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TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS AS CIVIL SOCIETY ACTORS WORKING ON THE ISSUES OF LABOUR RIGHTS AND SOCIAL DIALOGUE IN EASTERN PARTNERSHIP COUNTRIES

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Trade unions and professional associations as civil society actors working on the issues of labour rights and social dialogue in Eastern Partnership Countries

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This report summarizes the findings and recommendations from six country studies within the project "Mapping Studies of Trade Unions and Professional Associations as Civil Society Actors Working on the Issues of Labour Rights and Social Dialogue in six Eastern Partnership Countries" funded by the European Union's "Eastern Partnership Civil Society Facility – Regional Actions" Project and implemented by the Central European Labour Studies Institute (CELSI).

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List of Abbreviations

AM	Armenia
ATUC	Azerbaijan Trade Unions Confederation
AZ	Azerbaijan
BCDTU	Belarusian Congress of Democratic Trade Unions
BY	Belarus
CEE	Central and Eastern European
CSO	Civil society organizations
CTUA	Confederation of Trade Unions of Armenia
EaP	The Eastern Partnership
EaPCSF	The Eastern Partnership Civil Society Forum
EC	European Commission
EO	Entrepreneurs' Organization
EU	European Union
EUD	European Union Delegations
FPU	Federation of Trade Unions of Ukraine
FTUB	Federation of Trade Unions of Belarus
GDP	Gross domestic product
GE	Georgia
GTUC	Georgian Trade Union Confederation
ILO	International Labor Organization
KVPU	Confederation of Free Trade Unions of Ukraine
MD	Moldova
NGO	Non-governmental organization
OSH	Occupational safety and health
PA	Professional Association(s)
TU	Trade Union(s)
UA	Ukraine

Introduction

The European Union (hereafter EU) considers civil society organisations not only as service providers and implementers of EU-funded actions, but also as key political actors in the development and democratization processes. A strong civil society involved in social, economic and political dialogues and capable of engaging in policy strategy is desirable to make development more effective and promote and/or strengthen democratization processes. In turn, the European Commission (hereafter EC) has considered participatory development as a general co-operation principle since the end of 1990s; and engaging in a structured dialogue with civil society has become a top priority for the EU.

In order to strengthen the interaction between the EU and civil society actors in the Eastern Partnership (hereafter EaP) countries, the Central European Labour Studies Institute (CELSI) was commissioned to implement "Mapping Studies of Trade Unions and Professional Associations as Civil Society Actors Working on the Issues of Labour Rights and Social Dialogue in six Eastern Partnership Countries" funded by the European Union's "Eastern Partnership Civil Society – Regional Actions". The study, delivered in 2019 and 2020, responded to the following objectives:

(a) mapping the current situation relating to **trade unions** and **professional associations** in 6 EaP countries,
(b) identifying and evaluating the core competences of trade unions and professional associations and their **needs to strengthen particular institutional, structural and organisational resources** in order to increase their influence on promoting labour rights, protection and social dialogue,
(c) assessing the potential and need for provision of **EU support to this group** of civil society actors and provide recommendations for EU Delegations in the EaP countries

This comparative summary reviews the main findings from six in-depth country reports covering the following countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The country reports were written by local experts in cooperation with CELSI researchers, using empirical evidence collected in

(a) desk research on the landscape of trade unions and professional associations, their structure, management and financing, the legislative underpinning of their operation, their involvement in politics and policy making in their home country and their international ties, interviews with representatives of relevant unions, professional associations and other civil society organisations in the above six countries;
(b) original face-to-face interviews with representatives of the identified most relevant organizations, the EU Delegations (hereafter EUD) in Armenia, Azerbaijan, Georgia, Moldova and Ukraine, employers' associations, ILO representatives, and relevant non-governmental organizations (hereafter NGOs) in the above countries.

The desk research was implemented by the local experts in each of the six countries and interviews were conducted in five countries by CELSI researchers and the local experts and/or research assistants during country missions between May – September 2019. In total, 58 face-to-face were conducted between May – September 2019 in five countries (see Table 1). These

interviews covered 5 EU Delegations, 28 trade unions, 10 NGOs active in labour rights and 13 other organizations including employers' associations, professional associations, the respective ILO delegation and others. All respondents were invited to declare their voluntary participation in the interview by signing a consent form prior to starting the interview. The consent form was translated into the local language. Written notes from each interview in English are available upon request from the CELSI team.

The remainder of this report is structured as follows. Section 1 provides a brief insight into the EaP countries' road towards democracy, with a specific focus on civil society's role in furthering labour rights via their (potential) involvement in policy dialogue. Section 2 summarizes the structure and key indicators related to trade unions and professional associations as key civil society actors in advocating labour rights and interests. Section 3 presents the access of studied organizations to different levels of policy dialogue, with may inform the EUDs' strategy towards the support of these organizations in their policy dialogue involvement. Section 4 summarizes the challenges that TUs, PAs and NGOs face in relation to their organizational, institutional, structural and societal power resources. Section 5 provides an overview summary of strengths, weaknesses, opportunities and threats (SWOT) of the studied organizations across the EaP countries. Based on the presented findings, Section 6 draws recommendations for the European Union (EU) and the EUDs in interacting with TUs, PAs and NGOs at the national, regional and the EU levels.

Table 1: Interviews conducted within the Mapping Studies

Code	Interviewee - name of the organisation	Type of organisation	Private/public
ARMENIA			
AM 0	Delegation of the European Union to Armenia	Intern. Org.	N/A
AM 1	The Republican Union of Employers of Armenia	EO	Private
AM 2	Republican Union of Trade Union Organizations of Health Workers of Armenia	TU	Public
AM 3	Institute of Public Policy	CSO, NGO	Private
AM 4	Confederation of Trade Unions of Armenia	TU	Public
AM 5	Advanced Public Research Group	CSO, NGO	Private
AM 6	Union of Information Technology Enterprises	EO	Private
AM 7	Independent Trade Union of Workers in Education	TU	Public
AM 8	Ministry of Labour and Social Affairs of Armenia	Governmental	Public
AM 9	oxYGen (an independent advocacy and development foundation)	CSO, NGO	Private
AM 10	Local Governments and Public Service Employees of Armenia	TU	Public
AM 11	Independent Trade Union Organization for Journalists	TU	Public
AM 12	Central Election Committee	Governmental institution; expert	Public
UKRAINE			
UA0	European Union Delegation to Ukraine	Intern.Org.	N/A
UA1	Trade union "Labour solidarity"	TU	Public/private
UA2	Association of Farmers and Private Landowners of Ukraine	PA	Private
UA3	Confederation of Free Trade Unions of Ukraine (CFTU)	TU	Public/private
UA4	ILO	International organization	Not applicable
UA5	Federation of Trade Unions of Ukraine (FPU), agriculture sector	TU	Public/private
UA6	Federation of Trade Unions of Ukraine (FPU) automotive sector	TU	Public/private

