

**Romanian Labor Movement Between Workers' Padded  
Coat and European Values: New Perspectives on  
Romanian Trade Unions<sup>#</sup>**

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## **Introduction**

After 1989 trade unions acted in Romania as some of the most active organizations. They captured the first pages in newspapers as well as the attention of columnists and political scientists. The opinions on trade unions as organizations, as well as the image of the influence of trade unions on the decision-making process, and their leaders' activities are confused at least at the level of public opinion. The paper tries to analyze two latter issues from the point of view of the process of integration in the European Union and the process of democratic consolidation. After positioning the approach in the theoretical and conceptual framework, including the general approach and the particular one, focused on the labor movement from East-Central Europe, I will present some elements of the reform of Romanian trade unionism after 1989 in order to underline the changes that the labor movement faced in the last decade. Then, I will present the methodology of the empirical analysis and the two research waves. In the fourth part of the paper I will analyze the way the tripartite relations are reflected in the collective agreements and the evolution of the social conflicts between 1992-2001, offering some perspectives for the near future. Finally I will analyze the position of the trade unions in the process of integration in EU, and the attitudes that the leaders of the main Romanian trade union federations and confederations have towards the democratic processes, the type of relationships that they have developed with the employers' associations and with the different branches of government.

## **Issues of trade unionism**

In the last decade virtually every paper on the labor movement in Europe observed a decrease in membership number both in Western and Eastern Europe. The causes are in great part different for the two regions. In European Union three levels of causes may be identified (Waddington et al 1997). At the individual level are the most important causes, like immigration diversification and extension, wage individualization, adoption of individual positions in industrial relations, retirement specific social cycle, the gap between generations and the unemployment. The institutional level causes are: bureaucracy, absence of trade union

internal debates, excessive centralization. At the structural level the causes are: sustaining the government by unions, losing the union efficiency and destructuring the workers' pole – continuous workplace differentiation.

In East-Central Europe the industrial relations conditions are different from Western Europe and among the countries in the post-communist region. While at the individual level the determinant factors of union crisis are unemployment and lack of workplace security, at the structural level the factors are: an increase in importance of the tertiary sector, as well as increase in importance of the private sector and decrease of the state-owned sector, and finally, the agreements between some unions and the political parties. The latter was translated at the individual level in decrease of trust in trade unions and union leaders and low levels of membership participation in the actions organized by unions.

When analyzing the issue of trade unions' crisis, the scholars tend to be moreover pessimists than optimists. As Adelheid Hege underlined (1997, 498-514) one could identify three main obstacles for europeanization of trade union movement: national positions of trade unions present clear cases of the recoil, the supranational structures of union movement are weak and inefficient, convergence requirements if union actions are almost imperceptible. Despite these unfavorable factors, European trade unionism benefits from the "representative capacity" – representation of union members and collective identity aggregation (Hege 1997). In the same matter, Peter Leisink (1996, 2-3) argues that, in order to surmount the critical phase, trade unions need coordination and collective action at the supra-national level. However, the present context serves to contest the call for "centralization of regulatory capacity", which was bound to fail in absence of organizations possessed of not just the ability but also the motivation "to make binding commitments at the central level" (Streeck and Schmitter 1992, 207). Other scholars like Reder and Ulman (1993) and Visser (1996) analyzing the unions' capacity to initiate bargaining processes at the supranational level, in order to replace traditional national level bargaining power, argued that this transformation is delayed by several factors like employers' reluctance and resistance, tenacity of national unions and last but not least, an unfavorable EU context for a union-state alliance necessary to create strong supranational institutions.

In a more simple way Richard Hyman considers that trade unions will have to choose, after an internal reform process, between an identity of a producers' collective organization and that of a consumers' individualistic organization. The problems that confront trade unions are not only those due to societal institutional and structural changes, but also those linked to the definition of the interests they represent, identification of the most important problems and the methods and procedures to solve these tasks. Richard Hyman argued that pursuing internal

solidarity is the key element for solving these problems. As well, these qualitative issues in achieving solidarity are based on three key causes. Firstly, one has to deal with *internal differentiation* inside the active population, with clear links in the social individualism phenomenon. Achieving solidarity is considered by trade union leaders to be very important for the organization, because the working-force is not homogenous, there are manifest sectional differentiation inside it, like for example education, professional training, wage, specific personal interests, activity sector, different values. Last but not least, this is due to that fact that internal conflicts and competition have, in most cases, negative implications for employees, and the fragmented groups tend to be mutually defeated. Having in mind a normal (Gaussian) distribution of the traditional union movement (the extremes are represented on one side by those with high education, qualification and career expectations, on the other side by those poorer, more vulnerable and with a less secure workplace, while in the median zone there is the majority of the working-force, the so called core of the workforce, characterized by relatively secure workplace and average wages), we could consider that unions have only two options for development. Either concentrate on specified and limited occupational interests based attachment, or make appeal to a more diffused set of interests, that could overpass local particular identities.

A second cause is considered to be the *intensified competition*, economic deregulation, transnational concentration and centralization of capital (commonly conceptualized from the globalization perspective), which lead to a zero-sum game and encourage the application of micro solution to macro problems. The 90's market constraints challenge the union movement also. The macroeconomic policies that included the conditions for reaching full-employment are modified under the pressure of globalization. Inside European Union this has been reflected in policies that encourage both the direct investments between EU members and a process of European corporations' consolidation through mergers, take-overs and alliances (Hyman 1997, 524). This internationalization of some significant national capital segments changed the national interlocutors for the trade unions. The multinational or transnational corporations imposed significant constraints on the industrial relations national agenda. These new constraints imposed new challenges for the unions. A first one is the implication in companies' competitiveness and development policies. This often implies bargaining between unions and employers' associations, with an outcome in which unions abandon traditional aims like increasing wages, and even support wage cuttings, in order to increase company's competitiveness. Secondly, these constraints could determine egoistic sentiments - the company or the local production plants must survive, even if this negatively affects the

workforce inside the same union. Thirdly, international competition produces categorical differences between winners and losers, a zero-sum game inside the workforce.

