

Best practice of CIS trade- union organizations

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1 Trade Unions in Contemporary Russia

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1.1 Trade Unions in Contemporary Russia.

V. Ilyin

Trade unions are an integral part of the sociopolitical system of Russian society, therefore the key to understanding their position lies not only, and frequently not so much, in their internal processes as in the characteristics of the whole system.

Trade unions are a part of civil society. The general obstacles that confront the formation of civil society in Russia also confront the development of the trade-union movement. They can be divided into three groups:

1.1.1 State policy.

Since the period of the rise of the working-class movement at the end of the 1980s and beginning of the 1990s, the state has searched for ways to weaken the tendency for the trade unions to enter the arena of independent social policy. But in conditions of political instability of the first half of the 1990s the state was compelled to consider the trade unions as one of the forces on which the stabilization of the existing regime depended. To the extent that this purpose was achieved, interest in the trade unions as a potential ally fell. At the beginning of the 21st century, stabilization of the political position in the country has proceeded in the direction of a strengthening of the centralization of the state and of state control in all spheres of public life. This development inevitably led to the expulsion of the trade unions to the periphery of public life. In parallel the state has sought to provide economic stabilization by expansion of the rights of employers at the expense of those of hired workers, that simultaneously creates a basis for support of the state on the part of business. During V.

Putin's presidency a close link between the state bureaucracy and big business has been formed, with the former playing the dominant role in this union. Bureaucratic capital comes to the fore: on the one hand, it is private, but on the other –its reproduction is impossible without the active support of the state or particular officials. In this sociopolitical context adoption of the new labour code, which has created new serious obstacles to the activity of trade unions, became logically natural. The judicial authority is gradually put under the control of the executive authority which also blocks the possibilities of resolving labour disputes through the courts. Having weakened the trade unions, the state loses interest in them even more. Thus, without democratization of the state, the prospects for the development of the trade-union movement can only be assessed pessimistically.

1.1.2 Activity of trade-union organizations.

Traditional trade unions are closely connected to the Soviet past. This is traced both in personnel structure, and in the traditions of work which are transferred from the old generation of trade-union workers to the new. The key tradition inherited from Soviet times is the propensity to especially bureaucratic work within the apparatus. In other words, for various reasons trade-union bodies aspire to live an internal life. On the one hand, the authorities and management try to isolate them, on the other – trade-union workers avoid unnecessary problems, becoming isolated in their own environment. The small size of the trade-union apparatus also promotes this tendency since its forces are basically sufficient only for its own reproduction. Without overcoming the tendency to work confined to the apparatus, it will hardly be possible to change the status of the trade unions.

Russia *confirms the model* of the trade-union apparatus as a *firm*. Its essence is that the apparatus provides services in the sphere of the regulation of labour relations, carrying out insurance functions, legal functions and frequently the functions of a travel company. Its clients are, on the one hand, the rank-and-file members of trade unions paying for these services by their union

dues, on the other – the management paying for services by its tolerance or even by a loyal attitude to the trade union committee on the territory of its enterprises. At the territorial level the authorities are also a client, allowing territorial trade-union bodies to exist, but expecting from them in exchange efforts to maintain social peace. As a result a firm model arises, which violates the key principles of marketing: the trade-union committee/firm has as its target group subjects with opposing interests. Attempt to serve them leads to falling efficiency of trade-union work and a decline of interest in the trade-union committees as firms rendering services in the sphere of labour relations.

An important factor in the position of trade unions in modern Russia is *that of property*. On the one hand, despite big losses, all this still provides big material resources providing for the survival of trade-union bodies, economizing on expenditures, and in part also providing additional income. On the other hand, and this is paradoxical, the preservation of trade-union property is also a source of weakness of trade-union bodies. In conditions of domination in the country of bureaucratic capital, the preservation of large objects of real estate depends fundamentally on loyalty of the state bureaucracy which expects reciprocal loyalty of the trade-union apparatus in return. Thus, holding on to its property, the trade-union apparatus risks losing its membership base.

There is nothing particularly bad in itself in the firm model of trade unions. It has a number of advantages over the membership model: stability of work, not dependent on inevitable mood swings of rank-and-file members of the trade union, professionalism, accumulation of experience. The problem is not in the model, but on the fact that it does not rest on a precise identification of the target group, from which follows the contradictory character and inconsistency of activity. All this is aggravated by the low professionalism of the trade-union apparatus: here there are few skilled lawyers capable of competing on an equal basis with the lawyers of large firms and state bodies, there are not enough experts in the field of health and safety.

The fundamental internal factor of weakness of the trade unions is their disunity. It leads the trade unions frequently to face a dilemma: opportunism or marginalisation? Frequently the formal strength of the primary trade-union organizations, measured by the number of their members, depends on the loyal attitude to them of employers that leads to the maximal rapprochement of trade union committees with the administration of the enterprises, quite often to the detriment of relations with rank-and-file members. At the same time, active trade-union workers who show some independence, boldly going into conflict with the administration, are pushed out by it from the enterprises, often with the actual support of the dominant trade union, which sees in the radicals only competitors. The new labour code creates the legal context which is pushing various trade unions into conflict with one another. Frequently behind these splits lie only contradictions in the power ambitions of their leaders rather than divergences of interests of their members.

1.1.3 Civil culture of the population

Its characteristic feature is civil passivity following from a confidence that it is impossible to change anything by means of the activity of citizens. In the sphere of the trade-union movement this feature acquires a specific shade, without changing the essence in any way: workers in the mass do not believe that they are able to change anything for the better, they do not trust in the ability of trade unions to assert their interests. There is a vicious circle: trade-union bodies lose the ability to be the equal rights partners in relation to the authorities and business because do not rest on the clearly expressed support of the members, and the latter lose trust in trade-union bodies because they have no influence.

Without a change in the civil culture of hired workers it is difficult to strengthen the position of trade unions in the country. But the culture is not only a factor of development of the trade-union movement, but is also its result. Trade-union bodies are in information isolation. The great bulk of rank-and-file members

knows nothing about their activity that leads to the logically natural conclusion: ‘they do nothing’.

1.2 Best trade union practice

1.2.1 New approaches to old functions:

Petr Bizyukov

Conservative trade unions in Russia have traditionally been reproached for their distributive practices, which were considered to be a continuation of the traditional activity in which the Soviet trade unions were engaged and as a conservative alternative to protective, trade-union activity. But this kind of activity is demanded not only on the part of ‘old’ trade-union leaders, but also on the part of workers. And many alternative trade unions, which have won authority in collectives on account of their trade union practices (strikes, negotiations, collective agreement campaigns, etc.), soon find that they are compelled to get involved in similar things as their members demand if not full then partial restoration of distributive practices. This has further given the traditional trade unions a powerful argument to speak about distributive practices, as relevant and demanded by workers. Today it is possible to assert, that distributive practices of trade unions have not only been preserved, but to a certain extent have been transformed.

Traditional kinds of distributive activity and the organization of cultural and sports activities are still extensive and are in demand. These are traditional kinds of distributive activity, but some changes in the sources of resources received are observed here. If earlier sports and cultural actions were carried out with money of the trade union committee (i. e. union dues) now trade unions very seldom carry out such actions completely at their own expense. They prefer to achieve the assignment of money from the administration for carrying out such actions. The fact of assignment becomes a subject of negotiations – either the administration will pay all the costs, or the trade union committee

will allocate a part of the money from its dues, and financing of the activity will be joint.

An interesting transformation connected with the allocation of material assistance was found in one of organization. There allocation of material assistance was transformed into intra-organizational consumer credit on a revolving basis. Interest-free loans are allocated for a wide range of purposes – from payment for medicines to the purchase of furniture.

Thus, one can note that the trade unions using distributive practice pass from direct distribution of goods and other benefits in non-monetary form to more modern, monetary forms. First of all, it is necessary to mention various forms of monetary help to members of the trade union.

One can note one more form of trade-union activity which can be related to distributive practices. This involves the participation of trade-union leaders at the lowest level (chairmen of trade-union bureaux) in the distribution of a part of earnings. Chairmen of trade-union bureaux without fail sign the report of distribution of the KTU [Coefficient of Labour Participation] or premia which is one of the sources of additional earnings.

As a whole it is possible to comment on the situation with distributive practices as follows. The return of trade unions to them in many respects is a result of the fact that trade unions do not have sufficient power resources – strikes are effectively forbidden, opportunities for conducting official negotiations are radically limited, opportunities for the trade union are reduced to the conclusion of a collective agreement. In such conditions the trade unions appear to be deprived of any real levers of pressure on the employer. It means that in questions of wages, working conditions, working time, etc. trade unions cannot put forward their position and struggle for it. In the face of such restrictions the only thing that remains for the trade union to do is to engage in informal negotiations with the employer and get agreement from the employer not to the demands but to the requests of the trade union. Trade unions carry out their traditional tasks by looking for non-assertive methods of influence on the employer. The effectiveness

of such a strategy can be increased through the creation and maintenance of various forms of trade-union activity – the traditional competitions, the traditional meetings, traditionally working commissions, etc. And even the collective agreement reverts to its traditional form – it contains no significant items, but all the same it is drawn up, discussed, adopted at a conference of the labour collective. It is possible to estimate such a situation differently. It is possible to speak about the preservation of the organization during difficult times, when the fact of preservation of any trade-union structure (the commissions, the trade-union bureau) testifies that the organization is alive and in that case can become more active. Especially, if through the ramified and diverse distributive activity workers receive appreciable, in comparison with wages, additions as monetary or non-monetary benefits.

One can also look at the alternative trade unions from the perspective of the effectiveness of distributive practices. It is obvious that these trade unions are pushed aside from distributive practices. Experience of studying other alternative trade unions shows that they can operate quite effectively in the distribution of the traditional benefits in the enterprise. But, in conditions of competition with the traditional trade union, the alternative unions are not admitted to distributive practices by the employer – the main holder of resources. Traditional trade unions pay the employer for this through their loyalty, and alternative unions, in conditions of the weakening of the possibilities of trade unions in general, and small ones in particular, cannot affect the situation in any way. Workers, i. e. rank-and-file members of the trade union, face a choice: either to operate solidarily, relying on the rights given by the law and opportunities (which means that they will face pressure and even revenge on the part of the employer for attempts to resist to him) or to take what the employer is ready to give, and to try ‘to squeeze out’ as much as possible from him. Certainly, that workers prefer the second variant because the first hardly ever provides even partial success, but almost guarantees trouble with the bosses. The second variant looks more positive –

it is possible to receive something, and loyal or passive behaviour avoids sanctions. Traditional trade unions actively use the established situation and show how they *'in conditions of antitrade-union legislation use their best efforts, for the improvement of the position of workers'*. Functionaries of traditional trade unions already openly declare, that 'conciliation' is the most effective strategy in today's conditions.

Thus, orientation to distributive practices have led to quite predictable results. While the distributive practice of traditional trade unions competed with protective practices, they could be considered as two different approaches to trade-union activity. But after protective activity of trade unions appeared 'outside the law', it became obvious, that distributive practice has no independent value, and trade unions which stake exclusively on them, are doomed to degradation.

1.2.2 The organization of new trade unions

Olga Vinokourova

The trade-union movement has not lost its relevance in modern Russia. This is proven by the fact that, despite the marked reduction in number of trade union members everywhere, new primary trade-union organizations are being created in all trade union associations. Experience of studying the creation of new primary trade-union organizations shows:

- Primary trade-union organizations are created at enterprises irrespective of their forms of property. Researchers have found examples of the creation of primary organisations, both at state and at private enterprises, as well as at enterprises with foreign capital.
- Trade-union primary organisations revive anew at 'old' enterprises, where primary trade-union organizations existed during Soviet times, but have broken up as a result of the carrying out of market reforms; they are created at newly created enterprises; and also new cells are formed where the primary organizations of other trade unions already operate.

- Primary organisations are created both with the assistance of the employer, for example, in the budgetary sphere, and against his total opposition.
- If a trade-union cell is created without the assistance of the employer the initiative for its creation comes ‘from below’.
- The push for the creation of primary organisations in this case, as a rule, is a labour conflict which has arisen at the enterprise. Thus the form of the labour conflict (individual or collective) does not influence the process of decision-making.
- How and how quickly the workers manage to resolve the conflict situation is a determining factor. If the workers involved in conflict with the administration are compelled to search independently for ways to resolve the situation that has arisen, they come to a decision to associate and create a trade union.
- At this moment, for workers in ‘conflictual’ enterprises, the reaction of the trade-union community to their actions is important. Trade union associations which provide support, stimulate workers to create primary organisations and, thus, receive a new actively working cell into their structure.
- Newly created primary trade-union organizations consider the main direction of their work to be the active protection of the labour rights of workers, either members of the trade union, or the whole enterprise regardless of trade union membership.
- Studying of cases shows that the characteristic feature of newly created trade-union organizations is that their members basically are ordinary workers of the enterprise. This marks a rather fundamental qualitative difference between newly created primary trade-union organizations and those that have remained at enterprises since Soviet times.

1.2.3 The organization of trade unions in the face of hostile employers

P. Bizyukov

Creation of primary trade-union organizations in the face of hostile employers generally happens, as already noted above, only on the initiative of workers of the enterprises. The conscious joining of a trade union by workers contributes to an active role of the organization in upholding the interests of workers. But a conscious active position of members of the trade union does not guarantee the organization protection against difficulties. For newly created trade-union organizations, especially those created on a wave of protest actions, there can be a problem of leadership. This problem is not so sharp, if the active position is inherent to all members of the trade union. But, as a rule, it is the leader or group which attracts sympathisers behind itself. The departure of the leader(s) can lead to the disintegration of the trade union or to its transformation into a usual 'dead' trade union.

A trade union created under an initiative 'from below' becomes a significant problem for the employer. Therefore all members of the trade union, and especially its leaders, can find themselves under constant pressure from the administration. Discrimination against workers on the grounds of trade-union membership is difficult to prove, therefore this is an effective mechanism of influence of the employer on members of the trade union. In this situation there is a problem of solidarity, readiness of the rank-and-file members of the trade union to rise in defence of their comrades. Organizations able to work in extreme conditions 'survive' in such conditions. A trade-union organization cannot be under constant stress. But to remain fighting, it must be well organized. As experience shows, in such organizations a technology of decision-making is produced. It allows the trade union committee 'not to get lost' in discussions and internal contradictions. Moreover, a 'fighting' trade-union organization develops its own channels of informing rank-and-file members of the trade union about the work carried out by the trade union committee. The trade union committee should not lose real

communications with the rank-and-file members. An indicator of the effective work of the trade union committee is the questions on which and the frequency with which rank-and-file members of the trade union appeal to it. Only an organization which is really cohesive and supported by workers from below is able to mobilize rank-and-file members in protest actions.

For protest actions, as well as all the work trade union committee, to be the most effective, trade-union leaders should be able to carry on competent dialogue with the employer. In this connection there is a problem of training trade-union activists. In conditions of 'antitrade-union' labour legislation it should consist, first of all, in the elimination of legal illiteracy and training in legal methods of upholding the rights of workers.

1.2.4 Representation of the interests of individual members

Olga Vinokourova

One more consequence of the weakening of the position of trade unions at enterprises and organizations is the expansion of the judicial resolution of labour cases. It is possible to identify different categories of cases connected with labour relations.

First, is the growth of individual suits which proceed with the help or support of trade-union lawyers. A feature of the Russian labour legislation is that the trade union cannot represent the interests of its members in court if their labour rights are violated. Therefore, not having the possibility of solving the problem by own efforts, trade unions began to develop a legal service for their members. The help of the trade union consists in helping the worker to issue and correctly submit his claim, advising him concerning what documents to collect, how to behave in court, how to appeal against a decision of court if it does not suit the worker and what to do if the decision is appealed by the employer. This activity has become so widespread that workers have even appeared who are willing to pay for the services of a lawyer able to provide effective help. One of the reasons for such behaviour has been the increase in wages of workers and the emergence of highly

paid categories who are not willing to accept the arbitrariness of employers in dismissal, change of conditions of hiring, etc.

Another category of court actions is connected to upholding the interests of groups of workers in connection with the reorganization, bankruptcy and closure of the enterprises. As a rule, such transformations of enterprises are carried out to solve problems of ownership, taxation, etc. Workers in such cases find themselves transferred to other enterprises without preservation of all the privileges, payments, etc. due to them. On bankruptcy and liquidation of the enterprise wage debts either are not recognized at all, or recognised as insignificant, to pay which there is not enough money obtained from the sale of the property of the bankrupt enterprise. In such cases trade unions organize very difficult work to submit masses of (up to several hundred) individual claims. The purpose of such mass claims is to protect the rights of workers in conditions when the procedure of a collective labour dispute is either impossible or complicated.

In recent years trade unions have initiated several cases, which are of great importance for development of the legal field in which the trade union operates. The issue is the struggle of trade unions against labour discrimination. The current situation is that there is nothing apart from general provisions forbidding discrimination fixed in the Constitution and the Labour code of the Russian Federation,. There is no legal instrument, making it possible to regard a concrete situation as a display of discrimination. In courts applications concerning labour discrimination are practically never considered, and as lawyers engaged in labour affairs say, are not even accepted for consideration.

The real state of affairs is that discrimination on many bases is already visible with the naked eye. As a result there is a vicious circle – discrimination develops and goes deep, but is not punished, as there is no necessary legal instrument, and so long as it does not exist, there are no also restrictions on the further development of discrimination. Trade unions, and, first of all alternative unions, have repeatedly tried to break out of this vicious circle and to create judicial precedents, on the basis of

which it would be possible to begin to struggle against discrimination. But at the moment it is almost impossible for anybody. Courts either refuse to consider such cases, or rule on them not in favour of the workers, or if it is possible to prove the fact of discrimination, it is challenged by the employer in higher courts which cancel decisions adopted earlier.

An exception is a case about discrimination on the basis of belonging to a trade-union organization in Kaliningrad commercial sea port. Till 2002 there were two trade-union organizations: the traditional trade union of workers of water transport and the alternative trade union of dockers. In 2002 the trade union of dockers, at the conclusion of the collective agreement for a new period, refused to sign the draft which contained a number of items worsening the previous agreement. The trade union organized a collective labour dispute and went on strike. After the beginning of the strike, the administration dismissed the whole trade union committee and began to threaten members of the trade union with dismissal if they did not stop the strike. Trade union committee adopted a position of principle and as a result all members of the trade union committee and the union members who supported them (about 80 people) were dismissed under various pretexts.

Those dismissed appealed to the court with a claim for recognition of their dismissal as illegal and recognition of such dismissal as discrimination on the basis of belonging to the trade-union organization. After that for them a long period of judicial suits began, when court sessions were postponed, transferred and appealed to higher instances. Various pressures were put on members of the trade union and, finally, only 16 people were left demanding restoration. The others either withdrew their applications or were restored to work, but on an ordinary basis instead of as members of the trade union, or found work outside the port. The case ended up in the Supreme court of the Russian Federation, where it was rejected, after which the remaining members of the trade union appealed to the Strasbourg court of Human Rights, which accepted the case for consideration in 2005. The fact of acceptance of a case for consideration means that from

the point of view of international law the applicants have not received a fair hearing in their country, i. e. actually this is recognition of the fact of discrimination in labour relations. Only on the basis of the fact of acceptance of the case for consideration the 16 people who had insisted on restoration have been accepted again for work, but recently the situation has changed radically. The new Labour code, changing the legal status of trade unions at the enterprise, has taken effect, there was a reorganization in the port and many members of the trade union were disappointed or have left. It was not possible to revive the trade-union organization.

However, despite the defeat this case also had other consequences. The fact of acceptance of the case for consideration by the Strasbourg court already allows one now to say that there is such a phenomenon as discrimination on the basis of belonging to a trade union in the country, so it is possible, referring to this fact, to submit claims of discrimination, and at least, to achieve their acceptance.

1.2.5 Support on the part of higher trade-union bodies

Irina Kozina

Investigation of the practice of creation of new primary trade-union organizations has shown that the process of workers deciding to create a trade union cell at the enterprise is definitely influenced by the reaction of various trade-union structures to the event. Any trade-union association is interested not only in preservation of its membership base, but also in its supplementation through the creation of new trade-union organizations. Therefore, as a rule, the staff of higher trade-union bodies do not disregard appeals for help from workers at enterprises. Experience shows, that an initiative group of workers at the enterprise appeals for help on a concrete question at issue. But, it is necessary to note, that as the authority of the trade-union movement in the working environment is low, the idea of workers to appeal to branch trade unions for help is, more often, prompted by someone. In this connection it would be useful for the staff of

branch trade-union bodies not to wait for people to appeal to them for help, but to monitor the mood of labour collectives at 'conflictual' problem enterprises. That it is possible is shown by the experience of the work of some of the trade-union associations investigated. Rendering concrete help to labour collectives, for example, in carrying out collective agreement campaigns at the enterprise, or to particular workers, protecting his interests in court, higher trade-union structures stimulate workers to create a trade-union organization. Otherwise (not helping in a dispute situation or rendering less help than expected), as practice shows, the trade union, most likely, will be created without the help of the higher trade union body, but will be completely different.

A newly created trade-union organization continues to require support on the part of higher trade-union bodies as its leaders still do not have necessary experience of the work, skills of negotiating with the employer, legal knowledge and, as a rule, there are no means for the organization of training of trade-union active workers. Higher trade-union structures have the resources to organize training of trade-union activists and to provide various kinds of specialists to give advice. It is important that the help is given in good time and in the necessary volume. The experience of new primary trade-union organizations investigated shows that the effectiveness of their work is considerably increased if the chairman of the trade union committee has an opportunity to receive advice from specialists through mobile telephone. And properly organized trade union training (studying of real work experience of successful trade-union organizations, graphic demonstration of the opportunities for the trade union to influence the production process) can become a powerful push for radical restructuring of an already existing trade-union organization.

1.2.6 The organization of trade unions in foreign companies

Petr Bizyukov and Irina Kozina

New trade-union practice in foreign companies is connected with two basic moments: first, the organization of trade unions at

newly created enterprises, second, solidarisation of trade unions and establishment of relations with foreign trade unions and international trade-union organizations.

The primary trade-union organizations, as a rule, arise under the initiative from below with the support of the corresponding regional branch organizations. This was how the primary organizations at the factories of Ford, Caterpillar etc. were created. Sometimes this is accompanied by open opposition to trade-union activity (for example - the company McDonald's). But the management of foreign companies more often perceive this event negatively, but do not interfere actively, especially if the primary organization created further operates in the vein of traditional Russian trade-union practices.

At the same time, trade unions at enterprises with a foreign owner are more often active in upholding the labour rights of workers, including by the organization of protest actions. This is promoted by the following circumstances: first, as organisations created 'from below', on the initiative of workers, they are less bureaucratized and also have real support on the part of the workers. Second, the western companies are more inclined to observe the legislation and corporate ethics that provides the workers with a real opportunity successfully to assert their rights. And, finally, support from international trade-union organizations has fundamental value. For example, the organization TIE (Transnational Information Exchange) acted as the initiator of the first contacts of Fordworkers from Vsevolzhsk with trade unions from Ford enterprises in North and South America. The international union of workers of the food, tobacco, public catering and allied industries (IUF) supports the organization of trade unions and protection of the social and labour rights of the personnel of Russian enterprises McDonald's, the Metro, etc.

In relation to international corporations, the majority of trade unions of foreign countries take considerably more radical positions, than on other questions. The international trade-union associations recognize that it is possible to resist the globalization of capital only by organizing workers' solidarity on a global scale.

The problem of low payment at Ford factories in Russia becomes quite obvious to an even greater degree as a problem for the workers of western countries who lose their jobs when they are transferred to those countries where labour is cheap. Therefore support of the Russian trade unions on the part of the international organizations is absolutely not humanitarian help, but a rational form of protection of the interests of their members.

Consciousness of the need for solidarity actions grows from the practice of daily trade-union work with other organizations. The experience of the trade-union organization of Ford reflects these practices. From the moment of the reorganization of the Ford trade union, it became the centre of gravity for those groups of workers who were trying to create independent primary organisations at their enterprises. One can observe tendencies to the association of trade unions of foreign companies for the transfer of experience and solidarity actions. In Saint Petersburg, for example, 84 enterprises with foreign capital were united in the Association, in 30 of which there are already trade-union organizations, and the number of trade union members grows.

