

Strategic Choices during System Change:
Peak Level Unions and Their Struggles for Political
Relevance In Post-Socialist Slovenia, Serbia and Poland

By

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Statement

I hereby state that the thesis contains no materials accepted for any other degrees in any other institutions. This thesis contains no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

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Abstract

In this dissertation I explore the conditions of successful struggle for political relevance of ‘inherited’ national level trade unions in Slovenia (ZSSS) compared to the less successful cases in Poland (OPZZ) and the least successful Serbian union (SSS) during the period of system change from socialism (1987/8-1993/4) and assess the implications of these struggles for trade union trajectories until 2010. The project develops a critical juncture - path-dependency argument as a theoretical framework for understanding the various trajectories of these three peak level unions. I demonstrate that unions’ own critical choices and strategies of organizational self-empowerment during the system change period have mattered in shaping organizational trajectories.

I argue that unions were able to become politically relevant *if and only if* they had overcome specific ‘inherited’ organizational vulnerabilities, achieved autonomy, and adapted to and increased their own capacities in the new environment, and exercised an autonomous voice in influencing politics and policy-making. Perceived in this way, I demonstrate that organizational reform and political self-positioning during system change had a lasting effect, leaving a sticky imprint on union trajectories. Slovenia’s ZSSS demonstrates a successful case, where the union built on its organizational resources and increased mobilization capacities, and took advantage of a wide space for strategic maneuvering for taking part in ideological struggles and policy making. In contrast, in an authoritarian populist elite-dominated Serbia, the trade union leadership of the SSS even gave up its struggle for autonomy from the elite. It disregarded the potential for mobilization of the rank and file members in favor of the security, protection, and

preserved representational monopoly from the state. Finally, unlike the SSS the Polish OPZZ had sufficient autonomy to select its path, but it had less organizational capacities and faced greater political challenges than the ZSSS. The OPZZ overcame political isolation by entering into a political coalition, a strategy which, in the long run, execrated internal organizational vulnerabilities.

By comparing the three cases I offer a corrective to understandings of trade unionism in Eastern Europe. I highlight the importance of resource mobilization and organizational self-empowerment at critical moments, dangers and advantages of alliances with political parties, and, especially, the under-explored factor of organizational resources as conditions for the ‘success’ of peak level unions. I find that the variation in union trajectories is explained by the historically rooted functions and character of the state (Birnbaum 1982) rather than the short-term choices and policies of the elite during system change as it is commonly understood in the literature.

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Abbreviations

Trade Unions

ZSS	Zveza sindikatov Slovenije (Federation of Trade Unions of Slovenia)
ZSSS	Zveza svobodnih sindikatov Slovenije (Association of Free Trade Unions of Slovenia)
KNSS	Konfederacija novih sindikatov Slovenije - Neodvisnost (Confederation of New Trade Unions of Slovenia "Independence")
NSS	Neodvisni Sindikati Slovenije (Independent Trade Unions of Slovenia)
KSJSS	Konfederacija Sindikatov Javnega Sektorja Slovenije (Confederation of Public Sector Trade Unions)
SSS	Savez Sindikata Srbije (Federation of Trade Unions of Serbia)
SSSS	Savez samostalnih sindikata Srbije (Confederation of Autonomus Trade Unions)
OPZZ	All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych)
ZNP	Związek Nauczycielstwa Polskiego (Polish Teachers' Union)
NSZZ	Niezależny Samorządny Związek Zawodowy (Independent Self-Governing Trade Union)
CRZZ	Centralnej Rady Związków Zawodowych (Central Council of Trade Unions)

Political parties

Serbia

DEPOS	Demokratski Pokret Srbije (Democratic Movement of Serbia)
DOS	Demokratska Opozicija Srbije (Democratic Opposition of Serbia)
DS	Democratic Party (Demokratska stranka)
DSS	Demokratska stranka Srbije (Democratic Party of Serbia)
SPO	Srpski Pokret Obnove (Serbian Renewal Movement)
SPO	Srpski pokret obnove (Serbian Renewal Movement)
SPS	Socijalistička Partija Srbije (Socialist Party of Serbia)
SRS	Srpska radikalna stranka (Serbian Radical Party)

Slovenia

DEMOS	Demokratska opozicija Slovenije (Democratic Opposition of Slovenia)
DEUS	Demokratska stranka upokojencev Slovenije Democratic Party of Pensioners of Slovenia
DSS	Delavska Stranka Slovenije (Workers' Party of Slovenia)
LDS	Liberalna demokracija Slovenije (Liberal Democracy of Slovenia)
SD	Socialni demokrati (Social Democrats)
SDP	Stranka demokratične prenovе (Party of Democratic Renewal) (successor of ZKS)
SDS	Slovenska demokratska stranka (Slovenian Democratic Party), until 2003 SDSS
SDSS	Socialdemokratska stranka Slovenije (the Social Democratic Party of Slovenia)
SDZ	Slovenska demokratična zveza (Slovenian Democratic Union)
SDZS	Socialdemokratska zveza Slovenije (Social Democratic Alliance of Slovenia)
SKD	Slovenski krščanski demokrati (Slovene Christian Democrats)
SLS	Slovenska ljudska stranka (Slovenian People's Party)
SPS	Socialistična Partija Slovenije
ZKS	Zveza komunistov Slovenije League of Communists of Slovenia
ZLSD	Združena Lista Socijalnih Demokrata (Allied List of Social Democrats)

Poland

PO	Platforma Obywatelska (Civic Platform)
PiS	Prawo i Sprawiedliwość (Law and Justice)
PSL	Polskie Stronnictwo Ludowe (Polish People's Party)
SLD	Sojusz Lewicy Demokratycznej (Democratic Left Alliance)
UP	Unia Pracy (Labour Union)
AWS	Akcja Wyborcza Solidarność (Solidarity Electoral Action)
UD	Unia Demokratyczna (Democratic Union)
UW	Unia Wolności (Freedom Union)
KLD	Kongres Liberalno-Demokratyczny (Liberal Democratic Congress)
PPS	Polska Partia Socjalistyczna, (Polish Socialist Party)
AWS	Akcja Wyborcza Solidarność (Solidarity Electoral Action)
PC	Porozumienie Centrum (Centre Agreement)
ROAD	Ruch Obywatelski Akcja Demokratyczna (Citizens' Movement for Democratic Action)
RLP	Ruch Ludzy Pracy (Working People's Movement)
SdRP	Socjaldemokracja Rzeczypospolitej Polskiej (Social Democracy of the Republic of Poland)
PZPR	Polska Zjednoczona Partia Robotnicza (Polish United Workers' Party)
Other	
PRL	Polska Rzeczpospolita Ludowa (People's Republic of Poland)
SZDL	Socialistična Zveza Delovnega Ljudstva (Socialist Alliance of the Working People)
SSRN	Socijalistični Savez Radnog Naroda (Socialist Alliance of the Working People)
TUC	Trades Union Congress
FDI	Foreign Direct Investment
MNC	Multinational Company
GDP	Gross Domestic Product
COMECON	Council for Mutual Economic Assistance
EU	European Union
EC	European Commission
IMF	International Monetary Fund
SMEs	small and medium-sized enterprises
SOEs	state-owned enterprises
MP	Member of Parliament
UN	United Nations
SES	Socijalno Ekonomski Savet (Social Economic Council)

Introduction

After the disintegration of authoritarian socialisms, economic transformations in East European polities represented a historically unprecedented radical negative shock on employment and indirectly on the self-organization of labor (Spoor 2004). I agree with some commentators who suggest that the massive and destructive effects of market-led economic changes on unions in countries of Eastern Europe after 1989 have been underestimated (Contrepois & Jefferys 2010). Yet, trade unions have not only remained among the largest and most relevant civil society actors in some East European countries after the transformation, they also perform a variety of political roles. Differences among cases are comparable to the variation among Western European counterparts (Armingeon 2006). Even among the new EU member states considered successful reformers, there are major differences in the trajectory, roles and strength of unions, the most extreme contrast being between Slovenia and the Baltic states (see e.g. Crowley 2004).

The operation of socialist legacies features as the main explanation for variation in union ‘strength’ in the region (see esp. Crowley and Ost 2001, Crowley 2004, Stanojevic 2003). However, the existing scholarship does not offer a full answer to the question of why trade unions have to date remained among the most relevant civil society organizations in some countries of post-socialist Europe,, nor does it offer a comprehensive explanation for the variation among cases. Furthermore, assessments do not address the issue of whether and how unions have shaped their own trajectories. I drew inspiration from assessments on the importance of “internal union politics” (Sabel 1981) and the “public status of unions” (Offe 1981) since these can be applied to the context of post-socialist transformations. My central question is: what

were unions able to do on their own under structurally difficult times in their efforts to become relevant organizations in the emerging market democracies?

First of all, I look at the ‘exceptional’ case of the Slovenian peak level union, Zveza Svobodnih Sindikatov Slovenije (ZSSS - Association of Free Trade Unions of Slovenia), an organization which emerged as a strong and relevant civil society actor after the system change. The ZSSS as the dominant national level union has shown itself to be capable of grand scale mobilization and influence. Then, in order to highlight the preconditions of successful union development, I also examine two other cases of peak level unions that presumably started from a similar point but experienced very different trajectories of their own: the ‘official’ unions inherited from state socialist systems in Serbia, the Savez Sindikata Srbije (SSS – Federation of Trade Unions of Serbia),¹ and in Poland the Ogólnopolskie Porozumienie Związków Zawodowych (OPZZ - All-Poland Alliance of Trade Unions). In the late 1980s, Poland and Yugoslavia, of which Serbia and Slovenia were increasingly autonomous republics, seemed to be top candidates among the countries exiting authoritarian socialism to develop corporatist social-democratic settings (Denitch 1990, Ost 1990). Whereas in all three cases official trade unions remained large organizations, their relevance, that is, capacities, social, political ‘weight’ and ‘prestige’ differ greatly. In stark contrast to the Slovenian ZSSS, its Serbian counterpart has been socially and politically barely visible. Finally, in Poland the OPZZ is no longer the dominant peak level union, but it is still able to mobilize, influence policies and present relevant alternatives to the wider society.

The claim that the ‘post-socialist transformation is over’ (Ost, 2007) has important implications for scholars engaged in studying labor politics in the region. Such a distanced

¹ The Serbian and the Slovenian unions changed their names: in 1990 the ‘communist’ trade union ZSS (Zveza Sindikatov Slovenije) renamed itself to ZSSS; the SSS changed its name to SSSS (Savez Samostalnih Sindikata Srbije – Confederation of Autonomous Trade Unions of Serbia) only in 1998.

perspective is useful for the study of intensive and dynamic events of system change. This distance also offers the possibility for the re-evaluation of scholarly work on unions in post-socialist Europe, and thus to offer further theoretical insights.

As noted, trade unions in some post-socialist countries are among the largest civil society organizations, and there is a significant variation among cases. However, the most common understanding of trade unionism in Eastern Europe is of actors that are weak and passive, bordering on irrelevance (see esp. Crowley & Ost 2001, Crowley 2004, Kubicek 2003). Two strands in the literature have shaped this appealing, yet quite misleading, conclusion.

First, trade unions seem marginal if compared to the significance of political elites, ethnic tensions or economic reforms associated with the most countries in the region. In the literature on East European transformations, there has been significantly less reflection on trade unions or any other intermediary organization, than on more dramatic and fast-appearing and changing subjects of inquiry (cf. Pierson 2003) such as elite behavior, ethnic mobilization, or introducing democratic institutions and market reforms (see e.g. Grzymala-Busse 2002, Kitschelt et al. 1999, Eyal et al. 1998, Brubaker 1996; Frydman et al. 1993).

Second, there has been an unrealistic, seemingly ideologically motivated great expectation and subsequent disappointment on the part of scholars of social democratic persuasions that paradoxically precluded a sensitivity to country specific starting points as well as legacies and conditions of union work. In this vein, the most influential assessments by specialized scholars pointed out rather swiftly and uncritically the weakness of unionism in 'Eastern Europe' compared to their counterparts in the democratic West (Avdagic 2004, Ost & Crowley 2001, Orenstein 2001).

Consequently, systematic assessments necessary for a thorough understanding of similarities and differences in the trajectories of East European national level unions as both social organizations and political actors are still missing (cf. Hyman 2001). From the methodological point of view, the literature on trade unions in Eastern Europe is filled with non-systematic comparisons according to non-standardized properties, without a united methodology. Most characteristic is still the collection of single case studies in edited volumes: these are usually non-systematic exercises in the assessment of union trajectories (e.g. Waller 1994; Ost & Crowley 2001; Dimitrova & Vilroks 2005). Whereas various issues such as collective bargaining or union party links (e.g. Aro & Repo 1995, Avdagic 2003) dominate the agenda, curiously there is little attention paid to the internal organizational perspective of peak level unions and their relationship to not only political but also social environments. In other words, while certain issues have served as good perspectives for the comparative assessment of unions, a more idiographic and longitudinal organization-centered approach is still missing.

This dissertation moves against the mainstream state of the field and common understanding of union insignificance. My assessment builds on the unresolved scholarly debate on the importance of structural and agency-driven factors shaping union ‘strength’ or rather ‘weakness’ (see e.g. Meardi 2005, Stanojevic 2003, Stark & Bruszt 1998, Greskovits 1998). Reviving the importance of ‘union’s internal politics’ (Sabel 1981) along with Dimitrova & Petkov (2005: 7, 10-11, 47), I posit that internal ‘organizational dynamics’, or union strategies deserve special attention. That is, I claim that dynamically conceptualized union strategies and capacities matter in shaping case-specific union trajectories (Contrepois & Jefferys 2010). Dimitrova & Petkov (2005) have put forth a similar agenda, suggesting attention to internal capacity building in organizational development of unions. However, they came up with a rather

complex theoretical framework and a large number of variables, or a research agenda which is difficult to operationalize. From their proposed analytical framework it is difficult to assess the importance of organizational factors onto trade union trajectories and to separate their influence from other factors. Therefore I focus precisely on the internal dynamics of peak level union organizations.

While the organizational dimension of the reconstitution of trade unions after 1989 is underexplored, its wider importance has also been misunderstood. To start with a seemingly minor issue, there is little attention devoted to the issue of articulation of interests between plant, sectoral and peak level work organizations in any given country in Eastern Europe as it was applied to the cases of West European unions (Hancké 1993; Hyman 2001: 212, Fishman 1990, for partial exception see Iankova 2002, Thirkell et al. 1998). The internal study of trade unions also sheds light on strategies of these organizations in the definition of social policies, which is an important aspect of the restructured/redefined market capitalist and welfare (redistributive) regimes (Skocpol & Amenta 1986) of the new East European states.

In this study, I also contribute to the understanding of the interrelationship between trade unions and the establishment (or crisis) of post-socialist civil society and democracy (Harcourt & Wood 2006). Namely, the study of trade unions offers a deeper understanding of development and internal organizational dynamics of new post-socialist democracies through the dynamic perspective of prominent intermediary organizations which survived the ‘old’ authoritarian system. An intriguing poses itself: did peak level trade unions in various post-socialist states have sufficient capacities which they were able to use to emerge as autonomous actors (‘agency’)? Were peak level unions able to overcome the presumably ‘stultifying and demeaning communicative and associative conditions’ common in countries of East European authoritarian

socialisms (Elster et al 1997: 13) and emerge as autonomous organizations? If so, how has this process unfolded and with what efficiency do unions perform their new roles? The trajectory of the Slovenian peak level union is an interesting case since the union emerged as a powerful organization in the new market democracy.

As the main determinants of internal union development, I analyze the strategic choices of this successful case in Slovenia, as well as of the Serbian and Polish peak level unions in the early years of post-socialist transformation, and I test to what extent these choices have shaped union trajectories. My argument is that unions were able to remain relevant organizations *if and only if* they overcame specific organizational vulnerabilities, adapted to and increased their own capacities in the new environment, and developed an autonomous voice in influencing politics and policy-making.

My argument implies first that inherited union and country specific organizational capacities mattered. Unions strive for self-empowerment and autonomy by honing ‘older’ organizational practices and the invention of new ones. Strategic choices involve deliberations over self-positioning in the external environment that allow unions to exert influence over economic and social policies, which are necessary for public recognition. Exerting influence depends to a great extent on a union’s political activity and the availability of political allies. Whereas union involvement in politics was necessary, it also carried great risks. Namely, influential political allies also posed a threat, and could both limit union autonomy and authority. In order to become relevant organizations in their own right, the second condition for trade union success was to create distance from and exert influence against powerful allies in case, once in power, they acted against the interests of union constituency. Following Burgess (2004), I expect here that union answers to dilemmas during “economic hard times” (Gourevitch 1986) depend

solely on union leadership estimates and choice of loyalty. The choice has a calculative element, as union leaders try to weigh whether union members or the political party ally capacities are greater in inflicting damage onto the leadership and the peak level organization. Burgess' model of union choices is especially useful since it incorporates all micro and macro perspectives surrounding trade unions (Offe 1981). That is, union choices are informed by four factors: factionalism within the union, the willingness of workers to protest or self-organize, the existence of alternative political allies, and the conditions established by (emerging) institutions governing trade union operation and action. I modify the argument of Burgess (2004) for post-socialist union responses in the sense that only in the second turn, if and only if trade unions establish themselves as sufficiently autonomous and reformed organizations, do choices of loyalty made sense. Finally, I test the significance of these 'strategic choices' as shaping paths of union trajectories and behavior in the period ahead.

In designing my assessment, I incorporated two strands from the research on trade union relevance and organizational development in post-socialist Eastern Europe. Following, among others, Crowley and Ost (2001), I incorporate country specific contexts. However, in contrast to Crowley and Ost's broadly defined analytical frame for case studies and a resulting vaguely justified regional assessment, I offer a unified analytical approach to my case studies. At the same time, I am careful enough not overstress the significance of analytical categories at the expense of country specific contexts (Avdagic 2003) only to serve comparative purposes.

In general theoretical terms, I follow a line proposed by Hyman (2001) to follow and reconcile issues of single case based research and comparison (see also Tilly et al. 1975). This research is based on a variety of primary sources, such as publicly available documents of union decisions, congresses, interviews, and newspaper articles, which is both an advantage in allowing

for a broad perspective on contextual factors, but also a limitation due to the impossibility of covering all possible sources of such material. Further, it was much more difficult to access the details of ‘informal’ deals and barter, or situations in which some of the most crucial decisions were made. In unpacking these, interviews with the main protagonists and their self-evaluation of decisive points in unions’ history were crucial for developing the understanding. The three analyzed peak level union organizations as cases are unique but their trajectories nevertheless show both some trends and commonalities as well as critical differences. Whereas the findings cannot be directly transposed to other cases in post-socialist Europe, the insights on what factors mattered can help in designing further research and understanding the trajectory of other peak level unions in the region.

The dissertation is structured in the following way. In Chapter 1 I evaluate the literature on unions’ capacity to shape their own trajectories. Here I also introduce the key concepts of agency, strategic choice, critical juncture, and ‘path-dependency.’ Finally I justify my case selection and introduce the cases of the research: the ‘official’ peak level unions in Serbia, Slovenia and Poland. In chapters 2, 3 and 4, I take each of these cases in turn, describing and explaining the critical choices and responses of the three unions. For each case, I also examine the immediate and long term implications of these choices on union trajectories in the later post-socialist period, up until the global economic crisis.

I begin in Chapter 2 with the case of the Slovenian ZSSS, which established itself as a powerful social actor, capable of grand scale mobilization irrespective of governments in power. I explain the success of the ZSSS’s fight for relevance in two steps: first the peak level union solved its organizational challenges and then it adapted to the new political environment as an autonomous intermediary organization. The ZSSS developed a publicly recognizable labor

agenda, established self-empowering organizational practices, and invested into strategic mobilization of the rank and file. Using the expansion in political opportunity structures, this union emerged as an active social force and was a significant player in ideological struggles and concrete policy making throughout the transformation from socialism. The ZSSS refused to become a hostage to partisan loyalty. Instead, it used escalation tactics and successfully combined conflict and compromise.

In Chapter 3 I deal with the strategic choices and trajectory of the Serbian peak level union, the SSS. Here I show that the crucial element which prevented internal organizational reform and the establishment of new unionist practices was authoritarian elite domination in the late self-management period (late 1987-1989). In spite of some changes within the SSS during the process of democratization in 1990-1991, the authoritarian elite both directly and indirectly undermined the prospects of building up intermediary unionism. After a partial reform, the issue for the union leadership nevertheless was whether to take up the risk of building up an autonomous intermediary organization at the cost of open conflict with state actors.

Chapter 4 describes and explains the choices over political activity which ended in a partisan loyalty trap for the Polish OPZZ. The OPZZ coped with unfavorable organizational and political legacies which made political activity necessary to struggle against marginalization. However, the union entered a political (electoral) coalition while its internal organizational vulnerabilities were not overcome. As a consequence the union had exposed internal weaknesses to its ally. This feature weakened the union's internal capacity to fight autonomously in the political arena and more specifically, against its neoliberal allies when it became necessary. From late 1993, when its political allies were in power, contrary to its own stated principles, the OPZZ did not act assertively against similar reforms. This damaged not only its reputation, but

also minimized the relevance of the union as both an efficient (influential) and a representative organization of labor.

The Conclusion summarizes, discusses and compares the main elements in the trajectories of the analyzed cases. I concentrate especially on the importance of organizational capacities and strategies for union trajectories. I find that, in addition to political opportunities inseparable from broadly understood labor incorporation into the state, efficiency in a given union's fight for relevance had an internal organizational prerequisite. Namely, for successful union trajectories the 'quantity' and inventive use of resources mattered, but also the political skill of the leadership and links to civil society organizations and the broader society.

Chapter 1. The political relevance of peak level unions in post-socialist Europe: Explaining the success of Slovenia's ZSSS

In this chapter I first review the available assessments on trade union trajectories in post-socialism and discuss their limitations. The basis of the evaluation is the neglected perspective of unions' capacity to become relevant civil society organizations and to shape their own trajectories. In the second part of the chapter I introduce the key concepts of agency, strategic choice, critical juncture, and 'path-dependency'. I also introduce the selected cases: the successful, reformed peak level union in Slovenia, and its less successful counterparts in Serbia and Poland.

1.1. Unions, civil society, and strategic choices

This dissertation builds on the evaluation of four available but unexploited assessments of post-socialist unionism. First, the effect of large and major destructive forces of economic liberalization, and in some cases, political crises or even disintegration on independent associational life and participation in intermediary organizations are underestimated. However, within weak civil society across the region, in terms of membership trade unions remained the most important and strongest intermediary organizations in most post-socialist countries. The first point already brings us to the very research question of the dissertation and turns the table on the common assessments: in coping with radical shock, how could trade unions remain relevant actors in some countries of Central and Eastern Europe? Second, the most successful and vivid trade unions commonly emerged on the bases of trade union organizations present in (late) authoritarian socialisms. The statement implies not only that it is questionable whether the

impact of legacies was generally inimical to union activism but also that there were more country specific, then regionally universalistic union legacies. Third, there is a large variation in trajectories, significance and roles played among country specific Central and East European trade unions comparable to variation in Western democracies. The variation questions the importance and operation of legacies and - most importantly - brings in strategic interventions of political elites. Fourth, in conceptual sense trade unions were rarely recognized as sufficiently autonomous actors to shape their own trajectories. I continue with an overview of the conceptualizations of unions and their capacities in shaping their own trajectories, including assessments on non-East European cases which had helped the design of the inquiry.

1.1.1 The puzzling contrast: Underestimated external shocks vis-a-vis the relative strength of unionism

The general observation, shared today by most scholars is that trade unions across the post-socialist region emerged as surprisingly weak actors (Ost 2000, Crowley 2004), the 'paper tigers' (Kubicek 2004) of post-socialist transformation, too weak or submissive to effectively defend worker interests. The significance of external, negative factors in shaping this outcome is large. Without doubt, destructive effects of economic transformation, including liberalization, marketization, de-industrialization, trade reorientation and the gradually increasing importance of unregulated financial capitalism radically weakened union organizations. Indeed, the shocks of economic transformation and marketization often created absolute deprivation and proletarianization of workers, while the market often undermined solidarities. In addition, political processes of redefinition of political communities after 1989 and cycles of political crises, at least at the beginning of transformation in the majority of cases increased insecurities and undermined independent civil activism. I overview these factors briefly.

Most former socialist economies under “transition” to capitalism were vulnerable: commonly they were indebted, their main industrial firms produced with outdated technology and were suddenly faced with competition with Western products in domestic and former COMECON markets. One influential explanation stresses that historical legacies of late industrialization and authoritarian legacies in various countries of Eastern Europe shaped various types of communist rule and led eventually to weak or divided trade unions after 1989. The latter outcome was exemplified in political elite domination and an evolutionary, path-dependent development of employer or state-led capitalism (see esp. Pollert 1999). The argument could not explore independently the effects of liberalization, commercialization and privatization, which occurred only from the second half of 1990s (Contrepois & Jefferys 2010: 79, Drahokoupil 2007). A later explanation of weak unionism highlighted the destructive effect of emerging economic forces of foreign direct investment (FDI) and even more specifically, neoliberal financial capitalism which built ‘capitalism without compromise’ (Bohle & Greskovits 2004). Indicating the negative effects of these trends on the self-organization of labor, Meardi (2000) argued convincingly that the weakness of trade unions, the prevailing ‘proletarian identity’ of the workers class, and incapacities to self-organize is caused by existing structural conditions, such as vulnerability on labor market or poverty, ‘absolute deprivation’ preventing collective action, rather than legacies of inactivity. Indeed, most post-socialist economies have consistently high unemployment levels, a significant percentage of population living in poverty, and a major exit of a whole segment of the population from the labor market. Moreover, the increasing significance of self-employment, the atomized service sector, the large share in employment and the economic significance of privately owned small and medium sized enterprises, as well as the increasingly fragile employment contracts indirectly undermined solidarities across groups and

collectivities and consequently also unions. Many surveys indeed showed that unions were almost absent in mushrooming private small and medium sized enterprises (e.g. Gardawski 2001). There is little doubt that these massive negative shocks led to weaker unions, as witnessed by rapidly decreasing union density and their absence in some sectors of the economy. One is even compelled to agree with Contrepois & Jefferys (2010) that economic changes occurred simultaneously with an increase in ‘global power of employers’ and that simultaneously it had massive and destructive effects on self-organization of labor in post-socialist Eastern Europe. The effects of these on unions are even underestimated.

Transformations differed markedly in various former socialist countries. As Herod (1998) argued, there was ‘an uneven geography of transition’ since not only various economic but also country-specific political factors shaped post-socialist union movements. The quality of democracy in European post-socialist countries varied significantly throughout the post-socialist period. According to the democracy index of Freedom House, in various years post-socialist states differed by regime types: authoritarian regimes, hybrid regimes, flawed democracies and full democracies. This variation is not accidental. There was a dramatic change in the political geography of Eastern Europe after 1989 and sometimes difficult tasks of defining the political community, the very body of politics. The role of the political elite in these macro processes was crucial. East European ‘transitions’ differed significantly from earlier waves of transition especially markedly in one characteristic: ethnic politics and disintegration of federal states (Beissinger 2002, Kitschelt 2003, Bunce 1995, Roeder 1994). Out of the former 9 East European states which existed before 1989, only 5 kept their territorial integrity and sovereignty: Hungary, Poland, Albania, Romania and Bulgaria. However, only in Hungary and Poland the transition to democracy was peaceful, while in Albania, Romania and Bulgaria it lagged behind either due to

violent unrests, or due to problems in definition of the political community. The latter was a common feature also in many newly independent European states which came into being after the disintegration of USSR, Yugoslavia and Czechoslovakia. Finally, GDR ceased to exist due to unification with FR Germany.

Not surprisingly, already in early years of post-socialism, many scholars observed elite domination over confused and atomized citizens, along with rather weak and static intermediary organizations. In this context, the meaning of union weakness is conditional and needs reconsideration due to two facts. First, there is a significant variation among cases in terms of organizational strength of unions (Armingeon 2006), depending also whether unions are active civil society organizations at all. Second, in some cases, among intermediary organizations trade unions remained the largest (Rueschemeyer 1999: 7). Consequently, unions as civil society actors in some cases are very significant, especially in light of the claim that civil society in countries of Eastern Europe is weak.

Scholars recognized fairly soon that in contrast to earlier waves of democratization, what was missing in the East-European post-socialist democratization and regime change and consolidation was the almost complete absence of civil society (Lomax 1997). In contrast to other waves of democratization from authoritarian rule, in post-socialist countries the size and significance of newly created independent intermediary and sufficiently strong civil society organizations, capable of mediation between the society and the state was very limited (Howard 2002, Rueschemeyer et al 1998, Cook et al. 1999, Padgett 2000, Greskovits 1998). Inactivism and limited participation was mostly due to the absolute deprivations of individualized citizens rooted in political and economic uncertainties (cf. Wolchik & Curry 2010: 25; Kideckel 2001a, Kideckel 2001b). However, somewhat surprisingly, when sufficiently strong independent

organizations were found, these were 'built on the structures of the old system, not the economic resources of the new' (Kurtz & Barnes 2002: 545). At least in some countries, during system change period, among the 'inherited' associations typically trade unions stood out with very high membership compared to other organizations (e.g. Padgett 2000, Cook & Orenstein 1999:72, Ryszard 1998: 38 Miszlivetz 1998). in many post-state socialist countries trade unions remained important and relevant organizations also after transformation, while no other type of civil society organization came close to them in terms of membership (Howard 2002). The question offers itself: how come that at least in some cases the reformed 'old' trade unions remained significant organizations, at least in the sense of keeping their membership? The question is even more interesting if we incorporate into it the 'exceptional' case of the Slovenian reformed trade unions, the ZSSS, which is also a relevant and active civil society organization. The unique trajectory and strength of this union is widely recognized, but its success is less discussed, let alone compared to other cases. The question already hints that legacies of the past mattered. Scholars already posited the argument but not at all quite as the assessment above suggests.

1.1.2. The legacies of unions: evaluation of common assessments

According to the prevailing understanding union weakness or quiescence in post-socialist countries of Eastern Europe stems from its own, detrimental legacies. On the one hand, many scholars and commentators generalize trade unions in Eastern Europe before 1989 as pure 'transmission belts' of ruling communist elites in all countries. On the other hand, the paradigmatic and ideologically driven 'Leninist' conceptualization of the legacy argument (Jowitt 1992) only reinforced the negative perception.

Many students of union transformation assume a general ‘transmission belt’ unionism before 1989, which in turn implies a ‘tabula rasa’ perspective of a fresh start and development from zero from 1990 of various post-socialist national level labor unions (Careja 2007, Avdagic 2003). That is, union development started only after the introduction of democratic setting. Such model was attractive since it allowed a convenient and simplified cross-case analysis and offered the possibility for control of other factors. Equally if not more problematic is the argument on negative ‘Leninist legacies’ (Jowitt 1992) which also received a significant appeal. Some scholars, most notably Stephen Crowley and David Ost (2001) made a strong generalization that communist legacies of weak worker self-organization necessarily lead to weak labor in the new post-socialist democracies. Crowley (2004) furthermore explained labor weakness in Russia and also the whole post-socialist region as the effect of communist legacies, representing a thick structural and ideological heritage of the past. In addition, Ost argued that labor is a weak actor in the Eastern part of Europe since labor has a weak class identity, ‘procapitalist predilections’, and a ‘consequent undermining conception of self’. Ost nevertheless adds that labor weakness was also due to global economic pressure, unfavorable international political environment and ‘the general crisis of social democracy’ without separating the operation of the two causes (Ost, 2000: 505).

There is an unresolved debate whether labor was generally weak under authoritarian socialisms of Eastern Europe and whether there was substantial variation among cases in the past. While for some scholars unions were generally weak transmission belts in all (state) socialist countries with compulsory membership, other acknowledge some, but still insignificant variation (Kubicek 2004: 24-26). The more in-depth literature however tends to suggest a more significant variation in labor activism, autonomy and trade union functions rooted in the past

(Meardi 2005, Stanojevic 2003a, Pollert 1999). In his criticism of Ost & Crowley's thesis (2001) and especially its application onto the case of Serbia (Arandarenko 2001) Stanojevic (2003a) pointed out that labor weakness in the whole post-socialist Europe cannot be associated with negative labor legacies characteristic to the whole region. As acknowledged elsewhere, authoritarian socialist legacies are not necessarily inimical to civil self-organization (Roeder 1999). A legacy argument conceptualized in this way blurs the existence of at least, diversity in communist sub-groups of regimes (see e.g. Ekiert 2003, Kitschelt 2000, 2003, Bunce 1999), and more concretely the legacies of worker self-organization, unionism, interest articulation and representation, as well as industrial action. Stanojevic (2003a) demonstrated the case of Slovenian exceptionalism of union strength on the bases of *positive* legacies of organized labor during socialist Yugoslavia. Workers in Yugoslavia, who engaged relatively often in strikes, strove towards increasing their autonomy in terms of self-organization especially during the periods of crisis (Jovanov 1979, Arzenšek 1984). Similarly, Meardi (2000: 244) argued that organized labor at least in some cases, as in Poland, 'the reality of work organization under state socialism *promoted* the search for worker autonomy'. In GDR, Czechoslovakia and Hungary 'welfare dictatorships' prevailed, where workers remained politically isolated also with the help of consumerist welfare policies. Although the communist decision makers recognized relative soon separate interests of workers and gradually granted more autonomy to organizations representing worker interests (Pollert 1999), worker solidarity was undermined through informal practices and favoritism between management and privileged groups of workers (Mako & Simonyi 1997, Neumann 1997, Neumann 2001). In contrast, the regime of Ceausescu in Romania was extremely hostile to workers' self organization, showing instances how unions were used as 'mere instruments of penetration and control' (Nelson 1988: 45).

Some scholars noted that the radical change in Eastern Europe had an evolutionary component (Campbell & Pedersen 1996, Stark & Bruszt 1998) which built on a reform from ‘plant to market’ characteristic especially for the 1980s. That is, in many countries the evolutionary change to the market built on ruins of the system and continued even after the collapse of the Eastern bloc (Stark 1989, Stark 1995, Stark & Bruszt 1998). Similarly, the erosion of the communist system of interest representation did not occur from a single blow but was a gradual process that reached its terminal stage in late 1989 (Pedersen, Ronit and Suhij 1996: 112). Thus during the 1980s trade unions in some countries, such as Hungary, Poland, and Yugoslavia but later also others received significant autonomy from the communist parties to reform and reestablish themselves in the liberalizing polities. Unions kept a sizeable membership also during and after the transformation. Thus we can talk more about various legacies of unionism rather than universal legacies across the Eastern bloc. It is striking though that legacies seem to matter, but not negatively as many accounts suggest, and there is more to it than Yugoslav exceptionalism (Stanojevic 2003a, Grdesic 2008). Rather, one is compelled to explore further ‘distinct forms and modes of relations between the state and society’ if not in individual cases than subgroups of regimes (Ekiert 2003: 89).

A general condition to study labor legacies is to give up paradigmatic assumptions about ‘workers’ states’ under communism, and instead study and reflect more on the issue of class and labor politics under late socialism in general, and then across different national settings (Fuller 2000). The question of the importance of and the way how legacies mattered remains valid and important: the issue is to show both the impact, and the specific mechanism of legacies being translated into union capacities after 1989. To do this, one needs to operationalize these ‘legacies’ as shaping union trajectories.

There are rather few assessments in which the actual way of operation of (state) socialist legacies is delineated. In addition to passivity of ‘transmission belt’ unions, Ost (2002) argued that the *new* post-socialist trade unions were ‘weak’ due to their *organizational* form. Since they were organizations which emerged from former movements – as it was the case with Solidarity but also the Bulgarian Podkrepa, they were organizationally inappropriate to cope with challenges of interest representation. Finally, based on research at company level unions in Hungary, Frege argued that the main problem of unions, and their capacity to mobilize and thus become influential is their – inherited - *weak union identity* (Frege 2001: 298). More importantly, Greskovits (1998) asserted that institutional and cultural legacies of ‘communism’ had a demobilizing effect in economic hard times of transition to market democracy, since there was an inherited weak civil society and weak labor, which led to political stability. Thus, instead of protesting violently, in the post-socialist economic depression there was a major *organizational* deficit necessary for raising ‘voice’ (Hirschman 1970) on part of labor. Therefore, the general pattern was a massive individualization through the exit from the labor market into the informal economy, or to a lesser extent, exploitation of employers’ capacity to enforce protective state intervention (Greskovits 1998: 180). It remains even more puzzling how come Hungarian trade unions remained, in terms of membership, so dominant organizations among civil society organizations but were so quiet during transformation (Miszlivecz 1998). Even more so, since polls in 1989 and 1990 in Hungary indicated a strange situation: whereas unions were evaluated moderately well, a great majority (76.2%) agreed or strongly agreed with the statement that workers need a strong intermediary union organization, while 63.5% of respondents indicated that the union had had little or far too little power (Blanchflower & Freeman 1997 454-455)².

² In ISSN surveys conducted in Bulgaria and the Czech Republic in 1993 the great majority of respondents similarly supported the claim that unions had far too little or too little power (Blanchflower & Freeman 1997: 454-455)

Nevertheless, Greskovits' argument on labor passivity faces difficulties when stretched to some other cases, as was the case of 'rebellious' Polish trade unions during system change (Ekiert & Kubik 1999). Other specific legacy arguments also stress inherited *organizational* factors as detrimental for union development. The common right point in these assessments is that unions had some inherited organizational deficits in defining, channeling and representing common interests during transformation and later, which were linked to earlier practices.

However, given the relative significance of 'old' trade unions in the post-socialist setting, we can conceptualize union legacies as ambiguous rather than purely positive or negative. Until 1989, with the exception of alternative trade unions like Solidarity, trade unions were part of the establishment and as such they accepted the ultimate authority and values of respective communist parties and had no experience in mobilizing membership and lacked the organizational know-how in exerting pressure on decision makers. In this sense, we can speak of *negative* legacies as a lack of know-how in expressing voice in a powerful and concerted way. On the other hand, unions had a secured place in the system, they had significant organizational assets, access to information and links to decision makers and some enjoyed more significant organizational autonomy in late (state) socialism. If anything, the ambiguity of these legacies draws our attention to the role of and opportunities for trade unions in increasing their capacities and overcoming their inherited deficits during the period of democratization. In this sense, in democratizing cases, organizational, elite-relational but also programmatic legacies were by far less 'thick' than presumed in the literature. I will return to the issue on union role in overcoming or building on their own legacies and shaping their own trajectories in the fourth section.

1.1.3. Variation at the outcome level: union legacies and 'elite politics' as two intervening factors

An additional finding which I stress against the thesis on labor weakness in whole Eastern Europe is that there is a significant variation among post-socialist East European unions, comparable to variation in established democracies. Most importantly, Armingeon (2006: 3) demonstrated that there is no regionally homogenous East European trade union movement and no homogeneous trade union movements in established democracies. Moreover, there is a huge within-group variation among post-socialist cases similar to variation within established democracies. The demonstration nevertheless found its match in literature on emerging varieties of capitalism in Central Eastern Europe (e.g. Bohle & Greskovits 2012). In many countries of Eastern Europe trade unions remained important intermediary organizations capable of influencing the political process, with varying levels of organizing and mobilization potentials, whereas in others they were barely visible. More in depth comparative assessments of sub-groups of cases also point at a significant variation regarding union density, ‘efficiency’ in influencing decision-making and roles in different Eastern-European countries (esp. Meardi 2005, Avdagić 2003). Specifically, some scholars pointed out the exceptional case of trade unions in Slovenia (Stanojevic 2003a) and to a lesser extent, Romania, Slovakia and Czech Republic (Triff & Koch 2004, Avdagic 2004), which contrasted greatly especially to the marginal role of trade unions in the Baltic states.

Most strikingly, what comes out from these assessments is that variation in union strength or ‘efficiency’ does not correlate completely to variations in detrimental or positive union legacies. Whereas Slovenia and the Baltic states reinforce the correlation, some, e.g. Hungary or most successor states of Yugoslavia with significant history of union reform in the 1980s fare more poorly than the Czech Republic (Avdagic 2003) or Romania (Careja 2007). One has to

agree with the general statement of Stanojevic (2003a) that intermediary or contextual factors mattered for various outcomes in individual cases.

Contrasting transformation of unions in cases with very similar legacies, Slovenia and Serbia, Stanojević (2003a) argued that the decisive intermediary factor were ‘strategic political interventions’ of elites, which ultimately mattered for union destinies. Stanojevic argued that already the late democratizing communist elites and later the democratically competing ruling elites had a great role in not only determining the outcome of transition but also the role of labor in the new settlement. Although Stanojević’s statement that in Serbia ‘Stalinists’ prevailed while in Slovenia the ‘social-democratic’ forces took over is a somewhat essentialist simplification, it correctly stresses not only the significance of the elite, but also of the changing political arena for union activity. The most problematic point what comes out from Stanojevic's argument is that a hostile elite easily defeated strong labor (cf. Arandarenko 2001, Grdesic 2008). To test this point, Stanojevic could have found necessary to explore in a more in-depth manner changing elite-union ties, how presumably or potentially strong unions in Serbia reacted to elite efforts, and eventually how and when exactly did the Serbian union become weak as a result of hostile elite activity. To give an example, although Serbian democratization until 2000 was frozen, at least until then, union density rates in Serbia remained quite high (Upchurch 2006).

I take Stanojevic’s point to look at intermediary factors shaping union trajectories, but it remains unclear which factors mattered and how. As outlined in the previous section, forces of marketization and economic liberalization, size of external debt, political unrest and elite driven politics or weakening state capacities took their toll variously from associational capacities of citizens as well as intermediary organizations in different national settings (cf. Meardi 2005).

Therefore one must inspect the operation of legacies together with other contextual factors in-depth, in a more case by case fashion.

When discussing the transformation of the union movement in early post-socialism, Thirkell et al. (1998: 7-8) formulated the dependency of trade unions and labor relations on changes in the wider environment, a dependency ‘upon the prevailing forms of political and economic organization’ of the entire system (see also Meardi 2005, Stojiljkovic 2001). Although their original and challenging study is focused on actual transformation processes on the enterprise, sectoral and national levels in several countries, regrettably, their analysis stops short when it comes to show in a more in depth manner how the wider political environment mattered for national level union trajectories. Similarly, emerging ideational analyses draw attention to the role of the intellectual elite in constructing the new institutional environment, directly or indirectly affecting the position of organized labor (e.g. Bohle & Neunhöffer 2005). Thus, although it became a common knowledge that unions changed together with the ‘system’, change in the structural arena has not yet been sufficiently incorporated in the explanation of changes within the union movement. In itself, such structural determinism or ‘state’ dependence represents a rather shallow explanation for union trajectories. The main problem is that it assumes union change as passively dependent upon depth and direction of changes in the whole system.

Assessments dealing with union incorporation or accommodation into the new setting commonly point out union dependence on the political elites. Most commonly, union destinies were shaped through various, more or less beneficial ways of re-institutionalization of trade unions (e.g. via legislation) and by designing new roles for organized labor. Among incorporating institutions with which scholars dealt intensively, the most important were

tripartite bodies in charge for social dialogue and collective bargaining. Union activity and strategies were commonly analyzed through an interactive perspective within these tripartite bodies (e.g. Pollert 1999: 141-3). The value of these institutions was evaluated as ‘illusory corporatist’ (Ost 2000) as ‘tripartism without corporatism’ (Reutter 1996) and most adequately as ‘transformative corporatism’ (Iankova 1999) rather marginalizing the influence and relevance of union activity. Apart from pointing out the high importance of political cycles, the most influential analyses pointed out that the left-leaning elites used these labor incorporating channels only instrumentally to avoid social conflict and to receive legitimacy from trade union allies for introducing economic liberal measures (Orenstein & Hale 2001: 261-262). Furthermore, scholars too quickly concluded that unions were passive due to structural reasons (e.g. Crowley 1997) and more instrumental than a real actor, since they were unable to pose a real threat in the political arena (Kubicek 1999, 2002, Hellmann 1998: 204). Before formulating a general meaning of these tripartite pacts across the region, one needs to elaborate more on peak union motives and role in reaching these deals in variety of settings. What was union position on and stakes at entering tripartite or bipartite deals?

In her dynamic and refreshingly creative accounts which built on criticisms of ‘static’ explanations, Avdagic (2003, 2004) made a step forward in conceptualizing trade unions as *political actors* and their relation to elites, but her overall conclusion is misleading. Avdagic argued that for sufficient analysis of variations of labor weakness in CEE countries it is necessary to focus on ‘the interplay between political strategies and institutional structures since the beginning of the transition’. In this sense, labor effectiveness (i.e. strength) in three countries undergoing successful transition – Czech Republic, Hungary and Poland, was derived from ‘distinct paths of state-labor relations’ (Avdagic 2003: 6). She finds the cause of varying degree

of ‘labor weakness’ in strength of ties between trade unions and political parties in the early transition years. Strong ties translated into labor subordination, which lead to highly vulnerable and ineffective collective interest group organizations. There are four problematic points in Avdagić’s analysis. First, the argument is negative: it suggests that the weakness or even the absence of ties to political elites is a condition for or correlates with union strength. Second, state-labor relations are analyzed from a starting point level of institutionalized tripartite bodies. As outlined by some scholars (Stanojevic 2010, Meardi & Gardawski 2010, Iankova 2002) formalized tripartism had country specific, often informal pre-history, including union actions and choices: there were country specific ‘differences in the construction of the tripartite structures’ (Thirkell et al. 1998). Third, state or elite actors were recognized as initiators of these channels of exchange, whereas unions were portrayed as relatively passive actors compared to state actors, at best capable of negative reaction to concrete ‘positive’ proposals. That is, unions were either sentenced to accept neoliberal reforms or gain in modifying slightly these measures. Simultaneously, it was not explored what unions received or demanded in exchange. As Tafel & Boniface (2003) point out, governmental inducements in the form of organizational benefits conferred on unions were a necessary condition of union support for economic reforms. Fourth, whereas Avdagić pointed out correctly the importance of union fragmentation or inter-union competition to union bargaining capacities, the author treated peak level unions as coherent entities and neglected internal organizational dynamics of these complex organizations.

In general, Avdagić’s explanation has a negative bias against ‘politicization’ of unions. Counter-intuitively, however, it seems as if successful unions needed political alliances and ties to the political elites to exert influence. One issue where Avdagić account is silent is the genealogy of Czech unionism: leaders of the Czech unions came in position as politically

acceptable labor representatives to Civic Forum. Other external factors, such as the issue of external debt and its impact on incorporation of labor voice in economic policy making, are also kept aside. Furthermore, union organizational capacities and qualities of better or worse strategies of influence is mostly a function of inter-union competition. At best, Avdagic's account suggests, not necessarily correctly, that organizational weakness stemming from union fragmentation goes hand in hand with (or even dictates) strong alliances with the elite, which again translates and reinforces union subordination and weakness. In the meantime the author ignores the specific union legacies, most notably, *internal* organizational capacities as relevant for shaping labor-state or union-party relations.

The claim that political isolation, pure syndicalism could bring success to the union movement in economically hard-times of post-socialist Eastern Europe is unwarranted (see also Bartosz 1996, Crowley & Ost 2001). The case of the Bulgarian union is here more than indicative (Iankova 2002). Namely, the reformed Bulgarian confederation CITUB distanced itself radically from its 'natural' political ally of the former communist party, appeared on more syndicalist lines, only to find itself in isolation and lose rapidly membership and assets in a matter of one year of 1991 under neoliberal government (Iankova 2001). The argument on union fragmentation on union weakness and politicization does not seem to apply to the case of Slovenia either, where several confederations appeared from 1990. Moreover, in the Slovenian case, trade unions were also very 'political' in forming cross-class alliances with political parties. Finally, the Polish case point also at different conclusion. Namely, in explaining 'rebellious' unionism in the Polish case, Ekiert & Kubik (1999) pointed out that union fragmentation increased competition for members and increased the pressure on unions to establish responsive practices towards their members.

In addition to calling attention to the importance of country specific legacies, this dissertation contests the claim that trade union weakness stemmed from politicization, or strong ties with political parties. These issues again point at the need of careful examination of trade union legacies as well as economic and political determinants behind specific union trajectories. The crucial question of interest to this project remains unanswered in the literature: what could unions do to remain relevant organizations? The question presupposes union activity and capacity in shaping their own trajectories.

However, understandings rarely treat post-socialist unions as active, autonomous and *political* actors in the course of democratic transformation. In case the unions were indeed passive, description of this passivity is necessary, as well as the exploration of the reasons of their passivity. In case they are politically active in forming alliances, accounts suggest that they acted against themselves (Bartosz 1996). As already posited above in the section on legacies, I aim to overcome structuralist and reductionist conceptions, as well as oversimplified explanations on union trajectories pointing at elite or state domination. That is I bring in unions' active role, their capacities and choices over their own development and trajectory. I turn now to assessments which focused on union organizational capacities and strategic choices.

1.1.4. Organizational capacities and choices shaping union trajectories

In the present literature on East European unionism the concept of '*union strategies*' or strategic choices emerged relatively recently, usually linked to issues of organizational capacities and union politics during structurally unfavorable contexts. Most commonly, scholars applied the concept of union '*strategic activism*' and '*union revitalization strategies*' (Frege & Kelly 2003) as well as Hyman's (2001) assumptions on the importance of union organizations as movement-

type autonomous active agents capable of shaping their own fortunes also on East European cases. However, these studies mostly concentrated on union strategies during EU accession and later (see esp. Dimitrova & Vilroks 2005, Meardi 2007b, Triff 2008, Kaminska & Kahancova 2010). A similar strand in the literature focused on union revitalization strategies in new EU member states after their accession (e.g. Krzywdzinski 2010, Bernaciak et al. 2010). Further accounts focused on union choices and ideas in shaping their own trajectories.

The case of ideational analyses, the influence of neoliberal ideas on labor leaders however concentrated mostly on one case: Poland's Solidarity. In his most recent book on Solidarity union in Poland, Ost (2005) showed how the liberal political elite, the anti-labor ideology of late 1980s, along with the Solidarity trade union leadership are responsible for developing right wing, or at least politicized, rather than constructive unionism in Poland (see also Rainnie & Hardy 1995, Gortat 1994b, Weinstein 2000, for Romania also Trif & Koch 2004). The ideational analyses also brought in a historical perspective in observing patterns in union action and interaction with other actors.

Thirkell et al. (1998) and later Dimitrova & Petkov (2005) also relied on a historical perspective and made an important step in outlining the 'evolution of trade union structures and identities' along with outlining union strategies during the post-socialist period. Dimitrova & Petkov (2005: 46-52) pointed out well that organizational capacities and union identities mattered for union strategies. Yet, whereas the authors outlined the evolution of organizational capacities broadly covering several cases along with other contextual factors, it remained vaguely defined *how* union capacities and strategies mattered. Equally, if not more importantly, a temporal dimension is missing from the account: *when* did strategies and capacities matter most? What could unions do in given historical times to emerge as relevant organizations, and when are

these strategic choices possible? I will come up with a definition of strategic choice operationalized for the study of post-socialist union trajectories in the next section.

A comprehensive assessment on the evolution of union strategies and evaluation of unions' counter-moves after the demise of the Eastern bloc in their struggle to become or remain relevant organizations is thus missing from the literature. Following the call of, among others, Kubicek (1999) and Meardi (2005), we need to go back in time in order to locate histories and development of unions and their responses from the years of system change, and even before tripartite bodies were instituted. As Collier (1999), Collier & Collier (1991) and Valenzuela (1989) remind us, the role of organized labor mattered in shaping not only the future political outcomes, but also outcomes in terms of the destiny of labor organizations in democratizing regimes. That is, unions had the chance to use political opportunities stemming from democratizing public space as well as political cycles and elite competition.

The exploratory potential of unions' *political* activity during the process of post-socialist democratization and regime change on union fortunes is thus underestimated. We know that unions were in many 'transition' countries from state socialism the 'strongest social force' (Valchev 1993: 267, also Ekiert & Kubik 1999) at the start of transformation. The paradigm of system change as an elite-led process can be thus amended through bringing in intermediary organizations as not the main but still relevant actors in designing the new political arena. As Kubik (2000: 112) argued, organizing activity and collective actions represent symbolic struggle which '*challenge or support* the hegemonic frame legitimating the incumbent regime's power' (Kubik 2000: 112). Grdesic (2008) argued on similar lines that the application of labor unrest complicated elite-dominated transition certainties which required the elite to include or deal with labor in some ways. Consequently, as a potentially political force interacting with the elite,

unions, as agents capable to organize and mobilize the many (Rueschemeyer 1999: 9), could have actively shaped at least their own organizational trajectories.

However, unions during the change from authoritarianism face specific challenges to establish themselves as powerful actors not only politically but also *organizationally*. In other words, the struggle for relevance includes choices over both political and organizational strategies. Strategies to increase organizational capacities and political significance are linked and cannot be fully separated. For example, accounts on divergent union fortunes in early and mid 20th century stress that unions which achieve a significant level of centralization are able to pay more attention to more general [leftist] issues and are less constrained by parochialism of plant level unions (Huber and Stephens 2001: 25-6; Luebbert 1991: 169-179). Consequently the “level of organization and centralization” of unions is also politically relevant, since, as we know from the power resource school, the “organizational power” of unions and their ‘political power’ tend to reinforce each other (Huber & Stephens 2002: 26). But even in industrialized countries there is no pre-paved path for reaching an organizationally powerful peak level union on the national level. A crucial question is, as Huber & Stephens highlight, whether unions are able to focus on broader or narrower agenda and influence public and rank-and-file opinions on different, more general topics and issues of concern, or remain more parochial. Yet, at crucial periods of time, the consolidation of the organization and its leadership authority seems to be very important, along with strategic choices taken. A consolidation of strong union organizations nevertheless depends also on available political allies and contextual factors – such as institutions governing trade union organization and action.

Studies on organized labor during marketizing reforms in Latin America and Spain are more than informative for studying union capacities and choices in crucial time periods. Murillo

(2001) focused on varying outcomes of labor-government interactions in three Latin American countries. Her interactional analysis within a strict agency centered intensive time frame assumes active role of unions, which has all national and sectoral contexts; and thus sheds light on answers coming from different levels of union organization. Murillo attempts to locate the reasons for divergent answers and achievements of unions (organized labor) vis-à-vis (neoliberal) governmental policies in the (longer) legacies of partisan loyalties, internal leadership competition with resort to militancy; and finally, inter-union competition. She pays special attention not only to peak level union organization, but also to unions in public and manufacturing sectors of economy. Murillo brings in also sub-national levels of union organization and highlights the rather autonomous role of union strongholds in the earlier privileged sectors of economy vis-à-vis the peak level organization (Murillo 2001:5). Union internal organizational capacities become interrelated with the efficiency of political interaction with elites.

