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ABSTRACT

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This article describes the evolution of social dialogue and collective bargaining in Poland between 2008 and 2012, arguing that the effects of the crisis have been asymmetrical in two ways. First, while Poland is the only EU country to have avoided recession in macroeconomic terms, the crisis has actually disproportionately affected labour through higher unemployment and worsening employment conditions. Secondly, in a decentralized system like the Polish one, effects of the crisis have differed by sector. Sectors exposed to international competition such as the automotive and steel sectors have suffered from job losses and major restructuring, while services and construction have withstood better. While social dialogue has been temporarily re-legitimized during the crisis, it plays only a sporadic role and a flexible, unsecure employment system remains in place.

Keywords: Trade unions, Collective bargaining, Poland, Crisis

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Introduction

The experience of Poland during the global crisis has been exceptional not only for Central Eastern Europe, but for the whole of the EU: it is only EU country which never entered recession, and where the GDP kept growing, by an average of 3.4% per year between 2008 and 2011 (data GUS). This was largely explained by the fact that Poland is much less export-dependent than other Central Eastern European countries, and that its underdeveloped financial system had not produced any credit-fuelled bubble. As a result, and in combination with increasing public investment from the Polish government and from the EU, aggregate demands remained unaffected by the crisis.

Nonetheless, the crisis was perceived in Poland, especially in the financial and the exporting sectors. At the political level, the crisis moderated the previous neoliberal enthusiasm, and led to the negotiation of an 'anti-crisis law' in 2009, which eventually was not approved by the trade unions. Among the measures introduced by that law, there was the possibility of company agreements to derogate from working time regulations. This innovation led to a wave of company agreements, but did not translate into a broader shift in Polish industrial relations. These remain characterised by disorganised decentralisation, weak unions and opportunistic labour markets characterised by 'exit' (dismissals, turn-over and emigration) rather than 'voice' (organisation and collective bargaining) (Meardi 2012).

The article will argue that the effects of the crisis have been perceived very differently sector by sector: those protected from the global economy have benefited from resilient internal demand and public investment, but the unprotected ones have suffered. After a review of the economic, political and industrial relations at the national level, different sectors will be described, before moving to the particularly interesting case of the steel sector. The Polish steel sector had been long considered to be exceptional in the country, thanks to relatively well-developed social dialogue and organisation, including multi-employer negotiation and agreements, although some studies had pointed at limits in the quality of social dialogue (Trappmann 2012). However, the crisis has hit the sector, not through falling exports (Poland is a net steel importer) but through the fall in internal demand and the worsening of international competitiveness: Polish steelworks had been privatised to large multinational groups, which had failed to upgrade production, leaving Polish sites in a very dependent and precarious position. As a result of the crisis, social dialogue in the steel sector met new strains, shattering hopes in a gradual natural progress in social conditions. The conclusion will draw the implications for the direction of Polish industrial relations.

The effect of the crisis at the national level

While Poland is the only EU country to have not experienced any recession since 2008, this is not to say that crisis has not been felt in the country: the macroeconomic data, in fact, hide deep social and sectoral inequalities in the exposure to economic uncertainty.

Employees have felt the crisis more than the employers. Company profits kept rising between 2008 and 2011, from 85 to 120mld PLN (data: GUS). But at the same time, employment fell despite production and profits growing. Unemployment had been declining in Poland since entry into the EU, thanks to both economic growth and to emigration, but the trend was abruptly reverted by the crisis. The unemployment rate, which had reached a historic record low of 7.1% in 2008, reached 10.1% at the beginning of 2012 (data: Eurostat). Among the factors that contributed to the rise there are the crisis of some labour-intensive sectors, like construction, but also the negative situation on western European labour markets, which reduced opportunities for emigration as a 'safety valve' for hundreds of thousands of Polish workers. However, no significant return of emigrants from western Europe was registered, and the surprising fast rise of unemployment in a period of economic growth (however slow) requires a broader explanation

