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Trade Unions in Poland: Between Stagnation and Innovation**

Since the beginning of the transformation in Poland, trade unions have experienced nearly two decades of declining membership numbers and influence. This article shows that not only the restructuring of the economy but also the trade union policies and organizational forms themselves contributed to the decline. The absence of strong industry-level organizations, the neglect of membership recruitment due to the engagement in party politics, and the abandonment of co-determination rights at the workplace level in the 1990s made the adaptation to new conditions more difficult. During the last years, however, several innovations started to change the industrial relations in Poland: organizing activities, experiments with organizational structures above the workplace level, and the introduction of works councils. With the background of the coming generational change in which older unionists are passing on the leadership to younger activists, these steps towards reform could be a starting point for greater changes.

Key words: **trade unions, industrial relations, organizing, works councils, Poland** (JEL: J51, J53, J83)

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1. Introduction

The contrast between the strength of the unions in Poland twenty years ago and today is striking. In this country whose union movement Solidarity *(Solidarność)* contributed directly to the collapse of the communist regime, in 2010 only 15% of the employees were still organized in unions (CBOS, 2010). Poland is considered to be the perfect example of a decentralized system of industrial relations, so that Meardi (2002) posed the question if the country isn't really a "Trojan horse" of the Anglo-Saxon model in Europe. Proceeding from this situation, this article will treat two questions:

- What are the reasons for the long-term decline of Polish trade unions?
- Which innovative approaches of improving membership and organizational strength do the Polish trade unions develop?

The causes of the decline of the Polish unions are varied. The privatization and restructuring of companies have led to a weakening of earlier union bastions. Moreover, the traditional union strongholds in heavy industry or the public sector influence the economy less and less, while new service and industry branches are gaining in importance in a field which is strongly dominated by foreign investors. Employers in Poland often have a hostile attitude toward unions. Particularly in small and middle-sized companies there dominates a paternalistic model which rejects trade unions (Jürgens & Krzywdzinski, 2010, p. 201; Gardawski, 2001b). The massive expansion of precarious employment forms (fixed-term contracts or temporary agency work) was used by companies to discourage the foundation of union workplace organizations. In the case of foreign companies it is often reported that they too possess a hostile attitude toward unions (Ostrowski, 2009; Meardi et al., 2011). A decisive factor here is the governance of the foreign companies in their country of origin; only strong unions and works councils at the company headquarters can enforce the implementation of minimum standards of industrial relations in locations in Poland and in other middle European countries.

Those described changes in the socio-economic framework form the background for the following analysis of the weakening of the unions. The analysis itself concentrates on the field of industrial relations and the following factors which will be examined in sections 2 and 3:

- the politicization of Polish unions, which has led to a neglect of membership recruitment as well as to a blockade of cooperation between unions,
- the dominance of union organization at the workplace level and the lack of structures which can organize new members and companies,
- the lack of resistance by the unions to the abandonment of co-determination rights in companies at the beginning of the 1990s.

The decline of the trade unions has brought about organizational and regulative innovations, which will be examined in sections 4 to 6. These sections deal with the organizing activities of unions, with approaches for the development of new organizational structures beyond the factory-level and with the introduction of works councils.

This article rests upon several research projects concerning industrial relations in Poland and in Central Eastern Europe, which were carried out by the author within the last decade and brings together their lines of argument (Krzywdzinski, 2008; Jürgens & Krzywdzinski, 2010; Krzywdzinski, 2010; Krzywdzinski, 2011).

2. Polish trade unions and politics

Richard Hyman (2001) differentiated between three ideal-typical relations which have determined the development of trade union identities in Europe and characterized them with the catchwords "market, class and society". Trade unions oriented on the market concentrate above all on representing the employees as a labor market party; those unions following the concept of class understand themselves as a conflict-party in indissoluble opposition to the capital; unions influenced by the social teachings of the Catholic Church see themselves as fighters for social recognition of workers and for a "social partnership".

If one takes Hyman's eternal triangle as the starting point for the analysis of the Polish unions, then they are doubtlessly characterized by their relationship to "society". That is especially obvious in the case of the Solidarity union, which originated in 1980 as a trade union and also a citizens' movement. Out of the resistance against the communist regime there grew within the leadership and activists an understanding of being a "moral avant-garde" which was struggling to free and modernize the country (Deppe & Tatur, 2002, p. 94f; Ost, 2005). The competing post-communist All-Polish Trade Union Federation (OPZZ) also developed a political identity, which influenced its actions in the 1990s. In the following I will briefly describe the development of these identities and the consequences for the industrial relations in Poland.