In contrast to the bulk of available literature, only some assessments highlighted the relative autonomy of peak level union leaders in selecting and choosing union strategies (Offe 1981, Murillo 2001, Huber & Stephens 2002). A crucial finding available from the classic literature is that trade unions as intermediary organizations or interest groups enjoy significant autonomy from both the political elite and the rank and file. The organizational behavior and ‘operative logic’ of ‘goal oriented’ and ‘system-dependent’ unions as intermediary organizations is neither a sum of the individual preferences of members or groups composing them, nor an expression of group solidarity, nor a mere instrument for manipulation by the state or more powerful agencies (Lipset 1960, Schmitter, 1992: 423). The autonomous behavior of unions is exemplified in union leadership behavior. Union leaders autonomously interpret the situation,

formulate the interests of membership into demands, and choose the optimal strategy for action (Müller-Jentsch 1983: 20). Sabel (1981) developed further the issue of separate interest of union leadership under ‘internal union politics’. Choice over strategy of peak level trade union leaders in critical times may be thus understood, to amend the formulation of Rueschemeyer et al. (1992: 53), as channels through which the class interests are *organizationally and politically* constructed.

The most important contribution on significance and temporal dimension of union leadership choices is the account of Burgess (2004). Redefining Hirschman’s triad of exit-voice and loyalty onto changes in union relations with party allies in Mexico, Spain and Venezuela under neoliberal reform, Burgess demonstrated the significance of union leadership autonomy in shaping their own trajectory in an evolutionary manner. During the negative ‘neoliberal’ shock, the critical ‘choice’ period for union comes when a crisis situation appears in the alliances between left parties and unions, when the latter are in government. In their struggle for relevance, union leaders necessarily balance between political allies and their members. Union leadership resolves the conflict of loyalty variously, depending on several organizational, institutional and political factors. Organizationally, union leadership choice is influenced by union membership and density; centralization or factionalism within the union, as well as deprivations of union members during the crisis. Politically, two factors influence union choice: the union ally’s position and strength in government, as well as alternative political allies. Finally, institutionally, the legal system regulating union behavior as well as the electoral system itself matter. Union leadership choice over strategy depends on whether political allies *or* union members can inflict more damage onto the leaders (Burgess 2004:8, Daniels & McIlroy 2009: 8-9).

In arguing for general relevance of the framework, Daniels & McIlroy (2009) applied the concept onto trade union (TUC) leadership choices in Britain under Blair's and Brown's New Left. They developed further the concept in analyzing the choices and trajectory of national peak level trade union organizations but added that assessments need to remain sensitive to country specific, long term historical (legacy) and cultural issues. Their latter point sheds light also on the issue of designing assessments of European post-socialist trade union trajectories.

East European cases of democratization differed from their Western or South American counterparts in the sense that ties between unions and parties had ambiguous legacies, renegotiated after 1989. Furthermore during transformations, when various economic and political factors need to be taken into account, it highlights once again the specificities of individual cases. Applying the point onto trajectories of East European unions, one must inspect the trajectories of individual peak level trade union organizations, and strategic choices shaping these developments. Although we might differentiate among sub-groups of cases, such as former reform-communist cases or later, the 'Visegrad' countries, given the variety of union trajectories, the claim of Contrepois & Jefferys (2010: 85) deserves attention: 'The transitions were [...] quite different in different CEE countries and so too were the roles the unions played in them and the legacies they derived from' (Contrepois & Jefferys 2010: 85). The dissertation thus recognizes that peak level leaderships faced country specific dilemmas based in specific contexts of elite-led turbulent transformations.

1.2. Research Design and Methods

In order to deepen our understanding of unionism in countries of post-socialist Europe, I develop an analytical perspective through cross-fertilization of three sub-disciplines of political science and political sociology. My analytical framework is informed by concepts from new institutionalism and organizational studies (esp. Powell & DiMaggio 1991, Campbell and Pedersen 1996), the political economy of transformation (e.g. Woodward 1995a, Greskovits 1998, Bohle 2002) and social movement analysis (e.g. McAdam & Scott 2005, Voss 1996). These three strands offer a mix of micro, meso, and macro level data which in turn help me in constructing an informed union centered perspective. Trade unions are understood as attached and dependent on the wider systemic environment, but they are also sensitive to developments on the micro level, for example, to their own members' behavior. Furthermore, as intermediary interest organizations, they have a level of integrity, that is, they are autonomous to some extent from the system in which they operate. Although a similarly complex understanding of trade unions was suggested some time ago (see e.g. Offe 1981), curiously it was never developed or applied to the analysis of East European peak level unions and their post-socialist trajectories.

New institutionalism and organizational studies are extremely helpful in grasping the internal dynamics of complex organizations, but they also highlight the role of leadership and their interaction with political and social actors. It is with political economists that I find the most illuminating insight into the systemic transformation of the countries in the former socialist Eastern Europe. These insights are necessary to understand the broader context in which trade unions operated, but also in depicting the specific historical situations that shaped trade union deliberations and actions. Finally, I apply social movement analysis to cases of trade unions at dramatic times of system change and after the end of an authoritarian period when peak level

trade unions were able to establish new practices of collective action in the political arena. From this literature I use the concept of political opportunity structures (e.g. McAdam et al. 1996, McAdam et al. 2001, Meyer 2004, Meyer & Minkoff 2004) for reconstructing the possible space of union action.

The driving research question of my dissertation stems from the arguments advanced in aforementioned three strands: given the varying degree of success of unions in post-socialism, and taking into account country specific transformations, what were unions able to do on their own to emerge as relevant organizations? This question informs also my selection of cases, particularly that of the successful Slovenian union. The trajectory of the Slovenian ZSSS shows that it was possible for a union to emerge as a relevant actor and shape its own trajectory. But this success is an exception in post-socialist Eastern Europe. In order to understand this Slovenian exceptionality more completely, I selected two cases, Serbia and Poland that show some similarities before system change, but also large variation at the outcome level. Finally my question implies a historical inquiry, which uses retrospective interviews with key actors, textual analysis and the interpretation of available statistical data and historical accounts.

1.2.1. The emergence of unions as relevant organizations. Agency, strategic choice, critical juncture, and path-dependency

For developing a perspective which focuses on unions' active role in shaping their own trajectories, I draw on the following concepts commonly used in comparative-historical research in political science (Collier & Collier 1991, Steinmo et al. 1992, Emirbayer & Mische 1998, Mahoney 2000, Pierson 2003): 'agency', 'strategic choice', 'critical juncture' and 'path-dependency'. Agency denotes actors sufficiently autonomous and capable of interpreting their

structural environment and purposefully acting within it, which is in itself an “internally complex temporal dynamic” (Emirbayer & Mische 1998). A major assumption here is that the structural environment is analytically separable from agency: actors are capable of evaluating, mediating and changing their relationship to ‘their’ structural conditions and existing social relations (Emirbayer & Mische 1998: 964). Thus, concentrating on union leadership or representative bodies of peak level unions, I adopt a union-centered perspective which attempts to answer the question of how unions in selected countries made “sense of and act[ed] on their structural situation” (Nolan 1983: 118).

I refer to the retrospectively assessed, crucial choices of union leaders during the system change period as the union’s ‘strategic choices’. These choices influence later organizational trajectories of the same organizations. I define the content of strategic choices of trade unions more precisely a bit later. First, I introduce them as part of the formal argument. Strategic choices occur within periods of critical junctures and they have causal properties. In turn, critical junctures are part of a complex path-dependent argument, commonly used in historical reasoning of political scientists.

I construct the logical form of the path-dependency argument following Pierson’s account (2003) in conceptualizing causes and outcomes in historical time. For the purpose of causal assessment, history is divided into periods of continuity and “unsettled times” or moments of structural change. Periods of unsettled times are usually referred to as critical junctures, which were especially utilized in the studies of revolution and system change. Such periodization allows “systematic attention” to actors as agencies and their “preferences” (Katznelson 2003: 277). The critical juncture period is an actor centered “critical period” when “time expands”; therefore analysis must follow suit in intensivity (Polanyi 1957 [1944]). Furthermore, critical

junctions create path dependency, that is, critical choices reinforce themselves through the path taken, most commonly through newly created institutions or institutionalized roles (Capoccia & Kelemen 2007, Mahoney 2000, Collier & Collier 1999).

Which period is the ‘critical juncture’ period in cases of post-socialist East European unions? In general, the period of transformation between ‘leaving communism behind’ and constructing a new democratic system in the region represents an actor centered, ‘thick’, intensive historical period *par excellence*. The period represents ‘a sequence of time filled with a process of intensive struggle among different actors’ over institutionalized roles and boundaries (Campbell & Pedersen, 1996: 209). The critical juncture for unions overlaps with the system crisis and intense transformation (“transition”) period bridging the last years of the old system until the start of new regime consolidation, few months after the second multi-party elections.

The aim of the dissertation is thus to explain a long (unfolding) outcome (Capoccia & Kelemen 2007, Pierson 2003) of union trajectories and their institutionalized behavior hypothesizing that they were unfolding from strategic choices taken during the critical juncture period. I test ‘path dependency’ as both immediate and long-term implication of strategic choices but also as the stickiness of (new) organizational practices of unions in the junction period.

It is time now to define trade union’s strategic choice in the assessment of trajectories of the same organizations. The concept denotes the union leadership’s struggle for relevance of both its own authority within the complex organization and that of the peak level union organizations in the political and social arenae. That is, unions navigated simultaneously through storms of internal organizational reforms and increasing their own capacities and shaping their own fortunes in the external political arena. Strategic choices are situated in historical, social, political, and economic environment and they are interrelated with the interaction between trade

unions and political elites, as well as unions and other social actors. For example, the system change towards market democracies offered unique opportunities for unions to engage in protests. Unions as potentially movement based organizations could (re)establish themselves through mobilizing potential members and sympathizers, but also to redefine their political roles and organizational values in interaction with political elites and other social actors.

However, such conceptualization stands only if there is sufficient organizational autonomy of union organizations from the political elite and the state. With sufficient autonomy, as goal oriented agency, peak level unions were self-interested in their own success or relevance in the new environment. I hypothesize that unions could become relevant organizations in post-socialism only if they underwent internal reform, adapted to the new demands of interest representation. In practical sense this meant extension of their own organizational and mobilization capacities, and gaining autonomy from decision makers. The first choice thus refers to deliberations on depth and speed of internal reform and as general self-positioning in the external environment. Unions had to adapt to the new environment also in the crucial sense of using the political opportunities stemming from democratization to exert influence over decision making. This could happen only through seeking political allies. Applying Burgess (2004) considerations, I posit that the second choice of loyalty was based in country specific contexts. During “economic hard times” (Gourevitch 1986) affecting the rank and file members, unions needed to appear on the political arena and form alliances in order to become relevant organizations and gain concessions for short term defeats. That is, the use of “voice” (Hirschman 1970) through mobilization, i.e. organizing protests in order to exert influence, was especially effective if the union had potential and influential political allies. In case where the left wing ally comes to power, but adopts measures harming union constituency, the union leadership has to

choose where it will place its primary loyalty. Unions could conditionally support or silently disapprove of reforms of political allies or engage in loyalty to their membership through protracted mobilization, opposing measures, and loosening or searching for alternative partisan alliances. In this ‘loyalty dilemma,’ as I refer to it, a choice is made necessary that depends nevertheless also on contextual factors at the moment of the choice.

My argument is thus that unions were able to remain relevant organizations *if and only if* they had overcome specific organizational vulnerabilities, adapted to and increased their own capacities in the new environment, *and* practiced autonomous voice in influencing politics and policy-making. I develop the argument in concrete historical critical juncture periods of three selected cases and test its validity for explaining post-socialist union trajectories. Among the three cases, I take the Slovenian ZSSS as my core case, as a peak level union that emerged as a politically relevant actor. I offer a deeper explanation of the success of the ZSSS, through taking into account two less successful cases. That is, I also analyze the trajectories of the Polish OPZZ and the Serbian SSS and in the final step I compare their trajectory to that of the ZSSS.

1.2.2. Case selection: Peak level unions in Poland, and in two former republics of socialist Yugoslavia (Serbia and Slovenia)

To assess the importance of unions’ strategic choices on their own trajectories appropriate case selection is crucial. I employed two criteria: large variation at the outcome level and presumably ‘positive’ unionist legacies in the sense of significant organizational capacities before the start of the transformation. Such case selection incorporates socialist legacies and highlights the importance of unions’ critical choices in shaping their own destinies.

The central case of my dissertation is the dominant peak level union in Slovenia. Up until the EU accession and the global economic crisis, the largest peak level trade union in Slovenia,

the ZSSS had relatively high union density with significant mobilization capacities and actions along with influence over decision making in economic and social policy (see esp. Stanojevic 2003a). The exceptional success or strength of the Slovenian union is widely recognized (see also Crowley 2004, Meardi 2005 Dimitrova & Vilroks 2005, Armingeon 2006), but reasons of its exceptional trajectory are not fully explained, especially not in comparative perspective. In addition to the Slovenian case, two other cases are selected with very different, arguably most dynamic trajectory, but commonalities before the critical juncture period: the dominant trade unions in another successor state of socialist Yugoslavia, Serbia, as well as in Poland. I introduce the selected cases generally and then provide a more detailed justification for case selection.

In addition to the Slovenian ZSS (Confederation of Trade Unions of Slovenia), the selected peak level organizations are the following: the Serbian Savez Sindikata Srbije (Confederation of Trade Unions of Serbia – SSS) and the Polish All-Poland Agreement of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych - OPZZ)³. The SSS and the ZSS were the only unions on the national level in Serbia and Slovenia before 1989, and even in the later post-socialist period they remained the largest organizations, and their selection does not require further justification. In contrast, apart from the legally operating OPZZ, in Poland there was another union in the underground: Solidarity. Interestingly, whereas Polish organized labor during transformation received a great deal of attention, scholars' primary focus was on Solidarity, a union with an agenda that was not strictly limited to labor issues (Ost 2005) and which started its organizational consolidation as a trade union only from 1991 (Ryszard 1998).

³ The SSS and the ZSS changed their names during their trajectory: the ZSS was renamed ZSSS (Zveza Svobodnih Sindikatov Slovenije – Confederation of Free Trade Unions of Slovenia) in April 1990, while the SSS became SSSS (savez Samostalnih Sindikata Srbije – Confederation of Autonomous Trade Unions of Serbia) from 1998.

The OPZZ garnered unjustifiably little attention from the scholarly community⁴. In an effort towards balancing out this ‘injustice’, I deal only tangentially with Solidarity and devote the main attention to the OPZZ. I do not contest the significance of Solidarity for Polish labor, and I acknowledge that it became the largest, most organizationally consolidated peak level union in contemporary Poland. Yet, one must also stress that, as the officially recognized union, the OPZZ had several organizational advantages over Solidarity at the beginning of transformation that were similar to advantages enjoyed by ‘official’ unions in other post-socialist countries (Deppe & Tatur 1997: 248). During economic restructuring the OPZZ enjoyed advantages over Solidarity and other unions since it was organized according to branches of industry (rather than regions, for example).⁵ The OPZZ and its branches had paid experts capable of engaging in bargaining and institutionalized ties to decision makers. Moreover, in contrast to what is argued in the available literature, my point is that a part of the reason that organized labor in Poland was limited in strength can be traced to the relatively poor performance of the ‘official’ ‘pro-communist’ union confederation, i.e., the OPZZ rather than ‘betrayal’ on part of Solidarity. This aspect is especially important if I take into account that in most post-socialist East European countries, new trade unions remained in the shadow of the reformed main inheritors of the former official peak level union organization. In other words, the trajectory and relevance of the reformed ‘official’ union serves as a good indicator for assessing unionism in a given post-state socialist country.

It was convincingly argued that, in contrast to countries of the Warsaw pact, labor legacies were especially beneficial in socialist Yugoslavia, which gave rise to strong unions in Slovenia. Among countries of the former Eastern bloc, the most similar in terms of labor legacies

⁴ for partial exceptions see: Kramer 1995; Kubicek 2004, Avdagic 2003, Pollert 1999, also: Gardawski 1996, Bartosz 1996 but even here Solidarity’s dominant role was highlighted.

⁵ Conversely, OPZZ had weak territorial representation with its 12 main regional offices (Machol-Zajda 1993:45)

and activism under authoritarian socialism to Yugoslavia was the case of unions in Poland. Both countries established worker friendly institutions of worker self management, both had experienced significant worker activism and experimentation with trade unionism. More precisely, after the end of the Stalinist era many institutions of the communist political and economic systems were created in order to include and accommodate workers in decision-making, especially on the level of workplace: the institutions of worker self-management, with the establishment of worker councils. Only socialist Poland and Yugoslavia were classified as worker-led ‘protest countries’ in the 1980s (Walton & Ragin 1990). Strikes and worker protests were interpreted as attempts for independent worker activism, but also examples of struggles for gaining larger union autonomy.⁶ Poland is known for the great intensive waves of worker protests, associated with the independent trade union ‘Solidarity’, while the largest number of recognized strikes occurred in former socialist Yugoslavia. I would expect that, as Rueschemeyer posits (1999: 10) social participation in the past creates a specific positive organizational legacy which helps overcoming problems of collective action in the future. That is, organizational skills are learned and experience is gained.

Accordingly, building on militancy and institutional setup, at the twilight of authoritarian socialist systems, Poland and Yugoslavia were the top candidates for establishing a post-socialist labor friendly arrangement on lines of neocorporatism (Ost 1990, Denitch 1990: 56-58). Yet, it was only in Slovenia, where a comparably strong union movement organization emerged. In Serbia and Poland organized labor is described as weak, but even between these two cases there are major differences in the unions’ political and social significance. In Poland, the former largest trade union federation OPZZ is still socially visible, but it continuously lost capacities to

⁶ Hungary was the third reform communist state which started thorough liberalization already in the 1980s. However in Hungary there was no major labor militancy and industrial action after 1956.

influence, not only to its archrival Solidarity but also to other trade unions. In Serbia, the still dominant trade union SSSS emerged as a very quiescent actor, rarely engaging in militancy. The puzzle is however that these three cases have in common relative institutional similarities of worker self-management and worker activism at the starting point level, as positive contextual legacies for unionist work.

Without doubt, the varying outcome is also due to very different transformation processes in the three countries. Most notably, the massive external shocks during system change were rather different in the three cases: Slovenia seceded from Yugoslavia, sought international recognition and sought quick integration within the European Community, fully directing its export-driven small market economy to Western markets. Serbia faced a shallow democratization, involvement in the Yugoslav wars, international isolation, very deep recession and reinstallation of a semi-authoritarian regime and slow democratization. Finally, Poland experienced extrication from authoritarian socialism through a compromise and then went through a harsh neoliberal ‘shock therapy’ in 1990. It is difficult not to acknowledge the importance and strength of these very different economic and political factors for also shaping union organizations’ capacities. One has to bear in mind that it is not completely clear whether unions involvement mattered in shaping both the systemic outcome and their own trajectories, and if so, how. While my research agenda disregards structural reductionism, it also has a more modest aim. Namely my task is to assess to what extent and how did union activity matter in shaping their own trajectories. Since there are unique features of transformations in all Serbia, Slovenia and Poland, this does not allow strict comparisons across cases, but it is also an important environmental factor which cannot be omitted. Relatively similar general legacies of labor institutions and worker activism also help us little in constructing the starting point for the

analysis of union trajectories. In making the next step I overcome structural reductionism in concentrating on one specific cause: exploring union strategies as answers to external-environmental and internal-organizational challenges, based on specific organizational legacies of the three selected peak level unions. In other words, my goal is to demonstrate how unions used or coped with unique organizational legacies and how they struggled with a variety of country specific constraints and opportunities in order to reemerge as relevant and strong organizations. Consequently, I study individual, concrete cases of peak level union organizations and their trajectories in given historical time and changing country specific structural environment. Only in the conclusion do I come up with a cross-case comparison.

In order to overcome generalizations over legacies of organized labor in Poland and Yugoslavia, I introduce now in a more in-depth manner the selected peak level union organizations, with their specific organizational and political features as of 1987. In addition I also pay attention the particular organizational characteristics ('legacies') and challenges of the three selected peak level unions. First I am presenting two Yugoslav republican peak level unions, the Serbian peak level union SSS and the Slovenian ZSS, paying attention to some commonalities but also differences. After this, I am also describing the organizational characteristics and challenges of the Polish OPZZ. In this description, I rely on secondary sources and internal union reports.

The formal organizational structure of trade unions in Yugoslavia followed the organization of political authorities and communist party cells. There were peak level unions organizations at the level of socialist republics and provinces of the federal state with broad autonomies, which formed the Yugoslav peak level organization. The republican level peak level

unions, among which were also the Serbian SSS and the ZSS were organized on territorial principles. That is, peak level unions gathered union associations organized on the level of local self-governments (self-managing communes). The formal incorporation of trade unions had the implication that peak level trade union leaders became part of overall Yugoslav and republican leadership and had strong ties with communist leadership. There was a mechanism of ‘cadre rotation’ which meant rotation on different functions. Union leaders were politically tested in other political bodies, and tied to the League of Communists. In case they fulfilled their task well as union officials too, they could expect to switch to other political positions (Goati 1989: 444; Arandarenko 1998: 134). In effect, such a constellation also meant that systemic, higher level goals set by the political (and economic) elite were and could not be contested from peak level union leadership. This situation led to inclusion into decision making and access to information, but on the other hand a large distance of the peak level union and its leadership from plant level unions and rank-and-file members.

However, faced with acute crisis of self-management spiced with the debt crisis from 1980 onwards, peak level trade unions and their members could not meaningfully practice their constitutional role in increasing productivity, improving social relations during production, distribution of income, and definition of employment policies and economic policies (Marković 1989: 86). Unions had a self-defeating role: they were supposed to foster ‘worker self-management’ which was dysfunctional and in acute crisis. In the 1980s trade unions, along with worker councils, functioned in a prescribed space, much smaller than they were supposed to operate according to the constitution.⁷ Unions did not have a significant say neither in the

⁷ The federal Yugoslav constitution defined trade unions as voluntary organizations of workers, but also as socio-political organizations and forces with broad and major tasks and responsibilities aiming at the development of socialist worker self-management (Basic Principles of the Constitution VIII). Instead of interest representative

workplace nor could they influence policy making. Under self-management, unions had no experience in organizing collective action of workers above plant level. Typically, workers' ties to unions on the workplace level were weak. During the years when real wages were falling workers voiced dissatisfaction with unions' work. An alarming situation for unions stemmed from this situation, culminating in an increasing number and size of 'wild-cat' strikes without union involvement. While plant level unions were increasingly unable to settle disputes among groups of workers within the institutions of self-management, they were also not leading or channeling worker discontent.⁸ The most important function performed by unions in remained the education of rank-and file, especially through the institutions of worker universities.

There were however two significant differences between ZSS and SSS: in the rigidity of the organizational structure and the functions performed. Under self-management in Serbia, county level union leaders and plant level unionists enjoyed both significant autonomy from and operated in isolation from the peak level organization. In terms of organizational structure, the peak level union had poor communication with local and plant level self-managerial unions, while the latter were often tied to local strongmen (Magas 1993). In addition, there was arguably also more difference in the quality and commitment to unionist work not only at various Serbian regions, but also in various industries and enterprises. Whereas the union of the Belgrade city

organizations, trade unions were among the responsible 'subjective', conservative 'socio-political forces' necessary for development of the self-managerial- socialist system. The constitution envisioned a 'constructive' role for trade unions in settling labor disputes at the sub-plant level (within the basic organization of labor - Act no 48 of the Contitution), cooperation in reaching and revising self-management compacts (Art. 122 and Art. 124) and organizing elections for various bodies (Art. 135).

⁸ Among classic protectionist functions, plant level unions could at best protect individual workers against the unjustified behavior and decisions of managers (Vodovnik 1999: 305), as well as to provide the workforce with non-wage benefits. All employees were automatically enrolled as trade union members, and union fees deducted. Formal rank and file exit was possible, but rare. Author's interview with Boris Mazalin president of Konfederacija 90, Ljubljana 26 January 2007.

level enjoyed an important vanguard role in influencing the agenda of the peak level union,⁹ the SSS relied also on unions from more industrialized regions. In regions with low employment in industry, under conditions of high unemployment and lower wages, a unionist office represented a lucrative position, where political ties to local strongmen mattered more than qualifications.¹⁰ Consequently, union officials from these “passive” regions typically had lower qualifications and skills necessary for an influence over the peak level union.

According to the scholarly assessments of late 1980s, union membership in Serbia was passive, increasingly old and shrinking. The active membership of and confidence in the SSS significantly eroded throughout the 1980s (Seroka and Pavlović 1987; Mircev 1989). The SSS could not effectively advocate principles of building encompassing working class solidarity due to the economic crisis which triggered the political crisis of self-management. Unemployment rates were peaking during the eighties, with especially high levels of unemployed in passive regions and Kosovo. An enterprise driven fragmented labor market spiced with significant parochial-clientelistic logic of employment provided peak level trade unions traditionally with next to no influence on grand scale employment policies (see e.g. Comisso 1979, Woodward 1995a). In turn, whereas the priority of worker councils was at best to keep in sight and monitor economic prospects of the enterprise with limited concern over employment levels and prioritizing the interest of ‘insider’ workforce, plant level unions came in only during negotiations over layoffs.

The ZSS was also in acute crisis due to the paralysis of self-management, but not that extremely as it was the case in Serbia. In Slovenia, sociologists also found that especially low

⁹ Author’s interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006

¹⁰ Author’s interview Gradimir Ivanic SSSS & Milomir Boskovic Valjevo county level union official Belgrade June 4 2007

skilled blue collar workers were alienated from unions of the official Alliance of Trade unions of Slovenia (ZSS), which typically took the same side with management (Arzenšek 1984). However, whereas it was absent from plant level ‘conflict resolution’ on national level ZSS professionalized its activity to a greater extent than it was the case with SSS. This made the ZSS a more active center than its Serbian counterpart. Union activism had a source in a privileged position of labor in Slovenia during self-management. Until mid 1980s, Slovenia was the only republic in Yugoslavia which had almost no registered unemployment. In contrast to other parts of Yugoslavia, the selection of growth strategy with labor participatory inclusive institutions of self-management worked well (Woodward 1995: 283, Schierup 1990: 299). Shortage of skilled and industrial labor provided unions – in cooperation with plant management - with strength against political decision makers. The ZSS was active in definition of generous unemployment benefits, following the Austrian and German welfare systems (Prasnikar et al 2002). For this, the union had to have highly educated and competent cadre. The ZSS was also involved in defining labor market policies in relation to Slovenian ‘national ‘economic interests within Yugoslavia. Since the Slovenian economy in the 1970s and early 1980s experienced a shortage of labor, migration from other Yugoslav republics was encouraged.¹¹ Not surprisingly, in the federation worker self-organization was strongest in Slovenia (Jovanov 1979). Furthermore, in one of the smallest but industrially most developed republic, economic unionism worked well, sometimes attracting support from republican Slovenian political elite against federal regulations.¹²

¹¹ In Woodward’s (1995a) description the cause for full employment in Slovenia was due to ‘an industrially advanced, lean socialist core of skilled workers and commercially attuned manufacturers participating fully in Western trade, a settled labor reserve of private farmers and artisans, and a government of experts and local militia.’

¹² The republic’s unions and firms tended to lead the country in labor strikes, protesting wage controls, and restrictive policies; they were the first to break ranks over federal wage controls and restrictive policies; arguing that because they had shortages of labor, they should not be prevented from raising wages to keep and attract labor. As a result they set a reservation wage for the country [ftn> *Informativni bilten*]. ... (Woodward 1995a: 284) In 1982

The announcement of major changes in the main institutions of the Yugoslav socialist system in the late 1980s opened up also opportunities for trade unions for internal reform, and to reestablish themselves as intermediary organizations. The crucial challenge of ‚reform’ for both ZSS and SSS was the same, but varied in intensity.¹³ First, unions had to become more active in the political arena, while they had to initiate renegotiation and gain greater distance from the leading communists. Unions were to detach themselves from performing an over-bureacratized function in the net of ineffective decision making. Peak level unions and their members had to become a responsive, representative organization of rank and file on voluntary basis (cf. Pavlovic 1989, Cimesa 1989, Mircev 1986). From 1988, the reintroduction of collective bargaining also made internal reorganization of the trade union organization necessary on lines of sectors and industrial branches. Implementation of reforms was to stem and happen under the control of the peak level unions and their leadership, also in order to secure and increase its own authority over its member unions. As I will show in Chapter 2, the Slovenian ZSS was aware of its challenges to adapt to the changing environment, as conditions to become a relevant, strong organization. Consequently, its leadership initiated a thorough internal reform. In contrast, due to Serbian populist-authoritarian developments in the late 1980s, internal reforms within the Serbian SSS were postponed. In Chapter 3 I will describe the case of the SSS.

The process of establishment of the Polish OPZZ in late state socialism symbolized an internal reform attempt of unionism at the cost of compromise. The martial law of December 1981 was directed against the alternative trade union Solidarity, and the union was not re-

Slovenian accountants also launched a successful public protest against the government attempt to reduce the minimum wage by changing the measure of subsistence (Ibid.)

¹³ Aware of the challenges ahead, union leadership ordered researches and external evaluations of unionist work in order to learn about possible ways to reestablish themselves and respond to the problem of low legitimacy.

legalized after its' lift. While the former 'official' CRCZ was not reactivated,¹⁴ a unique institutional design of trade unions via legislative acts took place from late 1982, in accordance with the normalization attempts of social and political life by the governing communist party (PUWP)¹⁵. Trade unions were imagined as a new or revitalized institutional 'channel for participation' for the workers, both a radical break and a new start (Mason 1987: 489). Workers were free to establish various types of unions starting from the plant, and also to create union federations of various kinds. There were however two limiting principles compromising 'new' unionism: according to the Law of 1982, unions had to recognize the leading role of the party, and second, there could be only one trade union at plant or workplace.¹⁶

New unions typically emerged from scratch. First new plant level unions were established, through activism of devoted unionists and organizers, who also knew how to exploit the rudimentary institutions of collective bargaining (Ludlow 1975, Hagemeyer 1995). New unions had to start activities through resolving formal organizational issues, but gradually increased membership on voluntary basis. They also aimed at increasing their assets while coping with scarce resources.¹⁷ The problem of resources plagued both union operation and

¹⁴ The main political aim of post-martial law Poland was 'eradication of Solidarity from public life' (Gebethner 1992: 54). In 1985, harsh changes to the penal code were instituted against those who attempted to strike or organize 'illegally' (for the importance of 'legalism' see Kolankiewicz 1987). Until 1986, Solidarity activists in leadership positions were charged of state treason and jailed, or put under home arrest. Even after amnesty, and release of all political prisoners in 1986, their status remained precarious (Paczkowski 1998: 559).

¹⁵ After 1982 Solidarity developed as an underground organization but later also a very hostile attitude towards the 'new', 'official' unions which took away also resources of Solidarity

¹⁶ The new statute was based on a duality of provisions, incorporating both concessions in terms of labor autonomy but also limitations to trade union activities. In this sense it was stated that the new unions are 'independent of the administrative and economic organs of the state' but they have to recognize the principles of social ownership of the means of production, the leading role of the party, and do not interfere in the foreign policy of Poland. (Mason 1987: 491). The trade unions prescribed real task was to defend the labor related interests of their members, first and foremost focusing on representation and defense of employee rights in the spheres of 'working, social, living and cultural conditions and wages' and cooperate with the state organs in the planning of socio-economic development of Poland. (Mason 1987: 491) Later regulations increasingly emphasized the 'positive' task of unions to 'create the conditions for fulfilling tasks, introduction of technological innovation and raising productivity. (Kolankiewicz 1987: 59). Political functions of the union were not regulated (Mason 1987: 491)

¹⁷ In terms of resources, at least in the beginning the local new trade unions depended on managers, while in many factories they competed and sometimes clashed with self-management bodies (Mason 1987: 499).

attraction of members. Namely the new unions typically started operation with little resources and had to wait until dues were accumulated to make strategic, membership boosting investments. If there were no funds, union officers at plant level would work voluntarily since the management was only to secure unpaid leave but not pay salaries of union activists, what strained further resources of the unions. They also had to find their place under newly instituted 'self-management'. The newly established unions often ran into conflict with workers councils or non-union members over allocation of goods purchased and distributed through factory funds and stores (Mason 1987: 496-499). On the higher levels of self-organization, among new union federations, there was an increased competition for the property of the other two trade unions (CRCZ and Solidarity): in the contest, union membership counted. While there was a great deal of controversy how to distribute assets of former CRCZ and Solidarity, such competition further undermined worker solidarity among sectors and industrial branches.

This union revitalization eventually brought to the establishment of the new peak level trade union federation, the OPZZ. The union was created in 1984 but stabilized its structures only at its first congress in 1986. It emerged as a loose federation, an alternative to both highly centralized-bureaucratized branch union model of the pre-1980 CRZZ (Central Council of Trade Unions) trade union, but also to a territorially (regionally) based, trade union model of Solidarity. The OPZZ did not rule out possibilities of autonomous mobilization ('solidarity strike') and the principle of embeddedness on the grass root level. Therefore member unions of the OPZZ had legal and financial autonomy from the center. The OPZZ emerged as a loose confederation, divided by a variety of occupational, sectoral, professional but also territorial lines (Kolankiewicz 1987: 58-59), where connections and the conflict-managing skills of its chairman Alfred Miodowicz counted critically for the authority of the peak level organization. The unions'

chairman became member of the highest organ of the PUWP, the Politburo with the pragmatic aim of both exerting influence over decision makers, but simultaneously also to increase his authority within the union.

On the level of influencing decisions, OPZZ and its members were put into situation to fight for economic growth and productivity but also against some aspects of reforms hurting bread-and-butter interests of their constituency. In order to be efficient in representing a voice of employees, the OPZZ and its members typically had to cooperate with management and decision makers.¹⁸ The majority of society saw the new unions as orchestrated, and cooperation with communist decision makers was judged unacceptable. Commentators judged the OPZZ as a prime example of and 'extensive inclusion and strategic exclusion' of forces of society under the banner of normalization of the post-martial law regime (Kolankiewicz 1987: 153). The union OPZZ was to raise voice in legislative matters affecting the workers' interests, consultation on new economic plans and price increase proposals, even criticizing some governmental policies. (Mason 1987: 500). OPZZ started its activity lobbying for increases in pensions, tax-system modifications, loan and holiday funds and other economic ('non-political') issues. In 1985 they demanded decision- binding, rather than consultative powers (e.g. concerning housing and the allocation of social funds) yet they got only paid leave for activists and modestly stronger consultative powers (Kolankiewicz 1987: 65). In 1985 the OPZZ nominated its own candidates directly to the Sejm. Union representatives were to influence legislature according to the interests of their members. Yet, as a minority fraction they lost unwanted battles of the stronger part in the sensitive areas of (increasing) working hours, working conditions losing competencies to

¹⁸ They had to cooperate with both the management and self-management bodies on personnel matters; to raise the professional qualifications of employees, raising the productivity level, and supervising safety and hygiene standards (Mason 1987: 496).

management and ministerial bodies. They even lost the right to strike during negotiations or disputes over collective agreements (Kolankiewicz 1987: 66).

During transformation, the OPZZ had to resolve a dual challenge for ‘authenticity’ and influence. First, it had to increase social and political legitimacy through actions, in proving its commitment to worker interests vis-à-vis decision makers. The second challenge was organizational. The OPZZ emerged as a new type of organization, but it was built on the principle of harmonizing and coordinating among the interests of its independent member unions. The union had to increase its membership base in order to become more influential but also to stabilize its resources. As I will show in Chapter 4, the OPZZ selected concrete strategies to emerge as a relevant organization. However, the costs of economic transformation and the competition coming from anti-communist forces associated with Solidarity undermined consolidation on lines of internal organizational structures and strained further union resources.

1.2.3. Case study methods, and historical and statistical data

Whereas it focuses on peak level unions choices and internal organizational dynamics, in the project I also incorporate the wider context of transformation in ‘structuring the narrative of a critical juncture’ (Capaccio and Kelemen 2007, George and McKeown 1985) in the three selected cases. The tracing starts from a situation in which several options were open (George and Bennett 2005: 205-232) until ‘sticky’ choices are made, costly to be reversed. Since the analysis focuses on actors, not structures, ‘it carefully traces the positions of the key actors, connecting their decisions with their consequences, and ultimately offering a stylized but compelling reconstruction of the key decisions and choices that produced the final outcome’ (Capaccio and Kelemen 2007). Process tracing allows pinpointing and analyzing major events of internal organizational choices, militant actions and interaction with the elite. Through process

tracing I brought in empirical data strategically which allow a construction of causal narrative (Stryker 1996).

In the selected cases, the period of critical juncture includes the last year of communism (1988) until the institutionalization of the role of labor months after the second multiparty elections (1993-4) in republics and later successor states of Yugoslavia – Serbia and Slovenia, and Poland. In January 1988, economic restructuring (*perestroika*) started in the Soviet Union gave the first certain sign to other regimes in Eastern Europe that dramatic changes are not only possible, but under way. In Poland, the Pope's visit in late 1987 set the stage for change (Kubik 1994a), which along with neoliberal measures lead to new worker strikes and protests in April 1988, paving the road to political change. In September 1988 the political process of transition started through an agreement between Solidarity and the communist authorities on holding the so-called Round Table negotiations. By the end of 1988 wide-ranging reforms started throughout Yugoslavia. On December 30th 1988 the first communist federal government resigned, allowing a pro-market federal government to take seat. In Serbia, by February 1988 Milosevic finished the political coup against Stambolić, the main executive authority on the level of the socialist republic. In Slovenia, the first non-communist party Social-Democratic Alliance of Slovenia (SDZS) was formed in early 1988, spurring from a strike of metal workers in December 1987. In April 1988 the Materials on the New Democratic Slovenian Constitution were published, and the 'Trial against the four'¹⁹ started the political campaign for secession of Slovenia from Yugoslavia. The temporal end point of the intensive period is a point near the date of second multiparty elections, taken as the start of consolidation of the post-socialist regimes and the last legal regulations or pacts regarding union formation, participation and representation, with trade

¹⁹ The process, also known as the Ljubljana trial or JBTZ trial, was a political process held in a military court in Ljubljana, against four Slovenian journalists who published secret documents compromising the Yugoslav military.

unions. In Serbia this point is the pact between the union and the government - institutionalized in a decree on wages during international sanctions, few months after the second multiparty elections. In Slovenia in March 1993 the Law on union representation was adopted, few months after the second multiparty elections, while at the end of 1993 a major barter was agreed before the establishment of the tripartite body in April 1994. In Poland the Pact on State Enterprises symbolizes this end point - signed in February 1993 but adopted with modification in February 1994²⁰: the second multiparty elections were held in September 1993. In all three cases, especially union congresses as well as events of (or chances for) major union unrest – all bringing to major changes in national governments – will be closely examined, shedding light also on the internal organizational dynamics and implications: the warning general strike of dominant unions in Slovenia in March 1992; the Serbian sectoral strike of metal and textile workers in April 1991 and the unrealized general strike of late 1992 until mid-1993; and the strike of education and traffic in Poland in May 1993, along with no-occurrence of protest in case of OPZZ affiliates in 1994.

The dissertation continues with the three empirical chapters on peak level unions' struggle for relevance and trajectories in Slovenia, Serbia and Poland. The cases of SSS, ZSS and OPZZ follow a two-step argument of peak level union fight for relevance. First, I examine the dynamics and scope of internal union reforms as a way of organizational empowerment and self-positioning and adaptation to the new environment. More specifically, I inquire to what extent union leadership solved organizational challenges in their struggle for relevance. Second, in case the peak level unions emerged as sufficiently autonomous organizations, they typically faced a situation of loyalty choice between party allies in power advocating welfare cuts, and

²⁰ established by the Council of Ministers' Resolution No. 7/94 of February, 1994 on the creation of the Tripartite Commission for Social and Economic Affairs.

representation of rank-and-file demanding responsiveness. Finally I inquire about the ‘stickiness’ of these choices. In short, in the following chapters I demonstrate that the Serbian SSS did not reach sufficient level of autonomy necessary for a ‘loyalty-choice’, partly also due to its conformist stance vis-à-vis decision makers. Whereas both ZSS(S) and OPZZ underwent organizational reforms and broke out from political isolation with the help of external allies, it was only the ZSSS which was able to invest in its autonomous voice and defect from the implications of a partisan loyalty. In comparison to the OPZZ, the success of ZSSS was the result of more favorable contextual factors (Burgess 2004) and resources.

The project relies on historical methods of data gathering and analysis: archival research, interviews, content analysis, quantitative textual analysis. Basic statistical data is also used for assessment of important indicators such as trade unions’ membership density; indicators of the changing structure of the economy etc. The analysis relies on publicly available data for the 1988-1993 period and later, mostly newspaper articles and documents, on changes within trade union organizations, trade union internal debates, congress documentation, reports and documents from strike and protest activities, negotiations with state authorities, employer organizations, political parties and other trade unions. Additionally, interviews were conducted with labor leaders and activists. For the later post-socialist period, I use secondary sources, available historical, economic, sociological and anthropological studies on workers’ activism, (ideological) attitudes, and various reports on trade unions in Poland, Serbia and Slovenia in post-socialism.

Chapter 2. Slovenia's ZSSS: Escalation Tactics and the Insider-Outside Problem

In this chapter I analyze the strategic choices the Slovenian ZSSS in the pattern formation period (1988-1993) and its importance in shaping the union's post-socialist trajectory. Guided by its capable political-entrepreneurial leadership, by 1993 the ZSSS established itself as a powerful social actor, capable of grand scale mobilization irrespective of governments in power. The ZSSS developed a publicly recognizable labor agenda, established self-empowering organizational practices, and invested into strategic mobilization of the rank and file. The union emerged as an active social force and was a significant player in ideological struggles and concrete policy making throughout transformation. The ZSSS refused to become a hostage to partisan loyalty. Instead, it used escalation tactics and successfully combined conflict and compromise. After a series of grand scale mobilization, turns in negotiations, and continuous rule of broad coalition governments, the ZSSS struck a complex deal in late 1993, securing long-term benefits.

The ZSSS' made a risky, yet successful choice to engage in large-scale conflicts in order to reach a complex deal. My general argument is that this outcome required both sufficient organizational capacities and calculated activism in the political arena. The union opted strategically to turn itself into an interest group actively shaping the political arena that was prone to both militancy and engaging in bargaining. Symbolically, the ZSSS established itself as a political organization with a distinct agenda at a carefully calculated moment, just before the first democratic general elections in April 1990. The ZSSS emerged as a *political* organization

par excellence, consciously using its political weaponry, mobilizing for collective action and always prepared to negotiate and exert influence. I call the union's 'patterned' strategy of using both militancy and negotiations in critical situations 'escalation tactics'.

Apart from describing the formation of the union's strategy, I show how the union's escalation tactics was possible. The organizational and political representational prerequisites were manifold. From late self-management the ZSSS developed its capacities for organizing industrial action, increasingly engaged in strikes in order to influence decision making, and took active part in creating new institutions governing union action. In addition, the ZSSS followed politics intensively and made use of opportunity structures stemming from weaknesses of various broad coalition governments that required union support during the struggle for independence and international recognition. Although it necessitated strong partisan alliances, ZSSS sought to preserve autonomy from party influence through its own regulations on links to political parties. Moreover, the effective multi-party system with proportional representation allowed the entry of several left or center-left parties and enabled a strategic search for temporary and long term allies, often surpassing partisan divisions. An additional important element behind effective worker interest representation in struggle with the state was worker inclusive insider-led privatization and co-management, and a strong interest representation of 'worker-insiders' in coalition with management in large, successful export oriented enterprises.

What follows is structured in the following way. The next section describes how the union defined its position in the political arena during the peak of the critical junction period of 1991-1993. The second and third sections outline how and why this specific self-positioning, as a series of critical choices has unfolded, and what made these choices possible. The second section deals with the internal organizational reform of ZSS(S) from late self-management until the

organizational consolidation of late 1991. I show that the union overcame concrete organizational deficits and adapted the organization to the new environment. I also stress that co-management and insider-led privatization were central issues of concern for the union leadership and its constituency. The third section describes the four factors (Burgess 2004) which allowed a militant and assertive strategy and choice: large membership size and mobilization potentials; a beneficial legislation governing union action during the gradual evolution of institutions from self-management; a divided political elite allowing for relative union autonomy and an array of alternatives for political alliances; and inclusive new organizational practices and election of a new, popular and effective leader. The final section deals with ZSSS 'sticky' behavioral features along its trajectory until the recent global economic crisis. It also looks at the implications of union commitment to principles of its original program for union trajectory even after EU accession. Although unionism lost some ground after 2004, I argue that the current union crisis is related first to the insider-outsider cleavage which is closely linked to the crisis of Slovenia's increasingly deregulated 'capitalist' economy and EU induced financial deregulation. These changes nevertheless pose an interesting question about the stickiness of the successful practices of ZSSS established in the critical junction period in what was then a substantially changed environment. In what sense can we talk about stickiness in established union behavior? Will the union now strictly follow its organizational practices established in the critical junction period, or have they established a more fundamental ability to once again swiftly adapt to newer changes?

2. 1. The successful pattern of escalation tactics

In August 1991, the draft law on privatization was the first to stir a major protest from an until then quite quiescent ZSSS. The union demanded a redrafting of the law with union

participation and organized a union conference in order to lobby against the law. Building on political elite disagreement, the ZSSS argued that the draft law was not protecting the Slovenian national interests, but that it enabled a sale at discount prices to foreigners. The ZSSS furthermore argued that a law on co-determination should come before the law on privatization as a fundamental piece of the social agreement between labor and capital. In September even harsher criticisms followed, this time also occurring together with worker protests, especially in the metal industry. Simultaneously, during the process of the disintegration of Yugoslavia and the mounting international insecurity of the newly independent state of Slovenia, ZSSS' activity contributed to a Slovenian exemption from sanctions from the European Community in late 1991.²¹ Using the fact that the political elite needed and rewarded union cooperation for securing international recognition, the ZSSS was intensively lobbying for the introduction of laws on social security, pensions and disability, health insurance and co-management.²²

The second issue which provoked a reaction from the union was incomes policy, under the pretext of macroeconomic stabilization. In January 1992, the centrist, anti-communist coalition government of the newly independent Slovenian state introduced a wage freeze, which annulled the main clauses of the collective agreement dealing with remuneration. At the same time it also invited trade unions to sign a social pact. The unilaterally defined income policies made the union furious. While ZSSS' chairman welcomed the government's willingness to sign onto a social pact as a necessary part of Slovenia's development, he refused to sign it on the

²¹ In November 1991, the ZSSS contacted unions in other EC states to press their own governments in lifting sanctions on Slovenia, arguing successfully that it would harm workers.

²² Vinko Vasle 'Sindikati jezni na vlado, ker hoče zamrzniti place' *Delo* August 3 1991; 'Vlada pozablja na breposlene?' *Delo* August 13 1991; Gordana Pipan 'ZSSS ocita drzavi, da je pozabila na delavce' *Delo* August 7 1991, 'Veliki socialni pretresi so pred vrati' August 8 1991 Majda Stuc 'Sindikat zavraca predlog o lastninjenju' *Delo* August 27 1991; 'Veliki socialni pretresi so pred vrati' August 8 1991; 'Trd boj za privatizacijo' *Delo* September 14 1991; Rajko Lesjak 'Crni Peter(le)!' *Delo* September 17 1991

simple principle that the union could not accept the building [*graditi*] of the 'development of Slovenia at the cost of poverty'²³. The ZSSS not only refused to sign: due to the late notice, it even refused to enter into negotiations with the government. The union leadership fully undertook the risks and burdens of starting a militant conflict with the government. The union chairman skillfully used his public appearances, visits to enterprises and press conferences to criticize governmental policies as against worker interests.²⁴ Decrees harming workers and the unemployed were even appealed against at the constitutional court²⁵. At a press conference in February 1992 the ZSSS announced a warning general strike²⁶. The strike threat repeated earlier demands that collective agreement be respected, the wage freeze be rescinded, and repeated the request that the law on co-management should take priority over the law on privatization. The government was desperate to negotiate a compromise²⁷ but could not avoid ZSSS' launch, with the support from the main opposition parties, of a successful and massive warning general strike in March 1992 (Kavcic 2002). The strike proved both the ZSSS' concertation capacities and, equally importantly, it established the union as a powerful interest group in the political arena. However, although the union had won a major battle which boosted its moral identity and strength, it was still facing a series of battles.

After the strike, the parliament put the wage freeze *ad acta*. Moreover, intensive exchanges and consultations with union leaders followed up in closed meetings.²⁸ Negotiations

²³ Polona Malovrh: 'Cim vec indikativ v republiko skupcino' *Delo* January 14 1992.

²⁴ Ibid, see also Vlasta Felc 'Pot do soupravljanja v podjetjih bo dolga' *Delo* January 28 1992.

²⁵ Majda Vukelic 'Sta sklepa o zvisanju nadomestil nezakonita?' *Delo* March 3 1992.

Jelena Gacesa 'Nasilje nad sindikati' *Delo* February 4 1992.

²⁶ ZSSS did not invite other trade unions to participate in the deliberation. Jelena Gacesa 'Odgovor na oglusenost vlade: najprej opozorilna stavka' *Delo* February 25 1992.

²⁷ Tonja Slokar 'Jezni sindikati, izgubljena vlada' *Delo* February 29 1992, Tonja Slokar 'Bo vlada rezala place' *Delo* March 3 1992.

²⁸ Jelena Gacesa 'Place, cene, socialni pakt' *Delo* March 25 1992.

did not last long since further disagreements within the governing coalition intensified, and in April 1992, the government fell apart. An interim government, led by the pragmatist-centrist Liberal Democratic Party (LDS) was elected until the next elections were agreed.²⁹ ZSSS conflicts with the interim government and the ruling parties continued, especially when it came to collective agreements and policies affecting social welfare. In August 1992, the union organized a conference in order to recommend a call off the adoption of the Law on Privatization. However, the parliament adopted the law shortly before the new elections, thus out-maneuvering the union.

At the preliminary parliamentary elections in late 1992, one of the main party allies of the union, the Socialist Party did not pass the threshold for parliamentary representation. In turn, the other party allied with the union, the Workers' Party, established a loose electoral coalition with the largest main successor of the Slovenian communists, the SDP (Social Democratic Renewal of Slovenia - *Socialdemokratska prenova*). In May 1993 the parties especially close to the ZSSS established the United List of Social Democrats, the ZLSS (Združena Lista Socialdemokratov Slovenije), under the leadership of the SDP. Within the new broad coalition government, the ZLSS gained control of the Ministry of Labor and Social Policy.³⁰ Before 1991, social policy was fragmented to local self-governments and enterprises, but state independence necessitated centralization (Svetlik 1993). Cooperating closely with its party ally coalition partner on instituting and centralizing social policy, the ZSSS was able to gain in authority and increase its capacities due to its active participation.

²⁹ Elections were planned for autumn, but as it turned out, were not held until December 1992.

³⁰ 'Zgodovina' *Socialni Demokrati* <http://www.socialnidemokrati.si/predstavitev/zgodovina/>

After a new, broad coalition government led by the LDS was formed in early 1993, conflicts continued especially over income policies. The new left-center government resisted union pressure and even overruled the general collective agreement for the non-public sector that the union had signed with the Chamber of Economy. The union then proved that it was critical of both 'left' 'reformed socialist or communist' and 'right' leaning 'anti-communist' governments. In March 1993, when the government proposed an act on freezing wages to the parliament, the union backed a veto of the second corporatist chamber to the parliament, the State Council³¹. Yet, ZSSS could not prevent a repeat vote on new wage freeze law, but could only respond with protest in front of the parliament. As a last measure, the ZSSS lobbied ETUC to protest to the government – which it did, but this had little effect: the law was not revoked.

As a concession, the union gained by securing its new official position through a Law on the Representativeness of Trade Unions. The law granted high status to peak level unions that met the criteria of representativeness.³² The government also invited the ZSSS and other unions to participate on talks on social partnership. Long meetings and intense negotiations followed³³. Crucial concession deals occurred in June and July 1993. Not only was a Law on Workers Co-Management adopted in this period, but in negotiations with the union leadership, the prime minister increased the proposed discount for workers buying shares of companies to be privatized from 20% to 50%. The ZSSS accepted the privatization offer and these amendments

³¹ The State Council gathered representatives of unions, employers, farmers, churches as well as local territorial constituents. Its main power lay in putting a temporary veto on legislation, making the parliament reconsider a law before its promulgation. In addition it could formulate separate opinions and submit to the parliament on various matters.

³² The law also recognized legal personality and right to own property to newly 'representative' unions. See Vodovnik (1999: 307).

³³ See e.g. 'Nov krog pogajanj med vlado in sindikati' STA April 21. 1993 accessed at <http://nov.racunovodja.com/STA/Novica.aspx?id=652>

to the law were passed in the parliament in June 1993. Still, ZSSS judged the document on social partnership to be incomplete and called for further negotiations.

In late 1993 the ZSSS accepted a new proposal on social partnership. The acceptance came at a critical time for the coalition government, when internal conflicts within the coalition had intensified. The ZSSS was granted a place in the system of social security, through guaranteed governing and supervisory seats in the para-state funds of health insurance, unemployment insurance, and pension and disability risk insurance (Vodovnik 1999: 310).

The formal agreement was signed only in April 1994. Along with an agreement on incomes policy in the competitive sphere, a definition of tariffs, and union wage restraint, the historical agreement also established a tripartite body called the Social and Economic Council. The latter was in charge of reaching social agreements on the most important aspects of social and economic policy (Stanojevic & Krasovec 2008).

What explains this significant achievement of the ZSSS? One part of the answer is that internal organizational capacities of the union mattered. In the next section, I describe how the union reformed itself and adapted to the new, changing environment.