Code	Interviewee - name of the organisation	Type of organisation	Private/public
UA7	All-Ukrainian independent trade union «Labour defence»	TU	Public/private
UA8	NGO "Labour initiatives" (Solidarity center)	CSO	Private
UA9	Federation of trade unions of workers of small and average enterprise of Ukraine	TU	Private
UA10	FPU TU of Medical workers	TU	Public
UA11	National mediation and reconciliation service	Governmental agency	Public
UA12	CFPU Medical workers	TU	Public
MOLDOVA			
MD0	European Union Delegation to Moldova	International org.	N/A
MD2	Trade Union Federation of Education and Science of the Republic of Moldova	TU	Public
MD3	National Trade Union Confederation of Moldova	TU	Public
MD4	Friedrich Ebert Foundation Moldova	CSO	N/A
MD5	National Trade Union Federation of Agriculture and Food „AGROINDSIND"	TU	Public
MD6	The expert Group Republic of Moldova	CSO	N/A
MD7	ILO – International Labour Organisation	International org.	N/A
MD8	Trade Union Federation of Constructions and Building Materials Industry "SINDICONS"	TU	Private
MD9	Expert for Labour Migration	Independent expert	N/A
MD10	National Confederation of Employers of Moldova	Employers´ org.	Public/private
MD11	Trade Union Federation of Communication Workers	TU	Public/private
GEORGIA			
GE0	European Union Delegation to Georgia	Intern. Org.	N/A
GE1	Human Rights Education & Monitoring centre (EMC)	CSO	N/A
GE2	Georgian Trade Union Confederation (GTUC)	TU	Mixed
GE3	Georgian Young Lawyers Association	CSO	Mixed
GE4	Solidarity Network	TU	Mixed
GE5	HR Hub	PA	Mixed
GE6	Social Workers Trade Union	TU	Mixed
GE7	Georgian Employers' Association	EO	Mixed
GE8	Metallurgy, Mining & Chemical Workers Union	TU	Mixed
GE9	Railway New Trade Union	TU	Mixed
GE10	Educators & Scientists' Free Trade Union	TU	Public
GE11	ILO - International Labour Organization	Intern. org.	Public
AZERBAIJAN			
AZ0	European Union Delegation to Azerbaijan	Intern. Org.	N/A
AZ1	Diaspora Committee workers trade unions	TU	Public
AZ2	Azerbaijan Trade Union Confederation (ATUC)	TU	Public/private
AZ3	Independent Trade Union Republican Committee Railway-Workers	TU	Public
AZ4	Azerbaijani Association of Entrepreneurs and Employers	EO	Private
AZ5	Organization for Protection of Oil Workers' rights	CSO	Private
AZ6	Committee of Healthcare Workers Trade Unions	TU	Public/private
AZ7	Citizens Labour Rights Protection League	CSO	Private

1. Economy and civil society

Countries within the EaP region underwent a largescale economic, political and societal transition after the fall of state socialism and gaining independence. While Armenia, Georgia and Ukraine embarked on wide-scale liberalization of economic policies, Azerbaijan and Belarus are considered state-led capitalist economies with a paternalist authoritarian regime and large public sectors (see Table 2). In this comparative perspective, Moldova stands in the middle as a functioning but vulnerable market economy with high share of informal employment and tax evasion. In terms of their labour market situation, measured here by unemployment rates, the EaP countries show great variation. The liberalization of economies and the growth of private sectors, including the inflow of foreign investments, helped Georgia and Ukraine to maintain a reasonable unemployment level (9% in Ukraine, 12,7% in Georgia in 2018). In contrast, Armenia has been facing an unemployment of 20% in 2018 due to structural conditions and a lower trade interaction with the EU than some other EUD countries (Civil Society Forum 2018). In the autocratic political regimes of Azerbaijan and Belarus, the state-led economic policy of large public sectors (in case of Azerbaijan also an important role of public and private oil industry as a significant opportunity for employment) helped maintaining very low unemployment levels (virtually no official unemployment in Belarus, and 5% unemployment in Azerbaijan).

Table 2: Basic economic indicators in six EaP countries

	Armenia	**Azerbaijan**	**Belarus**
Economic policies	Developing democracy, private sector growing, wide scale labour market liberalization (abolishing Labour Inspectorates)	Economic reforms within a paternalist autocratic political regime, oil income redistribution, 40% rise of minimum wage in 2019	State capitalism with paternalist authoritarian regime, large public sector
Unemployment	20% (2018)	5% (2018)	0,5% (2018)
	Georgia	**Moldova**	**Ukraine**
Economic policies	Privatization, foreign capital, wide ranging labour market liberalization prior to 2012, slightly reversed (e.g., reintroducing Labour Inspectorates)	Functioning but vulnerable democracy and market economy, informal employment and tax evasion	Instable democracy and economy, privatization, oligarchs with links to politics, migration, high unemployment, wage arrears
Unemployment	12,7% (2018)	4% (2019)	9% (2014, stable)

Source: CELSI EaP Country reports (2020)

The development of gross domestic product (hereafter GDP) also shows variation across these countries. While the 2008 economic crisis showed minor decline in the GPD of all studied EaP

countries, divergent developments in terms of GDP became obvious in the last decade. While the GDP was growing gradually but steadily since 2009 in Armenia, Georgia and Moldova, countries that embarked on building democracy and liberal market economy, Ukraine experienced a massive drop in its GDP in 2013 – 2016 due to political conditions, before a slight recovery in 2017. Belarus and Azerbaijan faced a drop in their GDP after 2014 and a gradual recovery since 2017 (see Table 3).

Table 3: GDP development in EaP countries, 2008 - 2018

Gross domestic product (GDP), 2008-2018

	GDP at current market prices (billion EUR)											GDP per capita (EUR)
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2018
EU-28	13 082.1	12 324.7	12 845.7	13 235.2	13 501.7	13 615.1	14 091.5	14 854.1	14 984.3	15 410.3	15 898.3	30 960
Armenia (1)	7.9	6.2	7.0	7.3	8.3	8.4	8.7	9.5	9.5	10.2	10.5	3 544
Azerbaijan	33.2	31.7	40.0	47.4	54.2	55.8	*56.6*	47.8	34.2	36.2	39.7	4 044
Belarus (2)	41.4	36.6	43.2	47.8	51.1	56.9	59.4	51.1	43.1	48.5	*50.5*	5 329
Georgia (3)	8.7	7.7	8.8	10.4	12.3	12.2	12.4	12.6	13.0	13.4	*13.5*	3 607
Moldova (4)	4.1	3.9	5.3	6.0	6.8	7.1	7.2	7.0	7.3	*8.6*	*9.7*	2 733
Ukraine (5)	128.5	87.1	106.4	121.6	142.1	143.5	101.0	82.1	84.3	99.4	*110.7*	2 619

(1) 2008-2011: based on 1993 SNA.
(2) 2008: based on 1993 SNA.
(3) Based on 1993 SNA.
(4) 2008 and 2009: based on 1993 SNA.
(5) 2014-2018: excluding the territories which are not under effective control of the Ukrainian government and the illegally annexed Autonomous Republic of Crimea and the City of Sevastopol.
Source: Eurostat (online data codes: nama_10_gdp and nama_10_pc)

eurostat

In terms of GDP per capita, 2018 data show that none of the EaP countries' GDP per capita exceeded 20% of the average EU-28 GDP per capita. In fact, Moldova and Ukraine resemble a GDP per capita below 10% of the EU average (see Table 4). The highest GDP per capita was achieved in Belarus, reaching 17.21% of the EU average in 2018 (ibid.).