The last cause is the *erosion of egalitarianism* inside union movement, reflected in the deepening of differences between unions, in the eclipse of the communist political and economic model, as well as in the weakening of the social-democratic model (Hyman 1997, 527). After the Second World War the economy in Europe (especially in, but not restricted to, Western Europe) developed on the basis of policies that favored national union movement consolidation. These policies produced egalitarian commitments such as narrowing the income differentials between social classes, progressive taxation and universal access to social benefits and services. This situation could be characterized as a “socialism within one class, and often within one gender” (Hyman 527-528). Capital internationalization and global economy competition pressure, together with monetary constraints inside EU produced a decrease in egalitarian commitments and marking of differences between union segments. The issues of labor movement, outlined above, guide us to the identification of specific issues of the post-communist labor movement.

### **Perspectives on the East Central European unions**

The role of the trade unions in the newly born democracies has been a matter of intensive debate during the long and demanding process of democratization. The role of trade unions in the democratization and consolidation of democracy process is an under-explored issue in the field of political science, especially when looking at the literature focused on Central and Eastern Europe. When analyzing issues of consolidation of democracy scholars tend to pay little attention to the role of trade unions as organizations that convey their members’ interests into the political arena. Taking into account the role that trade unions play in the process of citizens’ interests representation, political scientists could reconsider the importance of these organizations not only in the issue of citizens’ voice but also in that of democratization. The question related to the type of attitudes that the trade union leaders have about the process of democratization and liberalization is an extremely important one, the clarification of which can have important consequences on the negotiations between the employers and the unions, and on the role of trade unions in the civil society.

In analyzing the role of the trade unions in the democratization process one also have to keep in mind that they belong to the social environment in which they have appeared and that it is in this environment that they have to act in order to push for a certain implementation of the public policies that they favor. In this environment the different groups get into

conflictual situation thus contributing to the generation of alternatives and to the selection of the acceptable solutions from the possible ones.

Unions are usually considered as representatives of their members' social and economic interests (Hyman 1997, PHARE Guide for Social Dialogue in Romania 1997). Together with other formal and informal organizations, trade unions form the civil society, which was metaphorically labeled by Larry Diamond and Thomas Metzger as "ideological marketplace [characterized by a] flow of information and ideas" (Diamond 1999, 222). Furthermore, trade unions as part of a "web of social and political organizations" can play a significant role in shaping the individuals' interests. As Dietrich Rueschemeyer underlined (1998a, 11) these interests would be less clear and developed and certainly would not lead to public expression unless they are clearly organized inside the associations and the network they developed.

In East Central Europe trade unions are the most powerful and largest socially based organizations. Even before 1989 they were the largest organizations in terms of membership. Despite this fact, obviously, trade unions could hardly have been considered as autonomous or independent from state organization in the communist period. In fact they were organizational tools of the single party to control the individuals at workplaces and to spread the official ideology. The exceptions were *Solidarnosc* in Poland and for a few days The Union of Free Trade Unions from Romania in mid 80's.\* The situation changed after 1989. New independent trade unions were formed or the old unions were transformed by their members. The membership declined tremendously from almost 100% of the labor force to about 50% according to union lists, and to less than 30% according to opinion polls.

After 1989 trade unions still remained an important actor. Integrated in the larger European wave, Eastern European countries face the empowerment of social actors (including trade unions), a fact that led some scholars talk of the rebirth of corporatism, viewed as the inclusion of organized labor market actors in concerted public policy formation and implementation (Armingeon 1997, 580; Schmitter and Grote 1997).

### **Union Issues in East Central Europe**

After 1989 the trade unions from the former communist countries faced the necessity to change the organizational system on which they were based during the communist regime. When analyzing the labor movement in the region we could identify clear differences, largely

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\* This union was banned immediately after its formation, when the small group of members was discovered by the *Securitate* officers.

due to past-dependence, but also clear similarities. Further I shall give an outline of the labor movement in four countries: Hungary, Poland, Czech Republic and Romania. In addition, the outline will present the case of East Germany, nowadays the German Eastern *Länder*. The changes in society, politics and economy were doubled by changes in labor relations. Trade unions had to face new realities. The property bases were changing and these facts were reflected in the industry. The state renounced step by step to its role in economy and developed its relationship with the labor movement on new basis: the tripartite dialogue. Of course, each country has its specificity, for example Poland had a strong experience with independent unionism, and Hungary in the late 80s had quite autonomous unions mainly in the higher education field. Contrary, Romania did not have this type of experience and the unions had to “learn” how to be independent just after the 1989 revolution.

The role of trade unions in the post-communist countries was assumed to be that of building the agreement on economic policy and to ensure the social peace (Kubicek 1999). Paul Kubicek (1999, 83), argued that strong trade unions contribute to the government of society and to the success of programs for economic recovery.

Let me start with the case of Hungary in analyzing several features of trade unions. In the late 80s and early 90s trade unions approached an alternative organizational type opposed to the communist one. It was influenced by the Solidarnosc experience, and put emphasis on the civil society-based character of unions (Tóth 2001). But, like in all the countries from the region, trade union movement experienced large fragmentation and decentralization (Stark and Bruszt 1998, 171, 239n9). The union movement in Hungary is based on three levels: company level, federation level and confederation level. The basis has been put on lower strata that enjoyed almost complete freedom in actions. Central union headquarters played only a communication role. As Tóth András underlined this measure could be seen as a mean to prevent exit and raise chances for voice (Tóth 2001). Between 1991-1993 trade unions experienced a change in roles. They emphasized the members’ mobilization based on feeling of solidarity and of civil society (Tóth 2001). MSZOSZ, ASZSZ and SZEF, the three largest heir organizations of SZOT (the former communist central union) were the main competitors for member mobilization in relation with tripartite bargaining. Political parties realized the importance of trade unions in society and used the tripartite council to increase the legitimacy of governmental policies (Tóth 2001).