2.2. The internal cause of success: reform as adaptation and self-empowerment

Similar to other unions' work in Yugoslavia during the 1980s (Pavlovic 1989, Mircev 1989, Cimesa 1989), what was at the time called the ZSS³⁴ (*Zveza Sindikatov Slovenije* – Federation of Trade Unions of Slovenia) started and completed a thorough internal organizational reform from December 1987 and early autumn 1991, which helped the union to

³⁴ As it will be outlined in more detail later, the ZSS changed its name to ZSSS in April 1990.

overcome its specific organizational deficits. Two complex tasks were crucial for successful organizational reform and the re-establishment of the union as autonomous intermediary organization representing the interests of workers. First, the ZSS was to distance itself from decision makers claiming to govern in the name of the working class, which allowed it to build its own autonomy and find its institutionalized voice vis-à-vis the political elite. The second task was to establish a firmer footing among both lower level unions and the rank-and file. The latter goal was a necessary condition for claiming legitimacy of representation in the new arena.

These two abstract normative goals were achieved in a series of concrete steps. On the one hand, in the last days of self-management the union gained autonomy from decision makers through the publication of critical programmatic statements, lobbying activity on issues of changes in the economic system, and successfully exerting influence over economic policy. The ZSS exerted influence in the design of crucial institutions which defined the new position of labor and which were to govern trade union action after the end of socialist self-management. After the announcement of the multiparty elections of April 1990, the union, by then renamed ZSSS (*Zveza Svobodnih Sindikatov Slovenije* – the Federation of Free Trade Unions of Slovenia) found new mechanisms of exerting influence over political elite in conditions of parliamentary democracy and changed institutional setup.

As for the second task of internal reform, the peak level union strengthened its organizational capacities through introduction of new organizational practices and redesigning links between the peak level union and member plant and territorial unions for mutual organizational empowerment. At the 1990 congress, the ZSSS changed its internal organizational structure, reestablishing the peak level union as a confederation of nationally organized branch

unions. From then on, the ZSSS invested increasing energy and resources into the creation of direct links with the rank-and-file. Although the reform had several major achievements, the democratic elections in April 1990 and the victory of a broad anti-communist coalition, drew attention to the fact that the union had not completely overcome its legitimacy crisis. Internally, the crisis was eventually resolved by mid-1991, when a new leader was elected and changes were introduced in the organizational structure allowing more inclusiveness.

2.2.1. Accelerated reform during the last years of self-management socialism

The first sign of the ZSS giving up its 'official' subordinated role to the communist elite appeared in December 1987. In raising its voice for the first time, the union leadership issued an open letter to the public, in which it criticized the economic and political situation in the socialist republic of Slovenia. For the first time, the ZSS demanded from authorities a reaction to the crisis in the form of policies that would improve the economic and social position of workers, provide them with protection of their rights, and offer answers to unsatisfied workers.³⁵ Amidst worsening economic crisis and an increasing frequency of strikes, the union warned the Yugoslav and Slovenian decision makers about the deteriorating social security of workers. The ZSS formulated programmatic statements on grand systematic changes, stressing the values of self-management, democracy and market. It supported the introduction of a market economy and a more limited role for the (federal) state: a market economy with a reaffirmation of self-management.³⁶ In practical terms, the union lobbied against a restrictive federal debt servicing budget which constrained industrial production. In line with the criticisms of the Slovenian authorities against federal executives, the ZSS and its member union organizations raised their

³⁵ ZSSS 'Porocilo o delu RS ZSS in njegovih organiv med 11. in 12. kongresom ZSS' Ljubljana 1990, p3

³⁶ 'Zahteve delavcev so nedvoumne: sindikat naj bo njihova organizacija' *Delo* June 25 1988

voice against the federal taxation of the market profits of ('successful', export oriented) enterprises which also affected worker incomes and increasingly, jobs (Woodward 1995a: 363).³⁷ In a meeting of Yugoslav trade unions, the Slovenian trade union initiated an unprecedented no-confidence vote against the federal government. As a part of the Slovenian socialist umbrella organization of party recognized social groups (SZDL), the ZSS called for respect of human rights as a necessary condition for European integration.³⁸ The implication of the latter stance put Slovenian unions in heated quarrels and conflicts with their Serbian union counterparts. The quarrel intensified during 1990.³⁹

In the democratizing political arena and opening economy, the union's self-defined task was to become an autonomous interest organization of workers. As such, it formulated new principles and organizational aims as the substance of its activity, among which the most important was the strong advocacy of the setting of minimum wage as the basis of social security of workers and the welfare state. At the meeting of the extended union council in June 1988, the union presidency decided to stop implementation of its program adopted at its 1986 congress, which was in harmony with decisions of the League of Communists, and declared a return to the

³⁷ Woodward (1995a) highlights that the original attack of the late Slovenian communist elite in the late 1980s was launched against (IMF 'imposed'!) federal Yugoslav authorities' centralization attempts over money and credit, on the ground of protection of rights of 'successful' enterprises as 'property owners'. Namely, it was argued that self-managing enterprises were more efficient than central authorities in allocating investments and setting incomes. Moreover, Slovenian representatives used the discourse of capital productivity on increasingly cultural, thus nationalist grounds: it was argued that capital was more productive in the North than in the 'passive' underdeveloped regions and republics of the South. A coalition uniting all labor, management and the communist elite used both conservative ideas (nation, self-determination) and formulated concrete economic policies in terms of wages, employment and investment.

³⁸ V. Zagorac 'Uznemiravanje demokratije' *Vecernje Novosti* October 5 1988. Following suit with the call of Slovenian communist leadership for the need of European integration, ZSS started more active cooperation with unions in Italy, Germany, Austria and Spain, but kept cooperating also with Hungarian unions as well as unions from Ukraine (USSR).

³⁹ The strike of Albanian miners in Kosovo in February 1989 was discussed, along with the consequent violent pacification of it. From 1990, ZSS found unacceptable the Serbian union's unilateral activity in Croatia, in protecting workers of Serbian ethnicity. The cleavage between Slovenian and Serbian leadership were thus mirrored in quarrels between Serbian and Slovenian unions. (Author's interview with Slavoljub Lukovic, former official of the Yugoslav trade union federation, Belgrade October 26 2007) At the congress in 1990, ZSSS declared a break with 'bureaucratized' unions in Yugoslavia. When the independence drive of Slovenia reached its climax in autumn 1990, ZSSS left the Federation of Yugoslav Trade Unions (SSJ).

‘classic’ interest representative function of the union and a different role in the society.⁴⁰ The session also suggested a new principle of unions’ work for a period in which economic insecurity was rising and social rights were under attack. The ZSS council therefore formulated a principle of protection of the interests of a dignified active working class, and against allowing for the emergence of a class of working poor. In this formulation, the basis of social security of workers and their families was work. The ZSS vehemently rejected the possibility of active workers having to depend on additional social assistance. In practical terms, the policy called for minimum standards, most importantly the introduction of a minimum wage to secure the maintenance level of a worker and his/her family. Minimum wages were to be set against newly liberalized prices and also had to cope with inflation. The formulated principles were sent out to local union members for discussion.

The union used the opportunities stemming from inclusion of social organizations into the Slovenian ‘state-building’ project and amendments to the Slovenian Constitution of September 1989 to define itself as an autonomous organization representing the interests of workers. As such, the ZSS not only lobbied for but actively participated in formulating beneficial regulations for union operation in the emerging new setting, and sought constitutional and legal guarantees for its operation⁴¹. As an interest group of workers under newly set rules of capitalism, the union returned to the classic function of intermediary unionism: collective bargaining over incomes and employment contracts. Nevertheless, even after the formal end of socialist self-management in 1989, the ZSS remained committed to the further development of self-management, understood as democratic supervision of processes of governance in the

⁴⁰ ‘Zahteve delavcev so nedvoumne’ *Delo* June 25 1988; Pavle Vrhovec (2010).

⁴¹ The ZSS contributed to the draft of the Law on Enterprises, later adopted with the consent of the union. The federal Law on Employment (‘Zakon o temeljnih pravicah iz delovnega razmerja’ *Off. bull. SFRJ*, no. 60/1989) made collective bargaining and agreements for fundamental institution regulating the relations between employers and employees.

economy and society, with institutionalized consultative and supervisory powers for employee representatives in enterprises and public establishments. Later, instead of self-management, the ZSSS sought the incorporation of organized labor at the enterprise level following the German-style co-management model, relying also on its own experience in the fight for influence over the work council vis-à-vis management. The ZSS worked hard to create the conditions to introduce the institution of collective bargaining in Slovenia. In late March 1990, the Slovenian assembly adopted the Law on Employment with the union's consent.

A radical novelty from the practice during self-management was the ZSS's position on strikes. Taking the advantage of the on-going liberalization of the political arena, the union called for legalization and institutionalization of strikes in order to bring order into an increasingly chaotic and massive conflict.⁴² A trigger to the organizational reform of the ZSS was the crisis of self-management and the rise of strikes without union involvement. In contrast to earlier practice, in early 1988, the ZSS leadership defined strikes as fully legitimate in conditions of wage freezes, under the justification that workers alone cannot carry the burden of reforms.⁴³ The union committed itself to firmly and continuously monitor strikes, contribute to their worker friendly regulation and seek union inclusion during collective action. Since it had won a free hand in designing legitimate collective industrial worker action, the ZSS played a central role in drafting and implementing the institution of strikes. The union defined strikes not only as an expression of social dissatisfaction for higher wages, but also as a demand for more decision making power for workers. In January 1988 the union came up with a concrete proposal: a document on institutionalization and regulation of strikes, named 'Rulebook of

⁴² Up until 1988, the bulk of strikes in 1980s surfaced as wild cat collective actions of workers and criticisms of local trade union cells and sometimes, work councils. Both the number and the size of strikes increased during the 1980s.

⁴³ 'Slovenia is for strikes unless incomes law changed' *Tanjug* (in English) September 6 1988.

Strikes'.⁴⁴ The Rulebook attempted to reconcile the autonomy of strikers and the right to strike with union involvement. Strikers had the right to independently elect a strike committee, but the rulebook also proposed inclusion of union and work council members into the body. Union inclusion was conceptualized as important in formulating realistic demands of strikers, thus in a way disciplining the most 'radical' demands.⁴⁵

First the rulebook was submitted for public discussion, not only in Slovenia but in all of Yugoslavia. Throughout 1988, the proposal was tried out in practice, and modified in the face of criticism, allowing for strikes also without union involvement.⁴⁶ In the end, the union leaders judged the results of the 'Rulebook of Strikes' as satisfactory in terms of worker-management communication and in avoiding larger scale industrial conflict⁴⁷.

The ZSS also advocated a rule that would oblige early announcement of strikes in order to secure timely union inclusion. The union thus sought to empower union cells and activists for situations of industrial conflict since plant level unions tended to seek inclusion only when a strike was already organized and it was too late for meaningful participation.⁴⁸ ZSS leaders felt that plant based unions had not enjoyed enough authority among workers. Plant level unionists admitted that they knew little about strike dynamics and were caught in a situation of conflict. In circumstances of crisis the union was under immense pressure to act, yet, due to lack of trust, it

⁴⁴ In original 'Stavkovna pravila. See''Sindikat i organizator i vodja' *Borba* January 20 1988.

⁴⁵ For critical evaluation see e.g. Tonci Kuzmanic ;Strajk kot opozicija' *Mladina* 1988, no 4.

⁴⁶ 'Kritika na racun scenarija' *Borba* April 14 1988. Some intellectuals criticized the union and argued for the autonomy of strike committees as opposed to conservative union positions. Stavkovna pravila in neodvisni sindikati' Vladimir Arzemšek *Mladina* 88/11 p 32-33.

⁴⁷ Author's interview with Miha Ravnik former ZSSS chair Nova Gorica, January 25 2007.

⁴⁸ The decisive but constructive blow to the 'given' authority of ZSS happened during the long and massive strike in June 1988 in the second largest Slovenian town of Maribor. The strike involved more than 10,000 industrial workers at its peak. Strikers formulated harsh criticisms against 'the union bureaucracy' while union representatives were unable to act constructively. During the culmination of the conflict, ZSS chairman, Miha Ravnik came to address workers in Maribor, in the company of the Slovenian deputy-prime minister. His call to resolve conflicts locally and elect representatives was not received well among the angry workers. Author's interviews with Rastko Plohl president of NSS, Ljubljana January 24 2007 and Ptuj July 23 2009; see also: *Katedra* October 1 1988.

was difficult to communicate with workers.⁴⁹ After the Slovenian ‘hot summer’, as the large strikes of industrial workers in Maribor were termed, the ZSS council publicly defended the right to strike for social rights. In turn, the Maribor level union representative supported demands for wage increase only among those whose wages were below minimum living standards. This feature of taking sides with the lowest paid industrial workers during strikes became a characteristic answer of the union in the following years. In early January 1989, the union adopted the final text on strike regulation.⁵⁰ The cost of strikes would not be paid by strikers if their actions were deemed legal, and no sanctions would be leveled against such strikers.⁵¹ By 1990, defeats of union cells and public criticisms from striking workers were less pronounced, especially in industry.

Tackling industrial conflict regulation and resolution was the first big step in the union’s internal organizational consolidation. In addition, under a slogan of the union’s ‘return’ to the rank and file and collective representation, the ZSS leadership introduced new organizational practices to secure credibility for the union under its new identity. Moreover, the union leadership recognized that its encompassing network of unions and trustees was a comparative advantage to emerging ‘alternative’ trade unions, a network which nevertheless needed maintenance, inclusion and empowerment.⁵²

At the June 1988 ZSS council meeting, union representatives were critical of own activities and raised the problems of insufficient information sharing among the leadership, along with the charge of unprofessionalism. As a response to internal criticism, the peak level union

⁴⁹ 'Bez autoriteta' Vjesnik February 7 1989.

⁵⁰ 'Strajk nije vanredno stanje' *Borba* January 6 1989.

⁵¹ 'Manje strajkova - vise ucesnika' *Borba* February 7 1989.

⁵² Author’s interview with Miha Ravnik, former ZSS and first ZSSS chairman, Nova Gorica See also: Zveza svobodnih Sindikatov Slovenije: *Porocilo o delu ZSSS in njenih organov med 2. In 3. Kongresom. Ljubljana, November 1998.*

was pushed to develop capacities for providing organizational services for member unions and legal advice for the rank and file. After the adoption of the Law on Enterprises in late 1988, which brought back the rights of capital, ZSS organized seminars and educational workshops for member union officials and trustees,⁵³ aimed at building capacity among local and branch based trade unions in terms of collective bargaining skills and knowledge of new regulations. The peak union also supported the reorganization of union cells and offered advice in making effective public appearances. Later, the ZSSS continued to carefully invest in and develop the network of union activists. It not only granted a significant degree of autonomy to member union organizations to participate actively in the public,⁵⁴ but they were also encouraged to participate in public discussion on legislative changes.⁵⁵ The ZSS and its emerging branch and sector based unions supported the organization of collective action of union cells.⁵⁶ The peak level union also set up mechanisms to empower local member trade unions by disseminating relevant information, launching training seminars and offering legal advice.

In 1988, an internal debate also started on the reorganization of the peak level union into an association of branch based member organizations.⁵⁷ The ZSS leadership prepared documents and initiatives that triggered reorganizational processes and sped up renewal of the complex

⁵³ See e.g. a report on an educative seminar Branko Vrhovec 'Iskanje identitete svoje organizacije' *Nasa komuna* March 14 1989

⁵⁴ Already in 1988, plant level union activists were able to raise their voice against the unbearable institutional vacuum, the financial problems of enterprises and its consequences for industrial workers, and their increasingly low motivation for work. See e.g. Vlado Podgorsek 'Volje do dela je vedno manj' *Delo* June 21 1988.

⁵⁵ See e.g. Majda Stuc 'Sindikati zavraca predlog o lastninjenju' *Delo* August 27 1991.

⁵⁶ The contrast between union involvement in strikes in late 1980s and especially those in 1991-92 period is major. Latest from 1990, union cells increasingly sided with protesting and striking labor and developed both a representative and organizational function. See: Lado Struznik 'Tekstilci in cevlarji se pripravljajo na stavko' *Delo* April 25 1990; Iztok Umer 'Ladjedelci pretrgali stavko, a podaljsali seznam zahtev' *Delo* February 8 1991; Joze Pojbic 'Delavci Avtoradgone se ne strinjajo z direktorjem' *Delo* April 16 1991; Slavko Dokl 'Stavkali bodo, dok jim plac ne povecajo' *Delo* April 25 1991; Janez Petkovsek 'Delavci iz Gradenj groze z stavko' *Delo* January 28 1992; Joze Pojbic 'Sindikati: Subjektivne napake krive za tezave' *Delo* February 11 1992; Janez Petkovsek 'V Gradnjah pred stavko' March 13 1992; 'Sindikalni posvet se je sprevrgel v protest' *Delo* February 7 1992.

⁵⁷ The meeting of the union council received an extensive report, first page article in the dominant daily. See: Branimir Nesovic 'Sindikati je za trg, ne za posege drzave' *Delo* June 25 1988

union confederation. The ZSS also changed its own internal organization by establishing and increasing the autonomy of branch based unions. This meant that newly founded branch based unions had the autonomy to establish organizations and develop activities according to own particular interests. The leadership introduced a new mechanism for feedback from territorial union councils and plants on the course of internal reforms and the principles of union work. For example, topics put forth for wider discussion included minimum wage initiatives and the creation of union solidarity funds. Local unions actively participated in discussions, and thus contributed to internal reform.⁵⁸ The ZSS' suggestion on the principle of minimum wage as the basis of defining and protecting active labor received positive feedback. Local unions also supported the ZSS initiative to establish local solidarity funds from a portion of the union membership fees to provide aid to newly unemployed members of unions. Local unions successfully suggested further social and solidaristic functions of unions. Some unions sought active cooperation with local bureaus for social policies in securing education and prequalification for union members and other measures.⁵⁹

2.2.2. The congress of 1990 as the peak of reform and political self-positioning

The 12th congress ZSS was at the same time the founding congress of the reorganized and renamed ZSSS: the new name also included the attribute 'Free' (*Svobodni*). Delegates envisioned union work in the new environment as both a continuation of some positive organizational legacies but in some respects also as a radical break from political subordination. The congress of renewal was consciously designed as a breakthrough in both redefining the principles of unionism in the new political arena and instituting organizational modernization.

⁵⁸ See: Martina Kralj 'O delu občinkega sindikalnega sveta' *Glasilo občanov* (Litija). 1988. No. 10. 'Občinski svet ZSS poziva republiko svet naj nemudoma ukrepa' September 22 1988 Javna tribuna, letnik 27, številka 289.; Milena B. Poklic 'Sindikat ne bo pusal delavcev v stiski' *Novi tednik* [Celje]. June 23 1988. (42) no 25.

⁵⁹ Ibid.

The union launched its congress with carefully calculated timing: just before the first democratic general elections of April 1990. The union defined its new position in the political arena as an autonomous interest group of workers aiming at influencing decision making on welfare policies. Ending a practice of the past, the union declared a distance from responsibility for the crisis (ZSSS 1990a: 3). As a political interest organization, independent from political parties, the ZSSS formulated a distinct agenda both to influence the electoral competition and to influence policy making irrespective of the outcome of the elections. Indeed, no political parties were invited to the congress, but representatives of the social partners – the government and the Chamber of Economy.⁶⁰ The ZSSS chose not to compete directly in elections, but to actively lobby parties in accordance with the union program. The concept was to use the right to propose bills and laws to the parliament, but if necessary also to organize strikes and protests in order to exert influence on legislation. Through the institutions of collective bargaining the aim was thus to secure a direct voice in economic matters. Indirectly, the union considered trying to influence relevant political parties through union members within those parties. An additional element of influence was to monitor the work of parties and demand responsiveness. Crucial was to transform the union into a social force which governments and parties could not ignore.⁶¹

The congress was organizationally well prepared, and designed as the culmination of an intensive internal reform process. The ZSSS was redefined as a confederation, an alliance of 19 branch based unions divided in two sectors. The adopted statute included also the territorial based organizations that had been dominant in the previous system. Since some public sector unions left the confederation, in practice the peak level union was reestablished as predominantly

⁶⁰ The Chamber of Economy was running with compulsory membership as both employer organization and interest representative organization. On the congress see Jelena Gacesa 'Sindikato hoće shoditi' *Delo* April 7 1990.

⁶¹ Miha Ravnik 'Ne bomo pristali na ponizujoco ceno dela' in ZSSS (1990a: 10).

a confederation of export oriented industrial branches. The branch-based reorganization allowed engagement in collective bargaining also on the sectoral and branch levels.

Indicating a modernized and responsive organization, the congress presented evaluation of the results of its two years' work. Union delegates agreed on the principle of the union's active involvement, adaptation and directly confronting the challenges of large scale economic and political changes as the best way to overcome the legitimacy deficit the union was facing with the end of self-management and communist rule (ZSSS 1990c). Accordingly, a set of programmatic goals for implementation was formulated. The ZSSS leadership moreover recognized the necessity of further increasing internal organizational capacities in order to implement the program and engage in concrete action. Stressing the immense pressure from the rank and file and the need to increase union responsiveness, the chairman of ZSSS, Miha Ravnik aptly defined the dramatic challenges the union was facing and a new programmatic self-positioning of the union in the arena: 'There is no real market economy without autonomous and independent trade unions, as well as no economic democracy without political democracy and vice versa' (ZSSS 1990a:3). The union thus put forth a clear labor agenda that was to focus on enhancing employment opportunities and retaining jobs, preserving the dignity of work and maintain a developed welfare state. The ZSSS thus bargained for minimum wage that would allow for subsistence of workers and their families, and called for policies that would stave off a chain of bankruptcy procedures. The union also demanded lower taxes on enterprises, as well as employment generating development plans on the republic level (ZSSS 1990a: 3-5).

The documents produced by the congress (ZSSSa) consisted of two parts. The first part formulated the broader social and political values the union stood for, such as participatory and parliamentary democracy, rule of law, welfare state principles, a market economy with a tight

and efficient labor market, as well as union pluralism. The second part outlined the fundamental aims for which the union was to strive for: social welfare, adherence to minimum and just wage levels, equality, social policy as an integral part of development strategy, knowledge and skill based guarantees of employment, social rights, and rights of workers during redundancy. Given the systemic changes in the polity and organization of the economy, the program insisted on developing and establishing bargaining relations among employer organizations (i.e. the Chamber of Economy), the government, and the trade unions under legislated social partnerships as conditions for the successful operation of the welfare state.⁶²

Crucially, the trade union program had to deal with the market based reform of the self-management system. The ZSSS strongly advocated worker participation in management as well as transformation of socially owned enterprises into entities owned by worker shareholders⁶³. The union's major task was thus to fight for a strong welfare state and social rights through the institution of collective bargaining and agreements, developing complementary relationship with work councils, and to represent worker interests during privatization and at the many non-transparent and shady bankruptcy procedures of that time. The congress adopted five declarations: on collective agreements, social property, culture, implementation of international labor standards, and ecology. The first two declarations were especially detailed. The declaration on collective bargaining and agreements defined strikes as a complementary instrument to collective bargaining. As for transformation of property rights, the union represented the position that workers were co-owners of self-managerial enterprises.⁶⁴ Therefore the union pressed for insider privatization. The ZSSS was very critical towards foreign direct investments (FDI) and

⁶² See Pavle Vrhovec 'Socialni dialog v Sloveniji' n.d. manuscript downloaded from www.zsss.si

⁶³ The union interpreted that under self-management workers were responsible co-proprietors of means of production. See ZSSS (1990a) p.3-6.

⁶⁴ Ibid.

‘fast arriving’ private foreign owners. In an attempt to control the situation, the union demanded a moratorium on selling social property with legal guarantees against lowering and manipulating the value of enterprises. The ZSSS was also to lobby for new legislation allowing worker participation in plant level decision making.

In order to increase its visibility, i.e. to communicate directly with the rank-and-file and the wider public, the new statute created a new institution of union ‘conference’ (*‘konferenca’*). The conference was a special ad-hoc gathering of the union council and local leadership which was given broad decision making powers. The conference was to be convened in critical times for the rank and file and the union.⁶⁵ The aim of conference gatherings was to present to the public union standpoints on certain matters and thus exert more influence over decision making.

Union delegates recognized that participation in grand scale changes, along with public recognition of union progressiveness, was crucial for the success of its goals.⁶⁶ To achieve transparency and gain public sympathies and endorsement, the ZSSS insisted on informing the wider public of its concepts and activity. A clear strategy addressing these deficits involved increased attention to communication with the media and public presentation of issues of union and general concern.⁶⁷ The union leadership launched press conferences and paid ads⁶⁸, while also monitoring media coverage of union activities.⁶⁹ When the media was silent or critical,

⁶⁵ The union conference, as an inclusive decision making deliberative body, was basically a bridge between the 15 member executive council and the congress, combining efficient executive powers with democratic legitimacy.

⁶⁶ Author’s interview with Dusan Semolic ZSSS chair Ljubljana, January 25 2007.

⁶⁷ The congress of April 1990 launched strong, publicly visible messages on new union roles, especially in terms of collective bargaining. See e.g. Tonja Slokar ‘Zajamcene place v primezu sindikatov in gospodarstva’ *Delo* April 6 1990 – on lobbying for higher minimum wages and negotiations with the Chamber of Economy; Jelena Gacesa ‘Svobodni sindikati zahtevajo trinajsto in stirinajsto placo’ *Delo* April 6 1990 on union demand for a profit sharing arrangement – the 13th and 14th month salary.

⁶⁸ A big paid advertisement published in the major daily popularized the idea of the newly ‘free’ trade union . See ‘Moj sindikat’ [My trade union] *Delo* April 4 1990

⁶⁹ Initially, union representatives were critical and dissatisfied with insufficient media attention to union actions See e.g. ‘Svobodni sindikati jezni na novinarje in neodvisne’ *Delo* April 5 1990.

union representatives sent letters to the press presenting their versions of actions and standpoints.⁷⁰

One of the main functions of the union secretary was precisely to raise public awareness on principles of unionism in the new political arena, and frame union positions and principles of collective action, and actively assert union participation in an ‘ideological battle’ for the public opinion. For example, the first grand scale protest of metal workers in the largest and only real industrial town of Maribor in early 1991 was labeled harmful for the state and condemned by decision makers. The ZSSS secretary argued in the press for recognition and not condemnation of decent, organized, and non-violent worker collective actions (Kavcic 2002).⁷¹

Part of ZSSS’ advocacy of union pluralism meant that workers were granted the freedom to establish their ‘own’ trade unions. At the ‘transformation’ congress, ZSSS adopted a document on supporting union pluralism and cooperation, which also included a statement on the distribution of union assets among all unions once the new Slovenian union scene had formed.⁷² In other words, the ZSSS initiated cooperation, but left space for competition among unions.⁷³

2. 2.3. Outcomes of the reform congress: crisis and breakthrough

An issue which threatened the credibility of the internal reform was the reelection of the former union chairman, Miha Ravnik, a former member of the top communist elite. An article in

⁷⁰ See e.g. Rajko Lesjak “‘Mi nismo brez clanstva’” *Delo* April 20 1990

⁷¹ Furthermore, in one press article, ZSSS secretary characteristically argued that collective bargaining is an indispensable element of industrial peace: unions had the right to fight against structural inequalities that disadvantaged workers. The ZSSS therefore demanded a bill on protecting worker rights in hard times. Alternatively, it was argued, social insecurity and a loose safety net could lead to worker riots and uncontrolled action, and ultimately prove an ‘ugly’ feature of the young Slovenian democracy. Rajko Lesjak ‘Kadar oblast in sindikat podoba na ogled postavita’ *Delo* April 30 1991.

⁷² ‘Izjava o nasem sodelovanu z drugimi sindikalnimi organizacijami v Sloveniji’ In: Horvat (1990).

⁷³ Arguably, the ZSSS deliberately opted for union pluralism in order to prove its commitment to free unionism and democratization. Such choice also could have followed also as a reaction to criticism. Namely, an external evaluation of Yugoslav and Slovenian union’s work in the second half of 1980s identified ‘inertia’ and lukewarm conservatism as the main organizational deficits of the union. The main cause for this attitude was organizational monopoly and a lack of competition with other organizations on the scene (Mircev 1989). Later intellectual criticism also pointed out that the legacy of ‘bureaucratized’ operation of ZSSS was the cause of inefficient protection of worker interests. Tonci Kuzmanic ‘Prostor le za dva?’ *Delo* February 2 1991.

a Slovenian daily concluded that although the union congress had adopted a good program, a 'bad' statute had allowed for the domination of 'old' cadres.⁷⁴ Ravnik was moreover reelected at the congress in a highly competitive race, winning narrowly against a talented counter-candidate, Dusan Rebolj. The reelection of Ravnik offered further grounds for criticism from the broad anti-communist coalition government that won the first parliamentary elections few weeks later. Competing unions also questioned the legitimacy of the chairman, echoing other labeling of the organization as anachronistic, 'communist', and 'red'. Characteristically, under the pretense of criticism of the chairman, representatives of union branches and territorial unions which were defeated at elections to the highest bodies of the union had left the ZSSS.⁷⁵ Soon thereafter, two new peak level confederations were formed from splinter union organizations of ZSSS: the regional, service based Konfederacija 90⁷⁶ and the paper industry based PERGAM, led by Ravnik's main opponent for the chairmanship, Rebolj.⁷⁷

The trouble for the ZSSS was even larger. For several months after his reelection, Ravnik's communist past was discussed internally at the ZSSS council meetings as an obstacle to the union's prospects in the new environment. In the emerging system of democratic pluralism, the union lost its guaranteed place and earlier privileges, its pre-established right to information and participation in decision making, and thus had to cope with mounting isolation. Parliament and political parties became the ultimate decision making centers. Characteristic of the limited influence of the ZSSS was what happened with the largely ignored call for a swift definition of

⁷⁴ Jelena Gacesa 'Sindikati se je spet spotaknili' *Delo* April 11 1990. Branimir Nesovic 'Po Ravniku Ravnik' *Delo* April 9 1990.

⁷⁵ Author's interview with Miha Ravnik former ZSSS chair, Nova Gorica, January 25 2007.

⁷⁶ Lado Struznik 'Ustanovili sindikalno zvezo Konfederacija sindikatov 90' *Delo* February 9 1991; Tonci Kuzmanic 'V suzenjstvo zakleti' *Mladina* 1991 no.9 (February 26 1991).

⁷⁷ The drift had both regional (Kranj and the coastal region) and industrial (paper industry) dimensions. In a retrospective assessment, Ravnik pointed out that it was mostly those federations and competitors that were not sufficiently numerous to receive a sufficient number of seats in the highest union bodies that left the ZSSS. Author's interview with Miha Ravnik, former ZSSS chair, Nova Gorica, January 25 2007.

social policy. Yet, the new DEMOS government distrusted big interest groups that had roots in the former regime (Fink Hafner 1998) especially a union whose leader had been active in the highest echelons of the communist Party. Finally, in the political arena the ZSSS faced a serious competitor, a union which had pretensions to become the dominant trade union: the Confederation of Independent Trade Unions of Slovenia, the KNSS.⁷⁸ The KNSS was determined to shape the unionist agenda: it had good links to the governing social democrats and exerted direct influence over both the party and the parliament. The KNSS chairman, France Tomšič was an MP and directly participated in government decision-making, thus also having access to important information. In September 1990 the ZSSS communicated a warning strike threat to the government, but called it off after the Ministry of Labor promised to prepare a program on social protection. More alarmingly, in the union's view the government the prepared program on social policy was not satisfactory; yet it was adopted at the parliament without consultations with the union.

A breakout from political isolation occurred after the chairman resigned at the first union conference in April 1991. The conference also adopted a document which reasserted the union's right to participate in legislative and policy related decision making, influence deliberation, and fight for a socially just society with social and economic security of workers. In addition, in a very liberal manner the ZSSS called for cooperation among unions, refused the law on union representativeness, and declared that state registration should not limit the formation and activity of unions. The ZSSS thus offered a strategic answer possibly to gain in public legitimacy, that is, to prove its commitment to democratic values and union pluralism to the wider public. But the

⁷⁸ The KNSS was established in March 1990 as an anti-communist democratic peak level union. KNSS was initially very hostile to the ZSSS. Its chairman, France Tomsic was both the leader of the large strike and public protest of a Ljubljana based metal plant in late 1987, but he was also the founder of the anti-communist Social Democratic Alliance of Slovenia soon after.

call for union cooperation was also a reaction to the rather aggressive ideological campaign of the anti-communist KNSS, which moreover tried to increase its foothold in metal.⁷⁹ Whereas the KNSS was rather hostile to the ZSSS, the other two confederations, Konfederacija '90 and Pergam were mediating in between the two.⁸⁰ As it turned out, for the ZSSS, the willingness of the other two confederations to cooperate was decisive in increasing its capacities to shape the unionist agenda.

In June 1991 ZSSS delegates elected a new chairman, a charismatic leader and capable organizer. Equally, if not more importantly, the new union chair, Dusan Semolic was a professional socialist politician, formerly a reform oriented city level political authority,⁸¹ at the time an MP of a minor Socialist Party. Semolic skillfully used his public appearances, visits to enterprises, and press conferences to criticize governmental policies as harmful to worker interests.⁸² As an MP, he had access to crucial information and was able to be heard in the parliament. Symbolically, the new union chairman's first public appearance happened in mid June at a large joint protest of metal, textile, and construction unions. The protest occurred when the state needed union support and cooperation during the struggle for independence.⁸³ At the protest the new chairman reminded the government that successful state-building also has economic dimensions, and that therefore it was vital to implement programs on economic development which would maintain high employment levels (Kavcic 2002). ZSSS reached a

⁷⁹ The competition for metal constituency was between the ZSSS and the KNSS only, but quite harsh, full of mutual accusations. As of ideology, articles in the periodical of the KNSS '*Slovenec*' challenged the ZSSS stance and legitimacy on issues such as privatization, the communist past, and union assets.

⁸⁰ Author's interview with Boris Mazalin Konfederacija 90, Ljubljana 26 January 2007.

⁸¹ Semolic started his political career at the local Ljubljana level of the umbrella socialist civil society organization (SZDL), later moved onto the Central committee of the Slovenian communists, and finally was elected for secretary of SZDL on the republican level in 1987. The Socialist Party was the party of transformed SZDL, where Semolic remained in top leadership. Vinko Vasle 'Portret tedna: Dusan Semolic' *Delo* March 21 1992

⁸² Polona Malovrh 'Cim vec sindikatov v republiško skupščino' *Delo* January 14 1992, Vlasta Felc 'Pot do soupravljanja v podjetjih bo dolga' *Delo* January 28 1992.

⁸³ In late June 1991, ZSSS accepted the invitation of the government to consultations for cooperation and social peace during the struggle for Slovenian independence.

common agreement with other trade unions not to sign a social pact⁸⁴ unless general collective agreements are respected and that the wage freeze law is revoked.⁸⁵ Although the KNSS and the ZSSS held positions close to various, mutually antagonistic political parties, and they were in competition for the allegiance of the metal workers' constituency, the mediation of the other two confederations kept these two unions in communication.⁸⁶ Since there was more competition than conceptual difference between the ZSSS and the KNSS,⁸⁷ an agreement on common trade unionist lobby was reached in early 1992. The unions refused to negotiate on the social pact until the government abandoned its law on wages, implemented existing collective agreements and formed a tripartite body. The ZSSS also started building *ad hoc* strategic alliances with other unions as well as civil society organizations, especially organizations of the unemployed.

The ZSSS experimented with establishing its own party, the Workers Party Delavska Stranka Slovenije - DSS) in February 1991, with highly limited success. The union therefore relied more on preexisting 'natural' ties with the main inheritors of the communist party SDP (Fink-Hafner 1994b). The DSS had entered a loose electoral coalition with SDP in late 1992. After the elections, in May 1993 together with a faction of the SPS, the RP created a new

⁸⁴ 'Sindikatom ne bo na pogovor o socialnem paktu' *Delo* January 9 1992

⁸⁵ Jelena Gacesa '13.170 SLT je za delavca zaljiva placa, meni sindikat' *Delo* January 20 1992. Trade unions were united in their claim of not giving concessions to the government, and to continue joint negotiations Jelena Gacesa 'Sindikalne zdrahe ne bi smelo zamegliti skupnih prizadevanj' *Delo* January 29 1992; Jelena Gacesa, Bozena Kriznik 'Zahteve sindikatov kot pogoj za socialni pakt' *Delo* January 21 1992, Jelena Gacesa 'Brusenje sindikalnih stalisc' *Delo* January 8 1992, Jelena Gacesa 'Sindikati bodo razmislili o skupnem boju za place' *Delo* January 9 1992; Jelena Gacesa 'Dogovor sindikatov o tem, kako se bodo dogovarjali' *Delo* January 18 1992. Bozena Kriznik, Jelena Gacesa 'Vlada, gospodarska zbornica in sindikati so zaceli pogajanja o socialnem paktu' *Delo* January 21 1992

⁸⁶ Arguably, metal constituency and their competing metal branches were the obstacle and line of conflict between ZSSS and KNSS. See e.g. Bogomir Licof 'Stari delodajalci v novi obliki' *Delo* April 9 1991, 'Kateri sindikat za ravskezelezarje?' *Delo* April 13 1990; Kuzmanic (1994); Author's interview with Boris Mazalin president of Konfederacija 90, Ljubljana 26 January 2007

⁸⁷ There was some difference related to privatization and judgments on 'old' managers between ZSSS and KNSS. For joint positions on economic policy see: Ljiljana Resnik 'Svet kranjskih sindikatov dokončno oblikoval stalisca' *Delo* September 12 1991; Dusan Rebolj 'Staliska' *Delo* September 12 1991; Dusan Rebolj 'Sindikat ne privoli v ultimate gospodarske zbornice' *Delo* April 17 1991.; Jelena Gacesa 'Pergam Pirnata po prstih' *Delo* January 10 1992; (Majda Vukelic) 'Takoj spremeniti zakon o isplacilu osebnih dohodkov' *Delo* March 3 1992 – KNSS standpoint *Delo* March 3 1992; Majda Vukelic 'Sta sklepa o zvisanju nadomestil nezakonita?' *Delo* March 3 1992 ZSSS

coalition party with reformed the communist SDP, the Allied List of Social Democrats *Združena Lista Socijalnih Demokrata* (ZLSD). Especially during critical times of interest articulation, policy making, and legislation, the ZSSS did not rely only on the support of their strict allies, but also from other parties of the ‘anti-communist’ left. In reaching out to a wider circle of political parties and MPs, ZSSS pragmatically combined various methods of influence: direct lobbying of MPs, informal pressure, direct personal connections, and institutional pressure through the second corporatist chamber. Union leaders also held meetings with ‘socially sensitive’ members of political parties and engaged in closed negotiations.⁸⁸ Union representatives attended sessions of parliamentary working groups, forwarded various materials to MPs and working groups; publicly presented their opinions and statements; used personal contacts; and sent letters to all MPs among other tactics (Fink-Hafner, 1994a: 11).

Relatively strong but not uncritical links were established with SDP and later ZLSD. Partisan influence was threatening union autonomy at times of elections, when partisan cleavages also generated and penetrated inter-union relations and claims.⁸⁹ Infiltration by political parties was doubly limited, and could never be termed all-encompassing. First, the abolishment of the territorial structure as the organizing principle of the confederation did not feed partisan influences through territorially organized unions. Second, unions regulated relations with political parties, adopting specific codes of cooperation.⁹⁰ The ZSSS negotiated and lobbied MPs of political parties transparently, publicly announcing a meeting with MPs from various parties on issues of interest to labor (Kavcic 2002).

⁸⁸ Authors’ interviews: Boris Mazalin president of Konfederacija 90, Ljubljana 26 January 2007; Dušan Semolič ZSSS chair Ljubljana, January 25 2007.

⁸⁹ Author’s interview with Stefan Skledar former vice-chairman of KNSS Ljubljana January 23 2007

⁹⁰ Ibid.

In sum, the union reform in terms of building new organizational capacities and adapting to the new political arena was thorough and fortunate. As of the latter, there were several contextual factors which helped the successful adaptation of the ZSSS to the new environment.

2.3. ZSSS' militancy, combined with conditional alliances with political parties: how it was possible?

Organizational consolidation was indeed a necessary, but not a sufficient condition in explaining union bold militancy, principled stance and efficiency in interest representation. It is a necessary but not a sufficient condition for union success. Luckily for ZSSS, all four 'contextual' factors (Burgess 2004) indirectly helped the union's agenda: a beneficial institutional framework governing and empowering union action, significant and active membership, pragmatic coalition governments responsive to union pressure, and from early 1991, the absence of internal factions.

2.3.1. The beneficial liberal setup of the new state governing trade unions

The emerging *institutional environment* was beneficial for unionism. On a fundamental level, social inclusion under self-management had offered both an opportunity for social and proto-interest groups to participate in the decomposition of that very system and secession from Yugoslavia, but it also empowered the same interest groups to legitimately demand a new role in an emerging system built along similar lines (Fink-Hafner 1997, Fink-Hafner 1998: 288). More precisely, during the struggle for Slovenian sovereignty and independence the elite needed support from interest groups and 'civil society' organizations in defense of the new national state in an inclusive corporatist fashion. This need shaped inclusive practices towards potential intermediary organizations crucial for legitimizing the new political elite. Consultations with

and support from civil society organizations, including trade unions, was indispensable as preparation for secession from Yugoslavia and gaining international recognition.⁹¹

Already the amendments to the Slovenian Constitution were adopted in late September 1989 in inclusive fashion. Trade unions and social organizations were invited to support the declaration that Slovenia was ‘an independent, sovereign and autonomous state’ with the right of self-determination, to secede from the Yugoslav federation (Bethlehem & Weller 1997: xx), and were called on to foster social participation at the referendum. In exchange, constitutional amendments took back the monopoly of power from the League of Communists of Slovenia, announced political pluralism, but also opened space to autonomous redefinition of the new role for social-political organizations active within the official socialist civil society umbrella organization SZDL⁹². The amendments also granted the right of association guaranteeing freedom to establish new associations, from organizations to political parties. The IX amendment also listed the right to establish new trade unions ending the monopoly of the ‘official’ trade union⁹³. The constitutional amendment redefined trade unions from socio-political organizations to voluntary and independent worker organizations fighting for social, economic interests and rights of workers. Trade unions not only participated in deliberation over constitutional changes, but they also took part in the wider discursive struggle of Slovenia to achieve economic sovereignty. In this sense, trade unions were active participants in the creation of the independent state, which empowered them for future battles. After the Slovenian parliament declared independence, it was followed by the so-called 10 day war with the Yugoslav People’s Army, after which the Yugoslav military left Slovenia. Although there was no more military threat, the

⁹¹ Slovenia was exempted from economic sanctions according to a decision in late December 1991. In early 1992 the European Community, USA and UN recognized Slovenian independence.

⁹² Its official name was the Socialist Alliance of Working People.

⁹³ Boris Majer ‘Družbenoekonomski vidiki političnega pluralizma’ *Teorija in praksa* 1989 (26) 6-7, Miha Ribarić ‘Amandmaji k slovenski ustavi’ *Teorija in praksa* 1990 (27) no 1-2

young state needed recognition from international actors. Even more so, since in autumn 1991 the EC introduced economic sanctions against all Yugoslav republics. Just as during the struggle for secession from Yugoslavia, the elite still needed civil society support to overcome international isolation.

Along with introducing the rights of capital, the 1991 Constitution also included a right of free association, to union activity, the right of employees to participate at the enterprise level decision making, and the right to strike (Vodovnik 1999: 306). Under the new system, the role of trade unions was not only individual but also collective representation of workers vis-à-vis employers and their representatives. Unions received the greatest legislative support at the workplace level, and in this sense the enterprise and workplace levels remained the base of unionism. In turn, these union cells were free to self-organize in higher level structures (Vodovnik 1999: 336).

During the struggle for independence some corporatist legacies and practices of the past were preserved. Although the socialist-corporatist Chamber of Associated Labor was dissolved, the new 1991 Constitution of the independent state created the second chamber of the parliament called the National Council. The Council was organized in a corporatist fashion, securing place for representatives of unions along with other representatives of social, economic, local and professional interests.⁹⁴ The body performed advisory roles, but it also had a right to veto legislation. Although there was no formal institution of social partnership or institutionalization of dialogue with unions, state actors understood its necessity.⁹⁵ Informal channels of dialogue in

⁹⁴ The Council consisted of twenty-two representatives from local communities and eighteen representatives of functional interests: four employers, four employees, two farmers, and one from each of the following groups: tradespeople, the professions, universities and high schools, education, culture and sport, medicine and social services. See: Fink-Hafner (1998).

⁹⁵ Many political parties were either in favor of social partnership or had policies aiming at union inclusion in plant or higher political level. Especially sensitive to issues of social partnership were post-socialist parties, i.e. the pragmatist center-left LDS but also the Slovenian Christian Democrats (Luksic 1992, Luksic 1997).

ad hoc meetings reserved some power for unions to raise their voice and have some limited influence.

From an industrial relations perspective, the central act of system change was the Law on Enterprises. The act ended self-management and social property relations and introduced capital relations. The law was introduced under Yugoslav federal legislation in late 1988, which stressed the preservation of a decentralized, enterprise driven economy as a positive legacy of self-management⁹⁶.

The federal Law on Employment⁹⁷ of 1989 also introduced the institution of collective bargaining. Articles 114-116 of the Act granted large autonomy to regulate industrial relations via collective agreements, and defined unions as representatives of employees⁹⁸. In 1990, the Slovenian Law on Collective Agreements was passed which also governed the conclusion of collective agreements.⁹⁹ At the central level there were two "general collective agreements": one for the 'competitive' sphere and the other for the public sphere (covering education, health care, culture etc.). General collective agreements defined minimum wages, principles of remuneration, and employment standards. ZSSS signed the first central agreement in August 1990 for the competitive sector, which determined the wage base for nine tariff categories corresponding to education and skill, indexing wages, and worker's right to a base wage. In late 1991 the Slovenian parliament introduced a law on wage freezes, which also 'froze' minimum wage provisions and thus the general collective agreement (Prasnikar et al. 2002).

⁹⁶ Arguably, Slovenian influence, or formulated more broadly, the influence of successful, hard-currency earning export-oriented enterprises dominated in it, which insisted on own autonomy from the state.

⁹⁷ Literally: 'Law on Basic Rights of the Employment Relationship'

⁹⁸ Vodovnik (1999: 305) points out that originally, individual and collective contracting, which replaced the 'associative employment relationship' was 'problematic' and transitory since the issue of property rights was not solved.

⁹⁹ As in Serbia, collective bargaining was envisioned on three levels: general, branch based and individual for enterprise/establishment.

Collective bargaining was therefore a transitory solution without real substance: it was a voluntary action of still-not-representative parties that aimed at reaching a desired compromise, which recognized the need to establish a system of collective bargaining and protect social and state property (Vodovnik 1999: 312). On the positive side, legislation obliged parties to be active in reaching agreements and regulating certain issues (Vodovnik 1999: 313). In this sense, collective bargaining empowered trade unions to act and it also gave them significant ‘political’ power.

As showed above, it was the enterprise level where unions enjoyed the most rights. It was also this level where the situation was most challenging. In economic hard times, work councils were concentrated on the mere survival of their enterprises, as well as on possibilities for restructuring and privatization.¹⁰⁰ Unions emerged as the only prospective organizations that could organize and represent workers collectively and engage in battles with management and the state. Unions were entitled to mediate in the process of massive lay-offs, approving ‘waiting lists’ of workers to be sent on partly paid leaves, and early retirement schemes. Moreover, the legacy of substantial state unemployment insurance empowered the unions to act on behalf of employees, thus making laying-off workers more costly for employers (Prasnikar 1998).¹⁰¹ In fulfilling these tasks, plant unions needed support from higher level bodies, which highlighted the importance of the ZSSS as a peak organization with expertise and links to decision makers.

¹⁰⁰ Worker councils were entitled to make decisions on privatizing enterprises. The Law on Social Property of August 1990 envisioned encouraged gradual transformation of socially owned firms into limited liability companies where internal employee buy-outs through receiving shares. Most importantly, there was a solution that wages could be increased only indirectly through obtaining internal shares of the enterprise. With the exception of large capital intensive enterprises, this solution had a significant appeal.

¹⁰¹ See also Vodopivec (2000) on the legacy of unemployment insurance in socialist Slovenia.

Finally, Slovenian independence required centralization of the state functions in the domain of social policy (Svetlik 1993: 196) which invited peak level participation at the national level. This process started from 1993, with broad incorporation of the union.

2.3.2. Union members' boosted will to strike and interest in an intermediary union

Union *membership* was not only large but, in conditions of relative deprivation, also prone to *organized* militancy. ZSSS made steps already at the meeting in June 1988 to emerge as a voluntary organization aspiring to broad interest representation of workers. Before its reform, the ZSS faced significant pressure from a highly skilled and professional workforce with high bargaining power. The pressure increased with strike liberalization and legalization in 1991, as well as with the increasing autonomy and self-organization of workers. Highly skilled railway workers, train conductors but also white collar public employees, university professors, health workers, and journalists raised their voice independently. In the late 1980s, ZSS tended to lean more to the side of the government and appeared at the negotiation table against particular interests of professionals, or at best, in a moderating role.¹⁰² Health workers announced independently a general strike in September 1989. In 1989 openly political strikes of white collar workers occurred, as in the case of the strike of journalists at a radio station which was directed also against 'communist' influence on editorial policy. The large strikes of public sector workers in 1989 were organized in opposition to austerity measures. The ZSS received a major blow, since it had to give up the pretense and proclaimed ability to represent all employees in the Slovenian economy. Eventually, with the breakthrough in democratization of the system, the

¹⁰² This was the case also with the strike of train conductors who organized their own union in late December 1988 'Stoji 1839 vagona' *Vjesnik* December 28 1988 also 'Slovenian railway workers strike' B Wire December 27 1988.

most powerful public sectors, health care and partly education left ZSSS¹⁰³. They found that the solidarity based, and wage setting policies protecting low income groups harmed their interests. Recognizing the conflict, ZSSS did not prevent these organizations from leaving the peak organization.

Union rank-and-file members had the freedom to confirm union membership or leave the union on a voluntary basis. The ZSS prepared the procedure which started only in 1990, but with great intensity (Vrhovec 2010)¹⁰⁴. Readmission ended in mid 1991, with great majority of rank and file remaining in the union. About half of the ZSSS' remaining membership came from industrial workers in the export oriented sectors of metal, textile and wood processing. By far the strongest branch was metal – the SKEI union.¹⁰⁵

Union density remained high, since it barely fell. In 1994, a conservative phone poll estimated union density rates at 63% (Stanojevic & Omerzu 1994). In 1989 density rate was estimated at 73%, and there was a minimal change between 1992-1994 (Stanojevic & Vrhovec 2001: 49). Yet, the major change was in the composition of union members. Typically, the less skilled, lower educated workers remained union members, and their share increased among all union members (Stanojevic 2007: 353). The ZSSS included about half of the unionized workforce and was the dominant union.

Although it faced some internal competition, ZSSS had a network of both highly professional shop stewards and high union density in the large, export oriented enterprises (Stanojevic 1997: 250-251) who reached out to the bulk of the semi-skilled workers. As mentioned, among industrial sectors, metal was the largest, followed by textile and wood

¹⁰³ For the health sector see especially Boris Suligoj 'Sindikat izneveril zdravnike' *Delo* April 17 1990. 'FIDES, sindikat za pravice zdravnikov' *Delo* April 15 1991.

¹⁰⁴ Until then it was also clear that managers would leave the union and establish their own organization.

¹⁰⁵ ZSSS *Porocilo o delu ZSSS in Njenih organov med 2. in 3. Kongresom*. Ljubljana November 1998, p. 56

processing. In these lean proto-Fordist manufacturing enterprises, either subcontractors to foreign MNCs or direct producers to Western or Yugoslav markets, strong, inherited union-management coalitions were common: coalitions of ‘technocratic managerialism with labor’ (Schierup 1990: 299). Internal coalitions incorporated the policy of attracting highly skilled labor on a competitive basis but also coped with wage pressure (*vis-à-vis* investment) from the semi-skilled.¹⁰⁶ Characteristically, ZSSS unions opted to represent the voice of ‘levellers’ but increasingly less against management and the work councils and more against the state.

Economic transformation, falling production and employment affected the likelihood that the rank-and-file members would engage in unionist work and collective action. Union members experienced a serious contraction in employment security and falling incomes. In the 1989-1992 period GDP fell by more than 20%. Especially sharp deterioration occurred in 1991 and 1992 with the loss of Yugoslav markets, particularly damaging manufacturing, construction and transport¹⁰⁷ (Borak 1999: 31-32). Unemployment increased from 4.7% in 1990 to 14.4% in 1993. The most affected population facing unemployment was the traditionally core union constituency of low skilled industrial workers, constituting nearly half of the unemployed (Vodopivec 2000). The situation was the most dramatic in the industrial town of Maribor with large metal plants that had earlier produced for the Yugoslav military.

Deteriorating employment was unprecedented and threatened the authority of the trade union. ZSSS member unions were unable to refuse a massive cutback in employment, in order to

¹⁰⁶ Until the late 1980s, in contrast to other parts of Yugoslavia, raising productivity and competitiveness through investment and thus also wages in ‘self-managed’ enterprises affected employment – in overall Yugoslavia, but not in Slovenia which had a reservation minimum wage securing both controlled (limited) immigration and a tight labor market (Woodward 1995a: 215). Semi-proletarian semi-skilled industrial labor nevertheless barely participated in enterprise level crucial decision making and could influence setting enterprise level minimum wages mostly only through collective action (Arzensek 1984). In contrast to the earlier times, in the period of critical juncture in Slovenia (1988-1993) engagement in collective action on the part of the semi-skilled was not only wage related but also increasingly related to employment security.

¹⁰⁷ See also European Bank for Reconstruction and Development ‘Transition Report 2001’ EBRD.

limit further cuts and protect jobs at existing companies¹⁰⁸. Along with being complicit with the state in artificially tightening the labor market,¹⁰⁹ the ZSSS attempted to integrate and reconstitute itself predominantly as a representative of the most vulnerable, and fight for their jobs and minimum wages under the veil of ignorance that better economic times are coming.

However, existing unemployment benefits, trade union solidarity funds and alternative worker activism rather than passivity could dump the depriving effects of economic hard times on core industrial rank-and-file members who lost their jobs and sought new employment, or whose jobs were under threat. Most importantly, these allowed some maneuvering space for the organization which could count on rank and file commitment to collective action.

Throughout the period of self-management, and unlike other republics of the federal state, Slovenia maintained a tight labor market. Especially from the 1970s, the republic's decision makers set and protected a reservation wage for Slovenia to protect and attract the labor force. The Socialist Republic of Slovenia also introduced labor friendly policies of social security on its territory, including unemployment insurance (Skledar 2000) following the generous systems of Austria and Germany. Once restructuring began, issues of early retirement and unemployment insurance schemes dominated the agenda. As elsewhere, in large insolvent companies the state intervened directly (Mencinger 2004:75).