1.2.7 New trade-union practices

In conditions of restrictions on full-fledged protective activity, some trade unions have been compelled to begin to search for new directions of activity. This concerns, above all, the alternative trade unions. Over the last year the positions of the alternative trade unions have been strongly shaken. They not only cannot develop, but more and more of them are being forced out even from those enterprises and organizations where they have taken root for a long time and have won authority. They are actually forced out of the enterprises, so they have to search for new forms of activity. Furthermore, former members of the trade union, even those who have transferred to another trade union under pressure from management, strange as it may seem, continue not only to keep in touch, but even to cooperate with their former trade union. Leaders of alternative trade unions repeatedly emphasize that they understand the members who leave them under pressure. In fact

for workers the price of keeping faith in their trade union can be a complete loss of work, and in many cases those leaving are not considered traitors, but they philosophically regret: *'well, times are such, we cannot guarantee the members protection!'*

Cooperation of the trade union with members outside the enterprises arose after an impetuous rise in prices began to hit the housing-and-municipal sector. The new pulse of trade-union activity in the sphere of housing and communal services has been caused by a change of housing legislation in Russia. The adoption of the new Housing code of the Russian Federation (ZhK) means rather serious changes in the procedures of management of housing.¹ Originally the activity of trade unions in the sphere of housing and communal services came down only to the struggle against excessive tariffs for municipal services. But after the introduction of the new ZhK it became clear that it is necessary to struggle not with tariffs, but for the form of management of housing. And here there is no unequivocal decision. Originally the trade union² supported creation of a TSZh as the most self-managed form and saw in it some kind of trade union of tenants. However the calculations carried out showed that this form may not always be effective, because much of the expenditure for the running of the building depends on the degree of deterioration of the house and services. If the house and services are not so old, it is meaningful to create a 'trade union of tenants', that is, a TSZh. But if the house is old, expenses for its repair and operation will be very great and in this case it is favourable for tenants to conclude a contract with a managing company (UK) which can accumulate

¹ The main change stipulated by the ZhK is transition to three forms of management of apartment houses: through a managing company (UK), an association of house owners (TSZh) and independent management.

² In this case the question is, first of all, the experience of the Siberian regional trade union centre (SRP) (Berdsk and Novosibirsk). But something similar is observed among the alternative trade unions of Voronezh and Kaliningrad city and oblast'. In particular, in Kaliningrad, the regional trade-union organization began to coordinate 'the Union of labour brigades', an effort of the local active workers creating an independent TSZh and even held a joint seminar with Novosibirsk colleagues on this topic in July, 2006.

the big resources sufficient for carrying out the repairs. But in dialogue with the UK, efforts to check the quotations which are offered by the company are necessary, and here again the experience of struggle for fair tariffs which the trade union has gathered in recent years is needed.

This direction of activity has been called *activity of trade unions for the 'preservation of the purse' of workers*, arisen as an addition to the traditional strategy of trade unions of 'filling the purse'. From two years of observation of this activity it is possible to note that it is developing. First, this activity began to develop in other regions too. The idea of an association of citizens for the protection of their rights in the municipal sphere is more and more often referred to as a 'trade union of tenants'. The initiative of the association of tenants proceeds from different groups – simply from active citizens, from members of housing co-operatives and former MZhK who have experience of municipal self-management. And, as experience of interaction of some trade unions with such organizations shows, cooperation appears rather successful.

Second, trade unions where this activity has developed, have become sponsors of the creation of independent organizations of citizens for housing management. In Novosibirsk now SRP has created a uniform advisory center whose services are already used by newly created TSZh, UK, suppliers of municipal services and remaining ZhSK. Something similar occurs in Kaliningrad. Thus, to a certain extent the forecast that trade unions will cover various spheres of civil protection of the population is justified. Many trade unions, even traditional ones, are actively engaged in legal protection activity, now it is possible to say, that one more direction of protective activity of trade unions – protection of the rights of citizens and workers in the housing-and-municipal sphere has emerged.

1.2.8 Reorganization of interaction of trade unions and administrations of trans-national companies

Irina Kozina

At the present moment more than 400 transnational companies operate about 1300 enterprises in the CIS countries. As a rule they are characterized by vertically integrated holding companies where, especially with the arrival of foreign owners, international standards of corporate management actively take root, which is accompanied by rigid centralization and standardization of all business processes. This is inevitably reflected in labour relations and trade-union participation. For the primary trade-union organizations there is an obvious narrowing of their activity as real dialogue can only be conducted at the level of the managing company on which depends the level of pay, structure of the social package and also other aspects of the regulation of labour relations. Accordingly, the problem of the mutual relations of the trade union bodies with the owner of the enterprise becomes increasingly urgent. The difficulty is that real interaction of the trade unions with the owner, and social-partner relations with him are complicated – the legislation focuses trade unions on mutual relations with representatives of the employer at the level of the enterprise, who are objectively limited in their competence. One way of resolving this is an association (establishment of direct communications) between trade unions of different enterprises of the transnational company, for example, in the form of Coordination Councils. Such Councils have been created by trade unions of workers of companies such as Gallagher, Eurocement, TNK-BP and so forth. In TNK-BP, as a matter of fact, this has created a platform for negotiations with the managing Company. The structures and mechanisms providing interaction of representatives of the employer of different levels with representatives of workers, are: Corporate Coordination Council and regional Coordination Councils which include trade union representatives. Coordination Councils meet once a quarter, where they discuss various questions connected with social policy and personnel management. The creation of such platforms for dialogue has had a significant influence on the position of the trade-union organizations. First of all, trade unions have found their own channel of dialogue with the management of the

company (instead of indirectly, through heads of the enterprises). Second, they have got access to information on changes being prepared in the Companies and an opportunity to be included in reforms being carried out. Finally, to a certain extent the problem of deficiency of dialogue and information interchange between trade-union leaders of enterprises in different regions has been resolved.

1.2.9 The organization of effective protest actions

Petr Bizyukov

After 1997-98, which marked the peak of the miners' actions, the working-class movement in Russia went into recession, few splashes of protest activity occur, but these are contrary to the general tendency. Over the last few years it is possible to name only a few cases when trade unions have tried to represent the interests of hired workers by the organization of protest actions, and even less often have they managed to achieve any appreciable results. In the summer of 2003 the Federation of Trade Unions of Air Traffic Controllers (FPAD) organized a strike with the demand for an increase in wages which covered the whole Volga region and Northwest Federal District. In the autumn of 2005 workers of the Ford car assembly enterprise organized a warning strike, also demanding an increase in pay. Workers of AVTOVAZ, capital object Don-Stroi, and the Coca-Cola factory in St Petersburg acted with the same demand. In 2006 the number of workers' actions began to increase - Rosstat reported 1200 participants in strikes for the first 9 months, against 500 for January - September 2005. In 2006 the main focus of protest actions was Khanti-Mansiiskii okrug, which produces almost 60 % of all Russian oil. In the autumn of 2006 authorized protest meetings took place in almost all the cities in the okrug basically involving workers of the three largest oil companies Slavneft, Surgutneftegaz, TNK-BP: oil workers, gas workers and transport workers. The modern protest movement is organized in a trade-union framework and has a number of features:

First, discontent is expressed more often by employees of the richest industries, namely, enterprises of the fuel and energy complex where the salary exceeds the national average by more than 3 times. The principal cause of the actions of oil workers is clear – low pay while the price of oil reaches a historical maximum.

The main role in the organization of protest actions is played not by the national trade-union organizations, but by the trade unions working at the level of the separate enterprises. Absence of the necessary support on the part of the large trade-union centers meant that activists in the protest movement left for alternative associations. The success of protest actions does not depend on the organization belonging to a particular association (in the case of the oil workers the local trade-union organizations from both FNPR and the alternative trade unions acted as a united front).

Protest actions, as a rule, are supported by the population – the demands of oil workers for an increase in pay addressed to the administration of the enterprises, poured out into city protest actions. The basic groups of the population which have supported the protest actions are pensioners and representatives of the specific group of workers which has appeared as a result of the exclusion of the supply of services from the structure of the oil companies that has radically reduced the level of social security of workers of these enterprises.

Protest actions look ‘pretty moderate’. The difficulty of organizing a strike forces the workers to look for other forms of expression of protest. One example of this is the ‘work to rule’ at Ford and pickets and meetings of oil workers. Organizers of protest actions are ready to compromise. The Ford workers agreed to a pay increase of 15% (having demanded 30%) and an obligation to pay the thirteenth salary, employees of the St Petersburg Heineken brewery agreed to a one-third pay increase against the 50% demanded, at workers Surgutneftegaz to an increase of the tariff rate up to 45% and increase in the social budget etc.

The basic condition of the organization of protest actions is the existence of a real member organization supported by workers. The method of carrying out a 'work to rule' strike demands separate consideration – apart from a cohesive solidary organization to take up this form of counteraction to the employer, general training in safety precautions and technological discipline is necessary.

1.2.10 Political activity of trade unions at national and regional levels

At the FNPR Congress President V. Putin, in his speech, unequivocally expressed himself against the participation of trade unions in political strikes, recommending them to concentrate their attention on the direct problems of workers. However, despite his recommendations, in the second half of 2006 some events took place testifying to the political activism of the trade unions and the interests of various political forces in the trade unions.

The most significant event of the second half of 2006 was the statement of the speaker of the Council of the Federation and leader of the new proKremlin centre-left party, S. Mironov, that this party is beginning to cooperate with the trade unions and is ready to create the new federal trade-union organization. Then he mentioned some initiatives, connected with the reform of the minimum wage. In a counterbalance of the traditional party in power, which for a long time has concluded a strategic alliance with the FNPR leadership, and which is proposing a new law on changes in the minimum wage, the leader of 'Spravedlivaya Rossiya' has suggested to rejection of a minimum monthly wage and its replacement with a minimum hourly rate. The purpose of such rivalry, in which other parties also participate, is the aspiration to secure trade-union structures, including at local level, as a resource. Therefore politicians have shown that they are ready to cooperate not only with FNPR, but also with alternative trade unions, including with the regional organizations as at times they have more influence on people than the traditional bureaucratized trade unions.

Trade unions realize this interest and for now take a cautious-waiting attitude. The most authoritative and financially independent trade unions show an interest in dialogue literally with all parties which take an interest in labour issues. Through them they expect to get access to political influence and, maybe, to introduce some legislative initiatives.

Some regional trade unions, including alternative ones, have found successful forms of co-operation with left parties at regional elections, and there are even cases when parties have handed money to trade unions for them to develop regional branches on their foundation. The money received has allowed trade unions to finance their organizations which now combine party and trade-union activity.

However, so far neither parties nor trade unions, either at federal or at regional level, have managed to achieve any appreciable results.

1.3 Recommendations:

From this follow possible ways of improving their work on the basis of an orientation to the 'firm' model of the trade-union movement:

- Precise positioning of trade-union bodies as organizations asserting the interests only of their members.
- Adoption of serious measures to add to the staff of the apparatus qualified experts in the fields of the law, health and safety, mass-organizational actions, public relations, carrying out of social and economic investigation.
- Formation of a network of partner organizations or individual experts who on a systematic basis prepare analytical reviews, study particular painful points, develop an information base for decision-making and for the support of labour disputes in their different forms.
- Steps towards the formation of confederative relations between different trade unions. Such associations can be built on the basis of deep compromises: refusal to struggle with each other, preservation of the right of each trade

union to make every possible effort to carry out its own line. Such confederations at different levels make it possible for trade-union bodies actively to use every strategy – from the extremely opportunistic up to the extremely radical. Simply different bodies specialize on different niches, different forms, different sectors of the membership base.

Other recommendations

- Activization of the participation of trade-union bodies in actions directed at the democratization of public life at federal and regional levels;
- Activization of participation in coalitions with political forces which support democracy and are for the expansion of the social rights of the working population.
- Trade-union bodies should participate in the creation of information events which would force journalists to recollect their existence. Plenums and decisions of trade-union committees do not belong to the category of such events. The isolation of the apparatus inevitably generates information isolation.
- Trade-union committees should take steps to ensure the professional organization of work on public relations, first of all with the mass-media.
- Trade-union committees should develop an independent system of informing the population about their activity.
- Activity of trade-union bodies will arouse the interest of the population only if it is connected with their vital interests and is presented in a form which attracts their attention.
- Studying the practice of the creation of new primary trade-union organizations has shown that labour conflict arising at an enterprise where there is no trade-union organization, can become the push for the association of workers in a trade union. In this situation it is useful for the staff of branch trade-union bodies to trace the mood of labour collectives at ‘conflictual’ problem enterprises, and

themselves to initiate appeals of the labour collective to the branch trade union for help.

- an organization which is really cohesive and supported by workers from below is able to mobilize rank-and-file members on protest actions. For this purpose it should be well organized;
 - a form of decision-making which can provide a prompt reaction of the trade union committee to the actions of the employer should be produced;
 - the trade union committee should develop its own channels of informing rank-and-file members of the trade union about its work, independent of the employer;
 - the trade union committee should have real communication with the rank-and-file members.
 - An indicator of the effective work of the trade union committee is the type of questions and frequency with which rank-and-file members of the trade union appeal to it.
- Rendering all-round aid and support to primary trade-union organizations, higher trade-union bodies can keep and support the fighting spirit of primary organisations. The fruitful influence of trade-union training on the activity of leaders of primary trade union organisations is marked. But, nevertheless, this must be relevant training, based on studying the real experience of work of successful trade-union organizations and striking demonstrations of opportunities for the trade union to influence production at the enterprise.
 - The overall performance of trade union committees is considerably increased, if members of the trade union committee have an opportunity to receive advice from specialists through mobile communications.

- Correctly organized trade union training is able to become a powerful push for radical restructuring of the work of already existing trade-union organizations.
- Trade unions can find and develop new strategies of work in the sphere of the civil protection of the population. For example, already there is real activity of trade unions to 'preserve the purse' of workers (housing and communal services).
- In transnational companies the primary trade-union organizations should find opportunities for association (establishment of direct communications) between trade unions in different enterprises of the company to establish real interaction of the trade unions with the owners, for example, in the form of Coordination Councils.

2 The contemporary independent trade-union movement of Belarus: a ray of light and hopes in a land of Nod

(Y. Alekseichenko, I. But-Gusaim)

'To the madness of the brave we sing our song!'

M. Gorky

A set of sociohistorical and religious-cultural factors, closely connected with the geographical and climatic environment of ethnic formation and development, has led to the creation of some common features of the national mentality of the Eastern Slav peoples, attached to their representatives (Russian, Ukrainians and Belorussians) perhaps even at the genetic level. Some of these rather inconsistent features of national character (on the one hand – passivity, long-suffering, and on the other – impulsiveness, a propensity to irrational acts dictated by emotional bursts) are significantly constrained in modern Eastern Slavic countries by the establishment of civil society as a whole, and by the development of one of its integral attributes – the independent trade-union movement – in particular.

Nevertheless, this development proceeds, in Belarus too, despite the particular phenomenon which has been generated here in the last ten and more years of a tacit public agreement between a ruling clique and the majority of the population of the country. According to this unwritten public contract people voluntarily remove from themselves a significant part of their responsibility for their own destiny and delegate it, together with huge imperious powers, to the Supreme Governor, operating in the spirit of centuries-old slavic stereotypes, which became even stronger in the Belarusan public consciousness in the years of Soviet power, – ‘what do I need most?’, ‘the boss knows better’, ‘the barin [lord] will come – he will understand’, etc.

Experience shows that the Belarusan ‘barin’ first of all comes to understand that a minority of the population (amounting

to not less than one million people in absolute numbers) does not wish to join the general passive-obedient system and shows its civil activism and independence. Participating in the political life of the country with positions distinct from the ideas developed in the presidential administration, creating and strengthening, in defiance of everything, independent trade-union structures and other institutions of civil society, they in practice approach the formation in Belarus of such sociopolitical arrangements, such a level and quality of life which will correspond to its geopolitical status at the center of Europe.

To avoid such a 'fine so far' approach condemning the Belarus trade unions to 40 more 'antiquated' years it is necessary for them calmly and weightily to analyse their accumulated experience of work, to decide what from their inheritance it is necessary to reject and what to take with itself in the future. It is necessary for trade-union leaders to understand what trade-union practices should serve as beacons and reference points on their hard way to civilized social-labour relations, and also, what threats and dangers can trap the trade-union organizations on this route, to formulate a list of effective ways of preventing and overcoming them. The present research is precisely aiming to help them with this hard business.

2.1 The trade union situation in Belarus

According to official statistics the average number of the workers employed in the economy of Belarus at the end of 2005 was 4,3 million people. The overwhelming majority of those working are members of trade unions.

Within the last 5 years workers in Belarus have been compulsorily and in mass order (more than 90 % of those employed in the national economy) transferred to the contract form of hiring – short-term labour contracts (concluded, as a rule, for the period of one year). The basis for such transfers is Decree № 29 of the President of Belarus of 26. 07. 1999 'On additional measures for the perfection of labour relations, strengthening of labour and executive discipline'. The Belarus model of the

contract form of hiring has reflected negatively on the legal status of workers in Belarus and has made them completely dependent on the employer and authorities, and, accordingly, has imposed a certain imprint on the activity of trade unions in Belarus.

Now in Belarus there are two trade-union centers: the Federation of Trade Unions of Belarus (FPB) and the Belarus Congress of Democratic Trade Unions (BKDP). Apart from this, the alternative trade-union movement of Belarus is represented by the Belarus Trade Union of Radio-Electronic Industry Workers (REP), which left from the FPB structure several years ago.

The majority of workers of state enterprises and establishments are members of FPB (about 4 million members).

After the presidential elections of 2001, at which the main opponent of the president of Belarus, Alexander Lukashenko, was Vladimir Goncharik, at that time heading FPB, open struggle of the ruling regime against the largest and most organized social (professional) organization in the country began. Operating on the basis of decrees of the presidential administration, officials of various state structures adopted a large-scale approach with the aim of destroying even the slightest displays of independence of the trade unions which were included in FPB, to build them into the state system of total control and submission, and then completely to liquidate the small free and independent trade unions.

The process of nationalization of FPB passed through several stages in Belarus in 2002-2005. In the beginning an attempt was undertaken to disorganize FPB and to create separate from it 'yellow' or 'management' trade unions under state control. Then tough action began, aiming to ensure that FPB and the trade unions included in it should be headed by proteges of the authorities. Finally, on July, 16, 2002 the former deputy head of the administration of the president, L. Kozik, was elected chairman of FPB, marking the end of the full submission of the largest trade-union structure to the state according to the example of how it was in the days of the USSR.

From that moment the Federation has been built in to the state system of power and has turned from a public organization in to *'the ministry for work with workers'* (from interview with chairman of BKDP). The organization was allowed to change its name from 'Belarusan Federation of trade unions' to 'Federation of trade unions of Belarus'. This fact is extremely indicative: under Belarus law the official name of the country can be applied only in names of state structures. Thus, FPB became a state institution both as a matter of fact, and in name.

These changes have led to a situation in which 'the Belarus Congress of democratic trade unions' (BKDP) became the only trade-union center in the country, corresponding to international criteria of the independent trade-union movement. The independent trade union centre comprises three fully fledged working subjects, which have republican status – the Belarusan Independent Trade Union (BNP), the Belarusan Free Trade Union (SPB) and the Free Trade Union of Metal-workers, a fourth subject – the Democratic Trade Union of Transport Workers (DPT) exists at the moment only *de jure*. The total membership of BKDP unions today is about 9 thousand.

A strategic partner of BKDP is the Belarus Trade Union of Workers of the Radio-Electronics Industry (REP), with about 1500 members. The overall aim of BKDP and REP is to keep the independent trade-union movement as a part of the civil society of the country.

After the president of Belarus, A. Lukashenko, defined FPB as one of three 'leading supports' (alongside 'strong Councils and a powerful youth organization') on which he will build civil society in Belarus, the pressure upon the independent trade-union movement was amplified even more.

Infringements of the rights of the organizations of independent trade unions, which had been noted in Belarus from the middle of the 1990s, began to have a regular character.

In June, 2000 the Belarus trade union of workers of the agro-industrial complex, the trade union of workers of automobile and agricultural mechanical engineering (ASM), the Trade union

of workers of the radio-electronics industry (REP) and the Belarus congress of democratic trade unions (BKDP) made a complaint to the International Labour Organisation (ILO) about the Government of Belarus in connection with infringements of trade-union rights, and, first of all, non-observance of Convention № 87 on freedom of association and Convention № 98 on the right to conduct collective bargaining. The federation of trade unions of Belarus (FPB) joined this complaint in July, 2000. On the basis of the collective complaint of the Belarus trade unions to the ILO case № 2090 was started.

Over several years (2000 – 2003) Case № 2090 was discussed by the leading bodies of the ILO seven times. During 2000 – 2004 the complaint was constantly supplemented with new facts of infringements of the rights of trade unions in Belarus. These facts concerned the introduction of laws in practice forbidding the carrying out by trade unions of mass actions and the receipt of gratuitous foreign help (Decrees of the president №№ 8, 11, 24), and also interventions in the internal affairs of trade unions ASM and the REP, liquidation of the Belarus trade union of air traffic controllers (included in BKDP) arrests of trade-union leaders, the strongest pressure of the authorities on rank-and-file members of independent trade unions, refusals to register trade-union structures in conformity with the Decree of the president № 2 and other gross infringements.

Incessant rough infringements of the fundamental rights of the Belarus trade unions became the reason that the Administrative Council of the ILO in November, 2003 decided to establish a Commission of investigation of the facts of infringements of the rights of the Belarus trade unions³.

In April, 2004 this Commission worked in Belarus. The primary goal of the ILO mission in the country was to collect exhaustive information concerning the complaint about infringement of the rights of the Belarus trade unions, and also to

³ The creation of a Commission is the most serious and important procedure from all those stipulated by the ILO charter and is used only in exceptional cases.

give all interested persons an opportunity to express their views on the given in conditions of full safety and confidentiality. To receive the full and most objective information on the cases in point, the Commission met witnesses: not only representatives of the trade unions who had made the complaint to the ILO, but also with the high-ranking government officials.

As a result, all facts of the infringements of trade-union rights mentioned in the complaint in Belarus were found to be true, as was declared in the 200-page report made by the ILO Commission on returning to Geneva. 12 recommendations were given to the government of Belarus, 8 of which should be executed by June, 1, 2005.

However the recommendations were not executed by the government of Belarus in the stipulated time, which was the basis for the next inclusion of Belarus by the ILO Committee on Norms and Standards in a special paragraph at the ILO Conference in June, 2005, as a country where infringements of the rights of trade unions have a regular character. In addition to this, the Committee has decided to send a Control Mission of the Labour Bureau to Belarus.

Thus, the Belarus government set an original world record. For six years it has managed to get included in the special ILO paragraph under the procedure of paragraph № 26 on the assignment of a special investigation commission.

In parallel with the ILO, the question of infringement of the rights of trade unions in Belarus was considered by the structures of the European union. On August, 17, 2005 the decision of the European Commission on the beginning of a procedure of temporary suspension of trade preference for Belarus with the countries of the European Community was officially published. As a preliminary the European Commission initiated the carrying out in Belarus of six-monthly monitoring of infringements of the rights of trade unions and demanded the implementation of the 12 ILO recommendations. In case of the temporary exclusion of Belarus

from the (GSP), according to experts, the country will annually lose about 400 million Euros.⁴

During recent years the authorities of Belarus intentionally delayed the implementation of the ILO recommendations and continued to press the independent trade-union organizations. The Federation of Trade Unions of Belarus thus remained in favour with the government of the country which allocated it more and more new opportunities and powers.

At the beginning of 2005 his a message to the Belarus people and parliament, A. Lukashenko declared the necessity of the establishment of control of the trade unions over private business. This meant support by the president of Belarus of the idea of giving control functions to the official trade unions. At the end of 2004 the chairman of the Federation of trade unions of Belarus L. Kozik put forward the idea of total coverage of private enterprises by the official trade unions. According to the plans of the head of the federation, trade-union organizations should appear at enterprises of all patterns of ownership. Economic methods were proposed to struggle with 'deviationists' — introduction for them of a special levy for the benefit of the Federation of trade unions at the rate of 3 % of the wage fund. Apart from this, it was proposed that FPB should have the right to supervise the observance of labour legislation and to protect the rights of workers even if they do not belong to the trade union. Naturally, all this contradicts international agreements and the legislation of Belarus, which defines the exclusively voluntary character of formation of trade unions.

Nevertheless, on July, 19, 2005 president A. Lukashenko signed Decree № 327 'On additional measures for the protection of the labour, social and economic rights and interests of workers'. According to this document legal and technical labour inspectors

⁴ The General System of Preferences of the European Community authorized in 1971 is a system of customs privileges given to less developed countries on the part of advanced countries. Trading preferences, that is a 10 % reduction of customs duties, are given to those countries which observe human rights, including rights of trade unions.

of the Federation of trade unions of Belarus were given the right to carry out public control of the observance of labour legislation in organizations and at individual businesses irrespective of the presence of members of the trade union among workers of the subjects of inspection.

Some time after decision № 119 of the Ministry of Labour and Social Protection of Belarus made changes and additions to the Rules of state and public control over the due payment of wages. According to this document FPB has received the right 'to carry out public control over due payment of wages in organizations and at individual businesses (irrespective of the presence among workers of members of the trade union)'.

On August, 17, 2005 president A. Lukashenko issued Decree № 382 which has made changes and additions to Decree № 460 'On international technical help given to Belarus', signed in 2003. The new decree has complicated the activity of the institutions of civil society, including trade unions, in the country even more. The organization of seminars, conferences and other political debates is now considered as international technical help, and organizers should report on the organization and carrying out of such actions to the governmental Commission on International technical cooperation. Carrying out of such actions should also be registered in the Ministry of Finance, otherwise they will be considered illegal.

On September, 20, 2005, addressing the 5-th congress of FPB, Alexander Lukashenko dared to make a number of statements which have far-reaching consequences for the whole trade-union movement of the country.

