

THE REVIVAL OF SOCIAL DIALOGUE OR THE TRIGGER OF SOCIAL CONFLICTS? POLYCRISIS IN THE POLISH INDUSTRIAL RELATIONS

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OVERVIEW

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INTRODUCTION

Research question: what is the impact of the ongoing polycrisis **for the state of industrial relations and social dialogue in Poland?**

Hypothesis: the lack of complementarity at the institutional level, importance of the state in IR ('illusory corporatism', cf. Ost 2009) and power resources weakness of both trade unions and employer organisations **further undermine industrial relations and social dialogue in the post-pandemic situation**

Data: **42 expert interviews** with social dialogue partners at the national level and in the following sectors: education, health care/social assistance, logistics (four of which are follow-up interviews, with the same persons as the original ones) plus secondary data /official documents' analysis

Thematic data coding on pandemic experiences: (1) the relationship of TU and EO with GOV; (2) Bilateral relations of TU and EO; (3) the assessment of the SDC; (4) pandemic and capacity building of social partners (lessons learnt)

EXPERT INTERVIEWS: SAMPLING

	TUs and chambers of labour	EOs and management	Public administration	Total
National level	6	6	2	14
Education	3	3	0	6
Health-care	6 (3)	2	1 (1)	9 (4)
Social care	3	2	0	5
Logistics	5	3	0	8
Total	23	16	3	42

BACKGROUND: INDUSTRIAL RELATIONS AND TRIPARTISM IN POLAND

- 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 possess “a hold over labour market” (Traxler 2010; Keune and Pochet 2010); 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
- Tradition of „special relationship” between governments and politically linked major unions (broken in 2007, seemingly revived in 2015 but turned out to be shortlived)
- Environment of weak institutions, deteriorating even further after 2015, also as a result of intentional political moves (Czarzasty, Rogalewski 2022)
- „Authoritarian innovations” observable in industrial relations after 1989 (Mrozowski 2024) as “hollowing out and reworking labor institutions” (Ford et al. 2021)

ANALYSIS (I): THE RELATIONS OF SOCIAL PARTNERS WITH GOVERNMENT IN 2020-22

1. Façade consultations reflecting patchwork order
 - Short time given, extraordinary no formal consultations of anti-crisis shields and financial shields
 - Diffusion of responsibility: many departments dealing with the same problems
 - Communication with social partners via mass media rather than SCD
2. Unequal treatment of social partners
 - No need to consult due to unshaken government power and support
 - Privileging employers over unions and Solidarity over other unions
3. The “waving” of pandemic: social dialogue shifted to later phases
 - The shift to informal, ad-hoc consultations in the 1st wave
 - Gradual re-institutionalisation of social dialogue in the next waves
 - Back to illusory tripartism: the case of Recovery and Resilience Plan
4. Pandemic as an excuse for the lack of social dialogue: PR-dialogue
5. Generally positive assessment of anti-crisis measures by EO, less positive by TUs

ANALYSIS (II): THE RELATIONS BETWEEN SOCIAL PARTNERS IN 2020-22

- Multiple patterns on each levels: from bricolage, ad-hoc cooperation to emerging conflicts in all three sectors studied;
- Quasi-bargaining at the company level as the result of the implementation of anti-crisis measures (25-30 k agreements, mostly with ad-hoc employee representatives)
- Soft, framework agreements between TU and EO, e.g. in transportation
- Non-union forms of communication used in pandemic (e.g. in Amazon)
- Workers' protests beyond workplaces under pandemic conditions,
 - the return of White Village (health care),
 - “vest protest” during Black Friday; blocking delivery of goods; global letter campaign of unions and MPs to Jeff Bezos; walk outs (logistics)
 - street demonstrations (teachers, October 2021)

ANALYSIS (III): SOCIAL DIALOGUE COUNCIL

- The pandemic as the intensification of earlier crisis of the SDC - “the worst period in the SDC history” [EX12]
 - pandemic as an excuse for the assault on SCD by giving the PM possibility to dismiss its members in anti-crisis shield: **the loss of trust**
 - the use of MPs projects to bypass the consultations, no legislative initiatives by social partners (!) – [EX18]
 - internal competition within social partners (e.g. health care TUs)
- The procedural, technical and substantive deadlock of the SDC
 - Very limited consultations of some key projects (e.g. KPO, anti-crisis shields)
 - Extended consultations without outcomes of other projects (remote work)
- The failed attempt at signing the social pact
 - Key obstacles: personalisation of project without support of social partners; lack of support of Gowin by the PM Morawiecki; lack of trust of social partners

EXPERT INTERVIEWS' ANALYSIS (IV): PANDEMIC AS CAPACITY BUILDING?

