



Heribert Kohl

Short version

Freedom of Association, Employees' Rights and Social Dialogue in Central and Eastern Europe and the Western Balkans

Hans **Böckler**
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Freedom of Association, Employees' Rights and Social Dialogue in Central and Eastern Europe and the Western Balkans

Short version

of the results of the survey of
16 former socialist countries in
Eastern Europe

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Note:

The complete as well as the short version of this study of Heribert Kohl "Freedom of association, employees' rights and social dialogue in Central and Eastern Europe and the Western Balkans" are online available in several languages by Digitale Bibliothek of Friedrich-Ebert-Stiftung and additionally also in a print version.

The English complete version is online available by the following link

<http://library.fes.de/pdf-files/id/06606.pdf>

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Publishers' foreword

The fact that this study has been jointly published by the Friedrich-Ebert-Stiftung, the European Trade Union Institute, the Otto Brenner Foundation and the Hans Böckler Foundation is in itself an expression of the solidarity that exists within the German, Euro-pean and international labour movement. The study is the result of many years' close collaboration and cooperation in supporting trade union work – our central concern, as always, being to promote the interests of employees in Europe and throughout the world.

The author summarizes the main findings of surveys and country reports on the legal situation of trade unions and their members regarding implementation of labour rights and freedom of association, and analyses these on the basis of his extensive knowledge and experience of Eastern Europe. The comparative study covers 16 former socialist coun-tries in Eastern Europe – the 10 new EU member states in Central Eastern Europe and the Eastern Balkans and also the candidates for the next accession round from the Western Balkans. Surrounded by the EU to the East and South, this region in the heart of the Balkans has relatively good prospects of developing practical social dialogue, despite the crises and tensions it has experienced over the last 15 years.

This comprehensive overview of the current situation regarding freedom of association and practical realisation of trade union rights in Eastern Europe would not have been possible without the detailed answers to our questions that were provided by trade union representatives, legal specialists and experts in labour relations in the 16 countries concerned. We would like to thank them for

the opportunity they offered us to familiarize ourselves with the situation and learn about a number of hitherto unfamiliar problems at local level.

In particular we would like to express our thanks to the authors of the extensive country reports from the six countries of the Western Balkans – the successor states to the former Yugoslavia and Albania – who also acted as rapporteurs at the workshops organised with the participation of representatives of governments and social partners.

The full version of the research results is available in Polish, English and German, with a short version appearing not only in German and English but also in Polish, Czech, Hungarian, Bosnian-Croatian-Serbian, Romanian, Bulgarian and Albanian. By publishing the report we hope to contribute to the debate on the prospects for reform in Eastern, Central and South-Eastern Europe. We are delighted that you have shown an interest in this international exchange of experience within an enlarged Europe.

On behalf of the publishers

Constantin Grund
Friedrich-Ebert-Stiftung

Philippe Pochet
ETUI Brussels

Wolf Jürgen Röder
Otto Brenner Foundation

Nikolaus Simon
Hans Böckler Foundation

Foreword by John Monks (ETUC)

Dear colleagues,

Eastern Europe has been particularly badly affected by the global financial and economic crisis. Twenty years after the fall of the Berlin Wall and the onset of political and economic transformation, it is becoming clear that restructuring of the Eastern European economies, with rapid privatisation and exposure to international competition, has not been accompanied by adequate guarantees for the social dimension. If the situation is to improve in this respect, what is needed is a well-functioning system of social dialogue based on unrestricted freedom of assembly in order to achieve bilateral regulation of labour relations.

Realisation of the European Social Model – an ongoing task for all European trade unions – calls for continued efforts to accompany economic growth with a balancing of social interests. Above all this involves adequate sharing of economic benefits and adherence to generally binding statutory labour standards. Day-to-day breaches of the standards laid down by basic ILO conventions, combined with recent judgements by the ECJ, have increased competition between locations, and this is having a detrimental impact on working people throughout Europe. The European Trade Union Confederation is therefore fighting to ensure that employee rights are given clear priority over Single Market freedoms by incorporating an additional social progress clause into the EU reform treaty.

Unless we can make tangible progress in achieving our vision of a social Europe, the citizens of the EU member countries will not accept further integration and future enlargement.

This issue is of particular importance for us, given that the member states of the European Union and the transformation states of Central Eastern Eu-

rope and the Western Balkans regard Brussels as the cradle of the European idea, with its associated concepts of transnational solidarity and the European Social Model. We must not jeopardize change processes and the hopes that are attached to these.

The European trade unions have an important contribution to make in this context, especially when it comes to representing the interests of employees who are particularly hard hit by redundancy and loss of status as a result of current developments or who suffer from social inequality. The unions also have to act as guarantors of social justice and the social market economy and support these when they come under threat during the current crisis. Well-functioning, independent trade unions capable of effectively representing their members' interests are crucial for the future development of society and the economy, as is extended dialogue between the social partners.

In practice – as is demonstrated by this study of the former socialist countries of Eastern Europe and the Western Balkans that are candidates for the next round of EU accession – the scope for trade unions to operate is only too often highly restricted. This report, based on information supplied by those affected, provides an impressive illustration of existing obstacles to member recruitment, practical freedom of association, social dialogue and implementation of employee rights in Central Eastern and South-Eastern Europe. Publication of this comparative study, which includes the Western Balkans as a European region, represents a new departure that deserves close consideration both within local organisations and also at European level.

Given the pace of structural change within companies and in particular the huge growth in small

and medium-sized enterprises in the region, it is essential that the legal and organisational obstacles identified in the study should be rapidly removed – a task for politicians and trade unions in the countries concerned and also at European level. The process of implementing the EU directive on information and consultation of employees needs to be energetically pursued by all concerned. And last but not least, monitoring of infringements of labour laws, such as is carried out with positive effects by labour courts in Western Europe, must become a priority issue in the new

member states if there is to be any effective guarantee of freedom of association and stable labour relations.

The European Trade Union Confederation will continue to actively contribute towards dealing with all these issues.

Brussels, July 2009

John Monks
General Secretary of the
European Trade Union Confederation (ETUC)

Summary of the results of the study

Freedom of association, employees' rights and social dialogue in Central and Eastern Europe and the Western Balkans

For almost two decades the 10 new EU member states in Eastern Europe and also the current and future accession candidates in the Western Balkans have been going through a process of transformation with far-reaching consequences. In some of these countries the process appears to be virtually complete, and they have either already joined or are about to join the euro zone. The process of transformation is making huge demands on the political and social players in these countries in terms of society's adjustment to a market economy, privatisation, workforce cuts, unemployment and the ongoing process of integrating into the EU. And this is without taking into account the impact of the current global economic crisis.

At the same time the trade unions in Eastern Europe are suffering an unmistakable process of erosion of membership and status. Removal of the former obligation to join a union has reduced the subscription income and resources trade union leaders require in order to meet the demand for greater professionalism in their advisory role. But the social challenges of transformation mean that more than ever before employees need the collective support of strong trade unions. The fact that interest in joining a union and realization of the extended employee rights offered by new legislation have not kept pace with these challenges clearly has deep-rooted causes.

On the basis of their years of activity at local level, the representatives of the Friedrich-Ebert-Stiftung responsible for trade union cooperation in Eastern Europe felt an obligation to carry out a special analysis to identify these causes. The project study was triggered by a realization on the part of the regional coordinator in Warsaw, Clemens Rode, "that it is not just hostility on the part of managers and companies that explains the low levels of trade union membership – there are also other obstacles, including legal ones, which hinder people from joining trade unions. In Poland, for example, there has to be a minimum of ten employees in a

particular company for it to be possible to register a trade union with the courts. The concept of joining via a sectoral trade union does not exist."

It was a desire to identify further reasons for the current situation of the trade unions that prompted a wide-ranging survey of the current situation regarding freedom of association in all new EU member states. The survey was targeted both at trade unions and at legal experts in the former socialist countries of Central and Eastern Europe that acceded in 2004 and the two from the Eastern Balkans that joined the EU in 2007 – Romania and Bulgaria. The idea was to identify the legal or other obstacles that were preventing individuals from joining trade unions and realizing their rights of freedom of association and to find out what monitoring and sanction mechanisms existed that could prevent such infringements.

Detailed responses were forthcoming from all the countries concerned, and formed an important basis for the present analysis. Parallel to this, Frank Hantke, Friedrich-Ebert-Stiftung Regional Coordinator in Belgrade also took up the idea of the project, but adopted a slightly different approach. Experts from the six countries of the Western Balkans – including Albania as well as the successor states to Yugoslavia – were commissioned to draw up detailed reports on the current situation regarding freedom of association and social dialogue in each of the countries. These were then used as a basis for indepth discussion during special workshops in all six capital cities involving representatives of the trade unions, employers' associations and the labour ministry of each country. In this region, Croatia and Macedonia are already official EU accession candidates.

Further sources for a comparative study were the results of country reports on capacity building by social partners in the new EU member states and candidate states produced by the Dublin-based European Foundation for the Improvement of Liv-

ing and Working Conditions as well as national profiles of industrial relations in the EU 27 (Van Gyes et al. 2007). These were supplemented by the annual reports produced by the International Trade

Union Confederation (ITUC) on the infringement of trade union rights in individual countries (latest: ITUC 2009).