So, making comments after the presentation of a report on ON Belarus'kalii and other enterprises of the concern Belneftkhim, on the recommendation that local administrations should charge rent to the trade unions, contrary to the law of the country 'On trade unions', A. Lukashenko declared in a categorical form that it will be charged for as long as there are two trade unions at these enterprises. After that, from the lips of the Belarus president came the order to B. Sivomu, at that time head of the concern

Belneftkhim,⁵ and also to the chairman of FPB L. Koziku to finish with the independent trade-union organizations in the branch.

A. Lukashenko has also noted, that he constantly monitors the activity of the trade unions. He has declared, that the structures and leaders of this most mass public organization attract his attention even more than opposition parties and their leaders, as the latter, as he said, are extremely weak and have no connection with workers. Trade unions are present at labour collectives and can really influence the mood of workers. The logical end of the statement of the head of state at the FPB congress was his statement, that in the following year, 2006, in Belarus both political parties, and free trade unions will be liquidated.

On September, 30, 2005 the Decree of the President № 503, due to which the Federation of Trade Unions of Belarus has received the exclusive right gratuitously to use premises in buildings in state ownership. BKDP organizations should rent premises from the employer on a commercial basis.

A short time after the 5-th FPB congress the Report of the orders of the president of Belarus appeared. This document № 27 from October, 17, 2005, among other things, ordered the Council of Ministers together with FPB to arrange for the universal introduction of the practice of the conclusion of one collective agreement in each organization and by June, 1, 2006 to report on the implementation of this instruction to the head of the state.

While the FPB congress heeded the 'recommendations' and orders of the president, the Belarus Congress of Democratic Trade Unions faced serious obstacles in the organization of its 6-th report-back and election congress since in Minsk they refused to rent the independent trade union centre premises for the session. BKDP several times was compelled to change the date of the congress and even considered holding it outside the country. However, on December, 4, 2005 the BKDP congress took place all the same.

⁵ The largest and most capable organizations of the Belarus Congress of Democratic Trade Unions are concentrated at the enterprises which are included in this concern.

In his report, the leader of BKDP Alexander Yaroshuk noted, that the reporting period had been one of the most difficult and contradictory in the twelve-year history of the organization. Despite serious pressure on the part of the authorities 'BKDP is not only alive and operates, but has also turned into a visible force of the trade-union movement recognized not only in the country, but also in the international trade-union movement'. Moreover, as A. Yaroshuk informed the Congress, BKDP today is unique among all public nongovernmental organizations of the country in living on its own budget, i. e. transferred membership dues. 'Only this fact, – the trade-union leader emphasized, – allows us to avoid many insinuations and speculations on the theme of 'a fifth column, agents of the CIA, the enemies of people who are relying on the support of their western owners'. Our employers are the ten thousand workers of Belarus united in the independent trade union centre'. Among other achievements of the independent trade-union structure marked in the report of A. Yaroshuk, the introduction of the trade union centre in December, 2003 into membership of the International Confederation of Free Trade Unions was especially emphasized. The Chairman of BKDP also recognized, that the leadership of the organization had not manage to solve one of its main tasks – to become a full subject of social partnership and to participate in signing the General agreement. With regard to this, A. Yaroshuk noted that the government completely ignored numerous attempts of BKDP to establish social dialogue in the country.

2006 brought new tests to the independent trade unions. From the beginning of the year the trade-union newspaper 'Solidarity', whose founder is the Belarus independent trade union ceased to appear, illegally deprived of opportunities to be printed in Belarus and to be distributed both on a subscription, and in retail. ⁶ At many enterprises pressure upon the independent trade-

⁶ This periodical the only one of the national newspapers which constantly raised questions of infringement of the rights of trade unions in Belarus and published in its pages the previously mentioned recommendations of the ILO Investigation Commission.

union organizations has amplified. The object of attack was the most numerous subject of BKDP – the Belarus Independent Trade Union (BNP). First of all to be pressured were the primary organizations working at the enterprises of a petrochemical complex. The administration of OAO Grodno Nitrogen launched a campaign to drive BNP members from the primary groups of the organization. During January 2006 about 300 members of the independent trade union left the organization under the pressure of the administration of OAO Grodno Nitrogen. Several times some chiefs of shops forced workers in a categorical form, under threat of cancellation of their contracts, to write applications on previously prepared printed forms to resign from the independent trade union.

Also representatives of the administration of OAO Polymir (Novopolotsk) put pressure on members of the primary organization of BNP. The chief of one of the shops of this enterprise, in the presence of the head of the primary organization of the official trade union, forced his subordinates to write a letter of resignation from BNP. Members of the independent trade union were threatened with cancellation of their contracts and transfer to the lowest category of professional skill.

Heads of these and some other enterprises, where infringement of the rights of independent trade unions was also identified, were not troubled by the fact that all this occurred on the eve and during stay in the country of the ILO Control mission, which had arrived in Belarus to find out how the ILO recommendations on the elimination of the infringements of the rights of trade unions were being carried out by the government. As a result the international mission had some hot facts of new infringements of the mentioned recommendations.

A natural result of the intolerance of the Belarus regime to independent trade unions was the arrest and imprisonment of active trade-union workers. Special scope for repression was achieved during the presidential election campaign in March, 2006. At once tens of active workers and members of the independent trade unions were put in prison torture chambers for

supporting candidates from democratic forces. Among the prisoners were the leaders of the Free trade union of metal-workers and the trade union of the radio-electronic industry V. Levchenkov and A. Buhvostov. The chairman of the primary organization of the Free trade union of Belarus V. Lazarenkov at the Brest state university (a teacher with 25-years experience of work in this university) not only served a seven-day term in prison, but also was illegally dismissed from work. The list of victims of political punishment for trade-union membership in Belarus continues to extend.

It is remarkable, that the FPB leader L. Kozik, after the end of the presidential elections, which the European Community and OSCE recognized as not corresponding to international democratic norms, was placed on the list of non-grata persons for whom entrance to the countries of the EU and the USA is forbidden. This list was generated from government officials who took the most active participation in the falsification of elections.

In the autumn of 2006 president A. Lukashenko coordinated the concept of the draft of a new Law 'On trade unions' and signed decree № 605 about the dissolution of the Republican commission on registration of public associations. The press-service of the president informed the public through the official mass-media that these documents 'radically simplify and debureaucratise the process of creation and activity of trade unions'. In particular, a new kind of trade union was created, without formation of a legal person, for which the existence of a legal address is not required. Thus, instead of the permissive principle of activity of trade unions a declarative method was announced. Leaders of the independent trade unions hoped that decisions of the authorities really would be progressive. However, when the concept coordinated by the president was promulgated, activists of BKDP and REP were disappointed – the previously declared intention was scarcely reflected in the submitted document.

Instead of this, the authorities have taken care to illegally deprive a lot of the independent trade-union organizations of office

premises. According to Belarus law this entails the loss of a legal address, and, as a consequence, the legitimacy of the activity of trade unions. So, the Free trade union of Belarus and the organization of the Free trade union of metal-workers at the enterprise Lyos (in Baran' Orshanskii district). BKDP has lost its office three times in the last few years.

During April - May, 2006 the administration of the Bobruisk tractor parts and assemblies factory tried to destroy the free trade union at the enterprise. As a result of blackmail and threats against members of the Free Trade Union of Belarus, the organization was reduced to 150 members. In the same place (in Bobruisk) at the enterprise Belshina in the autumn of 2006 as a token of protest against discrimination on the basis of membership of the independent trade union, ten active workers of the primary organization of the Belarus Independent Trade Union (BNP), and the vice-president of the primary organisation (a 54 year-old woman) declared a hunger-strike and did not eat for more than forty days. As a result the demands of the protesting members of the BNP primary organization were partially satisfied.

More than two dozen people were dismissed in 2006 for belonging to the REP trade union more than two hundred workers were forced to leave from the organization under threat of cancellation of contracts and dismissals.

Despite the harsh attitude to independent trade unions in Belarus in 2006, both BKDP, and REP saw a growth in membership. According to the chairman of REP, G. Fedynicha, membership of his organization increased by 12-15% during 2006. Despite a number of losses, the membership of BKDP also has not declined significantly.

The largest organization of the independent trade union centre – the Independent Trade Union of Miners (NPG) at the enterprise Belaruskalii in Soligorsk – still has about 4,5 thousand members. During the last one and a half - two years the membership of this organization has constantly grown. Only during 2006 membership of NPG (which in the same year celebrated its 15th anniversary), has increased by more than 500.

During the same period of time membership of the BNP primary organization at the Mozyrsk oil refinery has grown steadily (on average by 20-30 people a month).

In 2006 BKDP became one of the founders the new trade-union international —the International Trade Union Confederation (ITUC) formed at the beginning of November by the amalgamation of the International Confederation of Free Trade Unions and the World Confederation of Labour. The independent trade union centre of Belarus was allocated one seat on its governing body. In general, in 2006 BKDP carried out fruitful cooperation with the most varied international trade-union organizations and national trade union centres. So, for example, in January, 2007 in Minsk a declaration of cooperation of BKDP with the legendary Polish trade union ‘Solidarity’ was signed.

On December, 20, 2006 the European Community gave Belarus a final warning: by June, 2007 the country should carry out its international obligations concerning the observance of the rights of trade unions. If the government fails to do so, Belarus will lose the opportunity to export goods to the countries of EU at reduced tariffs. The government of Belarus received its first serious lesson about what conducts non-observance of the rights of trade unions in the country. There is still six months before the decision of the European Commission comes into force, and the Belarus government still has a final chance to correct the situation.

At the beginning of 2007 FPB distributed the Concept of the new law ‘On trade unions’, prepared by the government. According to the available information, the given bill should be developed by May, 2007. The Council of Ministers and the Legal center are responsible to the president of Belarus and FPB for its preparation. According to the plan of legislative activity, it is planned to submit the draft of the new Law ‘On trade unions’ for consideration by both chambers of parliament of Belarus in September, 2007.

Lawyers of the independent trade unions have analysed the Concept of the draft of the new law on trade unions, distributed by FPB, and came to the conclusion, that ‘the approaches and criteria

incorporated in it will fundamentally worsen the legal status of the organizations of the independent and alternative trade unions and will make their legal existence impossible'. Experts of BKDP and the REP have developed an alternative variant of the law 'On trade unions'. The idea of preparation of an alternative bill did not appear spontaneously. Three years ago the Ministry of Justice of Belarus took the initiative on the preparation of the new law 'bout trade unions' which, in the opinion of the independent trade unions, did not correspond to international norms. Then this initiative was suspended. But it was clear that the authorities are ready to return to it at any moment. Such a moment has come. And the independent trade unions could be prepared for it. Both BKDP and REP have already done the corresponding work on this document.

The independent trade unions assert that the Concept of the draft of the new law on trade unions conflicts with the recommendations of the ILO at whose implementation, according to the assurances of the government, it should be directed. So, in the Concept new requirements are established, practically impracticable for alternative trade unions, impeding their creation and activity. Whereas in the past 500 founders were required for the creation of a republican trade union, now this figure has increased to 8000. Such a requirement, in the opinion of the independent trade unions, is the roughest encroachment on freedom of association. The ILO committee on freedom of association has established the minimal membership requirements as 20 for a trade union and 30 for a branch trade union.

Independent trade unions are convinced, that the norms of representation incorporated in the Concept considerably limit the rights and guarantees of small trade unions. Moreover, the Concept also contains positions about obligatory registration, defines which of the trade unions must be created as legal persons, with a detailed enumeration of the documents required for registration, the requirement to confirm the legal address is retained and refusal of registration is provided for. The independent trade unions are sure, that 'all this contradicts the norms of ILO Conventions 87

and 98 according to which registration of trade unions should have a notifying character, and trade unions should have the right to operate without registration’.

BKDP and REP have asked the ILO to carry out an examination of the draft of the bill ‘On trade unions’ and the concept prepared by the government together with the FPB. Copies of these documents were sent to the Department of labour standards and the Committee on freedom of association of the ILO.

On January, 31, 2007 for the first time in the past 4 years BKDP took part in the work of the National Council on Labour and Social Questions as a full subject of this body. The BKDP leadership regards this as the first serious step taken by the government of Belarus to implement the ILO recommendations. BKDP leader A. Jaroshuk has presented members of the Council with an alternative bill ‘On trade unions’, prepared jointly by BKDP and REP. First of all, the head of the independent trade union centre raised the problem and introduced a number of proposals for improving the contract form of hiring in Belarus. Moreover, the head of BKDP drew attention to the facts of discrimination against the independent trade unions which still take place (in particular, concrete examples of pressure upon BKDP organizations and their members at Grodno Nitrogen, Lyos (Baran’), etc.). The increased emotions accompanied discussion about the deprivation of Belarus’s trade preferences with the countries of the European Community. A number of members of NSTSB tried to shift the blame for preparing sanctions onto the independent trade unions. In reply to which, a completely substantiated explanation was given, that the possibility of preventing the approaching trading crisis now entirely depends on the Belarus government, which should simply stop its war with the independent trade-union movement in the country.

In conclusion we note that, according to the data of the republican poll which was carried out by employees of the Belarus Independent Institute of Social, Economic and Political Research (NISEPI) of a representative sample of 3600 respondents in

December, 2006, the rating of trust of the population of the country in free and independent trade unions appeared a little bit higher than that in the Federation of Trade Unions of Belarus even among the category of apolitical respondents (see table 1), despite the fact that about 90 % of working Belarusians are in the ranks of FPB.

Table 1. Distribution of answers to question: ‘Do you trust the state and public institutions?’ (%)

Responses	All respondents	Supporters of the authorities	Opponents of the authorities	Apolitical
<i>Trade unions belonging to Belarus Trade Union Federation</i>				
Trust	36.1	45.9	24.1	29.4
Do not trust	39.8	34.9	65.0	35.1
Neither	24.1	19.2	10.9	35.5
<i>Free and independent trade unions</i>				
Trust	37.7	37.2	50.0	33.4
Do not trust	38.6	41.9	40.6	34.4
Neither	23.7	20.9	9.4	32.2

An indicative (though also indirect) parameter of these ratings is also the awareness of participants of the activity of the trade-union structures evaluated. Thus, while in 1998 55,9 % and 49,2 % of respondents accordingly found it difficult to answer a question about trust in FPB and independent trade unions, in 2006 the percentage with an undetermined attitude (including owing to absence of information about their activity) had decreased to 24,1 % (for FPB) and 23,7 % (for independent trade unions).

2.2 Best practice of independent trade-union organizations of Belarus

2.2.1 New approaches to old functions

The research carried out on the primary organizations of the independent trade-union movement of Belarus testifies, that alongside trade-union practices (i. e. strikes, negotiations, collective agreement campaigns) which distinguish the free trade unions from the ‘official’ trade unions included in the FPB, independent primary organisations are also involved in the traditional trade-union activity connected with the distribution of benefits, permits, carrying out of cultural - mass, sports actions, etc. , etc. Despite the ambivalent attitude of the leaders of the independent trade-union movement to such functions, they have to engage in this activity because in the consciousness of the majority of rank-and-file members of primary organisations this is inextricably related to trade-union work as such.

Taking into account the fact that at the majority of enterprises independent trade-union organizations are in fierce competition with ‘official’ trade-union structures, this factor, alongside others, has an appreciable influence on the transfer of members from one organization to the other. So to keep their membership, and not to differ in this sense from the official trade-union structures, the independent trade-union organizations are compelled to be involved in forms of distributive activity which have been traditional for trade unions since Soviet times. As a rule, independent trade unions try to carry them out using the resources of the employer (usually not less than 0,15 % of the wage fund is allocated monthly to the trade unions at the enterprises for these purposes). However, frequently the independent organizations are compelled to put their own funds into this activity in addition (i. e. part of the dues collected) as in most cases the employer gives priority in the distribution of this share of the wage fund to the ‘official’ trade unions. The real mechanism, with the help of which the independent trade unions tried until recently to secure a more fair distribution of ‘trade-union’ funds from the employer, was the

collective agreement which independent primary organisations concluded with the administration separately from the 'official' trade union. However, recently, this mechanism has been blocked, since, under the instruction of the president of the country, enterprises are required to conclude a uniform collective agreement. It is necessary to note that the majority of heads of primary organizations of the independent trade unions are convinced that distributive functions should give way to the struggle for real increases in the level of wages and improvement of working conditions in their activity, by analogy with world practice.

One more new approach to the traditional activity of health improvement of members of trade unions and their families is the organization of holidays (including, children's) abroad, which is carried out due to solidarity support of foreign partners of the Belarus Congress of Democratic Trade Unions (BKDP) and the independent trade union of the radio-electronics industry (REP). The expenses in these cases are covered by the accepting side, which is very significant, as many primary organizations of the independent trade unions do not possess sufficient financial resources to provide organization of rest at such a level for their members.

2.2.2 Creation of new primary trade-union organizations

As a result of constant pressure on the part of the authorities the task of preservation, and, whenever possible, increases in membership has a special urgency for the independent trade-union organizations of Belarus. There are some differences between the tactics of BKDP and REP on this question. The purpose of BKDP is to keep and strengthen the already existing trade-union organizations. In turn REP, basing itself on technologies and mechanisms fixed in the charter of the organization, attempts to create new, basically territorial, organizations involving workers from different branches and sectors of the economy of Belarus.

The research carried out has shown, that new trade-union organizations in the country have been created at enterprises with various organizational - legal status and in various branches. That is indicative in this respect, for example, that in recent years there has been some activity to form independent trade-union structures in private enterprise and small and medium businesses, whose activity has become extremely complicated because of constantly increasing administrative-fiscal intervention of the authorities. Frequently, new organizations of independent trade unions are created at enterprises where FPB structures already operate. The situation at an automobile factory in Minsk can serve as an example. There three primary organizations operate in parallel: FPB, a REP trade union and the Free trade union of metal-workers (SPM), the latter two having appeared at the enterprise not so long ago and both function without official registration.

According to our research, a principal cause of the formation of new organizations of independent trade unions is an immediate, fully recognised threat to the interests of members of the labour collective or open labour conflict which the 'official' trade union cannot resolve. The latter frequently takes a conciliatory position which strikes at the rights of workers and worsens their social and economic position. By virtue of this they are compelled to take the protection of their interests into their own hands and to create an alternative trade union.

A typical example of such a practice is the creation of the Minsk city organization of transport workers of the REP trade union. The trade union of drivers of private taxis of Minsk appeared as a reaction to discrimination against them through a decision of the Ministry of Transport and Communications of Belarus, which was coordinated with and approved by the trade union *Sadrushnasts'* (in translation from Belarusan – 'Commonwealth'), which is an FPB structure. It is remarkable, that in this case, more likely as an exception to the rule, a number of employers (owners of private taxi services) showed loyalty to the newly created independent trade union as they saw it as a real structure, able to protect them, including their economic interests.

2.2.3 The organization of trade unions in the face of a hostile employer

In Belarus reality, the creation of a new alternative trade-union organization in extreme conditions of the hostile attitude of the employer has become the norm in recent years. This is explained by the fact that the direct and indirect influence of the state on the management of enterprises is very great and compels the heads of organizations to carry out the policy officially proclaimed by the head of the state on the replacement of independent trade-union structures. In such a situation, in the organization of a new primary organisation, activists frequently have to act not so much against the concrete employer, as against the administrative arbitrariness of the authorities.

'In our conditions we do not struggle with the employer. The question is the completely concrete opposition from the authorities. The trade union should always be in opposition to authority, even in a democratic society. We in this sense are in exclusive conditions, which are not comparable to anything' (interview with BKDP chairman).

In such a situation the newly formed organization can only survive if it has an active and conscious membership, unity and agreement, full mutual understanding and trust between the 'private soldiers' and the 'commanders' of the trade-union division.

At war you have to be as at war and consequently it is not by chance, that at the head of practically every primary organization is a charismatic leader, frequently with an authoritarian type of personality (father - commander). The majority of questions connected to the organization and functioning of the trade union become concentrated on him. He tries to know everything and to influence all aspects of the activity of the organization that he heads. The other side of such a situation is frequently the suppression of the initiative of other members of the trade union which can threaten it with a serious organizational crisis in the long term (for example, in a situation when the trade-

union leader appears for any reason not to be able to perform the work).

The structures of independent trade-union movement functioning in the country help to avoid such problems by providing timely advice and support. Our research testifies, that new organizations arise and survive only if they receive various kinds of help and all-round assistance from higher trade-union bodies. Activists of organizations created under initiatives ‘from below’, as a rule, turn to them on their own initiative.

Successful mobilization of members in new trade-union structures is only possible, if the trade-union activists can organize (by means of higher trade-union bodies) a powerful information-propaganda campaign. Thus basically trade-union bulletins, propaganda literature, leaflets, consultation and personal meetings with potential members are used.

In face of a hostile attitude, the process of organization and registration of a new primary trade union organisation not only requires a lot of effort, but also time. The registration of the primary organization of the REP trade union with the local authorities in the city of Borisov can serve as an example. Active workers of the organization with the vigorous support of higher trade-union structures managed to achieve legal status for their trade union only at the fifth attempt after two years of struggle against officials of the local ‘mayoralty’.

2.2.4 Support on the part of higher trade-union bodies

In the independent trade-union movement, according to our research, a number of forms of organizational help and support are rendered on the part of higher bodies, to the primary organizations. And their efficiency has appreciably increased in recent years during which workers of the BKDP apparatus managed to establish effective international connections, to organize large-scale trade-union training, to diversify the forms of their information work, and also to create a legal service. Much has been achieved in this direction by the experts of the Republican Council of the REP trade union, where a highly professional team

of lawyers also works and a high quality of information exchange has been established.

In many respects, due to the wide circulation of information on the problems of the trade-union organizations, including primary organisations, by the well-prepared higher bodies, the independent trade-union movement of Belarus manages to keep afloat.

An example of successful trade-union training organized by higher bodies is the carrying out of so-called 'factory' seminars at particular enterprises with the participation not only of members of the independent primary organisation, but also all interested persons, irrespective of their trade-union membership. Moreover, the leading bodies of the independent trade-union movement use in their work such forms as the organization of regional and national seminars on pressing questions of trade-union life (strategic planning, gender aspects, recruiting, negotiating process, etc.).

In their organizational - administrative activity higher bodies of the Belarus independent trade unions always try to go towards initiatives from below. So, recently the BKDP apparatus, at the request of an initiative group of individual businessmen of Vitebsk, who had decided to create a trade union, held a seminar on problems of organizational construction. Individual businessmen from other regions of the country also took part in this seminar.

Higher bodies of the independent trade-union movement have developed and use various kinds of 'know-how', assisting them to survive in specific Belarus conditions. One of the examples of such methods is the creation of isolated trade-union groups which are affiliated to the leading structures of the trade unions. People who are included in such groups have all the rights and duties of members of the trade union, including paying dues. There is no limit on their size (three persons and more). They exist in such a status until they 'ripen' into a primary organization. The dues of such groups are paid to the trade-union structures to which they are affiliated.

At the same time, we did not find a single primary organization which, alongside gratitude to the higher trade-union structures, did not express a wish to strengthening and increase their size. The deterrent in this case, apart from other things, remains the problem of low financial discipline (irregular transfer of trade-union payments to higher structures), that, by the way, an activist of a primary organization admitted.

An important precondition of prospects of more effective support for primary organizations from higher bodies of the independent trade-union movement is the renewal of the participation of BKDP in social dialogue in the country through the National Council on Labour and Social Questions.

2.2.5 Representation of the interests of individual members

The independent trade-union organizations of Belarus actively use all legal means accessible to them for protection of the interests of individual members. At the level of the enterprises, this is, first of all, legal consultation for members of the trade union. Experience of the investigated organizations shows, that where legal aid is provided at a high level, the independent trade union has big authority, that to no small degree promotes the growth of its membership (see cases of the Independent Trade Union of Miners at Belarus'kalii and the Mozyrskii primary organization of the Belarus independent trade union). It is indicative, that at such enterprises the workers belonging to the 'official' trade unions, or who are not members of any trade union, in general turn to the lawyers of the independent trade unions. Moreover, there are many where cases when people come for the help 'from the street' to the legal service of independent primary groups.

The next tool for the protection of the interests of members in the arsenal of the independent trade unions of Belarus is the Commission on Labour Disputes (KTS), the right to create which is fixed by the Labour Code of Belarus. This tool is one of the most frequently used in practice for the resolution of individual

labour disputes (for example, see the case of the Independent trade union of miners at Belarus'kali).

It is necessary to make a reservation, that the independent trade unions at some enterprises have faced the unwillingness of the employer to include their representatives in the KTS. Similar actions of administrations of the enterprises are the examples of discrimination on the basis of belonging to an independent trade union. So, the management of Grodno Nitrogen not only blocks the question of signing an agreement on associating the primary organization of the Belarus independent trade union (BNP) to the collective agreement made at the enterprise, but also refuses to create a KTS which would include representatives of BNP.