The ZSSS had significant assets and sources from membership fees that had been gathered during the 'good times' of self-management which created great incentives to union members to stay under the umbrella of the peak level organization. It also granted them the time necessary for the constitution of an organization with truly representative functions. The union

¹⁰⁸ In late 1991, the number of unemployed reached the number 100.000. A similar number of workers were employed in companies which had no profits, thus they received 20% less of the 'bargained' wage. Mija Gacnik & Ervin Hladnik-Milharic 'Delavci so padli na zemljo' *Mladina* based on official statistical data.

¹⁰⁹ Most importantly, preferential pre-retirement was introduced, male and female workers could apply for retirement at age of 55 and 50 and/or 35/25 years of service respectively.

was thus in sufficiently good standing to invest in solidarity funds, as well as institutions such as worker restaurants (*'hranilnica'* and *'posojilnica'*). The latter were important secondary incentives for workers to join or remain in the union.¹¹⁰ Solidarity funds were established and running on local level to improve the social security of 'socially endangered' members.¹¹¹ Unions also provided free legal assistance, provided or facilitated additional training, retraining, and intermediate job search (Gavez & Letonja 1997: 192). An important trade union role was the protection of employees in companies that had declared bankruptcy.¹¹²

Finally, rather than leaving the union, the rank-and-file still active in the labor market exerted a great deal of pressure on ZSSS and other unions to engage in collective action against the state, and thus to take up a more active representational function. To start with, the cost of strikes for the semi-redundant labor in industrial centers was low. Moreover, unlike in earlier times, the rank-and-file were now receptive to a planned and coordinated action against the state and to accept the union's leading role. As a union activist in Maribor explained, it was not to difficult to organize a public strike but more so to design a powerful 'punch' against the state where it was the most sensitive: 'into its belly.'¹¹³ Union activists devoted great energy in convincing the rank-and-file of the meaning and necessity of their engagement and participation in the warning general strike of March 1992.

¹¹⁰ Solidarity funds were established at basic organizations since, it was argued, people at the base knew needs better.

¹¹¹ Apart from cash, boxes of food, clothing were distributed and also interest free loans (Gavez & Letonja 1997: 192).

¹¹² Before declared bankruptcy, employees had the right to obtain their salaries; if not paid, after the bankruptcy employees became creditors of the company. The union appeared as a creditor in companies which were facing bankruptcies. Branko Vodusek 'Sindikat kot upnik' *Delo* April 14 1990

¹¹³ 'Delavci so padli na zemljo' *Mladina* February 1992. The extensive article also provides a detailed report and sense what was going on in some large 'depressed' industrial plants in Maribor. Although production was minimal, the handwork of union and worker activists on self-empowerment of the workers could be recognized: workers maintained the plant operation in great discipline and cleanliness. Joint meetings were attended en masse, great attention and discussions followed. Union and worker activists pressed workers not to turn to isolation, self-defeat and personal shame: they argued, it was not workers' fault that there was no work, and their skills and diligence could not be employed. Instead, they argued, the state was responsible to solve the situation!

2.3.3. The availability of alternative allies among political parties

The ZSSS benefited from a fragmented political party scene where policy making rested on consensus among several coalition parties. Moreover, there were alternative party allies and several parties were responsive to the unionist agenda which allowed efficient lobbying activity especially in the sphere of economic and social policy.

Rather than resting on the formulated interests of social and economic groups, party competition before the first parliamentary elections in April 1990 and December 1992 was conceptualized around ideological and cultural social cleavages between the ‘old’ ‘communist’ and new ‘democratic’, ‘anti-communists’, only partly overlapping with secular vs. religious values (Vehovar 1994). The party scene and coalitions mirrored these cleavages. First, there were the parties of reformed communists and those that had emerged from the socialist civil society umbrella organization. Second, parties of the ‘opposition’ were mostly based in anti-communist intellectual groups of various ideological persuasions and new issue based movements. All of the main political parties had relatively positive programmatic statements on unionism and appealed to a working class constituency. Among the five parties constituting the first governing anti-communist coalition DEMOS, the two dominant, influential coalition members, the Slovenian Christian-Democrats (SKD) and the Social Democratic Alliance of Slovenia (SDZS) dealt in their programs with ‘free’ trade unionism¹¹⁴ (Krušič 1990: 22, 43, 53). Nevertheless, the ‘anti-communist’ parties were to varying degrees hostile to the ZSSS and distrusted big interest groups inherited from self-management. Fortunately for the union, not one,

¹¹⁴ Among governing coalition parties of DEMOS, only the program of the Slovenian Democratic Alliance (SDZ) defined unions as organizations of the past. In contrast, SDZS was for introduction of branch based and professional trade unions, de-politicization of all institutions, and introduction of German co-determination system.

but three political parties in the Slovenian parliament had stemmed from the ‘old’ system.¹¹⁵ All were open to a pro-labor agenda to varying degrees. Among the reformed communist and socialist parties, the Alliance of Communists of Slovenia - Party of Democratic Renewal (SDP)¹¹⁶ and the more liberal Socialist Youth Alliance - Liberal Party (later renamed the Liberal Party of Slovenia/LDS) were the largest. The minor Socialist Party of Slovenia (SPS) stressed in its program support for trade unionism, and had the strongest inherited links to the ZSSS (Krušič 1990: 108; 177-8). The latter however did not reach the threshold at the December 1992 elections and a faction of it, along with the Worker’s Party which was close to the union, participated in the creation of the United List of Social Democrats (ZLSD) under the leadership of SDP.

The outcome of elections in both 1990 and 1992, and a common feature of the three governments in 1990-early 1994 were precarious, broad coalition governments in need of consensus. D’Hont’s proportional electoral system brought to life a party system which was both bi-polar in an ideological and cultural sense, but it was also strongly fragmented, with nine and eight parties, respectively, entering the parliament in 1990 and 1992. In such a situation it was not possible to form stable governments: governing coalitions required not only at least three parties, but readiness of parties to enter coalitions with parties from the ‘ideologically’ opposite camp. This necessitated compromise and coalition building both before and after elections (Fink-Hafner 2006). Under the pragmatic leadership of Drnovsek and the LDP, the governing coalition was reconstituted in 1993 and 1994, incorporating parts of the ‘democratic’ center-right

¹¹⁵ The Party of Democratic Renewal was the communist successor party in the strict sense while the Liberal Democratic Party and the Socialist Party of Slovenia developed from parts of the official socialist umbrella organization SZDL.

¹¹⁶ In 1992 the Party renamed itself again to the Socialdemocratic Renewal, keeping the same acronym SDP

parties¹¹⁷. Consensus based decision making was even more necessary since initially the reformed communists and later an emerging extreme right wing party¹¹⁸ were excluded from entering coalitions. At the same time, there was often a stalemate in political decision making which was due to divided interests and conflicts among interest groups (Ramet 1997; Mrak et al. 2004: 4-5).

Such a constellation could also not ignore the voice of labor, and it was compelled to take it into account, at least pragmatically. Coalition governments in all periods were constantly operating under the constraint of having to introduce austerity policies and legislation on incomes policy that negatively affected union constituencies.¹¹⁹ Elite disagreements were especially acute and ‘politicized’ over economic policy and legislation enabling privatization, and to a lesser extent, social policy and wage regulation. Most importantly, during late 1990 and early 1991 there was no consensus on the issue of property restitution and economic policy.¹²⁰ From autumn 1991, issues of property rights, including denationalization and the transformation of self-managerial enterprises and agricultural collectives spurred heated discussions in the parliament. Yet, the mandate of the DEMOS government was too general and ‘patriotic’ which brought to internal cleavages.¹²¹ In early 1992 the standpoints between the finance minister and

¹¹⁷ Only in the 1992-1994 period, the government was reconstituted three times and it altogether bound 7 political parties, as many as 6 parties at a time.

¹¹⁸ The Slovenian National Party gathered 13.3% of seats in parliament after the 1992 election. At the time, the party launched a chauvinist discourse against Yugoslav immigrants, especially refugees from Bosnia. Since it was excluded as a pariah party, coalition building was even more consensus driven among parties of the ‘old’ left-center and ‘democratic’ right-center.

¹¹⁹ Pre-existing corporatist legacies of Slovenia, based on nationalism, unity and communal Christianity made unionism as such acceptable for most parties See: Luksic 1992, 1997.

¹²⁰ See e.g. Andrej Poznic, Silva Ceh ‘Unicujuci pritisk loze lastnikov’ *Delo* February 2 1991, Silva Ceh, Danilo Utenkar ‘Test za reprivatizacijo?’ *Delo* February 2 1991, Dr Joze Mencinger ‘Vlada je zato, da opravlja grdo delo’ February 9 1991. Mencinger pointed at the difficult and complicated process of drafting a good piece of legislation, which was for politicians-representatives seeking swift solutions not acceptable

¹²¹ One of the most respected authorities, a prominent sociology professor Veljko Rus criticized Prime Minister Lojze Peterle’s agenda of national ‘reconciliation’ as the basis for economic, political and cultural programs. Veljko Rus ‘Demos proti Demosu: Odprto pismo Jozetu Pucniku’ *Delo* September 1 1990 p.18 & *Delo* September 8 1990 p.20

international advisers to the government clashed on crucial economic matters such as privatization, triggering a crisis in the governing coalition. This soon led to the fall of DEMOS in mid 1992, and an interim, consensus based government led by LDS until the second multiparty elections in December 1992.

The interim government of 1992 was similar in composition as the government which took office after the second parliamentary elections of December 1992. The pragmatic center-liberal LDS, with its leader Drnovsek serving as Prime Minister, sought consensus in a changing working majority. The Law on Privatization in late 1992 was adopted as a classic crisis management maneuver: the parliament adopted the law after which the date for new elections was announced, thus out-maneuvering unions and other interest groups. The broad coalition governments were not strongly leftist or supportive of unionism, even less receptive for a 'corporatist' agenda (cf. Stanojevic 2003a). Rather as the research of Fink-Hafner (1996, 1998) showed, while the 'anti-communist' parties' distrusted and avoided consultations with 'inherited' big interest groups, among which ZSSS was the largest, the LDS led a broad coalition with prevailing liberal-democratic orientation which did not 'incline it to consultative politics' and union inclusion in decision making (Fink-Hafner 1998: 268).

In such a situation, there was no need for the trade union to form strong loyalties and commitments to 'left wing' parties, but first to lobby, and only then to calculatively experiment with temporary agreements, coalitions, and supporting left wing parties. It seems that the union consciously exerted a varying degree of influence on various levels of elites and decision making bodies. The ZSSS' influence was strongest within the small Workers Party and the gradually disappearing Socialist Party of Slovenia. These emerged as loose coalition partners to SDP in late 1992 and from mid-1993 were co-founders of the ZLSS. Finally, the ZLSS dominated the

domain of social policy within the broad LDS led coalition, where the union was able to exert significant influence. Tellingly, according to MPs of the second democratic parliament trade unions were among the most influential interest groups. A longitudinal survey of MPs conducted between spring 1993 and spring 1994 indicated an increase in perceived union influence. ZSSS influence over social policy making was especially dominant in the policy areas of employment and social policy. This influence was highest at times when coalition governments entered crises and during changes in public opinion (Fink-Hafner 1994a: 9, 1994b).¹²²

2.3.4. New organizational practices and the absence of internal factionalism

Factionalism within ZSSS ended shortly after the 1990 congress. First, dissenting union branches or other union members that disagreed or were dissatisfied with their position were allowed to leave the peak level organization. Second, new internal inclusive organizational practices and the strong authority of the chair created centripetal tendencies in strengthening the peak level organization for the remaining union members.

At its conference in April 1991, ZSSS reacted to the exit of a few branch based and territorial union members. To preempt further internal dissatisfaction, not only did the 'communist' chair Ravnik offer his resignation, but the ZSSS also modified its statute to include all branch level leaders into the union council. According to the modified statute, the ZSSS was now a confederation of nationally organized branch union federations. The statute also allowed for branch unions to self-organize territorially, on municipal or regional level, according to their needs.

¹²² Surveys on Slovenian MPs showed significant influence of unions over policy making processes. In spring 1992 12% of Slovenian MPs estimated trade unions as an influential interest group, while in 1994, unions were mentioned by 14% of respondents (Fink-Hafner 1994: 5-6).

As already mentioned, ZSSS branch based organizations participated in public discussions. They had significant autonomy to organize and launch collective actions while they could count on active support from the peak organization, especially in terms of expertise.¹²³ Branches and regional parts of ZSSS also raised their voices against the law on privatization and were encouraged to participate in the public discussion.¹²⁴ Organizationally, for both the peak level union and its member unions, a new balance of competencies between the branches and the peak level were established for mutual benefit. Within this inclusive organizational structure, the new union chair elected in June 1991 consciously developed and strengthened his authority through appearances in the public and meetings with decision makers. A capable organizer and a skilled politician, Semolic skillfully strengthened his constructive role through press conferences as well as public appearances and long negotiations with the authorities. With this he established himself as a strong and uncontested authority within ZSSS as well as in the wider union movement in Slovenia.

Since the largest public sector unions had left the ZSSS, the union could claim dominant representation of labor only in the industrial, export oriented branches of the economy. Such a profile significantly lowered the burden and challenge for ZSSS central authorities to reconcile common interests among member unions¹²⁵. The ZSSS could also count on strong internal coalitions with the management of large export oriented firms to act against the government in preserving jobs and relatively high wages. The inclusive organizational practices of joint

¹²³ The relationship between ZSSS and its largest member, the metal workers' branch (SKEI) was good and complementary and were free of conflict. Throughout the transformation years, metal remained the most militant, but also economically the most vulnerable sector. In male dominated large metal plants, union cells and the branch had capacities to mobilize for protests. In turn, the ZSSS provided the expertise for collective bargaining. Author's interview with Branko Medik, SKEI president, Maribor July 23 2009

¹²⁴ Majda Stuc 'Sindikat zavraca predlog o lastninjenju' *Delo* August 27 1991

¹²⁵ This was especially so since interest representation through general collective bargaining envisioned a dual line and division between the public and private (competitive) sectors. The interest of the export driven 'competitive' sector was to have both nationally and internationally competitive and comparable wages to the public sector.

deliberation within the union conference and the union council served as a uniting glue among the leaders of union member organizations. Important decisions, such as union stances on privatization, labor legislation, wage policy, or general strikes were deliberated within the collective leadership including all branch union members without signs of major internal conflict. The relative successes of these common deliberations, statements, and ultimately joint collective actions served as a major cohesive element among leaders of branch unions within the ZSSS council, reinforcing the authority of the peak level organization.

By the end of 1993, the ZSSS secured its ‘official’ position through recognition on consultative-corporatist lines. The creation of the tripartite Social and Economic Council in April 1994 only institutionalized formally the significant role of ZSSS in economic and social policy making. The union emerged as the dominant and largest representative organization to effectively organize and represent the most vulnerable, especially the low income groups of industrial workforce. In terms of legitimacy of representation, a survey conducted in the mid 1990s showed comparably high trust in the ZSSS even among the population as a whole.¹²⁶ Moreover, ZSSS fared significantly better than the newer Slovenian unions.

From the description in the previous two sections on internal union reform and the contextual elements behind union’s strategic choices, I conclude that ZSSS’ internal organizational reform reached its peak in mid-1991, while the success of escalation tactics in the political arena came in the form of union recognition as representative in 1993 (Stanojevic 2000, 2003a; 2010, Ferfila 2010). Escalation tactics were also crucial to reach the deal behind ZSSS’ incorporation: a gradual inclusion in definition of social policy, in new institutions of industrial democracy, but also amendment to the privatization act adopted in 1992 which allowed insider-

¹²⁶ ZSSS fared the best in CEE with only barely less citizens not thrusting ZSSS than those thrusting (a 7% difference). See: Rose (1996).

led privatization. The next section elaborates the sticky imprint of escalation tactics and redefinition of the union on the union's trajectory. I argue first that the success of escalation tactics in the critical juncture period demanded little change in union's behavior in the period ahead. Second, since insider-led privatization prevailed in Slovenia, the union reestablished itself as predominantly a representative organization of privileged generations with favorable contracts and access to insider privatization. Simultaneously, this strata was in terms of skills vulnerable and needed union protection.

2.4. Escalation tactics as a pattern in the ZSSS trajectory and its limits

Organizational studies predict that the more successful organizational practices are set, the less eventual change in organizational practices will occur (see e.g. Brittain & Freeman 1980, Sydow et al. 2005, Schreyögg 1980). Indeed, after 1990, there was little change in overall program or strategy, or in the internal organization of the ZSSS. Confirming its escalation tactics, the ZSSS was persistently prepared to simultaneously engage in conflict and reach social pacts. As a compensation for the unpredictability and vulnerability of partisan ties, the union relied even more on social alliances and used public pressure. There was little change in behavior even when external pressures and circumstances changed, as it happened in Slovenia since 2004. Major changes in the external environment since 2004 have however pushed towards radicalism, at least in the ZSSS' ideology and in union reliance on political cycles. I will inspect the path-dependency in ZSSS behavior in two periods, before and after the EU accession.

2.4.1. ZSSS behavior before EU accession 1994-2003

The main challenges the ZSS was facing at the national tripartite level came from pressures to increase the international competitiveness of Slovenian economy and macroeconomic stability. Representing labor as both a social and economic category, the ZSSS

tried to co-govern the labor market and protect the interests of the core of its rank and file members, the middle aged low wage earning group. The ZSSS' focus was consequently on solidaristic income policies and preserving high social security. The ZSSS was vocal in demanding high minimum wages (as high as 60% of average wages), lower taxation of incomes of minimum wage earners. The annual and later bi-annual bargaining over social agreements often stumbled on curtailing social rights. They were consequently difficult and long. Accepting the necessity of reforms, the union demanded gradualism and coordination in implementing policies negatively affecting its constituency, as it was the case with pension reforms. The ZSSS also demanded higher legal certainty, a separate law on collective bargaining and harmonization with various provisions (Kavcic 2004).

The strategy of ZSSS in influencing decision makers was to use both tripartite and consultative-corporatist channels¹²⁷ but also to use all other available means to make its own voice louder and more influential. Through the tripartite body and its State Council seats, the ZSSS was able to exert some influence over legislation and policies on economic and social development, such as wage policy, employment, education-training and taxation policy. Collective consultative bargaining remained the main instrument of union influence. As a continuation of the socialist corporatist legacy and legislation from 1989, up until EU integration, Slovenian unions were able to benefit from a highly centralized bargaining structure. Apart from general collective agreements for the public and the 'competitive' spheres, signed

¹²⁷ I use the term 'consultative corporatism' as a special feature of Slovenian industrial relations and as a 'transitory' arrangement - after the disintegration of self-management and its binding social compacts, up until EU accession. Namely, some institutions inherited from the corporatist self-management past remained in place or transformed slightly in the post-socialist setting. Such was the case with the second chamber to the parliament – the State Council, and the later established tripartite body, the Economic and Social Council (ESC). The Economic and Social Council was a consultative body only, and agreements not binding in real terms, since agreements were subject to legislative procedure thereafter. Although the ESC involved intensively unions in preparation of legislation, the parliament adapted the final document – with other possibilities for direct lobbies shaping its ultimate content on pluralist principles. ESC nevertheless provided channels for combined pressure in the sense of possibilities for defining standpoints.

social agreements also defined non-wage benefits and minimum wage, which were then put into legislation.

As during the period of critical juncture, the union complemented its consultative-corporatist role with various forms of lobbying activity and democratic pressure. Representation of worker and union interests was well adapted to the pluralist system. Protests or warning general strikes were organized when union attempts to influence legislation through the tripartite body had not been effective, as in 1996 or 1998. In activist fashion, the union also organized petition drives and engaged in symbolic actions in a more inclusive manner, such as on Human Rights Day. In voicing opposition to various measures affecting welfare and social rights the peak union increased its pressure through periodical mobilization of the rank and file. The ZSSS insisted on such mobilization during measures negatively affecting the welfare state as an expression of its right to voice dissatisfaction. Commonly, the peak level union prepared well organized, large protests at times of disagreement, or in opposition to proposed laws and measures. For example, in 1998 large demonstrations were held against pension reform.

Throughout the period, the ZSSS continued to invest into its organization capacities. It was recognized as necessary that there be a powerful organization to stand behind union trustees, but also as a prerequisite to engage in influencing decision making. ZSSS invested in education and training of union trustees and representatives.¹²⁸ The peak level union authority was fortified through good relations and shared competencies with member unions. The ZSSS also remained

¹²⁸ Specifically, both extensive and intensive trainings were organized in co-management and worker shareholding, also as part of the PHARE program. See: ZSSS 1998, 1999, 2002.

the dominant union and the agenda setter for unionism. Peak level unions cemented remained competitive but also cooperative.¹²⁹

There are indications that ZSSS plant based unions continued to build on economic unionism in the form of internal cooperation between unions and management especially in the ‘successful’ export oriented companies. Plant level unions attracted members by running powerful solidarity funds on the company level, but devoted great energy to investing in other secondary incentives, such as sport facilities, and to increase the weight of job security for the rank-and-file (Stanojevic 2007: 353, Meardi 2006). In addition to support for worker participation in the privatization process, the ZSSS assisted worker shareholding, and the union also argued for other profit sharing arrangements. The ZSSS stood on the side of thorough regulation of industrial relations, but also for maximizing employment and battling the grey economy.

Programmatic documents adopted at later congresses drew heavily on the program of 1990, stressing identification with, and the protection and development of the welfare state, as well as of the social-economic rights of workers. Modifications in the program occurred only with an eye to improving practical implementation as well as to adapt them to changing environments (e.g. EU integration) and define a more precise focus for union action. The ZSSS kept its strategic mission of protecting the most vulnerable group of low wage earners and opposing rising wage inequalities. In its ideology, underscored by protests and public appeals, the ZSSS also continuously attempted to build sustained solidarity among workers across

¹²⁹ Inter union cleavages completely ended after an agreement on distribution of trade union assets was reached among the unions in early 2007. Author’s interviews with Stefan Skledar former vice-chairman of KNSS Ljubljana January 23 2007; Miha Ravnik former ZSSS chair Nova Gorica, January 25 2007.

branches but also sectors.¹³⁰ In accordance with its commitment to industrial democracy and co-management, the union assisted the establishment of work councils. According to a union report, in 1998, 80% of work council cadre was proposed by union cells. Typically, there was a rotation between shop stewards and work council chairs (ZSSS: 1998). This indicates a strong interrelation and mutual support.

In addition to the fight for bread and butter issues and the preservation of social rights, the other, more controversial and exclusivist representative function of ZSSS was the protection of the property rights and interests of their rank-and-file members, typically core employees with lower incomes but with open contracts. The main result of the historical bargain with the government was beneficial conditions of privatization for long term employees, i.e. worker-insiders. This predominantly insider privatization had a significant appeal: by the late 1990s, a great share of enterprises was privatized in this way.¹³¹ Worker-shareholders could thus continue enjoying property rights gained under self-management in the new capitalist environment. Workers also kept significant bargaining power over wages and/or investments while the significance of management was at the same time greater than that of external owners. In a partial break with self-management, in the insider dominated firms workers opted for higher wages over investment (Prasnikar & Svejnar 1998), employment included.

In the 1994-2003 period, the ZSSS thus fortified its organizational practices established in the critical junction period, successfully reconciling conflict due to bread and butter issues and cooperation with the state and employer organizations as a general commitment to economic

¹³⁰ During company level industrial conflicts, the ZSSS often organized protests as messages of solidarity with affected workers and as a lobbying, awareness raising activity. During the strike in the textile company Mura in July 2009, for example other sectors of ZSSS such as metal participated in the protest.

¹³¹ In 1998, 42% of enterprises were privatized internally (Stanojevic 2001:1). In Prasnikar & Svejnar's (1998) assessment, in the 1990-5 period the share of internally privatized enterprises was even higher. Prasnikar had an extensive sample of 458 firms, out of which 303 or 66% were privatized internally.

growth. Plant level union members of the ZSSS, especially in the successful branches of export oriented industry, cooperated intensively with work councils but also with the management. The ZSSS also established itself as an advocate of worker inclusion in privatization. The core rank-and-file members of the ZSSS, to whose interests the union was especially sensitive to, were middle aged industrial workers from lower income groups, typically with open contracts. Many union rank and file also participated in privatization process of the 1990s through obtaining a significant percentage of shares. As I will show in the next section, external factors first set limits to and then undermined this constellation and the union's position.

2.4.2. EU integration: radicalization and losing institutional bases

The process of EU integration and its accompanying legislation created additional difficulties for ZSSS and unions in Slovenia, most importantly since the former corporatist legacies strengthening collective bargaining were losing ground. First of all, there was a shift towards decentralization of collective agreements towards the sectoral level. Quasi-centralized collective bargaining started to lose ground after the Law on Labor Relations of 2002, in line with EU accession requirements. The crisis of collective bargaining was especially acute in sectors producing for exports, where the minimum wage determined by law was higher than the pay in the lowest tariff classes. In 2003 a comprehensive monitoring report of the EC also demanded free collective bargaining, thus requiring the abolition of compulsory membership in the Chamber of Economy for employer organizations. Further, in line with EU directives, a new law on *free* collective bargaining and agreements was adopted in 2006, putting an end to corporatist legacies. In 2008 a significant decline in employer organizations was recorded, with a tendency to fall further and thus endangering the extension of collective agreements for whole sectors. The first intersectoral collective agreement determining pay adjustment method was

signed in 2006 without governmental participation. In the same year, the center right wing government also introduced the Law on Determination of Minimum wage, with a pre-established method of calculating the minimum wage. Earlier minimum wage was set in consultative bargaining at the Economic and Social Council. Collective bargaining and public sector pay became the most controversial internal issues for peak level unions. Namely, an increasing public sector pay levels and, from 2007, a rising gap between public and private sectors put pressure on pay in export oriented industries (Depalo & Giordano 2011).¹³² From 2002, a new rival, a confederation of public sector trade unions (KSJSS) was created, becoming the second largest organization after ZSSS with about 20% of all unionized workers.

As I have shown in the previous sub-section, the union fortified its established successful practices before Slovenia's accession to the EU. Namely, the ZSSS invested in its organizational capacities and social visibility and remained politically active. The question that poses itself is whether and to what extent negative externalities have provoked changes in established union behavior?

In the post-2004 period and especially during the global economic crisis which hit the Slovenian economy harshly, it seems that the ZSSS faced the classic problem of trade unions of capitalism in crisis. That is, the union increasingly represents worker insiders versus outsiders. This is a cleavage which is present not only in the whole economy but also within enterprises.¹³³ Troublesome for the union was the inclusion of new entrants, especially since from the 2000s employees have been increasingly hired with fixed term contracts.¹³⁴ It seems that this is a

¹³² Since only about 10% of its members were public employees, this cleavage did not mirror itself within ZSSS. According to ZSSS, the proportion of its rank-and file was the following: about 60% industry, 30% in private sector services and 10% of public sector. See 'Capacity building for social dialogue in Slovenia', *European Foundation for the Improvement of Living and Working Conditions*, 2006 http://www.pedz.uni-mannheim.de/daten/edz-ma/esl/06/ef06519_en.pdf Accessed on January 24, 2011.

¹³³ e.g. as a conflict between workers with shares and open ended contracts and workers with fixed-term contracts

¹³⁴ Author's interview with Miha Ravnik, former ZSSS chair Nova Gorica, January 25 2007.

crucial issue which has intensified the insider-outsider problem that has plagued the union ever since.

As a reaction to changes in the wider environment, the ZSSS did not change its established behavior, but it did radicalize in some way. The socialist ideology of the trade union strengthened. The left wing ideology was also underpinned by a human rights ideology¹³⁵ and the leadership used an increasingly militant socialist discourse, for example, in 2006 attacking neoliberalism and Slovenian ‘Chicago boys’ economists. During the initially hostile center-right government in power from 2004 until 2008, a period that included the EU accession, the ZSSS restarted its grand scale mobilization activity in order to increase its bargaining power, and to reestablish itself on the political stage. The ZSSS also reacted negatively on various measures proposed by the European Commission, such as the working time directive and the directive on services in the internal EU market. Particularly large and successful protests were held against the proposed introduction of the flat tax reform in 2005. In addition, warning general strikes were mostly held against employers’ organizations, as in 2004 and 2007, for signing or revising sectoral collective agreements, as well as to demand pay increases.

The ZSSS has remained the most influential civil society organization with grand scale mobilization and concertational capacities. Large protests replaced the role of strikes in Slovenia. The latter were limited now to labor intensive sectors and issues of wage arrears¹³⁶. In these actions, the ZSSS occasionally sought to establish alliances with other civil society organizations, such as organizations of youth and retired. From 2006, the ZSSS lobbied the government directly and relied more heavily on political cycles.¹³⁷

¹³⁵ The ZSSS used the Day of Human Rights for protests and public manifestations usually with the motto ‘Social rights are human rights’.

¹³⁶ In 1994-2002 period, about 70% of strikes were launched because of late or irregular payments of wages.

¹³⁷ This occurred in 2009, after a center-left government came in power, but with no success.

In its relations with political elites and parties, the ZSSS preserved its autonomy and remained highly critical. Although the ZSSS' links to and reliance on political allies was not entirely transparent, it managed to act, mobilize and enter into compromises on pragmatist lines with both center-left and center-right parties (e.g. for the 2006-2008 period). In terms of potential allies, there was a general trend of weakening of pro-unionist elites. The ZSSS was closest to the main post-communist party dominated coalition, the ZLSD, with which it shared a common agenda in protecting the welfare state and the most vulnerable. The party was commonly part of center-left coalition but never led the coalition. The party changed its name to SD in 2005, but also underwent a gradual change towards neoliberalism. In 2008 the SD emerged as the lead coalition building party.¹³⁸ Election cycles remained an opportunity to increase the union's bargaining potential: not surprisingly, major social and collective agreements were signed in election years. On the other hand, electoral competition also increased partisan influence on the union. In the period of the 2004-2006, the ZSSS became a major opposition force against the policies of the center-right coalition lead by the Slovenian Democratic Party (SDS). In turn, after the Social Democrats (SD) won elections in 2008 but turned to a market liberal agenda, relations between the SD and the ZSSS became strained. Rather than submitting to the SD, the ZSSS became an active force helping to push the government out of office.

An issue which needs reconsideration and which the present analysis cannot assess is whether internal coalitions in large export-oriented firms and other former union strongholds have indeed lost ground since 2004 and especially during the global economic crisis (Stanojevic 2010). Recall from the previous subsection that, in these companies, unions cooperated strongly with work councils and management, arguably fostering micro-corporatist economic unionism,

¹³⁸ In late 1990s SD condemned its communist roots, moved closer to liberalism and weakened its pro-unionist agenda.

by submitting to management pressure and international competitiveness and thus also preserving industrial peace. The global economic crisis shook this internal coalition of core workers and management. The episode of ‘Gorenje’¹³⁹ workers’ strike without union involvement alarmed observers. Stanojevic even argued that this strike was a decisive turn and that it indicated the end of Slovenian ‘exceptionalism’ in terms of union activities¹⁴⁰ (Stanojevic 2010). This argument takes into account the negative externalities in which unions operated, including the liberalization of the financial sector and exposition to international competition. This is a context in which the union was weakening. However, as I have shown, the general pattern of union’s militant behavior has not changed at all. The ZSSS has remained the largest organized interest group capable of blocking reforms and thus a fearful voice.

It seems that the main problem for the ZSSS as a general indicator of erosion of social acceptance and influence has been the insider-outsider problem, where insiders are commonly not only the shrinking percentage of, typically middle aged employees with open contracts, but also those employees with significant shares in the companies where they work. From this perspective, both unions’ representational function on behalf of the privileged part of the workforce within enterprises and their strong economic unionism make sense. The problem is, however, that the number of insiders is decreasing, and outsiders constitute the larger army. Few years before the accession to EU, Stanojevic found a surprising level of rigidities, including subordination to technocratic managerialism on the part of labor (Stanojevic 2002). This finding underscores my emphasis on the cooperative behavior of plant level unions in ‘successful’ firms, a predominant stance of economic unionism concerned with enterprise survival and job security

¹³⁹ If any enterprise, *Gorenje* is the symbol of Slovenian success

¹⁴⁰ [Ali Zerdin] ‘Stanojević: Če je počilo v Gorenju, je to znamenje, da je situacija v vsej državi dramatična.’ *Dnevnik* September 19 2009 http://www.dnevnik.si/tiskane_izdaje/objektiv/1042300303 . Accessed at January 24 2012.

for the insider rank-and-file, and strong cooperation with work councils. The other side of the coin is that in external circumstances of severe economic crisis, there is a greater isolation of the union from the growing population of the excluded or outsider workforce, which runs to a great extent along generational lines. In the Slovenian case, it seems that the crisis of unionism as an expression of the insider-outsider paradox is growing, together with a general crisis of the economy and increasingly deregulated capitalism. The success of plant level union strategies in viable export oriented enterprises depended on the prospects of these enterprises, some of which are, more recently, in crisis.

Yet, even after 2004, Slovenian unions showed greater strength and relevance than their East European counterparts. We can thus talk of a relative success. Whereas overall union density in Slovenia fell to a still comparably high 41% in 2007, but more substantial drop could have occurred afterwards (Stanojevic 2010b). The ZSSS remained the dominant peak level union, counting about half of all unionized workers as its members. This relative success was also due to adaptive strategies, including new recruiting strategies of the ZSSS, which targeted all young employees and migrant workers, and also maintained strong secondary incentives to join.¹⁴¹

Building on its organizational resources, the political skills of its leaders and favorable political opportunities, the ZSSS established itself as a militant and strong organization. The analysis of the post-socialist period has shown a great deal of organizational stickiness in the behavior of the union, especially in the 1994-2003 period. In the period after 2004, negative externalities and shocks in the form of EU-based policies and the global economic crisis prompted questions about the efficiency of insitutionalized union behavior, and most problematically the union's relation to the rank and file and the broader society. In general, the

¹⁴¹ See especially the eiro report: 'Trade union strategies to recruit new groups of workers' May 17 2010

union continued with its established practice of bargaining and conflict, radicalizing its ideology but not its actions, than it had in the immediate period after 1989. Sensing that its membership and social base was shrinking, the ZSSS also tried to reach out to the broader society through small, but novel initiatives and practices. In order to be termed successful in the future, however, I think that the ZSSS has to develop new practices to attract members and establish a presence in the wider segments of the society. In addition, the political party scene is even less favorable for a socialist union than it was in the past, but at the same time since the role of political parties is also decreasing there is also space for a greater role to be played by trade unions. My analysis suggests that the ZSSS faces a crisis which is not acute but it is fundamental. Namely, the crisis of the ZSSS is interwoven with the crisis of Slovenian capitalism where the union might need to fundamentally reconsider its position in the system. Given the significant resources the union has, this is not an impossible task.

Chapter 3. Serbia's SSS: Fragile Autonomy, Isolation and Passivity

This chapter turns to the case of the Serbian trade union confederation SSS. I argue that this peak level union was unable to overcome its specific *organizational* deficits or increase its capacities for mobilization, both necessary elements in gaining credibility in the eyes of the rank and file and sufficient autonomy from the elite. A crucial element which prevented internal organizational reform and the establishment of new unionist practices was authoritarian elite domination in the late self-management period (late 1987-1989). In spite of some changes within the SSS during the process of democratization in 1990-1991, the authoritarian elite domination both directly and indirectly undermined the prospects of building up intermediary unionism. After a partial reform, the issue for the union leadership nevertheless was whether to take up the risk of building up an autonomous intermediary organization at the cost of open conflict with state actors. Ultimately the SSS did not achieve sufficient autonomy to enable it to freely influence its trajectory. The paradigmatic moment, which indicated the lack of the union's capacities or will to fight for its autonomy vis-à-vis state actors occurred in late 1992. Namely, the SSS struck a self-defeating deal with the government during the UN sanctions. Whereas the pact built on the premise that sanctions would hurt the (long-term) interests of all export oriented industries, i.e. markets and jobs would be lost, the deal secured concessions for populist rank and file demands and contributed to union demobilization. The deal implied that the SSS' position remained on fragile grounds: it could not become a credible intermediary organization of workers, and consequently also not in the eyes of the elites. More precisely, it showed that it was not capable of or willing to engage in grand scale self-empowering worker mobilization against the government and Milosevic's policies. This made it suspect, and cemented a large distance

from the sentiments of workers and plant level or workplace level unions, which paradoxically only further increased its subsequent dependence on the state. The paradigmatic moment started a vicious cycle and shaped the union's trajectory accordingly. Due to its internal weakness, the SSS had no other choice but to rely on concessions from the state (this shaped its trajectory as a 'quiescent' actor opting for state protection, and cemented its political subordination and social isolation.) This had curtailed the SSS's autonomy especially in critical times when mobilization would have been necessary for the establishment of its authority and credibility vis-à-vis both the government and the rank and file. After the fall of Milosevic, there was only one moment in 2003 when the SSSS attempted to reestablish itself on grounds of mobilization. However, acute internal organizational problems prevented a breakthrough.

Thus, Burgess' (2004) framework on crucial union choice cannot be applied to the Serbian case. Namely, the union could not make a real choice, since it lacked the autonomy necessary for credible internal deliberation. More precisely, elite actors undermined the chances and principles of intermediary unionism in the first place. If the union had a choice it was of whether to engage in a struggle with the elite to gain autonomy, an issue where cleavage was inevitable. It is important to mention here that in the Serbian case of shallow democratization, elite actors were able to bypass unions. This was possible since there was a lack of traditions of worker self-organization, workers were fragmented even within plants, and the rank and file typically faced situations of absolute deprivation.

This chapter is structured in the following way. The first section outlines the details of one crucial moment, SSS's abandoned general strike of late 1992. Here I outline the dynamics of the deal, the context, and the conscious self-isolation of the peak level union. In the second section I outline the specificities of the authoritarian-populist state building project of Milosevic,

most importantly how it undermined intermediary organizations and unions. I argue that the domination of the authoritarian elite is not sufficient in explaining union quiescence. Namely, elite hostility built on specific internal union organizational weaknesses, an issue which came to the fore during the union's attempt to fight for autonomy and credibility during the short wave of democratization in 1990-1991. This is the topic of the third section. Here I concentrate on the partial successes and defeat of the organizational 'reform'. The defeat of reformers had several byproducts: the lost chance to establish relevance and peak level authority through the *mobilization* of rank-and file, the development of a principled labor agenda, and redefined autonomous organizational structures. Instead, little happened in terms of organizational self-empowerment while exposure to elite influence persisted. The union was organizationally vulnerable also due to the limited commitment of rank and file members towards intermediary unionism and the extreme economic and political insecurities. The last, fifth section outlines the immediate implications and the "sticky" elements in the SSS trajectory. Thus, apart from drawing attention to the immediate implications of the abandonment of the fight for autonomy, I also show that from 1993 a new organizational practice developed: a tendency to combine verbal militancy and *de facto* subordination to the elite.

3.1. The pattern of giving up on mobilization and accepting elite dependence

Instead of using the opportunity to invest in mobilization against state actors in order to increase its autonomy and create a position in the wider political arena, in late 1992 the SSS struck a crucial deal with the state. The union decided not to confront the government and not to invest in mobilization and organization of collective action. Instead the SSS quickly accepted to negotiate and agreed to populist egalitarian wage and employment concessions with very

negative consequences for its constituency. In practical terms, this also meant giving up the struggle for a sufficient level of union autonomy: the SSS was also resigned to ‘temporarily’ abandoning the principles of unionism, and losing its moral status in the eyes of the rank and file.

The sudden halt to the union’s drive for autonomy and political relevance was somewhat surprising since these came after several reforms were accomplished in 1990-1991 within the union under the slogans of union autonomy and a return to independent representation of the interests of the rank and file. Although this internal reform had brought some changes and resulted in more autonomous work of the peak level organization, the most active reformers were ousted from the union in June 1991. Nevertheless, membership in unions ceased to be automatic, and all union members were to sign up and receive membership cards. There were some efforts to make the organization closer to the rank and file, through communication in the union newsletter and more regular communication with union activists from different branches and regions. Along with a rising intensity of industrial conflicts, SSS continued to demand responses from governmental officials and threaten strikes, influencing industrial policy as well as guaranteeing minimum wages for all employed. Union representatives used meetings with Serbian executives as well as the president of the Serbian parliament to lobby for certain policies. In May 1992, the union presidency went so far as to demand resignation not only of the government but also of most powerful figure of Serbia, Milosevic!¹⁴² On the other hand, SSS lacked organizational capacities. Most acutely, the SSS and its territorial union members remained mostly passive even when it came to engagement in passing regulations to overcome

¹⁴² Gradimir Ivanic, [head of SSSS documentation center] ‘Uzaludni zapisi’ unpublished diary.

increasingly chaotic conflicts, strikes of plant level unions,¹⁴³ or even reconciling conflicts between workers and ‘their’ union representatives.¹⁴⁴

On May 30 1992, the UN Security Council introduced comprehensive economic sanctions against the Federal Republic of Yugoslavia as a reaction to Serbian and rump-Yugoslav military involvement in conflicts in Croatia and Bosnia. By that time, the Serbian economy had already shrunk at similar rates as in other former state socialist states. The sanctions were an additional major shock to an already serious situation. Namely, the UN measures banned international trade with the new Yugoslavia and severely damaged industrial production in general, but especially in export driven sectors. The effects of the sanctions were devastating for this industry: production came to a standstill; the chances of losing markets were high, and thus jobs were also at stake. Sensing dissatisfaction, pressure and fear from both member unions and rank and file members, the peak level union threatened to organize a general strike, with the aim of pushing the government to meet all necessary requirements for the lifting of the sanctions. However, while the prime minister tried to convince the general public that sanctions ‘would not last long’¹⁴⁵ the government did little to meet requirements to lift sanctions despite its promises to do so. At the same time, the union leadership remained undecided whether to launch the strike or not. After several verbal strike threats during 1992, the union leadership eventually called the strike off. The chairman justified the absence of action by pointing to the “highly political” nature of the sanctions.

¹⁴³ See e.g. Gordana Djukic ‘Radnici krše sindikalni protokol’ *Borba* 27 March 1992

¹⁴⁴ See e.g. ‘Obecanje od 250 miliona’ *Borba* 5 March 1992; ‘Strajk se nastavlja’ *Borba* March 7-8 1992; ‘Beli mantili traze policajce’ *Borba* March 31 1992. In the case of one Belgrade clinic the majority of protesting workers were unable to remove ‘their’ union representative due to his ‘ties and connections’ and they were forced to form a new union.

¹⁴⁵ Author’s interview with Slobodanka Brankovic former head of the SSS office for legal matters, Belgrade, November 28 2006.

I do not claim that the strike would have guaranteed the lifting of sanctions. However, it was by all means a unique chance to increase pressure on the elite, and at the same time, also establish a larger distance and autonomy from it, while possibly also establishing the SSS as a relevant actor in the political arena. (In other words: it was a situation where mobilization would have been crucial in serving two purposes: 1. establishing authority and trust of the rank and file by establishing new structures of communication and new practices; 2. proving to the decision makers the union's autonomous capacities to act and represent the interests of the working class and exert influence.)

However, the peak level union did not *mobilize* against Serbian state actors. Rather than confronting the government, the SSS struck a deal on wage and employment concessions. More precisely, the SSS leadership not only accepted the offer to negotiate with the government but it also put forward the populist idea of a Belgrade city level union official who would call on the government to level wages during sanctions as well as to offer job security to all employees.¹⁴⁶ Rather than start preparations for industrial action, already in June 1992 the union agreed to negotiate with the government. All high ranking officials were present during the negotiations, which lasted late into the evening. While convincing the union representatives that sanctions would not last long, the new prime minister, Bozovic offered a free hand to the union leadership to demand whatever it wants.¹⁴⁷ The government played along by proposing a law on wages, according to which the main elements of the previous collective agreements were annulled. In this way, a grand scale populist employment guarantee with wage concessions was accepted through legal means. The SSS also abandoned its' rights of setting tariffs', while firms and

¹⁴⁶ Bogdan Brkic 'Pred kolapsom' *Rad* September 18 1992; 'Odgovornost vlade' Ibid. See also 'Vlada je popustila' *Rad* March 6 1992.

¹⁴⁷ Author's interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006.

unions could also apply to a newly established fund to receive 75% of guaranteed minimum wages. Wage-differences could not exceed a ratio of 1:3.

Sanctions however, did not end in a ‘matter of months.’ Partly also to respond to pressure coming from its most militant unions of industrial branch plants, but also from the public sector, SSS threatened repeatedly to stage a general strike, only to postpone these threats at some signs that the parliament and the government would adopt measures to remedy the existential problems of workers. General strike threats from the SSS became commonplace. In late 1992 and throughout 1993, the SSS even started a few times to organize a strike, but in a lukewarm manner (Arandarenko 1997): for example, survey questionnaires were sent to member unions and the rank and file for approval. In order to ease the pressure from the most militant branch of the metal industry, SSS allowed this branch to fight independently from SSS for concessions and subsidies to allow it to start production.¹⁴⁸ The peak level union did not challenge the autonomy of metal in negotiating separate deals, nor could it stop the exit of energy sectoral union from SSS. After metal reached a separate deal with a subsidy package sufficient for starting production, industry representatives called off its engagement in the general strike.¹⁴⁹ Only in 1993, to deal with pressure from inside the union, the SSS launched a strike, which was sloppily organized (Arandarenko 1997) in a ‘bureaucratic way’¹⁵⁰, with minimal organizational input.

More conservatively, in line with Serbian officials, the union leadership supported the war efforts and state building policies of Milosevic, acknowledging the legitimacy of Serbian support for ethnic Serbs in the disintegrated state. The SSS supported the formation of a Serb

¹⁴⁸ Z. Bosnic-Vujadinovic ‘Podeljeno clanstvo’ *Rad* December 28 1992.

¹⁴⁹ The metal branch union committee did not even communicate on the issue with its subsidiary organizations.

¹⁵⁰ Author’s interview with Slobodanka Brankovic former head of the SSS office for legal matters, Belgrade, November 28 2006

trade union in Knin¹⁵¹, and in late 1991 it even accepted unions of ‘Serbian territories’ from Croatia into the Serbian federation.¹⁵² The union was silent on the issue of war and the involvement of the Yugoslav military in the conflict. In circumstances of a dramatic turn to the right taking place from late 1991, the strategy of the union leadership was very rational: it attempted to find allies and influence a pro-labor faction within the ruling SPS.¹⁵³ However, in reality, when the nationalist agenda and authoritarian turn escalated, the strategy could not bring major results. The SSS also supported the preliminary parliamentary elections of late 1992, but it appeared very passive during the electoral campaign.

The deal with the government had major consequences for the union. The union leadership was not fully aware of the macroeconomic implications of such a deal, most notably of the joint risks of skyrocketing inflation and plummeting production. In the retrospective judgment of a former union official, the union became an accomplice of the Milosevic regime in constructing an economic disaster.¹⁵⁴ Namely, as it very soon became clear, pegging wages to inflation levels with dramatically deteriorating production levels paved the way for hyperinflation. Since the bulk of the industrial workforce was on ‘forced leaves’ due to sanctions, internal union critics soon recognized that the union’s new role was to become an organization of a non-employed, passive, socially vulnerable population, and not an organization

¹⁵¹ ‘Zabrinutost i protest’ *Rad* June 29 1991.

¹⁵² ‘Sindikatske organizacije u Srbiji’ *Rad* August 2 1991. The new temporary SSS chairman, Milorad Vujasinovic was a Serb born in Croatia, and as such sympathized personally with general Serbian efforts to protect ethnic Serbs in other republics of Yugoslavia.

¹⁵³ Most importantly, in pressing decision-making in favor of a labor agenda, in March 1992 the union leadership used the invitation of the President of the Serbian parliament to address the people’s representatives (narodni poslanik). The union chairman outlined the importance of minimum wages and revision of the tax system, raising awareness on worker ‘hunger and anger’, referring to the possibility of a general strike. The threat was outmaneuvered by a theatrical performance of populists and right-wing MPs. Jelka Jovanovic ‘Kais je pukao’ and Slobodanka Brankovic, ‘Sramota’ *Rad* March 6 1992

¹⁵⁴ Interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006.

representing the interests of an active working class¹⁵⁵. In other words, in agreeing to such populist concession, the SSS in essence gave up to defend the distinctiveness of employment vis-à-vis non-employment (cf. Baxandall 2004), but also contributed to an economic collapse in 1993-1994. The union surrendered the very principles of dignity of work and sacrificed the political salience of unemployment, the very foundations of its militant identity. Basically it contributed to a very loose labor market, abandoning any aspirations or increasing capacities to govern it.

The union failed to give a transparent response or offer a vision on its own role even at this most radical moment, an occasion when the voice of labor should have mattered. Whereas it *can* be argued that in technical terms for trade unions organization of a general strike would have been a difficult task – due to the precarious situation – organization of alternative, similarly disruptive collective action was not! It seems as if a general strike was not the most efficient way to build up an autonomous position towards the elite, since the task was too challenging in organizational terms. Yet, there are questions which we cannot answer with certainty. What could the unions demand and with what strength? Was the general strike a threat of tactical importance only for an internal audience? Was the audience of the threat primarily the most militant union members and the rank and file? Why go on strike when jobs were at risk? Why did the union not announce or organize a warning strike or a warning protest instead? Why not, at least, attempt public televised negotiations with decision makers, as it had been in the spring of 1991?

These questions are speculative. Moreover, due to lack of data, they cannot be answered with certainty. However they indicate possibilities of alternative union action in a fight for autonomy. By considering the alternatives, we can determine at least some of the reasons behind

¹⁵⁵ ‘Odgovornost vlade’ *Rad* September 18 1992

the union's choice to sign a concession agreement and gradually call off the strike. In practical terms, such trade union quiescence corresponded with a resignation to accept low union autonomy and marginalization. As I argue in the following sections, the SSS struggle for autonomy ended in resignation due to long-term effects of elite influence in late self-management and the effects of the authoritarian turn in a militarized Serbia. Whereas I will show the negative effects of the Milosevic-led elite on trade unionism, I also argue that SSS had limited organizational capacities and too weak internal structures to fight more assertively. The elite influence and the internal organizational component can be separated to some extent. Internal organizational vulnerability stemmed from late socialism, when the trade union could not and thus did not overcome its inherited organizational weaknesses to reestablish itself as both powerful organization and autonomous interest group actively shaping or influencing the political arena. On the other hand, internal attempts in 1990-91 to reverse these trends ended with limited success and were insufficient for a breakthrough. Finally, low commitment of the rank and file towards unionism, and their direct turn to the elite was also an important element behind the abandoned fight for autonomy. In the next section I outline the poor record of SSS in late self-management and its causes.

2.2. The impact of Milosevic's authoritarian populism on SSS (1987-1989)

The last years of authoritarian socialism in Serbia were turbulent, exemplified in mass mobilization in support for the new communist leader of Serbia and his often extra-institutional policies. The mass mobilization, officially called also the 'happening of the people' or 'anti-bureaucratic revolution' was a fortification of Milosevic's power through putting in place a supportive clientelist network behind himself. Changes occurred within the leadership of the

peak level union SSS. Equally importantly, under conditions of extra-institutional elite domination via popular mobilization, or the ‘anti-bureaucratic revolution’, intermediary unionism was a marginal, insecure actor, unable to start internal reforms or redefine the principles of unionism. That is, unions were not encouraged to initiate concrete steps towards their own reorganization and due to the ideology of ‘anti-bureaucratism’ two years were lost for authentic and effective internal organizational reform and self-empowerment. Between 1988 and early 1990 the peak level union did not engage at all in bringing closer the divergent interests of the territorially fragmented industrial workers of different branches or public employees. Thus, when Serbian democratization started, the union did not have a principled labor agenda nor sufficient capacities for independent interest representation through mobilization and collective bargaining. Rather than springing from internal dynamics and needs, the organizational reform of the union in early 1990 stemmed from the simple need to cope with systemic changes of democratization and marketization in the wider environment.

Milosevic rose to power in late 1987 in a complex series of events: anticipated democratization and economic liberalization, rising nationalisms and uncertainties on the future of Yugoslavia and its constituent, increasingly independent republican units. Milosevic’s coup against the first man of Serbian communist politics, Ivan Stambolic,¹⁵⁶ occurred after a decade of rising unemployment and inflation, economic interventions and never-ending harsh austerity measures introduced by the debt-servicing federal Yugoslav government. The disagreement

¹⁵⁶ In 1986-1987, Milosevic was the second most important figure in Serbia but was supposed to remain subordinated to his mentor Ivan Stambolic. Starting his significant political career in 1982, Stambolic abandoned the former practice of appointments through broad consultations in the leading organs of communist bodies, used the power vacuum at the Yugoslav federal level, and while appearing as a democrat, instituted clientelistic practices of putting friends and allies in leadership positions. Although from 1984 he was the leader of the City level communist organization of Belgrade, and from 1986 the president of the Serbian faction of the League of Communists, Milosevic was supposed to remain in shadow of Stambolic who occupied the Serbian republican state office. Until 1986 Milosevic was barely known to wider audiences (Vladislavjevic 2008: 67-69), but in late 1987 he launched a successful attack and coup against Stambolic, triggering the latter’s resignation.

between Stambolic and Milosevic was less about the desired directions of changes but more about their methods and rapidity. The status of the autonomous province of Kosovo, and Milosevic's policies towards Serbian centralization fuelled the escalation of both the Serbian and Yugoslav crises¹⁵⁷. Rather than Milosevic being a mere conservative 'neo-Stalinist' (cf. Stanojevic 2003), the crucial components of Milosevic's internal coup and rise to power within the Serbian League of Communists was an effective use of a clientelistic patronage network and mass media (Vladislavljevic 2008), the adoption of a powerful populist-nationalist discourse (Dragovic Soso 2002, Dimitrijevic 2001), and reliance on the Yugoslav military and a disproportionately large Serbian coercive apparatus and its derivatives (Gow 1992).

