

## Conclusions: the Prospects for Conflict-Based Worker Representation in the FSU

Against the background of what has here been described as ‘pre-emptive’ institution-building versus underdeveloped worker representation (Chapter 1, 3), this dissertation has examined the extent to which certain conditions and components are necessary for the natural evolution and realisation of conflict of interests to materialise alongside the concurrent development of conflict-based representational institutions. This concluding chapter explores the implications of the co-existing development of successor (former socialist) and ‘independent’ (newly established) trade unions in line with the questions posed at the beginning of this dissertation.

Contrary to the dominant research perspective of path-dependent reproduction of representational institutions, the present dissertation finds diversity in the patterns of worker representation developing during the formation processes of different Ukrainian trade unions taking place within the same institutional structure and national context of IR. Essentially, different expressions of the institutional change, which is unfolding, can be observed in the FSU through examining trade unions. Institutional change embraces gradual changes on a given path (as shown by some of the cases of RUCs discussed here) or encourages departures from the path and the creation of alternatives (as exemplified by ITUs) in addition to path-dependent development.

### ***Question 1: How have interest constellations and forms of action changed within the new institutional arenas of IR as a result of union development?***

The importance of the conflict of interests as a theoretical premise in the field of IR is pre-supposed by the recognition of contradictory interests of workers and capital, which need to be institutionalised (Giddens and Held 1982, 1975, Pollert 1999b).<sup>78</sup> It is on the basis of this premise that the representation of workers by post-socialist trade unions was labelled as ‘weak’ in the literature. Given the legacy of weakly developed

---

<sup>78</sup> Specifically, the most basic level of conflict - ‘structured antagonism’ - exists in all work organisations (including enterprises) in which workers’ ability to work is deployed in the creation of surplus that is passed to another group (Edwards 1986). Such an understanding of conflict carries no necessary connotations for wider class conflict and does not require that workers see their relations with their employers in class terms. However, this definition does require forms of collective organisation of workers’ ‘anger’ (Ost 2005) over the painful consequences of economic reforms. Thus, conflict over the distribution of material resources within an enterprise provides a useful concept to unite workers. A wider class conflict in sociological terms is not necessarily required, but an understanding of class relations in political terms is necessary. Politically, such a notion of class, “[...] represents an economic response to economic inequalities, proposing a rational distribution of material resources as a way of resolving burgeoning social conflict” (Ost 2005: 33). As unions are confronted with the economic consequences of post-socialist transformation affecting workers, they provide worker representation on the premise of this basic conflict of interests over the distribution of resources regardless of whether the ‘class’ consciousness of workers is present on the more abstract level or not.

differentiation between workers' and employers' interests (e.g. Aguilera and Dabu 2005, Blom 2002), it is essential to examine the lines of conflicts of interests and interest constellations developing through trade unions within the formal IR arenas in order to identify the extent of the institutional changes. This is further necessary in view of the fact that the negative economic implications of post-socialist transformation have given rise to clearer distinction of differing interests.<sup>79</sup> Investigating the organisational phase of trade unions proved helpful to explore the emerging lines of conflicts rooted in union development.

As highlighted in the literature, crucial to the path-dependent reproduction of union development has been union commitment to labour collectives, enterprise-based distribution of material resources in the form of welfare services and close relationships with management or political forces. These mechanisms were also identified as taking place throughout the activities of the unions examined in the case studies. At the same time, contrary to the narrow path-dependence perspective, it has been shown that the effects of these mechanisms arise against the background of tensions emerging from an institutional structure of IR, which combines path-dependent as well as newly installed elements, as well as first and foremost, from the concurrent development of RUCs and ITUs.

Even with the installation of a new institutional framework of IR, neither these welfare-based forms of resource distribution between workers and employers nor the practice of labour collectives have been abandoned. The obligations of employers to provide funds for workers' welfare have persisted in law, while the majority of trade unions have continued to provide non-wage welfare services in their practices on a daily basis. Similarly, in terms of certain union activities (e.g. signatures of collective agreement or decisions to strike) the approval of labour collectives is required in line with the regulatory framework. Enterprise, as 'a social organism' (Clarke 1996) which, in the Ukrainian context, necessitates the unity of labour collectives, non-wage welfare services and agendas as well as pressure for cooperation between management and enterprise-based unions, continues to play a central role in fostering the reproduction of 'distributive' forms of unionism.

---

<sup>79</sup> Perhaps the clearest example which shows the plurality of interests being expressed concretely is found in the articulation of demands for wage increases and the payment of wage debts through miners' strikes (e.g. Crowley 2000, Ledin 2009a, b, Ledin, Agapov and Belogradin 2010, Tatur 1998). As this has shown, especially at the enterprise level, a plurality of workers' and employers' interests has now been articulated, even if they have not involved expression at the abstract level of class relationships.