The union’s strength became more and more an ideal rather than reality. The number of strikes decreased dramatically, and unions took the economic reforms for granted (Tóth 2001; Neumann 1999, Greskovits and Bohle 2000). At the same time membership in unions decreased dramatically. Laszlo Neumann (1999) argued that unions’ membership was based

almost entirely on blue collars and the white collars preferred to leave union organizations. Also, he argued that the number of active union members is very low, reaching less than 10% of the membership. Tóth assessed that only in certain economic sectors the unions manage to expand, like in metallurgy and retail trade. The unions directed their efforts for gaining new members in previously ignored groups, like youth, women, temporary workers and service workers (Mako and Simony 1998, 97).

As a result of intense decentralization and fragmentation unions faced the dissolution of their educational and training systems. Lately, researchers in the field observed a tendency toward re-combination of unions in an attempt to regain power. After 1998 elections the center-right government did not take into consideration trade unions as the previous government did, moreover oriented its policies toward elimination of tripartite bodies. As a consequence trade unions face the erosion of their power and influence in society (Tóth 2001).

The path of transformation of union movement in Poland is similar to the one from Hungary. In the late 80s Solidarity revived and gained strong representation in enterprises. However, in a similar trend as one can observe in Hungary or Romania, Polish unionism faced high degree fragmentation and decentralization. Economic transformation established by the Balcerowicz Program put trade unions in front of a new situation: severe reforms that affected their members' quality of life. Between 1989-1991 Solidarity sustained the economic reforms but after that, between 1991-1993, Solidarity's cells from companies withdrew their support for the economic reforms (Pankow and Gaciarz 1998, 30-31). After the 1993 elections, Solidarity faced severe fragmentation; thus, the biggest union lost much of its social powerful support.

Workers' participation inside companies during the economic reforms also declined in importance. However, in a large number of companies, workers were co-interested in the privatization, about 800 companies being registered as workers' commercial societies (Pankow and Gaciarz 1998, 36). In spite of this, the goals of reformers and trade unionists became incompatible. An important contradictory feature of Solidarity confused their members and concurred to the decline of unionism in Poland: leftist orientation in the economic sphere, but rightist orientation in politics by anti-communist positions and conservative traditionalism (Rychard 1998, 34). As in the case of Hungary, strikes decreased in intensity in the second half of the 90s and union representation, power and mobilization eroded rapidly (Greskovits and Bohle 2000).

Romania did not experience large independent union movement before 1990. Trade unions faced their independence rapidly after the revolution. From party-controlled

organizations they turned partners of the state in the tripartite dialogue. However, the slowness of privatization meant in fact that the state was often both employer and mediator in the tripartite bargaining. This situation changed moreover after 1996. Trade unions faced in Romania the same experience as the ones from Hungary and Poland: high fragmentation and decentralization (in the early 90s there were about 30 national confederations). Their membership decreased systematically from almost 100% to less than 40%. Also, recruitment was almost absent at the company level. Only the branch federations and the national confederations had recruitment policies. From the industrial based type of organizations, having the enterprise unions as principal cells, the union movement in Romania intends to adopt a professional based type, like the one that is specific in Germany, with national unions as the base of unionism. However, this new type could have negative aspects like diminishing of leaders-members contacts and over-centralization of national professional unions, but in the same time could offer a possible solution to the union identity crisis. The Romanian labor movement will be analyzed more closely in the fifth part of this paper.

As concerns another country from the former communist block, the Czech Republic, even from the start of the economic and political reforms, Czech trade unions represented a partner rather than an opponent to the government. They were concerned from the beginning of post-communist transition to play an important role in the drafting of future legislation in the field of social relations (Mansfeldova and Cambalikova 1998, 112). The tripartite organs secured the place for unions in this part of the legislative domain. However, at the branch level trade unions are weak: they could not impose collective negotiations at this level, as in the case of Germany or Romania. In contrast with the other East Central European countries, trade unions in the Czech Republic acted in a very cooperative way in relation with the government: strikes were almost absent; memorandums and negotiations were the methods preferred by unions. Also, the neo-liberal governments after 1990 preferred to reduce to the minimum their cooperation with the unions. This was clearly reflected in the low degree of capacity to obtain results that could satisfy the interests of their members (Mansfeldova and Cambalikova 1998, 125). Meanwhile, the union membership decreased. Unions focused their attention on companies larger than 100 employees. According to Vlacil and Hradecka and Mansfeldova and Cambalikova (1998, 125) unions are present only in one out of four companies of this type. The possible explanations for this situation are given by employees' inactivity and disinterest to forming a union, and the employers' opposition to this type of organizations.

The situation in East Germany (Eastern *Länder* of Federal Germany) is determined by the unification with West Germany, but still presents some aspects encountered in other post-

communist countries. The formation of new parties shaped the development of trade unions. The Social Democratic Party tends to strength its ties with the eastern unions. However, trade unions faced in East Germany a large decline in membership, due to the high rates of unemployment in the early 90s (about 15%). The Western unions rapidly extended their organizations in the former GDR after unification. In fact the unification introduced in the East Germany the West German – based institutions of corporatism, as Stark and Bruszt argued (1998, 176, 178). Because of the false impression that unions will manage to secure their workplaces, about 4 millions Eastern Germans joined the newly formed unions (Rueschemeyer 1998b, 114). Due to the rapidly increasing unemployment, unions lost in two years 1.5 millions members. A specific situation developed soon in East Germany: workers soon preferred to be active members in works councils than to be actively involved in union based activities. They considered the risks being higher in case of latter. Thus, the levels of participation were very low in trade unions due to high insecurity of workplace (Rueschemeyer 1998b, 116).

Marilyn Rueschemeyer (1998b, 118-120) argued that in East Germany SPD had less success in strengthening its connections with the unions than in West Germany. Unions became skeptical about linking their activities to a party. Moreover, the elections that took place after 1990 showed that union members directed their vote more toward PDS (successor of the former Communist Party) than toward SPD. The situation of unions in East Germany is clearly affected by the economic changes and the historical background. However, the union-based activity is the largest one, compared to other activities in voluntary organizations, in East Germany – more than 10% of the adult population is doing unpaid work, compared to 1.7% in case of Western Germany (Wessels 1998, 216).

