### **Chapter 9**

### Employee Representatives in Poland. How are they Perceived and what are the Expectations by Employers?

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# 9.1 Social and Historical Context of the Labor Movement in Poland

Taking into account the crucial meaning of social dialogue in industrial relations we must admit that the social dialogue in Poland is "under construction". The specificity of Polish industrial relations is affected mostly by traditional thinking about social dialogue as a fight for individual interests, mostly due to the low level of trust between employers and employees (Zdybała 2007). Social dialogue is a relatively new institutional phenomenon in Poland, which starts to function in the social environment without a prior tradition and climate supporting cooperation and mutual trust between employers and employees. There is a great need for constructive cooperation forms between employees and employers because only effective social dialogue can guarantee the effective development of the economy and the society as a whole (Zdybała 2007).

There is much to be done in Poland to create the modern and innovative social dialogue needed to overcome the obstacles. An important barrier is the marginal role of trade unions (TU) in the private sector. There is a lack of mechanisms that build the capital of social trust in the new sectors of the Polish economy. TUs exist mostly in the public sector and in big public institutions, change is badly needed towards democratic participation and control of the employees in all institutions (Ciompa 2007). The most visible activities are at the central level in Poland in the form of a Tripartite Commission for Social and Economic Matters and Provincial Commissions for Social Dialogue (Dziennik Ustaw 2001), but social dialogue is much weaker at the organizational level (Hajn 2004). This could be explained by

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the low level of participation of employees in TUs. In Poland, only 12% of workers are members of the Labor Unions (69% in Denmark).

The labor movement in Poland exists since the end of the nineteenth century, in the Prussian and Austrian partition regions. In 1869, the first Trade Union of Mechanical Engineers and Metal Workers was founded in Bromberg. In 1889, the first general 'Union of Mutual Help' (ZWP) was founded in the town of Bytom in Upper Silesia. Much of the trade union movement was ideologically divided. After 1945 in the communist system the unions became the element of workers' organizations and a political instrument of the Polish United Workers' Party (PZPR). However, this repeatedly encountered violent resistance of the workers in the industrial centers (in Poznan in 1956, in Gdansk and Gdynia in 1970, in Radom and Ursus in 1976 as well as in Gdansk in 1980) (Pańków 1999).

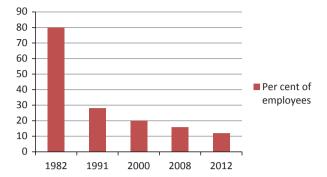
Poland belonged to the countries under a communist regime but the functioning of the Labor Unions was different compared to the other countries in the communist bloc. The 'Central Council of Trade Unions' (CRZZ) served as a "transmission belt" between the communist party and the people. CRZZ's model was based on the autocratic power of the center, while its regional and sector branches simultaneously had negative power over the CRZZ's center. They were able to limit the effectiveness of the center of the CRZZ because they were engaged in some vague interests (Pańków 1999). The foundation of the Independent Self- Governing Trade Union "Solidarity" (NSZZ Solidarnosc) in August 1980 -a mass organization with almost 10 million members- led to the self-dissolution of the CRZZ subordinated to the PZPR in autumn 1980.

The Martial Law was introduced on December the 13th of 1981 and lasted until June of 1983. Solidarity was banned and the controlled re-establishment of trade unions dependent on state orders began. In 1984, the 'All-Poland Alliance of Trade Unions' (OPZZ) was set up as an umbrella organization to coordinate them.

After the regime changes of the year 1989, the OPZZ remained the strongest trade union federation, but the membership dramatically decreased. In the middle of the nineties, about 4.5 million people were members of OPZZ. This number fell to under 2 million by the year 2001 and it is estimated now that there are less than 750.000 members. The same decrease of membership is observed in NSZZ "Solidarity". In the middle of the nineties the number of members decreased from 10 to 1.1 million members, from 2005 to 2013 it went down to 700,000, and is still decreasing. From 1982 until 2013 the overall degree of unionization fell from 80% to below 12–16% (Fig. 9.1).

