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# The Weakness of Social Actors in CEE Exploiting or Consolidating the Trade Unions in Post-communist Romania?

ALEXANDRA IONAȘCU

The trade unions' development in Central and Eastern Europe emphasizes the difficult articulation, the high degree of fragmentation and the lack of strength of these social actors<sup>1</sup>. This is also the case of the Romanian post-communist trade unions<sup>2</sup>. In order to justify their slow consolidation and the lack of effectiveness, several explicative factors were provided by the existing literature: such as the lack of internal democracy in these social organisations<sup>3</sup>, the economic policies adopted by the governments in transition<sup>4</sup> and the path-dependency influence resulting from the socialist past<sup>5</sup>. Although the Europeanization process of trade unions seem to have direct effects in defining the new labour relations<sup>6</sup>, the weakness of the interest representation in CEE continues to be a general feature emphasized by the empirical studies.

Furthermore, despite of a rich literature on this topic, very few researches have concentrated on the analysis of the CEE trade unions as describing similar patterns of behaviour with the ones encountered in the weak corporatist traditions in Western Europe. Or, these countries have suffered comparable changes related with politics in partnership relations, particularly in what concerns the link

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<sup>1</sup> C.M. FREGE, "Understanding Union Effectiveness in Central and Eastern Europe: Hungary and Slovenia", *European Journal of Industrial Relations*, vol. 8, no. 1, 2002, pp. 53-76; András TOTH, "The Transformation of the Industrial Relations System in Hungary", *South-East Europe Review for Labour and Social Affairs*, no. 1, 1998, pp.117-133; Terry COX, Mason BOB, "Trends and Developments in East Central European Industrial Relations", *Industrial Relations Journal*, vol. 31, no. 2, 1998, pp. 97-114; P. KUBICEK, "Organised Labour in Post-communist States: Will the Western Sun Set on It, Too?", *Comparative Politics*, vol. 32, no. 1, 1999, pp. 83-102; David OST, "The Weakness of Strong Social Movements: Models of Unionism in the East European Context", *European Journal of Industrial Relations*, vol. 8, no. 1, 2002, pp. 33-51.

<sup>2</sup> Umut KORKUT, "Entrenched Elitism in Trade Unions in Poland and Romania: An Explanation for the Lack of Union Strength and Success?", *Economic and Industrial Democracy*, vol. 27, no. 1, 2006, pp. 67-104; Aurelian MUNTEAN, "Romanian Labor Movement Between Workers' Padded Coat and European Values: New Perspectives on Romanian Trade Unions", Paper prepared to be presented at the international conference *Globalization, Integration, and Social Development in Central and Eastern Europe*, University "Lucian Blaga"-Sibiu. 5-9 September 2003.

<sup>3</sup> Umut KORKUT, "Entrenched Elitism...cit."

<sup>4</sup> Carles BOIX, "Partisan Governments, the International Economy, and Macroeconomic Policies of the Advanced Nations, 1960-93", *World Politics*, vol. 53, no.1, 2001, pp. 38-73.

<sup>5</sup> D. OST, "Illusionary Corporatism in Eastern Europe: Neoliberal Tripartism and Post-communist Class Identities", *Politics and Society*, vol. 28, no. 4, 2000, pp. 503-530. For the Romanian case see Ninucia PILAT, "Stratégies et perspectives de renouveau syndical dans la Roumanie postcommuniste", *Transitions*, vol. XLVII, no. 2, 2007, pp. 145-165.

<sup>6</sup> Ninucia PILAT, "Towards the Europeanisation of trade unions in post-Communist Romania", *SouthEast Europe Review for Labour and Social Affairs (SEER SouthEast Europe Review for Labour and Social Affairs)*, no. 2, 2007, pp. 95-107.

between the state and the trade union movement. Following the approaches developed in the analysis of corporatist traditions, this study considers that by emphasizing the role of the strategic relations established between the governments and the unions in what concerns *bargaining* and *cooptation* processes<sup>1</sup> in a post-communist country, the weakness of trade unions in Romania cannot be fully understood without considering the actors' preferences and interactions<sup>2</sup>. The dynamic dimension in the explanation of the trade union reconfiguration centred on individual actors provides thus insights on their two dimensional consolidation. The first dimension concerns an external axis in the analysis of trade unions that is nourished by the scrutiny of the relationship between the political realm and the trade unions; meanwhile, the second dimension regards an internal axis which aims at providing an in-depth analysis of the organisational adaptation and the internal reconfiguration of the post-communist trade unions.

The strategic approach in the understanding of the trade unions starts from the assumption that although the post-communist economic transition implied high costs and (at least at the theoretical level) the development of strong conflictive industrial relationships, the lack of legal framework and the politicisation of the social area would rather favour the persistence of weakly articulated bargaining systems. Therefore, as Molina suggested, in the case of other countries with weak corporatist traditions, the collective bargaining system that tends to "resort to forms of top-down political governance and management of the conflict"<sup>3</sup>. This top-down articulation of the trade union behaviour that appears both in the bargaining procedures at the external level, influencing the trade unions interactions with the political scene, and in the construction of the mechanisms of power at the interior of the trade unions.

Thus, this article aims at providing an alternative explanation of the variations in the influence that the trade unions are exercising upon the decision-making process, by looking at a particular case: the post-communist Romania. In what follows this paper argues that the articulation and the consolidation of the trade union movement, in the context of democratic consolidation are dependent upon the reconfiguration of both the political behaviour and the trade union's strategies. The transformation of the state functioning and the reconstruction of the political field inflicted a change in the way in which the trade unions' leaders have decided to cope with these changes. Indeed, from an interactive perspective, the reconfiguration of trade-offs, installed between the political elements and the trade unions is conducive to the transformation of the bargaining system and the internal organisation of these social actors.

The following sections of the article proceed to a micro-level analysis of the intra-union strata, as well as on the relations established between the labour

<sup>1</sup> Sabina AVDAGIC, "Accounting for Variations in Trade Union Effectiveness: State-Labour Relations in East Central Europe", *MPIfG Discussion Paper* 03.6.2003.