The connection of the trade unionist and the political struggle in the 1980s formed the self-image of the "second" Solidarity established formally in 1989. It was natural for Solidarity to have its own candidates for Parliament in the elections of 1991 and to participate in the government formed out of former opponents of the communist system. That self-image of being a motor for transformation and a protective screen for reforms also meant facing the pressure to control the social protests which quickly broke out due to the capitalist shock-therapy (Ost, 2001, p. 85). Tensions and conflicts within the union steadily increased. Already at that time, different authors pointed to the contradictory situation of Solidarity: "Until today Solidarity has failed to answer the question, if it's a trade union which fights for the interest of the employees? Or a trade union, which supports the reforms and wants to prevent the outbreak of social resentment? Or a political force with its own social vision? Or a personal reserve for the developing democracy?" (Bogucka, 1991)

The explosion of strikes and protests in the years 1992 and 1993 forced Solidarity to give up its protective attitude vis-à-vis the market reforms. It seemed as if the political engagement of the union would weaken. But when the parliamentary elections of 1993 were won by the post-communist SLD and moreover, in 1995 the candidate of the SLD won the presidential election against the hero of Solidarity Lech Wałęsa, the part of the union was strengthened which demanded a stronger political engagement. In 1995 the Electoral Action Solidarity (AWS) was established, an electoral alliance of the union with Christian-Democrats and conservative groups which had emerged

from the "first" Solidarity. Appearing as a solid bock, the right won the 1997 election. The AWS and the liberal Freedom Union formed a government which was joined by many leading representatives of Solidarity.

Among the consequences of Solidarity's involvement with AWS and the 1997-2001 government were a vast loss of trust and damage to the union's public image. It was not the political activity itself that resulted in a weakening of the union, but rather Solidarity repeatedly neglecting trade union demands because of the constraints of party-political loyalty (Avdagic, 2003; Ost, 2001). The resistance put up by the liberal coalition partner meant that Solidarity was unable to enforce its positions in the government (Krzywdzinski, 2008). AWS suffered a devastating electoral defeat in 2001 following four years of mutual obstruction with the liberals. The huge disappointment of the AWS government period led to Solidarity's withdrawal from party politics, although their proximity to the political right remains close. In 2001, the Solidarity national delegate assembly determined that, in the future, trade union offices and political offices would not be able to be combined.

The withdrawal of the union from politics didn't mean that it had cut off its relations to political parties. In the parliamentary and presidential elections of 2005, 2007 and 2010 Solidarity supported the party Law and Justice (PiS) of the brothers Kaczynski – even if the support was contested within the union. The election of the new chairman Piotr Duda in the year 2010 also points to a growing distance to party politics.

Similar to Solidarity, the second largest union organization in Poland, the All-Polish Federation of Trade Unions (OPZZ), was also characterized by a close relationship to party politics. The OPZZ was founded in 1984 as a system-conforming umbrella organization of branch-unions. After the creation of the "first" Solidarity in 1980, the old government-faithful union federation CRZZ dissolved itself. In the following years the communists attempted to regain new legitimacy by the stick of political repression and the carrot of economic reforms. Just such a carrot was the establishment of the OPZZ, which was allowed a certain room to maneuver in order to appear like a true alternative to Solidarity.

The OPZZ belonged in 1991 to the founders of the Alliance of the Democratic Left (SLD), which was created through the initiative of the post-communist social democracy. After the election victory of the SLD in 1993 and the formation of a coalition with the Farmer's Party PSL, the OPZZ found itself in parliament with a large number of deputies and with its own representatives in the government. While Solidarity, however, always acted as an independent political factor, the OPZZ attempted to hold on to the image of an apolitical union (Pańków, 1999, p. 134). Through the great importance of the union apparatus in the elections, the OPZZ succeeded again and again in bringing many of its own representatives into parliament with the framework of the SLD, however, without being able to decisively influence SLD's political direction (Pańków, 1999, p. 140; Janicki, 2001). The second half of the 1990s saw the increasing withdrawal of the OPZZ from the political stage. The first reason was the electoral defeat of the SLD in 1997. Secondly, the SLD was changed from an electoral alliance into a party in 1999. Although the relationship between the SLD and OPZZ

still maintained the character of cooperation, the two partners were becoming increasingly alienated from one another.