National trade unions were highly engaged in politics during the transformation period. Lech Wałęsa, the first chairman of "Solidarity", became president of Poland in 1990 and offered trade union members government offices, seats in the Polish Parliament, as well as on management boards of big state-owned companies. "Solidarity" gained enormous influence, but simultaneously lost most of its leaders to politics. This led to a loss of authority for "Solidarity" as an institution representing workers' interests and separated it away from its roots members (Pańków 1999).

Fig. 9.1 Percentage of employees belonging to a trade union in Polish organizations from 1982 to 2012. (Feliksiak 2012)



There are differences between state enterprises and civil service in which about 28% of employees belong to trade unions, and in the private sector, where only 3% belong to trade unions (Feliksiak 2012; Wenzel 2007).

Nowadays, Poland is one of the EU-countries with the lowest degree of unionization. Most of the trade unions' members (51.7%) are women, especially in the educational sector, health and civil services, but also 35% of members of mining trade unions are female (Penn 2003). According to Adam Mrozowicki and Marta Trawińska (2012) the share of men and women in trade unions is almost even. Out of three nationally representative confederations, 42.4% of women belong to "Solidarity". OPZZ has 48.3% of women among its members and the Trade Unions Forum (FZZ) is the most feminized union (53.8% of the members) (Gardawski 2009, p. 556). It is noteworthy to point out that only 2.4% of employees under the age of 25 belong to a trade union.

The low level of workers' participation in TUs is a consequence of the lack of trust in a possible influence of the TU on the labor market and on the organizations' functioning (Czarzasty and Kulpa-Ogdowska 2006). Polish employees don't believe in the effectiveness of Labor Union's activity. In the survey carried out by CBOS, 40% of the respondents did not perceive the effects of TU (Haponiuk b.d.). This context doesn't support TUs activities because TUs exist only in big public sector organizations. like heavy industry, education and health service. Other sectors -mostly private- do not support the existence of TUs in their organizations, due to the financial obligation of the employer to support TUs and to the employers' unwillingness to have internal 'supervision'. The employees are not engaged in TU activities because they feel unsafe. Being active in the TU is understood as "risky behavior". There are also some other factors which weaken the role of TUs related to the low representation of women and young workers' and a very weak existence of TUs in new and innovative sectors of new technologies (Haponiuk b.d.)

There is a great challenge for Poland to overcome the above mentioned obstacles to create constructive social dialogue as a crucial tool for an effective development of the society and its economy.

#### 9.2 The Current Situation of Polish Trade Unions

All Polish TUs, including NSZZ "Solidarity", used their old structures to deal with new tasks and challenges during the transformation period after 1989. Despite numerous reform attempts, all unions suffer because of these dysfunctional structures. The reform of structures has become a point present at all congresses and in all programmatic documents in many variations, but that does not result in any significant changes. Although they support political reforms, trade unions are conservative and resistant to change when it comes to their own organizational structures and finances. The structure of the organizations reflects the Polish state-owned economic structures from the beginning of the eighties and not the realities of today's globalized market economy and precarious labor markets. The borders of local structures often do not follow the local government re-organizations which have taken place in the meantime.

The degree of unionization is still exceptionally high in the mining industry, in the metallurgical industry, in the railway industry and in education. Trade unions are present in all state owned mines. Apart from the two large trade mining unions affiliated to "Solidarity" and OPZZ, there are independent unions of occupational groups. The degree of unionization depends on the mine and lies between 70 and 90%.

However, 97% of all establishments in the country have no trade unions, especially not in small and mid-sized enterprises (SMEs). On the other hand, in the business segment where there are employees' organizations we find over 23,000 trade unions as legal entities, and over 300 industry-wide organizations which aspire to be national confederations of trade unions. All of them are properly registered with the courts.

The strategy used by those people involved in the trade union movement is to use the organization to gain personal benefits, consisting primarily on building their own prestige within the organization to differentiate themselves from other workers, and being better informed. These motives are understandable and acceptable, but some companies allow certain employees to achieve these objectives and do not expect the use of their position to strengthen the structures of ERs. As a result, a small group of people who are actively working within the trade unions and on the federal national and international fora do not contribute to the effective representation of the interests of workers.