<sup>2</sup> Oscar MOLINA, Martin RHODES, "Corporatism: The Past, Present and Future of a Concept", *Annual Review of Political Science*, vol. 5, 2002, pp. 305-331. See also IDEM, "Industrial Relations and the Welfare State in Italy: Assessing the Potential of Negotiated Change", *West European Politics*, vol. 30, no. 4 September 2007, pp. 803-829; Marino REGINI, "Between Deregulation and Social Pacts: The Responses of European Economies to Globalization", *Politics & Society*, vol. 28, 2000, pp. 5-33.

<sup>3</sup> Oscar MOLINA, "Trade Union Strategies and Change in Neo-corporatist Concertation: A New Century of Political Exchange?", *West European Politics*, vol. 29, no. 4, September 2006, pp. 640-664/p. 644.

organisations and the political scene. The following section will concentrate on a short presentation of the theoretical framework and will proceed to a brief overview on the trade unions in Romania after 1989. The second section will develop the external dimension of the analysis, by emphasizing how the State becomes an important actor in configuring social partners' arrangements and the informal relations established between the political and the social sphere. Thirdly, the study will focus on the analysis of the intra-union level, as an important factor in the explanation of the lack of coherence and professionalization of trade union functioning in Romania. The last section of the paper focuses on of a case study, emphasizing the articulation and consolidation of the civil servants trade-unions in Romania.

### *The Trade Unions Consolidation: An Analytical Framework*

The emergence of trade-unions in CEE countries followed different pathways depending on different country traditions. Nevertheless, in the post-communist countries, a general trend was installed which is characterized by a form of "patrimonial" type of corporatism<sup>1</sup> and under institutionalized patterns of behaviour concerning the tripartite negotiation process and the trade unions organisations. Resulting from a lack of tradition of dialogue and from a weak state<sup>2</sup>, the trade unions seem unable to articulate the interest of their members.

In order to explain the weakness of the post-communist trade unions a triple reconfiguration process should be taken into account<sup>3</sup>: a structural and organisational reconstruction; a leadership change and a discourse reconfiguration exhibiting a different identity. From this perspective, the explanation of the slow consolidation of the social actors has generally been scrutinized from a genetic approach emphasizing the continuous lack of force of the movement. However, in what is following I argue that in the analysis of the trade unions' development one important theoretical distinction is to be made between the trade union formation and the consolidation process. This first distinction is reinforced by the difference between the formal and informal mechanisms that these organisations tend to mobilize in their bargaining procedures. In this manner the initial genetic weakness of these movements during the transition phase and the difficulties that they had to cope with do not necessarily imply the continuity of their lack of force in the CEE countries.

In addition to this, the weakness of trade union movement due to fragmentation and personalisation of the social relations does not necessarily imply the total *lack of influence* of these social actors. Through the post-communist period, the trade unions continued to mobilize their members in order to fulfil their financial requests. Similar to other Southern European countries, the political mobilisation

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<sup>1</sup> Olivier PEYROUX, "Rôle et influence actuels des contre-pouvoirs associatifs et syndicaux en Roumanie", *Studia Politica, Romanian Political Science Review*, vol. III, no. 4, 2003, pp. 987-1070.

<sup>2</sup> Concerning the weakness of the state in the post-communist countries see Arista Maria CIRTAUTAS, "Post-Leninist State: A Conceptual and Empirical Examination", *Communist and Post-communist Studies*, vol. 28, no. 4, 1995, pp. 379-392.

<sup>3</sup> Ninucia PILAT, "Stratégies et perspectives de renouveau syndical...cit.", p. 145.

of the trade unions can be seen as embracing an instrumental dimension in order to achieve policy and organisational benefits<sup>1</sup>. In the absence of a unitary action, the union's strategies focused on the adoption of distinct ideological divisions. The weak organisations that had to deal with the decrease of membership over the 1990s could thus determine a form of "top-down interest governance of distributive conflict" obtained "in different ways with different combinations of inter-associational and state intervention"<sup>2</sup>.

The lack of institutional functional instruments of concertation is to be thought as determining in its turn a shift in the role played by the individual actors and in the relationship created between them. The creation of networks of cohesion founded on common interest can establish the general framework for the functioning of trade unions and can provide the general stabilisation of the trade union movement and the reinforcement of their bargaining power<sup>3</sup>. From this perspective, the hidden influence underpinned by scrutinizing rather informal mechanisms should unveil a different picture regarding the trade unions's role in post-communist settings.

As Molina underlined, the roots of the interactions in weak corporatist traditions play a major role in the articulation of the trade union movement. They are conducive to a series of exchanges of goods between the social and the political actors<sup>4</sup>. The nature of these exchanges depends on a general framework reflected in the nature of relationships established between the political actors and between the political actors and the social sphere. The existing shift in the governmental behaviour, reflected by the transformation from a clientelistic perspective towards party distribution logic would also inflict on the trade unions' strategies to a more instrumental role of their leverage force in relationship with the political actors. Consequently, the systemic characteristics encountered in politics in what concerns the colonization of the state resources and the personalization of politics<sup>5</sup> are also reproduced at the social level.

Therefore, the article will argue that in the context of democratisation, the consolidation of the trade union movement is dependent on the shift taking place within the political arena, pointing to the passage from a *political form of patronage* towards a *party-based form of patronage*. The passage from clientelistic relations,

<sup>1</sup> Oscar MOLINA, "Trade Union Strategies...cit.", p. 642.

<sup>2</sup> *Ibidem*, p. 645.

<sup>3</sup> We intend to use more broadly the concept of elite convergence; by transferring this concept from the political scene towards the social sphere. In a similar manner, the paper sustains the idea that the imbrications of the relations between actors can lead to a process of stabilisation of the new trade union movements. For the analysis of the elite stabilisation, see Michael G. BURTON, John HIGLEY, "Elites Settlements", *American Sociological Review*, vol. 52, no. 3, June 1987, pp. 295-307.

<sup>4</sup> Oscar MOLINA, "Trade Union Strategies...cit.", p. 645.

