RYCAK (eds.): *Trade unions and non-union employee representation in Europe – the current state of play and prospects for the future*. Warszawa: Wolter Kluwers, 2016.

<sup>27</sup> Barbara Surdykowska: Should we take the Potential of European Union Social Dialogue Seriously? Empty Hopes Related to the Article 152 of the Lisbon Treaty. *Warsaw Forum of Economic Sociology*, Vol. 6., Iss. 2 (2015) 37–56.

of everyday working life. However, it is worth emphasizing that despite this disappointment, it is the trade unions who initiate implementation activities in this area and this is actually the only permanent manifestation of cross-sector bilateral dialogue in Poland<sup>28</sup> (Adamczyk 2020).

It is hard not to notice that the ‘European’ expectations of Polish trade unions are related to the idea of Europeanization of industrial relations. It is therefore appropriate to ask a question whether such a phenomenon actually takes place and if there are any symptoms of such process happening or, on the contrary, whether it is merely a display of wishful-thinking which has not and cannot be translated into practice<sup>29</sup>. The question is crucial because approaches to this concept may vary across the EU, depending on socio-economic and political context in a specific MS. Furthermore, it is safe to make such assumption, because Europeanization may take various forms. It can have a vertical character and progress by regulating previously unregulated fields (e.g. EU legislation on European works councils, European social dialogue and on restructuring and collective redundancy). However, Europeanization can also be horizontal, depending on actions taken by national-level actors (e.g. early attempts at coordinating collective bargaining in a supranational dimension or initiatives aiming at organising strikes/protests at a supranational scale by trade unions from various MS).

In our opinion, vertical Europeanization will not make trade unions stronger at the EU level. On the contrary, it can lead to these organizations becoming ‘clients’ of the EU institutions in the end. The only solution may be the ability to agree on union priorities in a horizontal dimension. This, however, is not happening, and is even receding as the example of the unions’ split around the optional legal framework for the TCA shows. The heated trade union discussion around this important topic seems to show emphatically the vastness of the differences in interests and strategies adopted by unions from the new Member States and those from the old ones<sup>30</sup>.

## **6. The view of Polish trade union leaders on European issues – some conclusions from ARTUS CEE research**

To complete the picture, we will briefly recall the conclusions of the latest research conducted among Polish trade unionists involved in European issues, which were carried out as part of the project

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<sup>28</sup> Sławomir ADAMCZYK: Self-organizing Social Dialogue: Impact of the European Union Level on the Relations between Polish Social Partners. *Warsaw Forum of Economic Sociology*, Vol. 11., Iss. 1 (2020) 63–81.

<sup>29</sup> Richard HYMAN: The Europeanisation – or the erosion – of industrial relations? *Industrial Relations Journal*, Vol. 32., Iss. 4 (2001) 280–294.; Richard HYMAN: Three scenarios for industrial relations in Europe. *International Labour Review*, Vol. 154., Iss. 1 (2015) 5–14.; Wilhelm EBERWEIN – Jochen THOLEN – Joachim SCHUSTER: *The Europeanisation of Industrial Relations: National and European Processes in Germany, UK, Italy and France: National and European Processes in Germany, UK, Italy and France*. New York–Abington, Routledge, 2018.; Kees J. Vos: Europeanization and convergence in industrial relations. *European Journal of Industrial Relations*, Vol. 12., Iss. 3 (2006).

<sup>30</sup> Sławomir ADAMCZYK: Inside the trade union family: The ‘two worlds’ within the European Trade Union Confederation. *European Journal of Industrial Relations*, Vol. 24., Iss. 2 (2018) 179–192.; Jan CZARZASTY – Sławomir ADAMCZYK – Barbara SURDYKOWSKA: Looking for European solution. Trade unions in Central and Eastern Europe striving for cross-border solidarity. *Transfer: European Review of Labour and Research*, Vol. 26., Iss. 3 (2020) 307–323.



*Articulation of Trade Unions' Strategies on the Upward Convergence of Social Standards in the Enlarged European Union: The Voice of CEE Countries* (ARTUS CEE)<sup>31</sup>. The main objective of this research was to analyse the possibilities for trade unions in CEE to take effective action to upward converge of the labour and social standards in the enlarged EU when there is a noticeable disparity in the quality of industrial relations between old and new EU Member States – to the detriment of the latter.

