



# COVID-19 and the Prospects of Trade Union Renewal? The case of Poland

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Presented at the 33rd Annual SASE Conference

*After Covid? Critical Conjunctures and Contingent Pathways of Contemporary Capitalism*

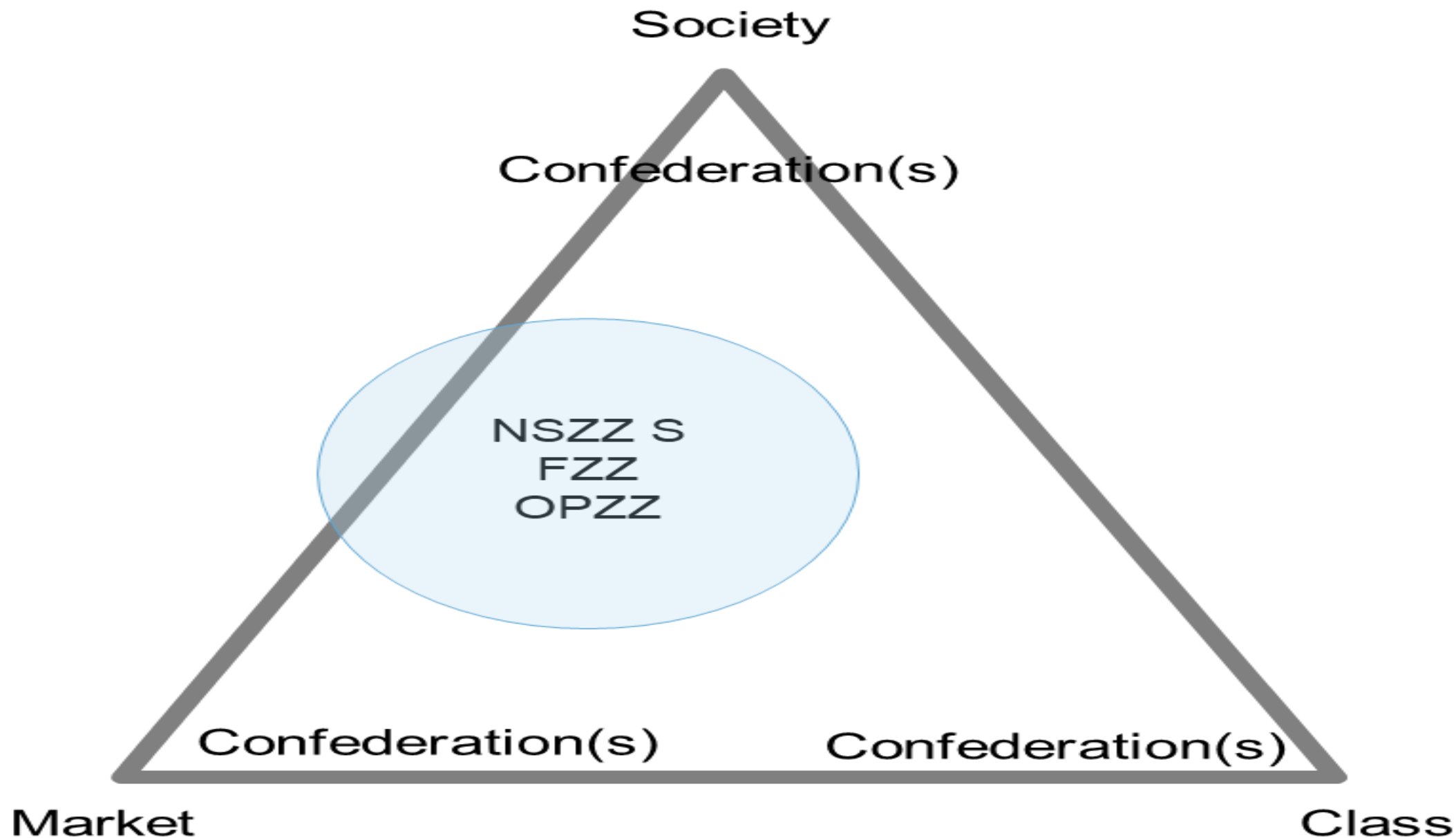
2 July 2021

The paper has been 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 unionism: overview

- Resilient union pluralism;
- Low, albeit stable, union density;
- In terms of power resources approach, low levels of associational, structural and – to a lesser degree – institutional, while performing relatively well in the dimension of societal power
- Collective bargaining nearly extinct, hence advanced individualisation of industrial relations;
- Post-socialist legacy steadily disappearing, yet still occasionally striking back in the context of tripartite social dialogue (vis-a-vis government) -> repoliticization
- Unions stuck in the maze resulting from number of interfering processes: incoming migration, rise of populism, precarisation of work and labour, technological change (digitalisation, automation and robotization of work and debatable effect of organising initiatives
- Market and community-oriented unionism prevail over class unionism
- Unions facing a threat of their agenda hijacked by the state due to generous social spending and minimum wage policy

# The identity of Polish trade unionism



# Socio-economic impact of COVID-19 in Poland

- In terms of the general state of economy and labour market the impact was not overly dramatic: unemployment rate remained unchanged at the end of 2020 at 3.1%, yet rose to 4.0% during the 1st quarter 2021, while GDP fell by 2.8%, 2019/2020).
- The sudden rise of remote work exposed a legal vacuum, as the notion of 'remote work' had not even been recognised by the labour law prior to the COVID-19 outbreak (only 'telework' is regulated by the Labour Code). Thus far the issue has been dealt with only on the basis of anti-crisis legislation.