The politicization of both the large union organizations had serious consequences for the development of the industrial relations. It led to a further fragmentation of the Polish industrial relations as those industry unions which did not want to join neither Solidarity's nor OPZZ's and SLD's political camp, founded the neutral Federation of Trade Unions (FZZ) in 2002. With regard to the internal organization of the unions, the dominance of party politics led especially in the case of Solidarity to the neglect of activities to recruit new members. In the first half of the 1990s one fraction of the Solidarity leadership feared that an overly high membership would impede control over the union (Gardawski, 2001). The Solidarity leadership anticipated that the transition to a capitalist economy would have high social costs, and took the position that, in this situation, the trade union had to control and moderate social protest. In addition, a large part of Solidarity's leadership opposed the inclusion of former members of the trade union confederation OPZZ, which had been founded on the initiative of the communist regime (Gardawski, 2001, p. 143). Although trade unions (Solidarity and OPZZ) remained relatively strong in the public sector, they neglected to recruit members and found workplace organizations in the new private sectors which developed in the 1990s.

With regard to the whole setting of industrial relations, the politicization led to a long-term weakening of the tripartite institutions. Tripartite institutions were not a part of the program of the reform governments in Poland until 1993, which enjoyed high legitimacy. Only after the explosion of protests and strikes in the years 1992-93 did the state actors turn to the strategy of inclusion vis-à-vis the trade unions; the Labor Ministry negotiated with the unions the so-called "Pact for State Companies Being Restructured" (Krzywdzinski, 2008). The pact was meant to create a social consensus regarding the continuation of the privatization and social-political reforms. A tripartite commission was formed in 1994 with representatives from the government, the trade unions and employers to deal with the future pay-development and the welfare system. Decision-making over pay raises in state institutions and over the minimum pay belonged to the most important competencies of the tripartite commission as well as consultations regarding laws in the areas of labor, social welfare and economic policy. The pressure towards consensus was one of the essential conditions for the tripartite commission. There was no decision taken when there was a veto or a member was absent. Indeed, if the tripartite commission was unable to decide within a certain time limit, the right of decision (e.g. about the minimum pay) fell back to the government. Through this construction the government is the decisive actor: it makes tripartite negotiations possible, but is not dependent upon them.

The so-called "social dialog" belonged to the core elements of the strategy of the SLD government vis-à-vis the trade unions and employers in the 1990s. Legitimacy for political decisions and their social implementation were to be improved by consultation and participation. However, when the AWS–led coalition took over the government in the fall of 1997 the tripartite commission lost its importance. The work of the commission was already broken off during the electoral campaign of 1997 when Solidarity left the commission. The new government did not attach any importance to

the tripartite commission, something that finally provoked the OPZZ to drop out of the commission. Thus the tripartite negotiations were paralyzed during the whole period of legislature 1997-2001 (Gąciarz & Pańków, 2001).

During the new SLD-PSL government in 2001 it came to a short-term reanimation of the tripartite dialog (Gardawski, 2009a). In 2001 the law concerning the tripartite commission came into force, which replaced the governmental directives valid up to that time and introduced some innovations of which the most important was the introduction of the tripartite commissions at the Voivodship level. Moreover, the new Minister of Labor pushed for an extension of the tripartite commission into supplementary branch groups, which met in addition to the main commission. The reanimation of the tripartite commission was particularly pushed along by the new "Super-Ministry" for Economy, Labor and Social Welfare, which wanted to pass a comprehensive modernization plan under the name "Pact for Employment and Development" in the tripartite commission, which would include labor-market reforms and reforms in the social security system and health system. But the pact finally failed because the trade unions could not accept many of the employer-friendly proposals of the Ministry and also because Solidarity wanted to avoid strengthening the SLD government. Moreover, this pact showed the pattern of "etatism with consultation" (Gardawski, 2009a, p. 233): the government sets the negotiation agenda conscious that the unions, particularly in contrast to the 1990s, are not strong enough to seriously question the government through social protest (Krzywdzinski, 2008, p. 295f), but the government is ready for limited concessions, if it could win additional legitimacy through the support of the tripartite commission. Nevertheless, Gardawski (2009, p. 182) stresses that an important basis for cooperation between Solidarity and the OPZZ was constructed in years 2001-2005. After the conflicts in 1990s both unions became aware that cooperation and compromise were necessary.

The reanimation of "etatism with consultation" was broken off in 2007 by the election victory of the new government under the leadership of Law and Justice. This government stressed its interest indeed in social dialog, but rejected negotiations with "post-communist" organizations to which it also reckoned the OPZZ. Once again with the election victory of the liberal Civic Platform (PO) in the year 2009 there was a strengthening of the consultation in the tripartite commission. However, the tripartite commission achieved only a very limited influence on the forming of policy. The reason had this time little to do with the political conflicts between the unions, but rather with the overall weakness of the unions, which confronted a liberal government with a stable majority (Gardawski, 2009a, p. 237f).