Poland belongs to the group of industrialised countries with the largest proportional increase in unemployment, and in particular to those with the highest elasticity of employment to economic downturn, like for instance Spain and the USA. This appears in direct relation to the high numerical flexibility of these countries, and in particular weak employee protection. Poland has relatively low levels of employment protection legislation and in particular the highest share of temporary employment in the EU (26.9% in 2011), with self-employment also above EU average (18% as against 15% EU average). The stress on flexibility in the last two decades has turned employment reduction into the natural response for companies in crisis, rather than working time reduction or functional flexibility as it happened in countries with strongest social dialogue structures such as Germany. At the same time, regardless of the crisis, Polish companies have proceeded with the process of labour intensification and labour substitution through technology that has accompanied economic transformation since the 1990s.

Polish employees have also been affected by the crisis in terms of pay, which, in nominal terms has remained constant in the three years 2009-11 (data: GUS). Although Poland has not seen the falls in nominal pay that have hit employees in other more crisis-hit countries (e.g. in the Baltic states), and nominal pay has at least increased at the same rate as inflation, the crisis has interrupted the process of slow but continuous wage convergence with western Europe that had started in the 1990s. The ratio between nominal Polish hourly wages and the German ones had risen from 0.14 in 1996 to a record high of 0.27 in 2008, but it then fell back to 0.22 in 2009, as a consequence of wage stagnation and a worsening exchange rate (our elaboration on Eurostat data).

In terms of sectors, services and agriculture were largely unaffected thanks to enduring internal demand, with the notable exception of banking. Manufacturing was the economic sector where employment was hit the hardest, with an 8% fall in employment in 2009 and only very little growth in 2010-11 (data: GUS). Construction was affected, but, thanks to growing public investment in infrastructure, including through EU structural funds and the preparation of the European Football Championship of 2012, in a much less dramatic way than in western Europe.

The rapid changing conditions on the labour market were recognised by all actors. In the previous period, retention of employees in Poland had become a political and economic priority, which had led to frequent wage increases, including in the public sector ahead of the 2007 elections: the labour market was considered as ‘overheated’ by rapid mobility. Since the emerging of the crisis, despite relatively good macroeconomic conditions, job protection, including through working time reduction, became a priority. A consequence of this shift was a change in the rhetoric of labour market flexibility, which had been dominant in Polish debates since the mid-1990s and especially during the reforms of the Labour Code of 1996 and 2002. Even a representative of the private employers’ confederation PKPP-Lewiatan (our interview, October 2011), had to concede that the flexibility side of EU-promoted flexicurity was not an adequate policy in periods of economic downturn.

There has been, however, relatively little change in macroeconomic political orientations. With the exception of the short-lived populist governments of 2005-07, Poland has remained officially loyal to a policy of minimal intervention in the economy, as from the famous sentence of the first non-communist industry minister Tadeusz Syryjczyk in 1990, that ‘the best possible industrial policy, is no industrial policy’. Poland did introduce a stimulus package in 2008-09, equal to around 2% of GDP, but below European average, and the government did not need to bail out or nationalise any important company, as it happened in several western countries. The main political change caused by the crisis was the deferral of entry into the Eurozone. While in 2007-08 the government planned to prepare Poland to enter the Economic and Monetary Union by 2012 (under the slogan ‘Euro for the Euro’, referring to the European football tournament to be host by Poland in 2012), the unfolding instability of the Eurozone and the volatile exchange rates quickly convinced the government to defer such strategy to more stable periods. As the Polish National bank president Marek Belka admitted to a European conference in October 2011, the Eurocrisis proved that all government's assumptions on beneficial effects of the Euro for investment and stability in Poland were wrong.