The situation in East Central Europe seems to be paradoxical. After 1989 the conditions for a democratic regime were created. But when the avenues of political participation are enlarging in democracy, one faces the declining of trade unions, their fragmentation, declining inclusion in the policy-making process and declining in membership. Thus, the mobilizing role of trade unions is endangered in East Central Europe. However, this pattern was underlined also by Robert Fishman in case of Spain (1990). As it has been presented the previous section, during the democratic transition trade unions were affected by the economic crisis and the economic reforms. This could be a possible explanation for the state of trade unions in East Central Europe. Also, it is possible that the unions developed in this region are nothing but remnants of the older, communist unions, and the nowadays leadership is not prepared for the reshaping of union interests and mobilizing role.

The research findings presented in this paper are concerned with the attitudes that the leaders of the main Romanian trade union federations and confederations have towards the democratic processes, the type of relationships that they have developed with the employers' associations and with the different branches of government, but also with various associations of the civil society and here we mean the NGOs. Generally the findings try to identify the issues of the unions' crisis in Romania, as well as the solutions that unions could identify in order to re. The expected findings, partially confirmed at the end of the research, were that the unions have a preminent role in the Romanian democratization process, that they represent a key actor in defending the interests of the employees, and that they are the major pressure group exercising a strong influence on the governmental decisions and policy formulation.

## **Methodology**

The study is based on two waves of 105 long interviews and questionnaires applied to leaders (president, vice-presidents and secretary general) of the main Romanian union confederations (BNS, Cartel Alfa, CSDR, CNSLR- Fratia), to leaders of several other main federations, and to leaders of company level trade unions. In the first wave<sup>\*</sup>, the sample consisted of 30 confederation and federation leaders, that were interviewed and 30 company level union leaders to whom a questionnaire was applied. In the second wave<sup>\*\*</sup> the sample contained 45 confederation and federation leaders. In this wave the leaders were asked to fill a questionnaire based on the interview guide and the questionnaire used in the first wave. The selection of the leaders was non-random, the criteria for selection being the representativeness according to the Law of Collective Labor Contracts.

The questionnaire used in the researches was drafted around the following but not exclusive topics:

1. The decision making process within the union itself.
2. The decision-making process within the Federation or the confederation.
3. The relationship between the unions and the legislative power.
4. The relationship between the unions and the government/ the executive power.

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<sup>\*</sup> The first research wave was conducted between April and November 2002, under the auspices of Filia Center SNSPA, with the grant No. B-KE7-2002-15519/15.03.2002 offered by Open Society Foundation, Bucharest.

<sup>\*\*</sup> The second research was conducted between May and June 2003, with a team of three students under the auspices of Invisible College – Romanian Society of Political Science, and was financed by a grant from the American Embassy in Bucharest.

5. The relationship of the union leaders and the political parties (leaders' migration towards party politics).
6. The leaders' interest in politics and their knowledge about the current political events, both domestic and international.
7. The leaders' opinions about the current Romanian legislation regarding the labor relationships.
8. The leaders' opinions on the tripartite arrangements.
9. The leaders' opinion on the subsequent social welfare policies in post communism.
10. The leaders' perspective on the unions' potential to play an active role in the transition towards democracy.
11. The leaders' proposals for the government.
12. Positions of unions / leaders vis-à-vis the integration in EU

Among the issues focused in the questionnaire a particular attention was paid to the confederations and federations' point of view in respect of the union leaders' migration towards the political parties and their detaining of parliamentary seats. This is a very important matter since the trade unions represent a very important stake for the political parties due to the potential for electoral support that they can offer. On the other hand the parties are an important target for the unions for two main reasons: the financial capital that the parties can allocate for the problems that are union specific and the opportunity to get launched into the political realm that the parties can provide union leaders with.

### **Reshaping the union movement after 1989 in Romania**

The current legal environment institutionalizes the tripartite social dialogue at all levels of the national economy and lays down the foundations of the bipartite dialogue – which could replace the current tripartite dialogue between unions, employers' associations and the government. The trade unions' law, No. 54/1991, was abrogated by Law No. 54/2003 from February 05, 2003. The Labor Code of the Romanian Socialist Republic (Law No. 10/1972) was abrogated by the new Labor Code (the Law No. 53 from January 24, 2003). The Law No. 109/1997 on the organization and operation of the Economic and Social Council formed the groundwork for social dialogue between the national government, trade unions and employers' associations, at national level. Government Decision No. 314/2001 frames the

formation, organization and operation of the consultative committees in charge of social dialogue that operate under the Ministries and Prefects' offices. It institutionalizes the sectoral social dialogue and provides the grounds necessary for the implementation of Decision No. 98/500/EC governing the formation of Sectoral Social Dialogue Committees in order to promote the social dialogue at European level. However, these committees are functioning only on paper and were none of the social partners put pressure for the enactment of these committees.

The legislative framework was modified by a new Labor Code, which was lined up on the government's agenda at the end of 2002 with pressures from the European Commission and Romanian social partners. The enactment of this piece of legislation was followed by some dissatisfaction from both trade unions and employers' associations. Unions were mostly unhappy with the fact that employees were actually not protected against employers. In turn, employers were unhappy with this document that allegedly increased the power of employees and unions too much – thereby driving employers into having to get around the law. The reason why the government moved so fast toward adopting the new Labor Code was that – according to the agreements with the European Commission – this Code should have been adopted in early 2002 and – if so needed – and if it is necessary it should have adopted by engaging the government's responsibility, which has been done actually.

Under Law No. 168/1999 governing the settlement of collective labor conflicts, the Romanian lawmaker clearly indicated the ways in which an employee or a group of employees could defend their interests by starting a collective labor conflict. In Romania, after December 1989, these types of conflicts became commonplace and it actually became a rule that a labor conflict should develop into warning strikes or general strikes. Parliament has sought to restrict the possibility to resort to this type of protest, by imposing certain clear-cut prerequisites that would condition the official approval of a strike. Yet trade unions have always managed to skip some of the preliminary stages of a strike, *i.e.* certain procedures that would actually extend these preliminaries to more than one month, and therefore managed to go on strike much sooner than the law allows it. That is why sometimes incumbents managed to have strikes suspended on grounds of their illegality. Over the past 12 years a lot of trade unions managed to enter into some sort of informal partnerships with the employers' association in order to defend and achieve certain common concerns, such as blocking privatization or "self-rescues" from corporate bankruptcy. That is why employers sometimes refrained from protesting against the legality of the strikes.