Apart from this, the primary trade-union structures of BKDP and REP have accumulated considerable experience of successful representation of the interests of their members in various judicial cases. So, according to the chairman of REP: *'In 2006 we managed to seize from the employers more than 49 million roubles for the benefit of members of the trade union. In the regions we have given about 500 legal consultations for members of our organization and those who are not members. We have made about 120 statements of claim and complaints, and our lawyers have represented the interests of members of the organization in 89 cases. We have achieved the removal of illegal penalties from twelve people. These figures speak for themselves, and also specify that in the trade union the staff of REP the legal service works well and this costs a lot'.*

Nevertheless, there is still much that the independent trade unions could do to increase the overall performance of their legal services. If they manage to achieve this, the authority of the independent trade unions and trust in them of members of the labour collectives will undoubtedly increase.

2.2.6 The organization of trade unions in foreign companies

According to the Ministry of Statistics and Analysis of Belarus foreign-owned enterprises in Belarus, as of the beginning of 2006,

employed 1,3 % of the total employed population of the country (2,6% more worked at enterprises with a mixed pattern of ownership including foreign participation). By virtue of this objectively developed situation the problem of the organization of trade unions in foreign companies is not considered as a priority by leaders of the independent trade-union movement of Belarus.

At the same time, during research some attempts at the organization of trade-union structures in foreign enterprises have been revealed. None of them, unfortunately, has been crowned with success. The example of the attempt to create a primary organization of the Free trade union Belarus (SPB) at the enterprise 'Coca-cola Beverages Belarus' in this respect can be indicative. 'Coca-cola' is one of the few transnational corporations (TNK) which has not only been spared by the conditions of the Lukashenko regime, but has also added to his armoury. For example, at this enterprise temporary labour contracts are widely applied to permanent posts which creates an atmosphere of uncertainty and fear in the labour collective of the firm. Despite this, one of the SPB activists managed to create an initiative group of several people for the organization of a trade union there. The company found out about attempts of workers to organise themselves and reacted quickly. Having hastily fabricated the necessary documents, the administration dismissed the 'instigator'. The SPB activist was not reconciled to such an end of his career at 'Coca-cola'. With the help of the BKDP trade-union lawyer he appealed to the court. And the court made a decision in favour of the worker, having restored him to work with payment of average earnings during his compelled suspension and compensation of 500 thousand Belarus roubles for moral harm.

The REP independent trade union had a similar experience: *'we attempted to organize a trade-union in. Logoisk. There, from our repair shop, a firm was spun off which was leased by 'Volkswagen'. There is also one more foreign engineering enterprise in Zakharova Street in Minsk where we also tried to work. But these attempts have not yet been crowned success. Why? We do not have the experience of how to work with them under the*

regime of the Belarus dictatorship. We know how they work in other countries. But nobody can teach us how to do it here/' (chairman of REP trade union).

2.2.7 New trade-union practice

With reference to *Volkswagen* independent trade-union movement of Belarus, the creation of territorial primary organizations as in the structures of BKDP and REP can be considered new trade-union practice. Their purpose is to support supporters of the trade-union movement working at the various enterprises in one region, and not able by virtue of their small number and the hostile attitude of the authorities to create a fully fledged workplace organization. Membership of such organizations enables workers to build up experience and knowledge of trade-union construction, forms of propaganda activity and in the long term to initiate the creation of a primary organization at the enterprise.

One more new practice for the Belarus independent trade unions is monitoring of the observance of the rights of trade unions in the country. Such a function is unusual for trade unions but has been forced on them by the specificity of the current trade-union situation in Belarus. The mechanism of this monitoring is based on the identification of infringements of the rights of trade unions by the primary organizations and informing higher bodies of them. The latter, in turn, systematize the data received and send them to the corresponding international structures (ITUC, ILO, etc.).

Other new trade-union practices are the legal aid and consultation provided by the legal services of BKDP and REP for citizens (including not only trade union members) on questions not connected with labour legislation, for example, on problems concerning land, housing, family rights, etc.

2.2.8 The organization of effective protest actions

The existing Labour code (TK) of Belarus seriously limits the right of workers to strike. Very long conciliation procedures of at least two months are prescribed. A strike must begin within three months of an unsuccessful conciliation procedure. According to

the TK, the president of the country, in the interests of national safety, protection of social order, health or in case the strike threatens the rights and freedom of other persons, has the right to suspend the action for about three months or even to cancel it. Apart from this, the duration of the strike should be determined beforehand, and the minimum level of service should be provided for this period. Participants in the strike cannot receive financial help or grants from foreign organizations.

By virtue of these reasons protest actions of trade unions in the form of strikes have become practically impossible. Possibilities of carrying out of protest actions in other forms (picketing, street processions, meeting) have also have seriously worsened. For example, in June, 2005 BKDP was going to organize a protest action (picket) in Minsk against the infringement of the rights of trade unions in Belarus, expecting more than 100 members of the structures from different regions of the country to participate in it. The city authorities obliged the independent trade union centre to conclude contracts with seven administrative bodies of the city (policy, Ministry of Emergency Measures, public health service, 'first aid' service, etc.) to provide services during the action and to pay to them a sum amounting to the whole budgets of BKDP for several months (about 2000 dollars). As a result, the planned action had to be cancelled.

However in July, 2006 REP activists were able to carry out a picket in the capital, as a token of the protest against the refusal of the authorities to register the structures of the trade union. The picketing only became possible because the anticipated number of participants (specified in the official application) did not exceed 100 people. Originally REP intended to carry out protest actions simultaneously in all cities where there are problems with the registration of the structures of the organization – in Minsk, Mogilyov, Gomel, Grodno and in Borisov. But they only received permission to picket in capital, in all other cities under different pretexts the authorities refused permission to carry out the protest action.

Having been practically deprived of legal opportunities to express their disagreement with the actions of the employer, members of independent trade unions of Belarus are compelled to resort to extreme forms of protest behaviour.

Thus, a dramatic situation developed in the autumn of 2006 in Bobruisk at the enterprise Belshina where a BNP primary organization operates. Not so long ago at the enterprise the management was replaced, and a campaign to destroy the independent trade union began. They actually began 'to beat out' workers from the organization. Over a few months the BNP primary organisation was reduced threefold. The administration refused to apply the collective agreement to members of the independent trade union. The administration excluded members BNP (who had all worked at the enterprise for more than ten years) from the award of bonuses on the day of chemical workers, and also deprived them of appreciable holiday bonuses and additional payments for health-improvement, while workers who belonged to the 'official' trade union, received all these benefits. The Office of Public Prosecutor, where trade-union activists began to search for the truth, did not find any infringements in the actions of the employer. They appealed for the help to the head of the concern Belneftekhim, which owns Belshina, but the situation did not change. On September, 12 the trade union submitted the case to court. But there they refused to accept the case, referring to the claim that trade union membership was not confirmed. As a result, as a token of protest against discrimination against trade-union members in Bobruisk ten activists, and the vice-president of the primary organisation, Elena Zahozhaja (a 54-year-old woman) did not eat for more than forty days. However, even as a result of such a desperate action of activists of the independent trade union, their demands were only partially met.

2.2.9 Political activity of trade unions at national and/or regional levels

'They say that trade unions should not get involved in politics. But in fact it is politics that has involved itself in us, and, already for a

long time' (former chairman of Free Trade Union Belarus). This phrase characterizes the attitude of the independent trade-union organizations of Belarus to political activity as well as it could.

In the existing sociopolitical conditions the activity of the Belarus independent trade-union organizations connected to the real protection of the rights and interests of workers, inevitably comes into contradiction with those or those statutory acts of the Supreme authority, i. e. gets a political shade.

Not being engaged in political activity directly, the heads of the independent trade unions do not interfere with the political activity of their members. Moreover, a significant number of the members of the most effective trade-union organizations are distinguished by a well defined active civic stand. They are interested in politics and are either members of parties opposed to the existing regime, or sympathize with them.

Members of BKDP and REP actively participate in election campaigns for deputies to local authorities and parliament of Belarus, and also in presidential elections. So, during the last presidential election campaign for the election in March, 2006, 10 activists of the independent trade unions were confined in prison torture chambers for actions in support of democratic candidates.

'However the trade union is that structure which bases its policy on reform of the social and economic system in the country and no more' (from interview with chairman of REP). The independent trade-union movement of Belarus, in the person of BKDP, has been able to achieve significant successes in this direction recently: the independent national trade union centre has returned to its lawful place in the structure of the National Council on Labour and social Questions of which BKDP had been deprived for four years. Moreover, BKDP representatives are full participants in the Council on the improvement of social - labour legislation created by the Ministry of Labour and Social Protection.

2.3 Recommendations for higher trade-union bodies

- Prompt consolidation and closer cooperation (in the long term, probably, even association) between the organizations representing the independent trade-union movement of Belarus is necessary, as at local levels for a long time there has been full mutual understanding, solidarity and cooperation between them.
- It is necessary to focus trade-union activists at all levels on daily regular work with rank-and-file members, on conducting not only real planning, but also regular reporting on the current activity of the trade union. Workers should know that their trade-union structure is in working order to see that their dues are not all spent for nothing.
- A correctly organized information policy of trade unions at all levels should play an important role in resolving various problems. Primary organisations should have their own effective and (whenever possible) inexpensive news media for the notification of rank-and-file members (bulletins, leaflets, other mass-media) about current affairs and for propagation of the achievements and services in the environment of potential members.
- The best way of attraction of workers who are not members of the trade union is demonstration of the real effectiveness of the trade-union structure through practical examples of successful protection of the interests of workers by its activists. The most advantageous situation in this respect is when as many members of the labour collective as possible know about victories of the trade union (for example, in labour disputes) and rumours about them are transferred by word of mouth.
- Special value should be given to training of trade-union activists in methods of organization and support of new

primary organisations, especially in the face of a hostile employer.

- It is necessary for representatives of independent trade-union structures to be engaged in monitoring the state of labour relations, especially at enterprises, where they have not yet created primary organisations, so that in case a critical situation arises there the union can offer workers the service of skilled trade union specialists (lawyers, experts on labour safety, etc.) and thereby to promote their involvement in the trade-union movement.
- In educational programs of trade unions alongside questions of labour rights, psychology and bases of negotiating processes, it is necessary to pay greater attention to questions of organizational planning, observance of financial discipline and forming of partner relations not only with employers, but also with representatives of other trade-union structures.
- The greatest useful effect are provided by those forms of training of trade-union activists which contain plenty of practical examples and illustrations, and also training through a direct exchange of experience in the form of a round table.
- Of great value for the effective trade-union activity of numerous primary organisations is the presence in the structure of their leading bodies, apart from the paid leaders and their assistants, also regular specialists (in particular, legal advisers), work on whose and retraining should be constantly at the center of attention of the top levels of the trade-union structure. Small primary organisations should be served by specialists from the central apparatus or in the framework of periodically planned visits, or in the form of mobile communications.
- Trade-union structures should renew in full their activity in the promotion of legislative initiatives not only in the sphere of labour rights, but also on problems concerning the development of all institutions of civil society in the

country. On this platform trade-union structures should find themselves political allies among other public organizations, political parties and movements.

3 Trade Unions in Contemporary Georgia

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3.1 Characteristics of today's trade-union situation in the country

At the beginning of the postsoviet period destruction of habitual relations and traditional institutions practically characterized all fields of activity. Existing forms of relations and actions lost their importance, were reshaped, and the creation of the new needed time. The trade union was not an exception.

In 2006 the Georgian trade unions celebrated their 100th anniversary. The trade union had a continuous history over several decades which came under serious threat at the beginning of the 1990s. During this period many enterprises with rich trade-union experience were considerably modified and in general ceased to exist. Absolutely new labour relations began to be constructed, to which it was not easy to adapt. To this were added socio-economic problems and mass unemployment which led to pauperization not only of the population, but also of the trade union. In conditions of changes of labour relations and a situation as a whole when the main task was to find work, and everything else was minor, trade unions lost their function. Discussion of the protection of the rights of workers was considered inappropriate in a situation in which the majority of the population physically had no opportunity to realize these rights.

The trade union, traditionally, was a rich organization, therefore changes and chaos in the country were followed by big interest in its property and the aggravation of the situation against this background. The property of the trade union became a target for various interested groups. And for simple workers the trade union had lost that which attracted them most of all – the maintenance of certain material privileges. For example, the practice of provision of free or subsidized vouchers practically stopped. Workers knew

little about other activities of the trade union which would be closer to its initial purposes (for example, protection of the rights of workers, improvement of working conditions). The trade union was considered as a division of the administration, like other sections of the establishment.

There were serious internal disagreements directly in the association of trade unions of Georgia which proceeded for a long time. These disagreements, and also the passivity of the trade union and its vague functions strongly discredited it in the opinion of society.

Several years ago the trade union became more active. A change in the leadership of the association of trade unions of Georgia played a significant role in this. A more or less delineated policy and new leaders who have started to work in new conditions, in a new reality appeared in the Trade union. In parallel, in many institutions employees too have understood the need for the existence of a body which should protect their rights, even if it does not have any serious levers of influence, somehow to compel the administration “to be in good form” in its relations with workers. These problems became relevant both in state and in private enterprises (including in those owned or managed by foreigners).

The relation with foreign employers was absolutely “an alien fruit” for workers. The trade unions were also in the same position, but the relation did not always develop equally. In some cases of the relation with foreign employers were not simple, as they (foreigners) well understood the situation in the country and features of local workers which, first of all, ask for higher salaries and only then for everything else. Against this background it is difficult for the trade union to strengthen its position as workers value their jobs and, being afraid to lose stable earnings, do not always willingly cooperate with the trade unions.

On the other hand, foreign employers sometimes appear to be good social partners for the trade union. This, basically, is for two reasons:

- foreign investors value their name. It is possible to give an example: the Batumi garment factory Batumiteks, whose customer is Marks and Spencer. Practically, care for their image is the only thing that forces the director of the enterprise to make any concessions. He knows, that tension in the enterprise is not in the interests of the customer, who can break completely with Batumiteks.
- Existence of approved forms of relations with trade union in those countries where the foreign employer has worked before. For them work with a trade union which is considered an equal with them is a habitual thing. They consider the trade union as an integral part of the enterprise, its existence and activity does not irritate them. These Foreign employers proceed from a reality, that the trade union exists and it is better to carry on dialogue with it, sometimes to reach a compromise, than to be in constant conflict.

One can say, that the trade union itself rises on new rails of work and others form new skills and traditions to communicate with it. But to study and analyse the activity of trade unions, the context in which these bodies have to work is very important. In May, 2006 the parliament of Georgia adopted a new labour code which replaced the old one adopted in the days of the Soviet Union, in 1973. Naturally, the new code considerably differs from the document adopted more than 30 years ago. In parallel, there is a law on trade unions which appears to contradict the new labour code. In case of disagreements, employers can lean on the labour code, and trade unions –operate with their own law.

Because of legislative handicaps trade unions appeared to be in a nonwinning position. Today the success of this body, as never before, together with its activity, depends also on the favour of the administration. The activity of the trade union, concrete results of its work should stimulate workers to become members of the trade union, and the administration should feel, that in spite of the fact that under the law it has almost no obligations to the trade union,

the trade union is a force which can if necessary incite workers against them and create serious problems.

Today membership of the trade union is not by itself an unquestioned fact as it was for many years. In all three enterprises investigated by us (“the Tbilisi underground”, garment factory ‘Batumiteks’ and “the Batumi oil terminal”) the trade union was able to prove the necessity of its existence. The motivator was the removal from his post of the leader of trade union leader who was passive or associated with the administration, improvement of working conditions, rendering of legal aid to workers, etc.

Despite all its efforts, an obstacle to the successful activity of the trade unions all the same remains distrust in them, that was a result of their passivity for a long time. In the enterprises we investigated (as well as in many other enterprises in the country) reorganization of the staff took place. Naturally, the trade union does not have mechanisms which would give it the right to oppose this process, but in the opinion of workers, who first of all are afraid of losing their jobs, reorganization is an additional factor discrediting the trade union. Their logic is thus: “Where was the trade union when so many people were being fired?” Because of a shortage of information on the rights and responsibilities of the trade union, sometimes it is held responsible for those problems whose resolution is not its function.

After the adoption of the new labour code, the question of the existence of a collective agreement between the trade union and the administration of the enterprise also hung in the air. The administration can reject this document, motivating the decision by the fact that under the law he is not obliged to sign this document. Now it is necessary for the trade union not only to demand from the administration good conditions for the workers, but also to convince him of the expediency of signing the contract. As we were convinced during our research, as a rule, the administration does not refuse to sign the contract, but trade unions have to spend a lot of effort to achieve comprehensible conditions for the contract. When we carried out our research, a signed contract between the administration and the trade union existed only in “the

Tbilisi underground” (In the terminal and ‘Batumiteks’ there were negotiations), but the general director of the underground considered, that the contract was so superficial, that it did not oblige him to do anything.

In spite of everything, the existence of a collective agreement between the employer and the trade union is an important factor which increases trust in the trade union. In cases when such a contract exists, workers feel more protected, even when no significant guarantees are incorporated in the contract. In the opinion of workers if the contract reflects any intentions of the administration, to improve working condition (for example, possibility of increasing pay in conditions of inflation), they to a certain extent acquire the character of obligations.

In the regions the level of awareness of the trade-union leaders and activists is a little bit lower, which cannot be said of the trade union of the Tbilisi underground. In the regions the trade-union heads have less information, despite their diligence, sometimes there is no knowledge, sometimes a lack of experience, which the administration frequently exploits. In part, it is connected with the fact that in Batumi one of the trade-union leaders was newly elected, and another he had become more active because of concrete problems. But, in any case, they were more superficial, than the trade union leaders of the underground. On the other hand, one more reason might be that in the regions it is easier for the heads of the enterprises to block their information than in Tbilisi.

An interesting situation arises with the question of trade union membership of representatives of the administration. Interpretation of this phenomenon proceeds from what concrete situation and conditions of the enterprise. In the event that there is serious conflict between the trade union and the administration, the membership of representatives of the administration in the trade union disorganises it. It is a landing party of the management of the company in the trade union, a means of control (for example, such a situation is observed in Batumiteks). But the situation is absolutely different in the terminal where problems, on the contrary, have appeared after representatives of the administration

left the trade union. The reason is that managers of the terminal have high salaries and after they have stopped their membership, the trade union lost significant financial resources.

3.2 Best trade union practice

3.2.1 New approaches to old functions

1. The enterprises investigated by us have functioned for several decades. In some of them owners changed several years ago and they transferred to private ownership/management. In these enterprises trade unions existed from the first days of their activity. Hence, there was also a practice of the automatic membership of the trade union. It was a normal phenomenon and nobody objected, as membership of the trade union meant the right to certain privileges. Membership of the trade union, as a rule, did not grow out of a conscious decision.

In all the enterprises investigated by us changes in the trade unions began when, on the demand of the leadership of the trade union, its members were asked anew, to give their consent to membership of the trade union in written form. The trade union, to some extent, risked its membership and profit as then it would be a less active and authoritative force and the chances that many of the members would refuse, were big. Especially, taking into account the fact that the trade union did not offer material benefits any more and though membership dues were scanty (they were 1 % of such a low salary), workers sometimes considered this sum as having been thrown to the wind.

The renewal of trade union membership can be estimated positively as at present the trade union unites people who are more true to it and are informed, who know what they want and also what they can expect from the trade union. And for the trade union it is a stimulus constantly to be on good form since it should be guided constantly by results, to work more since the impression that it is compulsory to be a member of a trade union has been destroyed. For this reason, leaders of the trade unions of the

enterprises investigated by us today are more sure in themselves and are trusted more, than their predecessors.

2. One more significant change in the trade union is a reconsideration of its purposes and functions. The trade unions try to emphasize, that their basic function is not the purchase of sweets and the delivery of material aid for members of the trade union. That is a less significant side of the activity of the trade union and that only to the extent that there is sufficient finance for it. The emphasis is on the protection of the rights of workers, on legal support, etc. That is expressed in concrete actions of the trade union, that in the future will certainly increase the authority of the trade union and the attraction of new members. Because of the past history of the trade union today its leaders are compelled to explain to workers why their priorities have changed and in what the true function of the trade union will consist. Performance of this educational function too is new in the life of the trade union.

3.2.2 The organization of new trade unions

1. In the enterprises investigated by us leaders of the trade union differ considerably from their predecessors. First of all, it is necessary to note the activism of these people. Moreover, they have to work in another reality, when the trade union has to prove daily its necessity in practice, new leaders of the trade union came to head the association after a conflict with the old leaders. Therefore they demand much more activity and results from them. A consequence is that qualitatively new leaders of the trade union who do not consider themselves administrative apparatchiki have appeared and try to develop independently. Therefore frequently the trade-union leaders themselves directly agitate and motivate workers with the purpose of their subsequent attraction into the trade unions.

2. A distinctive feature of the new trade union is its activism. Activity is observed in all directions – both in business, and by way of the organization of cultural actions.

Business activity takes various forms. In the trade union there is a certain schedule of meetings and work with members of the trade

union, but as a rule, these relations are not regulated, but have a permanent character. An especially important role is played by intensive communications with members in those enterprises in which the position of the trade union is not stable or the administration is hostile to the trade union. For example, leaders of the trade union of the garment factory Batumiteks gather daily, after the end of the working day from 6 to 8 o'clock in the evening. Each interested person has an opportunity to have a talk with them and to receive information interesting to him. It impresses workers of the enterprise, as the trade union has become more 'accessible' for them, and the trade union, contrary to the will of the administration and oppositionally minded groups constantly proves that it works.

Cultural activity has no less a value also. For example, football championship, various sorts of tournaments, excursions help members of the trade union to feel a part of a single whole, identifying themselves more with the trade union.

3. It is necessary to note especially the desire of trade union to be independent, to stand on its own feet without any help. After the trade union had decided, that they are not a division of the administration, they faced serious problems. The administration provides the trade union, in practice, only with a room for work (trade union of Batumiteks 'temporarily' have even moved from their own room and have lodged in a former shop of the factory which is outside the enterprise. This temporary eviction has continued to this day). The trade union has to take care of everything else itself. This is connected to various problems which in different trade unions are solved differently. For example, in "the Tbilisi underground" leaders of the trade union during a certain time absolutely refused any salaries and with this money managed to equip their working room. After that, for example, a copying machine appeared in the trade union and distribution of information among workers became much easier.

In "the Batumi oil terminal", on the contrary, trade unions are more demanding of the administration. In the working version of the collective agreement which the trade union has prepared, it is

said, that the administration is obliged to provide the trade union with equipment (which, thus, will be permanently updated) and fuel for transport. In part, the reason for this, most likely, is that “the Batumi oil terminal” is a rich enterprise, headed by Europeans for whom relations with trade union and, to some extent, concessions are not alien. But on the other hand, there is a danger that the administration will want even more to subordinate the trade union which will depend on it to such a degree on the material level. It is possible, that the administration will demand that the trade union be more loyal, and otherwise will refuse to meet such conditions.

3.2.3 The organization of trade unions against hostile employers

1. A strongly pronounced hostile attitude to the trade union was felt only in one of the enterprises investigated by us – the garment factory Batumiteks. In such conditions, practically the only way to distribution information among workers becomes personal and informal relations between them. And for rallying workers trust in the trade union, and its practical activities assumes paramount importance. As already noted above, this may explain the established practice of daily meetings with members of the trade union in Batumiteks. This helps to make the trade unionists feel better protected.

To receive official information from the administration is even more difficult. Personal contacts and, less often, trade union membership of representatives of the administration are important sources for getting such information.

2. With a hostile attitude of the management the question of trade union membership of representatives of the administration becomes especially aggravated. As noted above, in some cases the employees of the administration who join the union use their knowledge for the benefit of the trade union. Such an example is found at Batumiteks, where a young economist actively participates in the financial affairs of the trade union and in the development of the collective agreement. She does not operate

against administration, but she has more complete information and adequate representations of the opportunities of the enterprise, which the trade union uses well.

But the case of the economist is more likely individual, and representatives of the administration (especially, middle managers) as a whole try to disorganize trade union. Membership of staff of the administration in the trade union in such enterprises creates a body like a barrel of gunpowder, and to trade-union leaders the permanent opposition is guaranteed. From its part, workers can understand, that underlies an opposition of trade unions and administration, but split in the ranks of the trade union badly influences image of body.

Since the trade union reserves the right to exclude members who interfere with the realization of its purposes and tasks, perhaps, this is the best way to avoid additional disorders in those enterprises, in which the work of the trade union is made more difficult because of the bad will of the administration to the trade union.

3.2.4 Representation of interests of individual members

1. The existence of a staff lawyer in the trade union, certainly, is good practice. For example, in the metro trade union a lawyer appeared only after the change of trade-union leadership. Before this it was considered that the lawyer of the administration could also be the lawyer for ordinary workers. Naturally, during conflicts the lawyer protected the right of the employer, which led to a reduction of trust in lawyers in general among workers. They did not expect to be able to achieve anything in court.

The trade union lawyer has restored the workers' belief in him. In the enterprises investigated by us the trade union, basically, advises the members, and gives legal advice. This advice is especially useful when signing the worker's contract, emphasising these or those nuances and sometimes the belief of workers, that the contract does or does not represent a threat for them.