It seems that this mechanism acts as a system to monitor the situation and atmosphere among the crew. Overtime, the belief in the effectiveness of the trade unions decreases, resulting in the lack of interest in belonging to them. Although TUs formally exist in the company, they have no real effect on what happens in it.

Creating the regulations concerning Works Councils gave some hope to change the situation of the lack of consultation and real social dialogue in companies. WCs were established for the first time in the act of April 7, 2006. This act is the implementation of the EU directive  $2002/14/\mathrm{UE}$  establishing a general framework for informing and consulting employees. The councils are established only in organisations

with at least 50 employees, and only at the request of employees. Council members are elected in direct and secret elections. The councils have an information and consultation role. Works councils should be informed or consulted on issues relating primarily to employment. According to law regulations, WCs should have access to economic and employment related information. In fact, the popularity of WCs in Polish companies and the knowledge of the forms of cooperation with WCs within companies does not look satisfactory. According to Ciszek and Chakowski (2006) as well as Ciompa (2007), Polish managers are too focused on the current results and do not see the benefits of long-term cooperation with representatives of the employees. The results of our research seem to confirm this opinion.

# 9.3 What do Employers Say About the Current Situation of the ERs? Conclusions of the Interviews

In this section we summarize the most relevant indicators pointed out by the employers in the interviews regarding the profile of the ERs. The pessimistic climate of most interviews is visible, because there are a lot of negative phenomena- according to the employers—which influence the rather poor dialogue between ERs and the management of the organizations.

The employers' main concerns regarding the ERs' role in Poland are indicated here:

**Low Workers' Representation** Questions about the constructive or destructive role of the TU for the organization arises constantly. According to most HR managers, TUs don't represent the workers but they represent unions only. 'The ERs only take into account their own interests and a safeguard attitude is prevalent among ERs' (HR manager, manufacturing sector). Nevertheless, managers and employees often recognize the existence of trade unions as a necessity. However, they consider that their mere existence is sufficient and they do not need to be accounted for the representation of employees in the social dialogue in the organization.

Low Interest in Innovation On the one hand, employers believe that TUs are not interested in innovations, self-development and in the activities for the whole organization.

ERs main attitude is to preserve the status quo. Each change is dangerous for them (HR manager, manufacturing sector).

The ERs are much more claiming then innovative (HR manager, education sector).

On the other hand, they don't know what kind of innovation they could really implement and in which direction innovation should lead.

We really know what our duty is according to law and internal regulations and we strive to achieve them (HR manager, education sector).

It is worth mentioning that the TUs perceive their goals mainly in the traditional areas of operation (e.g. salaries, employment, etc...). Many of the issues that can

be considered as innovative (e.g. corporate social responsibility, gender equality or environmental protection) are not the subject of their interest. It should be noted that issues relating to gender equality in trade unions themselves have only recently started to be the subject of public discussion. Feminist organizations such as the *Women's Congress* postulate amendments to the Polish law on TU to the criterion of equality between women and men. Perhaps such a change would result in a greater participation of women in trade unions and a greater interest in matters referred to as innovative (Grzybek and Piotrowska 2009).

**The Lack of Responsibility** According to the managers, the TUs' characteristic point is mainly the lack of responsibility for the organization as a whole:

TUs have too much rights and this is a barrier for making decisions by management (HR manager from manufacturing sector).

The low level of mutual trust and political game between TUs and management. Both sides perceive themselves as political players and are willing to hide their intentions and plans. Rarely are they capable of understanding their roles as complementary, with the shared goal of the success of the organization.

ERs are generally untruthful towards their employer and they think only about the safety of employment for chosen people (HR manager, educational sector).

Sometimes TUs in organizations are seen as the last resort for workers who have broken the law or have violated internal regulations. By defending them even if it is a blatant violation of the law, unions destroy their position as a trustworthy partner. In addition, managers perceive that unions undergo the pressure of workers' demands, which are not always rational.

