

Introduction

The disintegration of socialism that occurred across Europe in the late 1980's prompted significant changes in the area of Industrial Relations (IR). The socialist governance of IR was based on the premise that a potential conflict of interests between the working class and enterprise-level management was not possible. The interests of workers and managers were integrated through the structure of 'a labour collective'. As an enterprise-based 'community', which included all employees including the director, they embodied this same unity of interests. Trade unions thus functioned to serve these 'labour collectives', having several specific tasks: 'transmitting' the directives of the Communist Party to workers – hence the title 'transmission belts'; building workers' productivity, and fulfilling the goals of both the social and welfare departments (e.g. Ashwin and Clarke 2003, Kubicek 2004, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997).

Beginning in the late 1980's, mandatory legal preconditions for pluralistic interest representation were introduced into the IR system. This took place over the course of post-socialist transformations, with the new institutional infrastructure for IR installed from above by the governments of post-socialist countries. Originally, the present infrastructure of IR was explicitly modelled on "[...] the 'western' pluralistic model of bargaining between independent trade unions and employers' organisations" (Cox and Mason 2000: 325, Kubicek 2007, Schröder 2004). The system's parameters were defined in terms of pluralism and autonomous representation of the interests of workers as well as the freedoms of association and bargaining.

This new institutional infrastructure has posed challenges for the channels that integrate workers and their interests through 'labour collectives'. Firstly, as long as the newly installed IR framework allocates legal rights to the formation and representation of workers' independent and specific interests, workers and trade unions are provided with opportunities and incentives to construct their own strategic organisations (Wiesenthal 1999). Secondly, in order to enforce their interests within the newly installed IR framework workers and their unions are now free to structure their relationships with the state and employers in a variety of ways, spanning from cooperative to adversarial. This contrasts starkly with the previous system of IR within which the organisation, structure, functions and activities of trade unions were pre-determined by the Communist Party and the trade unions were only allowed to have cooperative relationships with enterprise administrations and the state.

With all of these institutional changes in place, the role and functions of trade unions have been fundamentally challenged. Essentially, within the new institutional structure of IR trade unions are now recognised as autonomous organisations of 'hired workers' whose main goal is to formulate, articulate and enforce workers' independent interests in relation to the state and employers. This ongoing development of post-socialist worker representation and trade unions within new operating conditions forms the focus of the present dissertation.

Neither the recognition of workers' independent interests nor the introduction of different political parameters of interest representation (pluralism, autonomy and freedoms) alone have been sufficient to guarantee representation of workers' interests as independent from the management or the state. In post-soviet countries, "[p]ost-socialism lacks suitable forms of interest representation" (Hethy 1994b, Hoffer 1998, Wiesenthal 1999). The lack of effective forms of worker representation could, for example, be observed in falling workers' wages and secure employment levels and decent working and living conditions. In the former Soviet Union (FSU), workers' real wages have fallen drastically by 60-70%, reaching between two fifths and half of their 1989 value in 2001. Additionally, wages are stuck in unpaid-wage debts and employment levels have declined significantly (Chernyshev 2006, ILO 2010, Nesporova 2002, UNECE 2004). From the perspective of weak forms of interest representation, as shown in the literature, the opportunities offered within the new pluralistic institutional infrastructure were not utilised sufficiently in order to ensure strong interest representation.

As evidenced by the decline in workers' living and working conditions, 'very weak new [interest] associations' (Hausner, Jessop and Nielsen 1995: 29) and trade unions especially have failed to deliver decent wages, working conditions and employment security (Arandarenko 2001, Ashwin 1999a, 2007, Ashwin and Clarke 2003, Crowley 2004, Crowley and Ost 2001, Grdesic 2008, Kideckel 2001, Ost 2005, Pollert 2000). Union weaknesses have stemmed from the unions themselves and their leaders' traditional approaches to IR (Ashwin 2004, 2007, Kabalina and Komarovskiy 1997, Kozina 2001, Kubicek 2007, Pankow and Kopatko 2001, Pollert 2000, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997). The unions' traditional approaches are continually expressed through their active commitment to fulfilling the mandates of the state social and welfare departments (Ashwin 1997, Bocharov 2001, Crowley 2001, Gerchikov 1995, Kozina 2002, Ost 2006), thus limiting union activities to distributive practices. In particular, trade unions did not raise work-related concerns that conflicted with those of

enterprise managements, typically wages and employment levels, and more specifically, did not organise and protect workers that engage in enterprise-based conflicts around these same issues (Ashwin 2004, Kozina 2001, 2009). In the face of this incapability of the unions, Ost (2006: 310-311, Sayenko and Pryvalov 2003 have argued similarly) has claimed that, “[...] straightforward definitions about unions being organs for the defence of labour’s interests in the workplace and the advancement of their interests at large in the society do not work for post-communist society”. From this perspective of analysis, trade unions do not seem to have fulfilled their key role in protecting workers’ rights as is conceived within the pluralistic institutional infrastructure of IR.