Within the post-socialist institutional infrastructure of IR, opportunities to organise the distribution of enterprise resources between workers and employers in the form of wages and going beyond the unity of management and workers' interests embedded in labour collectives have opened up. Aside from the legally-set minimum wage, wage-based forms of resource distribution have been dependent on the outcomes of enterprise-based collective bargaining between trade unions and employers. In contrast to the former path, new union agendas also embraced wage negotiations and collective bargaining as the main approach to resource distribution, which initially was in opposition to management and which has consistently persisted in this manner.

It is possible for both logics of union representation to coexist within the current institutional structure and for other cases to develop which exist in between these paths. In such cases, trade unions would combine both non-wage and wage services, while still being able to place emphasis on the distributive approaches and activities as trade unions continue to stay on the traditional path. As this variety shows, not only a plurality of workers' and employers' interests, but also the pluralistic forms of union-based interest representation are now possible due to there now being more than one given institutional option. As these different types of trade union development and actions can be identified, the impact of these effects on patterns of worker representation depends on concrete actions and activities by the union and the way it uses or enacts the given institutional infrastructure.

The analysis of the co-existing RUCs and ITUs proved helpful as an exemplary approach to analysing the process of the emergence and institutionalisation of different patterns of representation of conflicts of interests within the newly established institutional arenas of IR. Contrary to the dominant analysis of post-socialist IR, which over-emphasises the helpless path-dependent conciliation of trade unions over conflictual issues or even their containment, the findings from the case studies examined here make it clear that two decades of post-socialist transformation and union development have led to new content, scope and expression of the conflict of interests. Similarly, as clearly shown during the organisation phase of all trade unions, the differences in the content and scope of conflicts, in turn, have led to distinct ways of establishing trade unions. In all the enterprises analysed in the present dissertation, a relatively stable variance of such patterns of worker representation is expressed in unions' logics of representation; this variance endures beyond the unions' organisational phase and continues in their operational and consolidation phases. The types of changes observable during the

organisational phase may be drawn, in accordance with Deeg (2001), along on-path and off-path changes in addition to path-dependent conduct.

- Path reproduction: the path-dependent formation of trade unions was enforced through varying commitments to specific non-wage forms of the distribution of resources within an enterprise. Those resources were demanded from enterprises or were even covered for by the unions' own funds. The negotiations over the funds for non-wage services accounted for a great share of all enterprise-based collective bargaining by RUCs. The enforcement power of commitments to labour collectives, welfare distribution on the part of the employers and unions was strengthened by the identities shaped by labour collective institutions and institutions of union-management in close cooperation in these path-dependent cases.
- On-path changes: at the same time, labour collectives, non-wage welfare activities and union-management alliances have not retained the same enforcement powers during conflicts over wages and employment in contexts of foreign ownership. Under foreign ownership, changes in some RUCs led to the erosion of identities shaped by labour collective institutions as foreign managers are no longer seen as parts of collectives. Under the impact of foreign ownership, these RUCs' involvement in conflicts pervaded the institutional arenas with additional, wage-related conflicts showing 'on-path' changes of union representation logic, as the institutions of labour collectives and union-management cooperation have changed or are no longer in place. This can be explained by the fact that the exogenous forces (in these cases, the entrance of foreign owners) can weaken the enforcing effects of labour collective and union-management cooperation institutions without leading to a departure from the path, as these forces still do not challenge the higher-order institutions in terms of their installation of the welfare function of trade unions.
- Path departure: conflict-based representation (a 'new' logic) was mainly driven through the establishment of new unions. Activities of ITUs became important 'vehicles' to express the conflicts of interests throughout the collective organisation of workers and in this organisation phase, in isolation of any activities of welfare-related functions. Not only did ITUs generate conflicts, but also the organisation of further ITUs was strongly driven by such conflicts. In these cases, the containment of conflicts by RUCs created strong pressure to institutionalise conflicts. In contrast to the mechanisms, which ensured the traditional path, conflicts and opposition to management, divisions into labour collectives and emerging conflict-based union-management cooperation institutions were observed here as enforcing the path of ITUs. In this respect, ITU cases show the alternative path of union development unfolding along existing paths within the same institutional system of IR.