<sup>5</sup> For such references regarding the CEE countries see: Ingrid BIEZEN, "Political Parties as Public Utilities", *Party Politics*, vol.10, no. 6, 2004, pp. 701-722; Ingrid BIEZEN, Petr KOPECKY, "The State and the Parties: Public Funding, Public Regulation and Rent-Seeking in Contemporary Democracies", *Party Politics*, vol. 13, no. 2, 2007, pp. 235-254; Anna GRZYMALA-BUSSE, "The Discreet Charm of Formal Institutions. Post-communist Party Competition and State Oversight", *Comparative Political Studies*, vol. 39, no. 3, 2006, pp. 271-300; Petr KOPECKY, "Political Parties and the State in Post-Communist Europe: The Nature of Symbiosis", *Journal of Communist Studies and Transition Politics*, vol. 22, no. 3, 2006, pp. 251-273.

characterised by the logic of personalised social exchange<sup>1</sup>, towards the domination of the state and the semi-public sphere by the political parties and the elite networks<sup>2</sup>, has in our view an important impact not only on the consolidation process of the trade unions, but also in the form of unionism which is going to develop in post-communist settings. From this perspective, the emergence of the trade unions in a context dominated by clientelism, which is "shown to neutralize the system of representation, as friends are placed in the strategic synapses of power and mechanisms of control"<sup>3</sup>, would first create personalised networks that facilitates the consolidation of the new social actors at the top of the movement, by employing their connections with other actors.

From this perspective, paradoxically, the clientelistic mechanisms which at a first glance blocked the process of professionalization of the trade union movement in the post-communist period provide the foundations for the continuity and perpetuation of a consolidated trade union movement. The institutionalisation of individual political parties in the region determined in fact a reconsideration of the trade union's actions in what concerns the bargaining process. The reinforcement of parties indirectly forced the institutionalisation of the informal mechanisms established between the trade union leaders and the political area. Furthermore, it is our second hypothesis that this process of external behaviour re-configuration determined in its turn, or was simultaneous developed with the internal organisational adaptation process. The top-down articulation of power at the intra-union level, resulting from the need to negotiate with the political realm and constructed on the distribution of selective incentives towards the trade unions' members produces a certain degree of stabilisation of these social actors.

### *Romanian Trade-Unions and Their Post-communist Development*

The Romanian trade unions do not present a long history of independence and interest representation. The breakdown of communism brought the rapid emergence of new trade unions: in 1990 there were 30 national confederations. This was primarily the result of a very permissive legal framework that touched not only the trade unions, but also the NGOs and the political parties. The new legislation allowed the political and social organisations formation on the basis of very few members encouraging the appearance of very fragmented political and social spheres. The first law adopted after 1989, the Law 54/1991 gave the right to at least 15 employees to form a trade union (art. 2, align. 2)<sup>4</sup>. The newly emergent

<sup>1</sup> Luis RONINGER, Ayse GUNES-AYATA, *Democracy, Clientelism and Civil Society*, Lynne Rienner Publishers, London, 1994; Herbert KITSCHELT, "Linkages between Citizens and Politicians in Democratic Polities", *Comparative Political Studies*, vol. 33, no. 6/7, 2000, pp. 845-879.

<sup>2</sup> Peter MAIR, Petr KOPECKY, "Political Parties and Patronage in Contemporary Democracies: An Introduction", *Paper prepared for the ECPR Joint Sessions*, 25-30<sup>th</sup> of April, Nicosia.

<sup>3</sup> Luis RONINGER, "The Comparative Study of Clientelism and the Changing Nature of Civil Society in the Contemporary World", in Luis RONINGER; Ayse GÜNES-AYATA (eds.), *Democracy, Clientelism...cit.*, p. 9.

<sup>4</sup> There were several exceptions to this provisions: those detaining leadership positions in state apparatus in Parliament, Government, ministries, mayors, prefects, the judges and the prosecutors,

trade unions were concerned with member representation in the negotiation for collective contracts. The law stipulated the right of trade unions to associate in professional federations (art. 42, 2) in order to ensure the negotiation with the structures of ownership. Several federations were able to form a confederation that conducted negotiations with the government and the owners at the national level. As a result, during the one and a half years over 14 trade union confederations were formed. Nevertheless, their number has been decreasing during the recent years<sup>1</sup>.

Although trade unions became state partners in the tripartite negotiation process, given the slow privatisation process, the lack of economic reforms, they were coerced to remain very close to the state. During the first years of transition, the state has embraced a double role: as the mediator of the social conflict and the main employer<sup>2</sup>. This impossible distinction of roles inflicted on the articulation of the trade unions' movement and on the entanglement between the social actors and the political area. However, there were several phases in the articulation of the legal framework regarding the trade unions' possibility to act.

1. The first period 1991-1996 is characterised by the openness towards the emergence of the trade unions but under the direct control of the state. During this phase although the legal framework for the creation of the trade unions was adopted, their liberty was limited in what concerns the right to strike. Given the lack of privatisation, the salary blocking procedures and the lack of judicial instruments that could permitted the solution of the work conflicts, the capacity to act of the trade unions was limited. Therefore, the trade unions' activity through this period is characterised by a blurred line between politics and the social actors. Furthermore, some of the actions of the newly emergent trade unions' had an instrumental role in the political battles.

2. The absence of legal mechanisms that characterised the first years of post communism came to an end during the 1997-2000 period. This moment coincides with the start of the privatisation process. Several instruments were established by the laws adopted. During this phase the tripartite negotiation committees were formed<sup>3</sup> and the collective work contract were created<sup>4</sup>. The Economical and Social Council was established in order to ensure the social dialogue at national level<sup>5</sup> having a consultative role in the restructuring of the national economy, the privatisation strategies, work relations, salaries and the social welfare (art. 5). Furthermore, several laws concerning the solution of the work conflicts<sup>6</sup> completed the legal requirements in order to create a valid social dialogue. Nevertheless, the

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the army personnel, the Internal Affairs with the exception of civilians could not form a trade union (art. 5, L54/1991). See Law 54/1 august 1991 regarding the trade unions, *Monitorul Oficial* (thereafter *MO*), no. 164, 7.08.1991.