Table 4: GDP per capita in EaP countries (2018)

Country	GDP per capita (2018), in EUR	GDP p.c. as % of EU-average
Armenia	3,544	11.45
Azerbaijan	4,044	13.06
Belarus	5,329	17.21
Georgia	3,607	11.65
Moldova	2,733	8.83
Ukraine	2,619	8.46
EU-28	30,960	100.00

Source: Eurostat

In terms of setting minimum wage standards, Table 5 shows the minimum wage levels across the studied EaP countries. Ukraine reached the highest level of minimum wages, followed by Belarus. While Armenia, Azerbaijan and Moldova have comparatively high levels of minimum wages, this resulted from significant increases in 2019 in both Armenia and Azerbaijan. In Azerbaijan, a 40% increase of the minimum wage in 2019 was a targeted government decision, which further extended the paternalistic control over wages and working conditions without

a significant independent role of trade unions played in this process. Finally, Georgia is an interesting case. Despite many similarities with Central and Eastern European (CEE) EU member states with established statutory minimum wages that are widely used as a benchmark for wage setting Georgia's statutory minimum wage level of 20 Lari/month (see Table 5) is extremely low and therefore in fact not serving the purpose of setting a valid benchmark for wage setting in Georgia's market economy. Trade unions actively advocate for an increase of the minimum wage to 400 Lari (equalling to 125,50 EUR), in order to increase the role of minimum wage as an institution actually governing wage levels and labour conditions.

Table 5: Statutory minimum wages in EaP countries

Minimum wage	AM	AZ	BY	GE	MD	UA
Local currency	68,000 drams (25% increase 2019	250 Manats (40% increase 2019)	375 Belarussian New Rubel	20 Lari (2019 proposal: 400 Lari)	2,610 Leu (2018)	4,723 Hrivnia (2020)
EUR	128,80 EUR	133,35 EUR	160,61 EUR	6,27 EUR (125,50 EUR)	132,67 EUR	173 EUR

Source: Wageindicator (2020), Eurasianet (2019), Vlas (2018).

In these economic and labour market conditions, civil society can play an important role in improving the economy, democracy and living and working conditions of citizens. The success of building a civil society not only depends on the aims of the country's political leadership, but also on the kind of non-state actors that persist or emerge in these societies. Trade unions and professional associations belong to key membership-based interest representation organisations that represent workers in case of trade unions and persons in particular professions/occupations in case of professional associations. Through their focus on the labour market, working conditions, workers' rights and fostering social dialogue, they inevitably contribute to building democracy and a modern way of interest representation in a functioning market economy. Table 5 shows that civil society is vibrant and important in all EaP countries that embarked on building democracy (Armenia, Georgia, Moldova and Ukraine). However, particular divides persist between the structure of civil society organizations (hereafter CSOs): while in Moldova trade unions remain the dominant CSOs in labour-related activism, Armenia, Georgia and Ukraine saw the growing role also of other forms of CSOs, namely, NGOs and to some extent professional associations. Divides also persist between 'traditional' and 'alternative' forms of trade unions, which compete for their involvement in political dialogue especially in Georgia and Ukraine. In countries with strong state control, the civil society is constrained and subject to strict subordination to the ruling elites. While in Belarus some opposition to the political regime emerged among trade unions, in Azerbaijan the whole trade union structure is closely linked to the ruling elites and no alternative or independent union structures emerged. To a limited extent, independent representation of workers' rights is exercised via dedicated NGOs, which however operate within the highly constrained room of manoeuvring for CSOs in Azerbaijan.