The practice of the protection of the interests of workers in court is rather rare. Such a practice is found only in the trade union

of the Tbilisi underground. Though here there is a specific situation as both the trade union and the administration have inherited these cases from their predecessors. Despite this, winning a case in court with the help of the trade union lawyer has become one of the powerful stimulators for workers, because of which some from them (especially those frightened of reorganization) became members of the trade union.

2. In some enterprises the question of the commission on labour disputes remains open because under the law the administration is not obliged to participate in the work of this commission. If necessary, the trade union studies problem situations and participates in their resolution, but the commission on labour disputes is a more legitimate method for this purpose and, what is most important, but, it implies the joint work of the administration and the trade union. In this situation the Tbilisi underground trade union has chosen the right approach, in trying to convince the management that the creation of a labour disputes commission is useful for both sides. Whether or not a commission is created officially, members of the trade union all the same will meet to study disputes. But the commission is a good tool to achieve a compromise by dialogue and to settle the conflict on the spot. If the administration does not agree with it, the trade union will be compelled more often to appeal to the court and to direct its opposition into a completely different channel. Perhaps, this argument of the trade union will convince heads of the companies.

Creation of a labour disputes commission seems ridiculous to the general director of the underground. Commissions exist in slightly different forms and work successfully in the Batumi oil terminal. These commissions were created by the administration, but trade union activists are also included in their structure. The commissions consider complaints from former workers who have been made redundant after reorganization, because of pension age, and requests for material compensation or assistance, etc. are examined. Such cooperation is useful and to some extent takes into account the interests of both sides. Naturally, it is possible to find people who are dissatisfied with decisions of the commissions but

just because these commissions exist, the issues does not reach serious conflicts.

3. In the Tbilisi underground trade union the practice of providing legal aid is that everyone is helped, whether or not they members of the trade union. Everyone can consult the lawyer. As a last resort the trade union also agrees to defend the worker in court. This practice is useful to both sides: the worker receives necessary legal aid, and the trade union potentially increases its membership. To the question why then do people join the trade union and pay money, the answer is that this is a question for the future, and these people will be ‘punished’ in that they will not be able to participate in excursions and tournaments. In the future, when the trade union has strengthened its position, probably, attitudes to those who are not members of the trade union will also change. Though at this stage this practice works well.

3.2.5 Support on the part of higher trade-union bodies

1. Support on the part of higher trade-union bodies for the primary organizations is very important. It in particular concerns the trade unions working in the regions as in Tbilisi it is possible to receive more information directly from the association of trade unions of Georgia, from the mass-media, more accessible Internet, etc.

The work of higher (territorial, branch) trade-union bodies, basically, consists in informing members, carrying out various training and seminars. These training and seminars are especially important for new leaders of the trade union who do not yet have wide experience.

In Batumi there is also a monthly newspaper of the Adzharii trade union “Vasha Gazeta” with the help of which the trade unions in the region can familiarize themselves with each other’s activity, exchange experience, and display the results of their own work. The function of higher trade-union bodies is also the rapprochement of trade union activists of various enterprises, but their paramount function is educational.

2. Trade unions frequently use the help of the lawyers of higher trade-union bodies. This practice too is very widespread and brings a lot of advantages, especially in the regions, where some trade unions (for example in Batumiteks) do not have their own lawyer. Even in the case when a lawyer in the primary trade union, as a rule, he is in close business relations with lawyers of higher trade-union bodies.

3.2.6 The organization of trade unions in foreign companies

1. The organization of trade unions in the foreign companies, practically, does not differ from their analogues existing in local enterprises. The reason is that, as in the cases of Batumiteks and the Batumi oil terminal, the enterprises are rather old and trade unions have functioned in them for decades. Hence, the trade unions of these enterprises have been through the same difficulties as the association of trade unions of Georgia and the country as a whole. The process of revival began several years ago, as well as in the state companies (in particular, in the Tbilisi underground).

Despite this, it is possible to track two important features which characterize the trade unions created in the foreign companies and their relations with the employer:

2. As a rule, foreign companies are afraid for their reputation. Many of their actions are far from being motivated by care for the workers, but fear, that the trade union can soil their image. On the part of the management of such companies, concessions are frequently a consequence of such an approach. The trade union can well exploit this Achilles' heel of foreign enterprises.

In part, this compelled the management of the garment factory Batumiteks to reach a compromise during the strike at the enterprise so as not to attract unfavourable attention;

For the same reason the visit of the researcher was unpleasant for the director of the Batumi oil terminal, which the trade union considers a good social partner, and, first of all, decided to

convince her that in the terminal "they do not beat workers with a stick."

3. As a rule, the salary of the administration of foreign companies is rather high. It was already noted above, that trade union membership of representatives of the administration is dangerous, but in some cases it suits the trade union because their payments are significant. Such a situation has developed in the Batumi oil terminal, when after the departure of administration staff from the trade union the body lost serious financial resources. In present conditions relations between the trade union and the management of the terminal are constructive and questions are solved through dialogue, therefore membership of representatives of the administration in the trade union would not create problems. But in case of disagreements between these sides, membership of representatives of the administration and manipulation of the financial side might be costly for the trade union (especially because under the old trade union leadership there were attempts to prevent the normal functioning of the trade union).

3.2.7 New trade-union practices

In the enterprises investigated by us the most effective and successful is the trade union of the Tbilisi underground. The Batumiteks trade union became active only after the occurrence of concrete problems at the enterprise, and the leadership of the trade union at the Batumi oil terminal is quite newly elected and for now it is early to speak about their successes (though, they have shown big activity during disagreements with the old leader of the union). Some practices which we considered more interesting, were created in the Tbilisi underground.

1. After reorganization of the Tbilisi underground the trade union drew up a reserve list of those workers who had been laid off after reorganization. When vacancies appear in the enterprise because of natural turnover of the staff (transition to other work, death), the administration gives preference to workers from the reserve list. This item has also been included in the contract signed by the administration and the trade union. The existence of this list

is useful for both sides: the trade union gives a chance to former workers of the enterprise to get back their work, and the administration precisely knows about human resources of which it is possible to take advantage in case of need.

2. The Tbilisi underground has a medical aid station. The administration wants remove these services from the enterprise and to switch to a system of health insurance. Workers disagree with this because, on the one hand, they have got used to using their own first-aid post, and on the other hand, they are not familiar with the system of health insurance and do not trust it. To avoid problems and discontent in the future, the trade union, independently of the administration, declared a tender to pick the best health insurance package. The medical aid station will be kept, and members of the trade union will pay for the insurance. If the transition an insurance system justifies the hopes of workers, the trade union will propose to the administration that it liquidate the first-aid post and purchase health insurance for the whole enterprise. And financial resources for this purpose will be liberated after closing the first-aid post. The purpose of the trade union in this case is that workers have made the decision as to which system is better. They protect workers from a situation in which health insurance has not justified itself but they have lost their medical aid station.

3. At present there is a contract between the administration and the trade union only in the Tbilisi underground. It is a small document, in which, as the general director of underground says, formulations are very general and do not limit the administration in almost anything. But, in spite of everything, after the adoption of the new labour code the trade union of Tbilisi underground was the first who created the precedent of registration of the contract with the administration. Moreover, despite of the general formulations, the contract has compelled the administration to register its obligations so that workers have felt more guaranteed.

For example, in the contract it says that after reorganization there should not be a further reorganization which would cause substantial redundancies for a three years. The general director of

the underground says, that it would be difficult for the trade union to prove, what is a substantial redundancy in a collective of 3000 – is it 500 or 100 people? But despite some disputable formulations, the document all the same creates a certain positive tendency.

4. The Tbilisi underground trade unionists differ from members of other trade unions especially in their aspiration to knowledge and development. One can say this about many active workers of this trade union. They frequently get acquainted with various materials independently, search for the corresponding literature, depend less on the leaders of the union. In other enterprises dependence on trade-union leaders is felt more: they are locomotives which all others should follow. In the underground the situation is different.

For example, workers of one of the services of the underground are included in the category of workers in harmful conditions, but they considered, that they work not in harmful, but in especially harmful conditions. The chairman of the trade union committee of this service collected members of the trade union, they together got acquainted with the corresponding materials in the literature, on the Internet, and appealed to higher bodies, demanding that they investigate the working conditions. Due to their argued position and persistence, the labour inspectorate investigated their working conditions and recognized the claims of the trade union as just. As soon as it was proved, that a particular group of workers worked in especially harmful conditions, it was followed also with an increase in pay. The whole trade union of the underground participated in this process, but the basic work nevertheless was carried out by the trade union committee of the service.

3.2.8 The organization of effective protest actions

1. Because of low pay and adverse working conditions a warning strike took place in the Batumiteks garment factory. The strike began so spontaneously, that even the leaders of the trade union knew nothing about it. The trade union chairman faced the fact when he arrived for work. The discontent in the enterprise had

accumulated for months, but the direct reason for the strike was the payment of lower salaries than usual, as a result of which a few workers decided to refuse to work. After a while more than 800 people had gathered around them and their discontent developed into a spontaneous protest.

The trade-union leaders were not present at the beginning of the process, but then they took the reins of government in their own hands. In particular, workers of trade union activists could:

- Knowing, that under the law workers should have warned the administration of the enterprise three days prior to the strike, they convinced workers to begin negotiations with the management of the factory.
- They warned the republican association of trade unions of Adzharii and the mass-media about the action. The strike was covered by all the television channels and newspapers of the region. It should be noted, that initially workers were not delighted with such active intervention of trade unions in the action, but trade-union leaders at all levels have firmly decided, that would be a pity not to use such a mobilized force, such a nucleus of workers.
- Trade union activists, with the consent of the workers, began negotiations with the administration and relieved the workers of their obligations so that they returned to work. Trade-union leaders developed the text of a collective statement addressed to the general director and gave the demands of the workers a more defined character. It showed the administration that the intentions of the workers were serious, and their position – firm and reasoned.
- Despite the beginning of negotiations, the administration resorted to a policy of dragging out time and introducing disorganization into the ranks of the trade union. As a result, two months after the strike the trade union organized one more warning strike, having given the administration 3 days notice. After this action the workers achieved some successes.

- If we compare it with the previous period, it is possible to say that the trade union, after several years of complete inactivity, has found in itself the strength to spring into life and reveal elasticity as soon as problems were identified in the enterprise.

The only deficiency of the trade union in this case was that it somehow missed the pulsation of the enterprise and only found out about the strike post factum. It appeared to be outside the game, but finally was able to take the initiative.

2. There is also an example of a warning strike in the Tbilisi underground. But as against the strike at Batumiteks it was more thought out and focused on concrete results. It was planned by the trade union. The issue concerned the transition to monthly labour contracts. Workers were against this as they thought that in the future they might find themselves without any work. Moreover, they physically did not have time for detailed acquaintance with the conditions of the contract. The decision of the trade union was to declare a warning strike and the underground stations opened one hour late. The strike had a result. A significant number of underground workers remained at work under the decree and did not transfer to contract conditions. And though later the system of contracts all the same came into force, it was on much better conditions, than had been proposed earlier.

3.2.9 Political activity of trade unions

It is possible to count an example of the political activity of trade unions the organization of the protest action on May, 1st, 2006 in front of the building of the parliament of Georgia. The trade unions expressed their discontent concerning the draft of the new labour code of the country. Trade unions of various enterprises participated in the action. For example, approximately, 25 % workers of the underground (more than 800 people).

The discontent of the trade unions was caused the many articles of the draft of the labour code. For example, the draft allowed for the conclusion of an oral contract between the employer and the

worker, did not pay overtime work, reduced the rights of pregnant women, etc.

From seventeen amendments which the trade unions demanded should be introduced, the parliament considered eleven (overtime work became paid, the period of holiday and maternity leave was increased, some nuances were concretized in the registration of the labour contract, the terms 'hirer' and 'hired' were replaced with 'employer' and 'employee', etc.).

The volume of the labour code has increased. After the protest action many articles were made more concrete and were formulated better. All the trade unions of the enterprises investigated by us are unanimous that the new labour code of Georgia has many deficiencies that it clearly expresses loyalty to the employer rather than to workers, that much in it is still in doubt, but already the circumstance, that from seventeen amendments the parliament considered eleven, shows that protest action was not fruitless and if it had not taken place, the new labour legislation would be even more enslaving.

The trade unions categorically reject cooperation with different political parties and forces. They say that even during the protest action before parliament nobody joined them.

3.3 Recommendations for higher trade-union bodies

- More training and seminars for subordinate trade-union bodies will promote an increase in the level of general knowledge. For example, concerning the new labour code, training of lawyers who will help members of the trade union to orient better in different legal nuances and conditions of labour contracts.
- Care that members of trade unions and they themselves are reoriented to relations of a new type. Despite significant shifts in trade union over the last few years, the impression remains, that trade union activists have not fully thought through the function of the union. For example, in spite of the fact that the trade union theoretically is sharply

separated from the administration, in some cases in practice they all the same expect certain privileges from the management of the enterprises.

- Basically, training of higher bodies is focused on leaders of primary trade unions. It is desirable, that more ordinary members of the trade union should participate in this process, which will promote their knowledge and development as sometimes members of the trade union are very dependent on their leaders and there is a danger, that if these leaders leave the trade unions, any experience will be lost and it will be necessary to create it anew.
- Trade unions at both the lower and higher levels must work to increase trust in themselves. For this purpose it is desirable to carry out big information work among ordinary workers and to use for these purposes all possible means: for example, the publication of special newspapers or booklets so that workers can better understand the functions, purposes and activity of the trade union.
- Leaders of primary trade-union organizations who work in the same reality and working conditions, as others, should pay attention to local features more. For example, to not give the employer the opportunity to exploit a typical situation in a country with low incomes when workers, first of all, ask about an increase in wages, and working conditions are considered minor. It is desirable, that in this area the trade union should be more advanced, than ordinary workers and start more from world experience.
- It is desirable, that higher trade-union bodies provide for the employment of lawyers in all primary organizations. Although everyone can use the lawyer of the higher trade-union body, a local lawyer can if necessary react instantly and have a clearer and more adequate perception of the position that has developed in the enterprise.
- In the Tbilisi underground the trade union has created its own site. It is desirable, to introduce this practice in other trade unions too, since it is easier for the trade union to

understand its own activity, success and defects when information is made systematic, and when it needs it, it already has systematic information, which sometimes it is difficult to collect.

4 Trade unions of modern Kyrgyzstan

Siar Bishtek

4.1 Introduction

Very few people during Soviet times understood what trade unions were necessary for. Certainly, they collected membership dues, were engaged in carrying out of unpaid Saturday work, demonstrations, the organization of socialist competition, distribution of scarce material benefits (permits, apartments, coupons for the purchase of goods, etc.). Also they supported labour discipline, campaigned, were engaged in propaganda and promoting the achievements of advanced workers, work of clubs and societies, development of amateur performances in labour collectives, etc. The kind of work carried out by trade unions turned them in essence into the social departments of enterprises and organizations. Nobody could clearly explain what their functions really were. Trade unions united everyone - both ordinary workers, and heads of the enterprises and were integrated into the state control system with a precise vertical hierarchy. Inherently free and self-organising trade unions turned in the Soviet system into bureaucratic organizations with a ramified structure, authoritarian system and vertical reporting.

With the collapse of the Soviet Union trade unions lost many rights which they had during Soviet times. They had control of labour safety at enterprises, questions of the improvement of workers, management of the state social insurance funds - in general, a mass of questions which in conditions of a market economy the state takes on. At the same time, trade unions have also lost the right of legislative initiative. Transition to market relations relieved the trade unions of the role imposed on them as “transmission belts of the party”, but at the same time to a certain degree their sociopolitical authority was shaken. In this connection it was necessary for trade unions to search for other approaches to

the resolution of the problems of working people, to determine their lawful place in the political and social structure of the sovereign Kirghiz state.

In Kyrgyzstan ideologically and organizationally the trade unions appeared not to be ready for work in new conditions. Trade unions could not provide the full protection of the rights of workers in the wake of mass lay-offs of workers in connection with the privatization and restructuring of enterprises, and also in connection with the announcement of the enterprises bankruptcy and began to lose the authority. During this period the trade unions paid their main attention to self-determination, comprehension of their role and place, improvement of the style and methods of work in view of the changes occurring in the country and establishment of independence from government bodies, political parties and social organizations.

Discussions about trade unions within the framework of modern Kyrgyzstan are topical and interesting. What should modern trade unions be, in which people will believe, and will join without administrative pressure? How should they be organized, so that they should take people's interests into account in the most rational form? To find answers to these questions trade unions today search for new approaches to the resolution of the problems of working people, reconstruct the style and methods of work according to market requirements, and also watch changes not only in our country, but also all over the world. The present research is directed at the generalization and analysis of the accumulated positive experience of the trade-union organizations. Clearly, it cannot be copied blindly, but it needs to be studied, analyzed and probably disseminate it in various forms with the purpose of increasing the efficiency of the activity of trade-union organizations and starting real changes which should lead to the formation of trade unions of a new type.

4.2 Description of the trade-union situation in Kyrgyzstan

The history of the trade unions of Kyrgyzstan can be divided into two main stages: Up to (Soviet times) and after Independence when there were processes of transformation in all spheres of a life.

Change of structure of economy and branch distribution of employment. A review of the contribution of various branches of the economy to the formation of the gross national product of Kyrgyzstan specifies radical changes which have taken place in the modern structure of the national economy. The share of agriculture has considerably increased, and the share of industry on the contrary promptly began to fall by 10 %. ⁷

The analysis of the statistical data for the period from 1990 to 1995 shows, that the number of trade unions was significantly reduced. It is possible to identify the principal causes of reduction of number of members of trade unions in the branches resulting from **structural transformations**, connected with the privatization of state ownership, an outflow of labour to the private sector of the economy and **the slump in production**, as a result of which there was a dramatic reduction of the number of workers at the enterprises, and a large number sent on compulsory unpaid leave. Simultaneously with this, the number of members of trade unions also decreased. Volumes of trade-union losses in many respects depend on the extent to which these processes were destructive in this or that sphere.

Significant reductions of the membership base have taken place in the following branches: mechanical engineering and instrument making - 30 %, local industry and communal service - 33 %, power stations and the electrotechnical industry - 37 %, coal industry of -41 %, motor transport and road facilities - 45 %, culture - 49 %, automobile and agricultural machinery - 53 %,

⁷ Source: the National report on human development. 2001.

geology, geodesy and cartography - 56 %, construction and construction materials - 64 %. In agriculture the number of members of trade unions has reduced by more than 156 thousand. Reduction of numbers as a whole, and in the above listed branches, first of all, is connected to the reduction of the pace of the economy in the whole republic.

In total on January, 1, 2005 there were 1024900 members of trade unions, of whom 761993 paid dues (from materials of VIII Plenum of Council of FPK, 2005).

It is necessary to note that in the country as a result of economic reforms, the tendency to reduction in the total number employed has continued (in 2004 the total number employed was 503,2 thousand), though the rate of decline has considerably decreased in the last 8 years.

At the same time, according to the statistical account of the central organs of the trade unions (Federation of trade unions of Kyrgyzstan), the number of members of the trade union in the country is about 830 thousand.



Rate of unemployment and labour migration. In 2004 in the country there was a pretty high level of official unemployment, on

the official data about 57,6 thousand, or 11,5 % of the number working. But the real figure is much more, by various expert estimations the number of unemployed is approximately 2-3 times more.

Since 1997 the tendency for the official number unemployed to increase has considerably declined.

Concerning age structure, about 60 % of the unemployed are people of middle and advanced age, almost 80 % from them will be married and are supporters of families.

Thus, as a result of the continuing reduction in employment and increases in unemployment there was the following situation, in which:

- Because of existing competition for workplaces *workers of the enterprises are afraid to lose existing work;*
- These workers *do not pay attention to infringements of their rights in labour relations;*
- Potential workers *initially agree to deteriorated demands and conditions* which are proposed by employers, including obviously trampling on their labour rights.

The national economy sharply experiences a big shortage of skilled workers, the majority after the closure of industrial facilities went to Russia and Kazakhstan. Only in Russia by expert estimations there are 0,5 million people, or 10 % of the whole population of Kyrgyzstan. The number of labour migrants increases every year.

On the other hand, the inflow of internal migrants from rural remote places to the cities increases, finding jobs in the spheres of trade, catering and construction. This category of workers does not possess sufficient professional skills, general educational and standard of living or industrial culture. Work carried out by them does not demand special qualifications they consciously take on bad working conditions and agree to low wages.

Wages and the minimal consumer budget. For the period 2001-05 the average salary has tended to increase, growing on average by about 15 %. At the same time the exchange rate of the Soma to the dollar has increased over this period by 13,8 %.



In comparison, the minimal consumer budget (for one able-bodied person) also tends to grow, but at a less significant rate. As can be seen from the graph, in 2000 the average salary and minimum budget were practically equal. In 2004 the average salary exceeded the minimal consumer budget by about 30 %.

The lowest salary is in agriculture. The rates of growth of salary are highest in manufacturing industry, transport and communications, electric power generation, health services, state administration and education.

At present in the legislation there are high rates of social deductions from the wage fund (29% to the Social Fund). This compels private enterprises to hide the true number of workers or to underestimate the sums of incomes received by those officially working.

As against them, state enterprises are distinguished by their greater tax discipline - practically all workers are officially registered when hired and they pay the full sums for social deductions.

It is necessary to note, that for the period considered there is a tendency to reduction in rates of social deductions (from 39 % to

29 %), but nevertheless their high level till now is unacceptable for enterprises. In the structure of the cost price, which is in itself high enough in relation to the sales price, direct expenses for labour are the second largest item of expenses.

The rate of income tax deducted from the incomes of workers is rather low (10%) and does not represent a serious burden for workers and enterprises / organizations.

Working conditions. On the majority of the enterprises and in facilities(economy) of economy the worn out equipment and out-of-date technologies which considerably influence conditions and safety of work, environmental contamination are used. Those enterprises which all the same get the equipment, are guided, first of all, by the price factor, instead of on industrial requirements (reliability, safety, maintainability and so forth)

The state enterprises and establishments also experience similar difficulties due to limitation of the allocated budgetary funds caused by weak growth of real sector, deficiency of the budget of the country and to a huge external duty (about(near) 2 млрд. долл. Or 400 dollars on each inhabitant).

Pattern of ownership and management of enterprises. In state organizations / enterprises with a state share of property heads are appointed by governmental bodies. Mainly this type of heads have experience of management standard for Soviet time. They, as a rule, are of mature age, use an authoritarian style of a management and relate to trade unions in the old manner, as to the social division of the enterprise.

A similar situation is found in the sphere of management also among the majority of heads of enterprises in the private sector who are also usually the owners of the enterprises. But here the reason is not their previous 'authoritarian' experience, but the aim of proprietors to get a fast profit, rigid control over expenditure, and, accordingly, absence of a desire to concern themselves with labour issues and, especially, investments of additional money in workers. Heads, as a rule, are not interested in the creation of trade unions.

At the same time there are heads of business - enterprises who

introduce modern methods of management quite successfully. These, as a rule, are heads with a liberal mentality with growing and financially successful enterprises, using innovative technologies.

'We soon understood, that it is necessary to invest in people. We began to send people for training at our expense, to raise their salary, to equip their workplaces and so forth. It has paid itself back in commitment to the enterprise and big diligence in work. . . ' E. Umetaliev, president of the firm 'Kyrgyzkoncept '.

At such enterprises the provisions of the labour legislation, as a rule, are reflected in the culture of the organization, are discussed in detail on employment and further during realization of work. The management willingly makes a compromise with the conditions put forward by workers, and finds means for their satisfaction.

'I always try to listen to the opinion of workers in the workplace, compensation for work, working conditions and so forth. We take measures for their satisfaction. Sometimes even to the detriment of short-term tasks of the enterprise. But in it is a pledge of our success. ' A. Atambaev. Industrial Group 'Forum '.

Social partnership. In Kyrgyzstan the law on social partnership was been adopted in 2002. World practice shows, that it is one of the ways of non-confrontational resolution of social contradictions, and also one of the institutions successfully supporting social, economic and political stability in a lot of western countries. However, the formation of this social institution in Kyrgyzstan, as against western societies, came from above, in essence, in the absence of a seriously developed concept of social partnership with reference to national conditions. At the present time, despite the existence of various associations of businessmen, the interests of employers in social dialogue are expressed by the Confederation of Employers of Kyrgyzstan which unites only some of the employers. Such a situation allows particular directors to evade the implementation of the conditions stipulated by the Agreement, and others to criticize it for considering problems only

in part. The problem of the absence of a sufficiently representative union of employers is rather serious since it neutralises some of the decisions taken by the social partners. Now the real employer actually remains outside the framework of social dialogue. Work on forming a vertical structure of social partnership and expansion of the sphere of action of agreements at various levels has only begun. By contrast, the trade union side of partnership represented by the Federation of trade unions has a cohesive purposeful structure with a precise position and, no less important, firm executive discipline. Another point is that the position of these defenders of the interests of workers is formed in the apparatus of the central trade union bodies, instead of on the basis of complex analysis of the opinions of primary organisations, joint identification of priority problems and forming of effective decisions.

Collective contracts. The analysis of the statistical data for 2000-2004 shows, that every year the number of concluded collective agreements grows. The proportion of concluded contracts to the total number of trade-union organizations for 2004 is 89,3 percent.