Actual situation of freedom of association and labour relations in Eastern Europe

Since the start of EU integration in the late 1980s the “social dimension” has been an important pillar of the emerging European Social Model. The process of integration, which is embracing more and more countries in Europe, is based on a structural link between economic growth and a balancing of social interests realized within various social dialogues at European, national, sectoral and company level.

Freedom of association and the related fundamental basis rights of employees and employers are a necessary basis for labour relations in these areas to function properly. They are guaranteed both in the European Social Charter and in the constitutions of the new EU member states, which have all ratified the most important ILO conventions on freedom of association and freedom to negotiate. The situation is, however, rather different when it comes to actual enforcement of these standards – and precisely this is the subject of this analysis of the current situation and shortcomings of labour relations in EU 27, with their latest addition of 10 formerly socialist countries – and the Western Balkans.

1. The situation in Central Eastern Europe

Trade unions in Europe have virtually without exception been suffering a dramatic and so far unstoppable decline in membership: In the case of western European employee organisations this has been happening since the mid 1970s; and as part of the transformation process all Eastern European employee organisations – membership of which had formerly been compulsory – underwent a change of role from being agencies for all-round social care to becoming the necessary guarantors of wages and employment. The price they paid

was a massive loss of members: Since 1995, levels of membership had more than halved (Fig. 1).

Prior to admitting new members, the EU Commission, in its screening processes, was careful to ensure that all candidates had taken over the most important standards for ensuring freedom of association. In formal terms, the preconditions for social dialogue thus exist in almost all cases. But what is problematic is the question of realisation – despite, in some cases, over-regulation in terms of special trade union legislation, representativity criteria and registration requirements, or even exclusion of certain individuals from trade union membership or functions. This tendency is exacerbated by restrictive legislation on strikes that often makes industrial action virtually impossible.

Statutory restrictions start with regulations on the minimum numbers for forming a grass-roots trade union organisation combined with trade union statutes that block the creation of any employee representation, particularly in the rapidly growing number of small and medium-sized enterprises (SMEs) (see the requirements in Poland, Romania and Croatia in Fig. 2).

The significance of these requirements, which – thanks to the trend towards smaller enterprises – result in relatively large numbers of employees being excluded, comes from the additional fact that the vast majority of collective agreements are only negotiated at company level – which always presupposes the existence of an appropriate grass-roots organisation.

In addition there are problems resulting from the wide variety of different organisations that can be found amongst both the social partners (Fig. 3). In countries with a particular variety of organisations, the state intervenes with regulations on the

Figure 1: **Loss of trade union membership in Europe: trade union densities in 1995 and 2007**

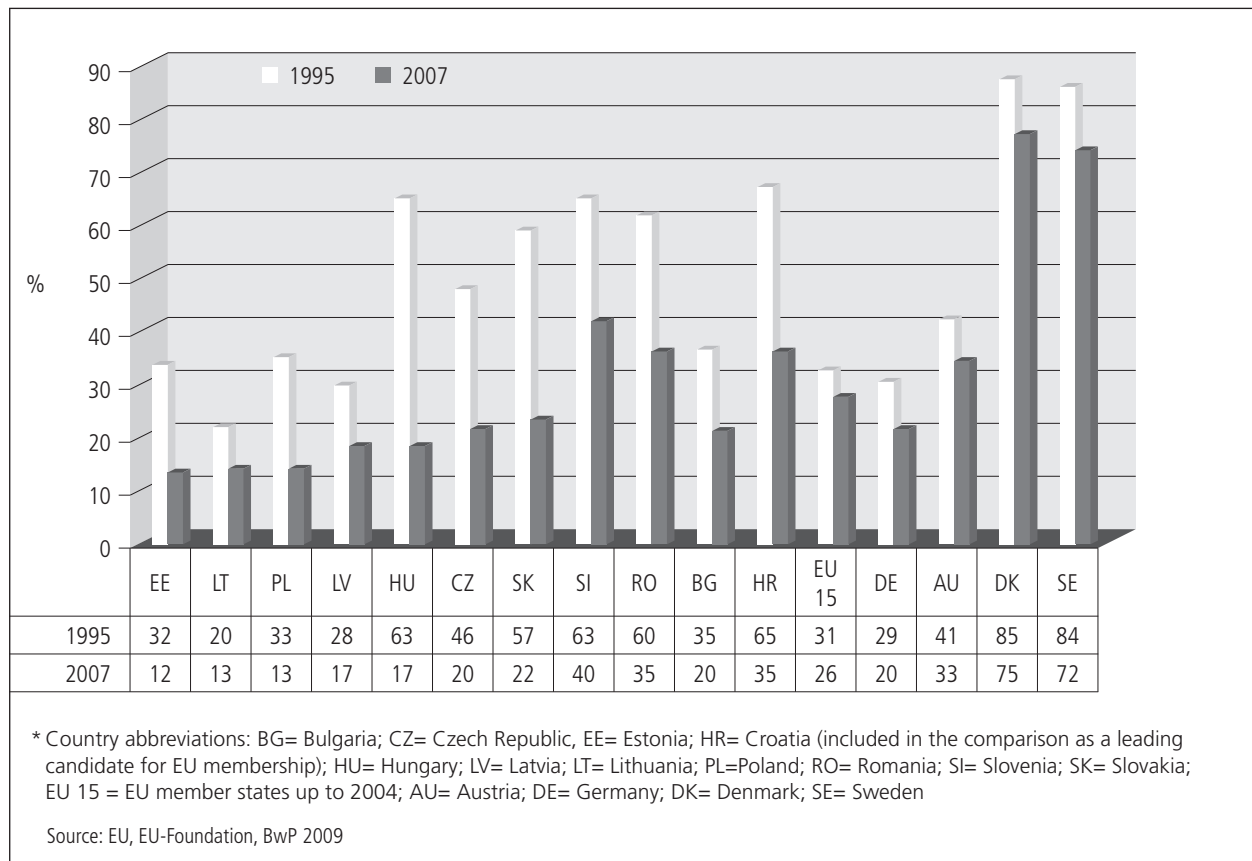
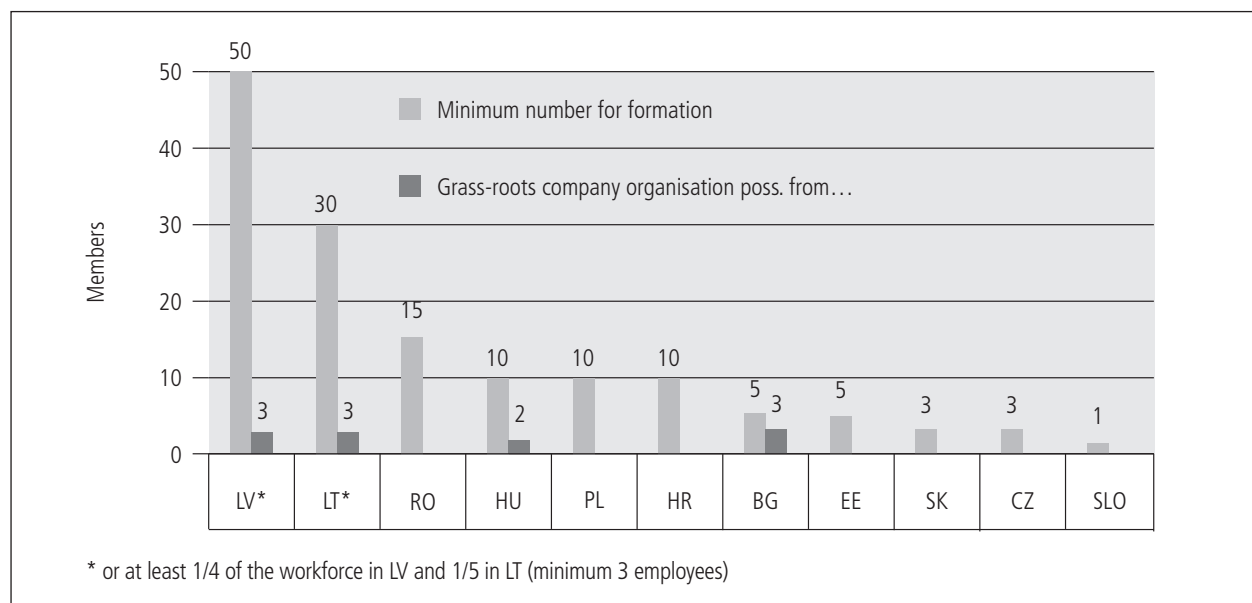