Bringing an adapted clientelistic practice from 1984 when he was at the helm of the Belgrade city level communist committee (Cohen 2001; Vladislavljevic 2008: 65) gradually to

¹⁵⁷ Given the limited space it is difficult yet important to summarize the specific situation Serbia and Yugoslavia were in the 1980s which contributed to Milosevic's rise to power. Here I draw attention to three crucial moments which are necessary for an appropriate understanding of Serbian politics in late socialist Yugoslavia. The first is the issue of the specific position of Serbia and Serbs within the federal state. That is, the issue of the 'Serbian national question' and Serbian statehood appeared in a situation when Yugoslav republics as well as provinces increasingly operated as autarchic units within the federal state. However, republican and provincial borders within former Yugoslavia did not overlap with borders of ethno-national groups. Since ethnic Serbs lived in great numbers also in other republics of Yugoslavia, intellectuals raised the issue of unsolved 'Serbian statehood'. Moreover, Serbia was the only republic that also had autonomous provinces on its territory. In its underdeveloped autonomous province of Kosovo during the 1980s ethnic Albanians and their elected representatives increasingly rallied for full independence from Serbia. The second is the destructive effect of economic hard times, mostly due to imposed austerity measures and Yugoslav debt servicing. The impact of a decade with austerity measures under the federal Yugoslav government on lives of social communities and political institutions is most aptly summarized by Rusinow (1992: 27-9): '[T]he calculations and/or ineptitude of the post-Tito politicians [...] superimposed on a decade of mounting economic, political and social crisis that had 'delegitimized' the regime and the system but not yet the state, transformed endemic tensions and conflicts among its diverse nationalities into collective existential fears for their communal survival that progressively affected them all.' Third, with the death of Tito, after 1980 there was a lack of consensus among republican leaders on economic and political reforms affecting the future of Yugoslavia, a protracted status-quo, but the independence of republican elites further increased from the center. Most importantly, Slovene-Serbian relations entered a deadlock on the main issue of whether to centralize or make a confederation out of the federal state and whether to radically reduce the vast Yugoslav Army. Finally, the major difference between the betrayed Stambolic and Milosevic was about the speed of changes and the legitimacy of new methods. For appropriate contextualized assessments of the acceleration of 'ethnic politics' in Serbia see e.g. Magid 1991, Rusinow 1995; Woodward 1995a; Woodward 1995b, Cohen 2001, Lampe 2000: 357-64.

perfection¹⁵⁸, Milosevic's first step after his election as the president of the Serbian state presidency in early 1988 was to replace officials with loyal cadre in the most important political and social organizations, in enterprises and institutions of strategic importance. Changes happened in a matter of a few months also in republican and Belgrade city level communist leaderships, chief editors of the official media, as well as the managers of the largest industrial plants in the industrial basin of the capital. The replacement of union officials with new party loyalists affected first the top levels of the union but also the city level union organizations and many industrial plants in Belgrade. The chairman of the peak level union federation, Novica Filipovic, was forced to resign soon after Milosevic's rise to power, and was replaced by a loyalist, Tomislav Milenkovic as a temporary chair. The new elite exerted informal pressure against members of the Presidium of the Trade Union Council as well as against the union secretary.¹⁵⁹ At the city level union federation of Belgrade, in 1989 the new union leadership was appointed precisely through the use of tried-out clientelistic logic and voting machinery. As a union official, present in those sessions explained, 'obedient' cadre, close to the new party leadership were elected, and the popularity of other candidates, often plant level union leaders did not really matter. That is, selection criteria for top union offices were more about loyalty to the political elite than organizational skills and devotedness to unionist work or the workers themselves.¹⁶⁰

However, changes in the highest echelons of the party and Serbian top political institutions and social organizations did not trigger automatic changes outside Belgrade in local

¹⁵⁸ It was Milosevic protégé, Ivan Stambolic who disregarded reforms in the cadre election process, and stressed 'personal control over main levers of power' (Vladislavljevic 2008: 65). Ironically, Milosevic's fast track political career happened as a result of Stambolic's support and anticipated loyalty.

¹⁵⁹ E.g. 'Serbian Trade Union Council discusses work stoppages' *Tanjug* Belgrade March 25 1988. See: Ivanic *Uzaludni zapisi*.

¹⁶⁰ My informant also mentioned that the logic was 'people who think are dangerous'. Interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006

self-governments, organizations and enterprises. Under late self-management, Serbia was quite decentralized. Self-governments at the communal (county) level, and enterprises had significant autonomy, but these were also riddled with informal practices. That is, informal networks of local strongmen¹⁶¹ were common, involving party bosses, managers of the main enterprises and various officials of political institutions. Changes at the top levels of the Serbian state and party leadership had even less effect on the political leadership in the still autonomous provinces of Kosovo and Vojvodina. In order to fortify his power over the whole territory of Serbia but even wider, Milosevic had to break into the ‘patronage networks of local power’ or local ‘political machines’ (cf. Woodward 1995b: 91).

Milosevic broke into autonomous patronage networks through launching the ‘anti-bureaucratic revolution’, a wave of populist protests and charges directed against non-loyalists and opponents not under the direct control of the officials of the Serbian state and party. The general aim of the ‘anti-bureaucratic revolution’ was to speed up the process of strengthening the authority and reform of the Serbian state but also to exert stronger Serbian influence within Yugoslavia. The ‘anti-bureaucratic revolution’ pragmatically and convincingly combined elements of socialism, democracy, economic reforms, an efficient state as well as Serbian nationalism.¹⁶² On the other hand, direct support and mobilization of the masses was instrumental in fortifying Milosevic’s authority. The new proto-coalition of ideological and coercive power allowed the new Serbian leader to swiftly reach out and receive direct popular

¹⁶¹ Women were rarely on top of large enterprises or party cells.

¹⁶² In official discourse, the ‘anti-bureaucratic’ steps taken by the Serbian communists were directed against those deemed responsible for the crisis, those who had divided the ‘People,’ or ‘working people’ of Yugoslavia and Serbia, pitting them against one another. The 8th plenum of Alliance of Communists of Serbia, which brought Milosevic to power, supported and legitimized rallies, protest actions and strikes for goals defined by the new elite. Its main ‘anti-bureaucratic’ message reads as follows: ‘Today it is more important than ever that the members of the Communist Alliance, the working class, working people and citizens step onto the political stage and decisively influence politics, solve problems in the society and exit the crisis’. In: Momir Brkic (ed.) *Osnovna opredeljenja SK Srbije kao partije za demokratski socijalizam*. Beograd: Komunist 1990

support from groups and masses and thus to strengthen his own position and visions in the whole territory of Serbia. The ‘anti-bureaucratic’ appeal gathered direct support from the masses, various groups increasingly affected by austerity measures of the federal Yugoslav governments, while it challenged and selectively threatened both existing political institutions and communist officials. It was popular also since in the name of democracy it allowed and even encouraged nationalist¹⁶³ sentiments.

Between June 1988 and late 1989, under the slogans of the ‘anti-bureaucratic revolution’ or ‘happening of the people’, Milosevic and his powerful coalition orchestrated mass rallies as a means of putting aggressive pressure on (potential) opponents and forcing resignations through ‘soft’ means. Under direct pressure of the protesting masses many local and provincial officials were forced to resign, also putting an end to the substantive autonomy of Serbian provinces. A series of large popular protests was launched not only in Serbia and its provinces but also in Montenegro.

The ‘anti-bureaucratic’ revolution was directed at getting active support from a specific constituency: the Serbian ‘working people’, i.e. the blue collar production workers. For the new communist leadership’s legitimacy and proof of its communist identity, worker support was crucial. Blue collar workers were relatively receptive to a rebellion against ‘bureaucracy’¹⁶⁴ since they showed signs of deep alienation from the increasingly informal and opaque operation of self-management and the on-going fall of living standards.¹⁶⁵ This being the case, the role of

¹⁶³ Initially: anti-Albanian.

¹⁶⁴ ‘Bureaucracy’ sometimes also symbolized non-production workers such as managers on the plant level, but it was especially aimed against the ‘political bureaucracy’ or politicians – office holders at various levels of the state.

¹⁶⁵ By mid the 1980s, many workers were deeply disillusioned with the institutions of the system. As early as the mid-1980s, scholars observed workers’ frustration and apathy towards the system of self-management, which had, in the eyes of workers, become ‘a façade behind which power hungry men’ made political gains (Magid 1991: 253, 389-394). Self-management and its domination by economic managers and political bureaucrats was a synonym for a complex, nontransparent system of a decentralized state with significant economic power for republics and autonomous provinces as well as local municipalities (ibid. 254).

intermediary union organization became an issue (cf. Cohen 1997: 331). This was even more so, since the anti-bureaucratic revolution consciously built on the wave of wild-cat strikes that punctuated the final years of socialism.

The strikes of the late 1980s grew increasingly frequent. In 1987, a year before the start of the ‘anti-bureaucratic’ revolution the number as well as the size of wild cat strikes doubled from the previous year. Using worker dissatisfaction instrumentally, it was not accidental that the start of the ‘anti-bureaucratic revolution’ was declared in June 1988 after the public protest of workers of one tractor plant near Belgrade in front of the federal parliament. During this rally the protesters demanded bread and butter. However, at least one speaker also voiced a political message during the protest. Namely, the plant level communist official spiced the bread and butter demands of workers with political demands such as workers wanting to ‘fight for Kosovo’. Whereas the plant level union leader soon had to deal with various coercive apparatuses, his party colleague appeared on TV and explained worker demands giving them an ‘official’ political tone.¹⁶⁶

Yet, the iconic symbol of ‘spontaneous’ worker support for the policies of the new Serbian leadership was to become the strike and public rally of Belgrade metal workers, organized by the plant union in October 1988. At this dramatic public rally in front of the Yugoslav federal parliament, blue collar metal workers chanted for Milosevic to address them personally.¹⁶⁷ Unlike during the previous ‘modular’ protest in June, it was the widely celebrated

¹⁶⁶ Unlike during the following rallies, the plant level union leader kept the protest under strict control of the union. The unionist both successfully mobilized and demobilized workers, formulating bread and butter demands, calling for state guarantees to solve production problems. Moreover workers were not allowed to mix with the crowd that gathered during the protest. Author’s interview with Milika Jovanovic strike and plant level union leader. Belgrade, May 30 2007.

¹⁶⁷ Celebrated by workers of a large industrial plant, Milosevic could convincingly claim that the Serbian working class was unified behind him, showing at the same time aspirations towards Yugoslav politics. Milosevic initially looked towards democratic elections on the federal Yugoslav level since he counted on the relative plurality of

Milosevic and not union officials who subsequently demobilized the gathered workers. The rally showed that Milosevic used unions instrumentally: as organizers of the rally, plant level unions established the "direct communication" between an authoritative leader and production workers who demanded changes in all of Yugoslavia.

From then on, it was rather the Milosevic-led *denouement* ('rasplet') which further boosted workers' mobilization.¹⁶⁸ That is, trade unions expressed support, at best appearing as marginal co-organizers bringing workers to attend mass rallies. Compared to 1987, the 'anti-bureaucratic revolution' boosted not so much the number but more the size of strikes (cf. Petkovic 1990). In contrast to earlier times, communist party members' rising participation seemed to be the crucial novelty, explaining both the massive size and success of strikes.¹⁶⁹

The immediate effect of the 'anti-bureaucratic' rallies on the local, county-level union organizations and unions in plants varied and was more complicated than in the case of the peak level organization, and it had disproportional regional effects. During the 'anti-bureaucratic'

ethnic Serb votes. Woodward 1995b; authors interview with Dušan Mitrović former secretary of SSS, Belgrade, 27 November 2006.

¹⁶⁸ The strike was followed by rallies in different towns in support of abolishing the autonomies of Kosovo and Vojvodina. Some plant level trade unions were included as co-organizers of the great rally of Gazimestan in 1989 at the 600th anniversary of the Kosovo battle, which also symbolized support for Milosevic, and also at a massive protest in Belgrade demanding intervention of the Yugoslav People's Army in Kosovo. On these occasions, aside from economic grievances related to incomes and demands for a reduction in the 'administrative personnel' at the plant, workers also voiced political demands, including 'their' stance on political and economic reforms, sometimes requesting resignations from Milosevic's political opponents. Newspaper articles testify that strikes which accepted the official discourse – with or without union involvement – could also count on material gains in the form of wage increases. See e.g. P. Vasic 'Strpljenje na izmaku' *Borba* October 6, 1988, 'Potka od sto rupa' *Borba* November 11 1988; Lj. Popovic & Z. Azdejkovic: 'Solidarnost – sa sobom' *Borba* November 25 1988 'Adresa za svakog krivca' *Borba* October 8 1988; V. Dinic & P. Ilic 'Rade i bez direktora' *Vecernje novosti* December 13 1989 "'Paketic" pred skupstinom' *Borba* December 26 1989. Compare with less successful protests e.g. V. Jovanovic 'Ko je u stvari cutao?' *Borba* September 11 1989, Darko Gorsek 'Rudari hoce u elektroprivredu' *Borba* December 27 1989; 'Prvi covek okrenuo ledja' *Borba* December 28 1989; A. Tatalovic 'Ko to tamo strajkuje?' *Vecernje novosti* December 29 1989.

¹⁶⁹ In 1989, 40 percent of strikers were communist party members, and in many plants most party members joined. This is in stark contrast to the developments prior to 1988, where party members participating in strikes were in significant minority (Stojiljkovic 1989: 67, Arzenssek 1984, Jovanov 1979). There is also evidence that enterprise managers of "Jugolat", "Novkabel", and "Jugodent" loyal to the new leader actually made arrangements to cover travel costs and food for their employees who participated in the big mass rallies directed against non-loyal communist leaders. Ivanic, 'Uzaludni zapisi' Ibid.

revolution, now discredited ‘bureaucratic’ union leaders were dismissed and some new unionists were appointed. This was usually a side effect of more substantive changes in the personnel of local officials and managers. There is little doubt that there were more changes in these positions in Vojvodina and Belgrade than in many industrial centers in central Serbia.¹⁷⁰ These changes in general reinforced patronage networks or ‘internal coalitions’ which were from then on loyal to Milosevic’s policies. That is, local and plant unions remained dependent on local allies, managers and officials. In turn, the autonomy of the local elite from the top political elite decreased.

The ‘anti-bureaucratic’ revolution certainly did not improve the status of unions. Local unions remained among the weakest elements of the ‘total sociopolitical infrastructure’ (Arandarenko 1998). County level unions remained organizationally inappropriate to address worker grievances, not least because they were also tied to local political machines of patronage networks. Simultaneously, most plant level unions lacked the skills and capacities to channel worker discontent, or to lead workers. Plant level unions were only preparing administrative reports for officials explaining worker demands.¹⁷¹ Consequently, worker strikes and protests remained highly parochial. During the ‘happening of the people’, local bread and butter strikes that expressed no positive reference towards the official discourse of Serbian communists usually happened without union involvement.

The importance of the SSS waned as direct communication and support between the elite and the masses increased. Such a flow of events damaged the prospects and importance of intermediary unionism. Moreover, the ‘anti-bureaucratic’ ideology put the peak level union and especially its new leaders into an awkwardly insecure situation. Namely, the SSS as a peak level

¹⁷⁰ See e.g. ‘Krusevac workers protest low incomes’ *Radio Belgrade*, October 7 1988 [translated to English, *Bwire*, Munich] ‘Adresa za svakog krivca’ *Vecernje Novosti* November 25 1988.

¹⁷¹ *Vecernje novosti* May 14 1989

organization was *de facto* very far from the reality of operation of plant level unions and its rank and file. Under ideological pressure, the SSS could not distance itself from the reestablished popular vanguard communist decision makers or adopt a more active role in its relation to the party, since this could invite a crushing attack. But the new, peak level union leadership, hand-picked by Milosevic and his closest collaborators, did not even try to play a more active and critical role vis-à-vis the elite, or even to insert the union more autonomously and critically between the masses of workers and Milosevic. Instead of creating a larger distance from the communist party, or actively renegotiating connections, ties between the new elite and unionists were if not stronger, then more opaque from a unionist point of view. New patron-client ties undermined union autonomy, i.e. union stances were very sensitive to elite demands. The peak level union did not challenge even Milosevic's right to speak on behalf of the united Serbian 'working people.' Rather, processes developed in the opposite direction.

Quite paradoxically, since the SSS was open to charges of being part of the 'discredited' 'bureaucratic' apparatus, it was able to escape these charges only by appearing as an active supporter of the elite's 'anti-bureaucratic revolution'! At the start of the anti-bureaucratic revolution, the new temporarily elected union leadership supported Milosevic's rallies 'until the situation [of overcoming obstacles in the way of reforms was] solved.'¹⁷² The SSS leadership was even unsure how to act when plant level unions mobilized autonomously, even if their demands partially overlapped with 'official' discourse.¹⁷³ The SSS unconditionally supported extra-institutional policies, followed the 'official' discourse, and attacked targeted enemies of the

¹⁷² Statement of Council of Trade Union Federation of Serbia, in "Mitinzi dok se stanje ne resi" *Politika* September 9 1988 as quoted in Milosavljevic (2005).

¹⁷³ A telling episode occurred during the strike and dramatic protest of Rakovica workers in October 1988. According to one organizer, when union leaders decided not only to strike but to lead a march of workers from their plant to the Yugoslav parliament, the new temporary union chair, Milenkovic, in disbelief, attempted to persuade the organizers to call off the protest. Author's interview with Slobodanka Brankovic former head of the SSS office for legal matters, Belgrade, November 28 2006

Serbian leader. Paralleling quarrels between Milosevic and republican and Yugoslav federal leaders, the SSS leadership was deeply involved in quarrels over 'class' and the 'national' with other republican and federal trade union leaderships.¹⁷⁴ The SSS organized only one grand scale industrial action, but again against Milosevic's enemies. This was a 30 minute general warning strike in December 1989, which was directed against the anti-inflation program of the federal government. In effect the strike was a blow to the faltering Yugoslav government, in harmony with the critical stances of Serbian leaders towards the federal executives. The strike ended with a call for suspension of protest activities. By then, the anti-bureaucratic revolution was over, in the sense that Milosevic's supporters had been installed into their positions and Vojvodina and Kosovo had lost real autonomy. Organizing strike rallies had thus lost a clear point from the perspective of the political elite. Consequently, the SSS called on workers to end their strike rallies in front of the federal parliament and solve problems internally. Quite telling is the official statement of the peak level union published in the media:

The Serbian trade union today called on the workers to seek solutions for their financial and work problems within the firms and to stop coming to the federal parliament building. The trade union does not contest the workers' right to strike, and views the [federal government's] wage freeze

¹⁷⁴ At the very start of the anti-bureaucratic revolution, in September 1988, a member of the Presidency of the Yugoslav trade union federation in a public statement indirectly criticized the Serbian trade union leadership for supporting the nationalist claims of workers', claiming that the Serbian trade union was 'losing the class orientation to the other [national] orientation'. The statement was published in the Serbian media and led to an uproar and counter-attack by the Serbian trade union federation. The statement was interpreted in Serbia as an attack 'which the Serbian trade union and the working class of Serbia experience not as a help to progressive forces [represented by the achieved unity of the 8th Congress of the Central Committee of the League of Communists of Serbia], but as an encouragement to nationalists, and especially to the aggressive Albanian nationalism and separatism.' In the beginning of 1989, the strike and the demands of Albanian miners in Kosovo were delegitimized in principle since it was opposite to the official standpoint of the League of Communists of Yugoslavia. When it came to declarative statements related to the Serbian state building project, the SSS leadership, along with the most influential, Belgrade level union federation, chose to follow the official policies of the new elite. The unions condemned the political strike of Albanian miners strike in Kosovo that had supported the political leadership ousted by Milosevic. The union also legitimized military intervention in the province and coercive supervision of the work process. SSS charged the alternative trade union of Kosovo Albanians of organizing on pure ethnic lines and working for separatist political means. See e.g. J. Jovanovic 'Ipak, nacionalno pa klasno' *Rad* September 30 1988. "Klasa trazi odgovornost" October 1 1988; Radomir Grujic 'Radili da bi unistavali' *Rad* 16 March 1990.

and the price hikes as unacceptable. However, the Serbian trade union leadership believes that protests for higher wages outside the parliament building are ‘degrading’.¹⁷⁵

In addition to subordination to the elite and the discourse of ‘loyalty’, there was another, seemingly independent outcome of ‘Serbian state-building’ on union politics. The years of the Serbian ‘denouement’ of 1988-1989 ‘sentenced’ SSS union politics to internal organizational passivity. Namely, elite domination postponed and indirectly undermined internal, authentic redefinition of an interest representative worker organization. Internal reforms could not be started, nor could even the most problematic issues be tackled, such as the complete absence of functioning organizational structures and practices between plant, territorial and peak levels. Union organizations still mirrored the organization of political authorities along territorial lines. In a fragile, elite dominated extra-institutional milieu, it was difficult to invest in developing organizational structures which would enable more efficient flow of information, expertise in various matters, including organization of strikes and strategies for mutual empowerment of the peak level union and member union organizations. Consequently, the large distance from the peak level union to its rank and file and union members remained intact. Although SSS, as well as other trade unions in Yugoslavia continued to gather information on strikes, the union did not advocate legalization of strikes nor did it contribute to their institutionalization.

Finally, the replacement of union leaders with new loyal cadre at the peak level and partly also at communal and plant levels reinforced both organizational passivity and ‘organic loyalty’ of a submissive organization. The main obstacle to the internal organizational reform of the SSS was the rather aggressive interference of the elite. The next section reviews the attempt

¹⁷⁵ ‘Resenje nije pred skupstinom’ *Vecernje novosti* December 29, 1989. The ‘spontaneous’ initiative for the general strike came from unions of Rakovica. Milan Nikolic, the organizer of strikes and union leader at plant level in 1988, was then the new union leader of the county level of Rakovica. ‘Protest zbog plata’ *Vecernje novosti* December 21 1989.

of the SSS to break out from isolation and reestablish itself as an autonomous actor when a window of opportunity emerged in 1990-1991.

2.3. Internal causes and the external context of the abandoned struggle

Rather than due to internal need, the reform of the SSS occurred mostly due to changes in the external institutional setup of the anticipated market economy and democracy. Democratization, multi-party elections, a new liberal institutional framework for post-socialist federal Yugoslavia governing trade union action, strike legislation and collective bargaining provided significant opportunities. Changes in the federal legislation in 1989 for all practical purposes ended socialist self-management. It introduced privatization as well as transformation of property rights. In addition, democratization necessitated reformulation of union roles, identities, and organizations. Whereas the role of self-management and work councils became insecure, due to changes in federal Yugoslavia legislation, trade unions gained in importance. Newly institutionalized collective bargaining empowered the union to represent and fight for worker interests, while the federal constitution introduced strikes as legitimate actions. Participation in collective bargaining on the part of labor necessitated that trade unions transform themselves from socialist socio-political organizations into interest representative organizations with voluntary – and not automatic - membership. The union did not participate meaningfully in designing these institutions. Yet, the SSS needed to adapt to external changes and reform itself to gain legitimacy. As a response to adaptation to institutional changes in the wider environment, an internal drama developed regarding the scope and direction of trade union reform. The outcome was a partial, but not thorough reform within the SSS by which the major internal organizational problems were not overcome but were actually reinforced.

2.3.1. Limited achievements of the struggle for autonomy (1990-1991)

One of the ways in which the Serbian peak trade union responded to changes and pressure from the external environment was by calling a union congress in January 1990.¹⁷⁶ Mircev's thorough analysis of the materials of this congress¹⁷⁷ diagnosed a lack of clearly defined principles of 'new' unionism, the absence of an operational strategy, and an ambivalent approach to internal reform. Documents prepared for the congress contained contradictory statements and inconsistencies, and were silent on crucial issues and principles of unionism, as well as on issues of internal union organization. Not surprisingly, this 'reform' congress of SSS was more a congress of continuity than radical change. To start with, the scope of reforms was heavily compromised with procedural organizational principles characteristic of old unionism. Legitimacy of reforms came from the application of old formal internal procedures and directed changes initiated from the 'top'. The 'reform' congress followed a well established 'cabinet' procedure of electing the leadership, where 'enlightened' leaders initiated changes in union organization and activity related to the political and economic reforms, whereas procedures for electing officials remained unchanged. In other words, all members of the new leadership came through the old selection process through coordination system for cadre policy of the Socialist Alliance of the Working People of Serbia and all were members of the communist alliance. Although discussions brought in broader issues of competency and links to communist officials, there was little chance for counter candidates to be elected. Delegates voted for a list of pre-elected leaders, rather than for individual candidates.¹⁷⁸ The novelty was, however, that

¹⁷⁶ Internal Debates within trade unions in Serbia on union reform appeared only after the federal level trade union published the reform document in early 1989 (See 'Polazne osnove za reformu Veka SSJ' *Rad* February 14 1989). A meaningful debate started months later, in late 1989.

¹⁷⁷ For a summary see Dr Dimitar Mircev 'Stari sindikat u novoj odeci?' *Rad* May 29 1990

¹⁷⁸ Although some delegates raised criticism against the electoral procedure of the leadership, the new leaders were eventually elected without major opposition and there were no counter candidates proposed. G. Djukic, B.

appointments followed not only the criteria of presumed loyalty to Milosevic and the communists of Serbia but also sufficiently skilled cadre necessary to modernize the organization. That is, professionalization and reform was needed to make the union compatible with changes in the external environment, most notably to empower the union for interest representation through the institution of collective bargaining. For the task of union modernization a new secretary, Dusan Mitrovic, was appointed, sufficiently knowledgeable to modernize the organization. The other novelty was the adoption of a program that suggested that the union was to become a responsive and active organization.

The adopted program of SSS declared itself to stand for the general aim of unionism: fighting for social rights and a welfare state. There was however no original, concrete and original reflection on crucial issues and the main social and economic problems at this specific historical moment. Consequently there was also no concrete practical answer from the union as an organization aspiring to represent workers' interests. Delegates failed to take a stance on emerging issues of union pluralism and the organizational alternatives available to workers and employees stemming from freedom of worker association and self-organization. The program followed the discourse and reform program of Serbian communists calling for economic reforms towards the market with mixed property rights and the introduction of 'democratic socialism'.¹⁷⁹

The sections on economic and political reforms of the adopted program SSS followed the 'official' position to the letter. The union program formulated only a general stance towards

Stepanovic & V. Garcevic 'Radnicima nisu potrebni lideri' *Borba* 17 January 1990; 'Z Bosnic-Vujadinovic 'Na kongres sa zadatkom'; *Rad* January 19 1990; Author's interviews with Milan Nikolic former SSS strike organizer, plant and county level official, Belgrade 26 October 2006 and Belgrade May 29 2007; Milomir Boskovic, Valjevo county level union official Belgrade June 4 2007.

¹⁷⁹ The conception of democratic socialism was based on the 'mixed' idea of equality, liberties and rights of citizens, rule of law and political pluralism – in the political sphere, on mixed market economy, self-management, solidarity and social justice. Compare with the program of the Serbian communist: 'Nova politicka praksa i opredeljenja utemeljena na socijalistickim demokratskim vrednostima' in Momir Brkic (ed.) *Osnovna opredeljenja SK Srbije kao partije za demokratski socijalizam*. Beograd: komunist 1990: 177).

privatization and transformation of property rights and preferred a mixed regime among social, private and state ownership in the emerging new economy, without clear specification as to what that meant for the worker constituency and how the union was to fight for such an aim. In continuation with times of self-management, the tasks of the trade unions were defined very broadly, without sufficient adjustment for changes in the system: trade unions were (still) to participate in the development and definition of the economic system and economic policy measures; planning the development of enterprises; the adoption of 'self-managing acts', as well as in the election of political representatives and plant level management. Surprisingly there was also a declarative statement on a specific way of restructuring and modernizing agriculture since the union was to ensure that 'agricultural development gets a priority in overall development.' (SSS: 1990a). Finally the document echoed some anachronistic old official language while it also repeated the official statements, policy, and ideology of the presidium of the socialist republic of Serbia on the reform of the political system.¹⁸⁰ The programmatic document was thus highly normative and lacked a clear vision and strategy. It did not describe the mechanism of union operation in order to achieve its aims, nor any sort of control mechanisms so necessary for a democratic, accountable organization.

Yet, in terms of organizational autonomy, nominally it seemed as if a major breakthrough had happened since union delegates recognized 'an urgent need to return the trust of the rank and

¹⁸⁰ Most importantly, points 23. and 24 of the adopted program were highly political: on 'development of undeveloped regions' and on the 'stabilization of the situation in Kosovo'. The first point stressed the SSS support for swifter development of Kosovo, e.g. through more investments. The stated aim was also to 'prevent migration of Serbs and Montenegrins from Kosovo.' The latter point is especially political: 'SSS actively participates in the removal of the causes and consequences of the counterrevolution in Kosovo, first of all in stopping the migration of Serbs and Montenegrins from Kosovo under pressure, and for the creation of necessary conditions for return of emigrants and all others who want to live and work there.' Further 'It engages in removal of the weak parts in the system and process of education in Kosovo which stimulates the formation and expression of nationalist and separatist consciousness of the youth.' (SSS 1990a).

file' and 'to become an authentic class organization'.¹⁸¹ The declared agenda of the reformed union was to gain autonomy, return to represent the interests of the 'worker base' and build up an organization with critical distance to other organizations and institutions of the state, as well as to political parties. Since the union was to become a free and voluntary organization, the rank and file were to confirm membership in the organization on a voluntary basis.¹⁸² In establishing autonomy, some delegates put on the agenda the crucial issue of the union's exit from binding social agreements as well as from the umbrella organization of the recognized social groups (SSRN). Whereas the union insisted on non-partisanship, as already mentioned, a great deal of the program was almost literally taken from the new program of Serbian communists under transformation. The union did not outline any mechanism of influencing political parties, and remained silent about its relations with Serbian communists, also since at that moment multiparty elections had not yet been announced.

The most developed part of the program dealt with union participation in collective bargaining, as a major instrument of increasing union efficiency in representing the rank and file. The new role of the union anticipated also unions organized along sectoral (branch) lines. However, in continuation of its existing way of self-organization, SSS redefined itself at the congress as a territorially organized federation, gathering together plant level, local, city level and provincial organizations. The congress only adopted an initial decision allowing branch union committees in the anticipation of an upcoming unionist reorganization along the lines of

¹⁸¹ G. Djukic, B.Stepanovic & V.Garcevic 'Radnicima nisu potrebni lideri' *Borba* 17 January 1990.; 'Z Bosnic-Vujadinovic Na kongres sa zadatkom'; *Rad* January 19 1990.

¹⁸² On the other hand, according to congress decisions, directors (managers) of socialist enterprises could remain union members; only private employers were excluded from membership. The decision reinforced the anachronistic practice that directors could actively take part in union deliberations and actions. In continuation with earlier practice there was no complete separation of managerial functions and worker representation.

industrial branches and sectors. There was no proposed mechanism for incorporating unions of the industrial branches into the SSS.

The union was thus set to transform itself in line with the program. It turned out however, almost immediately after the congress that the general conclusions on reform produced two powerful, but diametrically opposed interpretations regarding both the peak level union's internal reorganization as well as its self-positioning in the political arena. The two interpretations created two, increasingly hostile factions. One faction, led informally by the union secretary was reformist and it made assertive moves towards redefinition of the principles of independent interest representation, establishment of union organizational structure, the articulation of a concrete agenda and authentic leadership necessary for union autonomy. The other faction, led by the union chairman was 'conservative': it covertly advocated partisan loyalty, union co-responsibility in governance, and minimal change in the organizational structure.

The SSS was also compelled to take a position towards the then dominant party of the reformed Serbian communists, the Socialist Party of Serbia (SPS). The SPS declared a break with 'dogmatic and bureaucratic socialism' but kept the role of the main 'subjective' vanguard and authoritative-decisive force of the left. It claimed support for one free autonomous peak level union organization, but it insisted on party domination when it came to worker representation. The SPS reserved its cooperation only for unions with similar ideological standpoints, i.e. a 'Union' which accepted a subordinated organizational role and no 'political' activity.¹⁸³

The reform faction understood their mandate professionally and thus worked hard to establish a strong intermediary organization and empower elected officials. Right from early 1990, the circle around Mitrovic started an internal reform of the complex organization. Under

¹⁸³ 'Nova politicka praksa i opredeljenja utemeljena na socijalistickim demokratskim vrednostima' in Momir Brkic (ed.) Osnovna opredeljenja SK Srbije kao partije za demokratski socijalizam. Beograd: Komunist 1990: 179

his leadership, the SSS made a move to distance itself from Serbian party executives and left the umbrella organization of recognized social groups (SSRN) in spring 1990. This was crucial since in this way the SSS escaped the latter organizations' unification with the organization of communist party into the new and powerful Milosevic-led SPS, and kept its significant property and assets.¹⁸⁴ Democratization and multiparty elections strengthened the reformist influence within the new union leadership. The SSS thus resisted pressure to form open and strong ties with SPS¹⁸⁵. Similarly, at the session of the SSS Council in November 1990, the leadership voiced no support for political parties but only for individual candidates who were in line with the unionist agenda. In addition to preparing conditions for recruiting membership on a voluntary basis, the agenda was also to empower the union, create a politically autonomous and democratic organization, prepare the union for collective bargaining and reorganize the complex organization through granting the various branches greater influence. The practice of union press conferences started at this time. The reform agenda gained power since it ran parallel with worker and union self-organization on branch and sectoral lines. Under increasingly difficult economic times, but anticipated democratization, there was a great energy present in self-organization of professionals, plant level unions and unions on branch levels.¹⁸⁶ Anticipated democratization increased pressure for internal organizational reform and a 'sectoral' change: links between plant level and alternatively organized unions of industrial branches also developed from 1990. 'Independent' plant level unions also emerged in some militant branches, as in metal, and started to compete for worker constituency. Reformists supported the self-

¹⁸⁴ In contrast to most other Yugoslav republics, SPS emerged as both the successor of the communist party as well as the socialist corporatist umbrella organization. It inherited great assets, securing thus great material advantage to any competitor. Union resistance to earlier patrons led to disbelief and anger on part of the elite. Ivanic, uzaludni zapisi

¹⁸⁵ 'Reforma ili raspad' *Rad* May 25 1991

¹⁸⁶ Most importantly, plant unions in metal sector were especially active. Apart from relatively strong ties due to the federation of metal on Yugoslav level, there were also alternative initiatives attempting to create a metal confederation among Croatian, Slovenian and Serbian plant level unions.

organization of labor, increasingly militant strike threats and helped coordination and preparation of massive strikes of newly established sectors. After several postponements, the largest strike, the strike of metal and textile workers happened in April 1991, involving tens of thousands. The strike was not only successful in making the government accept all union demands, but also organizationally: strike leaders were successful even in pressing authorities to provide live TV coverage of the protest and union-government negotiations.

The other faction, led by union chairman Milenkovic significantly undermined the agenda and achievements of the 'reformist' faction. Already during the reform congress the chairman was using populist slogans of the communist party. Even after the congress, the official statements of the chairman and some other members of the union presidium continued to follow the official discourse of Serbian communists and soon later the SPS. The union chairman not only had strong ties to the ruling party but as a tested cadre during the 'anti-bureaucratic revolution', he was arguably more submissive to the elite than interested in developing and empowering the union organization. In line with official standpoints, the chairman denounced multipartism and expressed negative judgments against oppositional, 'nationalist' political parties and 'extremists' in other Yugoslav republics populated also by Serbs.¹⁸⁷ Due to the chairman's activity, SSS involvement in inter-Yugoslav disputes became even more controversial than earlier. In autumn 1990, for example, Milenkovic publicly warned against the unjust procedure of firing Serbian employees in great numbers in Croatia. He especially demonstrated against the sanctions against employees of Serbian ethnicity who participated in the referendum on Serbian autonomy in Croatia or in organizing independent forces in Knin.¹⁸⁸

¹⁸⁷ Se e.g. Buducnost zavisi od pregovaracke sposobnosti Rad January 19 1990

¹⁸⁸ Paralleling a fight between Croatian and Serbian state leaders, Tudjman and Milosevic, the SSS' relations to the Croatian union federation leadership became increasingly hostile 'Isti principi, razliciti stavovi'; V. Miljevic: Prsti Bernarda Jurline' both in: *Rad* September 14 1990.

Although this contradicted earlier statements condemning ‘purely ethnic’ trade unions, the SSS supported the formation of trade union of Serbs in Knin¹⁸⁹ and later in 1991 even accepted unions from ‘Serbian territories’ from Croatia into the Serbian federation.¹⁹⁰ The final sign of submissiveness was the chairman’s statement of support for SPS and Milosevic during the electoral campaign in November-December 1990. The reformists interpreted the statement as betrayal of the conclusions of the union council. After the multi-party elections the conservative faction of SSS continued to support the positions of the ruling party. It declaratively supported pro-Milosevic rallies following the Belgrade pro-democracy demonstrations in March 1991. Most problematically, the chairman several times obstructed strikes of militant industrial branches, discouraged strikers and even openly sided with the government’s demobilizing voice.

Due to internal disagreements, the union gave up its plan to communicate regularly with the public through press conferences and articles and interviews in the media about the defined position of the SSS. It was only the cleavage between the secretary and the chairman which received publicity in the press. Reformists charged Milenkovic of union passivity and betraying unionist principles. The conflict of the two factions culminated in 1991 and ended with extraordinary meetings of the union council in late spring. The outcome of the crisis session in May was thoroughly unexpected: the chairman, along with several conservative members of the presidency but one, together with the reformist faction and the secretary were voted out of office, and not one of them was reelected at the extraordinary meeting in June. The outcome of these internal conflicts and purges was that neither an outright conservative subordination to the elite nor a thorough organizational reform could claim victory. The defeat of the reformist faction reduced the chances of attaining some measure of autonomy and undermined the prospects for

¹⁸⁹ ‘Zabrinutost i protest’ *Rad* June 29 1991.

¹⁹⁰ ‘Sindikat Krajine u sindikatu Srbije’ *Rad* August 2 1991

internal organizational change toward a more responsive organization to member unions and the rank and file. Under a new conservative chair the SSS accepted and relied on some newly introduced organizational practices and adopted a pragmatist approach in accommodating the autonomously organized, increasingly militant unions of industrial branches.

As it turned out, as it was already outlined above, in 1992 the pragmatic SSS gave up its unique chance to organize, mobilize, and thus fight for its autonomy vis-à-vis the elite. Why was this so? Two explanations account for this, which were in essence the same reasons that led to the failure of radical reforms in the SSS. The first reason stemmed from contractions in the opportunity structures. From 1992, there was indeed an authoritarian turn in Serbia. However, even in a hostile, precarious environment it is somewhat puzzling that the union abandoned its fight without causing a major stir. The authoritarian turn had a more profound effect: it went hand in hand with increasing deprivation which added to an already low commitment of the rank and file to intermediary unionism. The second reason was organizational. Namely, under the new union leadership, rather than overcoming internal issues and cleavages, the ‘pragmatist’ approach cemented these and undermined union authority and vulnerability to external actors.

2.3.2. The passivity of union members

From late 1991 Serbia embarked on an authoritarian right-wing turn and militarization meaning that opportunity structures for autonomous unionism contracted. Namely, Milosevic’s party, the SPS pragmatically took over from the leading opposition party SPO a popular military interventionist stance to protect ethnic Serbs in neighboring newly independent states (Pantic 2002: 87-88). After the legalization of a powerful right-wing Serbian Radical Party in late 1991, the electoral competition moved even more to the right, with the dominating issues those of Serbian statehood and protection of Serbs outside Serbia. Serbian involvement in conflicts in

Croatia intensified in late 1991 and spread to Bosnia in early 1992.¹⁹¹ Consequently, there was a further escalation of nationalist sentiments while the issues of social rights were placed on the defensive. The already high importance of the coercive apparatus, the police and the military further increased, while the importance of democratic institutions – with the exception of the Serbian presidency – decreased. Even worse for the SSS, there was no political party which could appear as an alternative to SPS or that was interested in cooperation with a trade union organization. But, the authoritarian turn in Serbian politics mattered for unions in a more profound way: it further deprived workers of a position from which to engage in unionist action. One of the crucial reasons of union quiescence was the low pressure from its rank and file.

The union, if it was to live up to its pretension of autonomously representing and shaping the interests of the worker constituency would have had to take into account rank and file demands and influence. Although nominal union membership remained high, and membership became voluntary¹⁹², rank and file commitment to unionism was low (Seroکا & Pavlovic 1987). The SSS felt limited pressure and energy stemming from its principled commitment to intermediary unionism of the rank and file. There were some industrial centers and plants where worker militancy was noticeable and strategic, however these remained fragmented. The bulk of the rank and file also did not pay attention to, let alone recognize the importance of, the cleavage between ‘reformists’ and ‘conservatives.’ Equally, if not more importantly, the rank and file did not seek to punish the Milosevic-led elite through an intermediary organization, but typically

¹⁹¹ By summer 1991, the Serbian political elite opted for performing a greater ‘protectionist’ role on behalf of ethnic Serb population in Bosnia and Croatia, through mobilization for the Yugoslav army in its territory, increased operation of the Serbian police units, as well as an increased toleration for volunteer brigades.

¹⁹² There are no data available on union density in early 1990s in Serbia. From high, ‘automatic’ density, by mid-1992, with the exception of small unions of professionals, energy and a faction of metal joining ‘*Nezavisnost*’, SSS did not radically lose rank and file and union members.

either took an ‘exit’ (Hirschman 1970) to the grey zone of the economy or succumbed to the nationalist influence of a more right wing contender.

In the 1990 parliamentary elections, a great share of blue-collar workers supported the Milosevic-led SPS as the party which promised both job safety and no radical market changes, but also declared commitment to a solution to the inter-republican conflicts in Yugoslavia without war (Pantic 2002). Worker support for SPS did not, however, occur through the active intermediation of the trade union, and guarantees were not received. For the union rank and file, the issue was thus not about punishment of the union but the betraying SPS, where the union could even be an efficient channel for workers in inflicting costs on the party. In addition, from an economic perspective, the cost of strikes, let alone protest actions or engagement in self-organization, was for the bulk of blue collar workforce very low, especially in large industrial centers where most workers were on forced-leaves (Arandarenko 1997) and with low chances of earning bread in the grey economy. That is, if there was ever a time, this was the moment to raise worker voices and at the same time establish an autonomous union movement and initiate a conflict against the political elite that stood against worker interests. However, the rank and file showed little knowledge and capacities to self-organize and mobilize.

While the SSS leadership hesitated to attack the elite through open mobilization, as it will be outlined shortly, there was some, albeit weakened militancy among the (remaining) industrial branches. On the other hand, as a response to the initially lukewarm position of the SSS, a new trade union organization, ‘*Nezavisnost*’¹⁹³ (Independence), warned against impending catastrophe stemming from the anticipated international isolation of Serbia and harms to the long-term interests of workers. However, whereas newly established unions of white collar

¹⁹³ The defeated reformist faction of SSS, who thereafter left it established ‘*Nezavisnost*’ in November 1991. The new confederation received even an orderly registration from the court. See: (Jelka Jovanovic & Rakovic eds.) *Tek smo počeli*. Belgrade: UGS Nezavisnost. 2006

professionals were eager to join, only a relatively thin layer of blue collar workers and active unionist organizers recognized and joined '*Nezavisnost*' and its fight for long-term worker interests, commitment to pacifism, and fight for improvement of the economy and property right transformation. The main reasons for both the lack of increasing militant pressure on SSS or the failure of workers to join '*Nezavisnost*' en masse was that there was a lack of commitment, self-organizational capacities, and traditions of solidarity among the rank and file to raise their voice.

It is important to sketch here the composition, identity, and situation of Serbian workers in late self-management which led to their limited investment in or active support for intermediary unionism. To start with, there was no legacy of independent civil society organizations that might have mediated between everyday life and 'high' politics as a positive reference point of worker self-organization. A worker identity in late self-management was often a synonym to the ordinary, 'honest people'. The latter in turn were not interested in taking part in decision making (Allcock 2000: 245-308). Serbian sociologists convincingly argued that the Serbian working class never constituted itself, not even during socialist industrialization (Janicijevic 1997)¹⁹⁴. Namely, the most numerous, strike prone elements among the Serbian blue-collar workers were the semi-skilled workers coming from the peasantry ('*polutani*'). Skilled workers, if not incorporated into the worker councils of well-off enterprises, often gained a foothold in the informal economy. In contrast, the semi-skilled *polutani* had low social status and a weak market position. Moreover, they were fragmented, dispersed throughout the highly segmented economy of self-managerial enterprises. As industrial workers, they were the most vulnerable to external economic shocks: not only did their wages deteriorate due to inflation and austerity measures, but they were the most exposed to unemployment. Finally, blue-collar

¹⁹⁴ See also: Jovana Gligorijevic 'Rasuta klasa koja nikad nije ni nastala' *Vreme*, June 9 2011. At: <http://www.fes.rs/pubs/2011/pdf/17.Vreme%20-%20Cekajuci%20kapitalizam.pdf>

workers had poor knowledge about their social rights, leading to a lack of enthusiasm to form new or reform 'old' union organizations. The most militant unions harbored significant distrust towards SSS as an 'official' intermediary union organization. Equally importantly, the rank and file members were not willing to mobilize and act critically against state actors which were nominally representing worker interests, but to calling for support of the state. That is, being marginalized not only from enterprise level decision making but also from the informal economy, the default and only available option for the semi-skilled workers in those circumstances was to engage in wild-cat strikes and call or hope for support from political and state actors. Using the communist ideology of the workers' state, workers could reach-out and call for direct protection from communist party cells and even intervention from state actors. Although these strikes were rather successful (Zupanov 1983, 1987, Jovanov 1979), in circumstances of continuous and rising inflation and austerity measures of the Yugoslav federal governments, strikers were able to achieve only temporary, Pyrrhic victories (Woodward 1995b). Through ad-hoc proletarian mobilizations and no investments in intermediary union organizations, a state-dependent attitude was reinforced. It is this context in which Milosevic's 'anti-bureaucratic' revolution happened: it fed unrealistic hopes in better future and social justice among the bulk of blue-collar workers. In practice, however, it was directed against local communist officials and managers ('bureaucrats'¹⁹⁵ or 'technocrats') not loyal to Milosevic. The worker mobilization during the Serbian 1989 appeared as a great episode symbolizing the temporary victory of the 'grand-coalition' (Zupanov 1983, 1989) between numerous marginalized workers and the Serbian political elite.¹⁹⁶ Typically, mobilized workers received

¹⁹⁵ 'Bureacratism' was the main word for Yugoslav socialism going astray and a phenomena responsible for crisis, and losing legitimacy especially from a working class perspective. See e.g. Irwin (1987)

¹⁹⁶ From 1990 Serbia and other Yugoslav republics had autonomy to create separate privatization programs, social policies and safety nets, but with very little budget. Many large industrial plants of heavy industry (partly producing

wage hikes as a by-product of their rather political protest. More importantly, as support for Milosevic peaked, rank and file interest in trade unionism remained low. In the 1988-1991 period workers' relation to trade unions became a burning or central issue only under the threat of loss of jobs for a large number of employees and also when conflicts erupted related to wage arrears or wage hikes. There were instances which indicated the great popularity of a 'leveler' ideology of extreme wage-egalitarianism among blue collar workers. Moreover, many workers found unacceptable the prospect of job losses, arguing that either all should keep their jobs or the whole enterprise or even the whole economy should go into bankruptcy. Such reasoning undermined the principles of non-state-dependent unionism.¹⁹⁷

The economic situation was bleak: throughout the 1980s unemployment was rising, and the employment status of half a million industrial workers was called into the question. Industrial workers, especially the semi-skilled blue collar workers who had earned no additional incomes from the grey economy, were among the most affected social groups in terms of falling status, prestige, and incomes (Woodward 1995a). In Serbia, excluding its provinces, the economic

for the military) faced liquidity problems. The insolvent large industrial enterprises could survive only by not paying workers, who thus appeared to be redundant. During the electoral campaign surrounding the first democratic elections in Serbia, allowing mass layoffs for Milosevic's socialists was out of the question since it could damage the popularity of the SPS among blue collars. Unemployment remained a politically salient and explosive issue, especially since increased political instability and uncertainty opened no new prospects of reemployment for the low skilled. Further closing of large industrial plants and a rise in the number of unemployed would have been highly unpopular promoting a loss of support for Milosevic by industrial workers. The temporary solution was to send workers on 'forced leaves' (*prinudni odmor*), which kept them on company payrolls but without regular pay. After the signing of the general collective agreement in late 1990, a guaranteed minimum wage was accepted. Yet, about half a million workers who remained on company payrolls and whose status was not clear did not regularly receive their guaranteed wages. Furthermore, the Serbian governments secured payments in an *ad hoc* manner. In 1990 there was a temporary solution to rally against federal institutions and budgets through unilateral actions. Most notably, the government of Serbia unilaterally and illegally issued itself a short-term credit from the Yugoslav Central Bank. Later, payments were secured from other funds.

¹⁹⁷ In 1989-1990, as documented in newspaper articles, I found several instances of worker protests where a group of workers who had lost their jobs found this unacceptable and voiced a fatalist egalitarian principle indicating a curious political salience of unemployment and income differences: a group of workers who had their lost jobs protested demanding either that they return to work, or *everyone* to be laid off or if 'their' plant was to go bankrupt all Serbian plants should go bankrupt! See e.g. Svetislav Spasojevic 'Da li svi putevi vode u skupstinu?' *NIN* June 26 1988; 'Otkaz ili posao za sve' *Borba* March 13 1992. Within plants, egalitarianism also spurred internal conflicts among groups of skilled and semi-skilled workers. The phenomenon of extreme egalitarianism was previously pointed out by Zupanov (1987).

recession was on par with other transition economies: in 1990 and 1991 GDP fell 6.5 and 8.1%, while GNP was 92% of the previous years (Mrksic 1995). In contrast to other CEE states however, poverty coefficients in 1990 reached 19.5% of population living below the poverty line, while unemployment exceeded 15% (Posarac 1995, Woodward 1995a: 204-205). Additionally, in contrast to other CEE states, the political salience of unemployment was high, yet the boundary between employment and non-employment became increasingly blurred. That is, in 1991-1992 an increasing number of blue-collar workers on forced leaves were gradually approaching a situation closer to absolute rather than relative deprivation: they were people in deep poverty, too preoccupied with mere survival to engage in collective action in an organized way (cf. Davies 1962). The number and significance of institutions providing meals for free ('narodne kuhinje') suddenly increased, but so did the importance of non-wage benefits, such as plant level hot meals.¹⁹⁸ Economic indicators and poverty coefficients indicated a frightening trend especially affecting the semi-skilled blue collars. From the 1980s, but rapidly accelerating in 1991 and 1992, researchers diagnosed not only an 'accelerated growth in the grey economy' (Mrksic 1995: 37), but due to an increasingly weakening and insecure currency, transactions in kind seemed to take over the role of money. A union activist from a smelting plant near Belgrade somewhat later explained why workers did not protest:

Why are workers silent? In the forefront is always patriotism, the national question, there is a constant manipulation, so people don't dare to talk about their problems. They find their own ways to survive. Yes, they turn to sidewalks. A large number of workers is not working and they have to find their ways to survive – they smuggle, turn to the black market and other activities on the edge of criminality.¹⁹⁹

¹⁹⁸ 'Beda i strajkovi: Nema Vise vremena' *NIN* April 3, 1992.

¹⁹⁹ Svetlana Jelacic 'Negde izmedju' [Contemplations of Nebojsa Savic], *Rad* 26 February 1993.

As this quote indicates, to make the situation of deprivation even worse, from late 1991, mobilization through recruitment of reserves for the Yugoslav army occurred, severely affecting the industrial workforce. The appearance of tanks on the streets of Belgrade in March 1991 happened also as a display of disproportionately coercive state power and likely scared away any militant action of a social group.²⁰⁰ The political elite discouraged worker self-organization as well as disruptive strikes as ‘political’.²⁰¹ The few worker activists who started to organize were likely to lose their jobs or find themselves on forced leaves – never to return again.²⁰² According to a plant level union activist, workers feared they might lose their jobs if they organized themselves or joined a new union.²⁰³

Thus it is now more understandable both why “*Nezavisnost*’s” non-violent symbolic actions against the state failed and why there was a low limited interest and capacities of blue-collars to invest or press for unionism. Instead, quite tellingly, direct wild-cat strikes by workers in March 1992 often took the form of proletarian pleas of isolated worker groups that did not transcend factory walls. Plant unions and management demobilized strikers characteristically through distribution of non-monetary subsistence packages.²⁰⁴

Plant level trade unions rarely appeared as organizers of disappointed workers, let alone of disruptive action. To explain union passivity in organizing workers for efficient collective action, we must also see why it was that the SSS did not exploit the existing, although limited,

²⁰⁰ Even if it was attempted, in contrast to worker militancy such as in Poland or GDR, a militant worker movement or ‘rebellion’ stood no chance in a state with disproportionately large coercive machinery, especially after Milosevic gave guarantees to the Yugoslav military in its role to preserve the federal state (Gow 1992) As Davies warns ‘[t]he objectively deprived, when faced with solid opposition of people of wealth, status and power, will be smashed in [attempted] rebellion (Davies 1962: 6-7). In the Serbian case, the issue of worker rebellion did not even appear.

²⁰¹ As expressed by one worker organizer and activist the dictum was ‘Deal with the union, do not enter the sphere of politics and power’ Author’s interview with Milan Nikoloc former SSS strike organizer, plant and county level official, Belgrade May 29 2007

²⁰² This was especially the case of journalists see also e.g. ‘Nesto drugo’ *Rad* Special issue April 19 1991

²⁰³ Author’s interview with Nebojsa Savic former plant level union leader Belgrade, October 26 2006

²⁰⁴ See Sverko D. & D. Vucinic ‘Dosta nam je svinjskih polutki’ *Borba* 26 March 1992; ‘Trazili mnogo – zadovoljni malim’ *Borba* March 27 1992; Mira Trajkovic ‘Avangarda ili mucenici?’ *Nin* April 3 1992; Meszmann (2009).

worker energy for its own purposes and at least try to act against the demobilizing and impoverishing strategies of the political elites. Symbolically speaking, the union had to act in order to change the tides before the frog was boiled.

2.3.3. The lack of internal trust, and cohesion within the SSS

The defeat of the union reformers and of their attempt to develop union militancy and autonomy vis-à-vis the elite reinforced the internal organizational problems of the SSS. That is, the new ‘pragmatist’ SSS leadership was not able to overcome the conflict between conservative and sectoral-progressive interests among union members. The simultaneous defeat of reformers but also of the conservatives paralyzed the new SSS leadership, preventing them from taking assertive steps. This led to internal passivity which undermined peak level union authority and legitimacy in the eyes of member unions and maintained its vulnerability to external actors.