The law on collective labor conflicts' resolution is extremely controversial. One should recall that there were no less than 15 motions of unconstitutionality filed by different

individuals and organizations, such as various Chambers of Commerce and Industry across the country, back in 2001 and the first six months of 2002. Unconstitutionality was largely caused by the inconsistent legislation that covers labor and tripartite relations, but also by the belated amendment of the Labor Code, which should actually contain and unify the labor legislation and implicitly tripartite relationship legislation.

Over the transition period, the Romanian union movement is largely characterized by: unionization rate higher in Romania than in the EU countries (*see Table 1*), low unionization rate in the private sector, especially in small and medium enterprises; high union pressure in the majority state-owned companies; certain unions are “sympathetic” with each other and act accordingly; the ratio between the social partners was in favor of unions for the most part because of the stronger position that national and sectoral unions had, as well as because unions are still rooted into the public sector; “skidding”, non-uniformity and unfairness occurred too. These characteristics must be taken into account in the process of integration in EU, and in the process of adopting the *acquis communautaire*.

**Table 1.** *Unionization rate and the total number of members by national confederations*

	<b>Members in the early 1990s</b>	<b>Members over 1996-1997</b>	<b>Members in 2001<sup>†</sup></b>
<i>CNSLR<sup>‡</sup> Frăția</i>	N/A	2,000,000	Approximately 650,000
<i>CNS<sup>§</sup> Cartel Alfa</i>	N/A	1,200,000	Approximately 250,000
<i>BNS<sup>**</sup></i>	N/A	700,000	Approximately 250,000
<i>CSDR<sup>††</sup></i>	N/A	600,000	Approximately 200,000
<i>Meridian Confederation</i>	N/A	600,000	Less than 100,000
<b><i>TOTAL / Unionization rate</i></b>	N/A / Approximately 90% <sup>‡‡</sup>	5,100,000 / ~70% <sup>§§</sup>	1,450,000 / ~35%

In the process of negotiation between union leaders and the government, for shaping a new organization form for trade unions, we could identify the project of the central unions’ leaders that initially imagined a radical reform. The new union structures would have been organized based on a professional model, to replace the current industrial model (see figure 1).

<sup>†</sup> Estimate based on figures provided by central union leaders. These figures were subsequently weighted.

<sup>‡</sup> CNSLR – Romanian acronym for *National Confederation of the Free Trade Unions in Romania*.

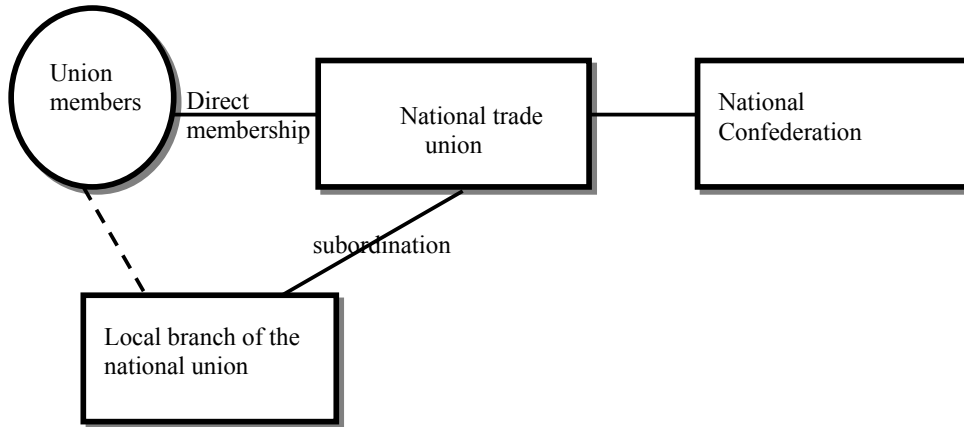
<sup>§</sup> CNS Cartel Alfa – Romanian acronym for *National Trade Unions’ Confederation Cartel Alfa*.

<sup>\*\*</sup> BNS – Romanian acronym for *National Trade Unions’ Bloc*.

<sup>††</sup> CSDR – Romanian acronym for *Confederation of the Democratic Trade Unions in Romania*.

<sup>‡‡</sup> Estimate based on figures provided by central union leaders.

<sup>§§</sup> Estimate based on figures provided by central union leaders.



**Figure 1.** *The organizational model of trade Romanian unions as it was envisaged by top-level leaders*

**Social conflicts – do unions give up to the workers padded coat in favor of other values?**

After several researches conducted between 1998-2003, that focused on identifying attitudes at the level of trade unions leaders, concerning the organization pattern of Romanian union movement and its transformation, I observed an unexpected shortcut of the collaboration and communication relations between company level unions on one part, and the federations and confederations on the other part. This situation, doubled by fragmentation and decrease in unionization rate, could be observed for the last 7-8 years, when in many cases – though less presented in mass media – the federations and confederations organized protest actions like strikes, manifestations, demonstrations that were ineffective. This result is caused buy the boycott of the actions or late reaction from the part of company-level unions, the only ones that could mobilize, collectively, a large number of people. By boycott one should understand here what Albert O. Hirschman defines as the action being at the limit between exit and voice, and an instrument used by individuals only in the case of inexistent voice alternatives, individuals that do not use exit.