<sup>1</sup>Olivier PEYROUX, "Rôle et influence actuels des contre-pouvoirs associatifs...cit.", p. 1022.

<sup>2</sup>*Ibidem*.

<sup>3</sup>*The Governmental Decision 89/1997* regarding the formation, organisation and functioning of the the consultative social dialogue committees in the ministries and at the county level, *MO*, I, no. 57, 4.04.1997.

<sup>4</sup>The Law 130/6 December 1996 regarding the collective work contract, reprinted in *MO*, no. 184, 19.05.1998.

<sup>5</sup>The Law 109/2.07.1997 concerning the organisation and functioning of the Economic and Social Council, *MO*, no. 141, 7.07.1997.

<sup>6</sup>The Law no.168/12.11.1999 concerning the solution of the work conflicts, *MO*, no. 582, 29.11.1999.

trade unions' role in the tripartite negotiation remained marginal and the mechanisms installed by the law were not functional.

3. Starting with the year 2000, the trade unions started to become more autonomous by using the legal mechanisms in order to obtain social benefits. The revision of the Labour Code under the European scrutiny constitutes such an example. Although the closeness of the trade unions in regard to the political field was preserved, it embraced rather different forms. In this manner, unlike as during the previous period, dominated by the informal mechanism, the nature of the relationship between the trade unions and the politics has embraced rather formal aspects. Furthermore, despite the decrease in membership of the trade unions' movement the main four confederations in 2003 counted over 2 000 000 members<sup>1</sup>, Romania still exhibiting one of highest figures of unionization in the region.

### *The Closeness to the State: Trade Unions Politicisation*

The late articulation of a legal framework and the lack of economic reforms during the first post-communist years encouraged the existence of a blurred line between the political area and the leaders of the trade unions. This situation is most visible on two main dimensions: (1) the cooption into politics of the trade unions' leaders and (2) in the articulation of informal negotiation mechanisms or exchanges between the politics and the trade unions' influencing their long-term strategies. The two dimensions and their entanglement are conducive to the establishment of personalized, informal relations between the two spheres, but also had an effect on the stabilisation of the unionism in Romania.

The trade union movement in Romania preserved a high degree of fragmentation, as a result of ideological positioning and the closeness to the state. The new social actors have developed an ideological discourse that allowed them to differentiate and legitimise their fragmentation. However, this ideological referential constitutes a barrier against the unification of the trade union's movement. The five main confederations which survived and consolidated as the main trade union actors claim distinct values, some of them shifting from one doctrinal position towards another in order to gain political support for their actions.

The Cartel Alfa confederation assumed from the beginning a Christian-Democratic affiliation, meanwhile CNSLR-Frăția was situated at the other end of ideological spectrum: the social democracy. Two other confederations were also close to the political field CSDR supporting a rightist ideology (although this confederation is the only one preserving a certain distance from the political area), meanwhile the BNS had a tradition of supporting mainly the left side of the political spectrum. Nevertheless, the confederation support for the political parties shifted from one period to another. If in 1992, before the second round of the presidential

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<sup>1</sup> The membership figures were: National Confederation of Free Trade Unions in Romania Brotherhood (CNSLR-Frăția) 800 000, National Trade Union Bloc (BNS) 375 000, National Trade Union Confederation Cartel Alfa 325 000, The Democratic Trade Union Confederation of Romania (CSDR) 345 000 The National Trade Union Confederation-Meridian 170 000. For further details see Ninucia PILAT, "Stratégies et perspectives de renouveau syndical...cit.", p. 98.

elections, all the major confederations announced their support for the Democratic Convention of Romania's candidate, a coalition of historical centre-right wing political parties, in 1995 Miron Mitrea one of the chiefs of the CNSLR-Frăția, the main confederation at the time decided to sign an agreement with the social-democratic government. The situation of bipolarization of the trade union's actions started at that time continued through the following years. If in 2000 elections CNSLR-Frăția and BNS were considered rather allies in supporting the social democrats, during the last elections in 2004, BNS decided to opt for an extreme solution, supporting the Romanian Extremist Party PRM.

In fact, from the beginning of the 1990s the Romanian trade union movements did not incorporate their identity as social actors. A recurrent idea appeared in what concerns the creation of political parties in order ensure their interest representation<sup>1</sup>. Such was the creation of the Party of Social Solidarity in 1992, a structure voted at the level of the confederation that was absorbed by the Social Democratic Party in 1994. Later on, during the elections in 2004 the BNS created the National Democratic Party that negotiated with the PRM their support in exchange of 15 parliamentary seats. The trade-unions in Romania tend to consider that only a direct representation can guarantee the success of their claims. Therefore the continuous relation to the state could be read as a strategic action. Nevertheless, the preservation of the fragmentation of their internal division and their politicisation could also be seen as a result of the political intrusion<sup>2</sup> that encouraged their fragmented actions. Despite of an international trend towards the unification of the trade unions' movement<sup>3</sup>, these social actors remained dis-unified in their actions.

The trade unions' actions in what concerns the relationship with the political spectrum cannot be limited to their electoral strategies. Their involvement in the main political crisis is obvious. During the first phases of the democratic consolidation, the unions demanded their direct participation in establishing the economic reform policies or other aspects of the political reforms. By the same token, the Coordination Committee of the main confederation CNSLR-Frăția, Cartel Alfa, CSDR adopted in March 1999 a resolution for the reform of the electoral code by the introduction for the vote in single member districts. Nevertheless, a reconfiguration of the trade union's actions and claims has occurred. In

<sup>1</sup> An illustrative example is the declaration of the Petre Tancău, the president of the National Federation of the Trade Union in Chemistry Domain "Lazăr Edeleanu", local councillor at Năvodari city and PSD member since 1995: "We started from the idea that we don't have any representatives in Parliament and we've tried to send our people in the legislature in order to support the laws that focused on the trade union's members". Interview by Lavinia SICLITARU, *Ziua*, no. 4093, 22.11.2007, <http://www.ziua.net/ct.php?id=49046> (accessed on 2.12.2007).