**Poor Dialogue Culture** According to the employers' opinion, the level of dialogue is rather poor; there is a lack of constant communication. TUs are rather passive as far as initiating the dialogue as well as building up its communication skills.

ERs are specialized only in some fragments e.g. of work law that's why they are not ready to take part in competent dialogue (HR manager, financial sector).

Possibly this point also relates to the fairly large power distance in the Polish culture. The decisions of the companies' governments are often perceived as not subject to discussion, even if they are perceived as wrong.

Workers Council as a Unique Phenomenon They exist in some organizations and this is a unique phenomenon. The weaker position of WCs in comparison to TUs is perceived by some HR managers as kind of advantage. They think that workers with a high level of energy and enthusiasm to improve social dialogue in organizations have less influence on the real situation as members of WCs than TUs. Additionally, the existence of WCs helps the company against establishing TU.

This council has rather weak influence on organizational functioning but the existence of the Council is appraised as positive because it protects the organization. The "danger" could be that trade unions will be established—trade unions could be a barrier in decision making process (HR manager, manufacturing sector).

"Marionette" character of the workers council and their objective to fight for protection of individual workers.

The ERs are not engaged in solving organizational problems and only care for individual members' protection. They should feel responsibility for the whole organization and they don't see how the real life look like (HR manager, financial sector).

#### Low level of influence on the organization's activities.

The big organizations' power is too strong for the ERs' weak position (HR manager, educational sector).

**No need to have TUs.** There is a pervading conviction among employers about the lack of need to have TUs in the organization. According to the managers:

The standards of organizations concerning the workers safety and their level of salaries/ payment are high and sufficient and there is no need to have TU to "fight" for good standards (HR manager, financial sector).

It can be the effect of a closed circle. Inefficient TUs are perceived as unnecessary and members of TUs who feel themselves as unnecessary are more and more inefficient.

**TU's Political Power** TUs are treated as a political partner in the dialogue with the organization, especially due to their political connections and power (in one of the interviewed companies two past Polish Parliament members participate in TU management).

As an employer I expect authentic decision making and mutual understanding but I see politics (HR manager, banking sector)

Possible ways of solving problems by TUs are judged by their political affiliation (and sometimes by private prejudices of the managers) rather than by the competence of their members.

**Information As a Crucial Instrument** The crucial thing in the organization is information sharing, which could help to understand even the most complicated problems. Sometimes ERs don't understand the purpose of some activities or don't have enough experience to perceive that they can be an important element of the circulation of information system.

### 9.4 Employers' Perceptions of ERs. Results of the Survey

Results are presented based on the survey among 58 Polish HR managers of different sectors, compared to the score of 556 HR managers from 10 other countries in Europe. T tests were conducted to analyze differences between the Polish HR managers and the rest of European HR managers participating in this study.

In Fig. 9.2 we can see a graph with the mean for each variable in Poland compared to the European mean. These results suggest that HR managers perceive

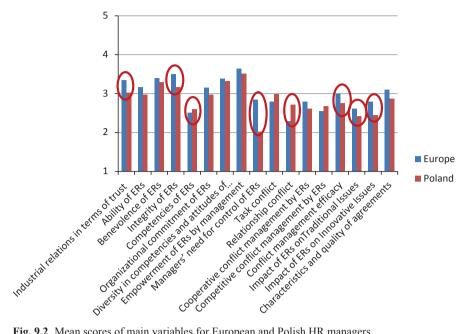


Fig. 9.2 Mean scores of main variables for European and Polish HR managers

the *Industrial relations climate* worse in Poland (M=3.07), compared to Europe (M=3.31). Integrity of ERs scores lower in Poland (M=3.07) than in Europe (M=3.31). More in detail, HR managers' perception of ER's competencies is higher in Poland (M=2.63) than in Europe (M=2.47). Relationship conflict is higher for Polish HRs (M=2.73 versus M=2.29). Conflict management efficacy is again lower in Poland (M=2.75) than in Europe (M=2.98). Finally, impact by ERs scores higher in Europe (M=2.65) than in Poland (M=2.45) in traditional issues as well as in *innovative issues* (M=2.80 versus M=2.47).