According to experts of the Federation, the rest of the enterprises not covered by collective agreements are: economic subjects where there are no trade-union organizations and organizations in which small number of trade union members does not allow them to conclude collective agreements.

But there are also subjective reasons for the realization of more effective cooperation and collective - contractual regulation. First, are enterprises working in the shadow economy. Accordingly, it is not favourable to these enterprises to conclude collective agreements. Second, the low legal culture of a certain number of businessmen.

Despite the specified minuses, the high percentage of concluded contracts suggests that the employer realizes the necessity for the conclusion of the contract in their interests. In the contract the list of social guarantees for whose implementation the employer undertakes obligations is defined.

In 2004 the Law 'On collective agreements' was adopted. According to this law, for conducting collective negotiations and preparations of the draft of the collective agreement the two sides form a commission on a basis of parity. The parameters of effective work on the conclusion of collective agreements are the competitions carried out by the Federation of trade unions. So, in 2002 primary trade-union organizations, territorial and branch associations of trade unions engaged in mass participation in an All-Republican review of the best example of work on social partnership. The result was that more than 60 percent of all agreements contain obligations to increase wages and their contents and quality have improved. On the results of the competition, 36 primary trade-union organizations achieved the most successful parameters and results of activity in the organization of tripartite social dialogue. The primary trade-union organizations in 2002 in practically all branches achieved inclusion in collective agreements of full payment of the first five days on sick leave at the expense of the employers. Active work with employers on carrying out obligatory medical surveys of workers of enterprises and organizations is carried out.

of workers of enterprises and organizations is carried out.

At the conclusion of collective negotiations, the primary trade-union organizations pay attention to the decision of the following questions connected to their contents:

- The rights of workers to decent payment,
- Full and productive employment,
- The labour rights of workers,
- Labour safety, health, sanatorium treatment and rest of workers,
- The rights and guarantees of women and youth,
- unacceptable use of child labour,
- The rights and guarantees of activity of trade unions.

Management of trade unions. The management of trade unions bodies has hardly changed over the years. The average age of the administrative structure is high. From an outside perspective, there is almost no movement inside the trade unions. It can be good that

the same leaders have been in place since Soviet times, but a fresh inflow of forces all the same is necessary. Trade unions remain a fairly closed and conservative organization. The basic source of income of trade unions are not membership dues but the management of trade-union property (at times inefficient and opaque) that allows them to stay idle concerning the members. Many priorities of the trade unions of Kyrgyzstan coincide with the aims of the state program of social protection, that also allows trade unions to stay idle, to not concentrate on strategic purposes and tasks. If we look at the branch trade-union movement from the point of view of organizational structure it is necessary to note, that it practically remains 'adhered' to the trade union map of the former USSR, the schema of former sectoral management. The number of branch trade unions also remains practically the same. Here and there it has even increased due to the creation of new trade unions. And meanwhile, today we have a radically different economy, completely different economic and administrative structures, overflowing former branch boundaries, reprofiling enterprises.

Thus, the principles of the creation and functioning of the system of trade unions, inherited from the past, and the style of management are the main brake on the development of the trade-union movement in the country. As any self-regulating organization, trade unions cannot be closed, they should correspond to the current dynamical environment in which there are constantly political, economic, social changes. And, changes also occur in the labour needs of workers. If the organization does not react it can become a complete outsider. The principle of formation of the system of trade unions 'from top down', used by the traditional trade unions, is also unacceptable for present realities. Organizations able to offer a big spectrum of quality services can appear in the environment.

4.3 Positive experience and innovative practice of activity of primary trade-union organizations

All trade unions can be divided into two categories: those who are able to perceive the new, can evolve, apply innovative practice in their work, and those who do not want to change, adhere to conservative methods of work about there is nothing to say. In this Chapter an attempt at generalization of the experience of the first category of trade-union organizations is made. But before describing the positive experience and practice of primary trade-union organizations, it is necessary to be define the terminology used by the researchers. The traditional primary trade-union organizations are understood as the trade unions included in the Federation of trade unions of Kyrgyzstan. Further, in the text, the prefix 'traditional' means only belonging to the system, but not the style and methods of work.

Independent trade unions are those trade unions which are not included in the Federation of trade unions. There are very few, they are fragmented, but they function and today really provide promotion and protection of the interests of hired workers.

4.3.1 The organization of new trade unions

The experience of creation of independent and new trade unions which are created from below, proceeding from the needs and initiatives of its members, and also processes of self-organizing and involving of new members, provides a positive experience. New principles which have appeared in the activity of independent and new trade-union organizations include:

- Independence of the central bodies of trade unions;
- Orientation to the real needs of members;
- Voluntariness of membership;
- Acceptance of responsibility for themselves;
- Taking issues through to a final result.

Independence of the central bodies of trade unions. Independent trade unions can be subdivided into two groups. The first group comprises the trade union of railway workers which is the only alternative trade union. It does not report to and does not transfer any financial assets to higher trade union bodies and itself resolves all questions which arise and all problems with the administration, using different levers, including meetings and protest actions. To the question 'name the most important distinctive features of your trade union from others members of the trade union committee' answer: 'protection of the interests of workers, observance of the principle of justice, the guarantor of the interests of ITR and workers'.

According to the contract the administration recognizes the representativity of the 'Workers' trade union' alongside the traditional trade union in joint bodies of the GP NK Kyrgyz Temir Zholi, and also in the conclusion of the new collective agreement. The management promotes strengthening and development of social partnership on a democratic basis, including non-use of discriminatory measures towards workers on the basis of belonging to particular trade-union organizations.

The second group consists of trade unions which previously belonged to the Federation of trade unions, but now have left their structure and work independently. The reason for their leaving was dissatisfaction with the work of higher bodies and their services, and also excessive surveillance and intervention in the affairs of primary organisations. This process is gaining in strength.

Trade unions of this group are not included in the structure of higher trade-union bodies, are not accountable to them, but continue to maintain *partner* relations (participation in conferences / congresses and actions as observers, exchange of information, carrying out joint actions) with them, sometimes appealing to them for consultation and recommendations. It is necessary to note, that both sides do not clash and recognize each other.

This group of trade unions even creates associations of independent trade unions.⁸ To this type of trade unions The trade unions of the joint-stock company Dastan and the GAO Kyrgyztelekom belong to this type of trade union.

It is necessary to note, that in trade unions of the first type the initiative of creation of independent trade union proceeded directly from *workers* whereas in trade unions of the second type activity was shown *by heads of primary organisations* or the incorporated trade unions (if the enterprise is large).

Other distinctive characteristics of independent trade unions:

Orientation to the real needs of workers. On the basis of consideration of the analysis of complaints / applications concerning infringement of the interests of workers, concrete plans for subsequent and immediate actions of the trade union committee are developed.

*'We now try to work on quality, instead of quantity, though we wanted to work first on the membership base, but have understood, that if workers are to believe in the new trade union time it takes time and **real** activity on protection of their rights. We force nobody, people come to us for help themselves'*

Head of the trade union committee of the wagon depot of the Kirghiz railway.

Voluntariness of membership.

'We at Telecom give those who are newly hired a list of benefits and they make the decision themselves about joining the trade union'.

Chairman of the trade union committee at Telecom.

In the past the trade union of the joint-stock company Dastan was directly subordinate to the federation of trade unions. Now the trade union is not included in the central or republican committee, and works directly with the federation of trade unions (as against the primary trade unions working under branch agreements). The factory trade union does not belong to any branch trade union,

⁸ The trade union of the mining combine, GAO Kyrgyzgaz and the Lenin mechanical factory have organized an Association of Independent Trade Unions.

though there have been many offers. At one of the congresses of trade unions, the trade union of Dastan decided to work independently.

‘We force nobody to join, people come to us themselves for help ... Then, having been convinced that we really help, they join. . . They say, that it is necessary to reform the system of trade unions, that it is necessary to turn to face the workers, but that is all a fantasy, nothing like that will happen, unless the workers create their own trade union, and struggle for their rights.

Member of trade union of railwaymen

*‘At Bishkek station One the dispatchers work overtime, they have already worked for more than a month on three shifts, it is naturally necessary either to give them additional rest or to pay them extra. But the administration finds a heap of reasons to change nothing. I decided to go to Dokenov’s trade union to get the truth. It gave me documents and together we made an application and then I went with them to the administration. As a result, now workers receive the extra payment, and they have made me redundant, under the pretext of industrial necessity and uselessness of my post. I understand, for what I have paid. But now I am thinking **of leaving the old trade union** in which I have been for more than 30 years and **joining the new one**. The old trade union is a ‘puppet’ in the hands of the head. Leaders of the trade-union organization have been sitting there for more than 15 years. These trade unions and their methods of work have become obsolete. Also I am thinking of organizing a primary group of the workers’ trade union in the division. I have thought for a long time and now I understand, that exactly this trade union can protect my working interests’ (from interview with potential new member of the workers’ trade union).*

Acceptance of responsibility for activity in the field of protection of the rights of workers.

*‘We really are a workers’ trade union, we know all the problems of our workers. We began to walk with pride, with our heads raised high and have understood, that only we can put things in order on the railway, and we **are responsible** for our own fate’.*

Ernis Dokenov, workers' trade union of railwaymen

The orientation of independent trade unions to *a just* resolution of questions based on the strict observance of the legislation became the basic norm of their activity. For the protection of the interests of workers and their own rights, the trade unions rely on positions of the collective agreement, Labour and Civil codes, the laws on trade unions and noncommercial organizations and other normative legal acts, demanding that the administration follow the letter of the law, and monitor its observance.

One more significant difference between independent and new trade unions is the principle of obligatory *taking to the final result* of any complaint and application of the worker, irrespective of the acuteness of the dispute / conflict, its duration and the mutual relations between the worker and administration and so on.

Independent and new trade unions are compelled to raise their level of legal knowledge independently, carefully to study the normative legal acts concerning their sphere of work since they protect their own rights and the rights of workers in disputes with the administration, thus achieve fundamental successes. It gives them greater confidence in their strength, builds up operational experience with statutory acts, and increases the practice of the use of legal norms and their interpretation.

'I at that time did not understand myself, and did not know, that there are real mechanisms which make it possible to create a real workers' trade union, without leaving the framework of the legal field, according to the Law on trade unions. We did not know the laws at all, but then we started to study, there are laws that are good for us, it is only necessary to struggle for them to work and to be implemented. For example, wage delays, I got the Law on wage delays, and this law came out, it appeared in 2003, and I started to protect the workers according to it'. Chairman 'Workers' trade union'.

The limited access to external resources, small membership base and small staff of the trade union committee compels them to choose the areas of work most in demand, building them in a certain sequence. The trade unions study the experience of their

last disputes and disputed situations, identify the most typical questions on which workers appealed to them, try to prioritise them, proceeding from the resources of the trade union committee.

First we want to pursue the improvement of working conditions: it is necessary to adjust the ventilation, to install gas and water devices, overalls and so forth. Then, we shall pursue pay increases – for this purpose it is necessary for us to be prepared. Then, we shall work on questions of properties (boarding houses), improvement of conditions of rest of workers. .
'Workers' trade union'

Independent trade unions have gained experience in the practice ***of judicial protection of the rights of trade unions by their own efforts, without resorting*** to the help of the central trade unions

4.3.2 The organization of trade unions against hostile employers

The independent workers' trade union of railwaymen, the first and still the only independent workers' trade union, was registered in 2004. The formation of the organization was a reaction of working railwaymen to the passive and inefficient activity of the traditional trade union. In 2001 a group of 50 workers left the traditional trade union of railwaymen and transport builders and organized a public association 'Protection of the rights of railwaymen' with the purpose of stopping the unconstrained violations, caused by the activity of the former administration of the Kirghiz railway. However, practice showed, that a public association under the Law 'On public organizations' did not have not enough powers for the representation and protection of the interests of workers before the administration. And in June, 2004 they held the constituent conference of the republican branch association of trade unions 'Workers' trade union' which approved the charter of the organization and elected a Chairman and Central committee of the Workers' trade union of railwaymen. Now on the railway there are simultaneously two trade unions which compete with each other.

Rank-and-file members of trade union and workers were dissatisfied that practically nothing had changed in the activity of

the management bodies of the trade union for many years. The settled stereotypes in thinking and behaviour did not allow the whole system of trade unions to set the necessary tone and concrete strategic directions of work.

Workers, after numerous appeals to management, realized that to carry on negotiations over illegal dismissals, improvement of working conditions and increases of pay, one by one with the existing administration, did not make any sense or have any prospects, they needed a united force to whose opinion the administration would have to listen. Workers also quickly understood, that would not receive help from the 'traditional trade unions', accommodating to the policy of the employers and the central trade unions.

The following did not satisfy the new trade union:

- obedient following of the existing trade union to the interests of the state and the employer,
- inability of the existing trade union to resist the squandering of property, illegal dismissals and nonpayment of wages to the workers
- the stagnation in the overblown structure⁹ and staff of the trade unions,
- weak communication and resource to help primary organisations on the part of the central bodies of the trade union.

At the initial stage, dealing one on one with the administration, without support workers could achieve nothing. But it served them as a good lesson since they quickly learned, that nobody is interested in the resolution of their problems, only they bear the responsibility for themselves and their future. And their self-organizing became a pledge of their success. The leader of this organization, in the opinion of members of the workers' trade

⁹ The system of trade unions, apart from the Federation and the central republican committees, has 45 regional trade union committees and regional (councils of chairmen of branch trade unions (in a country of only 7 regions); 207 city committees, district committees of trade unions and councils of chairmen of branch trade unions and 8320 primary trade-union organizations.

union, should be only a worker, a person knowing all the cherished secrets of physical work and the state of dependence of workers – members of the workers trade union have been firmly convinced of this. And they have selected as the head of their primary organisation a worker from the wagon depot who is distinguished by his activism, organizing abilities and skill to stand for themselves and other workers in disputes with the administration. At present the workers' trade union has more than 400 members. In parallel, the existing 'traditional' trade union has more than 4000 members. Membership of the new organization is constructed on democratic principles. It is essentially declaratory: Each person personally writes an application for membership, but following an application to leave the traditional union. But, having put this question, the new leaders of the trade union found themselves in an interesting position. The fact is that nobody had applied to join the old trade union, they were just enlisted automatically on employment.

4.3.3 Creation of trade unions together with the employer

The other prototype of modern trade-union organizations, which reflect not only the labour interests of their members, but also employers, can be defined as 'quasi-trade unions'. For example, the Dordoi Combined Trade-union committee which in the classical understanding is not a trade union and now conducts its activity more as an association of businessmen. From the moment of its creation it was included at once in the branch committee of workers of trade, consumer cooperatives and other forms of business of the Federation of trade unions.

Our Trade union unites the individual businessmen working in the Dordoi market, it also includes sales people, taxi drivers, the security service and workers of the market. We were united to protect their interests against the administration of the market. They call our organization: "At home amongst strangers, a stranger amongst friends" [Title of 1974 Mikhalkov film]. We are both not a trade union, and not an association. But in any case we

are a self-organized member organization constructed on democratic principles, having the structure and lobbying the interests not only before the state, but also before the administration of the market. At the beginning we protected the interests of everyone working in the market, but now we have come to an understanding that we shall work and represent the interests only of those who are members of our organization and pay membership dues which are 20 som a month. . We hand over 50 % of the payments to the Federation of trade unions and in exchange members of our organization receive permits for summer holidays.

Chairman of the Combined Dordoi trade union committee

The Dordoi trade union was created in 1997 with a view to the protection of the economic interests of proprietors of businesses, and also workers and salespeople in the Dordoi market complex against state bodies (first of all, tax inspection) and the administration of the market. Due to persuasive negotiations with the local authorities and the administration of the market, the leaders of the trade union managed to achieve the introduction of a licence (a fixed rate of tax) on trade. A unique situation was created: in spite of the fact that the licence system destroys the basis of existence of the trade-union organization, the number of members of the trade union of the market has increased. Today there are about 3000 members of the trade union, of whom 30% are hired workers. Strengthening of the position of this trade union came after the tax inspectors decided to use strong-willed methods to force sellers and proprietors to install cash registers for calculations with clients. The trade union acted as a single consolidated force and defended the rights of the traders. At present the trade union has developed a certain structure, an order of interaction between its management and members, the functions and tasks of the trade union have been determined, and also the system of voluntary collection of membership dues which is carried out in cash.

Undoubtedly, the Dordoi trade union is of interest for the development of the trade-union movement since it unites not only proprietors, but also traders and workers, i. e. hired workers, who

would otherwise be reluctant to join a trade union. They do not understand, that through it they can lobby for pay increases, establishment of normal working conditions and the resolution of labour disputes with their employer.

4.3.4 New approaches to old functions of trade unions

The trade-union organizations come to understand more and more, that radical changes in their work are necessary. The other thing is that they do not yet have adequate knowledge and practical experience to judge and analyse what is going on around and at the enterprises nor to adopt adequate measures. This understanding is reached through innovative training which is aimed at judgement of what a trade union is and what it is necessary for, in what environment it functions, what occurs in primary organisations, which are the real basis of the trade unions. Branch trade unions take part in training¹⁰ provided by donor organizations where they have an opportunity to reflect on the role of trade unions in modern conditions, to identify resources, to define problems and to develop their own strategy of further development.

I think, reform is necessary for trade unions on all levels: primary, branch and at the level of the Federation. If during Soviet times the party ruled everything, now during market times relations are different. At a primary level the leader of the trade union cannot protect the employee because he depends on the employer. Therefore here the position of the primary trade union should be changed. As to the branch level, since Soviet times we have kept 22 branch trade unions, but now there are only 13 ministries and we conclude tariff agreements with them. Also there are big problems in the implementation of these agreements. For example, we enter into a branch tariff agreement with the ministry of industry, but the trade unions are scattered, we should be united, probably, somehow, in general, the structure should be changed. At the level of the Federation the charter should be

¹⁰ The training was carried out within the framework of the project of the global trade unions «Modernization and strategic planning of trade unions »

reconsidered, today it is imperfect, it is necessary to see how far it corresponds to the realities of our life'

Chairman of trade union of mechanical engineering.

Trade unions are beginning to understand, that it is necessary to raise motivation and interest in trade-union work, it is necessary to change methods of work, really to meet the needs of the members. Leaders of primary organizations start to articulate the problems constraining the development of trade unions, to offer new concepts and corresponding strategies of behaviour of the center and primary trade union organisations in the changed conditions, the new opportunities opening before them, to designate new approaches and kinds of activity. The main question which they set themselves: where to further move the trade unions of the country and how? What to do with primary organisations in changed conditions?

'In trade unions today one of the sharpest problems is the preservation of the existing trade-union property. It is well-known that to carry out any activity it is necessary to have a financial and technical base, some resources. The Kirghiz trade unions had a good inheritance from Soviet times, but, unfortunately, in the meantime this immovable property has been sold, alienated, transferred gratuitously to private ownership. And it has happened with the tacit consent of the leadership of the Federation. Those objects which have been sold in this way, illegally, will not come back, there are particular cases, but these are not on the initiative of the leadership of the Federation, but through judicial bodies on the application of other persons. I call members of the trade unions to resist this, so that these processes should be suspended and to not allow the further sale of trade-union property and to use the best efforts to return the immovable property of the trade unions which was illegally sold, transferred, alienated'

Chairman of trade union of workers of wood branches KR.

Studying of needs of members of trade union and diversification of services. One of the principal causes providing the durability of the position of any self-organized organization is the resolution of the problem of the motivation of its membership. People should

understand what is a trade union, that it is not some kind of administrative structure above them, and it is not a charitable structure which renders material aid and distributes permits. It is necessary, that people should understand, that the trade union is created by them, if they want to protect themselves.

The swapping of a significant part of the potential trade-union base from the traditional spheres of the economy to the sphere of small and medium business, private, joint and foreign enterprises, and the informal sector of the economy demands innovative methods of work and more liberal styles of management on the part of the trade-union organizations. A development of new principles of work is necessary. Today in Kyrgyzstan the number working informally exceeds the number working formally and it becomes unimportant to the trade unions whether people are working formally or informally, legally or illegally, the main thing is that they work, that they are hired workers and they work, so it is necessary to organize the protection of their interests. For example, the trade union of Dordoï market. Though this trade union also includes proprietors and traders, and as a matter of fact the organization is more similar in its activity to an association of businessmen, than a trade union. The Dordoï trade union has arisen primarily under the initiative of traders, i. e. fired workers who, having united with the employers, have acted against the introduction by the tax inspectorate of cash registers in the market, understanding, that their introduction will lead to a decrease in their level of wages. The following actions were the initiation of gathering membership dues to resolve problems and realize their own interests which are already distinct from the interests of the employer, for example improvement of working conditions – carrying out of illumination in the market, removal of dust, provision of security, the resolution of social questions of traders – lobbying of licence activity in retail trade and social insurance.

One of a number of interesting innovations in the work of primary trade union organisations, apart from the traditional distribution of permits, material assistance and carrying out of competitions is the idea of carrying out *certification of workplaces*.

¹¹ The basic purpose of such action is to secure the safety and health of workers by means of bringing out-of-date technical norms and rules into conformity with existing conditions in the workplace. The initiators of such work have been primary organizations, on the demand of workers. From their side this was followed by reference to the branch trade union, which addressed the corresponding bodies (Technical inspectorate, health inspectorate, labour inspectorate and so forth) and a commission was created to assess the workplaces. Control metering of the parameters of the workplace were carried out with the participation of the inspectors of the corresponding services and the RK trade union, then – the data was fixed in corresponding regulating technical-normative documents (lists of harmful operating conditions, the list of extra payments and so forth).

Activization of work under collective agreements. In the past, in the development of collective agreements trade unions automatically copied articles of the Labour code. More recently, trade unions take into account the specificity of production and draw up articles of collective agreements and their appendices, which give them more than the rights that are fixed in the Labour Code¹² (for example, the administration is obliged to transfer payments to the account of the trade union and pay a fine for every day of delay), discuss them with the administration, and insist on their variants. Thus, trade unions stand more actively on the position of protection of the interests of workers. Experts - advisers from the branch trade unions are involved in rendering assistance in the development of collective agreements.

Arrival of initiative and independent trade-union leaders. In some trade unions younger and more active leaders have come in to the leadership. For example, in the republican trade union of

¹¹ This was done the first time at the enterprise Kumtor one year ago.

¹² For example, in the some collective agreements it is underlined, that the administration is obliged to transfer membership dues in due time and to pay a fine for every day of delay. Or the salary of the trade union committee is paid to workers from the means of the administration.

mechanical engineering there are about equal numbers of 'old' and 'young' leaders of primary trade union organisations.

These are middle-aged people possessing such features as initiative and the ability to rally people around themselves to organize their work. But, perhaps, the main advantage of the new leaders is the desire to change the work of primary trade union organisations, to help workers with the protection of their rights, to raise the image of the trade unions as organization created by workers and to serve their interests.

On the other hand, new leaders obviously do not have the definite knowledge and skills of strategic and operational management of trade-union organizations, resource management, adjustment of effective partner relations with the administration, the central trade unions and the state bodies.

Traditional primary organisations to use the approach of partnership and cooperation with the administration, instead of confrontation of interests, *search of conciliatory proposals*, instead of open collision. These efforts are also supported by the branch trade unions. 'We try not to take cases to court, we solve questions on the ground, if necessary we involve our experts or we meet together and solve the situation with the management. In most cases we try to sort things out without it going to court' - the representative of a branch trade union says.

Such a position does not mean that the trade unions compromise with the administration, it testifies to a desire of primary trade union organisations to analyse problems in a mode of dialogue and discussion through which to generate various possible decisions, and to choose the optimal one.

In cases when there is clearly a direct infringement of the rights of workers, trade unions insist on the reversal of an illegal decision.

Evidence of the increasing authority of the trade-union organization is *the trade union membership of administration staff* (the chief accountant and finance of joint-stock company 'Dastan' have independently expressed a desire to join the trade union). Such membership, first, allows the trade unions to use their

potential and knowledge in resolving questions at issue (in a case from the joint-stock company ‘ Dastan ‘, on the financial condition of the enterprise, the total wages, compensations, etc.). Second, it helps the administration to look in another way at problems which trade unions resolve, to see prospects of investment in manpower and to estimate their feedback, and, probably, actively to involve members of the administration in the work of commissions and to expand the spectrum of services of the trade union for the protection of the interests of workers.

4.3.5 New trade-union practice

Experience in the realization of international projects and partnership with trade unions of other countries allows trade unions of Kyrgyzstan:

- To improve organizational development and to start some structural changes of those participating in their organizations;
- To improve their administrative, organizational, strategic and administrative skills
- To strengthen the internal democracy and independence of the trade unions
- To search for new forms and methods of work

So, in the realization of the project ‘Modernization and strategic planning of trade unions’, carried out with the support of international trade-union organizations, 10 branch trade unions participate, 9 of which are members of the KR Federation of trade union. These are the trade union of art workers, trade union of workers of state institutions, trade union of workers of agrarian industrial complex, trade union of workers of the food-processing industry, trade union of workers of trade, trade union of workers of power, trade union of workers of the wood branch, trade unions of builders and building materials, trade union of workers of municipal services and municipal employees. The other is the independent trade union of Telecom workers.