The central issue of union reform in 1990-91 was its reorganization and empowerment as necessary step toward more autonomous and efficient work. The county level and inter-county level union councils had vested ‘conservative’ interests in preserving their autonomous status and power, and keeping decisive influence within SSS. Leaders of these territorial union federations often found an effective way to fight for both their own positions and union assets through exploitation of established strong ties to local political authorities, typically but not necessarily loyal to Milosevic. In insisting on various benefits from such patronage networks, territorially organized unions mostly reinforced their vulnerability to elite and partisan control established in earlier times.²⁰⁵ The gloomier the economic prospects of a county, the more likely were the exploitation of patronage networks. Most problematic for SSS, because it was reestablished in 1990 on principles of territorial unionism, the crucial deliberations within SSS

²⁰⁵ Author’s interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006.

happened via territorial union leaders among whom some had little unionist qualifications or commitment and who resisted changes that would harm their positions.²⁰⁶

On the other hand, industrial branch unions and public sector unions gained in significance due to the new legislation on collective bargaining and new authority to mobilize the rank and file during strikes. Worker activism and union revitalization had partly started through lines of autonomous sectors and branches. However, according to the union statute, industrial branch unions were not in a position to take over the initiative for the creation of a common unionist agenda, although it was clear that unionist mobilization for bread and butter issues from 1990 on could follow only a sectoral-branch logic.²⁰⁷ The union reformists tried to harness precisely this energy of union sectors in their fight for union autonomy – both in the sense of mobilization against the state and constructively for establishing direct communication with the rank and file and authority over member unions.

Instead, from mid-1991 the lukewarm position and authority of the peak level organization towards militancy clashed with the growing power due to accelerated self-organization and the right to industrial action and bargaining of the industrial branch unions and public-sector unions. Thus, typically engaging in a separate action, these unions ended up undermining the authority of SSS, recreating the image of a ‘union bureaucracy’ alienated from rank and file. The chairman’s authority was thus weakened, and SSS had little influence or control over worker strikes. When the UN introduced sanctions against FR Yugoslavia, of those who even raised their voice, unions of industrial branches were the loudest in calling for militant

²⁰⁶ The defeated leader of reformist defined it as ‘Machiavellism’. Interview with Dusan Mitrovic former SSS secretary Belgrade November 26 2006.; Gradimir Ivanic & Milomir Boskovic, Belgrade June 4 2007.

²⁰⁷ According to the new legislation, territorially organized county and city level unions were not entitled to organize or engage in collective action or take part in collective bargaining.

action.²⁰⁸ Instead of recognizing a chance to establish its own authority utilizing the energy of militant sectors and reorganize itself simultaneously with the re-establishment of strong sectoral unions, the new leadership hesitated about reorganization of the federation. Finally, the SSS leadership took a pragmatic and inert step: it gave larger autonomy to sectoral unions to engage in collective action and negotiate with state actors. The outcome was that the most militant unions bypassed the peak level union altogether. Tellingly, while the strategically crucial energy sector had left the SSS altogether by early 1992, a small section of metal workers joined *Nezavisnost*, while the still larger, remaining part dealt separately with the state and received important concessions necessary to restarting production.

But this was not all. The defeat of the reformist faction did not end internal cleavages among factions within SSS on the issue of internal reorganization. In contrast to mid-1991, from late 1991 the fight was less about principles of the unionist agenda and work, and more about influence within the peak level union organization and finances. Radical organizational change following a branch logic was replaced with more moderate changes.²⁰⁹ According to the statute of June 30 1992, there was a new provision according to which individual rank and file members were made dual members of both territorial and union federations of branches and sectors as well as of plant unions.²¹⁰ However, the compromise solution of granting unions of industrial branches a higher status within SSS did not please anyone, and could not be implemented.²¹¹ The

²⁰⁸ Sectoral union leaders were not necessarily progressive. The new leader of metal was an open sympathizer of the Serbian Radical Party as well as of Serbian militarism (Author's interview with Slobodanka Brankovic former head of the SSS office for legal matters, Belgrade, November 28 2006. The metal union got also its own pages within the trade union periodical *Rad* under the subheading 'Metalac' from late 1992. See e.g. 'Metalac' no.2 'Korak blize clanstvu' and 'Medvedic Knindza' in *Rad* November 27, 1992.

²⁰⁹ See Z. B. Vujadinovic 'Svlacenje kosuljice' *Rad* March 6, 1992.

²¹⁰ I. Basic principles, point 6 para 2

²¹¹ In order to please the appetites and interests of both sectoral and territorial union constituency, the Council of SSS only later adopted a decision according to which 50% of the resources from membership fees would remain in the union organization at the enterprise level, 20% was the share of unions of industrial branches, while 30% would go to the territorial county level organizations. Arandarenko aptly summarizes the compromise and stakes in 1992:

peak level union organization could not resolve the internal cleavage over financial issues, but it also lost or surrendered great deal of its authority to territorially or branch based member unions. A further complication was presented by the bleak prospects of the economy.

With the difficult economic realities, plant level unions resisted submitting membership fees to higher levels of union organizations. Unions on local county and plant levels had the autonomy to engage in economic activity, and they sometimes started consumer-cooperatives.²¹² In turn, while territorial level unions would demand the application of old rules in the redistribution of union fees, unions of industrial branches often opened separate bank accounts to evade such a proposed distribution and invited plant level unions to pay their share of membership fees only to them (cf. Arandarenko 1998). This low internal discipline in payments of membership fees later contributed to the acute financial problems of SSS.

As the economic crisis escalated, unions on lower levels gained in importance, increasingly concentrating on their own needs by starting commercial and subsidizing activities, providing their membership with benefits, mostly food.²¹³ During the wars in Croatia and Bosnia, many plant and county level unions also engaged in collecting food, clothes, cigarettes, and money on a solidarity basis for workers who were mobilized into the Yugoslav Army and sent to the front.²¹⁴

‘[T]he idea of SSS as a union of strong unions of industrial branches ... was replaced by a compromise solution of “combined” sectoral-territorial principle, which did not please neither unions organized in industrial and public branches, nor those organized territorially. In effect, it represented a source of permanent tensions between them. The clash was not so much due to concepts, but they were more about major financial interests. The county level and inter-county level union councils were trying to preserve their financial sovereignty inherited from the era of self-management, when they were a major component of the total social-political infrastructure ... which was functioning first of all on different levels of territorial organization and based on networks’. See also (Rad, Jul 1994: 24 as quoted by Arandarenko 1997: 139).

²¹² Later these businesses either became independent from unions or ceased to exist.

²¹³ The trade union in Subotica (a county in Vojvodina, of 150.534 inhabitants according to 1991 census), for example, was among the most transparent in documenting its activity in this period. Between 1990 and 1993 it distributed to its membership in 6 occasions altogether 80 wagons of flour, 20 wagons of sunflower oil and 30 wagons of sugar at affordable prices (Djordjevic 2001: 152-3).

²¹⁴ Sverko D. & D. Vucinic ‘Dosta nam je svinjskih polutki’ *Borba* 26 March 1992

Finally, it is also not unimportant that, due to the authoritarian turn, the highest decision making bodies of the union were plagued internally by mistrust and mutual suspicion²¹⁵. Along with the lax financial discipline, this particularly undermined SSS' operation and authority. In turn, state actors could play against this internal weakness and offer direct and immediate benefits to the organizationally vulnerable peak level union while they were also capable of inflicting far-reaching damages onto the peak level union leadership. As a result, the union leadership felt no confidence, given the loose and fragile organizational structure and dynamics, that it had the internal capacity to fight for autonomy (*if it had sincerely wanted to*), let alone count on more worker support than Milosevic or some right wing politicians had, much less to mobilize against state actors.

Thus, SSS was able to gain in the short run from interaction with state actors. As we have seen, in late 1992 SSS adopted a conformist and pragmatist strategy, to both please member unions and secure cooperation with the elite. Appearing as a critical union in order to appease its most militant members, the SSS publicly threatened strikes in order to prove that it was a 'real' trade union.²¹⁶ On the other hand it was extremely conformist, since, as explained above it lacked internal strength, and therefore it had to rely increasingly on cooperation with and support from the political elite. Rather than attempting to decrease the distance between the peak level and member unions and come closer to the rank and file, the union's choice fortified and increased the isolation of the organization, which counted on paternalist state protection and concessions.

²¹⁵ The reform congress in January 1990 brought together county level union representatives, mostly people who did not know each other. There was a mutual suspicion among union representatives of murky personal ties to the elite or to the coercive apparatus, or individual interests behind the unionist work. Although communication within union officials intensified from 1990, even from then on there was a lack of contacts and trust. Author's interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006, Dusan Mitrovic former SSS secretary Belgrade November 26 2006. Milan Nikolic former SSS strike organizer, plant and county level official, Belgrade 26 October 2006 and Belgrade May 29 2007.

²¹⁶ See e.g. 'Ostro s Vladom' *Rad* August 2, 1991

In the period starting from the UN sanctions, unions increasingly depended on state supplies of food for cases of catastrophe [*robne rezerve*] and fulfilled a purely distributional role.²¹⁷

From 1993 at the latest, the SSS leadership lacked both opportunities and capacities, and as a rational, risk-averse actor, it retreated from experimenting or developing the available arsenal of militant action in a hostile environment. Not only did the new law on strikes and dependence on management in organization of a strike push the union away from experimenting with disruptive action, but more critically, that there were signs of internal obstruction of collective action.²¹⁸ Territorial and plant level member unions received important concessions which guaranteed the survival of union organizations, and ultimately of the SSS. Distribution of food reserves – flour, vegetable oil and sugar²¹⁹ – remained an important function of the union, where those who were not union members could be excluded from those secondary incentives at times when existential survival was at stake.

The decision of SSS testifies to a great deal of pragmatism of an organization aware of its internal weaknesses and limited political opportunities of action. The union combined threats of militancy and readiness to negotiate and reach compromise with the elite. The use of strike threats (rather than real collective action along principled lines) allowed for the preservation of unionist identity and, if nothing else, internal legitimacy. Organizationally, such choice reinforced SSS as a weak umbrella organization. It gathered both territorial member union organizations linked to local politicians through clientelistic ties and increasingly autonomous, militant and rebellious branch unions. The ambiguities and opaque actions of the SSS thus increased the distance between it and the rank and file. Although the choice implied a high

²¹⁷ Svetlana Jelacic, 'Negde izmedju' Contemplations of Nebojsa Savic, *Rad* 26 February 1993

²¹⁸ Author's interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006

²¹⁹ In Serbian "Brasno, ulje, secer" from which the Serbian popular acronym 'BUS' (pronounced: bush) stemmed, used later as a derogatory term of SSS, as the 'BUS union'.

dependency of the union on the state, it also secured, at least in the short run, the organizational survival of a certain type of unionism in conditions resembling a war economy. The dramatic choice and its self-reinforcing prerequisites also created a path-dependent pattern of SSS behavior in post-socialism.

3.4. The vicious cycle of organizational vulnerability and elite dependence

There were immediate and persistent implications of this choice for the SSS. The union's consent to negotiate a compromise at the price of quiescence, which in turn had negative consequences of hyperinflation and deteriorating industrial production also harmed both the image and prestige of the union in the long run. In all neoliberal but also in critical intellectual and pacifist circles, the union was tied to 'Milosevic's' war efforts. In the immediate aftermath of the choice, the union thus faced low prestige and negative popularity. Surveys on the legitimacy of unions showed a very bleak picture: 43% of those surveyed gave the SSS activity the worst possible grade. In 1994, both the union rank and file and the overall population evaluated unions' work rather negatively²²⁰. On the other hand, close ties to state actors secured food subsidies and offered other secondary incentives. This kept membership in trade unions attractive: density throughout the 1990s halved but did not fall more radically. After the Dayton Peace Agreement which ended wars on the territory of former Yugoslavia at the end of 1995, macroeconomic stabilization started with union involvement. At the time, public legitimacy of

²²⁰ Worker Bulletin February 1994, as cited in Arandarenko 1998: 139. In 1994, a predominantly negative judgement on 'old' and 'new' unions from both rank-and-file and overall population continued. In 1994 only 14% of citizens reported that they trusted and the majority, 55 percent distrusted them. Among employees trust was similarly low: only 16% of public and 11% private sector employees said they trusted unions. Slavujevic (1999: 80-82)

the union seemed to be improving (Slavujevic 1999). In this sense, the immediate imprint of the dramatic choice faded away as time passed and external circumstances changed.

There was, however, a more profound pattern behind the union's limited autonomy. The two crucial features of internal organizational weakness and state (elite) dependence of the SSS, later called SSSS,²²¹ reinforced each other and created a vicious cycle. This pattern helps us understand union behavior, its trajectory and its marginal importance during the turbulent decades of post-socialist Serbia. The SSSS continued to have low mobilization capacities and authority over member union organizations in all issues of finance, collective action or in dictating or controlling alliances with local elites. In order to compensate for its lack of authority, the peak level union was eager to accept any concessions coming from the highest political level. Such eagerness, finally, limited risk-taking actions against elites and limited SSSS interests in establishing direct ties with and mobilizing the rank and file. In turn, direct deals with the political elite and an absence of principled commitment to militant unionism did trigger dissent from union members, who would then either insist even more on their own autonomy, or leave the confederation altogether. The image of a 'bureaucratic' organization preoccupied only with itself developed both among the rank and file and among many lower union activists.²²² As the strength and internal legitimacy of the SSS decreased, so did the dependence on the state or other powerful actors remain. The SSS found itself in a path-dependent vicious circle: due to internal weaknesses and risks of repercussions it gave up exercising its mobilization capacities, while it relied on concessions from the state. Such concessions however further weakened its credibility

²²¹ SSS changed its name at its 11th congress in March 1998 to SSSS – the Confederation of *Autonomous* Trade Unions of Serbia (CATUS). The new statute finally defined the organization as a confederation of branch based unions. G. Djukic 'Poziv na saradnju i solidarnost' Nasa Borba March 25. 1998. http://www.yurope.com/nasa-borba/arhiva/Mar98/2503/2503_15.HTM

²²² Author's interviews with Vladimir Pecikoza, trade union of a pharmaceutical plant, Zrenjanin, 24 April 2007 and with Jugoslav Ristić and Dragan Ilić, trade union officials of an armament factory, Kragujevac, 5 June 2007

in the eyes of the rank and file and union members. Since in this way the organizational power of the union also decreased, the SSSS ability to pose a credible threat against the elite was diminishing. In the end, the union was paradoxically even more vulnerable to elite influence and dependent on concessions.²²³

To test the path-dependent argument the question is whether there was a chance to reverse trends and break out from this vicious cycle. That is, when and how could the union leadership break the vicious circle to overcome its internal organizational weakness and to gain autonomy in the political arena vis-à-vis the political elite? The straightforward answer is in situations when opportunity structures were expanding, serving as chances for mobilization and public activities. Arguably, major changes in the system between 1993 and 2010 brought changes in political opportunity structures to reconsider union strategies and identities. There was a great deal of turmoil in the political arena in Serbia, while the definition of the political community changed and economic hardships did not end. Characteristically, after periods of crisis and major turmoil, attempts of consolidation followed. Apart from political crises, there were periodically occurring large scale civil protests, war and conflict, changes in territorial sovereignty and a political experimentation with a new Yugoslav federation.²²⁴ In this period two episodes stand out where the union had the chance and once even attempted to take up a more proactive role and overcome its internal vulnerability and elite dependence.

In both cases, the breaking point from the defined pattern of quiescent behavior emerged as an encompassing mobilization opportunity. In these moments the SSS had the chance to

²²³ I thank Vera Scepanovic for suggesting me to strengthen the path dependent argument in this way.

²²⁴ After the end of Serbian involvement in the Yugoslav conflict, there was a half-hearted consolidation (1994-1996). Then a period of political crisis followed, with social turmoil and the NATO bombing, ending in the fall of Milosevic (1997-2000). A 'new' transition period followed from late 2000 until 2003, spiced with mass mobilization. Then, again after a period of relative stability and Serbian independence (2004-2007), global economic crisis and social crisis (2008-2010) kicked in. The final disintegration of the federation with Montenegro occurred in 2006 and in 2008 Kosovo declared independence, further solidifying its separation from Serbia.

establish direct links with the rank and file and reinforce authority over union members. Simultaneously, the union had the chance to become a more politically active and efficient peak level union with a clear vision, capable of displaying or start developing its organizational capacities and actively shaping its relations with the political elite.

The first opportunity for SSS occurred after Milosevic signed the Dayton Agreement in 1995, which presented an opportunity for the consolidation of the economy and polity. Specifically, the appointment of a Keynesian, Dragoslav Avramovic, as the governor of the National Bank of Serbia in early 1995 provided a break-out chance for the SSS. The new governor in fact brought in the peak trade union for consultations in working groups as well as *ad hoc* committees on wages, taxes and pensions (in Serbian: ‘plate, porezi, penzije’ or the ‘3P’) conceived in a Keynesian corporatist fashion. These consultations not only brought SSS into a position of direct influence in decision making over economic and social policy²²⁵. A move towards sectoral interest representation and bargaining increased the significance of unions of industrial branches and gave a boost again to internal union reform (Arandarenko 1997: 207). The constructive role and voice of the union was especially visible in the tripartite Agreement of July 1995.²²⁶ These developments provided a significant boost for public recognition and legitimacy of both the peak level union and its sectoral members (Arandarenko 1997, 2001, Arandarenko & Stojiljkovic 2006, Slavujevic 1999). However, although the wage agreement was respected, price controls did not materialize, leading to union protests.²²⁷ The bank governor then proposed cutting the large public sector as a way to boost industrial production. Reforms thus

²²⁵ Author’s interview with Slobodanka Brankovic, former head of the SSS office for legal matters, Belgrade, November 28 2006

²²⁶ As a concession to price control and stabilization, the union agreed to a wage restraint and to exert pressure on branch members to moderate wage demands and not engage in strikes. The Agreement also paved the way for a new General collective agreement.

²²⁷ Dimitrije Boarov ‘Between recession and fear of inflation’ *AIM* July 6 1995

also demanded taking away some privileges, such as tariff sovereignty, from the public sector. Not surprisingly, the public sector workers, especially in education, but also health and judicial administration, responded with strikes. The peak level union remained silent, while its chairman in fact raised his voice against the strike. However, officially the SSS did not define a clear stance or communicate its vision and policies towards its public or industrial branch members. In such a way, SSS lost a chance either to coordinate or to define itself as a dominantly industrial union, and also to contribute to the development of interest representation and reconciliation. The peak level union also faced the challenge to cope with micro-corporatist strikes of sheltered plants stemming from alliances between management and workers mobilizing for state subsidies (Stojiljkovic 1999: 22-23). Finally, there was increasing pressure from below, notably from enterprises in poor conditions, that were unable to fulfill the minimal requirements defined in the general collective agreement (Arandarenko 1997: 207-8). Political ties helped to cut the Gordian knot: in critical situations again a new SSS chairman, Banovic, waited for a signal from Milosevic. This signal determined union behavior more than authentic programmatic claims and autonomous strategy. The critical test was SSS's relationship with the governor of the national bank. Initially, following suit with Milosevic in his newly self-defined role as a 'peace builder' and reformer the SSS leadership and its chairman were very supportive of Avramovic and his substantive tripartite efforts. However, when Milosevic recognized a potential political threat in Avramovic, the union chairman was the first to publicly criticize the governor.²²⁸ Instead of using the chance to ally with a powerful, socially popular actor, and also to go through painful internal organizational reforms, the union leadership reinforced its risk-aversion and pragmatist

²²⁸ Author's interview with Slobodanka Branković, former head of the SSS office for legal matters, Belgrade, November 28 2006.

conservativism. Changes in trends in state policies were mirrored in SSS decisions, turning it during the late 1990s into a modernized ‘transmission belt’.²²⁹

The second chance to reverse trends, empower both the peak level organization internally, and appear on the political scene as an autonomous and active actor appeared with the opportunity to attack the new democratic but neoliberal elite, in summer 2003.²³⁰ After the ‘anti-Milosevic revolution’ of October 2000, the new governing elite pushed SSSS to the margins of political life. The dominant line within the newly governing, anti-Milosevic DOS coalition was neoliberal. Not surprisingly, the dominant political elites labeled SSSS as an organization of the ‘dark’ past. In the few years after 2000 political parties which were not members of the DOS became pariah parties, while checks and balances were rudimentary. The quality of the new post-Milosevic democracy in its first years was thus poor (Pavlovic & Antonic 2007) and SSSS lacked legitimate political allies. Elite weakness have provided another breakout point for the peak union to both reassert itself in the political arena and recreate authority over member

²²⁹ During the late 1990s the SSSS leadership was in its most conservative period. Its chairman declared open support to the Milosevic-led elite. During the political crisis and civil unrest, as well as before elections, during and after the NATO strikes, and in organization of the state-led ‘resistance’ against ‘aggressors’, the union leadership proved to be a vehement ally of the Milosevic led elite (Cf Arandarenko 2002 172). Aside from a small critical faction, SSSS representatives either remained silent in public or organized social support for the ruling elite. See e.g. Darko Marinkovic ‘Vestacko cvece’ Tomislav Banović, predsednik Saveza sindikata Srbije, *Naša Borba*, 14-15. June 1997.; *Vlada Milanović* ‘Prvomajsko osvesčivanje: Zasto čuti radnička klasa’ *AIM*, May 5 2000 <http://www.aimpress.ch/dyn/pubs/archive/data/200005/00505-006-pubs-pod.htm>; See also letter of Tomislav Banovic against NATO aggression at <http://isole.ecn.org/coord.rsu/doc/altri99/990507se.htm>; ‘Hundreds Of Thousands Jobless In Yugoslavia Due To Nato Strikes’, Tanjug, Belgrade, April 22 *Socialist Action* May 1999. <http://www.socialistaction.org/news/199905/bombing.html>; M. Petrovic ‘Centralna proslava prvog maja u Smederevu: Banović sigurno dolazi, za ostale ne znamo’ May 2000 <http://www.sedmica.co.yu/026105.htm>; ‘Socijalna karta Srbije u ratu’ *Vreme* vanredno izdanje. May 15 1999 <http://www.vreme.com/arhiva.html/vb10/7.html>; see also chairman old-fashioned support for the official media <http://www.nuns.org.yu/dosije/02/22.jsp>; ‘Poziv na prekid totalnog štrajka’ February 15 2000; Proslave i poruke povodom 1. maja *B92* Maj 1 2000. http://www.b92.net/info/vesti/index.php?yyyy=2000&mm=05&dd=01&nav_id=6519&version=print Accessed November 28 2011.

²³⁰ The new neoliberal elite did not offer any substantive role to the SSSS as still the largest union to break out from isolation, but incorporated a leader of a minor union federation into the government. Moreover, it threatened the SSSS to take away the property it used, claiming that it had no ownership rights over it. In attempts to take over union property, sometimes even violence was used. See e.g. ‘Niko nema prava na podelu nase imovine’ *Glas javnosti* June 11 2002. The issue of redistribution of SSSS union assets emerged as a major dividing line between SSSS and other unions, whereas it was also used as a blackmailing tool of the new elite against the union.

unions.²³¹ Arguably, in addition to the hostile attitude of the new elite towards what was termed ‘Milosevic’s union’, a series of neoliberal measures, privatization, and falling production, and the threat of taking property away from SSSS and its affiliated union federations provided the crucial unifying glue to the SSSS and its member unions to engage in collective action and mobilize against the hostile elite. In June 2003, SSSS launched large protests against privatization in all major Serbian towns. Initially, the main demand was that no legislation related to employment, work, or social policies could be adopted without inclusion and full consent of the union.²³² In addition, SSSS announced that it would collect signatures to push the government to resign. In October 2003, the SSSS launched new protests involving nearly 30,000 union members and activists, also demanding the resignation of the government. The protests lasted a few days, giving space to all unions in public services, public companies and industry.²³³ Although it was well publicized, other interest and social groups did not participate in these protests.²³⁴ The demonstrations were successful, since not only did the government fall soon after, but some pro-labor center opposition parties showed an apparent interest in long-term co-operation with the SSSS. Nevertheless, the SSSS did not present an alternative scheme to the government. Aside from raising criticism against the neoliberal blind faith in privatization, there was no program or advice made public as a proof of commitment to create or save jobs.²³⁵ Support for worker-led privatization and union involvement in it was very timid and unclear.²³⁶

²³¹ Led by Milenko Smiljanic (2002-2007). His successor was Ljubisav Orbovic.

²³² Other demands included encompassing collective bargaining, corrections to privatization, program for employment and strategy for industrial development, tripartism, stop to price increase, fight against criminal etc.

²³³ Ivana Kljajic, Jasmina Colak ‘Sindikalci na ulici’ *Sindikat danas* October 31 2003; Tanja Kovacevic ‘U septembru ce se daci “kuka i motika”’ *Sindikat Danas* August 29 2003.

²³⁴ Tanja Kovacevic ‘U septembru ce se daci “kuka i motika”’ *Sindikat Danas* August 29 2003.

²³⁵ Jasmina Colak ‘Privatizacija na dugom stapu’ *Sindikat Danas* August 29 2003; Svetozar Rakovic, Jelka Jovanovic ‘Popularniji od politickih stranaka’ *Sindikat danas* October 3 2003; Okrugli sto: Kakav je stvarni ucinak strajkova i mogu li socijalni protesti da ugroze tranziciju’ *Sindikat Danas* October 31 2003

²³⁶ Mirjana Jevtovic ‘Radnici su ubacili u kasu ove drzave najvise’ *Sindikat Danas* 30 April May 2 2003;

The relative success of member union mobilization also offered the opportunity to fortify the peak level union authority over affiliated territorial unions and unions of industrial branches and of the public sector, and as an opportunity to finally introduce financial discipline. Namely, confronted with about 90% union members not paying or only partially paying dues, the chairman ordered discipline and announced that no services would be provided to union members who had not paid up. However, sanctions were not possible to introduce without a longer procedure. The order was thus soon revoked, with union member federations pointing at problems with plant based unions.²³⁷ The conclusions of the Supervisory Committee of the peak union of mid 2006 tried to find a compromise and ordered the payment of dues only from a certain date²³⁸. The tipping point was the issue of unpaid wages for months for some SSSS professionals who launched a strike.²³⁹ This problem was combined with an accusation against the chairman for lack of information on financial operations and selling union property.²⁴⁰ Unable to solve the organizational crisis, shortly after his reelection, the chairman resigned and announced his retirement.

The peak level union strategy nevertheless changed somewhat from 2003, at least in adapting to the new circumstances of elite fragmentation and the emergence of the interests of capital. The novelty was the larger opportunity and more possible options to engage in a search for allies. The SSSS thus overcame its political isolation before the elections of late 2003 with un

²³⁷ S. Rakovic "Predsednik trenira strogocu" *Sindikata Danas* February 14-15 2004; M. Ladjević 'Uz prasetinu i žestinu' *Glas javnosti*, May 18, 2005

²³⁸ 'Nadzorni odbor Saveza samostalnih sindikata Srbije Zaključak' Belgrade, November 14. 2006. http://www.sindikata.org.yu/arhiva_saopstenja.php?IDsaopstenja=106 Accessed November 28 2011

²³⁹ M. Ladjevic 'Smiljanic izbacen iz Sindikata' *Glas javnosti* June 28 2005

²⁴⁰ Territorially organized union members allegedly rented out immovables for commercial purposes. Branko Vicentijevic 'U Subnoru moj stan' *Sindikata Danas* February 14-15 2004, see also Svetozar Rakovic, Jelka Jovanovic 'Dijalog bez precizno odredenih sagovornika' *Sindikata Danas* April 30 May 3 2004. Somewhat paradoxically, SSSS also used its capacities to help territorially organized unions to keep property, along with supplying legal advice.

official support to several center-right parties.²⁴¹ At the time, the SSSS was not the agenda setter among unions in creating political and social alliances.²⁴² Still, independence was believed to be preserved since the SSSS made no (open) agreements with any political party.²⁴³ Further, a generally union friendly center-right government that came to power in 2004 enabled SSSS to participate in decision making. However, both union and state capacities were highly limited. SSSS's role was also undermined due to weak rule of law and an increasingly 'wild' industrial relations system.²⁴⁴ The task for the SSSS remained to monitor privatization with limited capacities in helping member unions in the analysis of sellout contracts and advising plant based unions in defining plant level social programs. All this happened in the face of shrinking capacities: until; 2004 SSSS had only one lawyer and since that year has had no permanently paid lawyer at all!

Concession agreements with the traditionalist but labor friendly coalition government of prime minister Kostunica (2004-2007) were symbolic. SSSS was recognized as a representative union by mid 2004, a weak tripartite Socio-Economic Council (SES) was established, which institutionalized a role for unions in the privatization process through an Agreement on understanding and cooperation between unions and the Agency for Privatization. The most important fruit of SSSS participation in the SES was related to its voice in legislation²⁴⁵ and inclusion into a government working group on social policy. In contrast, many negotiations, such

²⁴¹ Ivana Kljajic 'Podrska partiji koja prihvati Socijalno-ekonomski ugovor' *Sindikat Danas* November 28 2003

²⁴² Zoran Stojiljkovic 'U potrazi za politickim partnerima' *Sindikat Danas* May 30 2003 *Nezavisnost* ; Mirjana Jevtovic & Bojan Tonic 'Od borbe protiv Milosevica do novog fronta' *Sindikat Danas* August 1 2003

²⁴³ The smaller, earlier pacifist, confederation *Nezavisnost*, which enjoyed the support of the Friedrich Ebert Stiftung emerged after 2000 as the main union establishing transparent ties to both NGOs and (smaller) social democratic parties. Zoran Stojiljkovic 'U potrazi za politickim partnerima' *Sindikat Danas* May 30 2003 *Nezavisnost* ; Mirjana Jevtovic & Bojan Tonic 'Od borbe protiv Milosevica do novog fronta' *Sindikat Danas* August 1 2003

²⁴⁴ As indicated in the internal union evaluation report for the 2006 congress, 'The National Agency for Employment reported that employers are not in a position to fulfill legal obligations... Employees retain the right to severance pay'.

²⁴⁵ Especially important were amendments made to the LC in 2005.

as on changes in the retirement age did not lead to any agreement and in fact brought the SES into a major crisis²⁴⁶. Other concessions were reached outside the SES, but were limited to direct consultations of the SSSS leadership with the government where the union could only raise awareness on (insolvable) problems in industrial relations, communicate complaints, and formulate official statements on the need for general collective agreements and subsidies.²⁴⁷ In exchange, the SSSS supported the government in calling on the rank and file to vote for the new constitution,²⁴⁸ in addition to issuing joint calls to the international community on the status of Kosovo.²⁴⁹ In the lead up to the elections of 2008, the SSSS sided more openly with the predominantly neoliberal Democratic Party (DS). As a political barter with DS, the union signed a general collective agreement full of formal and general provisions, but defining principles of wage rise. However, when the global economic crisis of late 2008 hit, the government claimed it could not honor the agreement. The SSSS only reacted with a weak verbal protest before letting the issue be.

Concerning protests and industrial action, due to both its weak organizational capacities and political isolation SSSS was unable to stop or influence meaningfully the radicalization of worker protests, nor to control, coordinate or channel a non-violent voice that might have helped

²⁴⁶ Instead of coming up with a constructive proposal, SSSS chairman Smiljanic even called into question the meaningfulness of SEC and again called attention to the danger of social unrest and strikes without union involvement (!). 'Savet bez stava o izmenama PIO' *B92* June 29 2005. SEC was also unable to agree on ways to proceed with privatization 'Bez dogovora o načinu privatizacije' *Beta* November 30 2007.

²⁴⁷ 'Izvestaj o radu SSSS izmedju 12. i 13. Kongresa' in SSSS *13. Kongres: Dokumenti* SSSS Belgrade, June 2006 in which the union did not participate meaningfully, and which it wanted originally to boycott its silence

²⁴⁹ See Svetozar Rakovic, Jelka Jovanovic 'Dijalog bez precizno odredenih sagovornika' *Sindikat Danas* April 30 May 3 2004 Mirjana Jevtovic 'Socijalni dijalog uz uslovljeno poverenje' *Sindikat Danas* June 4 2004; Mirjana Jevtovic 'Socijalni dijalog uz uslovljeno poverenje' *Sindikat danas* June 4 2004>> Ivan Radak 'Sindikati aktivni u procesu privatizacije' June 4 2004; SSSS 'Informacija' http://www.sindikat.org.yu/arhiva_saopstenja.php?IDsaopstenja=113 ; SSSS 'Kosovo i Metohija zajednička briga' Beograd, October 12 2006 www.sindikat.org.yu/arhiva_saopstenja.php?IDsaopstenja=101; SSSS 'Informacija' www.sindikat.org.yu/arhiva_saopstenja.php?IDsaopstenja=120 ; 'Referendum 28. i 29. oktobra 1. B92' October 1. 2006. ; SSSS 'Informacija o toku i sadržaju razgovora Predsednika Vlade Republike Srbije, Dr. Vojislava Koštunice i Predsednika SSSS Prof. Milenka Smiljanića, Belgrade, October 4 2006' http://www.sindikat.org.yu/arhiva_saopstenja.php?IDsaopstenja=100 Accessed November 28 2011

stop a growing trend of hunger strikes.²⁵⁰ Rather, the distance and the communication gap between unions and increasingly radical worker protests increased²⁵¹. The autonomy of unions in large public companies, as well as public unions ran unchallenged. Although SSSS barely remained the largest organization, union density again halved during the 2000s. Finally, the SSSS leadership established closer ties to the largest domestic entrepreneurial capitalists, negotiating separately and sometimes against the interests of plant level unions.²⁵²

The case of the SSS indicates the pervasive effects of hostile elites on active unionism, but particularly when elite influence makes use of a union's internal organizational weaknesses and acts to undermine its potential strengths. Elite domination and the missed opportunities for organizational self-empowerment pushed the SSS to abandon the struggle for its autonomy during the critical juncture period, a choice which also shaped the union's trajectory in the period that followed. In evaluating the union's trajectory, former and present SSSS activists point out the detrimental external circumstances to union development. Some of them, taking into account union assets and capacities in the late 1980s, also acknowledge a missed chance for developing a more powerful and socially respected organization. Although the prospects for SSSS today are not promising, positive legacies of the past still allow some of its members hope, or at least to wax nostalgic about what might have been.

²⁵⁰ Zoran Radovanovic 'Protesti radnika izraz agonije privrede kojoj se kraj ne nazire' *Sindikat Danas*. August 29 2003. Zoran Radovanovic 'U nevrema prinudna glad zaposlenih' *Sindikat Danas* August 1 200; Zoran Radovanovic 'Akcija koja je slutila na nesrecu I tragediju' *Sindikat Danas* November 28 2003. V. Todorovic 'Sesti dan gladju radnika Metal Seka' *Sindikat Danas* February 14-15 2004

²⁵¹ The latter was indicated also in the sense that workers increasingly looked up alternative identities, as well as forms of protest. The 2001 diagnosis of large distance between 'union bureaucracy' and radicalized workers not only decreased, but the unionist worker identity and form in itself was not considered as effective by the new wave of worker radicals responding to challenges of privatization or actively take part in forming local partisan coalitions lobbying to receive production subsidies. Author's interviews at the two most militant plant level unions from 2001, *Jugoremedija* Zrenjanin and *Namenska* Kragujevac in the spring of 2007 indicate the very loose connection and identification of plant level and preservation of critical reference to SSSS as self-interested 'union bureaucracy'.

²⁵² 'Miskovic hoce da kupi i "RK" Beograd' *ASI* September 11 2006. At: inicijativa.org/tiki/tiki-read_article.php?articleId=1549 See also Zajednicko saopštenje za javnost SSSS i clanova poslovnog kluba Privrednik' February 23 2010 at www.sindikat.rs/saopstenja.htm Accessed November 28 2011.

Chapter 4. Poland's OPZZ: The Need to Go Political

In this chapter I describe and analyze the OPZZ's strategic choices impacting its own developmental path. Since its establishment, the union was actively and transparently shaping its own trajectory and using novel methods to exert influence, but these occurred in an increasingly competitive environment. Not surprisingly, the union recorded little success in the first phase of dramatic system change (1988-1990). During this period, although the OPZZ was an active participant and among the initiators of system change to the market and democracy, its crisis intensified and the challenge became even greater as Solidarity gradually rose back to dominate the political arena. The OPZZ started developing new practices of collective action and lobbying, but numerous constraints pushed it to the margins of political life. To break out from isolation, the union needed political allies from the secular left. In this way, the OPZZ overcame its political isolation in 1991 through a formal electoral alliance with the liberal wing of the reformed communist party. Somewhat paradoxically, it was under the Solidarity based governments and unpopular economic reforms of the 1991-1993 period that OPZZ consolidated its position, fought rather successfully for the material interests of rank and file, and gained in public recognition.

However, these successes in the union's struggle for relevance from 1991 happened at the cost of establishing close electoral ties to, and forming a political coalition under the dominance of, the main communist successor party, the SdRP. The minor evil was that participation in the political process of the electoral campaign and parliamentary work overburdened the fragile organizational unity and capacities of the peak level union. More importantly, anti-communist hostilities from the Solidarity union cemented as the electoral prospects of the post-communist

Left peaked. Finally, the formal partisan coalition of which the OPZZ was part also presented a major risk for the union. The SLD coalition won the elections promising to maintain social welfare and protect the interests of labor. However, while still celebrating its success, immediately after the elections the liberal wing within the SLD radically changed the original agenda: instead of fulfilling electoral promises, the government moved to macroeconomic stabilization and restructuring which entailed further cuts in welfare and public expenditures. As the new OPZZ leadership had not counted on the possibility of a neoliberal turn in the agenda of its political ally, the actual turn in policy priorities when SLD emerged victorious caught the union by surprise. The OPZZ faced a loyalty dilemma: it had to take a stance either in favor of its political allies or in favor of its constituents. Eventually, the OPZZ subordinated itself to the SLD's parliamentary club and its dominating neoliberal agenda, achieving only minor concessions for labor.

In this trajectory full of twists and turns, there were two strategic choices of decisive importance that the union made, which I will highlight and seek to explain. The first puzzling question is why the OPZZ established a (very close) political coalition in the first place in 1991. Second, why did the union not act against its allies in 1993-1994 when they betrayed the union's interests? In this chapter I show that the OPZZ's strategic choices were affected by organizational weaknesses and external political constraints which effectively forced the union to seek short-term *political* strategies in order to remain a relevant organization. I argue that in real terms, these choices were not able to lead to an ultimate resolution of the more fundamental organizational weaknesses and political constraints, but instead reinforced a vicious cycle of decreasing union influence, limited space for strategic maneuvering, fragile unity, and limited internal capacities of the peak level organization. The OPZZ's lack of opportunities, capacities

and/or willingness to act against the betrayed electoral promises of its allies paved the way for a steady but not complete erosion of union influence, capacities and social legitimacy in the post-socialist period.

In my argument I describe the OPZZ's strategic choice as a loop with two elements: first, the partisan alliance of 1990-1991 was possible only after the fall of communism, but it was crucial and necessary in the struggle of the organizationally weak union against marginalization in a hostile environment. In the short term, the partisan alliance was beneficial, and the only available efficient option, but carried the risk of reinforcing organizational vulnerabilities and inflicting damage in the longer-run. Indeed, the choice eventually backfired: the pendulum swung back with full force a few years later when the partisan ally, then the dominant party shaping the government, adopted a neoliberal agenda. This second moment caught the union ill prepared to react quickly and to redefine its relation to its political ally. As this original vulnerability reappeared at a critical time, the OPZZ leadership did not punish its political ally. This second strategic choice was constrained in several ways by both internal and external factors. Namely, the space for strategic maneuvering for the OPZZ was further limited: changing political sides was risky, the mobilization of its members was difficult. Moreover, its arch-rival, Solidarity intensified its anti-communist discourse and started militant collective action which limited adoption of similar action on part of the OPZZ. Finally, the union was plagued by internal divisions. Thus, instead of a militant and powerful response against its political allies, the OPZZ accepted parliamentary subordination gaining only limited and formal concessions, and launched minor symbolic protest actions. This was an awkward strategy and difficult to justify in public.

My explanation highlights the decisive importance of weak organizational structures and resources of the union. Recall from Chapter 1 that although the OPZZ was also built on plant-based initiatives and authentic activism, the challenges for the union to emerge as a relevant organization - given its organizational capacities and the general political context of post-martial law Poland – were far greater than for its (post-)Yugoslav counterparts. While the Slovenian and Serbian peak level unions could be charged with passivity, ‘alienation’ from the rank and file or ‘bureaucratization’, the OPZZ had to overcome its negative societal image as a union built on a ‘compromise’ with the communist elite and ‘against’ the society after the banning of Solidarity (cf. Ekiert *The State Against Society*). The lifting of martial law in 1982 was followed by an unpopular, top-down process of ‘Polish normalization’ (Kolankiewicz 1987), which also produced the OPZZ, but did not end political trials and imprisonments of Solidarity activists. The whole process of normalization, including the birth of the OPZZ, was to a large extent orchestrated against Solidarity: the OPZZ was designed as a replacement union, building not only on predecessor unions’ assets but taking up also some continuity with those societal functions of Solidarity that did not challenge the ultimate authority of the communist party (PZPR). Unsurprisingly, Solidarity activists and advisors were extremely hostile to the new union. In the context of encompassing social apathy and economic hardships of post-martial law Poland, before the mechanism of system change was set in motion, many suspected OPZZ’s conspiracy with the elite. Thus, the otherwise principled bread-and-butter demands of OPZZ and its leaders appeared manipulative and ‘populist’ in the eyes of the public (Kolarska Bobinska 1994, Adamski 1993) as well as among scholars of social democratic persuasions (Gortat 1994a). The OPZZ thus faced a major challenge: it had to establish efficient interest representation vis-à-vis the elite and deliver to its (potential) constituency. It had to prove that it

has significant social roots, and as such was an authentic and capable trade union. In more practical terms, the OPZZ needed to find a formula to fight effectively for bread and butter and social issues, and simultaneously to increase its voluntary membership base. Moreover, to become a powerful actor in the political arena, the OPZZ also had to consolidate its loose internal organizational structures and use its assets assertively to gain public recognition.

This chapter begins by contextualizing and outlining the two strategic choices of political activity and partisan loyalty faced by the OPZZ in 1990-1991 and 1993-1994. The second section describes how the OPZZ fought for relevance in its own right from the late 1980s and demonstrates why political allies were necessary in the first place. Namely, the organizational features of the OPZZ, the loose ties of the peak level union to its autonomous members, and strained assets already made a political presence necessary for the union leadership not only to be able to deliver on its promises and increase its public visibility, but also to strengthen leadership authority among member organizations and the rank-and-file. The union leadership was moreover pushed even more into the political arena as marketizing economic reforms started, and hostilities from a re-legalized Solidarity resurfaced.

The third section discusses the contextual factors (Burgess 2004) informing and shaping the second strategic choice, what I term a constrained partisan loyalty choice of the union in late 1993-early 1994. The final section looks at the immediate and long-term implications of these strategic choices for the union's trajectory. I argue that OPZZ in effect remained hostage to the agents of Polish 'normalization' of economic and political stabilization. The defeat of SLD in the 1997 elections, along with resignation of a strong chair in 1996, led to a gradual, but costly 'depoliticization' of the peak level union, but not of its members. However, although more

recently hostilities from Solidarity have ended and the space for strategic manoeuvring has been larger for the OPZZ, the same fundamental organizational problems plague the union.

4. 1. The OPZZ's costly political choices

After the Round Table negotiations of 1989, the OPZZ faced a rather hostile environment. The anti-communist political implications of system change, the anti-communist and neoliberal ideology (Szacki 1995, Walicki 1988, 1991) and Solidarity's rise to power pushed the OPZZ into the defensive. Solidarity's demand for the return of the property taken away from it during the martial law intensified through political pressure. This absorbed the energy of OPZZ especially in 1990-1991²⁵³. Responding to opportunity structures stemming from democratization and the multi-party system, and using the unpopularity of economic reforms instituted under Solidarity based governments, the OPZZ found necessary to search for political allies in order to exert influence and fight marginalization.²⁵⁴ Yet, few options were available since no alliances were possible with Solidarity affiliated parties.²⁵⁵ Before the parliamentary elections of 1991, the union leadership made the strategic choice of establishing a formal alliance with the main successor communist party of PZPR – the SdRP, now dominated by a younger, more liberal leadership. However, there was no consensus among the union leadership on exact type of cooperation, on how to position themselves vis-à-vis the party. Whereas Miodowicz wanted significant political independence and no strong ties to a strong party, some vice-chairs tended to favor stronger cooperation (Machol-Zajda et al. 1993: 16).

²⁵³ Author's interview with Alfred Miodowicz, former OPZZ chair Krakow December 1 2007.

²⁵⁴ See introducing speech of Miodowicz at the 2nd congress OPZZ June 1990 in OPZZ (1990).

²⁵⁵ See 'Wstep' In OPZZ (1990). At the time, there was a great anti-communist euphoria among the majority of Solidarity-based parties and intellectuals. It seemed at the time that parties and actors of the former communist system would swiftly disappear from the political scene. This assessment had also brought to calculative splits within Solidarity.

Thus, although at the time the OPZZ was increasingly successful in rank-and-file mobilization, the union's emergence from political isolation occurred together with their entering into a political alliance with the SdRP, and the relative success of the coalition at the 1991 elections. By late 1991, the OPZZ intensified its public presence and its lobbying activities became quite efficient. The union demonstrated concertation capacities in launching collective action and significantly gained in public support. Already in early 1992, the largest branch federation belonging to the OPZZ, the teachers' union ZNP, criticized the budget and staged a large protest in front of the parliament.²⁵⁶ The protests achieved their goal and the OPZZ chair and branch leaders received invitations to negotiate with the government, an outcome that was reported prominently in the media as a victory for the OPZZ.²⁵⁷ The meeting paved the way for detailed negotiations during the next weeks over issues of economic policy, strategies of enterprises, and social policy as well as problems of specific branches of industry.²⁵⁸ Further, since the demonstration simultaneously targeted also the presidential residence ('Belweder'), then Polish President Lech Walesa promised to pay a visit to the OPZZ headquarters. During his visit, Walesa underlined that the OPZZ was a fully legitimate force to be reckoned with and called for the opening of a new chapter in Polish history in which a 'thick line' of all constructive forces would work jointly for the sake of the new Poland, including all left-socialist, center, and right-wing parties, movements and organizations. Moreover, Walesa explicitly called on the Solidarity trade union to end hostilities with OPZZ.²⁵⁹

²⁵⁶ 'ZNP Orzuca Projekt Prowizorium Budżetowego' *Rzeczpospolita* 2 January 1992; Pikieta ZNP przed Sejmem *Rzeczpospolita* 24 January 1992. Other federations and groups also staged their protests. See e.g. Zacisnie, Te Pie, Sci Emerytow' *Rzeczpospolita* January 17 1992 'Gornicy Pikieteja, Sejm' *Rzeczpospolita* January 29

²⁵⁷ For example, the meeting of prime minister Olszewski with Ewa Spychalska occupied the cover page in a major daily 'OPZZ Gotowe Do Negocjacji' February 20 1992

²⁵⁸ Concrete agreements occurred especially in the sphere of social policy related to the most vulnerable population Pawel Tomczyk 'Ustalono, Ze Be, Da, Rozmowy' *Rzeczpospolita* 28 February 1992

²⁵⁹ The OPZZ's public rally ended with Walesa's promise to pay a visit to the OPZZ and his call to put an end to the conflicts of the past and thus also to inter-union hostilities. In response, Spychalska symbolically gave her own

The OPZZ's successful collective actions in 1992 (Gortat 1994b: 121) went hand in hand with increasing public visibility of the union, including published statements and interviews in major dailies and media with its leaders. The union chair, Ewa Spychalska, stated that the main mission of the OPZZ was to provide people with work, as well as to prevent social anomie. The poor record of the Olszewski government in these respects pushed the unionist MPs and SLD MPs, to vote against its proposed budgets and eventually against the government itself.²⁶⁰

During the next Solidarity based government of Hanna Suchocka, the OPZZ continued using the strategy of lobbying on more fronts, underpinned by concerted collective action. In July and August 1992, the OPZZ played a crucial role in the organization of a successful 35-day strike in the copper industry. The strike was carefully organized, coordinated and built on expert opinions and achieved its aims²⁶¹. In January 1993, Spychalska sent an open letter to then Prime Minister Suchocka warning about rising social discontent and criticizing the government's short term strategy of dealing with strikes, and failure to address the situation comprehensively.²⁶² The OPZZ presidium did not accept the state budget for 1993, judging it as 'monetarist,' and called for a vote against in the parliament.²⁶³ The OPZZ's outlined its principles and program in a document titled the 'Charter on social and welfare guarantees' adopted in February 1993. The Charter harshly criticized the government for the social costs of reforms, abolishment of some social support schemes, and its industrial policy in terms of disadvantageous treatment of state

unionist badge to Walesa, with the words 'From my heart, Mr President!' See: Pawel Tomczyk "Gruba Kreska Prezydenta" *Rzeczpospolita* 22&23 February 1992

²⁶⁰ In an interview, Spychalska evaluated the Olszewski government as a continuation with neoliberal politics. She stated that the OPZZ was facing political prejudices, and expressed her resentment against the preferential treatment of Solidarity by the government. The OPZZ leader also criticized the Olszewski cabinet for its failure to implement concrete proposals. Mariusz Janicki i Marcin Meller 'Siodmy garnitur' (Interview with Ewa Spychalska), *Polityka* May 2 1992

²⁶¹ Spychalska interview

²⁶² For a similar expert criticism see Hausner 1994. In the letter, Spychalska greeted the government's interest and commitment to deal with strikes and unions, however she criticized the unequal treatment of unions and privileges of Solidarity in access to negotiations. List Przewodniczej OPZZ Ewy Spychalskiej do Premier Hanny Suchockiej w sprawie pogarszającej się Sytuacji Społeczno-Politycznej Polski' January 6 1993

²⁶³ Stanowisko Prezydium Rady OPZZ w sprawie projektu budżetu Państwa Na Rok 1993, January 28 1993

owned enterprises (SOE). The document called for higher minimum wages and unemployment benefits, active social policies to include housing support and defined health insurance benefits, and demanded a stop to further deterioration of real wages (Machol-Zajda 1993: 66-67).

Later, the OPZZ hesitantly responded to the government's 'Pact on State enterprises', a proposal for company privatization that required the consent of organized labor. The union leadership voiced an uneasy stance towards privatization, but wholeheartedly accepted negotiations, since they would also be an opportunity to lobby for social provisions outlined in the Charter.²⁶⁴ By spring 1993, when public sector employees had launched major strikes, negotiations intensified.²⁶⁵ The OPZZ partially succeeded in establishing a unionist platform in its fight for active social and economic policies, with more radical Solidarity 80 and smaller unions joining.²⁶⁶

A culmination in the successful breakthrough, so it seemed, was the electoral success of the SLD, a grand coalition of the non-Solidarity based secular left, consisting of left-wing parties, civil associations and unions against the traditionalist center and right wing, anti-communist forces. Running within the broad SLD coalition as the second largest force already from mid-1991, the OPZZ gained a significant parliamentary presence from autumn 1993: it had 61 delegates in the Sejm. Immediately after the elections, on September 29 1993, at a press conference the union leaders announced that 'they will not join any future government, even if headed by the Democratic Left Alliance (SLD).' Moreover, its chair stressed that it would continue supporting the SLD's election program, but that OPZZ MPs will not 'hesitate to vote

²⁶⁴ In principle, OPZZ accepted the Pact but insisted on detailed negotiations and postponed signing it until the end of winter 1993. 'OPZZ-Rzad' *Rzeczpospolita* June 26 1992; OPZZ o projekcie Paktu' *Rzeczpospolita* August 4 1992; Mariusz Pawlowski 'Kto chce prywatizacji' *Rzeczpospolita* August 6 1992.

²⁶⁵ The teachers' union (ZNP) was very active again in organizing strikes 'Spor trwa, zwolnien nie be,dzie' *Rzeczpospolita* 24 February 1993.

²⁶⁶ 'Koledzy, Chodzie Z Nami' *Rzeczpospolita* April 9 1993. Curiously, even some regional and plant unions of Solidarity joined the initiative. Piotr Adamowicz, Pawel Reszka 'Czy koniec separacji' *Rzeczpospolita* April 27 1993.

against an SLD government if its legislative proposals run counter to the unions' interests.'²⁶⁷ Spychalska also announced that the union would concentrate its activity and work with its political allies in adopting legislation related to social and welfare guarantees (Machol-Zajda et al 1993). At this time the union also formulated an optimistic document on the implementation of economic and social policies.²⁶⁸

The OPZZ soon experienced a real shock and radical challenge since its main political ally, and dominant party within SLD, the SdRP turned away from its left-wing electoral promises and adopted a liberal agenda. Already at the first meeting with the Minister of Social Policy, the government presented economic data supporting their arguments against the implementation of many of their electoral promises.²⁶⁹ The reaction of OPZZ leaders ranged from verbal protest to attempts to stage an internal coup within SLD. Already in early November, the OPZZ chair publicly protested against the government's decision to postpone the promised wage increase for public sector employees²⁷⁰. In a similar vein, the OPZZ leadership met with the new Prime Minister and some members of his cabinet and complained that the government was taking decisions on social and economic policy that not only contradicted electoral promises but had also happened *without* consultations with the union.²⁷¹ The government abolished the excess wage tax (*'popiwek'*) as OPZZ had favored, but only to schedule a replacement of it with an alternative income control mechanism²⁷². The union capitulated to the aggressive reasoning of

²⁶⁷ Louisa Vinton 'Polish trade unions digest election results' *RFE/RL* . No. 188, 30 September 1993

²⁶⁸ Stanowisko Rady Ogólnopolskiego Porozumienia Związków Zawodowych Po Wyborach Parlamentarnych, November 22 1993

²⁶⁹ Komunikat Ze Spotkania Ministra Pracy i Polityki Socjalnej, Leszka Millera z kierownictwem OPZZ. November 28 1993.

²⁷⁰ Louisa Vinton '. . while OPZZ demands wage hikes' *RFE/RL* No. 213, 05 November 1993

²⁷¹ Anna Sabbat-Swidlicka 'Pawlak Meets With Postcommunist Unions' *RFE/RL* No. 224, 23 November 1993

²⁷² Louisa Vinton 'Polish Sejm abolishes excess wages tax' *RFE/RL* No. 242, 20 December 1993; Louisa Vinton 'Polish government prepares wage controls', *RFE/RL*, No. 28, 10 February 1994 Inc.
<http://russia2go.us/friends/news/omri/1994/02/940210.html>

the liberal allies that economic necessities required dismantling social services and reduction in pensions (Hausner 1996, Bartosz 1996: 41-44; also Pollert 1999: 139).