However, a significant change in political climate could be registered. The government coalition between liberals and peasant party that has been in power since 2007 has conducted rather centrist, moderate policies, avoiding radical reforms, which contrasts with the alternation of neoliberal and populist excesses that had characterised Poland since the beginning of the democratic transition. This has led to more stability, despite increased tensions with the opposition following the disaster of Smolensk in April 2010, in which President Lech Kaczyński and a number of state authorities died. In the 2011 elections, the Tusk government was the first incumbent government since 1989 to win a second mandate. At the same time, new opposition forces with new political messages emerged. During the crisis, the term 'junk contracts', originally launched by marginal leftist forces, quickly became the common-language term, used by the whole political spectrum, to refer to all atypical and precarious employment contracts – which until only few years before were universally accepted as expressions not only of flexibility, but even of 'freedom' for both employers and employees. A new party, called 'Palikot's Movement' in the name of its founder and leader, comparable to western European forces such as the 'pirate parties' of Germany and Scandinavia, entered parliament with 10% of the vote in 2011, campaigning against those 'junk contracts', and also proposing that 'the state should build factories' to create employment, something that was previously considered as tantamount of communism. The Palikot's Movement, however, is at the same time strongly anti-union and represents business circles rather than employees: but in its search of a new political language, it has contributed to a striking change in the terms of public debates on social and economic issues in Poland.

The anti-crisis package of 2009 and its aftermath

The global financial crisis of the Autumn 2008 rapidly found its echo in Poland, leading to intense tripartite negotiations on how to respond to it. After several western governments implemented rescue packages for banks and large companies and started elaborating large stimulus packages, similar proposal were raised in Poland. The first demands came from the automotive sector, which is tightly linked to western economies and especially that of Germany. Soon after the German government introduced its investment plan and the extension of the short-working time scheme in November, in December the metalworking federations of Solidarność and OPZZ joined forces with the employers' Automotive Industry Association to demand a government rescue plan for endangered companies. This marked a shift from adversarial industrial relations to a new pattern of 'political exchange': the Automotive Industry Association had until then rejected any proposal of co-ordinated industrial relations and collective bargaining, but now needed social support for its economic demands towards the government.

This pattern quickly reached the national level, and in February bilateral negotiations started between unions and employer associations within the Tripartite Commission, on the crisis and on EU subsidies. The negotiations led to the most comprehensive bilateral agreement since the early 1990s, with the signature of an 'anti-crisis package' proposal in 13 points on the 13th of March (Gardawski and Meardi 2010). Among the 13 points there were employers' requests, including working time flexibility (annualisation of working hours) and subsidies for lifelong learning, besides union requests, such as the increase in the minimum wage and limits on temporary contracts. The government expressed appreciation but it had not been a part of the negotiations, and it reserved the right to implement the 13 points, subject to financial considerations. When it eventually did implement it into law, on the 1st July 2009, it did so selectively, namely postponing any minimum wage increase, and with changes, in particular on working time flexibility. The package, introduced for a period of two years, received employers' support but caused the uproar of the unions and especially of Solidarność, which felt that the spirit of the agreement had been violated. However, the unions limited their disappointment to declarations, and no protest against the measures was organised, although campaigns for an increase in the minimum wage continued.

The anti-crisis package had mixed success. The working time regulations were the most popular: over 1,300 companies, employing over one million people (half of whom in the automotive sector), took advantage of the norm that allows company-level agreements to make working time more flexible (in particular, the annualisation of working hours). Some implementation occurred also outside manufacturing, in large companies and especially multinationals, such as France Telecom. This measure is deemed to have limited job losses in manufacturing, although a precise assessment of the effects is lacking. Although the trade unions criticised the law, at the company level employee representatives behaved in an accommodating way, exchanging working time changes for job protection. In companies where no unions are present, the law allowed agreements on working time to be signed by ad hoc employee representatives. This wave of company agreements might appear as a step forward for company-level social dialogue and collective bargaining, but it does not seem to have had any spill-over effect on negotiations on other topics, or in other sectors of the economy. Other aspects of the package remained virtually dead-letter, in particular the support to lifelong learning (only 15 companies for a total of 55 employees benefited from it), mainly because of the administrative burden involved and the limited interest in retraining among both employers and employees. Changes in the regulation of temporary employment did not affect the extremely high level of temporary employment. Given the divergent opinions on the package, it was not renewed when it expired at the end of 2011.