- Pandemic generally seen as an opportunity for the development of employer organisations and trade unions by their leaders
 - Better cooperation between EOs (less obvious among TUs, but here also – as in the health care/public services – greater emphasis on cooperation)
 - No decline in membership of major TUs and EOs, successful TU organising
 - Better visibility of social partners in new social media, e.g. on the role of public services
- Technological development: digital skills of leaders at various levels
 - Remote work moderately accepted; leadership working offline
- The inclusion of capacity building postulates in KPO / (a missed opportunity?)
- Pandemic as a driver of social dialogue/ state modernisation?

EXPERT INTERVIEWS' ANALYSIS (V): INTERTWINED CRISES

- Four follow-up interviews and additional interviews in 2023 suggest resilience of state unilateralism and solidifying of illiberal illusory corporatism;
- Ambivalent views on the role of social dialogue in managing Ukraine refugee crisis (particularly critical in education): better assessed by employers than by unions;
- The impact of crises *poorly* managed by social dialogue: inflation (including minimum wage increases), labour shortages, digitalisation, demographic change, energy prices, green transition;
- Limited increases in the number of strikes in 2020-24, some increases in collective disputes in key industries (in 2021-22) and **some overlaps of industrial conflicts with social conflicts** (“Women strike” in 2020; anti-Green Deal protests in 2023-24)

SHIFT IN POWER – WILL ILLIBERAL ILLUSORY CORPORATISM STAY OR VANISH?

Ongoing screening and analysis of the developments in the IR and social dialogue areas in Poland (mostly done by us outside the project's framework) suggest that for a year since the shift in political power (October 2023) in the country no significant changes – either for better or worse – have taken place.

Insetad, there is a continuity in the processes which originated after 2015 and whose roots could be traced back to the years before, to basic legal regulations of industrial relations in the 1990s and the 2008+ global crisis and public policy responses to it.

In other words, interlinked crises - that have played a significant role in fostering and legitimising authoritarian innovations – seem also to have put the Polish IR and social dialogue on a path-dependency type of track, a downward spiral which was successively magnified and accelerated by subsequent socio-economic crises, in particular the 2008+ and 2020+ ones.

THE CASE OF ARTICLE 4 OF THE MINIMUM WAGE DIRECTIVE

According to Article 4(2) of the Directive, Member States with a collective bargaining (CB) coverage rate below 80% are required to undertake two actions: 1) establish a framework of conditions conducive to increasing the coverage of CB, and 2) prepare an national action plan (NAP) setting a roadmap for promoting collective bargaining;

The Member States (MS) are expected to deliver NAPs by the end of 2024;

As of October 2024, the negotiations on the content of the Polish NAP have not progressed beyond „infancy” stage, with social partners avoiding taking active part in the process and looking up to the government to become a leader in preparing the NAP; the government has presented two consecutive drafts on „collective bargaining law” (interestingly, removing it outside of the core labour law framework, that is, the Labour Code).

CONCLUSIONS

- Patchwork character of the IR system and the turbulent nature of the poly-crisis further undermine the already weak institutional channels of social dialogue in Poland -> ad-hocratism, bricolage, diffusion of responsibilities and informality behind facade;
- The continuous crisis of the tripartite social dialogue deepened by pandemic and the crises beyond: strong governments vs. weak social partners with limited veto power (Traxler 2010)
- Quasi-bargaining at the workplace level during 2008+ and 2020+ crises; the limited scope of workplace conflicts and further shift to conflicts outside of workplace addressing the fundamental problems of social reproduction (women rights, platform workers, Green Deal etc.)
- The resilience of the Polish industrial relations system under illiberal democracy: institutional drift rather than fundamental changes facilitated by polycrisis
- The prevalence of the normalising sequences over contenting sequences: the institutional foundations for more „loyalty” and/or „exit” than „voice”