Trade union weakness helps to understand the reasons behind weak worker representation. However, these observations are not sufficient to explain why these weak forms of workers’ interest representation have developed in the FSU *in spite of* the incentives for interest representation development provided within the institutional infrastructure of IR. Further analysis is required to understand this problem.

Firstly, while the position of trade unions has been undoubtedly weakened over the course of post-socialist transformations, the ability of trade unions to make their strategic choices was consistently ignored in the union analyses which instead treated unions as ‘objects’ of reforms (Crowley and Ost 2001). Importantly, even under constraining conditions, trade unions themselves have exercised choice over how and primarily what to present about workers (Hanke and Mense-Petermann 2001, Hausner, Jessop and Nielsen 1995, Huzzard, Gregory and Scott 2005, Trif and Koch 2005a, b). Secondly, treating trade unions as ‘an undifferentiated whole’ (Kubicek 2004), the majority of the analyses ignored the particular features of different unions established at different times and moments in the political development of the various countries. In particular, little is said in these analyses about the role of new forms of worker representation emerging on the basis of workers’ strikes and so-called ‘alternative’ trade unions. Contrary to the weaknesses observed in the cases of successor unions, newly established trade unions were found to cultivate opposition and mobilisation around workers’ interests (Buketov 1999, Crowley 2000, Hensche 1998, Kabalina and Komarovskiy 1997, Kubicek 2004, 2007, Wittkowsky 1995). As these observations show, independent unions use and support practices of worker representation that are more conflict-oriented than those of reformed unions. Given that the specific historical background of each of these unions subsequently influenced their positions within the IR, this aspect becomes critical in understanding the development of post-Soviet worker representation in a more comprehensive way.

This dissertation asks how the co-existence of reformed and newly emerging trade unions has influenced the development of worker representation in the context of the new institutional infrastructure? Such a question demands an analysis of changing interest constellations and forms of actions emerging within the arenas of IR as a result of union development. Further critical questions include: how can conflict-articulation practices be institutionalised in the face of the historical dominance of conflict conciliation? Have independent trade unions had a chance to institutionalise new forms of conflict articulation and union representation in the face of the traditional monopoly of pre-existing trade unions over worker representation? Finally, has the operation of more conflict-oriented independent trade unions provided any impetus for changes within the existing trade unions? What patterns of worker representation have been consolidated on the basis of ITUs' consolidation and its possible impact on RUCs?

The remainder of the book is structured as follows. Chapter I outlines the background for the discussion of post-socialist worker representation. Different sources of union weakness and the progress of union reform are discussed in this literature review, from which the central research question and hypothesis are also developed. Chapter II elaborates the research strategy and the methodological approach of the book. Using processual analysis, a case study research strategy is developed that helps to examine ten currently active trade unions from six different enterprises in Ukraine. Following this, the data collection and analysis methods are described and the chapter concludes with a discussion of methodological limitations.

Chapter III introduces a conceptual framework for the discussion of union formative processes. It proceeds in three steps: first the normative assumption of conflict of interests that provides the basis for understanding 'worker representation' is highlighted. Next, the two conceptual pillars, the duality of structure and path-dependency approaches, are introduced. Finally, a concept of union formation is developed that includes six complementary dimensions and three phases of union formation. The concept of union formative processes aims to facilitate the exploration of different sequences of conflict development through union formation and to identify the mutual effects and mechanisms of union co-existence that underpin post-socialist worker representation.

As the national context of IR is important for the development of any trade union and worker representation, Chapter IV introduces the institutional and operational context of IR in Ukraine around the time of Ukraine's independence (acquired in 1991). Also, the

chapter provides a general overview of union development, including the various currents, tensions and approaches to worker representation. The chapter demonstrates how certain remarkable differences in the conditions of emergence and operation of previously existing and independent trade unions as well as union competition have had deleterious effects on the development of more conflict-oriented worker representation. Next, chapters V, VI and VII explore the co-existence of trade unions from 1989 to the present, using detailed examples of ten enterprise-based unions. The focus of these chapters is on concurrent developments within reformed and independent trade unions. The order and structure of these chapters facilitates a clear exploration of how the conflicts that have emerged between reformed and independent trade unions during their organisational phases have had further implications for the development of conflict-based forms of worker representation within the phases of operation and consolidation.

In chapter VIII the findings of the case studies from the preceding three chapters are discussed and generalised across the variety of cases. Here, the examination of inter-union conflicts highlights the concrete sequences of union development and identifies mechanisms enabling or constraining consolidation of the conflict-oriented approaches to worker representation for trade unions in Ukraine.

The conclusion of this dissertation then explores the implications of the concurrent development of reformed and independent trade unions for worker representation against the background of the path-dependency approach.