<sup>2</sup> As the CSDR leader Iacob Baciu declared to the press: "It is true that at the political level, no one desire such a construction. They realize that this organisation once created will have an important saying on the labour market", in Ștefania ENACHE, "Sindicatelor 'globalizează' piața muncii", *Săptămâna Financiară*, no. 87, 20.11.2006, [http://www.sfin.ro/articol\\_6932/sindicatelor\\_globalizeaza\\_piata\\_muncii.html](http://www.sfin.ro/articol_6932/sindicatelor_globalizeaza_piata_muncii.html), (accessed on 2.12.2007).

<sup>3</sup> Despite the international trend of unification of the trade union's movement of the International Confederation of the Free Unions and the World Confederation of Labour the same tendency did not succeed in the Romanian case. Although during a first phase the main confederations decided to merge in the General Confederation of Labour this initiative was unsuccessful. Cartel Alfa did not join this initiative for ideological reasons and CSDR abandoned it during the bargaining process.

2001, in the negotiation of the Social Agreement with the Social Democratic government, for the first time, one could observe a unified decision to channel the unions' demands towards specific objectives focused on the change of the work relations legislation<sup>1</sup>.

The same tendency towards change can be encountered in the case of the most obvious form of interaction between the trade unions and the political sphere: the cooption of the trade unions representatives in the political area. The most famous examples in this manner are the cases of Victor Ciorbea, Miron Mitrea and Marian Sârbu. Ciorbea was the leader of the University of Bucharest trade union and the president of the Free Trade Unions in Education. Shortly after, he was elected president of CNSLR. At the beginning of '93, CNSLR and the CNSLR-Frăția Confederation, leaded by Miron Mitrea, merged and formed the most important confederation. Shortly afterwards, the confederation split due to political divergences<sup>2</sup>. On the one hand, Ciorbea signed a protocol of collaboration with the Democratic Convention (CDR)<sup>3</sup> and created another national confederation CSDR. This promoted Ciorbea in the political life, first being elected as the mayor of Bucharest and then appointed Prime minister. On the other hand, Mitrea grew closer to the leftist side of the political sphere. Elected in 1993 as the president of the Social Solidarity Party, the party ultimately merged with PDSR and Mitrea became one of the vice-presidents in 1995. Mitrea remained an important actor on the Romanian political field: in 1996 he became a member of the Parliament and during 2000 and 2004 the Minister of Transportation. A similar pattern of behaviour can be depicted in the case of Marian Sârbu, the vice-president of the CNSLR (1992-1994) that occupied ministerial positions as well as elected portfolios. These examples from the early history of trade unionism in Romania are not singular. Union leaders still become involved in the political life<sup>4</sup>. However, there is change in the trade unions' leaders in what concerns their relationship with the political scene. If at the beginning of the 90s the trade union's leaders represented the union's interests and they were co-opted by the political parties because of their connections and their authority at the level of the trade unions which could shift the balance in the electoral fight, after the last parliamentary elections the recruitment of these leaders is justified rather by their notoriety and less because of their representation and mobilisation power<sup>5</sup>.

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<sup>1</sup>The development of the trade unions actions was constructed on the basis of political and social chronologies. See Domnița ȘTEFĂNESCU, *Cinci ani din istoria României, O istorie a evenimentelor (1989-1994)*, Mașina de Scris, București, 1998; IDEM, *Doi ani din istoria României. O istorie a evenimentelor (ianuarie 1995-ianuarie 1997)*, Mașina de Scris, București, 1998; Stan STOICA, *România. O istorie cronologică 1989-2002*, Editura Meronia, București, 2002.

<sup>2</sup> Interview with the former chief of the CNSLR and Romanian Prime minister Victor Ciorbea, April 2005.

<sup>3</sup>The Democratic Convention in Romania, which governed between 1996 and 2000.

<sup>4</sup>Several examples for the legislature 2004-2008 can be noted: Pavel Todoran, ex-president of CNSLR-Frăția, member of the PSD and deputy; Ion Giurescu, ex-president of the confederation of trade unions Ceres, also a PSD deputy; Olguța Cocrea, president of the Postal Trade Unions from Bacau county, and Costel Ovidenie, president of the Postal Trade Unions, both of them deputies. See [www.cdep.ro](http://www.cdep.ro). (accessed on 3-04-2008)

<sup>5</sup>By the same token in the same article Petre Tancău, declared that: "Each of these gentlemen entered on the party lists and conducted their electoral campaign with the party that proposed on their lists. During the first mandate the situation was different they benefited from the trade unions' support", see the above indicated interview in *Ziua*.

### *The Internal Reconfiguration of the Trade Union Organisations*

The reconfiguration of the trade union's strategies regarding their relationship with the political actors and their shifting positioning were made possible by the internal articulation of power at organisational level. Recent studies have shown a general trend describing Romanian confederations that became conscious of a solid alliance between them in order to achieve interest representation<sup>1</sup>. Although the such efforts were made by all the national confederation, the final result consisted only in an Alliance of the Trade Unions Confederations in Romania (ACSR) that united in a superficial manner three of the four main confederations: CNSLR-Frăția, BNS) and CNS Meridian, However such a trend was better identified by Ninucia Pilat at federations level, by taking into account the energy sector that created the Federative Union of trade unions<sup>2</sup>.

In addition to this, the trade unions leaders' liberty of action was based on three main internal features of these organisations. The first element concerns their limited capacity of their members' mobilisation, and thus the absence of a mass participation of the union's membership at the level of the confederations decisions. The second main element that favoured this high degree of liberty in the leadership's actions was the way in which the decision-making process was implemented at the intra confederation level. The articulation of a centred deliberative process was encouraged by the institutional design stipulated in the confederations' statutory documents. The third element is consistent with the presence of a trade offs system at the-intra union level. The confederations developed a system of distribution of collective and selective incentives focused on their members that allowed the preservation of the leadership power. The development of the trade unions' organisations as parallel *business ventures* created a structure of loyalty at the union level that allowed the leaders to act in accordance with their will.