Strike is one of the most widely used and efficient union action mechanisms. Strikes actually consist of organized collective and voluntary work stoppage that can only be carried out if there are no other ways of settling the collective labor dispute by means of a procedure laid down in the Collective Labor Conflicts’ Resolution Law. After 1989, trade unions used this form of protest extensively in order to force the Government into taking certain measures

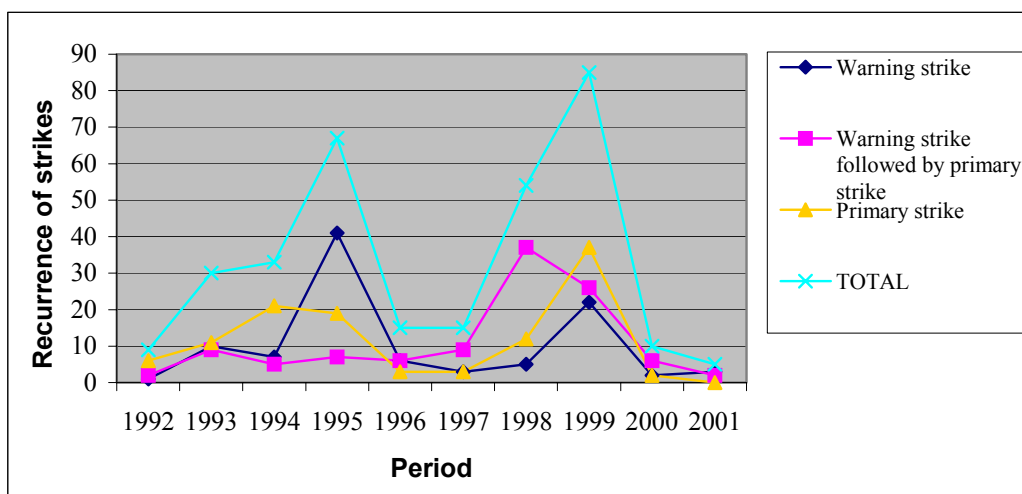
to satisfy their interests. Over 2000-2002, unions engaged in fewer strikes, as illustrated in *Figure 2*. Before that time interval, *i.e.* over 1998-1999, the number of primary strikes and warning strikes turned into primary strikes had reached their highest peak, topping even the strikes organized in 1992 through 1994 – which was the golden age of the Romanian union movement, when unions were more powerful than they have been since 1998. Taking into account the two administrations that spent their full mandate in office – 1992-1996 and 1996-2000 – we can talk about a significant increase in the number of strikes over 1996 and 1999, *i.e.* the periods preceding general and Presidential elections, which could be explained by the erosion of the relationship between the trade unions and the Government after the relatively calm post-election periods in terms of protests. As well, this confirms the findings, and represents a sign of unions’ identity crisis. Unions try to use the electoral period and the year before the general and local elections, for putting a light on their organizational power, and determining the incumbents to accept unions’ (and their leaders’) requests. These requests were materialized, in all the post-communist free elections, moreover into positions on the parties’ lists than into higher wages and more working places for the unemployed. This situation favored the continuous decline of trust in unions (see Table 2). The identified trend was confirmed by preliminary data of 2002 and 2003. In these two years the number of strikes increased significantly, compared to 2000 and 2001.

**Table 2.** *Trust in trade unions between 1997-2003*

mar 97	jun 97	sep 97	dec 87	jun 98	nov 98	may 99	nov 99	may 00	nov 00	may 01	nov 01	jun 02	oct 02	may 03	
28	21	24	26	23	29	30	15	14	19	24	21	24	25	17	+
50	53	49	57	57	55	60	66	69	65	55	58	63	63	65	-

Source: Open Society Foundation Public Opinion Barometer.

Note: The numbers in each cell represent percentages. “+” stands for “a lot” and “very much” trust in trade unions; “-” stands for “few”, “very few” and “not at all” trust in trade unions.



**Figure 2.** *Recurrence of strikes over 1992-2001.*  
*Data supplied by the Ministry of Labor and Social Solidarity*

### **Trade union values concerning EU integration**

The mass-media is an important socializing tool but also a source of information necessary for the political actions and political orientation of the individuals. Yet the emphasis the media puts on certain negative implications and traits justifies what certain experts say about the media being unreasonably negative too often.

The survey covered dailies *Ziua*, *Curentul*, *Jurnalul Național*, *Adevărul*, *Cotidianul*, *România Liberă*, *Evenimentul Zilei* and *Cronica Română* over January 2001 – September 2002. This analysis actually determined the size of the coverage of the conflicts going on between trade unions, the state and the employers’ association, including the matter of contention, the type of conflict, the size of the media coverage and the source. Having monitored the media over 2001-2002, the conclusion is that – overall – the print media portrayed trade unions in bright colors, which is not strange given that unions were usually analyzed in contrast to the Government, Ministries and various institutions, such as the APAPS (*The Authority for Management and Privatization of State Properties*).

Most of the coverage published and monitored over that time focused on pay raise claims by the unions. The print media covered labor conflicts against the background of the social agreements covenanted in 2001 and 2002, a fact which can be explained if we take into account the fact that somewhere during that interval of time trade unions accepted – by entering into those social agreements – to drop protests in exchange of a governmental agenda that should have also lined up the problems of the unions. Nearly 50% of the coverage insisted on the disagreements between the unions and the government, as well as on the

outbreak and intensification of the labor conflicts. This is what comes to emphasize the negative image promoted by the press.

Having analyzed the interviews and questionnaires used in these research surveys, all of the interviewed union leaders and respondents proved to be union members for more than 7 years. Also, an overwhelming 90% of the union leaders had been holding these positions for more than 7 years too. Confederation and federation leaders are – with just a few exceptions – men aged 40 to 55, higher education graduates qualified for the industry that they represent, having a high degree of interpersonal confidence which is mostly confined to their union members and co-workers. Local leaders are just the same, except for their educational background, which is high school or college.

As regards the European Union and related matters, unit level trade union leaders hardly have any information. They hardly know anything of the EU's tasks, its responsibilities and the differences between the pan-European institutions, such as the European Commission, the European Parliament and the Council of Europe. Trade union leaders have no knowledge of all these issues because federations or confederations never organize EU awareness meetings, in spite of the fact that union leaders have taken part in national and European training sessions, have visited their EU peers and have the time and the means to stay informed. Last, but not least, this is largely due to unions, and union leaders, focusing on critical issues, such as protecting their members' jobs, fighting for higher pay, monitoring compliance with the collective labor agreements and preparing and organizing union actions. What can be noticed indeed is the difference in terms of information between unit level leaders and central leaders. Central leaders are better informed than unit level leaders about the integration process. Unit level union leaders are less aware of how EU accession could impact Romania.