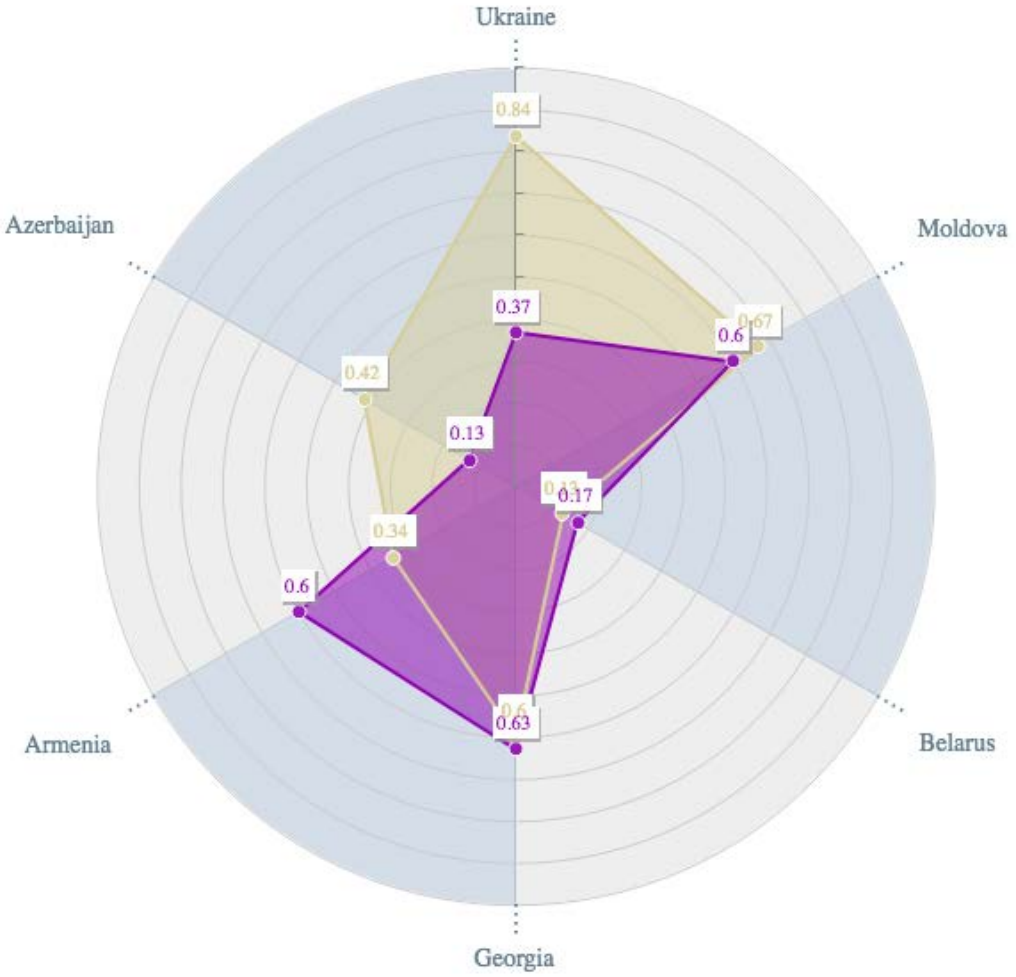
Table 6: Civil society in EaP countries

	Armenia	**Azerbaijan**	**Belarus**
Civil society	Vibrant, 4,374 NGOs and 231 professional associations in 2019	Constrained, heavily controlled by government; foreign CSOs closed after 2015, the remaining ones cannot receive funding from abroad	Structural power, but mobilizing for the protection of workers' rights only possible through state mediation
	Georgia	**Moldova**	**Ukraine**
Civil society	Vibrant but divided – traditional vs. new unions and CSOs compete	Unions dominate labour-related activism	Vivid structures, also grassroots activism, traditional vs. modern structures

Source: CELSI EaP Country reports (2020)

EU's interest in developing civil society in the EaP countries and supporting the involvement of CSOs into policy dialogue with national governments as well as with EU stakeholders can be visualized using the Eastern Partnership Index (see Figure 1). The overall linkages between the EaP countries and the EU in terms of strengthening policy dialogue shows that the policy dialogue is by far strongest with Ukraine, while two other countries with a signed EU Association Agreement – Georgia and Moldova – enjoy a similar extent of policy dialogue linkage with the EU. The policy dialogue with Armenia and Azerbaijan is more limited, while policy dialogue with Belarus is marginal. In contrast, in the extent of development assistance, the Armenia received more support than its policy dialogue linkage, while the policy dialogue linkage is significantly stronger between the EU and Ukraine compared to the amount of donor assistance to this country. Other countries with an EU Association Agreement, namely Georgia and Moldova, enjoy a similar scope of donor assistance, which is also comparable with their own country indexes of policy dialogue linkages (see Figure 1).

Figure 1: Eastern Partnership Index (2018) – Linkages between the EU and EaP countries



Source: https://eap-csf.eu/eastern-partnership-index [downloaded February 14, 2020].
Notes: Yellow – Political dialogue between the EU and the EaP country
Purple – Development assistance from the EU and other donors

2. Structures of Trade Unions and Professional Associations

The operation of CSOs is legally anchored. All EaP countries possess a dedicated legislation on trade unions, the right of association, right to organize, collective bargaining and social dialogue. At the same time, all EaP countries ratified the relevant ILO Conventions and international labour standards including the European Social Charter. The role of these legislative acts is even more important as they facilitate the operation of trade unions and other CSOs in conditions in which the research findings show weak enforcement of legislation on working conditions. Interview respondents in all 6 studied countries reported frequent breaches of legislation on working conditions, including unlawful firing, bad working conditions, wage arrears, high rate of accidents at workplace, missing regulations on occupational safety and health (hereafter OSH).

While the role of CSOs is crucial in securing the enforcement of labour legislation and involvement in policy dialogue for improving legislation and adopting reforms towards a better quality of work, it is important to acknowledge the different role that different types of CSOs active in labour rights play:

- **Trade unions** are the most regulated and long-existing CSOs with distinct roles and functions. As a membership-based organization, unions represent the highest and broadest scope of labour interests. The predominant role of trade union activities include (a) workplace presence (including collective bargaining and servicing members, e.g. with legal advise), (b) coordinated bargaining, e.g. at sector level, and (c) engagement in policy making via sectoral and national social dialogue as part of policy dialogue.

- **Professional associations** – are also membership-based CSOs, but their activities are bound to certain profession rather than broad labour interests. Professional associations, where they exist, advocate for certification, lifelong learning, access to training, and promotion of certain occupations rather than dealing with labour rights in terms of wages, working time, job security and similar, which are the domain of trade union bargaining and social dialogue. Professional associations are not considered social partners in any of the EU member states and any EaP countries, whereby this role is exclusive to trade unions as partners of employers' representatives and government representatives in case of tripartite social dialogue. In all EaP countries professional associations lack dedicated legislation (e.g. as professional chambers), which would clearly distinguish them from TUs and NGOs and regulate their establishment and activities, including their access to policy dialogue. Such legislation would be essential in order to facilitate interactions and synergies between different types of CSOs, whereas the current situation often produces rivalry and overlaps in activities. Rivalries and overlaps in the activities of TUs, PAs and NGOs are not exclusive to the EaP countries, but can be found also in several CEE EU member states (e.g., Czechia, Hungary and Slovakia). In addition, the legislation across EaP countries grants rights to protect workers only to trade unions, our findings show that some organizations, which might be assessed as PAs, were in fact registered as trade unions (in Ukraine) or as NGOs (in Georgia, Moldova and Armenia).

- **Non-governmental organizations** – in contrast to unions and professional associations, NGOs are not membership-based organizations, but can have high capacity to mobilize and advocate for particular aspects in labour rights, both in individual and collective terms. In the EaP countries, the research findings show that NGOs in many countries are more flexible than trade unions to respond to emerging challenges and have more experience with competitive financing from grants and donor contributions, whereas trade unions significantly rely on their associational power stemming from membership contributions. In some topics and in access to funding and grants, NGOs represent competition to trade unions, whereas in fact their cooperation should be fostered in a greater extent. Although overall cooperation is limited, there are positive examples of currently existing cooperation between NGOs and TUs (e.g. the Friedrich Ebert Foundation offers training and building internal expertise for trade unions across CEE and EaP countries, Open Society Foundation in Armenia and Georgia emphasizes labour rights and support to organizations addressing these, including TUs, in its work programme). Through enhanced cooperation, TUs and NGOs could jointly advance the involvement of CSOs in policy dialogue regarding the improvement of labour rights, representation of labour interests and enforcement of labour-related legislation.

The most important findings regarding the structure and operation of these three types of CSOs active in labour rights are summarized below. Explicit focus is given to trade unions as the largest interest representation organization of labour.