Figure 2: **High hurdles for creation of in-company trade union representation**



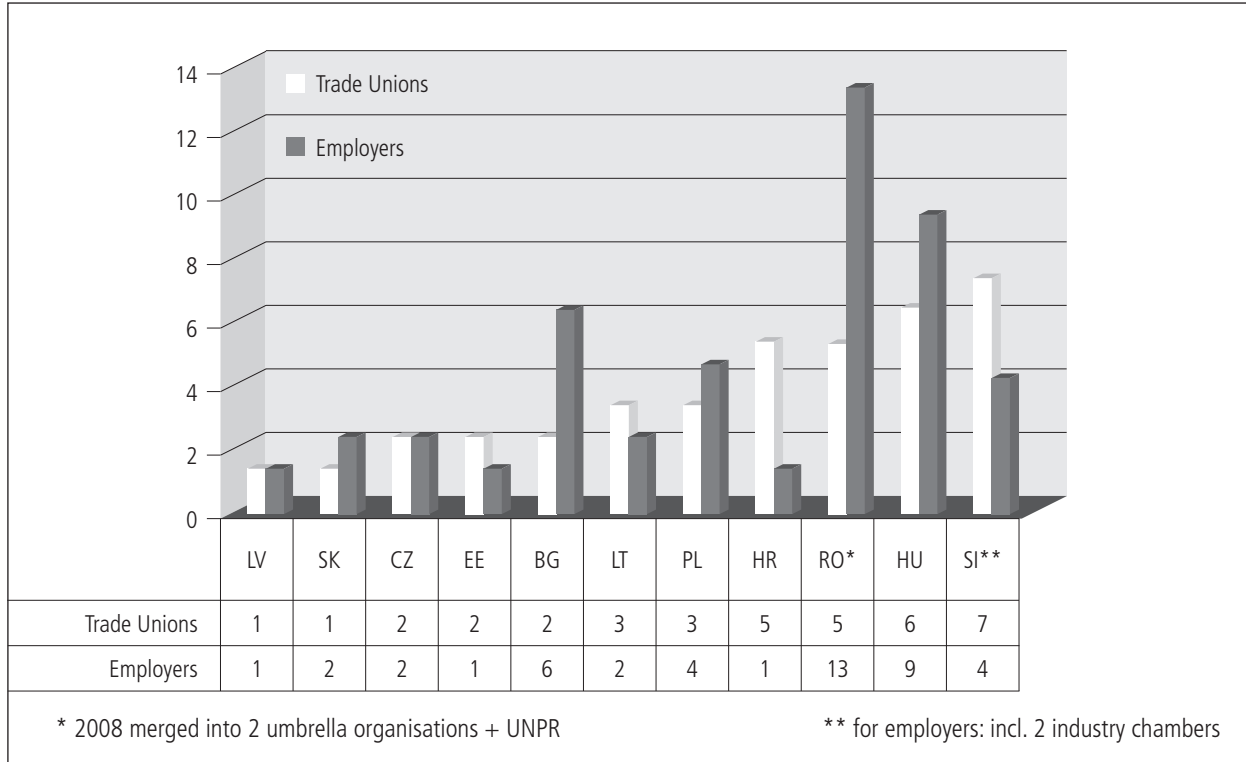
so-called representativity of a trade union by laying down minimum membership quotas for organisations to become involved in collective bargaining and participate in tripartite national economic and social councils. This entails regulation of freedom of association that can have a deep impact.

In addition, particular groups of persons are legally or effectively excluded from trade union membership either by legislation or by the union statutes themselves. One major “filter” takes the form of regulations stating that one can only become a member via an existing company trade union rep-

resentation – which itself can only be set up on the basis of a minimum number of members. Another requirement often states that individuals wishing to become members have to have an employment contract – which excludes the unemployed, train-

ees, students or pensioners as well as contract and fixed-term workers. And finally, legislation can exclude entire groups of employees, especially in the public sector. (Tab. 1).

Figure 3: **Great variety of representative national umbrella organisations for social partners**



Tab. 1: **Obstacles to trade union membership in Eastern Europe**

	Persons excluded from trade union membership	Obstacles to access
Lithuania	Only working people can become members, i.e. no unemployed, students, pensioners or self-employed	Access normally only via the grass-roots organisation, in exceptional cases via the sectoral organisation Possibility of "direct" membership currently under discussion
Latvia	Access only open to working people and trainees, not members of state security services (e.g. border police)	Access normally via the grass-roots organisation (high threshold for SMEs)
Poland	Excluded are: individuals not in regular employment, contract workers, students, quasi self-employed Civil servants are not permitted to take on any active trade union function	Depending on trade union statutes access normally only via the grass-roots organisation, with requirement for minimum of 10 trade union members. This obstacle excludes some 30% of employees, who work in SMEs with a workforce of less than 10
Slovakia	Legal obstacles only for members of the armed forces	Differentiation between ordinary (i.e. working) and extraordinary members (disabled, pensioners, maternity or parental leave, temporarily unable to work)
Romania	Excluded: top civil servants, members of the police, armed forces and telecommunications industry; but pensioners not excluded	Precondition for founding a trade union is an existing employment contract

Taken together, all the obstacles to trade union membership and full realisation of freedom of association in Eastern Europe constitute a three-

fold “filter” involving various grounds for excluding individuals from membership.

Filter 1: Access usually only possible via in-company grass-roots organisation	
	<ul style="list-style-type: none"> • Lithuania • Latvia • Poland
Filter 2: Grass-roots company organisation requires minimum number of members	
	<ul style="list-style-type: none"> • Poland: 10 • Croatia: 10 • Lithuania: 3 • Latvia: 3 • Slovakia: 3
Filter 3: Access only to the employed	
	<ul style="list-style-type: none"> • Lithuania: no unemployed, students, pensioners • Latvia: Exclusion of members of state security services (but no restrictions for trainees) • Poland: no fixed-term employees, contract workers, pensioners, students • Slovakia: Those not in employment only have extraordinary member status • Romania: Employment contract required, but pensioners also have access, though not police, members of armed forces, employees in telecommunications sector • Croatia: under law, only employed persons, but in practice often ignored

Conclusion: biggest obstacles through accumulation of filters			
	Filter 1: Grass-roots organisation	Filter 2 Minimum no.	Filter 3: Normal employment contract
Poland	X	X	X
Lithuania	X	X	X
Latvia	X	X	–
Slovakia	–	X	X
Romania	–	–	X
Croatia	–	–	X

A combination of all three types of obstacle results in a particularly high degree of exclusion of employees in SMEs – i.e. mainly in sectors with a prevalence of small companies (e.g. the many newly-created companies in the services and craft sectors).

This can add up to a considerable proportion of employees and potential members – estimated at up to 40% or more – being excluded. Added to this are further demotivating factors such as the exclusion of certain groups from having their work-

ing conditions regulated by collective agreement (for more, see Figure 6), so that in an extreme case, if all these factors combine, only a minority of employees will have any actual interest in joining a trade union. This is all the more the case if unions have a negative public image and employers also discourage their employees from joining.

Nor is unrestricted **access to sites** granted to trade unions to advertise their services and recruit new members in every country. In Hungary, for example, this is only the case if a certain level of trade union membership in a company can be demonstrated. Monitoring adherence to legal regulations is thus also made more difficult (including monitoring of implementation of collective agreement provisions declared to be generally applicable).

Discrimination of trade union members and elected representatives

All countries reported a wide range of obstacles to trade union activities ranging from individual intimidation to massive infringements of the law in the wake of privatisation and restructuring such as

- Threats of dismissal – without any possible or effective legal protection (despite court judgments!)
- Intimidation and bullying by company management
- Internal transfers or transfer to spun-off parts of site, followed by site closure
- Amendment of status from full employee to contract worker, thereby excluding trade union membership
- Agreement to change fixed-term contract to permanent if individual leaves trade union
- Special bonuses for non union members
- Employers expect continual renewal of confirmation of deduction of subscription

Subscription and funding structures of trade unions

A crucial role in determining the ability of an organisation to operate effectively is also played by the internal regulations on who deducts the subscription payments, where they should go to and whether the method of distribution provides the offices of the branch or umbrella organisation with sufficient resources to function effectively.

In most cases the subscriptions, as in former times, are deducted directly from the wage by the employer – which may seem a comfortable method, but has the disadvantage that it gives employers an often welcome tool for exercising control and taking disciplinary action.

As between 60 % and 90 % of membership subscriptions remains with the grass-roots organisations in the companies, this means that the sectoral and confederation headquarters usually only receive a minimal and usually inadequate percentage to fulfil the necessary tasks. This results in general complaints that there is a lack of financial resources for campaigns and to pay for legal or economic specialists and collective bargaining support as well as recruitment and PR work.

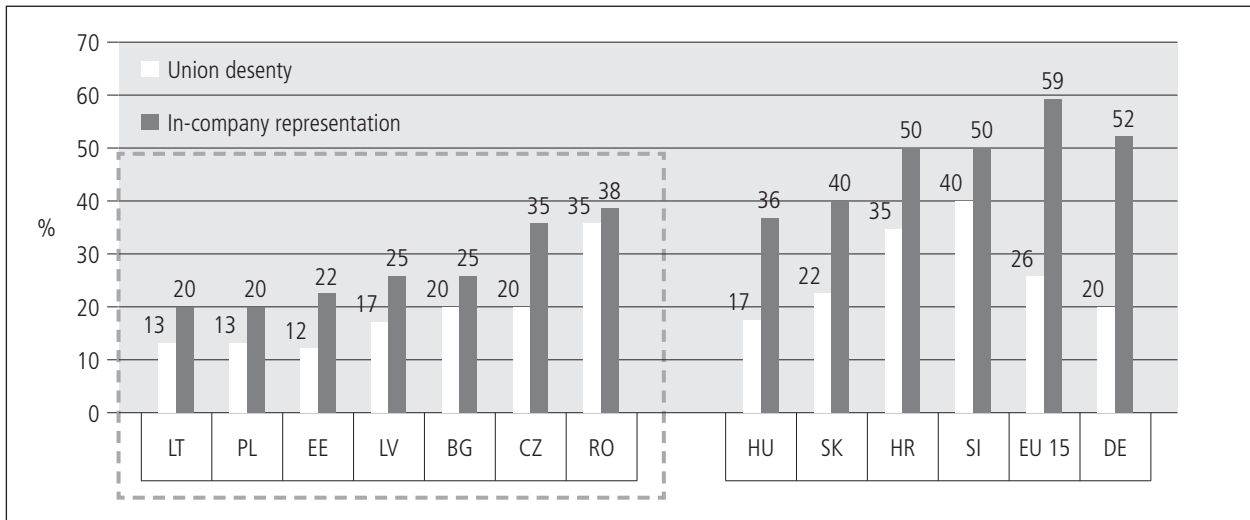
Basis for workforce representation

Workplace representation in Eastern Europe is traditionally the domain of local trade unions. However, these now only cover a minority of employees, especially in SMEs, which are largely “union-free”. The percentage of employees with local representation only increases substantially in those cases where an institutionalised system of representation in the form of a works council elected by the entire workforce can be set up (Fig. 4: left-hand side of figure: countries without works councils).