In mid January 1994, a fraction of MPs from OPZZ led by the union's vice-chairman Wisniewski allied with the minor party PPS and created a "Group for the Defense of Workers' Interests".²⁷³ In March, this group of a dozen voted against the 'monetarist' state budget only to be subsequently excluded from the SLD parliamentary club (Lewis 1995: 112)²⁷⁴. The OPZZ unionists also supported Walesa's veto on the new wage control bill.²⁷⁵ When Solidarity launched a protest campaign in April 1994, OPZZ attempted to straddle opposition and government by rejecting 'political' strikes, but also demanded the removal of the Minister for Industry.²⁷⁶ Eventually the great majority of OPZZ MPs found themselves in a schizophrenic situation: unionists voted for the monetarist budget in the Sejm only to protest against it on the streets and call for greater respect for labor interests (Curry 2003: 44).

Although all the OPZZ member unions were called to participate in an emergency protest on May 19th 1994 in order to force the government and political allies to take the union seriously (Jagusiak 2004: 188), the union did not radicalize its action further against its erstwhile allies within the SLD coalition. The congress of OPZZ in late May 1994 brought about a compromise solution. Tellingly, at the congress Spychalska was reelected as chair, defeating the 'radical' Wisniewski who mobilized against the union's liberal 'allies' within the SLD, the SdRP. The OPZZ delegates also discussed their own capacities to challenge the prevailing liberal wing within the SLD. The reelected chair stated that it was not time to threaten the coalition (Lewis

²⁷³ Louisa Vinton 'Dissent builds in Polish coalition' *RFE/RL*, No. 13, 20 January 1994

²⁷⁴ In March 1994 the SLD parliamentary club resolved to expel any member who voted against the government's budget or failed to show up. Louisa Vinton 'Polish coalition closes ranks on budget'. *RFE/RL*, Inc. No. 43, 3 March 1994

²⁷⁵ Louisa Vinton, 'Polish Sejm accepts Walesa's veto' *RFE/RL*, Inc.No. 67, 8 April 1994

²⁷⁶ Louisa Vinton, 'Polish government opposes strike blackmail' *RFE/RL*, Inc. No. 81, 28 April 1994

2001: 112-113), nor to radicalize protest activity. Whereas she was silent on the possibility of organizing further protests, Spsychalska declared diplomatically that the OPZZ would not play the role of a protective umbrella for any government or party.²⁷⁷ Delegates announced that the OPZZ would stand on its own at the next elections. High ranking guests of the congress, SdRP liberal politicians and ministers at the government praised the ‘creative’ stance of the union.²⁷⁸

Such a conformist choice of loyalties was highly compromising for the union. As it turned out, OPZZ was unable to exert substantive influence against legislation and policies of the government.²⁷⁹ The new ‘left’ wing government in essence continued with macroeconomic stabilization policies it nominally opposed (Stone 2002: 11). Even the *popiwek* was abandoned only to be replaced with a new very similar instrument, meaning only minor modifications.

The partisan loyalty choice provided some little positive incentives for the OPZZ. The new liberal-left based state actors offered an incorporation deal, most importantly institutional benefits in the form of a labor friendly tripartite institution, while the union hoped to participate in inclusive decision making in the long run. Within the parliamentary club of SLD, the OPZZ MPs was only able to gain minimum concessions, such as temporary lifting of excess wage tax, regulation of wage setting and collective bargaining; minor influence in areas of privatization and commercialization; social expenditures, pension reform and formally improved social dialogue²⁸⁰ All above the plant or workplace level unions belonging to the OPZZ sought formalized political participation in decision making, regional and local territorial union organizations sought formalization of cooperation with local governments. They were open and

²⁷⁷ Louisa Vinton, ‘Poland’s OPZZ proclaims independence’ RFE/RL, Inc.No. 101, 30 May 1994

²⁷⁸ Louisa Vinton ‘Poland’s OPZZ proclaims independence’ RFE/RL, Inc.No. 101, 30 May 1994

²⁷⁹ See e.g. Anna Sabbat-Swidlicka ‘Sejm roundup’ RFE/RL Inc. No 186 September 29 1994

²⁸⁰ ‘Sprawozdanie Rady OPZZ z dzialalnosci w kadencji 1994-1998, Warszawa 29-31 May 1998 as quoted from Jagusiak 2004: 174

eager to participate in various ‘problem commissions’ on concrete policies on various levels of territorial self-governments (Jagusiak 2004: 86).

However, these concessions could not prevent major loss of popularity of the OPZZ not only among its constituents but also in the broader society. Local commentators stated that OPZZ had capitulated to the demands of the liberals and were doomed to serve the agenda of political and economic stabilization, which meant impotence in holding its allies to their electoral promises and even an inability to block the dismantling of social services and reductions in pensions (Bartosz 1996: 41-44, see also Pollert 1999: 139, Avdagic 2003). Bartosz (1996: 43-44) went so far as to state that in the period from late 1993, OPZZ had compromised itself more than in its whole history. The union barely emerged as a socially recognized force when it had to give up unionist principles and its earlier stance over non-politicization of bread-and-butter issues.

Why did the OPZZ make a strategic decision not only of active participation in the political arena but even establishing direct links to a political party in the first place? The following two sections situate the two strategic choices of partisanship into organizational and broader context. As I show in the next section, the first partisan alliance occurred within the union’s more encompassing struggle for relevance. The political involvement was a logical answer to great challenges and increased over time, while the partisan alliance was built on both internal organizational fragilities of the union and also as a reaction to new insecurities and opportunities from the broader political environment. In the third section I show that the partisan loyalty choice was informed by unfavorable factors (Burgess 2004) for the union.

4.2. The geneology of political activity and a partisan alliance trap

Right from the outset, the OPZZ had a very specific, vulnerable organizational structure where efficient interest representation necessitated activity in the political arena, also requiring

great political savvy and organizational skills on the part of the leadership, especially the chair. However, there were organizational features that made the union too weak to stand on its own in the political arena: the union's fragmented rank-and-file base and a huge gap between the peak union and the rank-and-file. The latter gap was filled by significant autonomy of leaders at the sectoral and branch level, which obstructed direct communication between the center and the rank-and-file. The union leadership's attempt to represent workers' material interests in the highest level political arena, its various initiatives and advocacy of this agenda during system change brought very little recognition. The outcome of the Round Table agreement of early 1989 was that the Solidarity trade union was relegalized and a new anti-communist elite emerged in strength. These developments were a major blow to OPZZ's legitimacy and even threatened its existence.

To fight these extremely negative developments, the OPZZ needed political allies to help it resist marginalization. The union leadership used political opportunities stemming from the democratization process and the unpopularity of the economic reforms introduced by Solidarity based governments both to redefine itself in the political arena as an autonomous bread-and-butter union, and to form a coalition with the main successor of the former communist party, the SdRP. Whereas there was a consensus among the union leadership on the necessity of partisan ties, there were internal debates about the desired strength of these ties.

4.2.1. Political activity as a cure for organizational weakness

As I outlined in Chapter 1, the OPZZ came to being as an element of the communist elite's normalization strategy, but as such was compromised by two conflicting mandates: it was established to represent the authentic material interests of rank and file workers, but at the same time had to recognize the ultimate authority and legitimacy of communist decision makers. But

after the outlawing of the Solidarity trade union, critics saw the establishment of OPZZ as a mere façade of labor incorporation, which was in essence a cunning act of authoritarian state action against authentic social forces. Overcoming negative social judgment was not the only challenge for the OPZZ, however. As officially recognized but autonomous representatives of the material interests of labor, the OPZZ received an unusually high ‘positive political status’ (Offe 1981) from the Jaruzelski regime for a union whose membership base was very weak and fragmented (Mason 1987). That is, the OPZZ gained seats at the Polish parliament’s Socioeconomic Council, the Price Council, and the Commission for Economic Reform, which allowed it access to information and influence over decisions. The OPZZ was even encouraged to take up some tactics from Solidarity in its fight to defend the material interests of its rank and file, including the use of the strike pistol as a measure of last resort. The functions and scope allocated to the OPZZ was to ‘represent and defend the rights and interests of workers in the area of working, social, living and cultural conditions and wages’ and to cooperate in planning the economic and social development of the country, while enjoying the right to express opinions on legal acts and decisions (Mason 1987: 491). The union was legitimate as long as it did not pose a political challenge to the regime as Solidarity had. Arguably, the expectation of decision makers’ support for OPZZ was that the union would prove that workers were interested in economic issues and did not support political turmoil (Kolankiewicz 1987, Mason 1987). Yet, while the political functions of the OPZZ as a trade union were not ruled out, they were also not defined, presenting a challenging task but also an opportunity for the union leadership.

Activity in the political arena on the part of OPZZ executives was necessary also for internal organizational reasons. That is, the OPZZ member unions, all national federations, branch unions and plant level unions operated as autonomous legal entities, and enjoyed broad

autonomy from the center, making the authority of the peak level leadership fragile. Centralization of a loose, predominantly branch structure could not be an option for the OPZZ since that would mean a return to the discredited organizational form of its predecessor, the CRZZ. The specific loose ‘pluralist’ organizational structure of OPZZ was further reinforced by its approach to differentiating itself from Solidarity. That is, the union leadership advocated union pluralism (as exemplified in broad autonomy of its member unions and the freedom to not become a member of OPZZ) but only one trade union at the workplace level. This cemented OPZZ’s competitive if not hostile stance towards its underground competitor.

Furthermore, the authority of OPZZ executives vis-à-vis its member unions depended on the charisma and capacities of the chair to find common values and interests among member unions, as well as to find external allies and ways to efficiently exert influence in critical situations. The union leader had to maintain good internal relations, since if a member union were to be unsatisfied with the ‘center,’ it would and could easily exit the OPZZ. But equally importantly, the internal authority of the leader depended on her/his assertiveness, connections and actions in the external political environment. This pushed the leadership even more to become actively involved in the political arena and to seek participation in the milieu of the political elite. This was the prime reason why the union chair Alfred Miodowicz became a member of the Politburo.²⁸¹

To sum up, while it had sufficient autonomy from decision makers to define its most efficient tactics and strategies, the OPZZ faced a great challenge to prove its authenticity, exert influence and consolidate the organization internally. To meet this challenge, the union leadership adopted a move which would kill these three birds with a single stone: it took steps to assert the union’s role in the political arena as an efficient and critical actor representing the interests of

²⁸¹ Author’s interview with Alfred Miodowicz, former OPZZ chair, Krakow December 1 2007

organized labor. This strategy used the beneficial political status of the union and the leadership's realization that gaining social recognition and legitimacy, along with strengthening the authority of union executives vis-à-vis member unions and the rank and file was possible only through assertive and increasingly bold action in the political arena.

Indeed, while in its program the union focused on bread-and-butter and social issues and rights, during the late 1980s, up until the Round Table Agreement, the OPZZ executives gradually sharpened their action and voice in the political arena. As a declared bread-and-butter union, the OPZZ first adopted a strategy to fight via its directly elected representatives at the Polish parliament (*Sejm*). It gained some, not insignificant concessions²⁸². In late 1987, OPZZ faced difficulties during the discussion on the implementation on 2nd stage of economic reforms liberalizing the Polish economy and hurting the material interests of the union's rank-and-file. The OPZZ formulated a generally hesitant support for the reform, but also insisted that changes could not produce lower real wages.²⁸³ In order to counteract price increases the union adopted a strategy of protecting the most vulnerable parts of the population through set minimum wages, stipends, pensions and social benefits.²⁸⁴ The OPZZ greeted the referendum of December 1987 as a sign of democratization and societal involvement in economic decision making, but did not support the concrete economic proposals. Instead, it came up with amendments.

As the referendum on economic reforms eventually failed, industrial conflicts escalated. The Polish government led by then Prime Minister Messner nevertheless decided to continue with reforms but in more gradual fashion. In February 1988, the OPZZ secured a general wage increase for state enterprise employees to offset higher prices (Chobot 1991: 350). To the

²⁸² E.g. in March 1987, the OPZZ successfully lobbied for reduction of price rises (Chobot 1991: 250)

²⁸³ 'Stanowisko Rady OPZZ W Sprawie II etapu reformy' 25 June 1987; Also 'Uchwała i Stanowisko Rady OPZZ w sprawie programu realizacji II etapu reformy gospodarczej' November 23 1987

²⁸⁴ See 'Uchwała i Stanowisko Rady OPZZ w sprawie polityki cenowo-dochodowej w roku 1988. January 13 1988

disbelief of the highest echelons of the party, the OPZZ used the more liberalized public space to announce a strike threat²⁸⁵. In April 1988, unions affiliated with OPZZ organized a transport strike in Bydgoszcz.²⁸⁶ For the first time, an OPZZ affiliated union showed that it would indeed use strikes as weapons of last resort. The OPZZ leadership supported the strike, but at the same time it made a plea that strikes were not to be used for political purposes (Chobot 1991: 350). In this way, the OPZZ targeted collective action of or related to the still illegal Solidarity.²⁸⁷ The OPZZ thus legitimized only bread-and-butter demands of its rank and file but charged the decision-makers with a lack of social sensitivity. Soon thereafter, the OPZZ criticized the introduction of extraordinary powers of the Council of Ministers during implementation of reforms, a period when no strikes were allowed. Amidst the escalating crisis and rising worker discontent, the Council of the OPZZ decided to initiate protests²⁸⁸ and eventually to take political steps against the government, which they charged with incompetence. This happened, in September 1988, after the union's chairman, also an MP, Miodowicz's address in the *Sejm*²⁸⁹. The OPZZ's initiative led to a vote of no confidence, an unexpected and unprecedented fall of a communist government.

However, these attempts of the OPZZ to gain recognition and emerge as an autonomous force received little public appreciation and recognition both from society and the rank and file. Morawski observes that the declared 'relentless fight' to improve the working conditions and incomes, 'a fight which even weakened the government by forcing the resignation of the

²⁸⁵ See e.g. Mieczysław Rakowski (n.d.) *Tajny referat Rakowskiego*. Introduction by Krzysztof Wolicki. Wydawnictwo MYŚL.

²⁸⁶ More bread and butter strikes followed. Strikers were mostly successful in accomplishing a wage hike.

²⁸⁷ See 'Stanowisko Komitetu Wykonawczego OPZZ w sprawie przyczyn niepokojów, sporów i konfliktów społecznych; May 5 1988 in XX Lat Ibid.

²⁸⁸ Uchwała Komitetu Wykonawczego OPZZ, w sprawie przyczyn akcji protestacyjnych, July 7 1988 in XX Lat... Ibid.

²⁸⁹ 'Wystąpienie Alfreda Miodowicza – Przewodniczącego OPZZ na posiedzeniu Sejmu PRL' September 19 1988 in XX Lat Ibid.

Messner cabinet' could not change negative opinions on 'co-operating' unions. (Morawski 1992: 308) The OPZZ's attempt to pattern itself on the actions of Solidarity of the 1980-1 period was outdated (Morawski 1992: 309). Although the union gained concessions, *any* cooperation with political authorities made them suspect in the eyes of the workers and decreased their legitimacy. As of late 1988, working teams in industry showed great indifference towards union activity with a little faction (8.9%) of blue collar workers evaluating union activity positively. This was an unflattering, but also unjust evaluation to many devoted union organizers and members (Morawski 1992: 308). Intellectuals called union demands 'demagogic', 'populist' and 'irritating' because often they were 'in line with the need to check the declining standard of living' but they also threatened to 'pull the rug out' from under political and economic reforms (Morawski 1992: 309, see also Gortat 1994a: 150-151).

Acknowledging limited success, the reaction of the OPZZ leadership was to radicalize its political moves even further, via initiation or participation at grand scale changes. Probably observing the inevitable systemic changes, using the increasing autonomy to maneuver in the political arena, the OPZZ called among first for democratization and negotiations with the opposition, already in September 1988. In November 1988 Miodowicz initiated a TV duel with the still underground Solidarity leader Walesa. The OPZZ chairman calculated with his to skills and good arguments in convincing the broad audience that no trade union could defend the material interests of the rank and file better than the OPZZ and its member unions did in the given difficult economic situation. Such a message was intended to inflict a major blow against the Solidarity trade union and indicate its obsolescence.

The TV duel between Walesa and the OPZZ's chairman Miodowicz took place in November 1988. Predictably, the OPZZ chairman acted and talked from a strictly bread-and-

butter unionist perspective, and also argued for union pluralism with one union per workplace principle as beneficial for organized labor. However, he lost badly to Walesa who called for grand scale changes, democratization and the ‘necessity of Solidarity’.²⁹⁰ The victory of Walesa at the duel contributed to the intensification of interaction between the government and Solidarity leaders and advisers on the need of a compromise. An agreement was reached to start negotiations on economic, political and trade union reforms within Round Table negotiations, with the involvement of the representatives of the government, opposition and trade union actors.

The OPZZ participated at the Round Table negotiations (RT) as an independent social force. During negotiations at the economic reform sub-table, its representatives insisted on discussing social problems, including solutions to housing; restructuring of mining; environmental protection and health improvement.²⁹¹ The union interpreted the proposal of the economic subtable as putting the costs of reforms on workers and thus contrary to labor interests.²⁹² Due to its ‘conservative’ stance on strict protection of workers’ interests and vetoes to economic reform proposals, the OPZZ sensed marginalization already during the negotiations. The leadership therefore discussed strategies on how to cope with new challenges to their positions.²⁹³ Since it could not leave and undermine the talks, the union signed only some agreements but did not sign the agreement of the economic subtable, which called for an 80% indexation of wages. Both before, during and after the talks, the OPZZ advocated limited union pluralism according to which there could be only one union at each workplace and defended the idea of existing union autonomy, where unions in Poland from plant levels up to federal –branch

²⁹⁰ Informacja Wydziału Propagandy KC PZPR o treści wypowiedzi dotyczących spotkania Telewizyjnego A. Miodowicza z L. Walesa, zgłoszonych do Radia/Telewizji i Prasy centralnej w dniach 30.11.- 1.12.1988 R.; December 2 1988 both in XX lat *ibid*.

²⁹¹ ‘Przemówienie Alfreda Miodowicza na inauguracji obrad „Okrągłego Stolu” February 6 1989

²⁹² Przemówienie Alfreda Miodowicza Na Zamknięciu Obrad „Okrągłego Stolu” 5 April 1989

²⁹³ See especially ‘Stenogram z posiedzenia Komitetu Wykonawczego OPZZ’ April 5 1989 , *Ibid*

based levels could be established autonomously and could belong to various peak level organizations.²⁹⁴

The main loser of the Round Table agreement was the OPZZ but generally peak level trade unions lost in political status. One of the main outcomes of the Round Table agreement was the creation of the second Chamber to the Polish Parliament, the Senate. The new institution was crucial in guaranteeing the irreversibility and certainty of Polish system changes and democratization, but it was detrimental to trade union's status. As Gebethner (1992) reports, this agreement came as a surprise to many observers, since the original idea was to institute a second chamber of a neocorporatist type, where trade unions representatives would have guaranteed seats.²⁹⁵

As it is well recorded elsewhere, the elections of June 1989 to the Senate and a part of seats in the first house brought a sweeping victory to the Solidarity elite. At the elections, the OPZZ ran within a wide coalition of parties and associations tied to the ruling communists, and thus experienced a complete fiasco. From then on, the interaction of the only two nationally registered peak level trade unions, the OPZZ and Solidarity, with the government happened through informal *ad hoc* bargaining and influence or through directly elected representatives in the chambers of the parliament. Such a constellation clearly put Solidarity in more advantageous political situation than the OPZZ. But this was not all.

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4.2.2 A weak organization weakens further (1988-1990)

²⁹⁴ Uchwała Rady OPZZ w sprawie pluralizmu związkowego' 6 September 1988, Ibid

²⁹⁵ However, the *Senate* was set up primarily to institute checks and balances, as a necessary step towards democratization, while elections to the Senate were running on partisan lines. In the given historical moment, Solidarity insisted on the introduction of the Senate and accompanying free elections for its' seats. This had turned out to be crucial for Polish democratization.

From spring 1989 the OPZZ was in a very difficult and awkward situation due to relegalization of Solidarity and its reappeared hostility, while the election of a Solidarity based government ended earlier political privileges of the union. These developments had negative organizational and political consequences to the union.

The changes had negative organizational implications for OPZZ unions. The Round Table negotiations, and eventually the relegalization of Solidarity from May 1989 meant that workers were free to establish Solidarity union cells parallel to, and in competition with OPZZ unions. As the certainty of Solidarity-led system change increased, the OPZZ experienced a radically falling membership. Recall that after the end of martial law, rank and file recruitment for the 'new' unions started mostly from zero. In 1987, only few years after OPZZ's establishment, overall density rates were about 50% (Mason 1987). As it turned out, in 1987-1988 the OPZZ was at its peak in terms of the number of registered individual and union organization members. As a loosely organized peak level organization, in 1988 the OPZZ had altogether about 6 817 100 members and gathered 138 various unions and union federations (GUS 1989). Among the national level federations of branch unions, the fourteen largest made up about two thirds of OPZZ's membership. These unions were the most influential and gave the decisive voice. The largest member federations were in the branches of education (ZNP), followed by agriculture, mining, metal, construction, light industry, chemical industry, social work, metallurgy, health, railway and transport, and communal service. Table no. 1 indicates the change in membership in union branches affiliated with OPZZ during the second half of the 1980s.

Name of federation belonging to OPZZ/Year	1984	1985	1987	1988	1989	% change of drop 1989 to maximum level
ZNP – Polish Teachers’ Union	442.7	442.7	596	585.3	565.2	-5.2
Federacja ZZP Rolnictwa – Union Federation of Agricultural Workers	411	430.9	499.7	449.5	411.7	-17.6
Federacja ZZ Gornikow – Miners TU Federation	186.7	362	505.6	560	360.6	-35.6
Fed. Zakl. Org. Metalowej i Elektroszynowej – Metalowcy –Metal Plant level Union Federation	193.5	250.7	315.5	324	215.8	-33.4
Fed. NSZZ Prac. Budownictwa Independent Self-Governing TUs of Construction	238.5	282.7	369.3	358.3	352	-4.7
Fed. NSZZ Premislu Lekkiego Federation of Independent Self-Governing TUs in Light Industry	220	247.5	296.7	303.2	277.8	-8.4
Fed. NSZZ Przemislu Chemicznego Federation of Independent Self-Governing TUs in Chemical Ind.	120	241	247.9	239.9	100	-59.7
Fed. Spoldzielczych ZZ – Federation of TUs in Cooperatives	160	220.5	229.6	215.1	170.2	-25.9
Fed. ZZ Spolem w PRL – Federation of TUs of social workers	165	216.1	258.3	260.7	246.9	-5.3
Fed. Hutniczych ZZ w Polsce – Federation of Steelworker’s TUs	170	215.5	226.7	224.6	185	-18.4
Fed ZZ Prac Ochrony Zdrowia Federation of Union in Health Service	180	210	236.8	249	249.6	0
Fed. Zakl. Org. Z. Prac. Spoldzi. "Samopomoc Chopska" Plant level union federation of workers in cooperatives “Peasant Self-Help”	130	165.4	226.3	226.4	231.8	0
Fed. ZZ Prac. Polskich Kolei Panstwowych Federation of TUs of Polish Railways	125	159.3	200.7	202.7	175.2	-13.6
Fed. ZZ. Prac. Gospodarki Komunalnej i Terenowej w Polsce - Federation of TUs of Communal Services	112	120	135.8	133	129.8	-4.4

Table 1. Membership change in the largest union federations belonging to OPZZ 1984-

1989 (in thousands) Own calculations based on GUS 1989

The table indicates that rank-and-file members which the OPZZ federations had painfully and rather slowly attracted during the bulk of their 5 year existence dropped between 1988-1989

to the original level - in a matter of a year, or less. The OPZZ's branches remained strong in the public sector. Especially the branch union of the more feminized sectors such as education, health sector and social work, experienced little to no drop in membership. With the exception of public transport, construction and (the more feminized) light industry, male dominated industrial branches were those which experienced a major decline. Compared to the maximum membership from the previous years the drop was dramatic especially in the chemical industry (the branch union lost 59.7% of its members), mining (35.6%) metal (33.4%), and metallurgy (18.4%). In these branches, union membership declined approximately to levels registered in 1984-1985, the years of the start of OPZZ's operation. By late 1989, OPZZ lost more than a quarter of its membership, a decrease to about 5 million.

In industry, even originally, the OPZZ member unions had a limited membership base and attracted less than the majority of the workforce, typically barely exceeding 20%²⁹⁶. They also relied to a significant extent on members who joined the union not because of unionist persuasions but due to the PZPR party 'directive' (Mason 1987, Kolankiewicz 1987, Gardawski 1996). Partly this explains why the OPZZ union members were also more likely to support the PZPR-led system (Morawski 1992: 307).

Unions organized on various levels, plant, territorial or branch based federations of unions were members of the OPZZ.²⁹⁷ Union member organizations had statutory and legal autonomy vis-à-vis the peak level organization. This led to awkward situations, for example,

²⁹⁶ In his surveys, in the late 1980s Morawski estimated a similar rate of workers belonging to the OPZZ member unions in industry. In December 1988, only months before the relegalization of Solidarity, unionization rate in industry was estimated at mere 19.1%. The relative share of blue collar workers was even lower. OPZZ affiliated unions attracted disproportionately the higher-up groups in the industrial enterprise: in late 1988, 32.8 percent of surveyed managers were 'official' union members, but white collar workers working in enterprises were also slightly overrepresented in the union (20.2%). In turn, the share of unskilled and skilled blue collar workers was under the average (ca. 18%), but even lower was the share of high-skilled engineers and technicians (13.0%) (Morawski 1991: 306-7).

²⁹⁷ Recall that at the time of its formation the OPZZ was a rather loose roof organization of all unions in Poland - a Colossus with a feet of clay - all sorts of unions.

when a plant level union remained a member, but the national branch or territorial federation to which the plant level union belonged exited, or vice versa (Jagusiak 2004: 86). The situation was exacerbated by the fact that OPZZ had low statutory authority over member unions.

To make things worse, Solidarity's hostility had major implications on OPZZ's investment in its own organizational capacities. The resources of the OPZZ, or which it was using, came into question. A victorious anti-communist faction within Solidarity marginalized the social-democratic wing. Solidarity thus had no intention to cooperate with the OPZZ, but adopted an aggressive stance. Tellingly, from February 1991, Solidarity's newly elected chairman Marian Krzaklewski relied even more on the anti-communist discourse than Walesa but also started to gather professionals and compete with the OPZZ on principles of union work.²⁹⁸ Throughout 1990-91 the OPZZ leadership's energy concentrated on defense of its assets and proceedings at the Constitutional Court, the OPZZ had no capacities left to influence on the law on trade unions of early 1991. The latter was drafted after the ideas of Solidarity and sidelined the one union per workplace conception.²⁹⁹

In practical terms, the Solidarity union inflicted damage on the prospects of OPZZ: it blocked other European union confederations to establish ties and fortified the international isolation of the OPZZ. The union's capacities could thus barely increase through means of international cooperation and support. But this was not the major problem. The issue of finances did not allow to the OPZZ to invest into construction of own authority vis-à-vis its union

²⁹⁸ Author's interview with Andrzej Matla, Gdansk December 7 2007. For Solidarity's dominant stance, and Krzaklewski's 'formula of success' (a combination of anti-communist sentiments and commitment to professionalize the union's work) see especially – reports of the II Congress at Tygodnik Solidarnosc. The social-democratic wing within Solidarity, which recognized qualities in the OPZZ's work, argued for inter-union cooperation, but it was gradually marginalized. Most importantly, Wladyslaw? Frasyniuk was pushed to leave the union, while later, social-democrats like ... could gather only marginal factions in the union and could not change the unions' political direction.

²⁹⁹ Author's Interview With Alfred Miodowicz, December 1 2007; see also 'Nie do nas pretensja' *Rzeczpospolita* February 22 1991

members. The peak level union had significant assets. However at the time of the Solidarity attack, which involved also various agencies of the state including the constitutional tribunal, it became illegitimate and probably unwise to use those resources calculatively and invest into the activities, organizational capacities or public visibility of the peak level organization. Precisely these activities could have also increased its authority vis-à-vis member unions. The OPZZ adopted a very defensive stance. Later, the access to the OPZZ's finances was frozen. In Miodowicz's words, the 'key to the safe' disappeared.³⁰⁰

The organizational problems had a parallel in losing a preferential position in the political system and a monopoly in influencing decision making. Sensing great hostility from the Solidarity elite already during the Round Table negotiations³⁰¹, at the June 1989 elections the OPZZ ran tied to a wide coalition parties of the ruling communists. The experiment ended in a complete fiasco, with only one coalition candidate being elected. Therefore, in November 1989 OPZZ adopted a strategy to distance itself from PZPR, at least until the direction of its transformation was clear, but also to rethink and reshape the union's identity. The organizational problems only intensified the union's need to be present in the political arena. However, at first, the OPZZ was pushed to the wall along with the communist elite precisely at the grand political stage. Namely, the election of Solidarity based government in September 1989, the related crisis and disintegration of the PZPR in January 1990 and a power vacuum stemming from it on local and regional levels increased the negative pressure not only on OPZZ but also its member unions, and cooperative union-member managers. The break-out point for OPZZ appeared only with democratization, economic reforms and political opportunity structures related to it.

³⁰⁰ Ibid. A person indicated who could have told me more on this was Wacław Martyniuk who became one of the most successful politicians within SLD.

³⁰¹ See e.g. 'Stenogram z posiedzenia Komitetu Wykonawczego OPZZ October 20 1988' in XX Lat Ibid.

4.2.3. Political opportunities and resulting partisanship

The implementation of the Balcerowicz's harsh neoliberal 'shock therapy' started in January 1990 under Solidarity based governments. While the Solidarity union adopted a 'protective umbrella' over the government and its reforms, it was increasingly unpopular due to its high social costs. After the announcement of presidential elections in April 1990, the Polish party system also underwent a booming development, also visible in the sudden fragmentation of Solidarity based parties. Both developments expanded the political opportunity structures for OPZZ activity.

From spring 1990, during the more unstable governments of Mazowiecki and from 1991 Bielecki the OPZZ leadership negotiated on social policies, and came up with amendments to legislation related to union activity.³⁰² Simultaneously, starting from May 1 1990, the OPZZ started to preparations for and engaged in protest actions. Portraying itself as a socially responsible organization committed to social-economic development of the country, the union leadership demanded union inclusion in decision making in respective spheres affecting material interests of rank and file and social rights and criticized the lack of active state involvement in industrial policy (Jagusiak 2004: 101). Although the union's declared strategy prioritized negotiations over strikes and protests³⁰³ throughout 1990, the OPZZ was among the most outspoken critics of the Balcerowicz's plan³⁰⁴ and organized protests against the effects of the shock therapy. As the voice of a coalition of managers and plant level unions, the OPZZ

³⁰² 'Notatka wydziału Sekretariatu Komisji Robotniczej KC PZPR Dotycząca Posiedzenia Rady OPZZ w dniu 5 X 1989 wysłana członkom BP, Zastępcom i Sekretarzom KC z polecenia Leszka Millera. October 9 1989

³⁰³ 'Deklaracja Komitetu Wykonawczego OPZZ w sprawie roli OPZZ w wychodzeniu kraju z kryzysu' November 23 1989

³⁰⁴ The OPZZ saw the dangers of unemployment and criticized strategies to provide future employers with privileges. Therefore it severely attacked Balcerowicz, dubbed the Polish government as right wing capitalist, but Walesa's lack of unionist commitment was also mentioned. Jan Forowicz 'Spor o taktykę' *Rzeczpospolita* 2&3 June 1990

spearheaded a declaration of 300 large industrial enterprises criticizing neoliberal economic measures.³⁰⁵

At this time, the OPZZ indicated a pro-corporatist position, in order to depoliticize conflict which could harm the material interests of workers. Thus when Solidarity cells began to exert extra-institutional pressure against ‘nomenklatura’ managers during 1990, Miodowicz raised his voice to protect the principle of economic unionism and to protest against bringing politics into enterprises. He also expressed an opinion that unions should aim towards stabilization of governments but not to create a cozy atmosphere for them.³⁰⁶ The union leader advocated the principle of preservation of enterprises and jobs and union cooperation with management in serving that purpose.

The OPZZ summoned its 2nd congress in June 1990, in order to evaluate own activity, redefine itself on programmatic level, and react to the dramatic changes and the shock therapy policies. The congress was thoroughly prepared and raised public attention.³⁰⁷ The adopted program accepted the challenge of supporting grand scale reforms, but simultaneously took up the role of defending the interests and rights of workers (Machol-Zajda et al. 1993: 65)³⁰⁸. The union was defined as a bread and butter, militant (‘rewindykacyjny’) but not opportunistic union, following left-wing socialist traditions. As a democratic force OPZZ set itself up to fight for worker rights and represent their interests. The program highlighted support for further democratization and free elections in the shortest possible time. In the short run, however,

³⁰⁵ Oświadczenie przedstawicieli 300 największych zakładowych organizacji związkowych zrzeszonych w OPZZ, January 25 1990

³⁰⁶ Jan Forowicz 'Stare urazy' [Interview With Alfred Miodowicz] *Rzeczpospolita*, June 1 1990. Even in a retrospective interview Miodowicz stressed that the union was not interested in destabilizing *any* ministries and governments but finding ways for constructive cooperation by all means. Author's interview with Alfred Miodowicz, former OPZZ chair Krakow December 1 2007.

³⁰⁷ several publications were published and distributed among the delegates outlining the shape of the union organization

³⁰⁸ II Kongres OPZZ. Materiały. Instytut Wydawniczy Związków Zawodowych. Warsaw 1990. p.5)

attention was paid to the defense of worker interests from the negative effects of the economic reforms. The OPZZ declared that it would fight for active economic and social policies, advocating state involvement in policies enabling a rise in production and productivity, fostering plant operation, counteracting unemployment, and active labor market policies that simultaneously guaranteed a social safety net. The importance of adequate pensions and welfare of retired workers was also stressed. The most urgent issue to establish a functioning labor market, it was argued, was to solve the issue of housing³⁰⁹. The OPZZ supported construction of social market economy, and had a vision on union governance of the labor market. It demanded active state involvement in the regulation of economic processes, worker self-management, pluralism of ownership forms and against privatization as a value in itself.³¹⁰ The union stressed the necessity of signing social pacts with the government in a corporatist fashion and advocated union rights to influence work conditions and the establishment of democratic industrial relations. The OPZZ declared itself in favor of a new constitution as a guarantee of union rights to initiate legislation relevant to union constituencies; the right to conduct strikes; as well as to protect citizens from the state.³¹¹

In practical terms, the OPZZ was not able to exert influence against the adoption of the tax-based income policy and unilaterally introduced wage controls (the *popiwek*)³¹² the union leadership negotiated economic and industrial policies in a non-conflictual professional manner with the Bielecki government and worked especially closely with the Minister of Social Policy,

³⁰⁹ in line with recommendations with an earlier report of the World Bank

³¹⁰ In addition, the following issues were stressed: reform of health care, environmental protection, high investment (spending) in public education, science and culture.

³¹¹ All In 'Deklaracja Programowa OPZZ' In *II Kongres OPZZ. Deklaracja Programowa, Uchwały, Stanowiska, Rezolucje, Oświadczenia*. Warsaw June 1-3 1990; Materiały. Warsaw 1990

³¹² Other, more concrete economic and social policies were more carefully considered – such as for a differentiated treatment among state owned enterprises See e.g. 'Państwo i budżet to nie agencja' *Rzeczpospolita* February 21 1991

Michał Boni. The OPZZ occasionally mobilized workers in protests³¹³, and raised voice against concrete policies negatively affecting its core constituency.³¹⁴ The OPZZ exerted influence onto the adoption of the law on minimum wages. The union's new concept of minimum wage was the family wage, which was recalculated quarterly after statistical data from household budget surveys of the Central Statistical Office on the basis of costs of a basket of basic items and services for a single person (Hagemejer 1995: 70).³¹⁵ Although it exerted pressure against high unemployment and contributed to a shrinking labor market, the minimum wage was to be an effective instrument of preventing the phenomenon of the working poor, fortifying the dignity of work and securing higher labor solidarity, at least among low wage-earners. From late 1990, in accordance with the law, minimum wage was subject to bilateral collective bargaining between the government and trade unions. Minimum wage setting was disconnected from minimum social benefit levels, what made the government more open to pressure from trade unions.³¹⁶ Bilateral bargaining with the government (the Ministry of Labor) thus secured a bargaining role for the peak level unions, and a major role in stabilizing the labor market and its principles. Minimum wages thus had a profound influence on enterprise level collective bargaining over employment and wages (Hagemejer 1995: 73-75).³¹⁷ These modest successes were possible only

³¹³ See e.g. "Przeczek z Rządem" ' *Rzeczpospolita* February 16&17 1991

³¹⁴ See E.G, 'OPZZ Przeciw Ustawie o Rewaloryzacji Emerytur' *Rzeczpospolita* 13 Nov 1991

³¹⁵ As Hagemejer outlines 'These basic items and services include food, rent, basic utilities, clothing, health care and public transport. The minimum wage should cover these basic items, taking into account the number of persons in an average low-income family with a single wage-earner and assuming that high wage or salary constitutes 50% of the total income of his family'. (1995: 70)

³¹⁶ The result was that minimum wages could rise compared to average wages until mid 1993. Poland was thus an exception in all Eastern Europe in both significant role of trade unions and the importance of minimum wage for labor market governance. Between 1991-3 only in Poland the minimum wages were disconnected from social benefits, and increased compared to average wages, including Slovenia. See Vaughan Whitehead 1995: 21; Standing 1995: 7.

³¹⁷ It is important to note that (political) competition with Solidarity constrained somewhat 'rational' minimum wage setting, and its influence onto employment, since Solidarity often came up with demands for somewhat higher minimum wages than what the OPZZ recommended. See e.g.

with the help of pro-unionist political allies or sympathizers, which were possible to find during the contract parliaments.

Yet, after the disintegration of the PZPR in January 1990, a power vacuum left in the political arena affected the OPZZ negatively. Moreover, the radicalization in the anti-communist discourse of competing Solidarity based and more traditionalist or neoliberal political parties emerging from late spring 1990 targeted directly or indirectly also the OPZZ. Using the process of democratization to break into the political arena and cope with these hostilities, the OPZZ established its own political party in 1990, the Working People's Movement – RLP (Ruch Ludzy Pracy). The RPL was, as it turned out, little more than a temporary instrument to cope with isolation and attract political allies.³¹⁸ To secure survival and exert influence, the OPZZ needed political allies.

As Miodowicz stated in his address at the 2nd congress in June 1990, the peak union had no choice but to seek political alliances. The union was increasingly open to cooperate with other social movements and political parties of similar persuasions aiming at protecting worker interests and rights. The congress witnessed a renegotiation of ties with political parties, especially the 'communist' inheritor SdRP, as well as the minor Polish Socialist Party (PPS). Of Solidarity's political representatives, only a social democrat, the Minister of Social Policy in Mazowiecki's government, Jacek Kuron came, who ended his activity within the Solidarity union long before.

The ties between the OPZZ and the SdRP within the SLD coalition gradually strengthened between 1990 and 1991. The OPZZ emerged first as a crucial partner in a preliminary coalition of the non-Solidarity based loose electoral coalition of the secular left, initiated by the SdRP, supporting the campaign of the 'independent' candidate, but SdRP

³¹⁸ Grzegorz Ilka: (interview with) Ewa Spychalka in *Przegląd Wydarzeń Związkowych* no 11 (123) November 2004

member Cimoszewicz at the presidential elections of December 1990. Cimoszewicz ended fourth in the race, thus achieving a modest degree of success. The result convinced the coalition allies to continue the cooperation (Machos 2002). In early July 1991, after the announcement of the first free parliamentary elections, the SdRP initiated another, a similarly broad, but more formal electoral coalition of the non-Solidarity left: the Coalition of the Democratic Left (Sojusz Lewicy Demokratycznej - SLD). Weeks after, the OPZZ as well as other organizations and political parties joined. The SLD eventually consisted of 33 organizations. In addition to SdRP, among the political parties that joined the SLD were the more conservative wing of the former communists, 'Proletariat,' the reemerged social democratic Polish Socialist Party (PPS) and also the OPZZ's RLP.³¹⁹ After the SdRP, the OPZZ was the most important organization and delegated the largest number, a third of all candidates (Curry 2003, Ziemer 1997: 60).

The parliamentary elections of October 1991 brought significant success to the OPZZ, since a dozen unionists became MPs on the SLD list. With almost 12% of the popular vote, the SLD delegated 60 MPs to the Sejm and became the second largest party. However, SLD, as well as MPs in front of OPZZ remained an isolated pariah in the first democratic cadence of the Sejm, dominated by various parties stemming from Solidarity, representing the ideology of the Catholic Church or of neoliberalism.

Two months after the elections, Miodowicz resigned and a former vice president, the leader of the construction branch union, Ewa Spychalska, an advocate of more formal and tighter cooperation with the secular left political ally, was elected as chair. Although the popularity of the left wing alliance grew, the parliamentary activity of the OPZZ MPs in the Sejm was barely

³¹⁹ Among civil society organizations, the Socialist Association of the Polish Youth (Związek Socjalistycznej Młodzieży Polskiej - ZSMP), the Women's Democratic Union (Demokratyczna Unia Kobiet) and the Committee for the Protection of the Unemployed (Komitet Obrony Bezrobotnych) as well as other local organizations became part of the electoral coalition.

visible since they were integrated into the SLD's parliamentary club.³²⁰ The new chair initially seemed to be a good choice as a leader: in a hostile political climate she refreshed the union's public appeal and the OPZZ gained in recognition from protest actions under her leadership.³²¹ She accepted to establish more formal ties to political allies within the SLD at a time when the cooperation clearly benefited both sides. However, Spychalska lacked organizational skills and qualities to overview the risks of political barter of her predecessor. She was a 'terrible speaker' and avoided conflicts within the organization. She not only did not have professional qualities to deal with conflicts, but she also lacked commitment to manage and overcome internal quarrels and convince critics.³²² As a consequence, the influence of political allies grew even within the organization. This was in stark contrast to Miodowicz's principles, who governed the union in a lucid fashion, not only allowing, but actively encouraging internal debates and devoting special attention to conflicting views, but securing also an organizational unity vis-vis external actors. To the credit of the new union chair, it must be noted that the OPZZ leadership required extraordinary organizational and political skills well adapted also to the new democratic process. Spychalska and the OPZZ gave up the agenda of creating a more encompassing inter-union cooperation and labor lobby in a supra-partisan corporatist fashion only after repeated attempt to find agreements with Solidarity failed. Namely, the mediation attempt of the then Polish president and former Solidarity leader Walesa's in ending inter-union hostilities ended in a fiasco. Solidarity union adopted also a pro-Catholic traditionalist and anti-communist ideology and refused to cooperate in any way with the 'bastard of martial law'.

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³²⁰: 'Zapowiedz Rozmow' *Rzeczpospolita* June 5 1992

³²¹ See e.g. an article summarizing a survey of CBOS 'Kosciol traci, OPZZ zyskuje' *Rzeczpospolita* June 5 1992

³²² Author's interview with Alfred Miodowicz, former OPZZ chair Krakow December 1 2007. See also Grzegorz Ilka: (interview with) Ewa Spychalska *ibid.*

It is clear now why the OPZZ needed not to only to be a politically active organization, but also that its alliance with the post-socialist secular left was necessary in its struggle for relevance. I need to explain why the OPZZ succumbed to the partisan loyalty choice when it was aware of the damages it implied. This is the task of the next section.

4.3 Factors shaping the choice of loyalty (late 1993- mid-1994)

By May 1994 it was clear that the OPZZ was unable or unwilling to exert substantive influence against its political elite allies.³²³ As we have seen in the first section, the OPZZ fought in alliance with SLD successfully especially in the 1991-1993 period, and it was recognized as an authentic union in the eyes of the wider society; yet the union chose to risk the hardly achieved gains and capitulate to the demands of its liberal allies. In its attack, the OPZZ even gave up in short time the issue of electoral promises of SLD. Why did the union not take a firmer stance against the moves of its allies?

The OPZZ was sufficiently autonomous to act rationally in the political arena. Moreover, changing political alliances was possible: the Polish electoral system was representational and, for the first time there were available alternative political allies to the OPZZ, with a presence in the parliament. Yet, as I will show in this section, the risks associated with partisan defection were too high and too difficult to accomplish for union leadership.

Until 1993, trade unions new role was not fully institutionalized. The OPZZ concentrated on social and economic policies but relied on informal deals with the parties in power. In addition, due to loose internal structures, the OPZZ leadership experienced little pressure from member unions and the rank-and-file to take up a more radical stance against the neoliberal moves of its political allies. Changing political sides was possible but especially risky, since the

³²³ See e.g. Anna Sabbat-Swidlicka 'Sejm roundup' RFE/RL Inc. No 186 September 29 1994

OPZZ and its minor potential allies would be squeezed between the extra-parliamentary hostile activity of Solidarity and that of a liberal-agrarian coalition in power. Finally, the most acute problem was factionalism. It was present within the OPZZ with latent cleavages on several lines. Organizational procedures made it even more difficult to reach a united union stance, let alone to allow a swift reaction.

In terms of inclusion into decision making, by late 1993 trade union role on the national level was barely regulated. In contrast to scholarly expectations and hopes after a significant role for trade unions was ensured in the Round Table agreement, trade unions did not receive a guaranteed formal-institutionalized place during the Polish transformation that would have suggested a corporatist inclusion. The only exception was trade union inclusion into collective bargaining over minimum wages, as stipulated from August 1990. On the other hand, from May 1991 the legislation governing trade unions was liberal and pluralist, setting minimal criteria for union formation and operation. This had led to highly competitive union pluralism at the workplace level. Here, voice the voice of labor was thus often divided, whereas industrial action or mobilization necessitated cooperation among unions. There was also a fragile regulation of industrial relations during restructuring and privatization. The Pact on State Enterprises of 1993 was an effective answer to smooth increasingly chaotic relations as well as to quell labor militancy. The Pact was an attempt at labor incorporation tied to privatization, but its default provisions also allowed other regulation on social rights and collective bargaining.³²⁴

For trade unions the only formally institutionalized base remained the workplace or enterprise level. But even here the status and role of unions and/or representatives of labor was changing and not completely clear. The economic hardships of the transformation period

³²⁴ The pact was an inducement for privatization, with the clause that if workers participate in the preparation a scheme of privatization, workers will have large ownership stake and greater say in post privatization restructuring. (Kramer 1995: 100).

undermined the institutional capacities of workers' councils as a channel for worker inclusion and representation. Since the law on self-management of September 1981 was only partially implemented throughout the 1980s, the return to a decentralized enterprise driven economy in 1989 brought about more confusion than actual worker inclusion.³²⁵ It seems as if trade unions could gain in the sense of finding their new place either at the expense of work councils, while prospects for cooperation were not good.³²⁶ Ongoing commercialization was directed against work councils and often also created a conflict between trade unions and work councils over jobs, wages and firm survival, especially in small and medium sized SOEs. In turn, newly appointed managers, often appointed by Solidarity were given broad powers to restructure and prepare firms for privatization, in accordance with the Polish commercial code of 1934 for private firms (Weinstein 1995). The confusion on part of labor increased with liberalization of unionism as regulated through the Law on Trade Unions and Collective Bargaining in May 1991 (Sewerynski 1995). Trade union formation and action followed the logic of extreme union pluralism. Strikes were less restrictive than the 1982 Law, but it mandated a lengthy procedure before a strike could be launched and did not apply to the private sector (Ibid.).

After a massive and increasingly chaotic wave of industry-based strikes which started from late 1991³²⁷, Solidarity based governments experimented with deals aiming at selective

³²⁵ As Jarosz & Kozak (1991: 83-88) report, the law on self-management was not applied comprehensively, since other laws during martial law conflicted with it (non-cohesion of law). Austerity measures, or simply the poor economic conditions of state-owned enterprises limited the councils' operation. At the start of the transformation from state-socialism more than 6000 workers' councils were in place, but only 10-25% of these operated effectively as co-managing entities (Ibid). Thus, even if it existed, the role of worker councils as a body securing worker inclusion typically remained marginal (Morawski 1991).

³²⁶ Change in the external environment provided a shock especially for Polish industry. From 1990 enterprises operated under new, high energy prices. Thus, many SOEs, especially big energy consumers had to declare bankruptcy and undergo control of state treasury. Such development eliminated work councils from the site of labor, but also limited union strike activity (see Gurr 1998). Solidarity and its governments supported privatization as the only way to save the country although it conflicted with work councils and self-management. Sonntag K. 'W fabrykach myśli sięgo jutrze' *Trybuna Ludu* September 18 1989

³²⁷ From the second half of 1991, other, non-institutionalized forms of protest intensified. Among these were hunger strikes, sit-ins, road blockades, occupation of public buildings, long-term rotational strikes, and nationwide protests

union incorporation. As early as mid-1992, the Olszewski government offered a restructuring pact to the miners, a pact which was signed only with Solidarity. It was however the next, government under Suchocka which initiated a comprehensive, multi-sector incorporation deal with trade unions as representatives of labor. To accommodate labor, the government drafted a micro-corporatist 'pact on state enterprises in the process of transformation' (Kramer 1995: 100). The main objective of the pact was to incorporate labor into privatization. In addition, a tripartite commission was envisioned for wage settlements in industry, as well as conditional debt relief. Mostly at the request of OPZZ, it also included new regulations on collective agreements, and paved the way for regulating employee protection in case of wage arrears, company social funds and health and safety issues (Gardawski & Meardi 2010: 375-376). The pact was signed in 1993, but it was not passed by the parliament. There was also a political component in the Pact: Solidarity and the OPZZ were selected as chief negotiating partners to the government, mostly for historical reasons without formally set requirements (Sobotka 1999: 266).

The Pact on State Enterprises was the basis for the establishment of the Tripartite Commission in February-March 1994. It was at the time of its establishment when the OPZZ faced the loyalty choice. A clear reason not to undermine the partisan coalition and the government was to contribute to regulation of industrial relations, and secure formal inclusion of the trade union in decision making over economic and social policies.

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4.3.2. Membership passivity in influencing internal union affairs

By 1993 the OPZZ *membership* stabilized at about 4 million (Ekiert & Kubik 1999: 105, Kramer 1995: 95) but the readiness of the rank and file to engage in collective action, especially

organized by the two leading, national level organizations. The more militant and violent forms of protests benefited and were influenced by more radical organized union and worker organizations.

in industry, was critically low. Among sectors and branches, the OPZZ was weaker in branches of industry, but had a solid footing in the public sector, as well as in construction, transport and agriculture. The latter union members were more active, while the OPZZ union members and their rank and file in industry were less prone to strike, following more the logic of economic unionism and expressing limited interest in and identification with peak level union affairs. In industry, there was also a significant gap between plant level union leaders and the rank and file. Furthermore, although there was a detectable dissatisfaction with the work of the OPZZ at the national level, involvement and influence onto the peak level union on part of union branches was plagued by both high costs stemming from principled economic unionism in the fight for enterprise survival or the protection of more particularist sectoral interests, while the already high social costs of transformation posed an obstacle to organize collective action.

Probably the most dramatic feature of the transformation of and restructuring in the Polish economy were the fast-growing private small and medium sized enterprises (SME). Trade unions were basically absent from these privately owned companies. That is, the Polish trade union scene was not only limited to shrinking SOEs and the public sphere, but in the latter it was divided and fragmented, along ideological lines in two major camps, showing also regional and sectoral differences. Few sectors remained union strongholds: mining, shipbuilding, transport, education, health as well as some large metal companies. Solidarity remained strongest in the coastal areas, in shipbuilding, typically in large metal plants, while in mining in the Silesian region the competition with the OPZZ member union was the fiercest.

Judging from newspaper reports and electoral success of the Solidarity union in the southeast regions of the country, Solidarity gradually increased its influence through clientelistic representation of interests in this region of the country, where industry producing for the military

industry substantially ended and workers needed political patrons to find solutions. In contrast, in regions where marketization went with economic development and where unemployment did not appear as a major problem, as in Poznan (Gorzela 2009), all unions, including Solidarity lost ground (Millard 2010). In industry, the most unionized and mixed in terms of union presence and competition remained mining (Gadowska 2002). As an outcome of a liberal law on trade unions, in medium and large state-owned enterprises typically several competing trade unions were present.³²⁸ Moreover, increasingly vocal, reform-opposing and anti-systemic militant unions gradually increased their footing in the political arena at the cost of the two more ‘compromise-seeking’ large peak level unions of the OPZZ and Solidarity.

The OPZZ’s constituency in industry suited well the purpose of but less its capacities to reach out to average workers and rank and file. In 1993-4 OPZZ still had a relatively high proportion of members among the groups of managers and foremen. According to Gardawski’s surveys, the proportion nevertheless shrank from 22% in 1991 to 16% in 1994. Although the bulk of union members came from skilled workers with basic or secondary education levels, this element contrasted sharply with Solidarity which had minimal membership in high ranking posts (Gardawski 1996: 102). Not only were the OPZZ members on average better educated, they were typically in higher positions and thus received significantly higher incomes than the average workers.³²⁹ As Gardawski pointed out, the difference was visible also *within* the OPZZ plant level member unions as a gap between the rank and file and union activists: ‘OPZZ activists

³²⁸ In some sectors of industry, as in metal and mining Solidarity was a major actor, but it was facing militant competitors – such as newly registered nationwide union federation of Kontra, Solidarity 80 (registered in 1992 and 1991 Jagusiak 2004: 42-43) and more business and low wage earner friendly unions belonging to OPZZ. In the public sector, especially in education but also in transport and health OPZZ kept a significant footing.

³²⁹ An additional difference between membership in industrial unions belonging to OPZZ and Solidarity was the relative share of female members. According to Gardawski’s surveys, in the male dominated industries, Solidarity had still disproportionately significant fewer female than male union members. In 1991 the ratio was, in per cent, 21: 79. By 1994 the gap increased further to 19: 81. In contrast, the ratio by sex in OPZZ member unions in 1991 was 28: 72 and the gap became smaller in 1994 (31: 69) indicating the higher share of female union members.

were older than Solidarity activists [and average workers], better educated, often employed in middle management and earned more' (Gardawski 1996: 103). This created a major gap between activists and members, precisely where links were necessary for strike mobilization. While plant based union structures were weaker than Solidarity's, unionism in industry also lacked the tradition of militancy (Jagusiak 2004: 89).