# Polish industrial relations in the shadows of COVID-19

- Unilateralism of the government in anti-crisis policy making
- In the Anti-crisis Shield 1.0 (March 2020), there was a regulation violating the autonomy of the Social Dialogue Council and of social partners themselves. By virtue of Article 46, 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 President of Poland subsequently sent the controversial provision to the constitutional court.
- However, some concessions were made to unions in April 2020 as a result of informal negotiations between the government and NSZZ Solidarność, in particular, the initial anti-union and anti-employee provisions of the Anti-crisis Shield 3.0 such as suspending collective agreements and company social funds in the event of „economic hardship” experienced by the employer, giving employers the right to dismiss employees if the latter are known to have any other source of income apart from the contract of employment.
- The crisis of social dialogue in March-April 2020 was also partially triggered by ‘human factor’ – limited readiness to switch to online mode of work in the RDS by unions and employers;
- Near the end of the year there was another tension, yet minor in scale – comparing to the previous one – emerging. The reason behind it was the fact that, according to the social partners, the government ignored their proposals while drafting amendment of the Act on Social Dialogue Council (RDS).
- Social partners sidelined in course of drafting the National Recovery Plan (so-called Polish Deal).
- 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.
- On the verge of conventionally understood field of „industrial relations” there are growing economic and social hardships endured by small business owners and people remaining in non-employment working relationships, often precarious ignited a wave of discontent that near the end of the year began to transform into a social movement which assumed the name of “Business on Strike”.

# Trade unions struggling with pandemics and anti-crisis policies

- Anti-crisis policy measures offered very limited support for employees as compared to employers;
- Unions' demands to increase unemployment benefits ignored;
- Trade unions gave found themselves in a trap as:
  - ✓ Due to sanitary restrictions (lockdown in the spring of 2020 and from October 2020 until May 2021) they could not openly protest;
  - ✓ Due to their confinement to the sector with predominance of **essential workers**, they would find themselves in awkward position while addressing the postulates for their constituency;
  - ✓ Due to the fact the government would be „all generous” with massive spending under anti-crisis measures , there was little the unions could offer

# Developments in Polish union mvmt. during pandemics, preliminary findings from the field

## Positive

- no acceleration of deunionisation
- relatively limited impact on union finances
- good practices of switching to online tools (*especially if it started before pandemic, as in Amazon – online strike referendum and election of Social Labour Inspectors during pandemic*)
- successful organizing of care workers in residential homes the discourse of essential work *and* the defence of good quality public services as organizing tool

## Negative

- uneven shift to remote union work of union administration;
- problems of union organizing under conditions of lack of those shifted to remote work;
- collective mobilization problems in case of both remote work (no physical contact) and onsite work (lockdown restrictions)

# Discussion and conclusions

- Polish industrial relations seem to retain its dualistic (hybrid) nature, while also evolving into a system defined by strong voluntarism of state, it is an open question whether to describe it as Illusory corporatism Mark.3, neo-state corporatism or neo-etatism.
- The main threat seems to be the prospect for further marginalisation of trade unions due to ongoing process of **the union agenda being overtaken by the government** and the ruling political camp behind it (Czarzasty, Rogalewski 2021, forthcoming), amplified even more by the government's unilateral policies (and politics), exemplified by its disregard for tripartism. Union substitution by populist parties that Visser (2019) lists among possible future scenarios for trade unions does not appear too unlikely in the Polish context.
- The main opportunities for trade unions seem to be the recent change of law expanding the right of association (to people without employment contracts), and their ability to present themselves as the voice of the public in a very unusual situation, hence gaining societal (symbolic) power. The lesser threats to be named are limited capacity to address technological challenges or mobilise the workforce in circumstance of Agambenian-like „state of exception” triggered by the pandemic possibly turning into permanent situation.
- The relationship between the Polish government and trade unions is well illustrated by the EU minimum wage debate, especially the divergent views on article 4 of the draft Directive on adequate minimum wages in the EU (regarding promotion of collective bargaining by the state).
- Anger and politics: the pandemics seem to have opened new fields of conflict in work and employment relations, involving i.a. platform workers, self-employed or micro-business owners, from which both trade unions and employers organisations are absent, which is best exemplified by the contrasting scales of formal conflicts (strikes, collective disputes) with informal and spontaneous ones.
- In the times of pandemics „union fetishism” (Atzeni 2021) as a factor distorting the picture work and employment relations (in particular, regarding the issue of interest representation) has become very relevant not only in Polish but also the global context.