The project was conducted by the Institute of Public Affairs (IPA) from Poland in cooperation with research institutions from Slovenia, Slovakia, Lithuania, Romania, and Bulgaria. The *Comparative Report* was prepared by Jan Czarzasty (IPA) on the basis of desk research, focus workshops with trade union representatives involved in EU cross-border activities, and interviews with trade union experts carried out in these 6 countries. In this place, we refer only to the outcomes of the Polish workshop gathering different levels trade union representatives.

Trade unionists from the company level (despite the fact that some of them have important functions at the cross-company level) have indicated that they did not have sufficient knowledge or information concerning the work carried out in the ETUC (or the European trade union federations), or what interests were defended and promoted there by their headquarters and by what means of lobbying and intra-union pressure these were carried out. The activists pointed out that they did not know when Polish unions 'lost', or when they 'won' or 'tied' during intra-union discussions about particular elements. For example, all the participants of the meeting clearly pointed out the need to create and strengthen (both in the sense of legal regulations and the pressure of relationships) negotiations with the boards of transnational corporations conducted at the cross-border level. Simple arguments were put forward concerning increasing the role and power of corporations, their independent actions in the absence of sectoral collective agreements in Poland, and the global growth of their role and power.

However, while all workshop participants were aware of the rift within the ETUC concerning attitudes to the European idea of a fair minimum wage, and the opposition of the Nordic unions to the implementation of this idea by means of the binding instruments of EU law – which they perceived as a threat to the autonomy of the social partners – they did not know about the course of internal disputes within the ETUC concerning the TCA. It was new and surprising information for some of the workshop participants, that there was intense internal discussion about this subject within the ETUC, that the Nordic unions had a very sceptical attitude towards the TCA, and that the ETUC Congress in Vienna had introduced certain specific solutions. This has led to the observation that the trade union headquarters' information policy has been too limited.

During the workshop, specific expectations were presented as to what the effects of the European social dialogue should be (i.e. a binding agreement, with a joint request by the parties to transform

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<sup>31</sup> The project's *Comparative Report* is available at <https://www.isp.org.pl/pl/publikacje/articulation-of-the-trade-unions-strategies-on-upward-convergence-of-social-standards-in-the-enlarged-european-union-voice-of-cee-countries-comparative-report>

it into a directive, concerning issues close to the hard core issues of trade union negotiations with employers, such as working time). The effects of the ESD were assessed as touching on issues that were too peripheral, such as those containing provisions far removed from even the most widely-understood commitments. Participants pointed out that these agreements were more like action plans, or other types of soft documents. The fear of devaluing the term „agreement” was also expressed.

With regard to the sectoral level, it was clearly indicated that the strength of the unions within the European trade union federations was the result of the affiliation dues that were paid, and the number of people directly involved in the federation’s activities, hence the secondary role of the unions from the CEE.

The view that there was insufficient solidarity on the part of the trade union partners within a single transnational corporation was clearly visible; this was illustrated by examples taken from the work of the EWCs (Surdykowska 2020a).

## 7. Challenges

As we indicated earlier, Polish trade unions focus their activities at the company level. Where the owner is foreign capital, they look for support in the activities of EWCs. National organizations defend existing legal regulations and seek support in initiatives that appear at the EU level. Is it enough to face the challenges of the world of work?

The first challenge is constituted by technological change that will bring about a fundamental change in the nature of work. This will have an obvious impact about the trade union movement. Automation and robotization primarily affect the traditional strongholds of trade union power, i.e. large industrial plants. Poland has so far been characterized by a low level of robotization even in comparison with other countries in the region, not to mention Germany. But this trend is accelerating. In 2018, the increase in the number of industrial robots was 40% compared to the European average of 16%<sup>32</sup>. It is estimated that in OECD countries around 57% of jobs are at risk of automation. The International Federation of Robotics (IFR) reassures that in industry, robotization is only complementary to human work, which will still be indispensable in the production process. Even if this is to be the case, new jobs will certainly require a high level of qualifications, which will give the person with such qualifications a strong bargaining position. Will this person need a trade union? If so, it may choose an elite professional corporation, rather than an ordinary company trade union<sup>33</sup>.

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<sup>32</sup> IFR, INTERNATIONAL FEDERATION OF ROBOTICS: *World Robotics Report 2019*. Frankfurt am Main, IFR, 2019.

<sup>33</sup> Sławomir ADAMCZYK – Barbara SURDYKOWSKA: *The Deconstruction of the world of work or on the unclear future of trade unions*. [Open Eyes book 4] Kraków, Fundacja Gospodarki i Administracji Publicznej, 2019. 55–84.