These on-path and off-path changes in terms of interest-based conflicts go back to the decades of socialism as well as turbulent times and events surrounding the collapse of the system of socialist governance, which have informed the development of the trade union movement for over two decades since. Against the background of new institutional infrastructure of IR, economic and political crises, privatisation and enterprise-based restructuring and reforms have changed the operating conditions of trade unions and worker representation significantly. Pluralistic organisation of interests, enabled through the establishment of the respective institutional infrastructure, opened up an opportunity to build 'alternative' union-related institutions and representation around those problems in addition to those already in place; an opportunity which was not missed – it was taken by ITUs. Consequently, in terms of the conflicts raised by trade unions, ITUs have differed significantly from RUCs – not only in the patterns of the conflicts they have raised, but also, and consequently, in the degree and scope of their development over time, either shaping their institutions through conflicts or welfare or both. It follows from this observation that the position of path-dependent reproduction of worker representation and traditional approaches of trade unions no longer correctly reflects the development of post-socialist IR. Instead, institutional change and a changing constellation of actors and approaches are seen here.

Chances, tensions and constraints produced over the course of the concurrent organisation of those trade unions have had different effects on the strengthening of higher-level institutions of worker representation. On the one hand, the establishment and activities of ITUs spurred the increase in interest-based conflicts and the inclusion of 'new' conflicts of interests into the institutional arenas of IR, transitioning into the higher-order institutions. As these conflicts of interests concern wages, working conditions and employment, the existing institutions could also be filled with new 'content'. Yet, on the other hand, these conflicts were raised and articulated in the face of the dominant path, thus constraining any attempts to raise those same 'new' conflicts as had been shown in research (e.g. Ashwin 1999, Kozina 2001, 2010). Logically, it follows that competition between these two types of organisation is emerging because, at this point in the development, the generation of new conflicts has so far only been possible within an alternative path. In this context, the first hypothesis of the dissertation was confirmed that the formation of trade union representation in interest-based conflicts was constrained by the latent, and immanent, conflict hidden in the structural and historical differences of two alternative paths of union development.

'Corporatist' approaches (e.g. Iankova 1997, Casale 1999, Hethy 1994, 1995), as well as the perspective of path-dependent legacies relating to conflict containment (e.g. Ashwin 2004, Ashwin and Clarke 2003, Chen and Sil 2006, Clarke and Fairbrother 1994) stop short of explaining this enterprise-based variety of conflicts and capturing the disconnect between the micro-level of enterprise-based conflicts and the macro-level of corporatist conflict regulation. Meanwhile, the findings of the dissertation conform to the view of Hanke and Mense-Petermanns (2001), who make the case that institutions for conflict regulation cannot be imposed 'from above' following a certain predetermined pattern, as they are being developed on the basis of actors' expectations and perceptions. Consequently, these institutional structures at the enterprise level "appear as the new central actor since the dynamics of change at this level is of considerable importance for the whole of society" (Adamski, Buncak, Machonin et al. 1999: 11).

One further important finding of this dissertation for the analysis of institutional change is the following: as these changes within trade unions show, present post-socialist worker representation can no longer be characterised with the help of uniform nation-specific, post-socialist features in relation to the forms of regulation of conflicts of interests, as used to be presented in the accounts of IR. The case of Ukraine shows that within the new, pluralistic institutional system of IR and in light of the path-dependent reproduction of the majority of unions, new, union-generated conflicts of interests have developed that confront the complex, conflicting interests and relationships between workers and enterprise managers and owners. Also, a new diversity of institutional characteristics of worker representation shaped by national borders cannot be clearly differentiated and understood as certain and coherent models of IR, not even a CEE-specific, 'transitional-society' type of IR can be distinguished (e.g. Kohl and Platzer 2003). Disconnects between the conflict-related micro-level of enterprises and the macro-level of the corporatist institutional system of IR open up the integrity and coherence of the national systems of post-socialist IR and reveal mutual influences and institutional interdependencies between the previously existing and newly created institutional elements.

For these influences and interdependencies to be explored, enterprise-based conflicts relating to worker representation necessarily bring union dynamics into focus. Exploration of this needs to recognise the ability of unions to develop new, sometimes even unexpected, methods and approaches. In this way, in contrast to the narrow path dependence accounts, the findings of the present dissertation conform to the position,

which highlights the presence of different ‘segments’ or patterns of interest representation within one and the same national institutional systems of IR (e.g. Martin and Christescu-Martin 2004, 2006, Trif 2000, 2004). At the same time, in contrast to these authors’ conclusions, which emphasise that the enterprise environment and forms of ownership are the factors driving this diversity, the diversity of unions’ patterns of interest representation goes back to the conflicts and tensions characterising the concurrent development of unions’ organisations, actions and strategies, with these actions, activities and strategies and inter-union conflict itself being undeniably influenced by enterprise contexts. The enterprise environment and forms of ownership are the factors driving this diversity, however, they played an especially pronounced role in two cases of RUCs existing at foreign-owned enterprises, in which the tensions and conflicts between RUCs and ITUs were not present, because no ITUs existed there.