In what concerns the articulation of power at the interior of the Romanian trade unions movement one can observe the emergence of a stratarchial decision-making process. All the major confederations claimed the construction of democratic selection mechanisms for the unions' leadership and of inclusive decision-making process in fact, the internal institutional design favoured the concentration of power in the hands of the confederation leaders. The Executive Bureau of the confederation, the main body of decision-making at the national level is elected by the trade union's delegates at the national Congress which is held every four years. A significant difference in this respect can be observed in the case of Confederation Meridian where the Confederation's Congress has only the right to pronounce itself on the appointments of the president, secretary general, Confederation' Secretary and the Auditor (art. 34). Indeed, in this specific case, the appointments are made instead by the National Council of the Confederation. Several variations can also be encountered in the degree of integration supposed by the executive structures of the leadership. For instance, in the case of Cartel Alfa the executive structure is formed by five permanent members, in the case of CNSLR-Frăția it is composed by a president, prime vice-president and another seven vice-presidents (art. 50).

<sup>1</sup> Ninucia PILAT, "Stratégies et perspectives de renouveau syndical...cit.", p. 158.

<sup>2</sup> *Ibidem*, pp.145-165.

The Meridian Confederation Executive Bureau comprises a more inclusive body of decision-making formed by the president, the vice-presidents, the secretary general, the Secretary of Confederation, the executive presidents (art. 43). Nevertheless, the general trend present in all the cases, allows the concentration of power in a narrow circle of leaders and often in the hands of the president. As an example, in specific circumstances, the Executive Body of the CNSLR-Frăția has the right to suspend or to dismiss at the demand of the President, the presidents of the County Unions (art. 50, lit. i) and the President of the Union can decide to dismiss different persons in order to acquire a higher level of efficiency in the union apparatus (art. 54).

Although there are variations at the intra union organisations' morphology there is a general pattern conducive to the centralisation of power at the level of the national leadership. As a result, there is no surprise in the high degree of reproduction of these actors in their leadership positions. A survey conducted at the intra union level underlined the fact that "overwhelming 90% of the union leaders had been holding these positions for more than 7 years" as well as the existence of a stratified construction of the trade unions, underlining the distance between central leadership interest articulation and the grassroots membership<sup>1</sup>. However this situation cannot be explained only by the unions' institutional design. The transformation of the trade unions in parallel joint ventures distributing collective incentives to their members is another decisive element in the explanation of the leadership autonomy. This transformation of the trade unions' functioning favoured the building of loyalty relations at organisational level.

During the post-communist years, the trade union's actions were not limited to the members' interest representation. The statutes of the confederations contain provisions regarding this dimension of rewarding of the union's members. The confederation had the right to create commercial enterprises, institutions that distribute incentives to the members (art. 52, CNSLR-Frăția). The confederations' resources are channelled towards the financing of cultural events and the support of social cases (art. 7, Meridian). The power to decide such actions is detained by the Confederation's Executive body. As a result throughout the years the trade unions developed a parallel structure of financing and redistribution that allowed the consolidation of their internal cohesion. As an example, CNSLR-Frăția detains in its patrimony important infrastructures in the tourism area that are rented. Furthermore, the confederation detains several enterprises with the same profile such as Eurosind Turism founded in 2003 or Sind. Romania SRL (in this case, stocks are also detained by Cartel Alfa (28%), BNS and CSDR (17,5%)). Cartel Alfa developed financial funds from their stocks in TS Ticket Service S.A that prints lunch tickets. They also founded an insurance firm. The BNS is the sole auctioneer of the BNSIND Impex SRL, a commercial firm concerned with the market stands. CSDR is the only confederation that has not developed through the years its own business profile.

The trade unions' confederations diversified their actions in order to develop their funds. This strategy does not touch only the national level but also the lower levels of the organisation. Similar patterns of behaviour can be depicted at the federal level. The study of Pilat on the energy sector emphasized a paternalistic logic focused especially on financial matters and a system of rewards<sup>2</sup>. Practically at all the intra-union levels the leaders have developed this kind of enterprises having

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<sup>1</sup> Aurelian MUNTEAN, "Romanian Labor Movement...cit.", p. 18.

<sup>2</sup> Ninucia PILAT, "Stratégies et perspectives de renouveau syndical...cit.", pp. 153-158.

different degrees of success. These business initiatives involved the trade union's members and permitted the construction of a cohesive support<sup>1</sup>, constituting a systemic feature of the trade unions' movement and favouring an increase stabilisation and autonomy of these organisations.

### *Analysing the Civil Servants' Trade Unions: A Case Study*

As already mentioned, the general trend in the behaviour at the confederation level seems to be reproduced at the lower level of the trade unions. Despite the general tendency of creating close links with the state functioning and the creation of the top-down mechanisms at the internal level, the trade unions in Romania succeeded to acquire a certain degree of autonomy. These relatively new movements adopted specific tools in the articulation of their members' interests. In order, to exemplify the strategic adaptation of the trade union's movement towards the stabilisation and the independence, this section focuses on a specific case study: the trade unions of the civil servants in the central administrative apparatus. Given the fact that the civil servants are the employees of the State, they are to be considered more intimately connected with the State structures, their consolidation being more difficult than in the other cases affected by the privatisation process.

Currently, several civil servants unions exist, affiliated to different national confederations<sup>2</sup>. The most important federation – the Federative Alliance of the Civil Servants Trade Unions SED-LEX (which became the National Alliance of the trade unions State Employees Sed Lex) is constituted in 2005, reuniting 64 320 members<sup>3</sup>. The other confederations are the National Trade Union of the Civil Servants recently formed, the National Federation of Trade Unions in Local and Public Administration, that counted 11 000 members; the National Forum of Trade Unions from the Public Administration. The trade unions in the civil service area are characterized by an extreme fragmentation and a lack of cohesion. Given the specificity of this population, during the post-communist years the political actors have adopted different strategies in order to intrude in the trade unions' life. The constant presence of politics in the union affairs can be illustrated by the way in which the informal dialogue and negotiation between political actors and the unions are influencing in a direct or indirect manner the trade unions' decisions.