Despite a relatively low union density, a higher rate of representation can be found where *in addition* to trade union representation – and if possible with union agreement – there is also a general employee representation elected by the entire workforce (works council) with legally guaranteed rights of participation (see right-hand half of figure, starting with Hungary).

A positive boost to the idea of a minimum framework for employee representation and participation was provided by the 2002 EU directive on information and consultation. Timely and comprehensive information is crucial for any effective participation by trade unions and works councils. The governments of the new member states implemented this idea in differing ways. Up till now works councils have only established themselves nationwide in Hungary, Slovenia and Croatia.

Fig.4: **Proportion of company employees represented by trade unions and works councils**
(in relation to union density in a country)

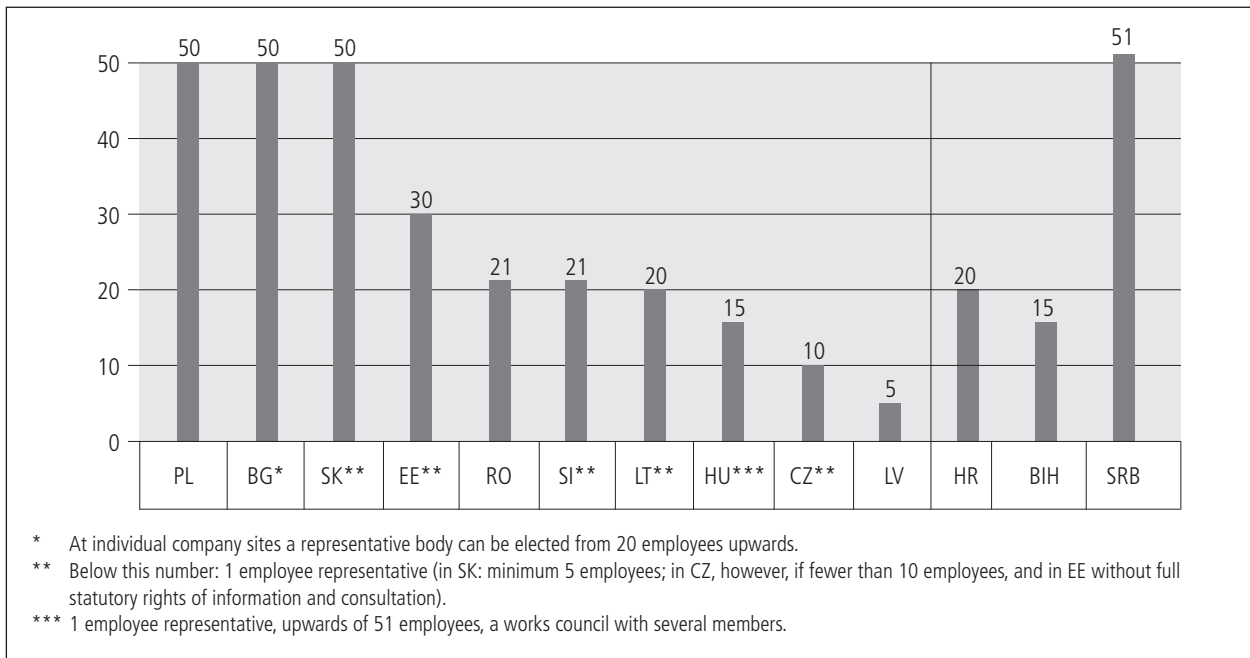


In addition to trade unions' wariness about this new idea of a double representation structure, another crucial problem for practical freedom of association in Eastern Europe is the legal requirement for a company to be of a certain size before a works council can be formed, which once again disadvantages employees in SMEs (Fig. 5).

Law on collective agreements and distribution policy

As in Eastern Europe the vast majority of collective agreements (with the exception of Slovenia and, to some extent also Slovakia, Romania and Bulgaria) are concluded at company level, the presence of the trade unions at this level is there-

Fig. 5: **Minimum no. of employees for formation of a works council in Eastern Europe**



fore once again a crucial criterion for realisation of freedom of association – with significant implications for the material consequences of income distribution policy. When it comes to the ability of trade unions to operate as collective bargaining partners, a number of countries have regulations laying down requirements in terms of minimum levels of membership in the workforce.

Countries with wage-setting only at company level in private industry (see in Fig. 6 the states outlined on the left-hand side) have a lower degree of coverage than countries in which (mainly) sectoral agreements are concluded.

Employee groups not covered by collective bargaining

Apart from the problem of exclusion of many employees in SMEs whose size means that there is no trade union organisation to conclude agreements, many public sector employees in Eastern European countries are disadvantaged by restrictive regulations. It is not only civil servants who are excluded from collective negotiations but also some government white-collar workers. In Croatia, agree-

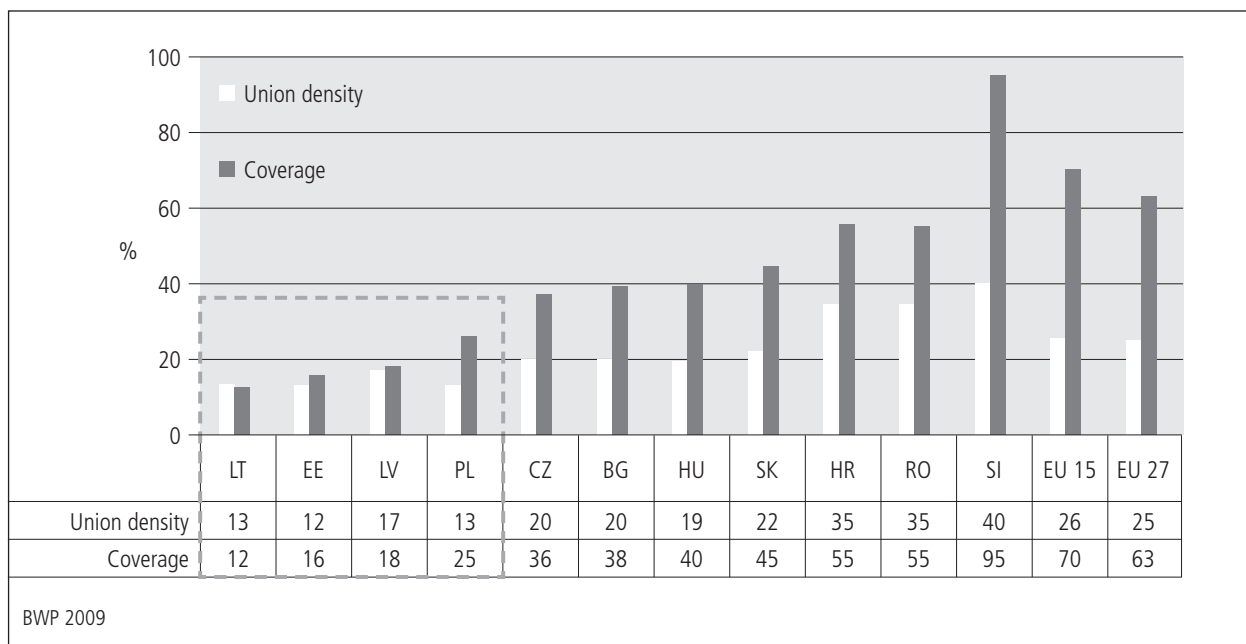
ments can only be signed covering the basic salary – not other elements, and in Hungary, collective agreements are only permitted in public institutions and companies if more than 25 % of the employees concerned are also trade union members.

Statutory restrictions on the right to strike

If agreement is to be reached, it is essential for trade unions to be able to threaten or take industrial action as a weapon of last resort. However, if we look at the situation in Eastern Europe at least in the private sector, we see that while this method of exerting pressure was relatively widely used at the start of the transformation process in Europe, it has now clearly lost its effectiveness. One main reason for this, in addition to a drop in union density, is the fact that there are – in some cases extensive – restrictions on the right to strike which the relevant bodies of the ILO have criticised again and again.

Individual countries have a broad range of administrative obstacles and bans aimed at controlling what they fear could be excessive use of industrial action (see Tab. 2).