***Question 2: How can conflict-articulation practices be institutionalised in the face of the historical dominance of conflict conciliation?***

One further argument in the analysis of IR (e.g. Casale 1999) is that, on the macro-level of the system of IR, institutional changes in terms of regulating the conflict of interests have mainly affected the law and only to a lesser extent actual practice because, due to the path-dependent development of trade unions, the newly installed institutions were filled with ‘traditional’ contents and actions. Its effects for actual practice, are however, not deterministic. Rather, they depend on the way in which these institutions are used and turned into resources for action in order to produce certain outcomes of worker representation in different union constellations. At the micro-level, the findings of the dissertation reveal the same diversity of institutionalised conflict in institutions and practices as observed in the unions’ organisational phase in terms of the contents and lines of emerging conflicts. Similar to that organisational phase, at the level of the enterprise, the findings of the case studies show the same constellation of different institutionalised practices - in the case of RUCs, by developing path-dependent approaches of conciliation and conflict containment and by developing ‘on-path’ or, in the case of ITUs, ‘off-path’ approaches of militant articulation of conflicts.

- Path reproduction: on a dominant path, conflict articulation has been institutionalised by means of their containment (e.g. in the case of RUCs this institutional form was also found by Kozina 2001, 2010). The dominant union strategy here was that of social partnership, which presupposed these RUCs’ understanding of conflicts as ‘deviations from the norm’. This union strategy was enforced by the same institutions of labour

collectives and of union-management cooperation (denying union-management conflict), which was also observed during the organisational phases of unions.

- On-path changes: at the same time, changes that are specific to certain individual trade unions are also found, which result from critical external or exogenous events (for instance, foreign ownership of an enterprise) and respective actors' activities and actions. Amongst RUCs, in which institutions of labour collectives and union-management cooperation were losing their self-enforcing effects (as in the case of enterprises under foreign ownership), close contacts to political forces and institutions have still forged the further articulation of conflicts along that given path through the alliances with domestic political forces and state authorities. It was only when these alliances dissolved (as leadership or power relationships within those political institutions change and RUCs are no longer helped to institutionalise those conflicts through the political level) that RUCs developed some basic practices of conflict articulation, such as protests and demonstrations. At the same time, these protests have barely increased the unions' organisational power, so these cases reveal on-path changes without a complete departure from the path.
- Path departure: in the case of ITUs, an efficient system of conflict institutionalisation was created through the practices and institutions of militant conflict articulation. ITUs' militant conflict-articulation practices have been sustained over time and have challenged existing patterns of union-management relations. For instance, in the case of some ITUs (Sukha Balka and the Zaporizya hospital) the same gains in terms of wages and improvements in working conditions that had been achieved earlier through frequent strikes and protests, could later be achieved through negotiations with management without protests.

In contrast to the conflict-free cooperation of RUCs, however, the institutionalisation of conflicts through ITUs forged growing 'symbolic' strength of those ITUs, enabling conflict-based cooperative relationships with the management. This is shown by the development of a more militant organisational phase amongst ITUs (who initially needed to fight, not only for material rewards but also for recognition, by applying militancy literally at every step of their activities) into a more cooperative operational phase. Those militant activities were decreasing in frequency, but material rewards (e.g. payment of wages debts, wage increases) could still be gained with help of more constructive relationships with the management (also stretching into the consolidation phase). This demonstrated that, during the course of their formation, ITUs' militant practices have been institutionalised into more cooperative forms of conflict-articulation that are based on the adversarial relationships surrounding conflicts of interests and the implicit threat of the overt conflict.



Based on these findings, the dissertation concludes that these conflict-institutionalisation patterns have led to the development of sustained union power in participation, bargaining and other forms of union-management exchange. Stating this argument, in turn, rejects the arguments of the inability of trade unions to institutionalise conflict-articulation practices by mobilising the effects of workers' collectivism and self-organised movements (e.g. Ashwin 1999, Borisov 2001, Clarke and Fairbrother 1994). According to those arguments, precisely the inability of trade unions to transform a conflict into an organised collective protest led to the ad hoc eruption of spontaneous conflict as simply an expression of workers' dissatisfaction. As result of this unions' inability, trade unions do not become organisationally stronger through those particular protests, as such protests do not forge the institutionalisation of their organisational strength. Contrary to such arguments, in the case of all ITUs examined in this thesis, after the more militant organisational phase of ITUs, the conflict-articulation strategies of ITUs institutionalised on the basis of unions' threat of the overt conflict. Following this, in light of the findings of the case studies explored here, it can be concluded that new ways of articulating conflict (off-path development) lead to the institutionalisation of new patterns of worker representation (trade unions are strengthened, conflicts of interests are directed into institutional channels and are, in some cases, even created outside of the corporatist framework). Consequently, as this operational phase of trade unions and the practices of the conflict institutionalisation also show, institutional development in post-socialist IR does not mean freezing the modes of conciliatory worker representation within different institutional arenas of IR, including social partnership. In contrast, here, constellations that are specific for each type of trade union are found.