3. Structural problems of the unions

Politicization is not the only heritage of the Polish unions. Two further structural factors had a decisive effect on the industrial relations in Poland: the dominance of the workplace level in the organizational structure of the unions and the abandonment of co-determination rights in companies which trade unions accepted in the early 1980s.

Domination of the workplace level

Workplace organizations form the basis of the Polish unions. Principally it's not possible to join Solidarity – one joins a *factory organization* of Solidarity, assuming that one is an employee of the same factory. The workplace organizations elect the regional level commissions and the national commission of Solidarity *(Komisja Krajowa)*. Contributions are paid by members to the workplace organization, with 40% of the contributions sent further on to the regional structures and Solidarity headquarters.

Solidarity is not an organization of branch-unions, but is organized as a single union. Branch structures are organized in the form of secretariats, which receive their (few) means from headquarters. In fact, this system leads to an under-financing of regional and central structures and to an absolute weakness of the branch structures. Means are lacking in particular for the organization of new factories and members plus for the financing of expertise (Gardawski, 2009b, p. 502). Those problems of Solidarity described here are also valid for OPZZ with slight modifications.

One of the reasons for the strong role of the workplace organizations for the unions is the conflicts of the 1980s. The factory organizations were the power centers for the resistance against the communist regime and kept their influence after the collapse of the system. A second reason can be found in the labor law. Polish labor law permits the unions personal resources in the form of leaves of absence, whose number in turn depends on the amount of employees at the factory. Moreover, labor law defines the right of information and consulting of the unions – but only at the workplace level. The formation of inter-workplace coordination bodies within the company are indeed possible, but not explicitly foreseen by labor law and thus not supplied with resources. Thus labor law supports the decentralization of the representation of interests.

The workplace-centered organization of the unions in Poland coincides with extremely weak and non-representative employers' associations; with only some 20%, Poland has the lowest degree of employer organization in the EU (EC, 2010, p. 33). Even those organizations nominally registered as employers' associations grasp themselves mainly as lobbyists for economic interests and express no interest in the establishment of industry-level collective bargaining (Jasiecki, 2002). Interestingly enough, it seems as if the great importance of direct foreign investment would additionally interfere with conditions for a industry-level collective bargaining system, since foreign investors show particularly little interest in membership in Polish employers' and economic associations. Research has shown that the management of foreign companies in Poland sees itself as part of an international business class rather than a part of a Polish or East European managerial class (Jasiecki, 2002, p. 272).

The consequence of these conditions is a completely decentralized collective bargaining system, in which the factory stands at the center and even contracts encompassing several factories of the same company possess an exceptional character. Polish collective bargaining law differentiates indeed between workplace level and "above-workplace" level collective contracts. The "above-workplace level" contracts can theoretically include an entire branch; usually they include several factories of one company. 170 effective "above-workplace" level contracts existing in 2010 originated

almost exclusively from state-run companies or institutions and regulate the working conditions of about 300,000 employees (http:// www.dialog.gov.pl/node/132).

At the end of 2010 there were approximately 9,500 workplace-level collective contracts registered by the Labor Inspection. It is difficult to determine the number of employees covered by these contracts, because the Labor Inspection only began recording the number of newly registered contracts and employees covered after 2002 and does not follow up on this number (the question not even being posed if these companies still existed). The estimates of the collective bargaining coverage (at workplace and above-workplace level) in Poland reach from 25% to 45% (Kohl & Platzer, 2004, p. 175; Jürgens & Krzywdzinski, 2007). According to the inquiry "Trade Unions in 1998" (Gąciarz, 1999, p. 243) workplace-level contracts existed in about two-thirds of the factories with more than 250 employees and in about one-half of the factories with 150-250 employees. On the other hand, only a small amount of those factories with less than 150 employees had signed a collective contract.

The abandonment of co-determination rights

Not least because of the central role of the workplace and the lack of strong industry union organizations, the abandonment of the rights of co-determination proved to be a strategic mistake, which the unions made in 1990s. The so-called employees' councils (*rady pracownicze)* existed until the beginning of the 1990s in the whole state economy. They had been introduced as an answer of the communist regime to the demands of the Solidarity movement for more self-government in the factories and represented a compromise between demands for democracy and control of the communist party. The employees' councils disposed over extensive competencies in the control and management of the company and even as far as having the possibility of firing the company leadership (Gilejko, 1998; Stegemann, 2011).