In industry, the gap was also visible in the attitudes of OPZZ members towards the activities of the union. Not only did OPZZ members evaluate its work in late 1980s more preferably than that of 1991-1994, but they reported perceiving the efficiency of representation by their union as modest at best. Specifically, surveyed OPZZ members in 1991-1994 answered the question 'Who represents workers' interests in your enterprises best?' very critically for the OPZZ affiliated unions. According to these surveys, management was representing worker interests with approximately equal efficiency as the OPZZ member plant level unions. This indicated economic unionism at its extreme: in each year 15-20% of respondents indicated that either the management or their plant level union did the best representative job. Recognition of the unions' work at the plant level rose from 15% in 1991 to 20% in 1993 only to fall back to 18% in 1994.³³⁰ Rank and file evaluated the peak level union's work even more negatively. In 1991, only 13% evaluated the OPZZ representative function as optimal, which rose to 16% in 1992-3 only to fall back to 14%. Even more devastating for the union was that OPZZ's own industrial rank and file judged the performance of Solidarity only slightly less favorably than 'their' peak level union: in 1992 14% and in 1994 12% judged Solidarity's interest

³³⁰ Curiously, a significant and rising share of OPZZ members evaluated Solidarity's enterprise level representation as the best, a rising trend 5% to 9% in 1994, while the work council also gradually gained in recognition. At the same time, Solidarity members barely indicated recognition of OPZZ member unions' work: with the exception of 1993, in all years a mere 1% of Solidarity members indicated that OPZZ member union did the best job at the enterprise. Solidarity members evaluated their union's work as the most representative. Not only that Solidarity members' recognition of their unions' work rose from 31% in 1991 to 36% in 1992 and 1994, but there was also a major decline in the answer to the question 'nobody does it well' from 50% in 1991 to 33% in 1994 (for a very different interpretation see Ost 2005).

representation at the national level as optimal. In the crucial years of 1993 and 1994 the OPZZ rank-and-file fell back into apathy: 60 and 59% of them indicated that no one represented their interests optimally, which was a drop from already low 53% in 1992 (Gardawski 1996: 109).

Finally, after years of austerity and mobilization in 1989-1993 (Osa 1998, Ekiert & Kubik 1999) workers' general willingness to strike was gradually declining. The crisis ridden Polish economy went into a further deep recession in 1990 and 1991: GDP fell 11.6% and 7% respectively. Unemployment rose suddenly and significantly, but the employment rate also dropped by almost 12% in two years. From 1992, the Polish economy started to recover, which was indicated in a timid GDP growth of 2.6% in 1992 and a 3.8% increase in 1993. However, unemployment was still rising, reaching 20%, employment rates and real wages were stagnating at best (Weintein 1995). There were significant regional differences in terms of economic effects of the transformation. In some regions privatization and marketization was booming, sometimes together with rising unemployment. In the south, especially in mining dominated Silesia, the fall of living standards was more significant than the loss of jobs (Gorzalak 2009). In the most depressed regions that had been industrialized during state socialism, especially in East and central Poland, both unemployment was rising and real wages were deteriorating. The indirect costs to blue collar workers to strike increased as the issue of enterprise survival gained in importance and risks of unemployment were higher. Based on his surveys, Gardawski concluded that during the years 1991-1994 'expectations of, and support for, strikes was declining'. In 1994 the majority of surveyed workers preferred negotiations to strikes (1996: 111). In terms of union's strategy, the surveys indicated a striking trend that the OPZZ blue collar rank-and-file were the most disoriented compared to both Solidarity members and all workers surveyed: in 1994, 27% of the OPZZ's rank-and-file in industry felt that 'nothing could help' in defending

workers' interests effectively. For the first time in 1994, the OPZZ members were the least ready to strike, compared to both Solidarity members and non-unionized workers.³³¹

4.3.3. Alternative allies stemming from proportional electoral system

Due to the proportional electoral system and a significant turn to the left in late 1993, the SLD was not the only left-wing party or coalition in the Polish parliaments. Most importantly, the Unia Pracy (Labor Union – UP) was there. However, it seems that OPZZ lacked the necessary know-how to recognize the right moment, or the political skills necessary to increase its own autonomy within the SLD, or even to switch sides.

In Poland, the representational system of D'Hondt was adopted, which slightly favored larger parties and slightly punished the smaller ones. The 1993 amendments to the electoral law that introduced a 5% threshold for parliamentary seats turned out to be an effective instrument whereby voters could punish unresponsive parties, as proved fatal for the Solidarity union when it ran independently in the 1993 elections but fell just short of 5% of the vote. Due to the proportional electoral system and voters turn to the left, there were alternative allies in the parliament available to the OPZZ, most importantly, the pro-labor social-democratic UP, but later also the PPS (Polish Socialist Party) which defected from the SLD. However, had the union defected from the SLD, long-run prospects for an alternative partisan coalition or independent run were not necessarily rosy.

³³¹ Whereas 30% and 31% of OPZZ rank and file members were either for negotiations and strikes as the most effective way of defending worker interests in 1993, by 1994 there was a major drop to 20% and 17% in respective answers. It is important also to note here that there was a rising demand for a united unionist front as the most efficient way of defending worker interests: the relative majority was in favor of this. In general both the OPZZ peak level organization, as well as its union members were willing to cooperate more with Solidarity, but the latter union, especially its higher bodies refused to work jointly with what they labeled the 'bastard of martial law.'

The electoral success of SLD in the 1993 parliamentary elections was proof for the OPZZ and its major political ally the SdRP that the political 'pariah' status had been overcome. Elections also brought about a major defeat of the 'anti-communist' traditionalist Solidarity based parties and Solidarity.³³² Whereas the election results spurred great deal of optimism within the union, the liberal turn within the SLD's agenda was experienced as a shock. At the time of the critical choice of late 1993-early 1994 both the position of the OPZZ within the SLD coalition and the union's relation to the government was uneasy. The SLD received the largest number of votes and seats, but it did not have the majority to form the government. Among the parties represented in the parliament, the coalition partner for the SLD necessary to form a comfortable majority was the agrarian PSL. In contrast, negotiations with the pro-labor UP came to a sudden halt after disagreements over privatization policy.³³³ The UP inclusion would nevertheless secure broader ground for a fight for a labor friendly agenda, especially in respect to privatization and social rights. This was precisely the moment where the OPZZ could have insisted on UP inclusion, in order to increase the strength of the left within the government and also its maneuvering space. However, the OPZZ did not react swiftly and it did not voice its preference, while, once the liberal turn became obvious, it did not even try to threaten with changing sides.³³⁴ After the SLD-PSL coalition was formed, unionists were trapped into fortifying the position of the SLD to remain the dominant party behind the SLD-PSL government

³³² Until 1993, leftist parties, both post-communist social democrats as well as smaller worker based parties were small and on the defensive, attempting to overcome a 'pariah' status. Starting from 1991 the communist successor alliance SLD increasingly insisted to 'dwell on policy issues-such as the necessity for the state to support the social welfare network, to own certain industries, or to somehow control the market mechanism' (Zubek 1993: 49).

³³³ Louisa Vinton 'Postcommunist parties forge coalition in Poland'. RFE/RL No. 198, 14 October 1993

³³⁴ Originally, UP was involved in negotiations over inclusion and mandate of the governing coalition. The preliminary agreement among SLD, PSL and UP included a preference for "industrial policy" over "free-market liberalism;" cheaper credit for small firms and debt relief for large ones; "equal treatment" for the state and private sectors; a determined fight against unemployment; fight against on tax evasion, especially in the "gray sphere;" and the reduction of income disparities. The UP was critical especially in respect to privatization and restructuring policy. See Louisa Vinton 'Polish coalition parties agree on economic plan' RFE/RL no. 195, October 11 1993; Louisa Vinton 'Polish coalition talks drag on' No. 197, 13 October 1993

vis-à-vis its coalition partner, whereas the union could not see a more preferable governing coalition without the involvement of SLD. The situation of the OPZZ was further complicated by the fact that outside the parliament, Solidarity was more capable, willing and politically interested to mobilize against the government. Thus the union was caught between two fires.

OPZZ's situation stemming from its choice to get involved in high politics was difficult in the first place since the union leadership lacked the sophisticated know-how to exert political influence and clinch deals. In practical terms, the OPZZ's MPs were not professional politicians and its leaders lacked practical skills to meet the risks and challenges of involvement in politics. The OPZZ suffered greatly from an aggressive agenda-setting of SdRP³³⁵. The SdRP liberals³³⁶ brought disciplinary measures binding for the whole parliamentary club of SLD. The unionists MPs were unfamiliar with modes of fight in the parliament.³³⁷ According to a local observer, politically skilled liberal SdRP politicians did not respect much their union ally, and even used blackmails against the OPZZ MPs. Namely, they charged their junior partners of altering beneficial labor legislation in case unionist would not vote e.g. for proposed state budget.

4.3.4. Internal factionalism

Factionalism had been also plaguing the union. Within OPZZ leadership, there was a significant tension between public and industrial union constituencies, which also correlated to some extent with male and female constituents, especially visible between the miners and education on issues such as liquidation or modernization of mining pits and social programs for

³³⁵ Cf. Grzegorz Ilka: (interview with) Ewa Spychalka in *Przegląd Wydarzeń Związkowych* no 11 (123) November 2004

³³⁶ As the dominant party within SLD, the SdRP was run by a liberal youth politicians (see e.g. Grzymala-Busse 2002). Only one of the four top SLD leaders from SdRP the Minister of Labor and Social Policy, Leszek Miller had working class roots, but even he distanced himself from a worker constituency (Curry p59)

³³⁷ Grzegorz Ilka: (interview with) Ewa Spychalka in *Przegląd Wydarzeń Związkowych* no 11 (123) November 2004

miners burdening the state budget at the expense of public sector pay levels.³³⁸ Moreover, the largest constituency of the OPZZ, the sectoral union of education, the ZNP joined the SLD autonomously. The union chair was often not capable to find common standpoints among its sectoral members. Not surprisingly, at the *Sejm*, the OPZZ MPs within SLD were far from representing a united bloc. Finally, complicated organizational structures fed factionalism: decision making within the OPZZ on crucial matters was difficult and not necessarily binding for its members.

Since Poland moved decisively towards the liberal system of industrial relations during the system change, the fragmentation and disintegrative drive within OPZZ intensified (cf. Kramer 1995: 96). As difficulties stemming from transformation processes and austerities increased during the early 1990s, ties between the peak level organization and branch organizations loosened further. Especially the largest member federations, such as education were large and powerful enough to distance themselves from OPZZ in critical times and act independently. Criticisms against Solidarity based governments were only a temporary uniting glue that allowed the new OPZZ leader, Spychalska to be a successful facilitator. However, once the political allies were in power, in 1993-1994 the chair was not able to exert constructive and integrative influence across branch based constituents.³³⁹ The internal cleavage among privileged branches under state-socialism, such as mining and the public sector over state budget, since social programs and restructuring constrained public sector pay levels. This cleavage had put the peak level organization into a difficult situation.

³³⁸ On cleavages between sectoral unions of miners and education 2003 see e.g. Jagusiak's interviews (2004: 233-37) with ZNP leader and the OPZZ leader Slawomir Broniarz Warsaw, February 20 2002.

³³⁹ For interesting self-assessment which partly directs at this point see Grzegorz Ilka's interview with Ewa Spychalska in XX lat, especially on the reasons of her resignation.

At the parliament, the OPZZ was also far away from controlling or disciplining its members. To start with, the largest member union to the OPZZ, that of the branch of education (ZNP) was a direct coalition party member within SLD rather than participating through the OPZZ. There was also a major difference between the union's MPs. Whereas some enjoyed broader support and were popular in their constituencies, a larger group of MPs was less well known and tended to rely more heavily on political allies and thus were also unprepared to consider dropping out of the coalition. Only a fraction of the OPZZ's MPs was ready to take up a more radical stance against SdRP and consider exiting the SLD,³⁴⁰ Overall, this situation weakened further the authority and integrity of the peak level organization and exposed it to SdRP influence.

Finally, it should be recalled that the OPZZ was disadvantaged due to its organizational features. The OPZZ was a loose organization of variously organized union organizations and federations with separate legal identities, an overall organization less centralized than Solidarity. This organizational feature fed factionalism. A great deal of weight and responsibility in coordinating a common unionist agenda fell on the chair. Additionally, as OPZZ was a peak level organization of member union organizations, the OPZZ could not gather rank and-file members directly. In turn, there was a quite liberal membership policy within OPZZ: union federations and organizations could easily join, but they could also easily leave it. Decision making within the union had a flexible structure since the peak level organization was not centralized, and could not undergo such a process due to historical-political reasons³⁴¹. The highest union executive body, the Presidium was made up of 25 members, the chair and a dozen of branch based deputies. The

³⁴⁰ Cf. Ibid.

³⁴¹ Centralization of the branch structure would make the OPZZ similar to the structure to the pre-Solidarity CRZZ. Such a move could not be taken as rational since at the time of anti-communist discourse the union would trigger further charges of illegitimacy, which would thus find proof that it is essentially a 'communist' organization.

role of the chair was to mediate, reconcile and facilitate the definition of more general standpoints surpassing the particular interests of branches and sectors, while also to represent the movement and general rank-and file in the public. External political representation required charisma from the chair and could strengthen the authority of the peak organization to union members.³⁴² However, the union chair increasingly distanced herself from dealing with internal cleavages. According to Spychalska, there were internal factions rebelling against ‘women’s rule’ in the OPZZ³⁴³. In other words, she interpreted internal criticisms as a gender issue rather than facts up to the structural and organizational problems.

It is worth to mention here also that demonstration of union strength via collective action faced internal organizational difficulties. Inclusive collective action could have increased the authority of the union chair. However, internal decision making to prepare and undertake an inclusive strike action was difficult (Jagusiak 2004: 88). The decision and communication of a strike did not depend only on the presidium – which has a wide authority within the union, but federations of branch based unions had had a decisive voice on launching or entering a strike (Jagusiak 2004: 89). Organizing protests was easier, but these could only remedy at best an acute internal situation.

4.4. *‘Stickiness’ of the political-partisan choice*³⁴⁴

Thus far, I have shown that the OPZZ’s political activity and its more concrete search for political allies was a necessary strategic choice in the struggle for union relevance, similar to the case of the ZSSS in Slovenia. However, OPZZ’s internal weakness, the presence of a strong and

³⁴² Author’s interview with Alfred Miodowicz, former OPZZ chair Krakow December 1 2007.

³⁴³ Cf. Grzegorz Ilka: (interview with) Ewa Spychalka in *Przegląd Wydarzeń Związkowych* no 11 (123) November 2004

³⁴⁴ If not otherwise indicated, sources in this section are Eiro reports on Poland for 2002-2010.

hostile competitor, and economic hardships limited the space for the union's maneuvering and thus, crucially, limited its choices. This resulted not only in the OPZZ's deep involvement in partisan politics but also its effective quiescence during the neoliberal turn in SLD's mandate from 1993-94. In return, the OPZZ got very little as a concession: most notably, the establishment of formal institutions of corporatist bargaining on the national and regional levels, and the opportunity but not guarantees to influence legislation first hand.

This strategic choice toward constrained partisan loyalty left a 'sticky' imprint on the union's trajectory. The combination of the initial strong partisan alliance and the subsequent loyalty pact due to the betrayal of their ally was a devastating trap for the union. This was especially so, given the weak authority of the center built on a loose internal structure of the complex organization. In essence, the politicization of the union cemented not so much the OPZZ's partisan political identity but more the union's lack of credibility and prospects for representing a neutral apolitical corporatist interest group. Eventually, given the OPZZ's weakness at the plant level due to limited membership and no direct presence, the union had to acknowledge capitulation to the more conflict-prone interest representation and bilateral lobbying strategy of Solidarity in a decentralized liberal setting. The latter was also tied to democratic process and electoral cycles, with predominating informal *ad hoc* bargaining and influence through directly elected representatives. This setback also cemented the weakness of the center over member unions vis-à-vis the interfering political allies.

The OPZZ program of representing the material interests of workers, its social and political alliances, as well as its overall strategy underwent an evolution, but did not change radically over time. The strategy was focused on exerting influence over decision making in the parliament and government in the development of social and economic policies. While the OPZZ

experience within SLD was rather painful, there was a lack of alternatives to efficient interest representation through political allies. Only from 2002 was there a gradual change from direct politicization, which went hand in hand with changes in external circumstances: the gradual cooling down of Solidarity union's hostilities and the similarly gradual but fundamental change in social cleavages defining the electoral competition between political parties and political outcomes. However, although from 2001-2002 OPZZ gave up its involvement in electoral mobilization, it still needed links to political parties in order to influence policy making. In this case of an organizationally loose peak level union, even when the external environment changed considerably, such a strategy could not ensure relevance but only modest achievements.

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4.5.1 'Stickiness' and the damages wrought by partisan engagement (1994-2001)

The OPZZ platform has changed little in the post-socialist period, while its main strategies to exert influence have gradually shifted. Until 2002, as defined at its 3rd, 4th, and 5th union congresses held every four years (in 1994, 1998 and 2002), the OPZZ remained programmatically a social democratic union, fighting for a social market economy with elements of corporatism, co-determination, state led regulation and industrial democracy on the plant level. It stressed secular values, social justice through a strong welfare state, state-led planning and economic control, pluralism of ownership forms, and the protection and development of social rights. The 2002 congress also stressed a secular feminist agenda of gender equality, supported EU integration, corporatism and social dialogue, and insisted on retirement and disability benefits. OPZZ stressed the importance of minimum wages and protection of the most

vulnerable workers, including women and the disabled, and more recently also LGBT people, while concentrating most on issues of retirement and social benefits systems.³⁴⁵

The OPZZ has also nurtured ties with civil society organizations sharing its ideological persuasions such as feminist groups and organizations of the unemployed and retired, many of which were also members of the original SLD coalition. In contrast, its main rival, the Solidarity union was much more socially conservative, maintaining traditionally strong ties to the Catholic Church and a more ambiguous relationship to right wing groups and movements, such as Euro skeptic groups. Not unimportantly, both unions launched initiatives as well as social protests on various occasions in cooperation with other social forces. The social cleavage between OPZZ and Solidarity paralleled a very intensive partisan political struggle in which the OPZZ was involved.

During the 1990s, the OPZZ kept strong but uneasy ties with its more powerful coalition partners within the SLD. In the 1994-1997 period, unionist MPs were barely able to influence their own stronger professional political allies. Moreover, the loose union organization went hand in hand with internal union factionalism, which not only limited the authority of the union chair but also increased the opportunities for partisan allies to penetrate or at least to further weaken the union internally. After OPZZ proved unable to substantially influence their senior partners, it came as no big surprise that the OPZZ chair Spsychalska gave up the difficult task of pushing through the unionist agenda. In 1996 Spsychalska first resigned as deputy leader of the SLD parliamentary club and then also as OPZZ union chair only, to accept a political consular appointment. These moves further discredited the OPZZ.

³⁴⁵ For more details on OPZZ's platforms, see congress documents between 1994-2002, as summarized in Jagusiak 2004: 118-119.

The immediate effect of union submission to liberal allies in 1993-1994, culminating in 1996, was a steep fall of public popularity and support for the OPZZ. Nevertheless, against the promises made at the 1994 congress, the OPZZ and its largest member unions acting as independent allies remained tied to SLD in the campaign for the 1997 elections. Although SLD lost, the unpopularity of the next Solidarity union based government (1997-2001) also kept the OPZZ afloat. The OPZZ then returned to its role performed in 1991-1993 and organized large demonstrations against government measures, acting again as a major political force (for an overview see Jagusiak 2004: 189).

The deep involvement in politics of both the OPZZ and Solidarity along with their mutual hostility prevented a development of a universal definition of union roles in the polity and society. Since Solidarity did not support state-led regulation, tripartism or social dialogue between 1994-2001 was paralyzed (Kubicek 2000, Orenstein 2001). While the Solidarity union boycotted the tripartite body between 1994-1997, when the Solidarity based government was in power between 1997-2001, it barely utilized the tripartite body but had direct meetings with Solidarity union representatives. In response, in 1998 the OPZZ issued a highly critical 'Black book of social dialogue'. The tripartite commission that had been instituted in February-March 1994 and became hostage to the political agenda of the SLD-PSL, was also severely crippled by later governments. The problem for unions and especially the OPZZ, which insisted more on state regulation and formalized social dialogue, was that as Gardawski & Meardi (2010) highlight, the tripartite commission operated as a forum where partisan political agendas dominated over social dialogue, and labor influence over social and economic policy was secondary. Since the OPZZ's opponent Solidarity, at least until 2002, played a role resembling a political party, both unions were doomed to prefer competition over compromise on the tripartite

level (Gardawski & Meardi 2010, Falkowski 2006 et al.). Although in the short run both unions were able to ‘deliver’ to their more particularistic clientele, both the OPZZ and the Solidarity union were affected by the unpopularity of ‘their’ respective governments.

It was this unpopularity which triggered the OPZZ’s turn away from direct participation in politics. But the union had also been so discredited that its political ally did not value its support as much as earlier. Namely, in 1999 the SLD reestablished itself as a party rather than a coalition (Paszkiewicz 2000: 162), thus getting rid of its uneasy partnership with the union. When the secular liberal-left SLD-UP coalition returned to power in 2001, the OPZZ remained too weak organizationally to exert substantial influence. On the other hand, holding themselves at a greater distance from a political party also turned out to be costly.

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4.5.2. Gradual depoliticization after EU accession (2002-)

Although the OPZZ was no longer tied to SLD or the government in power (2001-2005), it faced similar problems as it had earlier due to its loose organizational structure and limited authority over member unions. Most importantly, the OPZZ could not dictate to member federations the terms and conditions of their political involvement. As a consequence of this loose structure, the OPZZ was further significantly weakened in its bargaining capacities. During the left-wing government of 2001-2005, the union members of the education sector of ZNP ran again as part of the SLD list, and could engage in political barter independently from the center. During the subsequent mandate of the SLD-UP government, the OPZZ also experienced an organizational backlash when a new peak level union, *Forum*, was established, which included some former OPZZ member union federations as well as more militant federations such as *Kadra* and *Solidarity 80*. *Forum* was also accepted into the tripartite body, reactivated by the

SLD-UP government in 2001. The ‘one-foot’ involvement of OPZZ and Solidarity in politics also had the effect of preserving many militant, grass-roots and alternative unions.³⁴⁶

During the next elections in 2005, the OPZZ did not even attempt to control its membership. While there was less official involvement in the electoral campaign on its part, a segment within the OPZZ did make a deal with the SLD. Many OPZZ members were thus placed on top of the electoral lists in some constituencies. Elsewhere unionists ran as members of a new independent party, the Polish Social Democrats, but this party did not pass the threshold.

The agenda and opportunities of the OPZZ changed further after 2005 with the political marginalization of the secular left. Major changes in the external political environment occurred only in 2007. Namely, in a radical break with the past, the elections of 2007 brought the final marginalization of the ‘post-communist’ SLD as well as the emergence of party competition between the more EU-opposing traditionalist-conservative Prawo i Sprawiedliwość (PiS - Law and Justice) party (closer to the Solidarity union) and the more pro-EU conservative-liberal Platforma Obywatelskie (PO – Citizen’s Platform). This outcome occurred on the one hand as an end to a dominant cleavage between the post-Solidarity and postcommunist camps, when individual religiosity was the best predictor of electoral preferences (Jasiewicz 2003). On the other hand, during the 2000s the cleavage was replaced by the liberal, pro-European orientation and the more Euro-skeptic, populist attitudes (Jasiewicz 2009).

Reflecting this turn, a gradual, but fundamental shift occurred in Solidarity’s stance vis-à-vis the OPZZ. From 2002, Solidarity first softened its historically based political hostility

³⁴⁶ Militant, protest based unions posed a constant challenge in terms of legitimate repertoires of union action. Hunger strikes, factory premise occupations, road blockades and violent clashes with police continued also after EU accession along with formation of *ad hoc* worker movements such as the All Poland Inter-Company Protest Movement.

(Kubicek 2004: 80) and gradually opened a new chapter of cooperation.³⁴⁷ In an unprecedented manner, in 2007, Solidarity union's sectoral unions as well as the peak level organization started cooperation with OPZZ within the tripartite body as well as by launching joint actions.³⁴⁸ The support of then president Kaczynski during his conflict with the liberal government was used as a platform to increase pressure and call for more efficient tripartite meetings e.g. against privatization in the health sector. External change in the political spectrum (the marginalization of the secular left) and economic growth offered new chances to reestablish the union's principles.

By 2006, Solidarity overtook the role of being the largest Polish union, even though it represented only 5% of all employees. OPZZ represented 4%, Forum 3% and 2% were represented by various smaller 'independent' unions. Solidarity for its part was present in most large enterprises and had a major footing in industry. In contrast, OPZZ's presence shrank even within the public sector. A deep 'representation gap' remained between sectors where several unions were present vs. those with no labor representatives in place at all. Yet, although the OPZZ has not remained a powerful union, its importance is greater than indicated in these

³⁴⁷ A major change occurred gradually within Solidarity after the 15th congress of the union in October 2002, when under a new chair, Janusz Sniadek a decision was made to disengage from politics, focus on protecting social rights and participate at the tripartite commission. However disengagement from politics was only partial since on the one hand the peak level organizations had no sufficient concentrational capacities to control member (sectoral) union behavior and their strong political ties. Thus union-elite links remained non-transparent, while there were indications of the preservation and fortification of clientelistic networks especially in some sectors. Between 2001-2005 Solidarity was still obstructing the reactivated tripartite body of an 'incapable' government, while it also engaged in a rather political protest against governmental policies and concluded informal electoral deals with the center-right PiS between 2005-2007. During the 2005 elections, Solidarity regional authorities had autonomy in supporting various candidates, and established various alliances mostly with PiS candidates but also with Civic Platform, as well as more traditionalist right wing euro-skeptical Polish Families League. At the 2005 presidential elections Solidarity highest authorities backed up PiS candidate Lech Kaczynski, while OPZZ remained silent. From then on, Solidarity increasingly but not equivocally identified itself with the 'pro-social' program of PiS and against the liberal Civic Platform. In 2007, the PiS-led Government signed also a pre-electoral bilateral agreement titled 'Economy-Labor-Family-Dialogue' with Solidarity defining rise in minimum pay, prolonging by a year early retirement, which was also characterized as a political move by the social partners.

³⁴⁸ Tellingly, In May 2007 both Solidarity and the OPZZ launched campaigns for higher pay and started cooperation at the tripartite body from 2008.

figures. Even after EU accession, the OPZZ has taken initiatives like putting forth important and creative initiatives in reforming the pension and retirement schemes. In a prominent media campaign, for example, the union launched an initiative and collected signatures for a more just pension system based on years in service and submitted the draft to the Sejm.

The importance of the OPZZ and of trade unions affiliated with the peak organization increases if we add to the picture these unions' participation in collective action. Until the late 2000s, non-violent and moderately violent protests took the place of strikes, while both the OPZZ and Solidarity gained in membership between 2004 and 2008. After 2007 the number of strikes in Poland increased again, with the public sector (especially education, transport and health) and to a lesser extent earlier sheltered industrial sectors (mining, shipbuilding) taking the lead. If ever there was a period of 'labor quiescence' after 1993, it definitely ended in 2007. That year, the number of strikes rose to 1687 from only 8(!) recorded strikes in 2005 and 27 in 2006 while in 2008 they reached a post-socialist record high of 12,800. Trade unions remained very active in some sectors of the economy such as health, education, mining, transport, and metal, while in others, especially those dominated by small and medium sized enterprises and services, the unions' voice was very silent due to limited footage in those sectors. In addition, the OPZZ but especially Solidarity took part in the internationalization of labor action, through cooperation with European-level or other national level (e.g. German) union federations (Bernaciak 2011).

Whereas the external circumstances changed considerably in the 2000s, the OPZZ's trajectory shows how organizational legacies and internal vulnerabilities matter even in the long run in limiting the available choices and strategies of the union and keeping the union on a pre-selected path of necessary political activity. In assessing the union leadership's role in shaping the OPZZ's trajectory, and especially the detrimental effects of the second strategic

choice of entering into a partisan loyalty pact, indeed the leadership was to some degree unprepared to act against political allies when it became necessary. As I have argued, only extraordinary political and organizational skills on the part of the leadership might have saved the union from the trap of the partisan loyalty choice of 1993-1994. Despite these failures in leadership, then, the major reason for OPZZ's quiescence in this situation lies in the organizational vulnerabilities stemming from the socialist era and constraints the union faced in a very hostile environment.

In recent years, despite positive organizational developments, most notably the external support from FES and ETUC to the OPZZ that have been essential in maintaining the peak level organization, these have not been sufficient for the union to overcome its fundamental internal problems of loose organization and authority over member unions while also reestablishing itself more assertively in the political arena. Whereas the OPZZ leadership recognizes the need to centralize its structure as a condition for becoming a more active and efficient organization on par with Solidarity.³⁴⁹ However, it is very difficult to make concrete steps in that direction. This is because such a move might threaten the broad autonomy enjoyed by member unions, one of the most attractive features of membership in OPZZ. Since member unions have the freedom to leave and join the peak level organization at will, the central leadership is wary of taking measures that might lead to a radical decrease in membership.

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³⁴⁹ Author's interview with Grzegorz Ilka OPZZ official, Warsaw November 17 2007

Conclusions

In this dissertation I set out to explain the variations in trajectories and success of ‘inherited’ trade union organizations from 1988 until the most recent global economic crisis, ranging from the exceptionally successful case of the Slovenian ZSSS to the more controversial case of the Polish OPZZ and the barely visible Serbian SSSS. With a focus only on ‘inherited’ peak level union organizations, the task has also been to explain conditions through which these unions were able to influence their own trajectories, to assess how and to what extent they were able to fight for relevance and recognition. The inquiry has built on the premise that the largest ‘official’ peak level trade unions faced country specific organizational and political challenges to emerging as relevant actors in the new post-socialist settings.

I have argued that trade unions emerged as relevant actors if and only if they successfully solved their, partly inherited, specific organizational and political challenges during the period of transformation, thus establishing also new efficient organizational practices of interest representation. In my study of the ‘black-box’ of union history in the transformation period, I have encountered ‘thick’ elements, such as definition of union principles, introduction of new organizational practices, or interaction with state actors. I have found that crucial union choices typically turned on issues of engagement in industrial conflict and benefits of political barter and alliances. These were choices that developed as culminations of the unions’ fight for relevance. I have also emphasized the country-specific economic and political contexts as crucial background for understanding strategic choices during critical junctures.

The analysis has shown that the precondition of unions’ fight for relevance was the achievement of autonomy. In addition, the quantity of available resources mattered. The fight for relevance had both - perhaps simultaneous - organizational and political dimension. Peak level

unions had the chance to set new goals, establish organizational structures and new practices which would empower both the peak level union and its members against state actors, and at the same time, fortify peak level union authority over its constituency. Organizationally, the peak level unions faced the challenge of initiating and implementing thorough reforms, establishing sectoral organizational structures and, as a further way to confirm their own authority, to revive communication channels among various levels of union organization. Politically, a crucial issue for trade union success was the availability of political elite and other social actors as allies, but also important was how the union shaped its relations with external allies and how these conditioned union actions. I have shown that strategic choices of unions during system change were concrete answers challenges related to socialist organizational and political legacies as well as opportunities and constraints of the new environment. Their strategic choices set these organizations on particular 'developmental' paths during the later post-socialist period. In the most recent post-socialist history of unions I recognized a significant degree of organization-specific 'stickiness' in each union's behavior in terms of self-definition, interaction or alliances with certain political actors or characteristic public actions.

The Serbian SSS struggle for relevance was insufficient even for establishing a minimal level of union autonomy for making strategic choices. The SSS has not empowered itself organizationally but the contracting political opportunity structures also undermined the union's position necessary to solve its organizational and political challenges. Only in Poland and Slovenia did the fight for union relevance bring about real 'choices' of the unions' own creation, but from the start there were major differences in the resources each had available. The agendas of the OPZZ and the ZSSS showed striking similarities. Both unions adopted and implemented political and organizational strategies in their fight for increasing union influence over legislation

and union inclusion in decision making. Simultaneously, both unions increasingly invested into the mobilization of the rank-and-file. The latter was important both as an effective way of channeling worker dissatisfaction but it was also an important political instrument for gaining political recognition and increasing union voice vis-à-vis the newly democratically elected political elites. In other words, exercising and strengthening the concertation capacities of unions was important in both proving authority for representation and exerting pressure over decision makers.

Eventually, the efficiency of the unions' fight for relevance, i.e. the success of the struggle for social and political influence, depended on internal organizational capacities. This was to fortify the authority and role of the peak level organization vis-à-vis member unions and the rank and file. Organizational consolidation, understood in this way, was nevertheless successfully completed only in the case of the ZSSS, whereas the OPZZ remained organizationally vulnerable: its authority vis-à-vis its member unions remained fragile and conditional. Only partly was this due to the differences in the size of each country and of each peak level organization. Namely, the OPZZ has remained in terms of rank-and-file members and member union organizations more than three times larger organization than the ZSSS and consequently always needed more energy to establish new authoritative organizational structures. More importantly, the inherited internal relations or the 'organizational status' (Offe 1981) of OPZZ – as an organizational prerequisite for effective leadership and organizational unity – was significantly poorer in the case of the Polish union. Tellingly, by far the most successful example of a newly instituted practice fortifying internal relations comes from the history of the ZSSS. The ZSSS' conference (*'konferenca'*) allowed simultaneous fortification of union executives' authority within the organization, fight for the public opinion and participation

in ideological struggle in the political arena. In contrast, the SSS quickly gave up its attempt to launch a new self-empowering, publicly visible practice.

Whereas on the level of expertise and having a developed union agenda there was no major difference, the critical difference between the OPZZ and the ZSSS were available resources which significance increased in critical situations. In the case of the ZSSS, the organization had sufficient funds not only to invest in new organizational practices and run a publicly visible organization, but also to allow the establishment of solidarity funds which not only retained members by providing secondary incentives to remain in the organization, but most likely also contributed to overcoming collective action problems (i.e. helping rank-and-file members in overcoming situations of absolute deprivation). The ZSSS acknowledged the necessity of distributing its assets among other unions, initiated direct negotiation with rival unions, and overcame major inter-union hostilities. In contrast, both its lack of and contested assets and more distant membership never allowed the OPZZ to invest into its own organization or establish or facilitate creation of solidarity funds to help its most vulnerable rank and file.

It was not only organizational factors but external constraints or opportunities that took their toll in the substance of choices for the OPZZ and the ZSSS, and especially SSS. Paradoxically, while Serbian state actors undermined the union's capacities during the critical juncture period, these fortified internal weaknesses of SSS pushed the union leadership even more to rely on concessions from the state, setting a pattern of high dependency. In contrast, unions in Poland experienced a paradoxical setback after the Round Table agreements precisely in terms of their 'political status', 'resource status' and 'representation status' (Offe 1981: 137-8) but increased their autonomy from the state. Finally, the ZSSS and unions in Slovenia enjoyed beneficial new incorporation as integral participants in the struggle of Slovenian secession from

Yugoslavia. In the latter two cases, political and social alliances were crucial in overcoming mounting isolation of ‘Red’ unions, and in both cases unions formed alliances with (some) successor parties of reformed communists and other left wing organizations. However, whereas the ZSSS kept a significant degree of autonomy and distance from its ‘natural’ allies and was able to exert influence and bargain with various parties in its own right, organizational weaknesses of the OPZZ had pushed the union to form tighter alliances making it highly vulnerable to the agenda of its liberal-leaning political ally.

In terms of the ‘stickiness’ of union behavior in their later post-socialist trajectory, all three unions have showed significant reliance on earlier defined strategies and organizational practices to cope with later opportunities and structural challenges in order to stay afloat. In continuation with its activity in 1989-1993, the ZSSS has exercised a strong voice and has engaged in grand-scale mobilization of the rank-and-file in critical periods to inflict political damage. The OPZZ has acted in alliance with secular civil and political left wing forces to gain concessions not without socially progressive and constructive initiatives. Finally, the SSSS has remained substantially a marginal organization, prone only to verbal militancy, subordinated to powerful allies and complicit in preserving an increasingly incumbent party-colored status-quo.

These findings on organizational capacities, political opportunities and political activity of unions, as well as legacies have implications for broader scholarship. One striking general conclusion points to organizational features as advantages of ‘inherited’ unions over newly emerging ones, generally not, or not sufficiently recognized in the literature. In contrast to previous studies (Pollert 1999, Dimitrova & Petkov 2005) I assessed organizational features as more dynamic processes, through analyzing internal histories of peak level unions. My analysis has shown that ‘inherited’ unions coped quite efficiently with the costs of self-organization

during economic hard times. The assessments, especially in the case of the Serbian union SSS, showed that re-enrollment of rank-and-file members on voluntary basis or keeping the bulk of members was an important but insufficient condition to meet the requirements of a self-empowered organization. ‘Official’ unions also had developed infrastructure, networks of professional activists, paid experts and routinized unionist practices, which often needed reform but did not have to be started from scratch. While new unions had to cope with the basic issues of self-organization, leaders of ‘official’ trade unions in the cases analyzed here recognized their organizational advantages over competitors. Moreover, they also saw chances and prospects for unionism stemming from internal reform. All peak level unions were able to increase the influence of unionist expertise over crucial issues such as social and economic policies. It mattered, nevertheless, not only the extent to which new organizational practices suitable for the new environment were established, but also whether and to what extent internal reorganization of union structures allowed for greater efficiency of deliberation and action. This assessment thus expands even the grounded analyses of internal organizational development and the role of peak level unions in it (see esp. Thirkell et al 1998; Dimitrova & Vilcox 2005). These adopted temporal constraints, or focused on specific issues and stopped short in the evaluation of organizational developments and their implications for union trajectories up to day.

The indicated importance of available organizational resources brings to the fore an earlier assessment of the importance of inherited organizational prerequisites for civil society activism in post-socialist East Europe (see esp. Rueschemeyer et al 1998). According to this understanding, whereas post-socialist democratization fed movements and activism, economic and political austerities and shocks were ‘stultifying and demeaning communicative and associative conditions’ (Elster et al. 1997: 13) that undermined associational life and

organizational development. Formulated differently, whereas in the short term transformative processes of democratization offered fertile ground for social movements and *ad hoc* activism to mushroom, the same movements ‘died easily’ and faced great difficulties in reaching organizational stability (Miszlivetz & Jensen 1998; Rueschemeyer et al 1998: 268). This understanding also sheds new light on the debate over whether civil society has been weak (see esp. Howard 2002) or strong (see esp. Ekiert & Kubik 1999) in post-socialist countries. My analysis of peak level trade union organization suggests a more precise answer. Namely, if we limit the definition of civil society to more formal, but sufficiently stable and autonomous organizations, we can say that economic hardships typically undermined the development of a more encompassing and strong civil society. Country specific inherited organizational resources and legacies of know-how in self-organization were important bases for more institutionalized forms of civil activism in the post-socialist period, however varied their involvement has been.

In focusing more on union leadership role, this dissertation further shows that the application of ‘union revitalization strategies’ (Frege & Kelly 2003) or even the conceptual framework of ‘social-movement unionism’ (Ost 2002) in the case of Central Eastern Europe is best suited to the transformation period, as a decisive period of crisis and opportunity for unions to reestablish themselves as both social and political actors. I have suggested that it is useful to conceptualize peak level union strategic choices as selections of specific developmental paths. The notion of strategic choices I have developed includes risk taking and engagement in mobilization as contentious political activity. As such it comes quite close to Tilly’s concept of ‘contentious choice’ (2004). The calculative moments in union leadership deliberation, which includes sensitivity to changes in the political environment, and the political and organizational skills of the union leadership point to the political dimension of union activity and union

capacities to shape the political arena. Most importantly, given that union membership and constituency was stable, but commitment more vague, leaders of peak level unions were able to engage in “resource mobilization” (see esp. McCarthy & Zald 1977, Tilly 1978, McAdam 1982, Zald & McCarthy 1987, Staggenborg 1988), that is setting and fighting for certain goals and gathering political and economic resources in an entrepreneurial fashion. These insights suggest that social movement analysis offers further perspectives for understanding post-socialist unions.

My study also contributes to a more nuanced understanding of ‘politicization’ (Bartos 1996) of post-socialist trade unions. The prevailing understanding of ‘state-labor relations’ as predominantly formal interaction through tripartite bodies or peak level union-political party ties proved to be oversimplified. I have shown that less formal transactions and interactions between labor and state actors were very important, i.e. they came into play well before tripartite bodies were even engaged. My findings modify a theory of the importance of trade union ties to political parties (see esp. Avdagic 2003). Namely, in new democracies, political party allies were a necessary but not a sufficient condition to exert union influence, since the ability to defect from partisan loyalties and use alternatives also mattered. In other words, during interactions with political allies the strength of ties have mattered less than available political allies and union preparedness and capacities to switch sides. In my assessment, due to constraints of time and space, I dealt only with the peak level organization, which is not necessarily the main level to look at for interactions and deals between trade unions and political parties neither in the analyzed three countries, nor in other East European countries. I indicated only sporadically the important role of lower level unions in political exchanges.

In addition to ‘intensive’ limitations, the clearest ‘extensive’ drawback of the dissertation is that it only dealt with three cases, which, following from my insistence on the importance of

local context, means that the findings cannot be generalized to the whole region. I have also not dealt with trajectories of other ‘new’ peak level unions established after 1989, and their comparative insignificance. However, my findings are sufficiently cogent to suggest that two factors have to be taken into consideration for assessing relevance and trajectories of trade unions in other countries. These two factors or properties of political opportunity structures during transformation and inherited organizational capacities allow a categorization of all post-socialist peak unions. Organizational prerequisites and assets seem to be the comparative advantage of the ‘inherited’ peak level trade unions or those which existed before 1989, as was the case with Solidarity. However, only those ‘inherited’ trade unions may count on long-term success – as in the case of ZSSS in Slovenia – which used the favorable opportunities of transformation to redefine themselves as organizations of *ad hoc* protest in critical times, similarly to a social movement. Reformed official trade unions that did not have or did not use these opportunities – as was the case with the Serbian SSS – clearly damaged their own prospects. The OPZZ is an in-between case: the unions did not fully develop its mobilization potentials due to various objective constraints, but probably also subjective reasons.

Based on properties of inherited organizational capacities and political opportunity structures, I classify post-socialist peak level unions into four groups: 1. passive unions, 2. civic (or political) unions, 3. constrained unions and 4. active encompassing unions. The following table outlines these four types.

Civil unions	Active-encompassing unions	+ Political opportunities
Passive unions	Constrained (partisan) unions	
- Inherited organizational capacities +		-

Table no. 2 Union types in post-socialist Europe

Passive unions typically emerged in countries where trade unions had poor or at best modest organizational legacies and where political opportunities conducive to trade union development significantly contracted. Political factors that hindered the development of unionism include violent conflict, unclear or contested definition of the political community, little to no movement towards democratization and establishment of the rule of law, and hostile or absent political elite allies. Typically these political shocks or obstacles were so great that unions succumbed to passivity or subordination to political patrons, even if they had some legacies on which they could build. Such passivity in the critical juncture period seems to be characteristic of the largest union organizations in Belarus, Moldova, Ukraine, but also in Albania, Macedonia, Montenegro, Bosnia and Herzegovina, and Russia. The Serbian SSSS is also in this group due to the intensity of the shock. In these countries, the inherited peak level unions have still remained the largest and the most significant unions even in their weakness.

Civil unions typically emerge in countries where unions are freshly established and thus have no organizational legacies from the past to build upon. However, they have all the more opportunities for civil activism and political participation, thus theoretically they have good chances to shape the political arena. The largest peak level unions in the three Baltic states,

Estonia, Latvia and Lithuania, are in this category, as are the newly emerged peak level unions in all other post-socialist countries. In some countries, especially in Poland but also in Romania, Hungary, and Bulgaria, these trade unions have seriously contested the dominance of the reformed peak level unions.

Constrained unions can be found in cases where there are some positive organizational legacies from the past, but the political opportunity structures are still unfavorable. The latter do not paralyze the development of trade unions, but they do limit it. In addition to the case of the Polish OPZZ, the former official trade unions in Bulgaria, Croatia, Hungary and probably Romania belong to this type. In these cases, shaping of the political arena in the critical juncture period happen via inter-elite deals (e.g. Collier 1999) and trade unions either tend to be excluded from shaping the political arenae through mobilization or are pushed towards superfluous roles.

Finally, *active encompassing unions* are those peak level unions with significant organizational legacies that are also able to use expanding political opportunity structures. Both of these factors foster union activity in the political arena. The only case here is the ZSSS.

As a careful reader will notice, there are three national peak unions missing, and which are especially difficult to classify. If we exclude from consideration the unique and puzzling case of unionism in the States (*Länder*) of former East Germany (Turner 1998), we are left with the Czech Republic and Slovakia. In both these cases the dominant peak level unions during the system change showed some similarities with both civil unions and active unions. This makes them nevertheless the most similar to the Slovenian case: political opportunity structures in both cases were mostly expanding, and peak level unions were built on the assets of the former communist peak level union. Interestingly, however, redefinition of the internal organizational structures happened through replicating the organizational structure of the German union without

careful consideration of the interests of the peak union center (Wolchik 1991, Stark & Bruszt 1998:183 Clark & Soulsby 1999: 67, Orenstein 2001, Myant 2010).

This categorization underlines the importance of inherited organizational capacities of peak level trade unions for their post-socialist trajectories, and tangible variation among cases rather than universal weakness of unions in the region. Organizational capacities of peak level unions did not matter much only if political opportunity structures extremely contracted during the critical juncture period or later. Only massive contractions were able to make union capacities nearly irrelevant. This happened in the most Yugoslav successor states most affected by armed conflict, i.e. Bosnia-Herzegovina, Macedonia, Montenegro, and Serbia. The Croatian case is an exception here: although there was a war on its territory which lasted until 1995, organizational legacies helped to stabilize the peak level union in the period after the war ended and to redefine its role as an important civil society and political intermediary actor (see esp. Grdesic 2008, Kokanovic 2001). The Croatian peak level union is a constrained union since the dominant state-building elite was rightist which supported the self-organization of war veterans, while it was hostile to the self-organization of workers and others with related collective identities.

An interesting by-product and finding of the research the issue of trade union conceptions of the state and relations to it. Namely, I found that the Slovenian ZSSS strongly identified with the state, understood as both welfare and regulatory apparatus. Defensive protest actions were often framed as a defense of the state vis-à-vis financial capital or global ‘privatizing’ or ‘deregulating’ trends. In contrast, the SSS continues to play a marginal role in Serbia, overshadowed by a dominant apparatus epitomized by its technocratic elite and more importantly, its large coercive apparatus in a rather hostile international environment. For

Serbian unions the state reference is also indispensable – i.e. for the failure or paralysis of the union, a popular answer commonly given by Serbian unionists is that this is due to state failure. The explanation or justification thus stresses union dependence on the state. The case of Poland is the most complex, especially since Solidarity and the OPZZ had opposing conceptions on the exact functions of the state. Whereas Solidarity had historically come closer to advocate for a weak state and self-governing civil society a-la Great Britain or the United States, while also supporting union participation in political elite and state bureaucracy formation, the OPZZ stressed more the need for a stronger, yet impartial secular arbiter run by a sufficiently powerful and autonomous bureaucracy (Jagusiak 2004). In the case of Solidarity, it is especially fascinating to observe the trade union's continuous fight against coercive regulatory agencies: the communist state, the democratic Polish state and more recently, the EU. Union conceptions of the state remain an exciting research topic for the future, not only in the selected cases, but also in other post-socialist countries. Such a perspective also communicates well with and enriches recent research on trade unions in the new EU member states (see esp. Meardi 2007b).

A possible way for further research is historical institutionalist in nature and suggests a clearer focus on the importance of state for self-organization of labor. As such, it comes as a corrective to assessments on the role of 'state' or the political elite on union trajectories.³⁵⁰ Namely, my findings suggest that the state, understood as a historical construction, in addition to the transformative political elite, matters for unions' strategic behavior and trajectory. One crucial difference between the three cases I analyzed seems to be in the historically constructed 'function and the character of the state' (Rothstein 1998: 151, Birnbaum 1980, Badie & Birnbaum 1983) understood as the level of state centralization (or 'strength') vis-a-vis

³⁵⁰ In the most interesting assessments, the focus was either on the history of political party-union relations (Avdagic 2004) or on the general history related to the timing of industrialization and political capital stemming from it (see esp. Pollert 1999).

decentralization (‘weakness of the center’) as well as state function vis-a-vis the civil society. In addition, the timing of state building vis-a-vis industrialization, and self-organization of labor predefines the pattern of labor incorporation into the polity. Applying this consideration to my cases, not only that the post-socialist Serbian, Slovenian and Polish states reemerged or redefined themselves rather differently and emerged as (de)centralized and with or without independent state bureaucracies, but the establishment of these modern states had deeper historical roots, while processes of industrialization and self-organization of labor also differed markedly.

Historically, the Serbian state came into being in a ‘predatory international environment’ in the late 19th century. Here the police apparatus and illiberal practices were indispensable for state operation (Manetovic 2006), and it was the military which fostered industrialization. Such a state never allowed nor necessitated bureaucratization of organized labor in industry: instead, the anarcho-sindicalist answer was widespread, with very militant and anti-statist pockets of labor. When communism was established, the Stalinist coercive ‘civilizational’ (Volkov 2007) modernization process of industrialization fought in an institutional manner against all forms of labor militancy in industry (cf Jovanov 1979). *Ceteris paribus*, it was in the public sector where unions enjoyed the most beneficial position, since state bureaucracy and the public sector were professionalized and enjoyed some autonomy. In the post-1989 period, above-plant unionism was strongest in the public sector while organized worker militancy was limited to the most privileged and most radical plant level trade unions. At the same time, in urban areas the anarchist, or elsewhere a local clientelist-communalist labor answer held a great appeal.

Quite different is the case of Poland. Displaying amazing vividness and broad but layered social base, the state emerged dramatically as a phoenix from the ashes both in 1919 and 1945 (Dziewanowski 1977) but at the brink of another catastrophe it was also redefined most

successfully after the great compromise of 1989. The Polish state is a highly eclectic state: it relies both on civil society autonomy (in this sense, the state is liberal or weak), with periodic traditionalist paternalist practices of the center, and an autonomous and professional, yet fragile state bureaucracy. As such it is somewhere half-way between the liberal-weak state cum autonomous civil society and strong business community of Great Britain and the centralized yet politicized (partisan) state bureaucracy of Germany (cf. Birnbaum 1980). Polish unions played a role in the construction of the state, but not as a united force. While unions there have struggled for their own autonomy they have also supported various types of incorporation.

Finally, Slovenia is unique since it established itself as an independent state only in 1991 in a process, as I have shown, in which the dominant peak level trade union actively participated. However, Slovenian state and nation-building originated several decades earlier even within the federal structure of Yugoslavia (Woodward 1995b, Woodward 2001). Industrialization occurred later than in Austria, but the process stemmed from the beneficial situation for developing domestic industry as well as domestic labor as the basis of the nation using the relatively large market within the territory of the Yugoslav Kingdom to expand in the interwar era and later under self-management socialism. Under self-management, organized labor was incorporated through social compacts running on territorial lines, which in turn were typically dominated by single export oriented companies. The Slovenian state building process showed interesting details which resembled developments preceding corporatism especially characteristic to countries in Scandinavia and Austria in terms of the role of the state in relatively ethnically homogeneous societies: these were centralized states but not closed off from civil society and the business community, bureaucratic and professionalized but not authoritarian states (Rothstein 1998: 152, Katzenstein 1985). Thus, in the Slovenian case, as Katzenstein (1984: 136-140; 2003)

suggests, a prerequisite for democratic social corporatist state building was cross-class collaboration between the entrepreneurial strata of employers/managers and organized labor. In small Slovenia, a similar process occurred as in Austria, only some decades later, culminating in the literal elimination of the Right after World War II. Historically, Slovenian state nation building emerged from socially homogeneous territorial communes. The timing of industrialization, periodically favorable international politics, the rather homogeneous social structure all shaped the social corporatist setting as a ‘strategy of domestic defense’ (Castles 1988, 1996: 92-3) and reinforced cooperation between representatives of business and labor under the auspices of the state dictating the need for compromise (Luksic 1992). Curiously, during Yugoslav disintegration and during the struggle for independence, the success of Slovenian state building (cf. Lazic 1995, Offe 1987) was based on a rather conservatively defined political community on behalf of which ensued a discussion over property rights. This discussion was led by Slovenian export oriented enterprises as major representatives of domestic capital, in which trade unions also took part. From a corporatist standpoint, the interesting and perplexing issue plaguing contemporary Slovenian society remains the issue of property rights, the size of the redistributive welfare regime and the final outcome of privatization which today makes the coalition of labor and export oriented business highly fragile, or even superfluous.

Apart from conceptualizing a historically rooted union-state perspective, this dissertation also contributes to understanding legacies which matter for future union trajectories. Throughout the region political opportunity structures are continuously contracting: transnational capital is undermining the position of labor, as standards of work conditions, industrial relations, and social welfare are deteriorating (Bohle & Greskovits 2007, Meardi 2007b). This being the case, the question is not only whether but how long can we expect legacies to matter?

One might argue or expect that the importance of organizational legacies has faded or is fading away in the long run, or more generally, that all post-socialist countries unions face the same destiny and converge to taking up similar trajectories due to large external pressure. I am far from providing a full answer to this question. However, even if generally this is the case in a projected long run, one should not underestimate the impact of organizations as significant articulating channels of social responses to external forces. The Slovenian case shows that irrespectively from the recent great shock on the country, specific redefined organizational features or legacies of unions from the critical juncture period still matter as the way how the main union has been articulating its voice in the political arena. It is also worth noting that among all cases analyzed here, the Polish peak level unions, especially Solidarity but also the OPZZ not only launched new forms of public action, but as a new external actor emerged, they have also showed capacities in revitalization and indicated signs of organizational growth since 2004, which is not at all characteristic of the region³⁵¹. This once more highlights country specific variations in union legacies, particularly of varying organizational capacities of unions to question their ‘outdated’ practices, learn, adapt to the new environment, implement new practices or even to reorganize.

³⁵¹ See: Mark Carley 'Trade union membership 2003–2008'
<http://www.eurofound.europa.eu/eiro/studies/tn0904019s/tn0904019s.htm#hd3> Accessed March 12 2012

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