Acknowledging the linkages between trade unions, professional associations and NGOs, the research found two types of the overall landscape of trade union structures in EaP countries types:

1. **A highly centralized trade union structure** with a single union confederation, where at the same time unions are the most important actors addressing labour rights and working conditions. In all studied cases the single union confederation has a socialist legacy. Countries with this structure include Armenia, Azerbaijan and Moldova. Within this country cluster, the following divisions apply regarding the importance and linkages between unions, professional associations and NGOs for policy dialogue:
   a. Countries with a **single confederation where other CSO forms** (PAs and/or NGOs) are **underdeveloped** in addressing labour rights: Azerbaijan and Moldova[1]
   b. Countries with a **single confederation where other CSO forms** (PAs and/or NGOs) are slowly but gradually developing and have a **potential to become important players in policy dialogue**: Armenia

2. **A divided trade union structure** – the division line is clearly linked to successor unions from state socialism vs. modern/alternative unions that emerged only in the transition period. Countries with this structure include Belarus, Ukraine and Georgia. The extreme case of a divided structure is Ukraine with a highly fragmented union structure, where many smaller unions remain outside of nation-wide union confederations. Within this

[1] While the overall landscape of NGOs and PAs in labour rights is underdeveloped in Azerbaijan and Moldova, active organizations exist and were interviewed within the implemented country mapping studies (e.g., Friedrich Ebert Stiftung in Moldova; and the Oil Workers' Rights Protection Public Association and the Citizens' Labour Rights Protection League in Azerbaijan).

Table 7: Trade unions in EaP countries

	Armenia	**Azerbaijan**	**Belarus**
Structure	Hierarchical, single confederation CTUA (19 sectoral members with 622 base organizations)	Highly centralized, single confederation ATUC (26 sectoral members, more public than private sector)	Divided between FTUB (government controlled) and BCDTU (independent unions)
Union density	17% (2018)	25% (2018)	96,5% (2018)
Main union activities	CTUA in tripartism	ATUC: policy involvement but very close to the government, no regular tripartism Company-level: not independent, redistribution of social benefits in the companies	Soviet model – unions serve as suppliers of welfare provisions; Approx. half of the population prefers bargaining over wages/working conditions
	Georgia	**Moldova**	**Ukraine**
Structure	Divided: one confederation GTUC (21 sectoral traditional unions as members) vs. 5 modern/alternative unions; General lack of local/regional union structures	Hierarchical, dependent, single confederation CNSM (25 branch members, 6,090 base organizations, mostly public sector)	Fragmented, two major confederations: "traditional" FPU (up to 200 various union members); vs. modern/alternative KVPU, also many small unions without a confederation affiliation
Union density	7% (contested, survey shows approx. 3,5%, 2018)	46% (2018)	43,8 % (ILO 2015, likely overestimated)
Main union activities	Traditional unions: bargaining and tripartism; modern/alternative unions: grassroots activism, mobilisation, street protests, social networks	Social dialogue and bargaining – national, branch, territorial and establishment level (but mostly limited to public sector)	Traditional – servicing members (establishment level), policy dialogue (national level), advocacy, mobilization, protests

Source: CELSI EaP country reports (2020).

country cluster, the following division applies regarding the importance and linkages between unions, professional associations and NGOs for policy dialogue:

a. Countries with divided union confederations ('socialist' vs. 'modern/alternative') and a **vibrant landscape of NGOs** active in labour rights: Georgia, to some extent Ukraine

b. Countries with divided union confederations ('socialist' vs. 'modern/alternative') and an **underdeveloped/constrained landscape of PAs and NGOs** active in labour rights: Belarus

Country-specific facts regarding the structure of trade unions are summarized in Table 7. Next to the overall trade union structure, the research findings confirmed that **trade unions are more strongly represented in the public than the private sector in all studied countries**, which is similar to a number of CEE countries where unionization rate is higher in the public sector. The reason for this is that in the public sector, more homogenous worker groups tend to organize and mobilize more easily than in the private sector where the range of worker groups is more dispersed. In addition, the private sector has been facing structural changes, including the inflow of foreign capital, which often seeks to benefit from host-country conditions and its lack of union power. Even in cases where foreign companies accept trade unions and are used to company-level bargaining from their home-countries and other European locations, it requires significant organizational capacities and leadership abilities for trade unions to emerge in these newly established subsidiaries in the EaP countries. Therefore, even in countries with the most developed private industries in the EaP region, including Georgia and Ukraine, trade unions lack organizational and structural resources to increase their relevance in workplace-level collective bargaining, sectoral social dialogue and national-level social dialogue and policy dialogue.

Regarding the **union density rates** (see Table 7), EaP countries show great variation. The 96,5% unionization rate in Belarus resembles the practices from state socialism, where union membership was not derived from the free will of workers' desire to join a trade union. Instead, membership was almost automatic. This practice persists also in some cases in Azerbaijan, where interview respondents from NGOs pointed out that workers are often not aware that they joined a union already when signing their employment contract. The principle of voluntary union membership is thus undermined, and this practice is most widespread in countries where unions are not independent from company managements (with close linkages to political elites). In these cases, union membership means income to fund social benefits at the company level and thereby gain workers' commitment and acceptance of management practices.

In contrast, in countries where voluntary union membership persists, Moldova and Ukraine show high unionization rates or nearly 50%, which exceeds the rates in most CEE EU member states. Institutional mechanisms are responsible for high unionization rates, e.g., in Ukraine, where unions enjoy particular access to funds for social benefits, and where this institutional practice also fuels corruption in the creation and operation of trade unions. Also, since some EaP countries lack dedicated legislation on Professional Associations (Armenia, Georgia and Ukraine), these are established as trade unions, which increases the lack of transparency in the highly fragmented union landscape in Ukraine. Unionization rate in Armenia is closest to the rates found in CEE EU member states, where unions fight with structural challenges (private vs. public sector), decreasing legitimacy due to post-socialist legacies, and the *erga*

omnes practice, where company collective agreements are automatically extended to all workers, and a number of union-proposed policies (e.g., including minimum wage rises) are implemented widely, thus the individual benefits of becoming a union member have been declining. By far the lowest unionization rate is found in Georgia, where union weakness not only derives from wide scale labour market liberalizations prior to 2012, and the divisions between post-socialist and modern/alternative unions, but also from the fact that NGOs are actively substituting the role of unions in policy dialogue, whereas the 'traditional' unions remain committed to their core activities in national tripartism and (very limited) collective bargaining and the modern/alternative unions lack resources to strengthen their position in policy dialogue. In this battle between two types of unions, the NGOs developed expertise and received grant-based support for addressing labour rights via individual litigation but also via their interest in policy dialogue with the government and with the EUD. The fact that Georgia does not have a dedicated legislation on Professional associations also fuels the NGO-form of registration as an important part of CSOs active in labour rights.

In contract to trade unions, the presence of **professional associations (PAs)** across all studied countries is limited. The role of PAs is distinct from the role of TUs in that PAs engage in supporting the professional development of their members via advocating needs for lifelong learning and development of occupational groups they represent, and via organizing training, seminars, workshops. PAs do not act on behalf of their members in social dialogue, collective bargaining or other institutionalized channels of improving workers' rights. Due to the lack of clarity on the regulation of PAs, there is only a small number of such organizations in the EaP countries and generally the landscape of PAs is underdeveloped.