Even though, at the beginning of the 1990s, the existence of the employees' councils and Solidarity's attachment to the ideas of self-government seemed to be propitious conditions for the development of strong employee interest representation in the factories, the history took another turn. The connection of the employees' councils to the communist party during the 1980s had led to a delegitimizing in the eyes of many Solidarity activists. They were perceived as a kind of competition to the unions and when the liberal government considered abolishing the employees' councils, no one at Solidarity stood up to defend them. The liberal governments of the years 1990-1992 wanted to establish a system of corporate governance, which promoted the emergence of strong private owners and rejected all forms of stakeholder co-determination. The discussion over the privatization was directly influenced by the property-rights theory, which considered strong owners as a guarantee of a successful restructuring and adjustment to market conditions. The employees' councils were dissolved as soon as the state companies lost the special legal form of a "state company" and were transformed into "normal" companies (owned by the state) according to the companies law. The employees in former state companies retained the right to elect one third of the members the supervisory board. An inquiry concerning the role of these employee representatives came indeed to the result that they merely have a symbolic status and little real influence in the company (Gilejko & Towalski, 2002, p. 44).

In contrast to the state companies, right from the beginning there was no form of labor participation in the supervisory boards of private firms.

The abolishment of the employees' councils and their possibilities for co-determination was essentially accepted by the Polish unions without resistance. An inquiry carried out among the union functionaries in 1995 illustrated the disinterest concerning the co-determination (Gilejko, 1998): 76% of the functionaries of the post-communist OPZZ took the position that "the leadership of the company must be passed into the hands of experts", only 17.9% supported the idea that "company leadership (should take place) in agreement with the ideas of the employees". At Solidarity, even 93.5% of the functionaries were for the concentration of the competencies with management and only 6.1% for co-determination by the employees. This attitude of the unions was a clear contradiction to the position of the workers, who, in the first half of the 1990s, showed large support for the various forms of industrial democracy (Gardawski, 1996, p. 43).

Instead of institutionalized co-determination the Polish unions pinned their hopes on the development of employee stock ownership ("peoples' privatization"). The under-estimating of the importance of institutionalized co-determination laws in the workplace turned out to be, in retrospect, a strategic mistake, since inquiries have shown that the distribution of stock shares among the employees and the employee by-outs didn't lead to an effective increase in influence of the employees in the company. In large companies the voting-weight of the employee vis-à-vis those of the strategic investors is irrelevant. In employee buy-outs, the management controls the decisive shares (Mikołajczyk & Towalski, 1998).

After the abolishment of the employees' councils the union organizations assumed the task of representing the employees interests in the factories. The establishment of a union in Poland is easy: ten members suffice to register a union organization which enjoys the legal protection. Polish law defines the rights of the unions for information in a very general way: they should receive information which they need in order to fulfill their tasks i.e., especially information regarding work conditions and pay. The lack of concreteness often leads to conflicts. The rights of consultation are set more concretely. Unions must be consulted regarding the following themes: individual measures with effects on union members (disciplinary measures, dismissals…), collective dismissals, health protection, vacation plans and changes in factory ownership. In those factories without a collective contract there must at least be consultation with the unions regarding the so-called "work order", pay and performance-premiums. Moreover, the unions have the right in all factories for co-determination over the use of the legally prescribed factory social funds.

According to an inquiry by Pańków (1999, p. 183), the influence of unions is strongest in the distribution of services through the factory social funds, which usually takes the form of aid as in small credits, grants for renovation of apartments or for Christmas parties. However, union influence on strategic questions of company development is practically non-existent. Pańków (1999, p. 172) described the weaknesses of the factory representation of interests as follows: "The representation of interests limits itself strictly to the exertion of legally defined functions of the unions. […] The

dominating pattern of interaction between company management and the unions can be characterized as a passive attitude of agreement by the unions."

The neglect of membership recruitment in the 1990s, the lack of resources at central and the branch level, as well as the decentralized system of collective bargaining all made the unions relatively defenceless, as changes in the economic structure led to a rapid reduction in the number of members in the factory organizations. Indeed, there have been in the past decade organizational and legal innovations as an answer to union weaknesses. Organizing campaigns, experiments with new forms of union organization as well as the introduction of works councils belong to these innovations. I will introduce these innovations in the following section.