The purpose of the project is to provide assistance to trade unions so that they can evolve, to be able to carry out their mission today in the real conditions of these countries, conditions of the

market, transition to the market, in conditions of change of mentality of the population'. The project head.

Selection of trade unions for participation in the project was carried out by the international trade unions. The basic purpose of the project is development of the educational skills of trade unions, rendering of technical help in the development and realization of the strategy of modernization in the selected trade unions, increase of understanding of the necessity of launching strategic processes and organizational development in trade unions. The main thing in the project is the informational-training component which assumes joint definition of problems in the trade-union organization, priorities of development, search for the resolution of problems by means of carrying out of training of trainers from among the trade-union workers and the further dissemination of knowledge. For each organization 3 trainers - instructors have been prepared who will carry out their own work at the level of the enterprises and organizations.

Trade unions of Kyrgyzstan actively cooperate with the ILO and promote the ratification of ILO conventions in Kyrgyzstan. The experience of the trade union of workers of the agro-industrial complex of the ratification of the ILO convention on labour safety in agriculture is interesting. With the support of the Subregional office of the ILO for the countries of Eastern Europe and Central Asia, together with the State labour inspectorate a training program 'Perfection of practice of work in the development of local communities' has been developed, ⁶ special manuals on labour safety in agriculture were published in the Russian and Kirghiz languages which were distributed free-of-charge to farmers and peasants. Within the framework of the project 4 regional seminars were carried out, at which up to 20-30 trade-union trainers were trained and in every district work was carried out on labour safety in agriculture. Also the ILO project on the prohibition of the worst forms of child labour in tobacco which covered the Noukatsky district of the Osh region and the Dzhahal-Abadskoj district of the Alabukinsk region has been carried out. Its basic idea was to increase the level of family incomes through

mobilization in groups of mutual aid and the organization of access to microcredits that will allow them to release working children who today are used in this branch. It has been About 60 mutual aid groups were created. To receive no-deposit microcredit, the trade unions acted as the guarantor. All members of mutual aid groups were members of the trade union of workers of the agrario-industrial complex.

4.3.6 Creation of trade unions at foreign enterprises

Certainly, the fact that trade unions are already created at the foreign enterprises in itself is a positive phenomenon. It is connected with the fact that, as a whole, foreign companies feel pretty free in the country. Having got support from the state bodies, they frequently do not observe tax, ecological, labour and so forth legislation, being covered by various intergovernmental agreements and contracts. The last, in turn, have been made with obvious connivance of officials and conflict with working NPA, including in the sphere of labour relations.

Foreign investors, realizing that support on the part of government officials cannot be a constant, aspire to fast extraction of profit. Certainly, they relate with hostility to any actions connected to increasing costs, on wages, social services and packages and so forth. For example, at Kumtor an increase in the mining coefficient (in accordance with the legislation) for wages of workers would increase costs by about 5 million dollars. So the administration of the enterprise actively resists pressure on the part of the trade union, the government and parliament.

In such conditions the existence of an organization aimed at the protection of the rights of local workers, equalizing the rights of local and foreign workers, the resolution of labour conflicts and its stable functioning is in itself an achievement.

'Representatives of the trade-union organization declare that at present there was a comprehension of the strength of such an organization as the union protecting the interests of its members and as result, there is an expansion of its structure and a conscious increase in membership. As confirmation of the

aforesaid the trade union has about 720 members out of 1500 workers of the company' Kumtor.

The situation at foreign enterprises gradually improves: the approach of the administration to resolving labour questions is changing, partly under the growing influence of the trade unions. The administration recognizes that many of the demands of the trade union committee are justified, but it is necessary to approach them from the point of view of finding a compromise. The administration also notes that positions of the trade union –its influence among workers –is growing and extending. One of the main questions from the point of view of the trade union, *the question of an increase in wages*, remains open since the average size of wages at foreign enterprise exceeds the level of payment of workers in public service and other local enterprises. However, compared to wages of foreign workers it is much lower.

The conflict concerning increase in the mining coefficient for payment has caused strained relations with the administration, but the administration nevertheless understands, that it is normal. Representatives of the administration note that such relations between the trade unions and the companies exist all over the world since by definition trade-union organizations should operate thus and all problems are solved.

Trade unions gradually expand their activity: provide a large number of permits, directly conclude contracts for health services with medical institutions, 'beat out' more and more material aid for workers, increase the size of loans.

The chairman of the trade union committee considers one of their achievements to be the achievement of an arrangement with the administration about rendering material assistance which is fixed by an order where cases of allocation of help are stipulated.
Reemtsma

Heads of trade unions are supported by workers - members of the trade union, and also act as a united front in the struggle for the rights of workers.

Adoption of the Collective agreement or social packet. It is possible to consider as a positive factor of the activity of trade-

union organizations, the adoption of collective agreements at foreign enterprises and the activity of trade-union committees in this direction where they are not yet adopted.

At the end of 2004 negotiations between the administration and representatives of the trade union began, which resulted in a collective agreement. The collective agreement was initiated by the trade-union committee and made between the trade union committee of Kumtor Opertaing Company, representing the interests of workers of the company, and the administration of Kumtor Opertaing Company. The contract runs for two years and the last contract was made for the term from January, 1, till December, 31, 2006 and authorized at the last trade-union conference in Bishkek on January, 25, 2005.

Acceptance of the collective agreement is preceded, as a rule, by a long struggle and negotiating process of the trade union against the administration. Not all preliminary demands of the trade union were included in the contents of the collective agreement, but nevertheless, as a result of negotiations with the administration, the substantive provisions moved by the trade unions were accepted.

After acquaintance with the experience of trade-union leaders and organizations of factories in other CIS countries (Ukraine and Russia) during a meeting in 2005, and a subsequent visit to the Kirghiz factory by members of the trade union Reemstma Kyrgyzstan the understanding of the role and function of trade unions began to change. The need to acquire additional knowledge and confidence of the need to lobby for the adoption of the collective agreement which has already been adopted by their colleagues has appeared.

Rank-and-file members of the trade union began to demand from the trade union committee the signing of the collective agreement. In the opinion of rank-and-file members of the trade union, the chairman of the trade union committee, receiving a salary from the administration of the factory, cannot resolve such global principled questions as the collective agreement,. Workers

start to think how to provide the wages of the chairman from the trade-union cash department.

The social pages of the Collective agreement, in spite of the fact that there is no agreement, in practice is almost completely carried out: there is an order of the general director which stipulates the conditions for and size of material aid.

Obviously, the following step at this enterprise must be adoption of the collective agreement which will expand the labour rights of workers and will legally fix their performance on the part of administration.

Judicial precedents. The occurrence of judicial precedents when trade unions assert the rights of workers before the company are also a positive feature of the activity of trade unions. These cases, basically, concern wrongful actions of the administration concerning hired workers.

At the end 2005 a worker of the mine security service was dismissed for 'numerous reprimands and default of official duties'.

The first reprimand because the worker, while on the sick-list, came to work on one of his days off, gave some instructions to his subordinates and left. He was noticed by staff of the administration who submitted an official report that the worker actually was not sick but was walking about the mine.

The second reprimand was received when the worker made a mistake in a figure when he entered a record in the list of finished goods which he accompanied to the warehouse.

On the basis of the above infringements the administration dismissed the worker. The worker appealed to the trade union which helped him to make a claim against the administration. During several judicial sessions the real picture of the event was established. Members of the trade union committee proved, that concerning the first reprimand the worker was receiving outpatient treatment and had the right to visit the enterprise. As to the second reprimand, the trade union cited a normative regulation of the enterprise according to which the registration of the finished goods brought was not recorded as one of the official duties of

security staff. In addition to all this, he had been dismissed without the consent or notification of the trade union.

The worker was restored to his post by a decision of the labour court, all reprimands were rescinded and compensation for the period laid off was paid. (Kumtor)

In 2005 the head of a warehouse, being the materially responsible person, went on leave, without having handed over the values for which he was accountable through the handover-transfer report, for which he was dismissed by the administration, and without the consent of the trade union.

The given infringement did not provide punishment as obligatory dismissal. Therefore after an appeal to the trade union committee and with the legal support of the republican committee and reference to court the worker was restored to his job. (Reemstma)

Partnership with state bodies. One of the positive moments in the activity of trade unions at foreign enterprises is the attraction of the attention of deputies of parliament and the government for the resolution of disputable labour questions which the foreign company does not resolve.

The trade union of the enterprise together with the branch trade union was the initiator of an increase of the wage correction factor. On the basis of the conclusion of specialized institutes it was proposed to bring in recommendations for an increase of the factor from 1,75 to 2,4. The recommendation from the submission of the branch trade unions was approved by a separate decision of the government, concerning this enterprise. The information was dispatched to deputies (on the corresponding commission of parliament). Moreover, workers at the mine directly appealed to the deputy for the constituency. Also the department of the fuel and energy complex of the governmental apparatus was involved. The court of the first instance decided the case in favour of the workers. But the case is not finished. The foreign company has appealed to the Arbitration court. The case is not completed yet. (Kumtor)

12 people appealed to the trade union committee and through the Republican committee of the trade union the attention of the relevant committee of the Zhogorku Kenesh [parliament] and the Government were drawn to the problems. The administration of the factory, to avoid the case going to court, recalculated the payments. Reemstma

4.3.7 Positioning of trade unions in civil society

The ‘postrevolutionary’ year continues to pass at a level of the surge of the ‘2005 revolutionary wave’, emotional attacks and statements. Various political methods of struggle of citizens for their rights have become the norm. Besides traditional political ways, such as meetings, pickets, processions, more extreme measures are used more and more: blocking of strategic communications, attempts at self-burning, capture of state objects and so forth. The population of the country (under the pretext of protection of their interests) is more and more involved in the organization and direct participation in such actions. The working part of the population relates quite soberly to such political actions, but by virtue of the adverse economic and social conditions in the country that have developed (redistribution of the property, poor control, etc.) are periodically involved in political methods of struggle quite often headed by the trade unions (Workers’ trade union of railwaymen, trade union of Dzherujnskogo gold mining combine, trade union of the printing combine, etc.). In such conditions it is very tempting to use trade unions to pursue purposes and concessions from the side both of the state and the employer.

By virtue of insufficient knowledge of the population of the essence of trade unions in new conditions *one part* continues to consider them, as before during the Soviet period, as an integral part of the state machinery (especially in budgetary organizations) whose positions are directed basically at responding to the social interests of the workers. *The other part* of the population is only beginning to understand that trade unions, as a matter of fact, are public organizations, called on to represent and protect the

interests of workers, but till now there is no precise notion of before whom to represent them and from whom to protect them. This suggests that for them trade unions to a greater degree in practice express the interests of the state and the employer, instead of that of the workers.

The third part understands the role and functions of effective trade unions, sees a precise difference from other public organizations and is beginning the processes of self-organizing of new trade unions from below.

The relation of political and public organizations to trade unions. Parties and movements do not yet see trade unions as their supporters in the protection of the political and social and economic interests of workers though our society is wildly politicized. They clearly realize that trade unions for today are not ready to offer a program of their own development corresponding to the spirit of the times, focused on protection of the real interests of workers, and they act practically jointly with the existing authorities.

4.4 Recommendations:

1. Observance of democratic principles of the organization of the trade union. A trade union answering to three basic criteria can be considered to be effective: 1) *democratic character of creation and management*, 2) *solidarity* and 3) *independence*. There are problems in regard to the first criterion in Kyrghyzstan. Though it is formally possible to consider that this principle is observed by traditional trade unions. It is necessary for trade unions to introduce real mechanisms providing democratic management. Big problems also exist with the criterion of independence because independence of the activity of the trade union should be both from the employer and from state bodies. The employer cannot dictate to the trade union the conditions, appoint the trade-union leader at the level of the enterprise, maintain the trade-union leader, and furthermore to occupy simultaneously two seats

2. Presence of a strategic vision and purposes. It is important for trade unions to have a vision of development, to be able to

identify problems which they face today, and then to try to define priorities and to search for the resolution of these problems, and it means to master and use modern administrative technologies – strategic management, anti-recessionary management, management of diversity, the coordination of different interests, etc.

3. *Concentration on specific functions of trade unions.* Three basic functions assigned to the trade union are *protective* (mutual relations ‘trade union – employers’), *representation* (mutual relations ‘trade union – the state’) and *economic* – care for increasing production efficiency. The basic practical task of trade unions will be to not allow an increase in the rate of unemployment and to raise employment. It means a shift of priorities from protection of the interests of those already working to protection of the interests of all persons of wage labour.

4. *Improvement of trade-union training.* Training of members of the trade union becomes an integral part of the increase in the efficiency of the trade-union movement, promotes effective social partnership, focuses trade-union organizations on their further development. The competence and professionalism of the trade-union staff is the major condition.

5. *Effective realization of the purposes and tasks of social partnership.* Social partnership serves as an important tool of struggle of trade unions for the vital interests of workers, promotes their unity, the development of the social responsibility of partners and is directed at the maintenance of the social world and harmony in society. The basic purpose of social partnership is the development, acceptance and realization by the joint forces of the partners of progressive measures for the development of the economy at the minimal possible costs for the population of the region and the preservation of social peace.

For the trade-union organizations it was expedient more actively to use the following in their work:

- Carrying out analysis of the social and economic and political situation in the country and studying of its influence on the development of the trade-union

organization of the enterprise with the purpose of the elaboration of a strategy for the development of primary trade unions;

- Activization of information-propaganda work and training of trade-union leaders of primary trade union organisations about the essence and principles of functioning of trade-union organizations in modern conditions for their reorientation to real protection of the multi-faceted interests / rights of workers;
- Carrying out analysis of the differentiated needs of workers in the sphere of labour relations at the enterprises, revealing of priority problems with the purpose of definition of priority directions of work and optimum structure;
- Strengthening of work on establishment of partner relations, studying of examples of effective experience of involving new members. Expansion of membership base through an increase in informing and motivation;
- Introduction of effective forms of intercommunication in the practice of development of partnership;
- Carrying out more active work with 'quasi-trade unions' with the purpose of their transformation into real effective trade unions;
- Development of a specialized program of training for the development of the administrative and personal skills of trade union leaders (the analysis of a problem and decision-making, responsibility, delegation, joint decision-making and so forth);
- Strengthening of work on introduction of analytical methods of studying problems and making rational, compromise decisions, work with the technical and financial documentation of the enterprise, work with judicial materials, normative-legal acts and so forth.
- Introduction into practice of new kinds of activity in view of changes in the environment;

- Creation of conditions for the recruitment of younger and more enterprising heads of primary trade union organisations, with their own new programs of actions for the trade union committee;
- Improvement of planning and transparency of expenditure of monetary resources of the trade union, and also sources of their receipt.

5 Positive experience of trade unions of Moldova

V. Teosa, V. Moshnyaga, E. Babare

5.1 Best practice of primary trade-union organizations

5.1.1 New approach to old trade union functions. Role of trade union in the distribution of the social package

Practically all case-study research shows that in the social package the trade unions aspire to preserve their former traditions, though in a reduced volume, and to supplement them with new social services. Trade unions still organise cultural actions on the occasion of national and local holidays, continue traditionally to distribute gifts for workers and children on holidays, organize anniversaries, etc. It is important that *gradually the trade union allocates less money for these purposes, and manages to get the employer to finance these actions by means of the collective agreement.*

There is a traditional set of distributive practices, namely, holiday gifts, material assistance to members of the trade union paid from their membership dues, preparation of anniversaries and holidays. Trade unions also participate in the distribution of permits for sanatorium treatment. For some members this activity of the trade union is the most important and telling argument for remaining a member of the trade-union organization. But it is important that *trade unions have achieved the inclusion in the collective agreement of an item about the allocation of some money by the employer for the purchase of permits for the sanatorium treatment of workers* which are used as an encouragement for good work, and also part payment of children's permits. For example, after long negotiations, the trade unions of

the enterprise Topaz managed to overcome the skeptical attitude of the administration and to achieve joint funding equally by the trade union and the administration of various kinds of socio-cultural activity.

Introduction of additional payments and bonuses for workplaces, certainly, was one of the most important problems with which the trade union committee was faced, but it was possible to solve this problem in negotiations with the administration of the factory. At present the salary is always paid out on time and without significant delays.

The trade union committee actively participates in the organization of the rest time of workers: thus, various trips to the country (within the program of activities: sports and cultural rest), evening and matinee performances for the children of workers. All this was very skeptically considered by the administration in the beginning, but after some negotiation and participation in this activity the administration supports such initiatives.

It is also necessary to note other kinds of activity in this sphere, providing savings for the incomes of workers. So, for example, the trade union committee, together with the administration of the factory, provides delivery of food stuffs at below market prices for workers of the factory. Thus, they are able to get food stuffs, without taking a break from work and indirectly to replenish the worker's purse. Among such practices is one common during former time – trips to clean fruit and vegetables. However, modern trade unions have given them a new form –work which used to be performed free-of-charge today, as agreed between the trade union and the administration is compensated by natural products and workers, going on such trips with their families on their days off, come back with fresh fruit and vegetables, providing themselves with products for the winter, that also enables the workers' to save and augment their incomes.

5.1.2 Updating of organizational work and training/retraining of trade-union leaders

In the Concept of the development of the trade-union movement in the Republic of Moldova, adopted by the FNPRM Council (№8-2 of 14. 03. 2000) a special place has been given to organizational strengthening and optimization of the structure of the trade-union movement. However, since 2001 this direction of the activity of the trade unions has become the basis of opposition. The style and character of organizational work which has become the major tool in the competition between the two trade union confederations has changed. Its target has become not so much primary trade-union organizations, but whole branches. As a result it appears that, at the level of primary organizations, the arguments have become the strengthening of pressure on the part of employers who have been recommended through the hierarchical chain to promote this process. Most effective in these conditions has been the method of creation of alternative branch organizations, as happened in agriculture when a group of leaders from the Agroindsind confederation organized a similar trade union in the structure of the Solidaritate confederation. For a long time branch organizations of the electricity industry, administrative bodies and small business in the SSRM confederation operated in the same way. The organization of the electricity industry, as a matter of fact, represented the primary organization created on the basis of the largest power company of Moldova with foreign capital, Union Fenosa.

For the CSRSM confederation simultaneously, there is a need to strengthen connections with primary organizations, on the one hand, and to create new primary organizations in those enterprises where they did not exist at all or have collapsed during the 90s. With this aim CSRSM has built a system of work with youth, directs efforts to *the creation of new trade-union organizations at all levels*,¹³

¹³19. 12. 2002. the trade union of workers of trade, public catering, consumer cooperatives, services, restaurant and hotel facilities was founded; in 2003 - 2 national - branch trade union centres: The trade union of transport workers (520

strengthening of the activity of regional (ATO Gagauziya, Kishinev municipality), territorial - branch (district) and branch organizations, and recruitment of new trade union members. To carry out these tasks they have held meetings and round tables, sessions of working groups and organizing committees and seminars for trade-union activists. CSRM and branch federations actively *cooperate in this with international partners and involve experts from international organizations and brotherly trade unions* (Greece, Romania, Belgium, Holland, Sweden, Ukraine, Russia).

CSRM undertakes efforts for the *reinforcement of its organization and training through publication and informational activity, publishing information materials* as booklets: 'Trade unions are necessary', 'If reforms oppress you, away with all doubts – joint the trade union!', the publication of calendars with the CSRM emblem, and also international support from the ICFTU, TACIS, the Cultural Department of the US Embassy in the Republic of Moldova and the British Department for International Development. An effective form of work of CSRM is a hearing on the results of training in the system of trade-union education, it has managed to include the financing of training in collective agreements at various levels with an allocation of not less than 2% of the wage fund for this purpose. It managed to achieve such an understanding and corresponding agreement both at the level of branch committees and in some territories: in Drokiya district an agreement was signed that owners allocate 3% for training of workers and trade-union activists.¹⁴ In total 22521 people have been trained in the CSRM system of trade-union education, including 288 trained trainers at seminars organized by CSRM, the others were students of seminars at branch and territorial levels.

people. , founding congress: 12. 11. 2003) and Association of power trade unions (2140 members, Founding Congress - 12. 12. 2003).

¹⁴See: Decisions of Executive committee of CSRM № 35-312 of 2. 10. 2003

"On the results of academic year 2002/2003», №51-388 of 24. 06. 2004 "On the results of academic year 2003/2004 », etc. CSRM Newsletter "Sindinfo":

Expanded session of Executive committee of CSRM of June, 24 2004 Kishinev: 2004. pp. 10-11

5.1.3 Experience of activity for the achievement of intra-trade-union unity

The trade unions of Moldova, finding themselves for the first time in the history of the trade-union movement of the country divided by ideological, political and personal barriers, learn to overcome them in the interests of the protection of workers, strengthening the influence and authority of the trade unions as is shown by the successful overcoming of the long period of opposition (2001-2006) of the two confederations CSRM and Solidaritate, on the one hand, and the practice of cooperation of trade unions of the right and left banks in the context of the TransDniestr conflict.

Over the period 2001-2005 the CSRM and Solidaritate, confederations accumulated not only a significant number of mutual complaints, but also a mass of letters, appeals and resolutions concerning intertrade-union dialogue.¹⁵ The CSRM Confederation repeatedly launched initiatives for the merger of the two confederations, supported the unity of the trade-union movement on a democratic basis and proposed negotiations.¹⁶ In a special press release, the Confederation Solidaritate responded to the last offer of the Executive committee of the Confederation CSRM. In it the Confederation CSRM was accused of an unwillingness to carry on constructive negotiations for the previous 4,5 years; of ignoring initiatives about cooperation at the level of the national interbranch centers, of making unreasonable accusations of politization of the Solidaritate trade unions, of direct intervention in the activity of the Solidaritate trade unions on the part of the state and, finally, of blocking attempts of the Confederation Solidaritate to affiliate to ICFTU. The statement ended with a precisely formulated statement of the only possible form of unification of the Confederations: complete dissolution of the CSRM Confederation and transfer of all organizations into the

¹⁵ See: Letters of CSRM Executive committee 29. 01. 02; 17. 04. 02; 04. 09. 02; 17. 10. 02, 28. 04. 05; Letter of Solidaritate Confederation, 14. 03. 2001; , etc.

¹⁶ See: Decision of the CSRM Executive committee № 60-469 28. 04. 2005r.

»On the proposal to begin negotiations between Confederation CSRM and Confederation Solidaritate; press release 08. 06. 2005.

structure of the Solidaritate Confederation. This position was confirmed in a personal meeting with a member of the group of researchers, V. Teosa, with Mr. L. Manja, president of the Confederation Solidaritate.

It appears that the positions of both sides were completely clarified in the resulting official press statements of the heads of both confederations: the basis of the split and confrontation, apart from disagreements over property, is disagreements over ideology and concrete political positions, preferences and actions which prevent the resolution of the issues which are vital for the democratization and strengthening of the trade unions of Moldova.

So, CSRM repeatedly took the initiative at meetings with Solidaritate to conclude a convention with the state about the non-interference in the affairs of trade unions, but till now it has not been possible to reach agreement on this important question for the trade unions. At the same time political life leaves traces both on the negotiating process and within the framework of social dialogue. As a consequence it was not possible to find a compromise settlement of the question of the base wage rates – disagreements between the two sides have already held up the signing of the national level Collective agreement for more than half a year. Underlying this failure are the inter-trade-union contradictions of CSRM and Solidaritate: corporativism and unwillingness to act as a united front for the protection of the interests of public sector workers, on the one hand, and other branches, on the other, is observed in the positions of both sides.

Carrying out a policy of inter-trade-union confrontation within the framework of social dialogue, undoubtedly, does not correspond to the ideology of the international trade-union movement and shows the absence of an aspiration of the parties to search for a compromise, to which the partners in the negotiating process unsuccessfully appeal – the employers: ‘It is necessary to change the format of the document - to make decisions about each group separately so as not to prevent the introduction of already agreed decisions’.

The situation of split is so acute, that until 2006 neither confederation would cooperate in any other sphere, including joint protest actions, training of activists, conferences and seminars. They have failed to achieve unity, according to the general director of the Institute of Labour, Mr. D. Shandru, even on the basis of the research and training program of the Institute of Labour: the presence of one of the confederations excludes the participation of the other.¹⁷ The process of real negotiations began in 2006 and is continuing.

A successful example *of inter-trade-union national cooperation* has been the cooperation of CSRМ and the TransDniestr Confederation of trade unions (KPP), supported by international organizations. In June 2003 a cooperation agreement for 2003-2004 was signed between the two confederations, whose purpose was the carrying out of the joint actions directed at the effective protection of the interests and the rights of trade union members and trade-union freedom. A plan of joint actions was developed and adopted.¹⁸ According to this plan joint seminars on the themes ‘Protection of trade-union rights in the transition period’ (May, 19-23 2003), ‘Rights of trade unions, proclaimed by the ILO and their realization in market economy conditions’ (October, 7-11 2003) have been carried out. There is a tradition of participation of representatives of KPP at the seminars conducted by CSRМ: 4 seminars devoted to problems of information and organizational work and public relations were held in February - May 2004. Through CSRМ as intermediary regular contacts of KPP with foreign trade-unions/workers centers have begun. An example of this is a tripartite meeting in May 2004 between the leaders of CSRМ, KPP and a delegation from the workers’ movement from Sweden to conclude a cooperation agreement. In the first half-year of 2004 CSRМ, KPP and the Liberal trade unions of Belgium agreed to work on a joint

¹⁷ From interview with General Director of the Institute of Labour, Mr. D. Shandru May, 27 2005.