Fig. 6: Proportion of employees covered by collective agreements



Tab. 2: **Restrictive regulations on strike rights in Eastern Europe**

	Exclusion of certain employee categories	Statutory regulations
Estonia	Public service (state/local authorities), armed forces	Seven days' notice required Works council has right to call strike
Lithuania	Electricity sector, members of the armed forces Heat and gas supply (till 2005) Comprehensive strike in an entire sector practically impossible in legal terms	2/3 (2008: minimum 50%) workforce vote Seven days' notice required; in many "essential" supply and service industries, 14 days (plus guaranteed emergency cover)
Latvia	Police officers and members of the security forces, border police and armed forces "essential" services and utilities (requirement for guaranteed emergency cover)	3/4 workforce vote 10 days notice required Strike allowed in the case of infringement of an agreement State can ban a strike Works Council has right to call strike
Poland	Public service (state/local authorities), only protests or demonstrations possible; so-called "essential" services, members of the armed forces, police	Demonstrations require 30 days notice and safety measures taking into account road traffic regulations Strict sanctions for illegal strikes
Czech Republic	Supply industries (oil and gas pipelines etc), security services, members of the armed forces Essential health services and telecommunications	Ballot of >50% of employees in company or sector (from 2007: at least 50% of those with voting rights) and positive vote of 2/3 of those involved List of names of those wishing to strike to be submitted to employer (up to 2006), now only the numbers involved Strike on account of infringement of agreement not permitted
Slovakia	Supply industries (distribution of oil, gas, etc.)	Industrial action in response to infringement of provisions of collective agreement permitted
Hungary	Restrictions for large areas of public service (acc. to 1994 agreement with trade unions)*	Industrial action for continued application of a collective agreement and also particular forms of strike not permitted; sanctions possible
Slovenia	No formal restrictions, only guarantee of vital services	Only procedures on account of abuse of principle of negative freedom of association
Romania	Restriction for employees in health, education and communications sectors (radio and TV), in transport sector, gas and electricity supply (emergency cover of at least 1/3 of workforce required)	Notice 48 hours before start of industrial action, vote by 50% of members or 1/4 of workforce sufficient; strikes often declared illegal and suspended by courts for formal reasons Compulsory state arbitration possible
Bulgaria	Public service (only protest permitted); post, railways (see right) Energy supply, communications and health (up to 2006)*	For rail companies a minimum service of 50% must be maintained; this requirement is the subject of criticism by ILO on grounds that it is excessive
Croatia	Restrictions in public sector, for police, railways, post, telecommunications, health	Strike only possible if a collective agreement has lapsed

* criticised by Council of Europe as infringement of European Social Charter

Tab. 3: **Minimum wage as a proportion of national average wage (2008)**

30 – 35%	35 – 40%	41 – 46%
Romania Latvia Lithuania	Poland Hungary Czech Republic Croatia	Bulgaria Estonia Slovakia Slovenia

Minimum wage as an alternative to collective agreements

Where collective agreements do not exist, or a general extension decreed by the labour ministry has not made sectoral agreements applicable to all employers in an industry, employees can only fall back on individual employment contracts and, in most cases, the statutory minimum wage.

On average in the EU the minimum wage amounts to a maximum of 50% of the average wage in a country, but in Eastern Europe it is usually well below this (on the minimum wage structures in Western and Eastern Europe see Schulten et al 2006).

2. The situation in the Western Balkans

All six of the countries of the Western Balkans that will be taking part in the next round of EU accession are relatively small states, ranging from a population of 630,000 (in Montenegro) to 4.4 million (in Croatia) and some 7 million in Serbia. The trade unions, unlike those in Central Eastern Europe, did not play any decisive role in the restructuring of society during the period of transition. This was largely due to the fact that in this region, transformation brought the 'national question' to the fore, rather than, as elsewhere, the decisive 'social question'. Moreover, the achievement of state sovereignty was accompanied in Croatia and Bosnia by many years of bloody conflict during the civil wars of the early 1990s.

As a consequence, there was a delay in the necessary process of adapting and reshaping industrial relations and labour law. At the same time, the

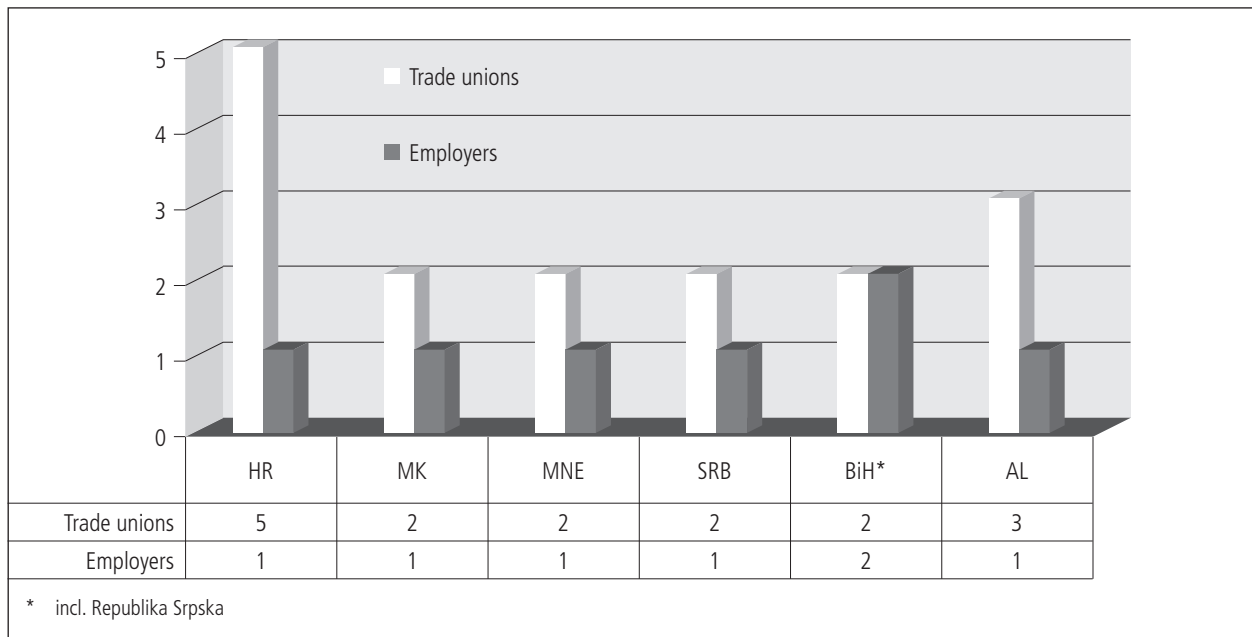
process of uncontrolled privatisation set in at an early stage, with a host of adverse consequences for the workforce. As elsewhere in the transition states, there were initially no employers' associations, which meant that the relevant national tripartite bodies – in the form of Economic and Social Councils with the participation of the social partners – were only established after some delay and to this day have not managed to acquire much political influence.

Conversely, however, this also meant that the notion of pluralism for both sides of industry had noticeably less impact than in North-Eastern Europe. Only Croatia saw the establishment of a multitude of new and competing employee confederations at national level, while elsewhere, with the exception of Albania, one new alternative organisation at most emerged alongside the traditional trade union federations (Fig. 7).

It should be pointed out that the state structure of Bosnia and Herzegovina was defined in the Dayton Agreement of 1995 as a condominium of two independent administrative units ('entities'), i.e. the Bosniak-Croat Federation and the Republic of Serbia (*Republika Srpska* with its capital Banja Luka). Each entity has its own legislation – including labour law – and administrative structure. Consequently, each half of the state has an autonomous association of employees and of employers but no uniform representation of the social partners.

At the same time, the union density in all of the countries has fallen considerably – by over half compared with 1990 – albeit not as drastically as in many other post-socialist countries of Eastern Europe (Tab. 4).

Fig. 7: **Representative trade union and employers' umbrella organisations**



When considering this data it should be borne in mind that to a large extent these are figures or estimates from the relevant organisations themselves. Furthermore, BiH, Macedonia and Albania have unemployment rates of over 30% and at the same time a high proportion of informal employment, which makes the situation even more complex.

Statutory regulation of the establishment of trade unions and union membership

In all countries of the region, the establishment of a grass-roots trade union organisation at both local and supra-company level is relatively straightforward. The minimum number of members re-

quired for the establishment of a union in a company ranges from 3 to 10 employees, depending on the relevant labour legislation and the statutes of the organisation. (see Tab. 5).

The registration procedure that is required can prove to be more problematic, since state approval is always necessary. Thus the umbrella organisation SSSBiH in the Bosniak-Croat Federation is still not legally recognised – a situation stemming from the complex constitutional circumstances in the country.

When it comes to the scope for individuals to join trade unions as an important feature of freedom

Tab. 4: **Union density in trade union confederations in South-Eastern Europe** (% of all employees)

	HR	MK	MNE	SRB	BiH	AL
Union density (%)	35	30	35	33	30	23

Tab. 5: **Minimum number of employees required to establish a trade union in South-Eastern Europe**

	HR	MK	MNE	SRB	BiH	AL
Company trade union representation	10	5 (10)**	5	3	3	*
Minimum number required to establish a trade union	*	*	5	3	3	20

* as per trade union statutes

** increase planned by government (ITUC 2009)

of association, there may be fewer legal obstacles to membership than in Central Eastern Europe, but even here there are legal and practical restrictions:

- The principal 'filter' in this respect is once again the ubiquitous rule that employees may only join a union via the **company trade union representation**. In principle this is the case in Montenegro, Serbia, Bosnia and Albania.
- Conversely, however, it is also usual to join via a sectoral trade union in Macedonia, or at all levels of an organisation in line with union statutes in Croatia.