Another element of technological change is the development of employment through online platforms. This affects working conditions and employment structure of classic employees through the adopting business structure in which some of the tasks previously performed by employees (or identifiable stable co-workers) will be carried out through the platform. This means that there will be a multitude of micro-workers who work in a completely isolated space, with no social relations with the supervisor or co-workers. The dynamics of changes in the labour market related to employment through online platforms will lead to more and more frequent situations of liquid and variable employment. The person concerned will be a party to the relationship in which he or she is employed for a short period of time. The distinction between work and services will be increasingly blurred. It will also mean the need to change the attitude of the trade union movement towards self-employed people, who may be economically dependent on a particular workplace, but will no longer be a complementary part of it as regular workers. This, too, is a challenge for trade unions in Poland, where employment based on civil contracts is extremely widespread as a normal situation. In Poland, work via platforms is not regulated in any way – these people have no guarantees in terms of social security and are not subject to any rules determining working conditions. From a purely legal point of view, they are independent service providers (although in practice they usually do not have registered economic activity). Do Polish unions concentrated at the physical workplace level have an offer for such people?

One should look at the demographic situation. Polish society is aging and the existence of the single European market causes an outflow of many qualified workers to the West to better paid jobs. Foreign workers come to their places. Poland is the world's largest net recipient of non-EU workforce. They are very mobile people. How to encourage them to join a trade union if it is based on the level of the workplace? There is a more general question. Is it possible to speak of a specific location at all when it comes to working on a cross-border online platform, where the remuneration comes from any country?

Finally, there is the problem of the 'competitive pluralism' of trade unions, affecting in particular the daily functioning of unions rooted at the company level, in a situation where several competing organizations operate there<sup>34</sup>. It seems that the issue of trade union pluralism in Central Europe should be given more attention in the context of the presence of influential ideologically right-wing movements there presenting at the same time social programs attractive to low-income workers (eg Law and Justice in Poland or Fidesz in Hungary). This may contribute to a further polarization of the trade union movement. This issue requires a more detailed analysis which goes beyond the scope of this text.

In this context, we must bear in mind the position of the ILO, which makes it clear that while the unity of the trade union movement can be seen as in the interests of workers, it cannot be achieved through legal instruments. This would be contrary to the basic conventions. At this point, it can only

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<sup>34</sup> Juliusz GARDAWSKI – Adam MROZOWICKI – Jan CZARZASTY: *Trade Unions in Poland*. Brussels, ETUI, 2021.

be noted that, from the Polish perspective, in recent years there have been very strong social divisions in the perception of the policy pursued by the current government, which undoubtedly translates into greater antagonisms between trade unions and may be a factor hindering the already fragile collective bargaining processes at company level.

These are the challenges faced by the entire trade union movement, but it will be especially difficult for trade unions that are rooted in a specific workplace, such as in Poland, to overcome.

## **8. Final comments: coming back to concept of Europeanization**

Undoubtedly, Polish trade unions have still been grappling with the post-communist past. This is not about any ideological issues, but about the structure of the trade union movement inherited from the period of real socialism, which can be seen in the dominance of the company union organization. As we indicated, this structure did not change in the 90s, largely not only because the trade unions did not want it, but also because external factors did not allow it. It was a period when neoliberal views on the economy were very strong. The issue can be perfectly illustrated by the example of legislation dealing with collective bargaining agreements. In 1991 in the beginning of transformation a group of deputies associated with NSZZ Solidarność proposed changes to the Labour Code aimed at creating a legal basis for concluding sectoral collective agreements. During the parliamentary discussion on the project, the deputy from the Democratic Left Club (former communists) made an allegedly thesis that the absence of collective bargaining agreements is a model solution in market economy countries and made a motion to reject the project, and it was accepted.

So looking at the 1990s from the current perspective, we understand that building a system of trade union representation based on a strong supra-company level was not possible then. The reformers of the socio-economic system did not want this, transnational corporations invited to CEE saw the lack of a sectoral level of bargaining as an advantage from the point of view of their business objectives, and trade unions were more interested in building their position at the company level. During the following years, one can talk about the invariability of the structure of the Polish trade union movement as a result of some inertia and the reluctance of the organizations themselves to take up the challenge of changing the structure.

Thus, the Polish transverse model of the trade union movement looks as follows: we have a company level (weaker or stronger depending on the number of members of the company trade union organization and the capacity of local leaders), then a large industrial relations' wasteland and finally the national level on which the representative cross-sectoral organizations (Solidarność, OPZZ and FZZ) are focused on giving opinions on draft legal acts and some fictitious tripartite actions. And bilateral intractions vis-a-vis employers' organizations are undertaken rarely and ad hoc.