One of the most obvious examples of the direct influence of the politics on the life of the trade unions members regards the phenomenon of the politicisation of

<sup>1</sup> For instance a local trade union leader specified that: "We had a food shop. It did not work and then we developed an association and now [...] we have a bar. We hired as employees the wives of the trade union's members [...]. We've restructured and now we have only the bar where we also organize anniversaries and activities for the trade union's members".

<sup>2</sup> The National Federation of Trade Unions in Local and Public Administration is affiliated to Cartel Alfa and is based in the department of Cluj), the National Trade Union of the Civil Servants, (the financial sector) is affiliated to CNSLR-Frăția and to the Federative Union Atlas. The National Alliance of the Trade Unions of the State Employees Sed Lex is not affiliated to any national confederations.

<sup>3</sup> SedLex official website, [http://www.sedlex.ro/mtop/dn\\_prezentare.php](http://www.sedlex.ro/mtop/dn_prezentare.php) (accessed in September 2006).

the civil servants. If before the adoption of the legal provisions, the civil servants' appointments and dismissals were highly politicized<sup>1</sup>, and there were not specialized trade unions in defending the civil servants' rights, the adoption and implementation of the Civil Servants Statute (188/1999) and its successive modifications have not conduced to definitive changes in this area. However, the adoption of the legal framework, favoured the articulation of a trade union movement. Despite the creation of the National Agency of the Civil Servants which had as main task the monitoring the application of the Civil Servants Statute and despite the organisation of specialised civil servants unions, the politicisation of the administrative body did not disappear. The traditional form of politicisation, dictated by the minister in office still prevailed at the level of practices. This phenomenon is more present in the case of those in managerial positions, who are the most affected by the politicisation and do not have the right to unionize<sup>2</sup>. However, this procedure is not sufficient in order to counter un-statutory dismissals of civil servants<sup>3</sup>.

In a general framework of rapid reconfiguration of the main administrative structures, the principle that prevailed in the dismissal of civil servants depended upon the relationship with the political leaders in governmental offices<sup>4</sup> and their personal connections. The entanglement between the political field and the civil servants was also encouraged by a permissive and undefined legal framework. In fact the civil servants that did not occupy leadership positions had also the right to become party members. The main tendency in these cases (as signalled by the Sigma reports but also by the interviews with political actors<sup>5</sup> and with civil servants'

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<sup>1</sup> Cornelia LEFTER, *Civil Services Report and State Administration (CSSA)*, Country Report: Romania, 31, March 1999, [www.oecd.org/dataoecd/53/8/1850069.pdf](http://www.oecd.org/dataoecd/53/8/1850069.pdf) (accessed in December 2008).

<sup>2</sup> SIGMA Report on Romania 2003, Support for Improvement in Governance and Management in Central and Eastern European Countries – *Romania Public Service and the Administrative Framework Assessment*, <http://www.sigmaxweb.org/dataoecd/41/10/34989438.pdf>, p. 4 (accessed in December 2008).

<sup>3</sup> In this sense, the declaration of one secretary of state in the Năstase's cabinet is illustrative for the arbitrary relations that dominated the dismissal of several civil servants: "The simplification formula had displeased all the civil servants. Some remained chiefs others not. And then, of course, they had to establish who remains and who does not remain. This could not be decided only in two days if it was to apply the competence criteria, so the only criterion applied was the nepotism... The things were made only in a few days. What was the result? The best were not selected and the worst were promoted in top positions and they are the ones deciding at the present in the ministries" (Interview with the secretary of state Ministry of Labour, January 2005).

<sup>4</sup> Besides the declaration of the civil servants involved in this process, that contested this decision several elements seem to corroborate to their stories: 1. the dismissal of one third of the civil servants (Sigma 2002) as a result of the government restructuring was followed in 2002 by a proliferation of the public appointments of other civil servants; 2. there is a bi-univocal relationship between the civil servants and the political therefore several civil servants conducted political actions in favor of the party can be sustained especially during the electoral campaign (See ProDemocrația Association's report concerning the electoral campaigns [www.apd.ro](http://www.apd.ro) (accessed on 25.02.2008), the declarations made to us by the officials of ANFP sustained the same idea; 3. control of the contests organized for the appointment of the civil servants: more than 1/3 of the civil servants were dismissed in January 2001, but given the legal provisions they were dismissed at the result of a "test of competence" in order to validate their nomination in function as a result of the application for the first time of the Statute (Sigma Report 2002. See <http://www.sigmaxweb.org/dataoecd/41/8/34989490.pdf> (accessed in June 2008); Cristian GHINEA, *Managerul public nr. 1. O alegere periculoasă. Politizarea în administrația publică centrală*, [www.sar.org.ro/files\\_h/docs/advocacy\\_foia/10\\_pm1.pdf](http://www.sar.org.ro/files_h/docs/advocacy_foia/10_pm1.pdf) (accessed in February 2009).

<sup>5</sup> Interviews with Marta Țârnea, secretary of state in the Ministry of Labour, Zoe Petre president's Emil Constantinescu advisor (conducted on 20<sup>th</sup> of March 2005).

representatives) underpinned the idea of a phenomenon of political migration of the civil servants in the moment of an alternation in power. Even if there are no clear statistics of the dimensions of politicisation, a fluctuation in the general number of civil servants can be observed<sup>1</sup>. The scarcity of data regarding the civil servants body suggest the fact that in electoral years there is a tendency to reduce the dimension of the civil servant's body in order to appoint then other persons who are loyal to the newcomers<sup>2</sup>. Vasile Marica, the leader of the Union of the Civil Servants' Trade-Unions recognizes the existence of such practices and argues that the discourse regarding the blockage created by the civil servants is used by the politicians "to dismiss the civil servants and to appoint their relatives, their nephews, etc"<sup>3</sup>.