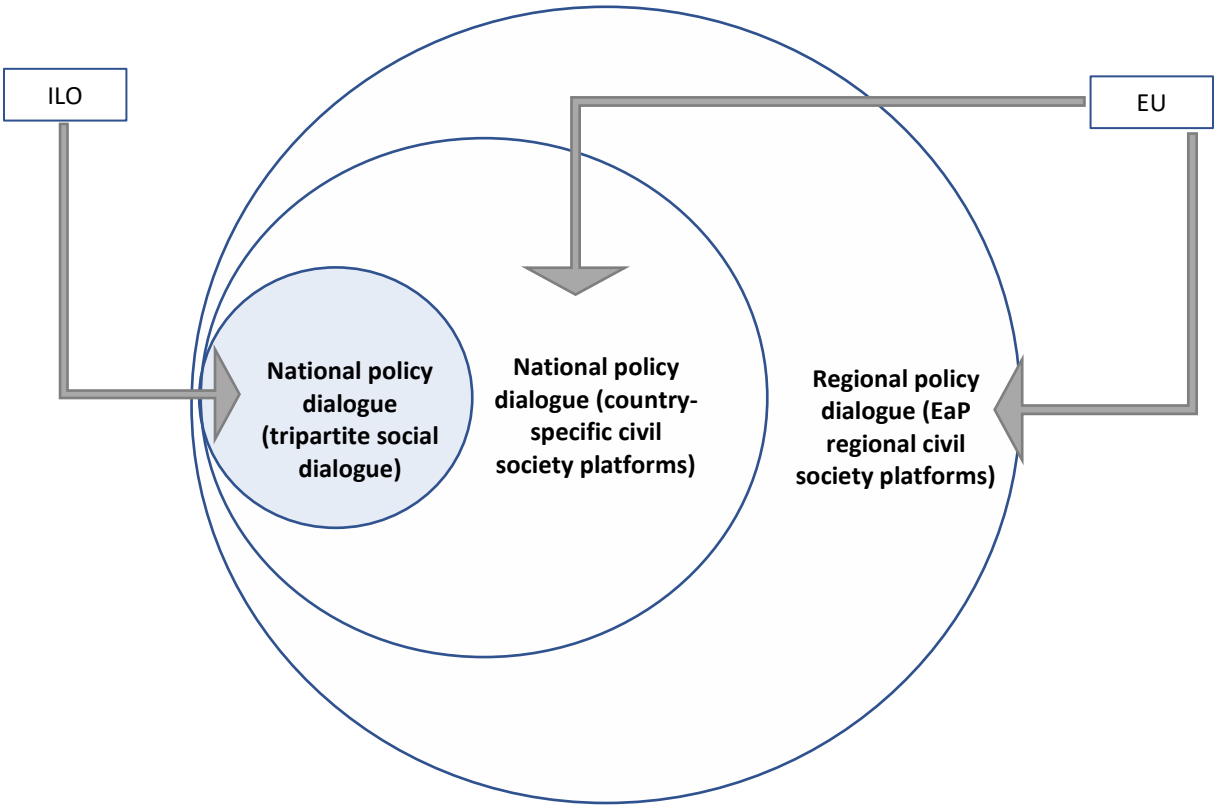
3. Access to policy dialogue and cooperation with other stakeholders

Access of TUs, PAs and NGOs to policy dialogue can be distinguished at the following levels (see also Figure 2):

- Access to **national policy dialogue** – with (a) TU access to formalized national tripartism and (b) less formalized access of TUs, NGOs and PAs (if they exist) to policy influence via lobbying, ad-hoc policy influence channels and access depending on political support
- Access to **policy dialogue with the respective country-specific EUDs** – country-specific platforms through which EUDs interact with civil society actors, and transpose their interests into negotiations with national governments and toward other EU bodies
- Access to **regional policy dialogue** – regional EaP platforms to facilitate interaction between EU bodies and civil society actors, with overarching priorities to raise awareness of synergies and differences among their country-specific interests

In terms of **national policy dialogue**, all countries have established tripartite bodies, where workers' interests are represented exclusively by trade unions. The EaP countries' experience with tripartism is similar to the experience of CEE countries in the course of 1990s and early 2000s: while tripartite bodies formally exist, their policy-making power is marginal. For example, in Armenia, decisions made by tripartite partners are not binding even if they all agree. Instead, the Ministry of Labour holds public hearings on proposed draft legislation, and it is labour-related NGOs that are active in these hearings, not trade unions, despite their formalized and institutionalized access to policy dialogue. In Azerbaijan, Belarus and Moldova, access of trade unions to national policy-making is also politically conditioned, or political ties at least strengthen the voice of trade unions in tripartism. In Georgia, Ukraine and Armenia, unions have learned to decrease their extensive reliance in particular political parties; instead, unions in these countries seek alternative channels of influence in addition to tripartism as a policy-making channel. In the context of frequent political protests and mobilization capacities of 'alternative' unions, grassroots activity, including protests and mobilization campaigns become increasingly important to stabilize union access to policy making that is independent

Figure 2: Types of policy dialogue for engagement between the EU/EUDs and civil society actors in EaP countries



Source: the author.

from an incumbent government or political power. In contrast to unions, PAs and NGOs lack a systematic, formalized access to domestic policy dialogue with the government. Country-specific channels of influence, including lobbying activities and involvement utilizing political ties and support, exist to the extent that NGOs and PAs (where they exist) find these channels of influence significant for addressing their interests. Given the weak role of formalized tripartism, trade unions also increasingly opt for these 'alternative' channels of influence, where they cooperate or compete with other civil society organizations. Despite these challenges, this level of policy engagement is the most relevant for trade unions.

The direct role of the EUDs at this level of policy influence is marginal, as interaction evolves exclusively between national CSOs, the part of population they represent, and their government. Indirectly, the **EUD influence can materialize in strengthening the organizational capacity of these organizations**, which may (or may not) translate into their greater domestic policy influence.