4. The organizational approach of Solidarity

Solidarity began developing its organizing approach in 1999 with the creation of the Trade Union Development Department (the following section builds on Krzywdzinski, 2009 and Krzywdzinski, 2010). Its organizing approach follows patterns developed by the US-American unions and reflecting the particularities of the U.S. labor regulation with its union certification elections and a considerable latitude of employers to oppose the foundation of unions. The US unions assume that unions are more likely to win certification elections when they run aggressive and creative campaigns utilizing a grass-roots strategy and engaging in person-to-person contacts. The creation of the organizing department of Solidarity followed the initiative of an activist from Szczecin who took part in workshops organized by the Service Employees International Union (SEIU) and who convinced the Solidarity leadership to start similar activities. In 1999 he was made head of the new department. Without additional resources, he managed to establish a number of local branches in the Real supermarket chain. With this success, it was possible to consolidate the department within the national union structure and to expand staff numbers to thirteen by 2009. The regional Solidarity organizations also began to create corresponding departments, which in 2009 employed a total of 50 organizers (Krzywdzinski, 2009). It is important to stress, however, that the organizing approach remains controversial in Solidarity, and still receives far too few resources. The union's National Commission and some committed regions spend about 5 percent of their income on the department, but many regions are too weak, or are not interested in the approach.

At the same time, in the year 1999, there arose in the OPZZ too an organization named Confederation of Labor (*Konfederacja Pracy*), which explicitly had the goal of organizing the precariously-living employees in the private service sector. By the beginning of the new century it was able to show some 3,000 members und about one hundred workplace organizations. However, it only possessed a marginal status within the OPZZ because the union hardly bothered itself with organizational activities and basically stressed existing structures and political influence (Gardawski, 2001a, p. 230). Thusly in the following I will only deal with organizational development within Solidarity.

Solidarity understands organizing in three main ways. First, it assumes that there is a fundamental conflict between management and labor over the distribution of profits and that the strength of the union at company level and its ability to mobilize

its members are the main factors influencing the outcome of this conflict. Second, the organizers argue that this conflict is to be fought out inside the company and not at sectoral level or in the political arena. This implies that the main goal of the union has to be the recruitment, organizing and mobilization of members in the workplace. For a union like Solidarity, which was founded in political opposition to the communist regime, this is not self-evident. Third, it is assumed that the best approach is grassroots campaigns in which the organizers establish direct personal contact with employees and support them in building a union.

There are two main forms of organizing activities in Solidarity. The headquarters organizing department carries out nationwide campaigns with a focus on the service sector (to date, retail and security), while the regional offices target selected companies and 'special economic zones' within their areas of competence. The two forms follow somewhat different logics, as the following examples show.

The pattern for the nationwide organizing campaigns is represented by the campaign in the security sector. 'Here we made it as it is made best,' declared the head of the Trade Union Development Department. The campaign was initiated by the Global Union Federation UNI, which shared the costs. In the first stage, starting in 2006, the campaign concentrated on Warsaw, where 26,000 persons work in the security sector. Solidarity recruited four organizers and one analyst who began 'mapping' the city, checking street by street in which buildings security employees work and for which companies. Eight firms controlling the bulk of the market were then selected as targets. The organizers visited all 400 workplaces of these companies, informing employees about the campaign and about Solidarity, and collecting contact data of over 5,000 security workers. In September 2006, 72 organizers and activists from all over Poland were concentrated for one week in Warsaw. They went once again to all workplaces, trying to convince the security workers to join the union and registering the new members: 502 during this week, 966 by the end of 2006.

The security firms soon reacted by dismissing union members or forcing them to leave the union. Solidarity protests and demonstrations in front of the companies' headquarters did not stop this intimidation, and UNI recommended the Polish unionists to target the clients of the security firms. One of the main clients was WBK Bank, owned by the Irish AIB, and the Polish organizers distributed petitions and leaflets in all WBK branch offices. With the support of the Irish trade unions, Solidarity approached the AIB headquarters in Dublin. According to the head of the Trade Union Development Department, 'half an hour before the meeting in Dublin I was called by the owner of the Solid company [one of the security companies in Poland] who said that he would like to meet me and that he is sorry about the misunderstanding which led to the conflict'.

After protest actions in front of another banks, Solidarity won collective agreements with seven main security firms in Warsaw. The main reason for the success was the threat by the banks to terminate their contracts if the security firms did not reach an agreement with Solidarity. All employees who had been dismissed because of union membership were re-employed, and Solidarity won the right to talk to all newly recruited employees to encourage them to join the union. By October 2009, 5,000 secu-

rity workers in Warsaw were members of Solidarity. In 2008 the campaign was extended to Wrocław, Poznań, Gdańsk and Olsztyn.