The following groups are legally excluded from membership:

- Croatia and Serbia have a provision that stipulates an existing **employment relationship** as a condition of joining a union. In practice there are numerous 'exceptions' in Croatia where this regulation is ignored. Of much more serious import, however, is the fact that in this country almost 90% of new recruitment is for a fixed term, which prevents many people who are newly entering employment or changing jobs from joining a trade union.
- In Macedonia, pensioners are banned from membership, as are certain members of the public service and the police.
- In Montenegro, membership of those in senior management within state cultural and educational institutions is undesired and therefore unusual.
- Apart from the police, army employees and their relatives were banned from membership in Serbia until 2008. Today the latter is still true of Bosnia.

In summary, therefore, the legal grounds for exclusion from membership in South-Eastern Europe are on the whole less pronounced than as described above for North-Eastern Europe. However here, too, there is a proliferation of additional obstacles to the genuine exercise of the right to freedom of association.

It is generally true for this region, too, that it can be extremely difficult to prove actual discrimination by an employer against trade union members or their elected representatives. Disciplinary action entailing compulsory transfer or dismissal is frequently justified on the grounds of professional misconduct or similar. In its annual publications on infringements of trade union rights, the ITUC reports on serious cases of harassment and repression of employees who exercise their legal rights to representation and freedom of association in all these countries (see the latest ITUC 2009). Challenging such violations proves difficult where, as in Serbia, labour law does not provide for sanctions for discrimination against trade unions, which would make effective prosecution easier. In BiH, too, there are no sanctions for such violations. In Croatia the burden of proof in cases of indirect discrimination falls on the employer, who has to prove that measures taken against active trade unionists are justified on grounds related purely to their work.

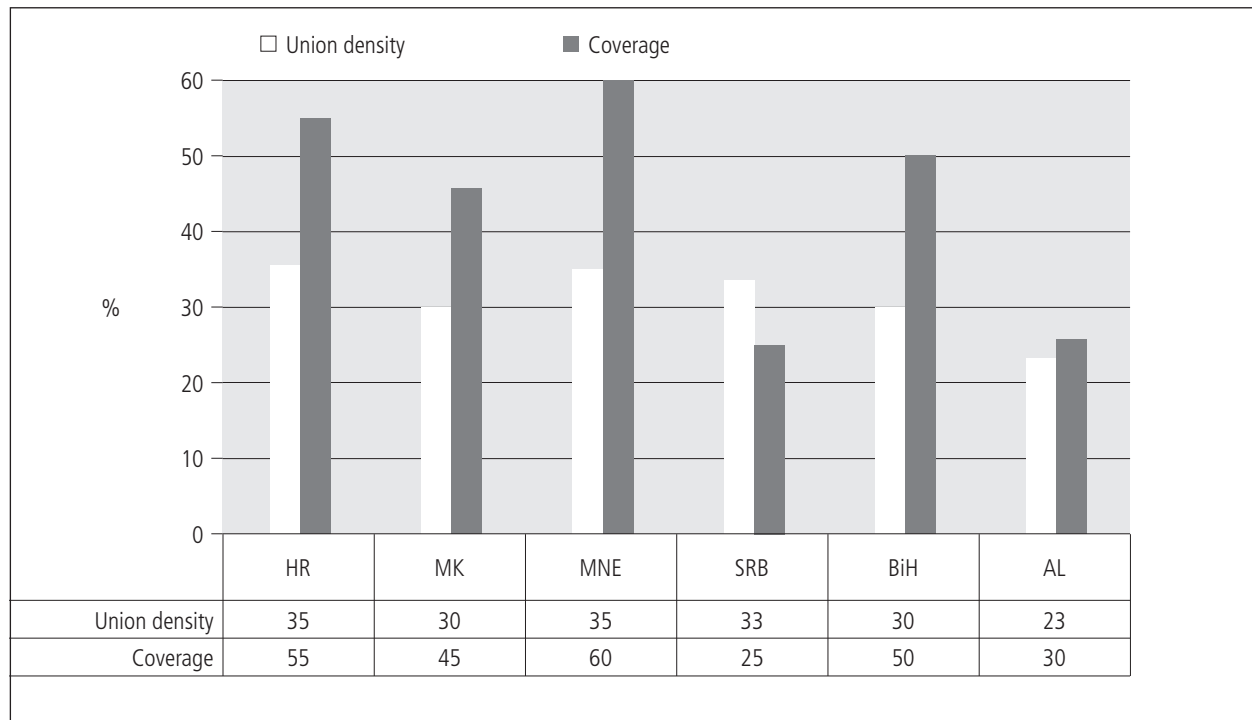
Collective bargaining legislation and workforce coverage

The collective bargaining landscape in the Western Balkans is also largely dominated by company agreements. Nevertheless sectoral agreements are increasingly found to varying degrees in certain countries. They are found:

- Primarily in the public sector in Serbia and both parts of BiH, and broad sections of the public service, public utilities and service sectors in Macedonia and Albania.
- However, in the private sector there are now also more sectoral agreements in Croatia (17), Montenegro (17) and Macedonia (16). To date there have been fewer in Bosnia and Herzegovina.

In addition, there is a possibility of achieving broader coverage where the competent ministry declares a collective agreement to be generally applicable. In Croatia this is currently true of six sectoral agreements (in tourism, hotel and catering, commerce, construction, the timber industry, and SMEs in the craft sector). This means that all employers in these sectors are bound by the provi-

Figure 8: Overall proportion of employees covered by collective agreements



sions of existing agreements – irrespective of their membership of an employers’ association. Similarly, collective agreements covering six public sector industries in Serbia have been declared generally binding and thus apply nation-wide. In Macedonia, however, this is so far not a legal possibility.

work agreements, as is commonplace in Montenegro and Bosnia (see Fig. 8). Even those do not set wage levels. Such coverage tends to be more significant in Croatia, with its numerous company and sectoral agreements. In this country, too, a statutory minimum wage was first introduced in 2008.

In the region as a whole, binding agreements have so far had a relatively minor impact in practice, despite the wider coverage of some national frame-

Restrictions on the right to strike exist for public sector employees, but are comparatively less strict than in some of the new EU member states.

Tab. 6: Minimum wages in € and as a proportion of the average wage (2008)

	HR	MK	MNE	SRB	BiH	AL
Minimum wage	381	(75–218) ¹	(55)	159	159/142*	138
Average wage	1.000	250	630	400	514/452*	350
Minimum wage as a proportion (%)	38	(30)	?	39	31	41
Growth in GDP (%)	2,4	5,0	8,1	5,4	5,5	7,2
Unemployment (%)	13,4	33,8	10,8	18,8	40,6	approx. 33 ²

* Republika Srpska

* Figures for RS

1 Lowest wage bracket as per collective agreement in the textile industry and health sector in 2008.

2 With the official rate at 13%, actual unemployment is estimated to be 30–35%.

Minimum wage as a replacement for non-existent collective agreements

The tangible impact of social dialogue can be seen from this figure: the minimum wage represents a relatively modest 30% to 40% of the average wage, in other words, still lies below the EU poverty threshold. On the other hand, the average wage in

Croatia is distinctly higher than in the rest of the region. The determining factor for the overall situation is always the actual level of unemployment, which in some cases affects more than a third of the active population, partly because the informal sector is so extensive (see more on youth unemployment in Fig. 9 below).

Monitoring of implementation of employee and trade union rights in Eastern Europe

Europe-wide convergence of wages and working conditions as an important way of combating ongoing social dumping in the old EU member states is a process that is likely to take several decades. The speed of the process depends primarily on the economic situation of each particular country. In recent years, economic growth and productivity increases in Eastern Europe have been above average. The question of the extent to which this scope can be utilised always depends, however, on the particular position and capacity of the social partners in the country concerned. This again leads us to focus on the crucial issue of the application of freedom of association and the actual implementability of trade union rights.

For the basic rights of employees and trade unions as laid down in international standards to be implemented and maintained, they not only have to be enshrined in law – the following important players and institutions also have to operate efficiently:

- Effective grass-roots **employee representation** with guaranteed powers,
- Intermediary institutions for **handling individual and collective disputes** (parity-based arbitration bodies with neutral chairpersons, mediation, arbitration and conciliation procedures),
- A **labour inspectorate** with sufficient resources, rights of monitoring and powers to impose sanctions
- Last, but not least, a **specialised system of labour courts** with the ability to reach rapid decisions where existing statutory standards have been infringed. As far as possible these should include representatives of both sides of industry. And, there must be rigorous enforcement of court decisions.