Second, in terms of **policy dialogue between the EU and CSOs**, less systematic interaction has been documented in the studied countries. The findings show that although the EU adopted *Roadmaps for Engagement with Civil Society* the EaP countries, trade unions are neither systematically involved in CSO cooperation platforms at national level nor do they have established and regular interaction channels with the EUDs. A coordinated strategy of EUDs towards the studied categories of CSOs, most importantly, trade unions, has not been

documented. While trade unions are formally involved in the Eastern Partnership Civil Society Forum (EaPCSF) Working Group and Civil Society Platforms for countries with Association Agreements, the actual relations and interactions with trade unions are largely at the discretion of the particular EUD. At the same time, **the limited involvement of TUs into the EaPCSF and related EU-supported civil society platforms is to a large extent the own preference of TUs, since they prioritize the interaction with relevant national governments** as policy makers. In the unions' interaction with the government, TUs seek to strengthen their already established institutionalized channels of policy access via tripartism and mobilization/activism to directly shape legislative developments concerning working conditions and labour rights. Interaction of other organizations representing labour rights, in particular NGOs, with EUDs, is more developed; and **NGOs show more interest and engagement in interaction platforms with the EUDs**. Structural reasons and reasons of 'competitive advantage' explain this: since NGOs lack institutionalized access to domestic policy dialogue which trade unions enjoy and heavily concentrate on, NGOs seek all other means of interaction and involvement in policy dialogue even if the outcomes of such dialogue yield non-binding results vis-à-vis national legislative processes and policy making. Also, **NGOs are more responsive to the established forms of EUD's interaction with civil society** – either via platforms of cooperation or via open calls for proposals and grant-based funding. The **role of PAs in interaction with EUDs is marginal** given the marginal presence of PAs in the studied EaP countries and the lacking legal regulation that would grant PAs a distinct status with clear roles in shaping policy dialogue. In conditions of future **legislation recognizing PAs as distinct types of organizations, it can be expected that PAs would be eager to engage in policy dialogue with EUDs unlike trade unions concentrating on national policy access**.

In sum, the existing civil society platforms are currently more appealing for NGOs, and to PAs (if they exist) than to TUs. Acknowledgement of division in core competences between the three types of organizations from the EUD perspective seems unclear: while only TUs have clearly specified legislative guidelines for their activities, they are often expected by the EUDs to interact similarly with EU authorities than other types of CSOs (e.g., responding to EUD calls for grants, in a similar way as NGOs, engaging in civil dialogue platforms). **This approach tends to raise competition between various types of CSOs that have distinct core competences**.

This differentiation and the varying preferences of various CSOs should be more clearly acknowledged when defining EU priorities and diversified strategies developed to interact with each type of organization separately.

Third, in terms of **regional policy dialogue** in the EaP region, there is scope for the EaPCSF and related EU-supported civil society facilities to broaden the policy debate at the regional level especially concerning the activities of PAs and NGOs. These organizations face similar challenges and opportunities in their countries, e.g. questions of professional and skill development, poverty, gender issues related workers' rights, health and safety challenges, or other labour rights in general (in case of NGOs). Without normative outcomes, such **policy dialogue at the regional level is an opportunity to strengthen the capacities of PAs and NGOs in framing their domestic claims in a broader regional context**. Also, facilitating interaction with stakeholders from other EaP countries via the EaPCSF, in particular in its working group on social issues, and interaction of EaPCSF members at other EaP policy makers' platforms, such regional policy dialogues can strengthen the resources of these organizations when engaging in labour-related activities in their domestic countries. At the same time, the regional

policy dialogue has a potential to **align country-specific standards and introduce regional benchmarks on health and safety, gender issues and needs for professional development**, which can be referred to in domestic policy making and between EUD's interactions with respective governments. This serves as an additional resource for unions besides the already existing international cooperation and contacts, mostly with foreign trade unions and with the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC).

For trade unions, regional policy dialogue will be less attractive than for NGOs and PAs (if they exist) given the fact that their institutional and organizations resources are strongly rooted in national legislation; and that national tripartite policy making, collective bargaining (framed also via national legislation) and representing workers at the workplace are all strongly embedded in particular countries' legislative systems and negotiation and representation cultures. Nevertheless, **for TUs, regional policy dialogue is an opportunity to learn from experiences in other countries, including the EU member states, to develop a stronger and more unified approach to workers' interest representation in the EaP region, but without direct links to normative policy making that remains country specific**.

Beyond the presented three levels of policy dialogue, which are of key importance from the EUD's perspective, it is worthwhile to mention the role of the **International Labour Organization (ILO)**. While evidence from all countries shows that the ILO has invested enormous effort in the EaP region in strengthening labour rights via capacity building of trade unions, the ILO interacts only with recognized and representative TUs that meet the formally set country-specific representation criteria. In other words, ILO activities in strengthening labour rights did only partially cover the landscape of active CSOs, limiting these to part of the trade union landscape, while not interacting with PAs, NGOs or smaller, alternative, modern trade unions that lack national recognition in tripartism. This fact opens new challenges of interaction for the EUDs and new forms of engaging in policy dialogue with civil society actors beyond those formally recognized trade union organizations.

4. Challenges faced by trade unions and professional associations

In seeking to establish or to strengthen their involvement into policy dialogue, each type of analysed CSOs face different kinds of challenges. First, all types of organizations, including TUs, PAs and NGOs, seek to **strengthen their organizational resources**. These are comprised of higher **membership** (in case of TUs and PAs) and a high **leadership potential** (applicable to all types of organizations). Evidence from the country studies shows that in most EaP countries **TUs were facing difficulties in the recruitment of young people**. This was most explicit in Armenia, Moldova and Ukraine. Some Ukrainian trade unions offered students free trade union membership to facilitate a higher presence of the young generation among the TU constituency. In Belarus and Georgia, unions' organizational resources are particularly constrained by the capacity of their leadership. In Belarus, it is particularly the TUs in opposition that suffer from underfunding, low staff renewal rate in union leadership and in consequence a clear strategy for the unions' future. In Georgia, regardless of the unions' formalized access to social dialogue, **TU visibility and public support is extensively dependent on union leadership**. New/alternative unions mobilize potential members via grassroots volunteer work (e.g., handing out leaflets, social media campaigning, individual talks with potential members). In Moldova, trade unions strive to improve their organizational resources, internal transparency and redistribution of financial resources between different levels of union activity. A **progressive and active union leadership** is perceived as a key factor in this process. In Ukraine, where the TU landscape is diversified but also more stabilized (compared to e.g, Georgia and Armenia, where the 'alternative/modern' unions still struggle to formalize their organizations and develop public support), good union leadership has facilitated **access to international cooperation**, higher internal transparency in selected unions (although the share of non-transparent organizations in Ukraine's very diversified landscape of TUs is higher than in other EaP countries), better **cooperation with employers' associations** and improved **expert capacity** within union organizations. Facilitating internal democracy and better **internal trust**, e.g., via more extensive use of **modern communication technologies** between various levels of TU activity is perceived as necessary but challenging also by Armenian TUs.

In sum, those TUs that have an established organizational structure, ideally at the workplace level, have a better direct access to (potential) members. At the same time, when strengthening organizational capacity via mobilizing membership, unions need to be aware of the value/benefits they are offering to their (potential) members in exchange for their membership fee and support. In many CEE countries that introduced country-wide legislative measures upon trade union initiatives, the connection of direct value for one's membership fee has been lost; and TUs, despite their recent ability to facilitate improvement in workers' rights via legislation, are losing societal support and membership. Nevertheless, it is noteworthy that several **foreign foundations**, which also belong to the CSO landscape active in labour rights, provided **relevant support in capacity building for TUs in the EaP region**. These include, the Friedrich Ebert Foundation (except Azerbaijan and Belarus), the Solidarity Centre (evidence on support to TUs in all EaP countries), and increasingly also the Open Society Foundation (in Armenia and Georgia). Of course, next to these, the role of the ILO in equipping unions with bargaining skills and mobilization strategies was extensive especially in the early years of economic/democratic transition.

