



Searching for a cure: social dialogue and the (post-)pandemic socio-economic crisis in Poland

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Paper presented at the Industrial Relations in Europe Conference (IREC) 2022

Tampere, 14 September 2022

prepared as a part of the research project **COV-WORK („Socio-economic consciousness, work experiences and coping strategies of Poles in the context of the post-pandemic crisis”)**, financed by the National Science Centre, grant no.: UMO-2020/37/B/HS6/00479

Polish industrial relations: background

- Patchwork nature of industrial relations mirroring the patchwork nature of Polish capitalism (Rapacki et al. 2019)
- Decentralised collective bargaining, falling coverage, ongoing de-unionisation, employer organisations absent from multi-employer CB (EOs or just business associations?)
- Weakness of both trade unions and employer organisations, as none of them possesses “a hold over labour market” (Traxler 2010; Keune and Pochet 2010), also manifested in low density
- Resilient unilateralism of the government
- “Illusory corporatism” (Ost 2000, 2011) – failed attempts at social pact negotiations, short episode of „**crisis-corporatism**” (Czarzasty, Mrozowski 2020), followed by the breakdown of the Tripartite Commission (TK) in 2013, tripartite social dialogue relaunched in 2015 with the establishment of the Social Dialogue Council (RDS), only to be marginalised again by the government soon after
- Environment of weak institutions, deteriorating even further after 2015, also as a result of intentional political moves, following which unions are facing a threat of their agenda being hijacked by the state due to generous social spending and minimum wage policy (Czarzasty, Rogalewski 2022)

Crisis corporatism

- Crisis corporatism is seen as a new incarnation of “corporatism II”, that is, interest concertation (Lehmbruch and Schmitter 1982) and embraces processes of negotiation, coordination and cooperation between the state, labour and capital in the context of crisis.
- According to Urban (2012) crisis corporatism stems from asymmetry of power that may lead to a formation of “alliances of the weak”, and in such coalitions trade unions could play the role of “crisis moderator”.
- In the context of previous major crisis (2008+) Ebbinghaus and Weishaupt (2022) argue that countries where the tradition of social partnership made use of social dialogue more extensively than those with more fragmented industrial relations leaning of pluralist type.
- On the other hand, “crisis situations – however severe – do not automatically lead to a flourishing of such experiments in social partnership” (Meardi and Tassinari, 2022).

Methodology and execution of research

- The material consists of 21 expert interviews with social partners carried out in 2021.
- Social partners interviewed represent national- and industry-level organisations in three industries: **education, health care and social care as well as logistics**. They could all be termed “essential” for social reproduction.
- The interviewees included trade union leaders, employers’ representatives and the representatives of the Ministry of Health and the Ministry of Family and Social Policy

Polish industrial relations during COVID-19

- Unilateralism of the government in anti-crisis policy making;
- Assault by the government on autonomy of the Social Dialogue Council (central-level tripartite body) and social partners themselves through a provision stating that the Prime Minister would gain the right to dismiss any member of the central level tripartite body if he/she commits an act of “misappropriation of the Council's activities, leading to the inability to conduct transparent, substantive and regular dialogue between employees and employers organisations and the government”. All national level social partners protested against the new regulations in a joint protest signed by all eight representative organisations;
- The growing discontent of the social partners, manifested i.a. by public protests in May and June 2021 held by unions of nurses and workers in the energy sector;
- Social dialogue deteriorating since about 2016/2017, the process accelerated after the outbreak of the pandemics.

Trade unions struggling with anti-crisis policies

- Very limited support for employees as compared to employers in the anti-crisis measures (supply-side macroeconomic policy), unmet demands of unions to increase unemployment benefits
- Due to sanitary restrictions (lockdown in the spring of 2020 and from October 2020 until May 2021) long periods when unions could not openly protest
- Due to their confinement to the sectors with predominance of essential workers, unions would find themselves in awkward position while addressing the postulates for their constituency (notable example: teachers)
- Due to the fact the government would be „all generous” with massive spending under anti-crisis measures , there was little the unions could offer (government 'hijacking' the unions' agenda)
- Some positive signs of union activities, including actions at Amazon sites

Employer organisations acting like business associations

- Since 2015 number of nationally representative employer organisations has inflated, from four to six
- Employer organisations in Poland, despite operating on the basis of separate legislation (Employer Organisations Act of 1991) abstain from collective bargaining, which makes them hardly indistinguishable from business associations
- It seems that 'logic of influence' prevails over 'logic of membership' (Schmitter and Streeck, 1981)
- Given tripartism as the main leverage for employer organisations legitimacy (in the absence of multi-employer bargaining) has been deteriorating, functionality of employer organisations in their present state to the system is increasingly debatable.

Tripartism in crisis: „the worst time ever”?

- Field research done in course of the project reveals disillusionment of social partners with tripartite social dialogue but at the same time they have no capacity to challenge the unilateral/voluntaristic policies (and politics) of the government (Mrozowski and Czarzasty 2023, forthcoming)
- Government, given centralistic and etatist leanings of the political camp behind it, maintains its engagement with tripartite bodies, because they are perceived, on the one hand, as formal institutions that should not be completely sidelined or neglected ('just in case' approach) and, on the other, as a potential 'safety valve' to be used in case of socio-economic crisis escalates (lessons learnt from the 2008+ crises)

Quotes from the expert interviews

- The pandemics being the “worst period in the entire history of the Council” (EX_12_TU) due to the lack the government’s political will to make use of tripartite bodies as the venues of problem-solving.
- “If someone is so orthodox, so to speak, and attached to a rule, it is quite difficult to convince him that it is possible to avoid certain things, but adapt them to the situation” (EX_10_GVMT) [on switching to remote mode of communication]
- „As regards remote work, which is to be included in the Labour Code after Covid, I think that there has not been such a project negotiated with the social partners in Poland for several years” (EX_14, EO) [on remote work legislation, still unfinished as of today]
- We don't have any chance of concluding such a pact, if only because the political scene has become so polarised, there are such tensions, and they are also being transferred to the social partners, that there is no chance. (EX_18_GVMT) [on possibilities of striking a pandemic crisis-induced social pact]
- “This pandemic gave us that, that, despite everything, in moments of extreme, together we’re stronger, aren’t we? If we had started to say each from oneself, I suspect we wouldn't have got anything” (EX_22_TU) [on the pandemic as an impulse for union revitalisation]

Crisis corporatism or corporatism in crisis?

- Some signs of revival on the trade union side, still the grassroots/bottom-up moves and movements, albeit important in symbolic and discursive terms, have hardly translated into any significant increases in union recruitment, hence any growth in associational power but some potential gains in institutional power due to the wave of quasi-bargaining at the workplace level triggered by anti-crisis shields possible;
- New crisis unfolding, following the outbreak of the war and emerging energy crisis, is likely to lead to an economic slump, so 'unfreezing' of tripartite bodies may become a tempting scenario for the government (drawing on lessons of 2008+) but the question is how much of the social dialogue capacity is left?
- The COVID-19-related turbulences and their impact of national industrial relations and social dialogue seem to confirm and reinforce patchwork nature of the system by undermining the institutional channels of social dialogue in Poland by ad-hocratism, bricolage or diffusion of responsibilities
- In the end it appears that we have been dealing **more with the phenomenon of corporatism in crisis than crisis corporatism.**