The organizing activities of the union's regional structures follow a different pattern. Usually the regional organizers select target companies; in Lower Silesia, for instance, the organizers concentrated on supermarkets and on large industrial plants in special economic zones, which have become the centers of industrial development in the region (see also Mrozowicki, 2011). The organizing approach is exemplified by the Toyota plant in Jelcz-Laskowice. The plant started operations in 2005 and the union organizers immediately began leafleting at the gates. In 2006 a group of young Toyota workers approached the organizers and asked for help in creating a union. The organizers trained the workers, distributed leaflets about the planned creation of the union and provided their contact data. This support was crucial in the initial phase, as the workers themselves feared dismissal and did not wish to be identified. The organizers formally registered the union, and informed the company once a group of about a hundred workers declared they were ready to join.

The support of the organizers remained crucial. The company refused to provide office facilities, and the union members depended on the infrastructure provided by the regional organizing department. Toyota initiated the election of a works council, hoping that this would eventually replace the union; but on the recommendation of the organizers, the members in the plant contacted the elected works councilors and convinced the majority to join the union. In 2008, the union had around 200 members, which meant a density of 20 percent.

The union's organizing approach has been quite successful, but it cannot be the only solution to its recruitment problems. Though organizing activities began in the late 1990s, Solidarity membership still decreased every year until 2007 (Gardawski, 2009b; Wenzel, 2009); only since 2007 did the union succeeded in stabilizing its numbers. This was facilitated by strong economic growth and decreasing unemployment, but was also the effect of the increased efforts in organizing.

Despite the successes, the distribution of resources and the priority of organizing activities remain contested in Solidarity. There is the paradoxical situation that a strengthening of the resources for organizing campaigns would be necessary at the expense of the budget of company-level organizations. This meets resistance of older trade unionists, who stick to a conception of the union shaped by the communist era, when the trade union distributed social benefits in the workplace (cultural activities, gifts, emergency loans etc.).

But the conflict is not only about resources. The turn to organizing represents a break with Solidarity's traditional political understanding of trade union membership. This break is clearly visible in the self-conception of the young trade unionists in the newly created union organizations. References to Solidarity's political history are explicitly rejected by young trade union activists (Krzywdzinski, 2010). They see the main arena of union activities within the companies and at the workplaces – and not in politics. A large part of Solidarity's leadership and members, however, still sees politics as the most important action field for the union and still retains strong links to the political right (in particular to the Law and Justice party).

5. The establishment of organizational structures above the workplace level

Together with the turn to organizing, some other important organizational innovations appeared in the Solidarity which were meant to overcome the weaknesses of the workplace-based organizational structure.

The first innovation appeared in the organizing project in the security sector. All Solidarity workplace organizations created by this organizing project joined in 2007 to form an inter-corporate union, represented in eight companies. The head of the Trade Union Development Department commented that 'what is most important, the 60 percent of the membership fees which remain in the organization, and are not transferred to the Solidarity regional and central structures, are completely devoted to organizing'.

A further organizational innovation represents the establishment of so-called "municipal union organizations", which were founded in the Solidarity region of Lower Silesia in order to organize employees belonging to small companies. The director of the Trade Union Development Department of the region of Lower Silesia explained this approach as follows:

"There are large companies, but there are also a big mass of smaller shops with only 2 or 3 employees – e.g. hair dressers. It so happens that our statute is not prepared for small shops. The employees in these shops cannot join us, so in 2005 we changed our statute and introduced a new organizational form, the so-called 'municipal union organization'. Everybody can organize there, even the unemployed. These organizations have no special ties to companies. The 'municipal union organizations' were created in all of our district offices. The 'area organization' in Wroclaw has presently over 40 people. If the people concerned wish to, we inform the employer over the membership, since now the person is represented and defended by us. The employer must in all events prescribed by labor law consult with us regarding the person employed. However, some members don't want this because they fear reprisals. Then, of course, we cannot negotiate with the employer".

6. The introduction of works councils

The last decade saw not only organizational innovations within the trade unions but also an important regulatory change, the introduction of works councils. The EU criticized during the negotiations over Poland's entry to the EU that the right to information and consultation could be only exerted by union organizations which in many companies did not exist. The Polish government, in this situation, suggested the introduction of works councils in order to create a representation in the companies that wasn't organized by the unions. Both unions and business associations in Poland reacted skeptically. This negative attitude in parts of the union resulted from the fear that the works councils could form a competition to the union organizations. They pointed at the experiences in Hungary, where, in many cases, the works councils were played off against the unions by the company (Kohl & Platzer, 2004, p. 115f).

The law over the introduction of works councils was passed in March 2006 and represented a compromise: The unions were not successful in limiting the creation of

works councils to those companies where there was not any union representation ("Czech model"), however they received the exclusive right to nominate the candidates for the election to the works councils, if there is a union at the company. Indeed, the Association of Polish Employers (KPP) took legal action against this right of the unions and, in fact, the constitutional court ruled that the regulation was unconstitutional and after 2009 the candidates could be nominated by all employees.