Evidence on how **PAs attempt to raise their membership is very limited**. First of all, PAs lack distinct legal regulation in most EaP countries, which would introduce and harmonize the principles of their membership and service provided by these organizations to their members. The collected evidence suggests that PAs, where they exist, have membership concentrated in certain professions and attempt to act upon the interests of these professions, but evidence on organizational strategies how to actually strengthen the capacities of PAs as organizations was not revealed to the research team during the interviews.

Second, challenges that TUs and PAs face in the EaP countries relate to their **institutional resources**, or the institutionally underpinned access to policy making. The most outstanding case here is Azerbaijan, where CSOs have been facing extensive challenges related to the high **governmental discretion over registration of such organizations** and over an approval for CSOs to receive external grants. Although some improvements after 2017 are reported in the Azerbaijan country report, the government still exercises extensive discretion over CSOs, including TUs and PAs. Even yellow unions, which lack independence and are subordinated to the government or company managements, face challenges in obtaining government grants in Azerbaijan. In countries where CSOs do not face challenges with their fundamental existence, TUs are concerned with strengthening the role of **collective bargaining** as a key process in which unions engage, increasing the scope of bargaining coverage and a transparent and respected legal entrenchment of bargaining. Unions in Armenia, Belarus, Georgia and Moldova particularly highlighted that law enforcement needs to be strengthened for unions to deliver their activities properly, especially in collective bargaining.

Third, challenges relate to the unions' **societal resources**, most importantly, to their societal support, public appearance, trust in TUs and other CSOs and the relevance of political ties. Corruption and 'yellow trade unionism' are the most important challenges in this respect (especially found in interviews conducted in Ukraine, Armenia, Georgia and Azerbaijan). While in some countries (Belarus, Azerbaijan, partly Ukraine) unions rely extensively on political and oligarch support, in other countries unions strive to strengthen their societal image independently from political support (Georgia, Armenia, Moldova). Corruption and political ties of part of the union landscape influences the public perception and support for all unions, which raises the level of challenges faced by modern/alternative unions that have to concentrate their efforts in strengthening their organizational resources even more with such a generally perceived image of TUs.

As for PAs, given their marginal presence and operation, similar challenges do not apply in the same scope as for TUs. The **key challenge for PAs is to institutionalize their presence via legal regulation**, which would acknowledge their distinct organizational characteristics. Upon this step, PAs would face similar challenges than TUs in strengthening their organizational capacities, including membership, leadership, internal communication with members, and internal expert capacity.

5. Conclusions

Comparative analytical findings of the mapping studies are summarized below in the formal of an analysis of their strengths, weaknesses, opportunities and threats (SWOT). Strengths refer to core competences and resources of TUs, PAs and NGOs that give them an advantage over other organizations to be involved in policy dialogue to advance labour rights. Weaknesses refer to those characteristics of TUs, PAs and NGOs that give them disadvantage relative to others to be involved in policy dialogue to advance labour rights. Opportunities resemble elements in the environment that TUs, PAs and NGOs could exploit in order to enhance their access to policy dialogue regarding labour rights. Finally, threats refer to elements in the environment that could limit/ /represent a barrier for TUs, PAs and other NGOs to be involved in policy dialogue regarding labour rights.

Table 8: SWOT analysis of trade unions, professional associations and NGOs in EaP countries

Strengths	Weaknesses
TUs: established legislation and ratification of ILO conventions on TU operation, history of trade unionism, union structures well rooted in society, formalized involvement in tripartite social dialogue as part of national policy dialogue with a wide-scale focus on working conditions and workers' rights **PAs:** advancing occupational interests regarding professional development and training **NGOs:** vibrant NGO landscape (in GE and UA, developing in AM) complements TU activities via different forms of action (courts, lobbying, advocacy), expertise in labour advocacy, complementarity to the strengths of TUs and PAs, thereby all three types of actors possess distinct core competences in addressing labour rights in policy dialogue in complementary ways and several levels	**TUs:** lack of organizational resources, leadership, societal support, transparency in internal operation, membership decline, corruption, subordination to political and oligarch interests, lack of innovative solutions and a clear strategy for the future; weak presence in policy dialogue beyond national social dialogue, presence of 'yellow' TUs, lack of independent collective bargaining tradition, ILO trainings to TUs remain largely at the confederation level that serves as a gatekeeper in access to lower-level union organizations in the vertical TU hierarchy **PAs:** lacking legal regulation on the distinct features of PAs, therefore little opportunity to engage in policy dialogue; lack of institutional resources (PAs are mostly registered as NGOs or TUs). **NGOs:** non-membership based organizations, do not directly represent the interests of a broad part of the labour force, limited scope for country-wide coordinated action beyond individual project-based activities, litigation and lobbying

Opportunities	Threats
TUs: Internal development of staff capacities, leadership, public relations and infrastructures; TU services to members can improve upon enhanced bargaining skills and engagement in policy dialogue; opportunity to influence relevant legislation on specific aspects of labour rights; use the existing EaP framework to cooperate with CSOs to align priorities between the EU and TUs **PAs:** engage in policy dialogue at several levels as distinct interest-representation organizations, influence of policies in professional development and lifelong learning, certification to enhance the quality of services delivered by certain professions (e.g., teachers, doctors, lawyers, etc.), use the existing EaP framework to cooperate with CSOs to align priorities between the EU and PAs **NGOs:** Engage in policy dialogue at several levels, responsiveness to a competitive grant system creates opportunities to enhance various aspects of labour rights via advocacy and policy action, use the existing EaP framework to cooperate with CSOs to align priorities between the EU and NGOs	TUs: declining public trust, limited organizational resources (especially of alternative/modern TUs) threaten their further operation currently heavily dependent on the quality of their leadership, declining union membership and low bargaining coverage, unilateral legislative changes to weaken TU influence (Ukraine), high power asymmetry between TUs and governments, and TUs and oligarchs (especially in Ukraine), lack of international resources may prevent the development of union priorities in a broader regional and European context, threat of union activities being overtaken by PAs and NGOs (as happened in some CEE countries, e.g. Hungary and Slovakia) **PAs:** can be pushed out by other types of CSOs, lacking legal regulation will hinder the development of PAs and their policy dialogue involvement in the long run **NGOs:** overlapping capacities and competition with TUs and (to a lesser extent) PAs, risk of 'projectization' of NGO activities that would prevent their more stable and systematic involvement in policy dialogue at various levels

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