In this general context of high politicisation of the civil servants body, it would seem that the trade unions play only a marginal role in the defence of this population's rights. The trade unions' official position was more centred on an ideological fight against politicisation, leaving aside the revealing of specific cases of political intrusion. In the case of those dismissed on a political criterion, the union provided legal assistance, but did not publicise the existing situation. As the main request of the members is related to the financial issue, the union officials believed that the main role of a union is to fulfil the members' demands. This lack of action in specific cases was doubled by another problem: the lack of cohesion at the level of the civil servants movement. In the case of the dismissals of civil servants by the political power in 2001 (by using different strategies such as the exploitation of the flaws in the legislative framework, the procedure of successive modifications and revisions of the legal provisions and of the governmental structures), only one trade union, the most insignificant one in what concerns the levels of membership, stood up in order to publicly denounce the political dismissals<sup>4</sup>. This politics of caution of the civil servants' trade unions leaders has been rewarded by the political scene. In exchange of their limited actions, the trade unions of the civil servants gain autonomy, their recognition as partners in the social dialogue and a blackmail potential.

As already mentioned, the civil servants movement is deeply fragmented. Although the emergence of these organisations is linked to the adoption of the law in

<sup>1</sup> For instance, in 1995, there were 130 607 civil servants, in 1996, which is an electoral year 125 145, and after the alternation in power, there were 130 344. Variations in the number of the civil servants can also be observed during Adrian Năstase's mandate. In December 2000, we assist at a decrease of 30% of the total number of the civil servants. In March 2001, there were 115 000 civil servants, in 2002, the whole administrative body had 135 000 civil servants and in June 2003 there number of the civil servants was significantly reduced at 110 505 civil servants. See the annual reports of the National Agency of the Civil Servants, <http://www.anfp-map.ro/> (accessed in December 2008).

<sup>2</sup> Independent reports monitoring the profesionalisation of civil servants underline this procedure in the Romanian case, as showed by the Sigma's report in 2002: "Political and personal connections are the only factor that really count when it comes to promotion and career development" (<http://www.sigmaxweb.org/dataoecd/41/8/34989490.pdf>) and the same report in 2005 shows that "some law provisions concerning dismissal and recruitment were not strictly applied after the current government took office" (Sigma 2005, <http://www.oecd.org/dataoecd/55/40/35850904.pdf>, p. 6 [accessed in December 2008]).

<sup>3</sup> Interview with the leader of the Union of the Trade-Unions of the Civil Servants, Vasile Marica, conducted on 12<sup>th</sup> of February 2006.

<sup>4</sup> Interview with Bogdan Drăghici the former leader of the National Trade Union of the Civil Servants, one of the first trade unions that were created after the adoption of the Civil Servant Statute that later on disappeared. Interview conducted on 20<sup>th</sup> of January 2006.

1999, there is a permanent reconfiguration of the movement. Taking into account this phenomenon, the new consecrated structures are mainly focused on the president. For example, in the case of Sed Lex National Alliance in 2007, the president's statutory prerogatives allowed him to control the other decisional bodies in the federation. Besides the usual prerogatives, the president proposes to the Council of the Union the appointment or the dismissal of the secretary general, he can also propose the nomination and dismissal of the vice-presidents and of the directorate committee. Furthermore, the main decision-making bodies in the federation, such as the Executive Bureau and the Directorate Committee are composed mainly by the same persons. If the Executive Bureau is formed by the president, vice-presidents and the secretary general, the director committee also includes these persons and the presidents of the affiliated federations. As for the national congress, the supreme body of internal decision-making, it reunites every five years, but taking into account the fact that the federation is new, Congress has not had the opportunity to fully accomplish its functions. A similar internal structure can be depicted in the case of the National Trade Union of the Civil Servants. The President of the union can appoint and dismiss the Directorate Committee (art. 23) and also appoints the directors at the county level (art. 30). As a result, the emergent civil servants' trade unions are constructed on very hierarchical principles, showing that the president is ensuring the control over the internal organisation. This parochial type of organisation, very centralised is preserved as in the case of the confederation level by the promotion of different sets of incentives. The Sed Lex National Alliance opted for the creation of systems of legal assistance for their members and educative programs, the National Union of the Civil Servants mobilise different funds in order to assist their members and to offer them a set of cultural and educative programs (art. 5). This activity was doubled by a set of facilities given to the trade unions' members.

### *Conclusions*

As in the other post-communist countries, the Romanian trade unions followed a difficult process of consolidation. However the patterns of behaviour developed by the trade unions in Romania are similar to the ones encountered in weak corporatist traditions of the Western European countries. The newly emergent unions are characterised by their closeness to the state and by a top down articulation of the decision making at the intra union level. This general trend describing the national level can also be identified in the case of the lower levels of the organisations such as the federative ones. The elements that portray the trade unions in Romania constitute barriers in the consolidation of an autonomous social field, but, in the same time, they encourage the emergence of a strategic type of trade unionism, based on a system of distribution of collective incentives towards the unions' members.

In the Romanian case, there is a blurred line between politics and the union movement instituting a bi-univocal interaction between the political leaders or the political parties and the leaders of the unions. The trade unions' chiefs migrate to politics, they are co-opted from the social interest representation sphere in the political portfolios, they adopt distinct ideological discourses, they respond in their actions to the political demands. Nevertheless, during the post-communist years,

there is a shift in the trade unions' behaviour towards an increase of their autonomy. This evolution cannot be conducive to the unification of the trade unions in a single confederation given a different articulation of interests, but it allows the creation of a powerful bargaining potential for the unions.

The reconfiguration of the trade unions' strategies is favoured by the articulation at the intra union level of centralised model of decision-making. The top down construction of power at the intra union level creates the premises for an extensive liberty of action of the unions' leaders. Furthermore, the autonomy of the trade unions as the main feature of the stabilisation process is founded on a parallel development of the trade union's economic actions that allows them to ensure their financial survival without depending only on the membership fees which are low and favours the construction of networks of loyalty at all levels. In this manner, the trade unions' sphere is touched by a "marketisation" of their actions, which, paradoxically, ensures their consolidation as partners in the negotiation process.