At the same time, the variety of different institutional practices of conflict-institutionalisation at the enterprise level is exposed to interdependency and mutual influences during the concurrent development of different trade unions. In this regard, the dissertation finds that despite a weak political legacy, RUCs' strong organisational legacy and particularly close relationships with management gave RUCs 'early-comer' advantages, including structural, resource, and relational advantages over ITUs. The strong position of RUCs within the IR arenas (when compared with ITUs) explicitly inhibited the organisational development of ITUs in some of the cases discussed here, thus, also quite logically, inhibited ITU-driven processes of conflict institutionalisation. This finding therefore confirms the second hypothesis of the present dissertation.

Under conditions of inter-union rivalry, the immanent conflict observed during the organisational phase, finds clearer expression in this operational phase. The RUCs' considerable positions in IR in comparison to ITUs, allowed them to consistently exclude the ITU from the formal IR arenas including collective bargaining and different enterprise-based commissions. Legal suits filed by ITUs hardly brought about any results and no punishment could be expected on the part of the law enforcement authorities in these cases of legal violations by RUCs due to the lack of the law enforcement in general. This left the aforementioned ITU in a position, whereby they could only continue to articulate conflicts through arbitration or, at best, protests, with the legal activities of the ITU providing the key way to institutionalise conflict, while isolated from collective bargaining.

The instance of conflict institutionalisation discussed above most clearly demonstrates the obstacles to institutionalising conflict in a more militant manner at the national level. Throughout the discussion of conflicts of interest in the first question raised in this chapter a disconnect between the macro-level corporatist structure of IR and the micro-level pluralist structure of conflict representation can be observed; on the one hand, at the macro-level of IR, the collective participation of workers through their national-level unions or union associations is envisaged for the purposes of finding solutions of different conflicts. On the other, inter-union conflicts at this macro-level of worker representation have led to attempts by RUCs to 'freeze' the exclusion of ITUs in the regulatory institutions. This was clearly displayed in the attempts made by successor trade unions to initiate the legislation of representational criteria, which would exclude independent trade unions from formal IR arenas (Chapter 4). In Ukraine, inter-union rivalry peaked with the submission of the 'Bill on Social Dialogue' by the RUCs' national FPU. This law reflected an attempt by RUCs, "to establish [...] a trade union monopoly" (KVPU 2009b). As restrictively high thresholds for participation in bargaining and social dialogue remained at sectoral and national levels, these limits continue to grant RUCs an exclusive right to represent workers at the higher levels of the system. The heavy intertwining of formal institutional structures and these 'informal' practices in the FSU (e.g. Franzen, Haarland and Niessen 2005, Zimmer 2006) has thus generated advantages for the previously existing trade union constellation. While at the enterprise-based level the inclusion of ITUs into IR arenas was possible due to a series of militant actions, inter-union conflict could not be solved in the same manner at the national level, where inter-union conflict was transferred into the regulatory spheres and was handled by means of the complaints to international institutions (i.e. ILO) and court cases.

In contrast to expectations that actors' agency would follow institutional development, as expressed in the corporatist-oriented development of the institutional structure of IR, the findings of this dissertation's research show that, under the conditions of the concurrent development of trade unions and inter-union conflicts, the formal institutional structure of IR essentially becomes the object of such conflicts, projecting into changes in the higher-level institutions. The case study analysis clearly displayed the corrosive implications of these practices for the subsequent institutionalisation of different conflict practices at the system level. Without this recognition, "[...] there can be no hope for the evolution of serious and constructive industrial relations consonant with the economic and social development of the countries concerned" (Casale 1999: 18).

***Question 3: What patterns of worker representation have been consolidated on the basis of ITUs' consolidation and its possible impact on RUCs?***

Essentially, union identities, the agendas they pursue and the type of power resources they cultivate and apply reflect the specific historical contexts and circumstances in which they have emerged (Crouch 1993 in Hyman 2001, Hyman 1994, 1999). This is Hyman's observation, which has proved true in the cases of RUCs and ITUs emerging in different circumstances and consistently pursuing different logics of worker representation. At the same time, the findings of the case studies have shown that the circumstances of union emergence as such are important for understanding and depicting those logics; at the same time, they do not explain the subsequent development along a certain path. Instead, the capacity of actors to both reflect upon and reproduce, modify and even launch an alternative path in a way that advances the actors' particular goals and purposes has been key for the enforcement of each of these logics, just as the interdependency of the concurrent development of different types of trade unions was under post-socialist conditions. Conforming to Avdagic's (2006) argument, more emphasis on agency and its 'reflexive properties' and conflicts that develop within relevant institutions helps to show the dynamism of political processes that cannot find a reflection in more rigid path-dependency accounts.