Both unit level trade union leaders and federation and confederation leaders believe that unions are more familiar with the problems and concerns of the employees than the employers' associations and the corporate management are. Also, leaders concur that if it had not been for the trade unions, employees would not enjoy the pay and working conditions that they do now. Furthermore, unit level union leaders and federation and confederation leaders are now considering the idea to unite the unions and have one union movement. The fragmentation of the union movement has resulted into several unions co-existing separately within certain companies.

Regarding EU integration in general, union leaders feel that it could benefit the Romanian economy. However, union leaders have pointed out that the integration should be complemented with anti-corruption steps, sped-up privatization and lower taxes. Union

leaders have always said yes to EU integration, yet the non-uniform influence they have upon their members still makes it difficult to popularize these favorable opinions.

Local union leaders believe that trade unions can hardly have any influence over the law-making process, while central union leaders consider that unions can influence this process efficiently or very efficiently. These divergent opinions are once again illustrative of how much dissimilar union-related information and perceptions can be. Unionized employees are much more tightly connected to local leaders than to central leaders, which brings home the conclusion that local leaders have better knowledge than central leaders of how union members see the unions. Unions consider that the Economic and Social Council is highly important for the overall tripartite relations. According to Law No. 109/1997, the Economic and Social Council is a tripartite and autonomous body that serves the public interest and whose task is to mediate the social dialogue between the national government, trade unions and the employers' associations and to support a social peace environment (article 1).

Trade union leaders' expressed eclectic opinions concerning several issues such as optimization of the integration in EU process, industrial relations legislative framework, the role of unions in the democratic consolidation, and their involvement in the decision-making process. In order to further the economic reform and thus improving the chances of a quicker acceptance into the EU, the leaders of the trade-unions consider that the state should inform the public opinion, implement a fiscal policy for economic development and for a grater equity in the distribution of resources. Among the proposed measures one could also find total privatization, a quick reform, rigor in the application of the European legislation, de-bureaucratization and the assessment of the already taken measures. On a second position, the leaders would enumerate the creation of well-paid jobs, the fight against corruption and embezzlement, the obvious need for adopting the *aquis communautaire*, the enhancement of transparency, the supporting of small and medium sized enterprises, the taking up of serious social research programs in order to become aware of the actual needs of the population, the encouragement of FDI, the development of infrastructure, the improvement of judicial system functioning, the establishing of a Labor Court and last but not least the education of the citizen with regard to his or her rights and liberties.

With regards to the possible revisions of legislation on the relationship between unions, government and employers' associations, the leaders suggest an increased role for the ESC, improvement of the relationships between the unions and the employers' associations, amendment of the legislation, positioning of the government as a referee and a guarantor between the two parties, institutionalization of social dialogue. On a second footage there are the efficient exchange of information between the parties concerned, the *de facto*

administration of the social security system by the three entities, the observance of the negotiated agreements between them and the efficacious functioning of the Administrative Council of the tripartite arrangements.

This question on the role the unions should have in a genuine democracy aimed at discovering which is the role that the unions ascribe themselves in the process of democratization and it was aimed at measuring to what extent they have accepted and internalized the democratic values of dialogue and cooperation. In this respect, they have identified the role of the unions with that of a “social barometer”, “a social buffer”, “conflict mediator”, “a main social dialogue partner” and a “true protector of the employed, the pensioners, and the unemployed”. Their role should be a supposedly active one, voicing the interests and problems of the work-force and especially of their own members. In addition to this they should represent an organized environment for consultations and participation in the socio-economic life. From these answers we can safely say that there is a high degree of adherence to the acknowledged democratic values by the union leaders who have placed an emphasis on such practices of dialogue, individual and collective rights, social partnership, tolerance.

The unions are, in their leaders’ opinion an example of democratic functioning: they practice open elections voting, the majority takes the decisions at the same time accepting the different points of view. The unions are also in charge of the task of pressuring the government for a more rapid democratization. Another democratic role is the involvement in the legislation creation. They play an important part in the socio-economic development as well as in ensuring the implementation of the law by all social partners and in the sanctioning of any kind of abuse, acts of extremism and xenophobia. The unions also consider themselves as an interest aggregating and articulating force within the civil society. On the other hand there has been a delineated answer pleading for “the corporate principle of governance” and for greater state interventionism. However, on the whole the answers have proved a tendency to ponder the impact of the unions as being expressed in an active participatory mode in the decision-making process.

Among the proposed changes for union involvement in the decision-making process, the relevant ones have been the putting forth of legislative proposals and lobbying for certain legislative projects, the holding of permanent consultations with the Parliament, the support of the legislative acts that are not strictly related to the labor relationships but which are of vital importance for development of democracy. Among the rather eccentric proposals are the creation of a parliamentary group and the running with their own candidates in the general and local elections. In drafting the governmental agenda, unions would like to be involved in

the process of establishing the necessary steps to be taken in view of the EU integration, to benefit from efficient negotiations, specific actions and regular contacts with the government. The application of the EU principles regarding the participation of the social partners in governance, the discussing and the analysis of the special situations presented by the unions, the creation of agreements with the employers' associations and the organization of research projects and analyses on partnership relationships also rank quite high among the issues that the unions would like to have approved of.

## **Conclusions and recommendations**

Trade unions represent for the civil society a mean for getting involved in the policy-making process. Last but not least, they are a network of institutions that include complex communication and liaison structures for a significant number of people, thus forming an organizational structure that makes it possible to convey/disseminate relevant information about European integration. The aim of the project was to provide significant information about the actual stand of Romanian trade unions vis-à-vis the EU integration process, by means of interviews with trade union leaders. And finally, this project was aimed at yielding a critical analysis of the EU integration as seen by trade unions, as well as at forecasting any contingent reactions from the trade unions to the phenomena inherent to EU integration.

Using the important resource of membership and mobilization, unions can channel discontent, moderate demand and fasten social compromise, thus stabilizing the political system. Unions should not be seen as organizations where the decisions are taken only by one part (members or leadership). Instead, they are organizations characterized by features like collective deliberation, dialogical interest shaping and reconciliation of leadership and membership objectives, features that allow unions to offensively use the power; open and concentrate the use of power; increase communication in terms of demands and explicit normative claims, and finally, shape particularistic advocacy of specific interests of the prospective beneficiaries of demands.