A second, if indirect, impact of the crisis was on social expenditure. Polish government deficit increased to over 7% of GDP in 2009 and 2010, and although the accumulated debt is, at 56.3% of GDP in 2011, well below the EU average of 82.5% and within the Maastricht criteria, this raised demands for welfare cuts. After winning a second mandate in 2011 the Tusk government launched a plan for a reform of the pension system, involving in particular the increase of retirement age from 60 (men) and 55 (women) to 67. Trade union opposition to the plan was very strong, and it became the occasion for unprecedented joint action between the long-time rival union confederations Solidarność and OPZZ. Solidarność collected 1.5 million signatures to ask for a referendum on the reform, but the Parliament rejected the petition. Nonetheless, the protests forced the government to make some changes in the proposals strongly opposed the plan, allowing earlier retirement for women, even if with lower pensions. The unpopularity of increased retirement age for women must be understood in the context of the Polish welfare state, which provides the lowest levels of childcare in post-communist Europe: as a consequence, retired women tend to play a crucial subsidiary role, whose removal threaten the maintenance of female employment, which is already, at 53.1% (2011) well below EU average (58.5%).

Sectoral divergent trends in collective bargaining

As a consequence of the deep sectoral differences in the exposure to the economic crisis, the collective bargaining developments changed as well. We can distinguish between sectors that have benefited from rising prices of energy and fuel (coal mining), sectors protected from the global economy (i.e. healthcare), those affected by volatility (construction) and the manufacturing export sectors closely tied to the global downturn (such as automotive).

In the coal sector, a traditional core industry in Poland, the continuous reduction of employment, which was accompanied by social negotiations and conflicts, came to an end after the increase in oil price made Polish coal competitive again. At the same time, tripartite consensus between unions, employers and government was achieved on the strategic issue of emissions: Poland decided to veto EU directives that would involve binding reductions of emissions on all EU countries, which in the case of Poland could only be achieved through the closure of coal-fired power stations. Despite this political cross-class coalition, industrial relations in the mining sector remained characteristically adversarial, on both pension reform and wages. Trade unions were very assertive in exploiting the sector boom and increased productivity to demand wage increases well above inflation (in 2011, 30% as against a national average of 5.4%, according to GUS data). Similarly above-average wage increased took place in the related energy sector.

The healthcare sector also witnessed employee assertiveness, although for different reasons. Public healthcare expenditure in Poland is among the lowest in the EU (4% of GDP in 2007, as against 6.7% EU average, data European Commission), but there has been a strong political pressure to increase it. In the years before the crisis, strong mobilisation from the trade unions of nurses and doctors, waving the risk of massive emigration of health professionals towards Western Europe, achieved significant concessions from the government (Kahancová and Kaminska 2012). Despite the worsening financial conditions of many hospitals since 2007, the overall healthcare expenditure was not cut but kept slowly increasing, and the unions maintained their mobilisation power, effectively defending jobs and employment conditions. Doctors were more successful in achieving wage increase, but also nurses reached a particularly important collective agreement in June 2010, improving employment conditions such as the nurses-patient ratio. The fact that the best gains were achieved by the unions in election years (2007 and 2010) indicated that in the public sector the unions have been able to use their political power effectively, regardless of the global economic crisis. Overall, the public sector has had the main responsibility for the large increase in strikes in the period since EU accession. Since 2009, pay bargaining in the public sector is no longer subject to regular negotiations on each February, but depends on the will of the sides. As an effect, labour conflicts on wages in the public sector have doubled since 2009, as unions now often need to use the strike threat to force the employer side to the bargaining table.