In order to include the important element of agency, this dissertation has followed the approach of 'path-dependent path-shaping' (Hausner, Jessop and Nielsen 1995: 8), which combines historical institutionalism with a rational choice perspective (e.g. *ibid*, Avdagic 2006, Thelen 1999, 2002). By helping to integrate the elements of the path-dependent structuring of institutions and agency into the analysis, the focus on 'shaping'

capacities of actors' agency sheds 'new light on the dialectic of structure and strategic action' (Hausner, Jessop and Nielsen 1995: 8). From the perspective of 'path-dependent path-shaping' the simultaneous development of some actors along different, possibly competing paths has not yet been addressed in the literature. It is an important finding of this dissertation that not only agency as such but also inter-union interaction(s) could be recognised. As this dissertation has shown, the concurrent development, tensions and interdependencies between trade unions have a significant impact on the possibilities for the development of each of the paths. The crucial finding is that when the concurrent development of different paths brings the paths into conflict with one another, the collective learning processes and the formation of new actors and identities are inhibited, but not abandoned. As was pointed out in the literature (e.g. Czada 1996), until actors are ready to coordinate and cooperate with each other, no space for actors' learning is possible and, as a result, the previous constellation of actors survives unchanged. In line with the findings concerning the consolidation of different patterns of worker representation, this argument raised in the literature has not proved to be true in this case study of the Ukraine. The space for actors' knowledge and experiences is limited even though, as shown by the dissertation, it is still present.

The union analysis above has shown a lack of such cooperation between RUCs and ITUs that was barely present and certainly not in any substantive measure during their organisational phases. In all cases of ITUs discussed here, RUCs rejected any recognition and cooperation with ITUs during their organisational phases. Inter-union conflicts, pressure on workers to withdraw from ITUs and the exclusion of ITUs from the formal IR arenas by RUCs all resulted in deeply adversarial relationships between both RUCs and ITUs throughout the organisational phases. Here, the patterns of worker representation along each of the paths resulted in isolated activities of each of the trade unions, focusing around only welfare distribution (RUCs) or only conflict articulation (ITUs). In place of collective learning of trade unions, the outcome of the simultaneous development of different trade unions and of inter-union conflicts has thus been the constellation consisting of two competing paths developing within the same enterprise.

The reproduction of welfare functions of trade unions in the regulatory framework and in RUCs' activities has had direct implications for the subsequent development of ITUs leading to their subsequent on-path changes during their operational phase. As ITUs were gaining recognition through a course of militant actions, their relationships with management and RUCs were becoming more stable and ITUs also received access to enterprise- and state-based resources for these activities. The result was the integration

of such activities into the agendas of ITUs, which had previously dismissed holiday voucher distribution as an activity contradicting the purpose of a union organisation. As this shows, the development of alternative paths within a given institutional environment is subject to the tensions and effects of the partially path-dependent environment, which may force alternative paths towards the dominant institutional elements.

In a similar way, two particular cases of RUCs revealed that changes were undertaken 'on-path' with more attention paid to conflicts as part of these RUCs' activities. In both these cases, the positive effects of the concurrent development of RUCs and ITUs were strengthened under the impact of exogenous forces. With the purchase of these enterprises by foreign companies, new conflicts were also emerging, which could no longer be articulated within the borders of labour collectives and union-management cooperation institutions. A departure from their paths could, however, still not be observed in these RUCs. The unity of labour collectives as well as social and welfare-related demands continued to comprise a large part of their bargaining agenda, while wage demands were later also included. This shows on-path changes: the effects of those self-enforcing institutions are undermined as a result of exogenous factors; and under the impact of the forces the changes in the paths were undertaken without abandoning the path's logic. Contrary to the off-path development of ITUs, the effects of the exogenous forces can be mediated in the partly path-dependent operating environments through the possibility of such on-path changes.

At the same time, this did not mean the reaffirmation of behavioural patterns without any changes, even within each single path. Especially throughout their consolidation phases, more constructive relationships started to develop between enterprise-based RUCs and ITUs, showing the potential borders of the consolidation of these different forms of worker representation. Finally, in terms of the consolidation of worker representation, ITUs continued to co-exist side-by-side with RUCs, whereas the spheres of their activities and influence were divided over time according to their strengths and competencies. Overt and open conflicts between these trade unions were dissolving, while the latent conflict immanent to their concurrent development has still remained in place.