In the circumstances it is hardly surprising that the trade unions are being treated less and less seriously by the public authorities. The latest evidence is the government's stance from December 2020 regarding the draft directive on adequate minimum wage mentioned in the article, in which the Polish government directly wrote that promoting collective agreements „is not necessary or appropriate”.

Thus Polish trade unions are looking for European-wide solutions. Firstly, it is a vertical view awaiting EU initiatives in the social area. In this trade unions differ not only from Polish business but also from the public authority which, regardless of its political orientation, has been distancing themselves from the social dimension of integration since Poland joined the EU. At the same time, Polish unions are very much supportive for horizontal solutions expecting greater cooperation with their foreign partners. This is especially visible in the context of transnational corporations.

The question that can be raised is whether these expectations of active building of social standards in the EU and the expectation of greater and more effective cross-border trade union cooperation are evidence of long-term and forward-thinking or rather the hope of solving internal problems with the help of an external factor. Probably both.

Polish trade unions do not have any ‘glorious past’ to which they can sigh fondly. They are deeply dissatisfied with the present situation. This makes their reactions to social initiatives at the EU level almost enthusiastic, just to mention the draft directive on the European minimum wage, an attempt (unsuccessful) to introduce the EU definition of an employee into the directive on transparent and predictable working conditions or expectations concerning optional legal framework for the TCA. To put it simply, the reactions of Polish unions are almost the opposite of the reactions of the Nordic trade unions behaving – when comes to EU-level initiatives like medieval defenders of their ‘fortresses’ of domestic industrial relations.

Yet, Polish trade unions similarly have a crutch – petrified dysfunctional organizational structure. Their wishful openness to the European level will not help them without freeing themselves from the dominance of the company level-rooted interests and with building a flexible structure, not only at sectoral level, but at the national and even European level (more active role of ETUC). It will be a painful process for trade unionists and – during the transition period – a process that will be dangerous for the stability of union structures in a generally unfavorable political and business environment. Still, only in this way unions will have the chance to act effectively in a world where the binary model of relationship between labour and capital disappears before our eyes replaced by the reality of variable geometry of types of employment<sup>35</sup>.

The COVID-19 pandemic may, which sounds paradoxical, be a catalyst for activities strengthening the social dimension of integration. Already earlier, gradually disappearing of present orderly and predictable world of work in the direction of greater fragmentation and dispersion became noticeable. It can be expected that now it will accelerate even more, as indicated e.g. by the chaotic expansion of

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<sup>35</sup> Manuel CASTELLS: *The Rise of the Network Society*. Oxford, Blackwell, 1996.

COVID-related distant work. In order for European trade unions to meet this challenge, they must undertake more qualitatively advanced cross-border cooperation. Therefore, the approach of Polish unions to the social dimension of European integration can be described as naïve now, but realistic for the future. Provided, of course, that they start themselves with their own structural reconstruction. This is a *sine qua non* condition for their presence at the European level.

There is, however, one doubt. Will the trade unions' approach to the very idea of European integration not change in the meantime? The ruling coalition in Poland, trying to rebuild the national justice system according to its own recipe, found itself on a collision course with the EU institutions. It is noticeable that the growing tensions on the Warsaw-Brussels axe translate into a reorientation of the attitude of some trade union leaders more closely related to the policy of the present government (ie NSZZ Solidarność ) to the entire European project. The other leading umbrella union (OPZZ) is more distanced from this conflict. However, it is not the issues of the rule of law that may change the perception of the European Union by Polish trade unions, but the tightening of the climate policy expressed primarily in Fit For 55, the effects of which will probably hit the low-earning working class of Central and Eastern European countries, still largely dependent on the energy mix based on coal. The National Commission of NSZZ Solidarność has already strongly criticized this initiative. Sectoral unions from the CEE region affiliated with IndustriAll Europe, for which "beautiful words about a fair transition are definitely not enough", are openly protesting against it<sup>36</sup>. If it is not possible to find a compromise between the current proposals of the European Commission concerning Green Deal and the real possibilities of adaptation of CEE citizens, it is possible that a certain Euro-enthusiasm, which we write about in this paper, will be a historical phenomenon in a few years' time.

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<sup>36</sup> IndustriAll Europe Eastern Region: *Declaration concerning Green Deal of October 2021*. <http://www.sekretariatmetalowcow.pl/4759-2/>