The situation has been more complex in construction. While the home-building sector suffered from the credit crunch, Poland also witnessed large infrastructure investment, in relation to both EU structural funds and the organisation of the 2012 European Football Championship. The Polish construction sector, characterised by its inherently mobile workforce, had also suffered from massive emigration towards western Europe and in particular the UK (Hardy and Fitzgerald 2010; Meardi, Martín and Lozano Riera 2012), and despite the crisis that started in 2008, no significant return of those migrants occurred. During 2007, emigration had led to labour shortages and disorderly pay increases. Despite government promotion of sectoral collective bargaining to stabilise wage developments in 2007-08, the employers opted for the alternative strategy of asking the easing of immigration for construction workers from the Ukraine, Belarus, Moldova and Asia. Although only 35,000 work permits were issued, the construction trade union *Budowlani* estimates that 300,000 foreign workers work in construction in Poland (our interview). The main reason for the lack of sectoral bargaining is the enduring disorganisation of the sector, where companies range from large western multinationals to informal small companies, and there are three competing employer associations. The trade unions are also too weak in this sector to force alternative solutions: exit through emigration, rather than voice through collective action, has therefore remained, since the 1990s, the default option for Polish construction workers (Meardi 2012).

The automotive sector is the one most clearly affected by the crisis. It accounts for half of Polish exports, and it is largely dominated by western multinational companies. Given that production is largely for export, the enduring internal demand was not sufficient to avoid a major fall in production. The fall was particularly marked in 2009 and again in 2011, when it fell by 20%. After a period when relocation from the West to the East was the main industrial relations issue at the transnational level (Meardi 2007, Meardi et al. 2009, Bernaciak 2010), the crisis revealed that central eastern European employees' jobs were more insecure than their western counterparts', being to a certain extent a production 'buffer', while the core workforce in the West was more protected, also thanks to the political intervention. For instance, in 2010 Fiat decided (after major union concessions in Italy) to transfer the production of the Panda from the Polish factory of Tychy to the Italian plant of Pomigliano, while the General Motors Polish factory of Gliwice, previously considered as the corporation flagship factory in Europe, in 2011-12 found itself under the same pressure than the older western plants. As mentioned in the previous section, this was the sector where the anti-crisis law found its largest implementation, with hundreds of agreements that exchanged working time changes for job protection. Despite this increase in company-level bargaining, no progress was made at the sectoral level, except for the above-mentioned joint union-employers position on the crisis of December 2008.

The case of the steel sector

In comparison to other sectors, the steel sector has been always considered as a great success in terms of collective bargaining. The level of unionisation is with 60% high, which is considerable in comparison to the 15% national average. Second, steel was one of the first sectors to have a sectoral collective agreement after 1990 (sectoral agreements formally existed under communism in most sectors, but were not the expression of free collective bargaining), in contrast with decentralised bargaining that dominates in most of the economy. The sectoral collective agreement (the Supra-Enterprise Collective Agreement for Steel Industry Employees) was negotiated in 1998 by the so-called Tripartite Team for Social Conditions in the Restructuring of Steel (Zespół Trójstronny ds. Społecznych Warunków Restrukturyzacji Hutnictwa) and still defines the basic terms of working conditions. Several additional important agreements were concluded on restructuring: the Steelworkers' Social Package in 1998 (the most important text, including early retirement and redundancy packages); the restructuring programme for the iron and steel founding industry, agreed in 1998 and updated in 2001 and 2002; and the Steelmakers Activation Package in 2003. Sectoral social dialogue was deemed to speed-up the considered necessary restructuring of sectors that were costly and dependent on state budget (Kloc, 2003) and to answer demands from the European Union. Much of sectoral dialogue, although formally tripartite, was mostly bipartite between trade unions and the government throughout the 1990s.

Although the sector had a tradition of worker militancy (e.g. a two-month strike at the Warsaw Steelworks, taken over by the Lucchini Group, in 1994), social dialogue achieved the goal of avoiding social tensions during restructuring (Towalski, 2003). Within few years of agreeing the Steelworkers' Social Package, 50% of jobs in the steel sector were cut.

When the sectoral agreements expired, at the eve of privatisation, in many steel companies social packages were negotiated at the enterprise level. In the largest steel company, ArcelorMittal Poland (accounting for 70% of the sector production), the unions were able to negotiate in 2004 an employment guarantee up to the end of 2009. At the time of renewal, however, the financial crisis had ended the years of high demand for steel and employers decided for further job cuts, this time without the protection of any sectoral or company-level agreement, and without any compensation. At AMP, in 2010 1300 workers were laid off, and further 1000 cuts were announced in 2012. In the entire sector, in 2009-2010 about 10,000 jobs were lost (HIPH 2012).