Only in case of one ITU has open inter-union conflict persisted even during their consolidation phases. This can be explained by the self-enforcing effects of labour collective institutions and union-administration cooperation, which have bound the

development of this RUC to the given path. Unlike cases with on-path changes, no changes within that RUC took place, even when the RUC confronted the withdrawal of the enterprise resources for welfare activities due to a deep crisis in public services. Despite this, the RUC's orientation towards the unity of labour collectives remains very deeply embedded, which was demonstrated by the RUCs' decision to cover welfare activities from their own funds, in order to preserve the unity of labour collectives. Additionally, the delegation of wage-making policies to national level policy-making led the RUC to abandon any need to challenge wages at the local level. Undeniably, the ITUs directing wage negotiations at the local level with the hospital destroyed the unity of the labour collectives, subsequently re-enforcing inter-union conflict even during their consolidation phase.

Another explanation might be the personal commitment of the leaders of each union. It was not possible to test this additional hypothesis at the level of case studies, although personal attitudes of the leaders of some RUCs and ITUs regarding each other were superficially observed during the analyses of the case studies. At the same time, some preliminary evidence on the validity of this hypothesis can be explicitly found at the national level. Here, the concurrent development of RUCs and ITUs only once developed into the coordination of union activities. This occurred under the Presidency of Yurkin, when the new program of activities and plan of actions for the FPU were also adopted. Under all other periods, the FPU has consistently rejected any cooperation with the KVPU (ITUs' association), and even more categorically in the period following Yurkin's presidency in particular. This shows the degree to which on-path or off-path developments can be rolled back into the previously existing tracks, when the factor which fosters changes – actors' agency – is no longer present in any substantial measure. The emphasis on leadership over changes as related to the personalities of certain RUC leaders has already been observed by Mandel, who pointed out that, at the same time, such agency has been rather an exception in the case of RUCs.

Finally, the patterns of the consolidation of worker representation reflect the division of spheres of influence and activities in those cases of RUCs and ITUs concurrently developing at the same enterprise. During consolidation, RUCs have continued to focus their activities on their welfare function while ITUs have consolidated their conflict function. The inter-organisational conflict inherent in the formation of worker representation has been decreasing, as trade unions have advanced through the formation phases while, at the same time, latent inter-union conflict at the ideational level has persisted. This finding enables one to predict that due to these differences in

the logics of different trade unions changes in the power relations and interactions between RUCs and ITUs will continue to result in different types of IR at the enterprise-based level. As a consequence, the 'segmented' nature of IR will likely continue to shape enterprise-based IR. The outcome is thus worker representation, which combines a mixture of union functions from the traditional function of welfare distribution with the new, developing function of conflict.

### ***The Need for a Differentiated Approach to Post-Socialist Trade Unions and Recognition of the Implications of the Inter-Union Conflict***

A differentiated approach to and treatment of successor and independent trade unions is indispensable for analysis of trade unions and worker representation in post-socialist settings. Such an approach points out that RUCs and ITUs emerged at different historical and political moments; consequently, different organisational legacies have underpinned each of their paths of representation. A differentiated approach to trade unions, which recognises the development of unions along two different paths in addition to unions' on-path changes, is necessary in order to understand worker representation in the post-socialist context in a more comprehensive way. These differences in the logics of different trade unions make it impossible for both union movements to consolidate into one unified trade union movement, even in the longer term.

Multi-unionism itself does not necessarily involve inter-union conflicts or inter-union rivalry (Cohen 1975 cited in Harcourt and Lammark 2010) and does not affect any wider class consciousness. Although inter-union competition undermines labour movement solidarity and union effectiveness in bargaining (Harcourt and Lammark 2010), workers may benefit, if inter-union competition leads to greater union efficiency and effectiveness, as unions develop a greater responsiveness to the needs of their members (ibid, Rokhani 2008). The pre-condition for the latter, however, is that "[...] union officials and union members possess sufficient class consciousness, so that conflict between unions improves union performance for the benefit of members, and does not simply destroy the unions concerned, or divert their attention from their core business" (Rokhani 2008: 9). Importantly, under opposite pre-conditions, inter-union rivalry emerges and two or more unrelated labour organisations actively compete "[...] for the control of the workers employed or the work habitually performed within a particular trade or occupation" (Freeman 1989 cited in Pawlenko 2006: 651).