No differences were found between Polish HR and the rest of European HR participating in this study for the rest of the variables. The results of the survey in Poland are consistent with results of interviews showing that HR managers in Poland have definitely less positive perception of ERs, compared to the other European managers.

#### 9.5 Suggestions Given by Employers to Improve Social Dialogue in Poland

Both the qualitative and quantitative results of this study clearly point out that Polish managers perceive a great need for improvements in different aspects of the industrial relations' model and in the competencies and attitudes of ERs in Poland.

The current model of ERs in Poland is perceived as outdated and the industrial relations' model and unions dynamic requires a huge transformation. The new industrial relations model should focus on the ability to interact between the two groups—ERs and management—on ERs' participation in the decision making processes, as well as on creating a trust and commitment culture between both sides.

The main proposals from the employers for this new model are:

- 1. To improve the election process of ERs. There is a great need to improve the process of the election of ERs as they are the authentic representatives of all workers, not only the representatives of the unionized workers.
- 2. To attract young ERs. The problem is that TUs don't have successors and highly qualified potential leaders to substitute the current ERs.
- 3. To build up the understanding of the constructive role of social dialogue.
- 4. It's not unlikely that the new dialogue will be possible if large groups of TU members face the true perspective of losing their job and the necessity of coping with the flexible labor market.

There are also some problems concerning European initiatives:

- There is a deficiency of compromise culture as a heritage (though not entirely) of authoritarian socialism
- We can observe the evolution of some value models thanks to the influence of European ideas of the new work relations in the framework of European social dialogue.

In the Polish society there is a kind of negative attitude towards TUs, which are perceived as a weak, workers friendly organization with low influence, even if most of the population thinks that TUs are needed and could be useful. It should be also underlined, that in organizations in which TUs are present, the labor law is much more respected and the working conditions are perceived by workers as much more comfortable for them.

Poland is the European country with the lowest level of trans-organizational collective trade agreements. From the European point of view this is a proof of extreme deregulation.

The most important problem of Polish TUs is Ford's ballast. The TUs are located only in big, public organizations and they have problems to exist in large space trade organizations and in the Polish private sector, with the exception of the modern enterprises with foreign capital (automobile industry).

The current model of Polish TUs hinders the achievement of authentic dialogue, discussion and mutual help between ERs and management of the organizations.

# 9.6 Discussion on Expectations of Polish Employers on ERs' Roles, Attitudes and Competences

The Polish employers perceive a lot of problems in the functioning of ERs and expect them to change. The main problems are:

The low level of awareness of "perceived utility of the ERs" for improving the efficiency of management.

I think that there is a great potential in ERs but they should learn how to perceive organizational problems as much more global in the broader organizational context (HR manager, educational sector)

ERs are brought into play by top management mainly as a side of the internal politics of the organization. In one of the organizations, ERs were perceived and treated as a group of disoriented people who are easily controllable and the HR office used them to spread unpopular ideas and unpopular solutions.

'Management often use ERs leaders as a tool to solve difficult problems concerning staff of the plant', said an HR manager from manufacturing sector.

ERs behave as if they were an isolated island (HR manager, manufacturing sector).

There is a scarce use of innovative tools to build relationships with ERs. The main idea of cooperation forms between HR managers and ERs is to ask ERs for acceptance of difficult decisions, but there is no will to develop these decisions together.

Both sides—employers and ERs—do not believe in modern and innovative dialogue to cooperate in order to solve the problems of organization (...). They don't see that a good relationship with employer is possible (HR manager, manufacturing sector).