According to the unions, the crisis served as an excuse for reductions that had been planned in any case: already in 2008 ArcelorMittal has announced employment cuts of 1560 jobs in order to increase efficiency, according to the European Restructuring Monitor. While forced redundancies were impossible until the end of 2009, once the agreement expired in 2010, they were possible without any financial compensation. However, in 2010, half of the laid-off workers were re-employed as agency workers, while until the previous years, under the terms of the social package, former steelworkers were not allowed to return into the sector through agencies. It appears therefore that the financial crisis provided the opportunity for further flexibilisation of employment. Mittal had already expressed the need for more flexible fixed costs, through a 30% buffer of flexible employment, be it through temporary contracts or agency work. By 2012, at AMP the share of agency workers peaked at 40%.

The unions were unable to resist the reduction or propose viable alternatives. The extent of unilateral restructuring was for them a shock that initiated a process of reorientation and reinterpretation of their mandate. While in the 1990s social partnership was the dominant orientation and company-level unions actively participated in the restructuring process in the name of company survival (Trappmann, 2012), they were left without a role once new private owners acted unilaterally and without extensive social plans to be co-managed with employee representatives.

Unions moved therefore to more militant standpoints, protesting against flexibilization and demanding wage parity with western European colleagues, on the grounds of the equivalent levels of productivity achieved. Since the financial crisis, they started to organize agency workers, despite management resistance. Agency workers from other sectors earn only about a half of regular workers' wages, and former steelworkers have a wage parity guarantee only for two years. According to the unions, the rate of work accidents in the plants has increased due to agency work.

Management reacted to unions' new militancy by creating a 'Social Dialogue Academy' to train trade unionists in economics and engender mutual trust. As a manager explained to us: 'I am trying to build a proper system of understanding of business: business should be managed in such a way, that thanks to the increase in profit [workers] can have salary increases, but they have to think about [company] profit; now they are thinking "ok, it is not my problem".'

Conclusion

The article has shown that underneath an exceptionally good economic performance, Poland was affected by the crisis in many ways. Overall, employees have suffered from increasing unemployment and stagnating wages. The effects have been different sector by sector, and while in some protected or booming sectors employment conditions have improved (especially in mining, energy and to a certain extent healthcare), there were strongly negative repercussions for the exporting sectors, previously considered as the driving force of national economic development.

The Polish responses to the crisis have been characterised by partial social dialogue. At the national level, a national agreement was achieved in 2009 on an anti-crisis package, but the government implemented it in a selective and somehow distorted way. A wave of agreements occurred on working time, but with no spill-over effects on other areas of collective bargaining. And the traditionally weak multi-employer level of collective bargaining became even weaker, as the previous attempt at sector bargaining were abandoned and even in one of the few sectors where co-ordinated bargaining had occurred, steel, this went into crisis. Given the sector divergent trends, concertation at the national level becomes even more difficult than before.

Symbolically, these developments mark the end of market euphoria in Poland, the frontrunner of neoliberal transformation in the region. Restructuring through integration in global markets is no longer seen as necessarily good, given the experience of the steel sector. Previously hyped employment flexibility is no longer considered as unproblematic, given the emerging social problem of precariousness. And while the pension reform through privatisation of 1998 had passed almost without resistance, the new reform of 2012 run into massive, and partially successful, union opposition.

Overall, the crisis in Poland did not have the disruptive effects that it had on the most exposed European countries, in the East as well as in the West. Its mediated effects rather strengthened and stabilised the main lines of the Polish socio-economic model, which has been defined as 'embedded neoliberalism' (Bohle and Greskovits 2007): a form of neoliberalism that includes decentralisation, flexibility and residual welfare state, but which moderated its inherent insecurity through strong political intervention in the economy and through a relative degree of self-reliance.

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