

AUTHORITARIAN INNOVATIONS IN THE POLISH INDUSTRIAL RELATIONS SYSTEM: FROM LIBERAL TO ILLIBERAL ILLUSORY CORPORATISM?

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OVERVIEW

- Introduction
- Authoritarian innovations and illusory corporatism: the case of Poland
- Historical context: authoritarian innovations after 1989
- Undermining social dialogue by liberal governments in 2007-2015
- Authoritarian innovations after the election of Law and Justice government
- Authoritarian innovations during the pandemic crisis and interlinked crises
- Conclusions

INTRODUCTION

- The discussion about the relationship between industrial relations system and authoritarian tendencies in Eastern Europe (and beyond): the case of Poland
- The need for a longer-term perspective: how did authoritarian innovations in labour governance evolve over time and what was their role in the illiberal swerve in Poland after the electoral victory of the Law and Justice in 2015?
- Empirical data: documentary analysis and 30 expert interviews with social partners collected in two projects in 2016 and 2021-23.
- Exploring the connections of neoliberal reforms after 1989, the rise of “illusory corporatism” (Ost 2000) under left-wing and liberal rule and “new authoritarianism” after 2015
- Focusing on trade unions’ role (and weakness) in defending social dialogue as important component of democracy

THEORETICAL FRAMEWORK

- Authoritarian innovations (AI) as ‘novel governance practices designed to shrink spaces for meaningful public participation’ (Curato and Fossati 2020:1010)
 - Authoritarian practices as present in both democracies and autocracies (Pepinsky 2020)
- AI in industrial relations as governance practices “used to disempower labor unions while maintaining a semblance of conformance with international norms” (Ford, Gillan and Ward 2021)
- Similarities between AI and the “illusory corporatism” (Ost 2000, 2011) concepts:
 - “hollowing out and reworking labor institutions” (Ford et al. 2021)
 - Focus on authoritarian practices: undermining workers’ meaningful participation and rights;
 - Similar rationale: increasing internal and international legitimacy for neoliberal reforms, secure capital accumulation, meeting expectations of international institutions (EU, ILO), pain-sharing...
- The resilience of authoritarian innovations as institutional drift over time regardless of political forces in power? From liberal to illiberal illusory corporatism?

THE CONTEXT: THE CASE OF POLAND

- Poland: from “democratic success story” under the banner of Solidarity to the showcase of illiberal turn in Eastern Europe
- IR perspective: more continuity than a change after 2015 – the foundations of labour weakness after 1989:
 - **Institutional:** Legal constraints on trade union organising and strikes included in 1991-92 regulations, the marginal role of collective bargaining; Tripartite body created in 1993 and endowed with very limited mandate the marginal role of collective bargaining
 - **Structural:** Marketisation and privatisation leading to erosion of trade unions
 - **Agential:** Market ideologies and institutions (e.g. the spread of self-employment/entrepreneurial culture) impacting on workers’ individualistic strategies
- Limited (and failed) attempts to reinforce IR institutions and actors after 1989 – the state of an “apathy” as it was called by one of informants

AUTHORITARIAN INNOVATIONS UNDER LIBERAL RULE: THE CASE OF 2008+ CRISIS

- 2007-2015: the rule of (now) oppositional liberal-agrarian coalition PO-PSL
- The relevance of the “fear of the crisis” (Czarzasty, Mrozowski 2022) for the reinvigoration of tripartite dialogue in 2008-09
 - An autonomous agreement between unions and employers on anti-crisis policies challenged by employers and passed by the PO-PSL government without acknowledging important union demands (e.g. on the limitation of fixed term contracts)
- Bypassing of trade unions and the Tripartite Commission (TC) in the case of austerity measures, labour code and pension reforms of 2011-14;
- The boycott of the TC by unions in 2013-15 leading to its replacement by the Social Dialogue Council in 2015 (formally endowed with broader prerogatives);
- Union opposition and Solidarity coalition with the right-wing conservative Law and Justice (PiS) as an important factor behind the victory of PiS

AUTHORITARIAN INNOVATIONS AFTER 2015

- Authoritarian innovations beyond the IR system in the name of the national interests (judicial system, public education, national media..)
- Special relations between Solidarity and PiS: electoral support and further erosion of tripartism in exchange for pursuing some union demands
 - Reversing pension reform, rising minimum wage, regulating precarious employment, but no major reforms of labour law and collective bargaining regulations;
 - Protracted and forced by EC/ILO/Constitutional Tribunal reform of trade union act enabling precarious workers to join unions (2019)
 - “Patronage capitalism” (Olejnik 2020): social dialogue with allies and undermining enemies – institutionalized in a special team for dialogue between Solidarity and the government (2022)
- No interest of PiS in making TU and social dialogue stronger:
 - Paralyzing (SDC) – shortage of experts, short time for consultation, overflowing SDC with minor (and irrelevant) acts to consult and no consultation of major reforms

AUTHORITARIAN INNOVATIONS AND PANDEMIC

- Deepening and adding new elements to earlier trends of authoritarian innovations under extraordinary circumstances:
 - The crisis as an excuse not to involve social partners in policy-making: anti-crisis bills in Spring 2020 not consulted at all or within very short time (less than 24h)
- Try-and-see model of government's interaction with social partners based on attempts to undermine their power resources and waiting for their reaction:
- Failed attempts of PiS to change labour laws and tripartite regulations due to trade unions/social partners opposition
 - Attack on the autonomy of the SDC in anti-crisis laws in March 2020: giving PM prerogatives to revoke the members of SDC
 - Attempt to change the act on collective disputes (2022) which would further limit the right to strike, especially for smaller unions

CONCLUSION

- The story of partially failed authoritarian innovations in labour governance accompanying Poland's democratisation after 1989
 - Institutional, structural and agential foundations of AI
 - no major differences between liberal and illiberal governments' approach to trade unions and social dialogue
- The role of the (interlinked) crises in legitimising and fostering authoritarian innovations:
 - The fear of the crisis in 2008+
 - Pandemic and interlinked crisis in 2020
- Institutional drift of weak labour institutions over time functional to both neoliberal agenda and nationalistic-conservative agenda
- The role of trade unions in both legitimising some authoritarian innovations and defending social dialogue institutions against full turn to authoritarian capitalism

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