It is worthy to underline the political commitment of Polish TUs due to historical reasons. After 1989, "Solidarity" gained enormous influence and lost most of its leaders, who went into politics. "Solidarity" members are perceived as right-wing political parties and Catholic Church supporters. As a result, also members of other TUs are identified as proponents of other mainly left-wing political options, even if it is not true. This led to a loss of authority of TUs as an institution representing workers' interests and builds around activities of TU unfavorable climate even at the organizational level. To conclude, below we list the main conclusions from the data collected in Poland:

The Polish employers are disappointed with the role of TUs and ERs. There seems no authentic interest in Poland in Corporate Social Responsibility. The development of Social Dialogue could and should be implemented under the CSR umbrella.

We don't have influence on what's going on in this area because in general nobody takes an interest (HR manager, education sector)

There is a **low level of the awareness about how ERs could work** to increase the effectiveness of management. Activities are not real but rather formal or virtual. TUs reflect political influences and political parties in Poland and Polish citizens don't want to engage in ER or TUs activities. In smaller organizations there is no normative demand for social dialogue. However, a company of less than 50 people can still be an important group of people. They just need an opportunity to speak louder and to be heard.

The ERs can be much more open for changes and they can promote innovations but they must learn a lot about the context of organization and about organization management (HR manager, banking sector).

According to some employers, the situation is hopeless because **the role of TUs is defined as a permanent conflict**.

ERs behave as if they play a game during the war. They are against everything and they are deaf to the arguments (HR manager, manufacturing sector).

It can be understood as a structural conflict. It's a reason for the lack of business awareness among ERs. Modern societies want to buy cheaper products and that's why companies want to produce cheaper and outsource their production towards Eastern countries. Simultaneously, TUs want to work less and earn more. A typical Polish example are agreements which are inherited after the communism times. Very often they are outdated and do not meet the requirements of flexible employment, for example in 1974 there was an agreement about rigid 26 days of the holidays and paid days of illness. It's important how this conflict situation is perceived and ways to work less, but more effectively should be learned. We should talk about how to make ERs reliable partners in the process of elaborating new solutions for that conflict. There is a chance to prevent interest of both sides. There are only about 10% of workers which belong to TUs. That's why HR departments are becoming the representatives of the rest of workers representation.

The common goal of organizational effectiveness is the main reason for organizational competitiveness. **We must build up a new mentality,** the change of awareness that the organization's effectiveness is a common goal of all parties. ERs should be aware that they are part of the organization and that they also serve the organizational goals. They must be aware of the demands which build a competitive position of the company on the market. From the psychological point of view, ERs are an ideal channel and method for the formation and strengthening of labor relations based on the principle of public participation, encouraging activity and creativity.

To convince employees to establish ERs or TUs within an organization we should **convince the employer that TUs will contribute to some profit for the organization.** There is a need to offer proof that using modern instruments for social dialogue and success of the company are strongly related. So far there is no empirical evidence. The rhetoric of positive socio-economic development is not enough to attract people to for all that time consuming and risky action of social dialogue.

We should also build up the positive image of the ERs within the Polish society. There are only a few organizations promoting ideas of social dialogue and its beneficial role. Their activities could be recognized more. For example, the last report on WCs in Poland was published in 2007. In our opinion, the role of WCs or TUs as a way of taking part in building modern and healthy society is rather unknown in Poland.

"We must educate TUs". The question is how to attract them to education and what knowledge and skills they really need. Education about employee representation should be started early in primary school. We still experience low level of civil responsibility in our society.

As a final conclusion, we can say that the results obtained are not very optimistic. The good times of social dialogue in Polish companies seem to be in the future, constantly in front of them. To become a commonly used tool, three basic problems should be solved. First, we need to build awareness that constructive dialogue

between employers and employees in companies is possible. Now, the belief that it is not possible seems to be prevalent in the studied organizations. Secondly, methods of social dialogue should be disseminated among employees and employers. Conversation in difficult situations or during conflict is not easy, and both sides need to learn how to talk to achieve common goals. Third, there is a problem of the lack of evidence that social dialogue is worth the effort and that both companies and employees can benefit from it. It would be very desirable to provide workers and employers in Poland with the empirical evidence and good examples showing the benefits of social dialogue.

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