The fact that the creation of this important legal lever for monitoring and improving labour standards – despite being called for by trade unions everywhere – has so far always been rejected for fiscal reasons by the governments concerned (with the exception of Slovenia and Hungary) represents a grave obstacle to the development of properly regulated labour relations. As long as there are no labour courts operating at several levels or at least special chambers within the ordinary courts for dealing with such disputes, combined with a system of arbitration for achieving out-of-court settlements, the deficits high-lighted again and again in the survey will remain, i.e.:

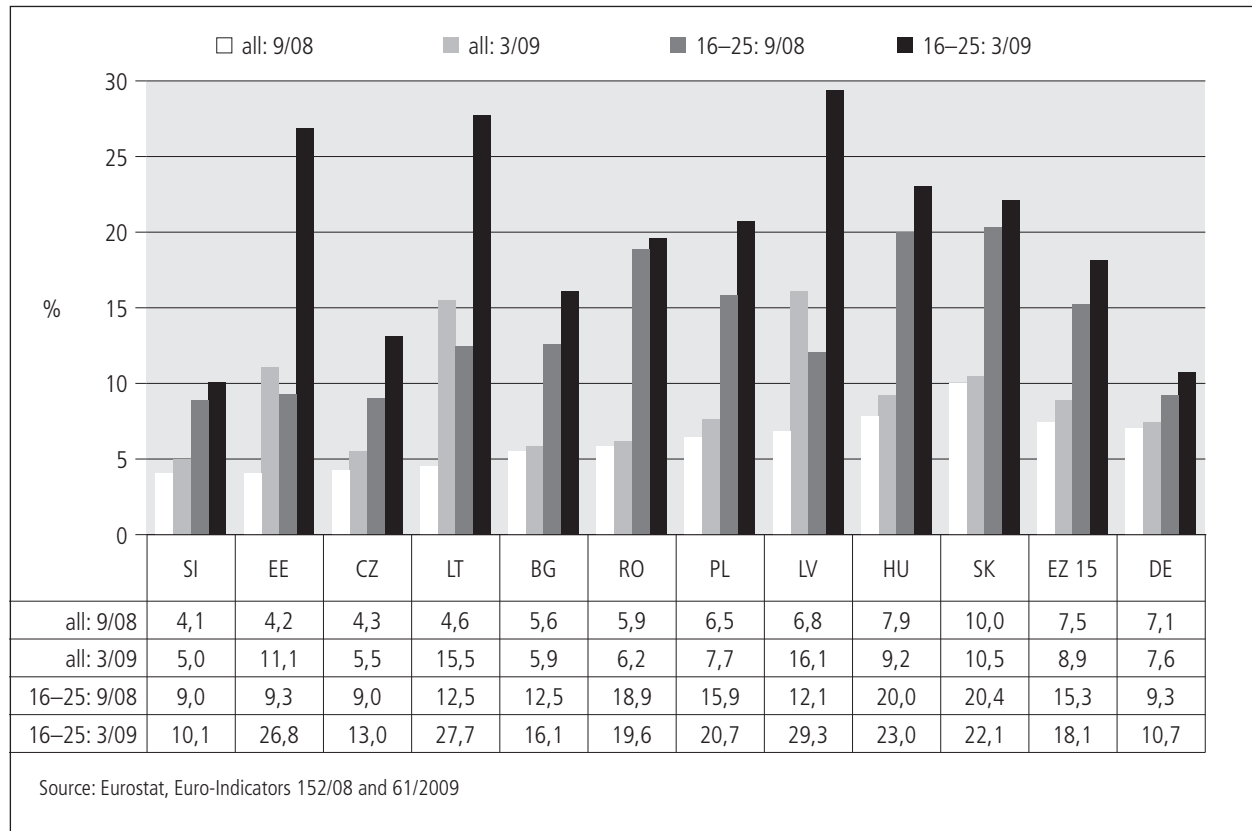
- The fact that cases brought before the civil courts take, on average, up to three years or more to reach completion cannot have a deterrent effect and cannot provide a solution in the case of suspended labour procedures; there is, to use the words of the European Court of Justice (ECJ), an “excessive backlog”.
- Legal judgements, once passed, are not respected by the defendants and not properly enforced – especially in the case of wrongful dismissal appeals by trade union members or elected officials; court orders to reappoint individuals are ignored or, at best, dealt with by offering compensation payments.
- Ordinary courts are often regarded as biased towards the interests of the employer (“commercial arguments and interests have priority”); or they decide that appeals from employees have “insufficient social relevance”, and impose inadequate punishments.

Trade unions in some cases have no rights to resort to the courts or to represent individuals in court cases related to infringements of statutory labour regulations.

In the current **global crisis** this situation is exacerbated both by the collapse in economic growth and the dramatic increase in **unemployment** – es-

pecially among **young people** – above all in certain regions of Central and South-Eastern Europe. What is especially serious about this process is the fact that the proportion of young people out of work, already excessively high in the past, is now in some cases running completely out of control among 15 to 25 year-olds in all of the EU member states and in the Western Balkans.

Figure 9: **Explosion of unemployment in Eastern Europe**
(seasonally adjusted data for autumn 2008 and spring 2009 from Eurostat)



Tab. 7: **Unemployment rate (%) for all workers in the country and for those aged under 25 in the Western Balkans (2008)**

	HR	MK	MNE	SRB	BiH*	AL*
all workers	13,4	33,8	10,8	18,8	40,6	13,0
15-24 years	27,0	57,7	26,2	43,7	58,5	26,0

* Contrary to the official unemployment records, it is estimated by trade unions and discerning labour market researchers that the real youth unemployment rate in BiH lies even higher, at 70%–75%. The real overall rate for Albania is estimated at 30%–35%, with that for younger workers around 40%.
(Source: Eurostat; Country Reports for S-Europe)

Main results of the comparative study in Eastern Europe

The results of the comparative study of the 16 former socialist countries in Eastern Europe can be summarised as follows:

- There are many cases of laws and statutes not only excluding certain groups of employees from joining trade unions but also creating obstacles to the setting up of unions, recruitment of members and realization of the right to freedom of association. The general trend towards small-scale companies is partly the reason for the lower trade union density in these countries.
- Freedom of association is significantly restricted by the existence of minimum requirements in terms of workforce size for setting up grassroots trade union organisations or works councils. This means that a growing number of people employed in SMEs are prevented from enjoying their participation rights and regulating their working conditions through collective agreements.
- Larger groups of employees are sometimes even denied access to collective bargaining and collective agreements, above all in the public sector and the utilities. Freedom of association at sectoral level is also made more difficult by the existence of strict requirements for recognising organisations as sufficiently representative and regulations that are designed primarily for company-level agreements.
- The right to strike is severely restricted in some cases. International bodies such as the ILO and the Council of Europe have frequently criticised a number of aspects of this question: the large number of people who are excluded from the right to strike, excessively high quorums for membership ballots and bureaucratic hurdles that favour the employers and act as a deterrent. The result is that substantial industrial action in both the private and public sectors quickly reaches the bounds of legality. Under these circumstances, collective bargaining degenerates into little more than “collective begging” (to use the words of the German Federal Labour Court in a domestic judgment on the right to strike).

Infringements of freedom of association often go unpunished in the new member states, as administrative or judicial monitoring and rectification is rarely feasible or successful. Non-adherence to collective agreements and the lack of effective protection of trade union members in turn has a sustained detrimental impact on interest in trade union membership.

Conclusions of the regional comparison between Central Eastern Europe and the Western Balkans:

- In terms of indicators, the situation in Croatia is more similar to the situation in the more developed new EU member states and already largely meets the industrial relations standards usual in the EU. This means that alongside Slovenia it is the only former Yugoslav country in the region in which the previous tradition of worker self-management has remained alive. This is evident from the decision to introduce works councils (as early as 1995) and from the presence of employee representatives on supervisory boards of companies with 200 employees and over.
- Nonetheless, in terms of their structures, the remaining countries of South-Eastern Europe are not lagging behind the new EU member states to any considerable extent – indeed, with regard to essential indicators such as collective agreement coverage and union density, the opposite is generally the case.
- Their overall economic performance and income levels are in the same range as those of the two member states of the Eastern Balkans, Bulgaria and Romania.

Because of their initial delay in embarking on the transformation process, they need time for the further development of social dialogue, a fact that is apparent, for instance, from the lack of social concertation in their national tripartite Economic and Social Councils (cf. EU Progress Reports 2008). It should also be borne in mind that four of the six countries of the Western Balkans, as successor states to the former Yugoslavia, only became independent during the transformation process after 1991.

Conclusions for trade union policy

The findings of the study suggest that the trade unions urgently need to change all those provisions in their statutes that restrict the route to trade union membership to existing grass-roots organisations within a company. This is especially the case where legislation or union statutes lay down high minimum numerical requirements for setting up such an organisation – thereby ruling out many SMEs.

The second important aspect is the practice of employers deducting subscriptions from individuals' wages. This acts as a deterrent in all cases where the attitude of the owners towards unions is also unfavourable. The increased scope that this creates for intimidation and negative monitoring outweighs any advantages in terms of ease and simplicity of trade union funding. A necessary consequence of this would be a change to more modern, electronic methods of subscription payment or similar alternatives.

Employers, for their part, should, in the interests of a fair market order, be prepared to agree to more supra-company regulations of working conditions.

For the government and the relevant ministries there is an urgent need to amend labour legislation: the minimum threshold for a grass-roots trade union organisation in a company would need to be reduced to a level that makes employee representation possible in small enterprises. Furthermore, the legal exclusion of certain larger groups

of persons from trade union membership, which this study has identified as a considerable problem, is no longer compatible with the principle of freedom of association. Similarly, existing legal restrictions on collective bargaining for all employees and the use of industrial action according to international standards urgently require revision.

In Eastern Europe, particularly in the current and potential accession states in the Western Balkans, it is possible to use projects financed by the European Social Fund (ESF) to promote social dialogue. These call for concrete initiatives in collaboration with the national social partners and governments concerned. The same applies to pre-accession projects financed under the European Union IPA programmes (*Instruments of Preaccession Activities*).

In order to combat the current rush to reduce labour standards in Europe and the effect this has of undermining international solidarity, it is crucial that trade union confederations at European level should display coordinated resistance to any infringements of freedom of association. This includes joining forces to combat interference by the ECJ in national legislation on labour rights to the detriment of working people (e.g. the Laval, Viking, Ruffert and Luxemburg cases) by achieving legal clarification of the fact that Community law gives priority to basic social rights over free movement of goods and services.