The companies are obligated to provide the works councils with information over the economic situation of the company, over larger changes in work organization and sequences of operations and over all measures which have influence on employment. The companies have to give the works councils the possibility of taking a position on the matter. The rights to information for the works councils are thusly more comprehensive than that of the unions – however, they are also defined in not very concrete terms. Although the law foresees the signing of an agreement, in which the realization of the rights of information will be concretely regulated, up until June 2011 there was only such an agreement in one third of all companies with works councils. The works councils do not possess co-determination rights and they also lack the competency to sign collective contracts. The establishment of a works council doesn't change the status of the union organization; a second body is simply created with its own right to information and consultation. The consultation rights of the unions are, moreover, more exactly defined as those of the works councils.

The Polish law prescribed that a works council must be formed in companies with more than 50 employees on a motion of at least 10% of the employees. This was the position of the employers, which was successful against the threshold of 5 employees proposed by the unions.

Experiences of the first years after the introduction of works councils show that neither the positive influence of the works councils on the establishment of union organizations nor the fear of a mutation of works councils into "yellow" unions have turned out to be true. 3,219 works councils were established by June 2011 – that was approximately 17% of the companies with at least 50 employees. Up to now no cases are known in which the establishment of a works council has led to the formation of a trade union. This is also confirmed by statistical data since works councils are formed in 80% of the cases in companies in which unions already exist (Syndex, 2007). The establishment of employee representations in non-union companies, which the EU hoped for, has up to the present failed to function.

Indeed, it seems also that the possibilities of manipulation of works councils by the employers are limited. That has been shown in the case of Toyota (see Jürgens & Krzywdzinski, 2010). As an answer to the establishment of a Solidarity union, Toyota initiated the elections of a works council. A pro-management person was then elected at head of the works council. After the union had been formally established, it succeeded in winning over the majority of the works council members to join the union. In four industrial companies, in which the author performed interviews on this topic, no union representative saw the works councils as dangerous (Krzywdzinski, 2009); either they were regarding the improved rights to information as positive or they saw the works councils as an essentially passive body. Indeed, an inquiry by the consulting firm Syndex (2007) among Polish companies showed that in most cases the functional

abilities of the works councils tend to be strongly limited. The information practices of the companies are poor and the firms seem to largely ignore the requirements of the law in regard to consultation with the works councils. A further problem is the financing of the works councils. Only 11% of those works councils questioned by Syndex were in a position to finance external expertise. At the same time, the lack of expertise was characterized as the decisive hindrance to effective functioning of the works council.

Up to now, there has been no research as to how the loss of the exclusive right of the unions to nominate for candidates to the works council will effect the representation of the unions in this body. The leeway for the support of employer-friendly candidates by the employers has increased; simultaneously the new election law could strengthen the legitimacy of the unions and also the union representatives in the works councils.

7. Conclusions

The decline of the unions in Poland is surely due to a great part to the economic conditions. Privatization, restructuring and the change in economic structure have weakened the traditional union bastions or even crushed them. However, in this article I argue that internal organizational problems and strategic mistakes of the Polish unions have made the adjustment to economic changes even more difficult and thus have contributed to the weakening of the unions. With regard to the problems of internal organization one must underscore the dominance of the workplace level and the weaknesses of the regional and central structures, which do not have enough resources at their disposal for the organization of new companies and branches – and, moreover, have also neglected the recruitment of new members. Regarding the strategic decisions one must first off stress the political polarization of both large unions Solidarity and OPZZ, which, particularly in the 1990s, had thwarted the influence of the unions. Secondly, the importance of the rights of co-determination in companies was underestimated; with the background of an idealized concept of the market economy the unions accepted the abolishment of employees' councils and co-determination rights at the beginning of the 1990s.

Polish trade unions are conscious about their weakness and its reasons – witness the debates over reform of the unions (Gardawski, 2009b, p. 500f), even if up to now no decisive reform has been passed. What is taking place are small, but thoroughly innovative steps towards reform: the development of organizing campaigns and experiments with new inter-corporate organizational structures in Solidarity. With the background of the coming generational change in which the unionists who were socialized through the struggles of the 1980s are passing on the leadership to younger activists, these steps towards reform could be a starting point for greater changes. Moreover, the introduction of works councils is changing the industrial relations in Poland. An evaluation of the weaknesses of the law is, however, necessary as the aspired goal of strengthening the information and consultation of employees, especially in non-union companies, has not yet been reached.

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