Taking into account the findings of the research and the identified union I could underline several recommendations for the decision makers.

- Enhancing the role played by the Economic and Social Council by making its approval mandatory and by providing it with wider powers, at least in terms of co-operation with the committees of Parliament.

- A direct and hands-on dialogue between the trade unions and the employers' associations. This is still faced with a shortfall partly because bipartite relations are dominated by unions from the state-owned corporations, while the employers' associations involved in this relationship are private. But this is expected to end as soon as the privatization is over and the government ceases to be mediator and employer in the same time.
- Associating trade unions into campaigns meant to raise public awareness over the implications of the EU integration, as concerns some social issues significant to union members, such as jobs, efficiency of the workforce and of the various branches of the national economy and the mobility of the workforce.

### **Bibliographical references**

- \* \* \* 1997. *PHARE Guide for Social Dialogue and Partnership from Romania*. Bucharest: Valahia Publishing House.
- Armingeon, Klaus. 1997. "Trade unionists and politics: a comparative analysis". *Quarterly of the European Trade Union Institute*. Nr.3, vol.III (November). 578-597.
- Diamond, Larry. 1999. *Developing Democracy. Toward Consolidation*. Baltimore: The Johns Hopkins University Press.
- Fishman, Robert. 1990. *Working – Class Organization and the Return to Democracy in Spain*. Ithaca: Cornell University Press.
- Greskovits, Bela, Dorothee Bohle. 2000. *Development Path on Europe's Periphery: Hungary and Poland's Return to Europe Compared*. Unpublished paper presented at "Rethinking Europe": UACES 30<sup>th</sup> Anniversary Conference and Fifth Research Conference. Central European University. Budapest. 6-8 April.
- Hege, Adelheid. 1997. "Trade unions in crisis – a European renaissance". *Transfer. Quarterly of the European Trade Union Institute*. Nr.3, vol.III. pp.498-514, Antwerp.
- Hyman, Richard. 1997. "Trade unions in crisis – a European renaissance?". *Quarterly of the European Trade Union Institute*. Nr.3, vol.III. (Noiembrie). 515-533.
- Kubicek, Paul. 1999. "Organized Labor in Postcommunist States". *Comparative Politics*. 32:1. (October). 83-102.

- Mako, Csaba, Agnes Simony. 1998. "Les relations du travail en Hongrie". In *Revue de l'IRES*. 26. (Winter). 61-104.
- Mansfeldova, Zdenka, Monika Cambalikova. 1998. "Les relations professionnelles dans les republique Tcheque, Slovaque et l'ancienne Tchechoslovaquie". In *Revue de l'IRES*. 26. (Winter). 105-138.
- Neumann, László. 1999. "Privatisation as a challenge for Hungarian trade unions". Paper presented to the Trade Unions and Industrial Relations in Central Eastern Europe seminar, Berlin, March 14-17.
- Leisink, Peter 1997, "New union constituencies call for differentiated agendas and democratic participation", *Transfer. Quarterly of the European Trade Union Institute*, Nr.3, vol.III, pp.534-551, Antwerp.
- Pankow, Wlodzimierz and Barbara Gaciarz. 1998. "Evolution des relations indistrielles dans la Pologne de l'apres guerre". In *Revue de l'IRES*. 26. (Winter). 7-60.
- Reder, Melvin, Lloyd Ulman. 1993. "Unionism and Unification". In Lloyd Ulman et all (eds.) *Labor and an Integrated Europe*. Washington: The Brookings Intitution. 13-44.
- Rueschemeyer, Dietrich. 1998a. "The Self-Organization of Society and Democratic Rule". In *Participation and Democracy. East and West*, ed. Dietrich Rueschemeyer, Marilyn Rueschemeyer and Bjorn Wittrock. Armonk, New York: M.E Sharpe. 9-25.
- Rueschemeyer, Marilyn. 1998b. "The Social Democratic Party in Eastern Germany: Political Participation in the Former GDR After Unification". In *Participation and Democracy. East and West*, ed. Dietrich Rueschemeyer, Marilyn Rueschemeyer and Bjorn Wittrock. Armonk, New York: M.E Sharpe. 99-131.
- Rychard, Andrzej. 1998. "Institutions and Actors in a New Deocracy: The Vanishing Legacy of Communist and Solidarity Types of Participation in Poland". In *Participation and Democracy. East and West*, ed. Dietrich Rueschemeyer, Marilyn Rueschemeyer and Bjorn Wittrock. Armonk, New York: M.E Sharpe. 26-50.
- Schmitter, Phillippe C, and Jurgen R. Grote. 1997. "The Corporatist Sisyphus: Past, Present and Future". European University Institute Working Paper Series. 97/4. Florence: European University Institute.
- Stark, David, László Bruszt. 1998. *Postsocialist Pathways. Transforming Politics and Property in East Central Europe*. Cambridge: Cambridge University Press.
- Streeck, Wolfgang, Philippe C. Schmitter. 1992. "From national corporatism to transnational pluralism: organized interests in the Single European Market". In W. Streeck. *Social*

*institutions and economic performance. Studies of industrial relations in advanced capitalist economies.* London: Sage. 197-231.

Tóth, András. 2001 „Trade unions at the intersection of economy and politics: the troubled attempts of the Hungarian trade union movement to establish a social-democratic industrial relations system”. Unpublished manuscript.

Visser, Jelle. 1996. “Traditions and transitions in industrial relations: a European view”. In J. van Ruysseveldt et all. (eds.) *Comparative industrial and employment relations.* London: Sage. 1-41.

Waddington, Jeremy, Reiner Hoffmann and Jens Lind. 1997. “European trade unionism in transition? A review of the issues”. *Transfer. Quarterly of the European Trade Union Institute*, Nr.3, vol.III, pp.464-497, Antwerp.

Wessels, Bernhard. 1998. “Social Alliances and Coalitions: The Organizational Underpinnings of Democracy in Western Germany”. In *Participation and Democracy. East and West*, ed. Dietrich Rueschemeyer, Marilyn Rueschemeyer and Bjorn Wittrock. Armonk, New York: M.E Sharpe. 203-232.