Initially, in their organisational phases, such inter-union conflicts have had little of this anticipated effect, i.e. that the competition of trade unions would result in the improvement of their services. It then had corrosive implications for the development of worker representation. Not only did it undermine the formation of a strong union movement and its solidarity, but also, inter-union conflicts gave employers an opportunity “[...] to ‘divide and rule’ the labour movement by favouring one union over another” (Metcalf, Wadsworth and Ingram 1993 cited in Harcourt and Lammark 2010: 10) and assisting its preferred union by recognising it, while excluding others. The findings of the present case studies conform to these conclusions concerning multi-union representation and the negative effects of intense inter-union rivalry and conflicts between RUCs and ITUs during their operational phases. As Herod (ibid: 151) has observed, “[...] so intense have been these inter-union conflicts that many of the Western trade union organizations [...] now working in Eastern Europe to train unionists [...] have had to run separate courses for officials belonging to rival unions”. In most of the post-socialist countries, the concurrent development of successor and newly established trade unions resulted in the establishment of ‘dual’, ‘bi-polar’ or even ‘triple’ unionism (e.g. Adamski 1999, Arandarenko 2001, Avdagic 2003, Hoffer 1998, Slomp, van Hoof and Moerel 1996). Undeniably, these same inter-union conflicts undermined the formation of a strong union movement in the FSU.

As the analysis has shown, inter-union rivalry has provided the earliest expression of the conflict of interests that has been expressed and articulated within an enterprise and in formal IR arenas. Hence, in post-socialist contexts, the basic conflicts of interest between workers and enterprise management have been key, but the conflicts of interests between successor and independent trade unions have also strongly shaped the formation of worker representation. In post-socialist settings, in the case of alternative paths, the inclusion of conflicts of interests has depended on the outcome of inter-union conflicts between RUCs and ITUs.

The analysis of the present dissertation further shows that alternative paths are still possible to survive sustainably over longer periods of time, in spite of the negative implications stemming from competing versions of multi-unionism. At the same time, this open, organisational inter-union conflict, most clearly observed at the enterprise level, dissolves as the unions advance through various changes and adaptations. Stronger than inter-union conflicts, the abilities and opportunities of these trade unions to develop new paths is not free of all limits or constraints. The alternative paths are subject to the influence of the institutional tensions and pressures embedded in the



operating context, which is, not least, shaped by the concurrent development of trade unions. These tensions and pressures stem from the effects caused by the national institutions, which combine old and new elements side by side in spite of the fact that the institutional and legal framework is similar to those found in the West. They threaten to turn trade unions back to the dominant logic of the overarching system underpinned by labour collectives, social role of enterprises and institutions of union-management cooperation amongst other aspects.

Overall, the dissertation concludes that the development of post-socialist trade unions is not purely path-dependent. As the case of Ukraine shows, changes in the unions' institutions of representation have been taking place. Under the impact of interdependency at the national institutional level and at the level of enterprises and trade unions, the context of post-socialist transformation may countervail union change and have the potential to continue with changes or even departures, especially when power relationships change or critical events unfold. Consequently, within this (re)organisation process of all trade unions, which aimed at developing the capacity needed for conflict-based forms of worker representation - by developing the collective identities, agendas, antagonistic relationships with management and attitudes to conflicts - these unions needed to address the broader external challenges confronting unions in connection with worker representation. As a result of the constraints placed on union formation, as described above, RUCs and ITUs were found to be forced into ambivalent and necessarily broader roles than union organisations would normally play. In order to set the parameters of worker representation, trade unions not only have to develop their capacities for worker representation, but also, in view of the deficits of the systems of governance and law-enforcement, trade unions can endeavour to enforce the institutional parameters of worker representation, by developing their capacity to ensure law enforcement or a better national remuneration policy beforehand.

This differentiated approach to post-socialist trade unions and recognition of the implications of the concurrent development of different trade unions is therefore important, as it helps highlight the limitations of the classical IR analysis, which assumes that the only (or at least the principal) social conflict will be between the owners of capital and the labour movement. As stressed by Herod (2003) and also clearly shown by the research in this dissertation, the assumption that the conflicting interests occur in terms of classes alone cannot be used in an unproblematic manner to analyse post-socialist contexts and their IR. Sensitivity to specific geographical, historical and political

contexts is necessary in order to produce more useful and generalisable theoretical results.

Furthermore, this differentiated approach to post-socialist trade unions and recognition of the implications of the concurrent development of different trade unions is also important for pointing out the limits of the narrow path dependence accounts, when attempting to integrate the effects of unions' agency for the institutional development of IR. As the present dissertation shows, the design of the institutional system of IR was important; at the same time, unions' agency has been key in explaining the outcome of post-socialist worker representation. Crucially, this agency has also played out in the consequent changes in the institutional system whereby, under the changing influence of different trade unions throughout this conflict, union pluralism was installed, then retracted, and then this retraction (through restrictions on union pluralism) was itself overturned again via regulatory means. Certainly, there are many more empirical instances, in which the effects of the concurrent development of post-socialist trade unions for the institutional development of the IR system can be distinguished. The findings of this dissertation show that, in the long term, the outcome will depend on the changes to and adaptations of the given paths of union representation. The latter, in turn, will depend on how union agency unfolds within the current and any changing operating conditions.