The necessary conclusions for the individual players can be summarised as follows:

Conclusion: **Urgent need for action by all players in the field of labour policy**

National trade unions	National government
<ul style="list-style-type: none"> • amend statutes: create access at all organisational levels; no longer organise subscription payment only via employer • activities: greater focus on social dialogue and collective agreements at all levels – not only on remuneration but also on working time reductions as an alternative to growing unemployment • targeted programmes aimed in particular at young people and other groups • willingness to consider “duplicate” representation of interests in companies – taking into account experience with works councils and EWCS • fight restrictions on the right to conclude collective agreements and take industrial action • demand the setting up of special labour courts, and offer to become actively involved in their activities • become involved at European level on securing the “social dimension” by further developing directives on freedom of assembly and greater representation in companies • call for greater economic policy coordination in the EU (“European economic governance”) • debate more European policy issues and cross-border cooperation 	<ul style="list-style-type: none"> • amend restrictive regulations on <ul style="list-style-type: none"> • minimum numbers for setting up trade union representation in companies • exclusion of certain groups from trade union membership • subscription deduction by employers • amend legislation on works councils: lower thresholds for their formation; make representation through one elected individual possible even in small enterprises; increase competences at EU level; clearly separate competences vis a vis trade union representation • liberalise law on collective agreements, especially for public sector employees • bring the right to strike into line with international and EU standards • introduce labour courts that incorporate the social partners – if necessary starting with selected pilot projects • strengthen tripartite collaboration at national and regional level, involve the social partners in important decisions (on labour law, minimum wage etc.) • strengthen the involvement in EU in order to increase possibility of convergence and integration • promote cross-border cooperation in existing or new Euregios • become involved and take the initiative on the introduction of ESF and IPA projects

European Trade Union Confederation (ETUC)	EU Commission and European Economic and Social Committee (EESC)
<ul style="list-style-type: none"> • propagate and support initiation of ESF and IPA programmes • extend membership to trade unions in the Western Balkans (observer status for all national confederations) • promote mutual exchanges, contacts and special sponsorship schemes between West and East 	<ul style="list-style-type: none"> • need to consider amending EU directives with SMEs in mind (e.g. 2002 directive on information for employees) • discuss obligation to set up labour courts and, if appropriate, incorporate this into Community law • continue pre-accession programmes and promote their use

The detailed analysis of the data related to the regions and countries concerned reveals two main **problems related to freedom of association** in Eastern Europe:

- Firstly the existing **legal restrictions** on freedom of association found in legislation and trade union statutes in Eastern Europe – in particular with regard to the setting up of trade unions but frequently also with regard to restrictions on trade union membership. The result is that in individual cases important categories of employee are excluded from social dialogue and do not benefit from its results – which has far-reaching implications for their lives. In addition to this, there is very real pressure on the part of intolerant employers and a general lack of sympathy for such issues – largely as a reaction against the enforced collectivism of the past. This means that activities such as pay bargaining or even industrial disputes are viewed in a negative light from the very outset.
- These structural obstacles inevitably have a negative impact on the crucial process of **capacity building** of employees' organisations – and, indirectly also, employers' organisations – that is required, particularly during a period of system change in transformation countries. In some cases it is an uphill struggle to achieve a positive image for trade unions, given their past history of supporting the interests of the state.

In some cases an unusually wide variety of different organisations are involved, which naturally causes considerable fragmentation of organisational, financial and human resources amongst trade unions. The crucial question is whether this plurality permits cooperation amongst employer or employee organisations in the interests of efficient social dialogue, or whether it acts as a hindrance.

Trade union density and the specific position of trade unions crucially determines how effective they can be in representing employees' interests in companies, in collective bargaining policy and in existing tripartite national economic and social councils.

Only if it is possible to deal with the specific deficits identified by this study and to develop an image for the trade union that stresses their reforming nature and their focus on contemporary issues, will it be possible to reverse the loss of status of employee organisations described at the beginning of this study. Combined with such a restructuring, specific PR and organizational campaigns – with which some countries already have had positive experience (including the “International Days of Action” in South-Eastern Europe in June 2008 or the trade union PR campaign organised some years ago in Lithuania) – could well succeed in strengthening the effectiveness of the trade unions.

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International country abbreviations

AL	Albania
AU	Austria
BiH	Bosnia-Herzegovina
BG	Bulgaria
CZ	Czech Republic
DE	Deutschland
DK	Denmark
EE	Estonia
HR	Croatia
HU	Hungary
LV	Latvia
LT	Lithuania
MK	Macedonia (FYROM)
MNE	Montenegro
PL	Poland
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
SRB	Serbia
EU 15	the 15 EU member states up till 2004

Literature and Links:

- EC (2008), Application of Directive 2002/14/EC in the EU –
<http://register.consilium.europa.eu/pdf/en/08/st07/st07863-ad01.en08.pdf>
- EC (2008a), Economic Forecast of European Economy – Autumn 2008, Brussels
- EC (2008b), Employee representatives in an enlarged Europe (2 volumes), Luxembourg
- EC (2009), Industrial Relations in Europe 2008, Luxembourg –
<http://ec.europa.eu/social/main.jsp?catId=575&langId=en>
- EC (2009a), Economic Forecast of European Economy – Spring 2009, Brussels
http://ec.europa.eu/economy_finance/publications/publication15048_en.pdf
- ECFIN (2009), EU Candidate and Pre-accession Countries Economic Quarterly (Unit D-1 4/2009) –
http://ec.europa.eu/economy_finance/publications/publication14726_en.pdf
- EIRO (2008), Impact of the information and consultation directive on industrial relations
<http://www.eurofound.europa.eu/docs/eiro/tn0710029s/tn0710029s.pdf>
- ETUI (European Trade Union Institute – 2008a), National Industrial Relations. Reports on trade unions, collective bargaining, workplace representation etc. in the EU member states –
http://www.worker-participation.eu/national_industrial_relations/countries
- European Foundation for the Improvement of Living and Working Conditions Dublin (2007), Results of the project "Capacity building for Social Dialogue". Reports from 14 new member and candidate countries about employers' and trade union confederations –
www.eurofound.europa.eu/areas/industrialrelations/socialdialogue.htm
- Friedrich-Ebert-Stiftung (2008), Where do Trade Unions Stand Today in Eastern Europe? Stock-taking after EU-Enlargement (author: Heribert Kohl) –
<http://library.fes.de/pdf-files/iez/05363.pdf> – (available also in German, French and Russian)
- Friedrich-Ebert-Stiftung (2009), Aktuelle Informationen aus Süd-Ost-Europa (Review of social partner organisations in SEE), Belgrade, March 09 – www.fes-sozialdialog-soe.de
- Friedrich-Ebert-Stiftung (2009a), Sozialer Zusammenhalt in Bosnien und Herzegowina (also in Croatian: Socialno povjerenje u BiH), Sarajevo (Verfasser. B. Šalaj)
- Hantke, F. (2009), Gewerkschaften im 21. Jahrhundert. Ein Diskussionshandbuch für Gewerkschaften in den Transformationsländern (mit einem Vorwort von John Monks), Belgrad/Bonn (also in Serbian: Sindikati u XXI veku – and 4 other languages in SEE) –
<http://library.fes.de/pdf-files/bueros/belgrad/06141toc.html>
- ITUC (International Trade Union Confederation, 2008, 2009), Annual Survey of violations of trade unions rights (<http://survey08.ituc-csi.org>); for 2009: <http://survey09.ituc-csi.org>
- IGM (2009), Für ein solidarisch erneuertes Europa. Europapolitisches Memorandum der IG Metall, Frankfurt (with a summary in French, Polish, Czech and Hungarian) – http://www.igmetall.de/cps/rde/xbcr/internet/europapolitisches_memorandum_03_2009_0144466.pdf
- Kohl, H./Platzer, H. W. (2004), Industrial relations in Central and Eastern Europe. A comparison of the eight new EU member states, Brussels (ETU) – German edition: Baden-Baden 22004

- Kohl, H./Lehndorff, S./Schief, S. (2006): Industrielle Beziehungen in Europa nach der EU-Erweiterung, in: WSI-Mitteilungen, Nr. 7
- Kuhlbrodt, I. (2009), South East European Youth Network - It's time : Reports on the International Days of Action in south-east Europe, June 20, 2008
<http://library.fes.de/pdf-files/bueros/belgrad/06148toc.html>
- Mernyi, W. (2005), Kampagnen und Aktionen erfolgreich organisieren. Mit relevanten rechtlichen Bestimmungen und Tipps, Wien (Verlag des ÖGB)
- Schulten, T./Bispinck, R./Schäfer, C. (ed., 2006), Minimum wages in Europe, Brussels (ETUI) – German edition: Hamburg 2006
- Van Gyes, G./Kohl, H./Lehndorff, S./Schief, S./Vandenbrande, T. (2007), Industrial relations in EU member states 2000-2004. Synthesis report for the European Foundation, Dublin
www.eurofound.europa.eu/publications/htmlfiles/ef0715.htm
- Ver.di (2008), A social Europe for the Future. A Manifesto on European policy. Outline for an alternative economic and social model for the EU (in German, English and French), Berlin (United trade union of the German service sector, Ver.di – <http://international.verdi.de/europapolitik/europamanifest>
- Welz, C./ Kauppinen, T. (2005), Industrial Action and Conflict Resolution in the New Member States, in: European Journal of Industrial Relations, No. 11, pp. 91 ff.

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