¹⁸ Authorized at the meeting of the CSRМ Executive committee 2. 10. 2003.

organizational-educational and information project and agreed to exchange trade-union newspapers and information publications.

Such activity has also extended to branch levels: on 30. 10. 2003 the federation of trade unions 'Moldova-Biznes-sind' and the trade union of trade, public catering, cooperatives, service and hotel facilities of the Republic of Moldova entered into a cooperation agreement with a number of branch trade unions in Trans-Dniestr, having ratified a plan of joint actions for 2003-2004. It is necessary to note, that the CSRM Executive committee, having heard the question regarding progress in the implementation of the cooperation agreement, approved its implementation and directed the activity of CSRM branch and territorial trade unions to the continuation and expansion of cooperation within the framework of the agreement.¹⁹ In conclusion it is necessary to note a special urgency for the Republic of Moldova at the present stage of development of the mechanism of trade-union partnership as a factor of success in tripartite social dialogue. In conditions of formation of democratic mechanisms and development of a market economy in the Republic of Moldova, there is a problem of preservation of the trade-union movement as an effective and real actor in social policy on the labour market of the Republic of Moldova, a full participant in market social-labour relations representing the interests of the most massive part – workers.

5.1.4 Representation of interests of individual members

Privatization of enterprises was a test 'for the survival' of the trade unions. Really all trade-union organizations of privatized enterprises have faced the question of the protection of the rights of members of the trade union. So, in May 2005 the State Unitary Enterprise 'Tiraspolskii bread-baking complex' was privatized by an investor of OOO Sheriff and was transformed into the Joint-Stock Company 'Tiraspolskii bread-baking complex'. The investor immediately declared that they did not

¹⁹ Decision of CSRM Executive committee № 51-385 June, 24 2004.

need trade unions. At that moment all workers of the combine were members of the trade-union organization of the bread-baking complex. The investor stated that since people had written applications for trade union membership automatically, they should now write new ones if they wanted to be members of the trade union, and we shall see. All members of the labour collective confirmed their trade union membership, having written repeat applications. Thus, the trade-union organization has been kept.

Subsequently the trade union committee of the bread-baking complex, together with the administration (the former director had remained in his post) began preparatory work for the conclusion of the collective agreement. In 2005 there were very tough negotiations on the preparation of the new collective agreement, in connection with the privatization of the enterprise. A bilateral commission worked. The trade union faced the most difficult task: not to allow a sharp reduction of the number employed, to defend workers and to assert the rights of the trade union. The collective agreement adopted on 09. 08. 2005 included items for which the trade union had struggled persistently and for a long time – sections on payment, health and safety, working hours and rest time, preservation of employment, guarantees of trade-union activity, social guarantees and compensation.

The subject of sharp conflicts between the administration and the trade unions are, as a rule, either the interests of particular members of the trade union, or the interests of the labour collective which the trade union should assert, using various methods depending on the situation. An example of the resolution of a conflict through the courts was an incident with a worker at the Tiraspolskii bread baking complex, who in 2004 was refused compensation by the administration in the form of monthly payment for an industrial injury (group 2 of physical disability). With the help of the trade union committee of the enterprises and with the assistance of staff of the TransDniestr Federation of Trade

unions the worker appealed to the court. The decision was in favour of the victim.

The Solidaritate trade union of the construction enterprise of the joint-stock company Inkonarm faced the same active opposition to signing a new collective agreement. The union negotiated with the director all through 2004, but he did not want to sign the new collective agreement for the various reasons. Only after the inclusion in the commission of representatives of the branch committee of the Sindkonsa trade union did the situation somewhat change, and only after the arrival of a new director was the collective agreement signed. The main problem and the greatest disagreements, naturally, came on the article about payment. The trade union committee managed to secure payment for technical idle time (this item was not in the previous collective agreement). There were also disagreements about harmful working conditions, and it was also possible to include an addition to the collective agreement for harmful working conditions. But when there was an accident at the enterprise of the joint-stock company Inkonarm – a driver was killed – the administration tried to avoid paying indemnification to the family, accusing the worker of causing the accident. The chairman of the trade union committee refused to sign this conclusion and asked the Sindikons Federation of trade unions to help with the case. At that stage the case was represented in court by the leadership of the Sindikons Federation of trade unions, at the request of the enterprise trade union committee.

5.1.5 Support on the part of higher trade-union bodies

In conditions of opposition between the two confederations, one can observe a strengthening of the interrelations of the central and territorial organizations with the primary organizations, which existed earlier mainly at a formal level. The research has shown that practically in all capable trade-union primary organisations where the best practice was studied, such practices are established in cooperation with higher organizations, as a rule, territorial, less

often branch and at times even with the direct participation of their representatives in the activity of the trade-union organization.

First of all, this concerns establishing relations within the framework of the collective labour agreement. So, in the activity of the trade-union organization of the joint-stock company Natur Bravo in Ungen', which is an affiliate of the National federation of trade unions of agriculture and public catering of the Republic of Moldova – FNSAA AGROINDSIND, the CSRM territorial trade-union center actively participates in the resolution of conflicts at the enterprise and its representative is a member of the commission on collective negotiations at the enterprise and directly participates in the organization of trade-union work of the primary organisation: distribution of information materials, rendering of practical help in the resolution of arising problems, participation in discussions in labour collectives, negotiations, etc.

An important role is played by the territorial trade-union center of Ungen' district both in the information and educational activity of trade-union activists, organizing training at the district level and in the primary organizations. By means of representation of interests of the primary organization in social dialogue at the regional level, the territorial committee influences, in a certain sense, the settlement of problems and strengthening of the positions of the primary organizations. In turn the primary organizations welcome the sports festivals organized for trade-union members by the center of the Territorial Union. Also the center supervises the summer children's camp where approximately 2000 children of workers of the enterprise and branch annually have a break.

The role of the branch center of the Agroindsind federation is also important for the activity of primary organizations, training of trade-union activists and organization of exchanges of experience. Undoubtedly, participation of representatives of the Federation in social dialogue commissions at national and branch levels has a significant influence on the authoritativeness of the primary trade-union organizations. At this level it was possible to defend the presence of trade unions and to keep the majority of

members of the trade union at the enterprise during its reorganization.

An example of concrete support for a primary organization was the conflict between the primary trade-union organization of the factory of the joint-venture joint-stock company 'Topaz', affiliated to the Solidaritate Confederation of independent trade unions and the corresponding branch organization – Metal Federation. At the last Congress the factory trade union, supported by the leaders of the Solidaritate Confederation, left the branch organization because it did not cope with the tasks it faced. Also at this Congress the question of a merger of those trade-union organizations which have fewer than 1000 members was discussed. Thereby to create an influential trade-union center which would have corresponding experts who corresponded to the requirements of the modern trade-union movement.

5.1.6 Organized political activity against intervention in the affairs of trade unions and protection of the rights of trade unions

A feature of the new stage is the attack on the rights of trade unions and the subordination of the activity of a part of the trade-union movement to the ideology and politics of the party in power. In such a situation there is a certain danger of substitution of social values and aims by political, corporate one and, as consequence, the diversion of the activity of trade unions from the resolution of actual tasks of the protection of the rights of workers into inter-trade-union debate and relations.

Democratic political forces of the country have spoken out in defense of the constitutional rights of workers to freedom of association and against the squeezing out of trade unions. The international trade-union organizations and the ILO have estimated the given process as a factor in weakening the influence of trade unions in the mechanism of tripartite cooperation and insist on

carrying out of a policy of preservation of the integrity of the trade-union movement of the Republic of Moldova.²⁰

Information work became more active in the first half of 2004, when a broad campaign for the protection of the rights of trade unions, against the pressure of the state on the trade unions, was unveiled: on various television channels there were 34 reports on the course of the struggle of the trade unions, including 10 on national TV; more than 50 bulletins on radio and 19 statements for the press. Full illumination of the activity and problems of the trade unions was carried on the pages of the CSRM newspaper 'Voice of the people'.

It is necessary to note, that absence of mutual support for their demands on the part of the confederations, undoubtedly, had a negative influence and weakened the position of the trade unions in actions against the pressure of the government and authorities on the trade unions. The employers, as a rule, assert their position, but in the field of mutual interests can support the trade unions, as was the case with the protection of the rights of domestic manufacturers in the agro-industrial sector, initiated by the trade unions, and also in actions in 2004 against the pressure of the government on the trade unions that was marked in an interview with the President of the CSRM Confederation Mr. N. F. Kiriyak, 28. 03. 2005 and others.

²⁰ Cambier, H. 'Interference in the activity of CSRM: what the ICFTU mission has noted: [Materials of a briefing of H. Cambier, head of ICFTU mission] // Vocea poporului. – 2004. – 19 march. – p. 3; Voice of the people. – 2004. – March, 19. – p. 3. ; Urekyanu, S. Destruction of the trade unions is carried out in the interests of the existing regime: S. Urekyanu's declaration, political leader of the block «Democratic Moldova» in connection with infringements of the rights of trade unions // Capitala. – 2004. – 12 Jan. –p. 1. ; Kiriyak, P. We demand independence and real socio-economic growth: P. Kiriyak's statement, president of CSRM at protest meeting 26 Frb. 2004r. // Vocea poporului. – 2004. – 5 march. – p. 4; Voice of the people. – 2004. –March, 5. – p. 5. ; Kiriyak, P. Independence cannot be the object of political pressure: P. Kirijak's statement, president of CSRM at 5th VKP Congress, March, 26 2004.

5.1.7 The organization of trade unions in foreign companies: primary trade-union organisation of the joint venture Sudzucker Moldova SA

In 2002 the joint Moldo-German enterprise 'Sudzucker Moldova SA', included in the international concern 'Sudzucker', was created. At the enterprise Drokiya Joint Venture Sudzucker Moldova SA there is a trade union organization which is included in the AGROINDSIND Federation of the Confederation of trade unions of the Republic of Moldova (CSRM).

Simultaneously with reorganization, optimization of the personnel structure also began. Certification of the staff and redundancies followed. Finally, the number of workers has decreased by approximately one hundred. In conditions when practically 100 % of workers were members of the trade union, it has also affected the trade union numbers. Over the 15-year period of economic reforms the number of members of the trade union has fallen practically by half, which corresponds to the reduction in the number employed at the enterprise. Today at the factory there are 370 trade union members.

The trade-union organization tried to resist, asserting the interests of the workers, which for some time delayed the process of reduction, However the employer, leaning on the legislation of Moldova, reduced the number of workers he needed.

Relations between the trade union and the employer developed uneasily. Three basic stages can be distinguished: 1) April – September 2002. The trade union tried to prove itself to be an influential force at the enterprise, protecting the interests of the workers. Conflict was inflamed around the draft collective agreement. The employer proved to be unshakable and skillful, trying by various ways not to allow the acceptance of the demands of the trade union. For this purpose he used refusal and delaying negotiations, blackmail, intimidation by closing of the enterprise, use of transnational opportunities of the firm, direct disinformation, etc.

The trade union asserted its position, compelled the employer to negotiate, using legislative opportunities, appeals higher trade-

union and state bodies, in the press, threats of a collective strike. Signing of the collective agreement was delayed for 13 months. However, finally, a more skilled and experienced employer managed to break the situation to his own advantage: intimidated by dismissal the trade union activists were broken and accepted the conditions of the employer. The collective agreement was drawn up according to the interests of the employer and included only the minimum wages stipulated by the government.

The second stage was from September 2002 to October 2004. The new trade-union leader, frightened of the fate of the previous head, took a conciliatory position, pursuing a policy of a 'pocket' trade union, approving the policy of the employer. In this context the trade union managed not only to defend the Soviet and some of the post-Soviet gains of the trade unions, but even persuaded the administration to keep (introduce) those privileges which workers of the concern in other countries had.

The third stage - from October 2004 to the present. The administration, pleased with the behaviour of the trade-union leader (2002-2004), imposed this trade union leader on the workers in a categorical form and compelled them, using 'stick and carrot' methods to vote for him. The policy of the conciliatory trade union proceeds, all decisions suggested by the employer meet with approval on the part of the trade union.

The success of the trade-union organization in dialogue with the employer depends on the personality of the trade-union leader, from knowledge and skill to use the possibilities of national legislation, experience of negotiations, skill to use various forms of struggle to cooperate with trade-union organizations at the enterprises of the concern in other countries, to use opportunities of the mass-media, higher trade-union bodies, state specialized structures and skill to protect legal rights in the courts. Multifaceted training of trade-union activists is necessary for cooperation with and opposition to the administration and the employer. Thus, it is important not to overestimate the possibilities of the trade union committee and to underestimate that of the administration. 'It would be a mistake for the trade union to forget

that the situation is supervised, determined and frequently dictated by the employer, it is a reality of market labour relations', they consider in the trade-union committee.

5.1.8 New trade-union practice Warning protest action: the Moldovan garment factory²¹

From the very beginning of the change of the basic owner, the trade-union leaders were involved in constant struggle against the administration representing the interests of the foreign owner who regularly violated the collective and individual rights of the workers. Not only the laws of the labour code of the Republic of Moldova were broken, but also the agreements made between the administration and the trade union. Nevertheless, trade-union activity at the garment factory represents a positive case of the activity of the trade union for the benefit of workers, instead of the administration and/or the employer.

The information given in this report is based on an interview with the chairman of the trade union committee (15. 07. 06) (PP) and numerous conversations with her by phone (from 04. 09. 06 to 07. 12. 06), and also on the basis of a focus-group with members and active workers of the trade union committee (22. 11. 06). Anonymity of the informants should be kept.

The purpose of the warning protest action was to convince the administration that all workers, and not just members of the trade union committee, were agitated about an increase in pay. The following case served as the occasion for carrying out the protest action. After they had reduced the cleaners at the factory, nobody wanted to work as a cleaner and they set a tariff rate of 4. 50 (as for seamstresses). Three months later the chairman of the trade union committee began to draw to the attention of the administration the fact that a cleaner receives more than a seamstress or a loader, in spite of the fact that the latter have more

²¹ A joint venture with foreign capital (85 %). 931 employees. Average salary in 2005 - 1500 leu.

responsible jobs and work overtime. The administration ignored the remark and then everybody appeared solidary in carrying out a strike. At the expanded session of the trade union committee a letter was written to the director, but there was no reaction. People demanded a strike, but the chairman of the trade union committee understood, that it was necessary to warn about a strike 48 hours in advance - sufficient time to intimidate workers as had happened before when workers asserted their rights. The trade union committee wrote a letter announcing that there would be a protest action but, that they would not disturb discipline and would produce even more than on other days. PP proposed it to people, but did not name a date, though people openly spoke about it in the shops.

The protest action was postponed several times. One Monday they put it off to the next working day. On Tuesday in the morning PP gathered the chairs of the shop trade-union committees to inform them that the strike will be today. They informed the trade union organizers about it, and the latter transmitted the information to people. (Everyone transferred the information to each other in whispers). Simultaneously the seamstresses disconnected the machines at 9:00 for half an hour. The managers began to phone, that in all shops a strike had begun. Workers that day worked as usual from 7:30, having worked an extra half an hour after 16:00. PP wrote in an appeal to the director that there will be a protest action on the 20th and *added orally*, that it will be like today. 'I said to the representative that I wanted it in a peaceful way, but you did not want to talk to me. Chiefs of shops and managers knew about the action, but were silent. After the action I trust some chiefs of shops. Others changed: they paid them' (interview №1 with PP).

In the police they began to cling to the 20th, but the production manager confirmed, that PP had said that we will carry out the action on the 18th. A court case against PP and 4 leaders of shops, charged with an administrative case for infringement of the labour regulations, proceeds to this day. The first decision of the court was in favour of the workers, but the director appealed

against it. 'The court decided that it was not a strike ... we proved that we had produced even more than usual and even made a profit for the enterprise ... Under the law: to 'strike' means to leave a workplace for a certain time. In the case of our action nobody can be punished, since it is written about everybody that they worked 8 hours and were paid for 8 hours' (interview №2 PP). After the action a conciliation commission was created after which the administration and representatives of the have returned to negotiations: 6 people from the administration and 6 people from the trade union committee.

When the trade-union leaders were asked why they had done it, they said, that they wanted to be listened to. According to PP: 'We managed to carry out the protest action because we have got good activists ... We do not have any chief of shop or manager among the members of the trade union committee and trade union organisers' (telephone conversation №8).

The case of this factory shows that, despite various sorts of restriction on the activity of trade unions in the transition countries (such as legislation limiting the activity of trade unions, repressive methods on the part of the administration in relation to the trade union committee and to members of the trade union, minimal participation of branch trade unions in upholding the rights of the workers, etc.), the trade union *can* participate in all decisions at the enterprise, from determination of the level of pay to upholding the individual rights of the worker. The example of a protest action shows that in conditions when the legislation limits the activity of trade unions, members of the trade union committee (even the chairman of the trade union committee) should have a sufficient level of juridical education that, without breaking the local legislation, *they can bypass* its restrictions to achieve the aims of members of the trade union.

5.1.9 Use of mass actions to achieve the social and economic demands of workers



In a new policy of the trade unions in 2001 – 2004 methods *of active pressure on the political authorities* began to be applied, *mass actions began successfully to be used* to achieve the social and economic demands of workers, thus the setting of wages was successfully combined with political slogans directed at the preservation of the independence of the trade unions and the rights of workers to free trade-union activity. Most brightly such an approach was realized during the organization of winter-spring demonstrations of the trade unions in 2004 when upholding the independence of trade unions was combined with demands for social and economic growth and were support by thousands of

members of the trade union who joined the protest meeting on a cold winter's day, on February 26 2004.²²

Following tradition winter demonstrations on February 22 2007 about 7 thousand people took part in a protest action of the Confederation of trade unions of Moldova (CSRМ) which was directed against the law on the cancellation of the increase of the minimum wage in the public sector up to the subsistence minimum and other improvements of the conditions of public sector workers. It was the biggest trade-union meeting of the last two years. Representatives of labour collectives from all parts of the republic took part in it. In their hands they held placards '*we demand a decent wage*', '*the wage up to a living wage*', and also '*Hands off the trade unions!*'.

Other branch trade unions – members of CSRМ – participated in meeting in addition to the state employees. They emphasized that such infringements of previously achieved arrangements on the part of the state concern all trade unions. As before, one more theme of the meeting was the infringements of trade-union rights and the intervention of the authorities in the affairs of the trade unions. Valentina Masur, chairman of the IUF member organization Sindlukas reminded the meeting of the complaint about this matter which has been sent to the ILO, and spoke about various forms of pressure on members of her trade union. The demand of respect for trade-union rights was also put forward by other speakers and caused a storm of applause of the participants in the meeting. In the name of the IUF Gisela Neunhoeffer, participating in the action, supported the demands of the meeting and the struggle of the trade unions of Moldova for freedom and independence. '*There can not be an economic well-being and its fair distribution if there are not strong, independent trade unions*', – she emphasized. In the resolution participants in the meeting demanded the cancellation of the law canceling the increase in the

²² Kiriyaк P. , We demand independence and real socio-economic growth: P. Kiriyaк's statement, CSRМ president, at protest meeting 26 Feb 2004 // Vocea poporului. – 2004. – 5 march. – p. 4; Voice of the people. – 2004. –March, 5. – p. 5.

minimum wage, and also to make changes to the criminal code establishing responsibility for infringements of trade-union rights. If these demands are not met, CSRМ reserves the right to continue protest actions.²³

5.1.10 Political activity of trade unions at national and territorial levels

According to the Law on trade unions and, proceeding from its Charter, also the Concept of development of the trade-union movement, CSRМ defines its political strategy, based on such basic principles as: preservation of political independence; cooperation with social partners; opportunities of cooperation with political parties for the achievement of trade-union purposes; opportunities of lobbying for its own interests, both during pre-election campaigns, and in legislative and administrative bodies; opportunities to support particular political forces during pre-election campaigns; opportunities for members of the trade union to take part at an individual level in the activity of various parties and during pre-election campaigns.

The political situation in the country that developed after the 2001 parliamentary elections presented the trade unions with the problem of activation of political methods of struggle in the face of a policy of constant pressure on trade unions, attempts to split them and subordinate them to the party in power. For the period 2000-2004 the CSRМ trade unions accumulated a certain experience of cooperation with democratic political parties represented in Parliament, with the purpose of promotion of trade-union interests on the agenda and their lobbying at the discussion stage. As a rule, this activity was informal and is not reflected in special documents of CSRМ. Support of the trade unions for democratic forces of the country was especially appreciable during the aggravation of the struggle of CSRМ against pressure of the government on trade unions during all of 2004.

²³ Together. The newsletter. March 2007 // WWW. IUF. RU

On the other hand, during the pre-election campaign for the 2005 elections to Parliament, such parties and pre-election associations, as the Block 'Democratic Moldova', KhDNP, the Liberal party and the recently created Party of Labour appealed to the trade unions. During negotiations about support, positions and points of mutual interest were discussed, but no official contracts, according to the CSRМ president, were signed. The Executive committee of CSRМ adopted a decision in 2004 about participation in the elections which permitted the participation of members of the trade union in the 2005 parliamentary elections both within the structure of parties and on an individual basis. As a result of the elections to Parliament in 2005 the chairman of the Federation of education trade unions, Mr. D. Ivanov, became a BMD deputy and Mr. V. Bodishtjanu, chairman of the territorial-branch center of the Agroinsind Federation became a KPRM deputy.

Another major direction of activity of the trade unions at the national level is the representation of the interests of workers in the National commission on collective negotiations (NKKP). Annually it carries out an analysis of the execution of the points of the Collective labour contract (at national level) and the corresponding Additional agreement, consideration of drafts of social and economic laws, including the budget, hearings on pressing questions about the course of economic reforms, and also the prices of goods and services. A significant part of the issues relate to acute problems of a modern labour market: to employment policy, wages and labour migration policy. The position of the trade unions on the social protection of workers in the country and abroad has been expressed at sessions to consider proposals made by them. Since 2004, on the basis of the agreement of the social partners, National conventions (NK) have been developed in two spheres, discussed and signed: NK №1 of 3-02/2004. 'Payment of workers working on the basis of individual labour contracts' and HK №2 of July, 9, 2004 'Working hours and res', 7 questions brought forward by CSRМ were considered (for the whole period

2001-2004 CSRМ has directed more than 100 proposals to the partners).

5.1.11 Activity of CSRМ at national level for the creation of trade-union science and development of a new trade-union strategy

A feature of the activity of CSRМ after its 3-rd Congress (2000) was activity at the national level for the creation of trade-union science on the basis of the Institute of Labour opened in August 2000, and the attraction of academic science to objective and independent research of problems of the labour market and modern labour relations that has allowed it during these years to direct the attention and activity of trade-union organizations to the most topical problems.

Scientific-theoretical researches on the labour market and the social development of Moldova, carried out by the Institute of Labour (2000-2004),²⁴ under the order of the trade unions (CSRМ) and with the support of the ILO, Institute of Labour of Greece, not only included research into acute problems of the labour market, but also proposed a new trade-union strategy. Gender and youth policies, employment policy and a policy for social dialogue were articulated and embodied in concrete programs of activity of CSRМ. All this was generalized and reached students of the system of trade-union education at various levels.

²⁴ Gender, Poverty and Employment: Moldova National Study. -ILO-CEET: Budapest, 2001. Republica Moldova în secolul XXI: viziunea tineretului. /Materealele conferinței științifico-practice 31 mai 2002. – Chishinău, 2002, 193 p. (“ Republic of Moldova in the 21st Century: the Vision of Youth ”, 2000) Republica Moldova – 2000: Piața muncii și dezvoltarea socială /1-ul Anuar economic și social. – Chishinău, 2000, 412p. (“Republic of Moldova-2000: Labour Market and Social Development”), 2000 (Labour Institute, Greece) Analysis of the demographic and social - labour situation in the Republic Moldova (aspects of correlation to problems of HIV/AIDS) / / ILO-CEET: Budapest, 2001.

The trade unions have looked at the problem of *health and safety at work* in a new way, following research carried out by the Institute of Labour sponsored by the ILO '*HIV/AIDS and the labour market of the Republic of Moldova*'. The main tool and the guarantor of the protection of the rights of the worker in connection with *HIV/AIDS*, in the opinion of the trade unions, is the collective agreement. A special and new object of influence of the trade unions of Moldova was the informal economy and unprotected work.²⁵ CSRM, based on research carried out by the Institute of Labour into labour relations in the country and the policy and principles of the ILO concerning the informal sector, has determined a strategy for the activity of the CSRM trade unions on the protection of the rights of workers in the sphere of the unprotected and informal work.

These questions received wide discussion at seminars (2003), round tables (2001, 2003), scientific - practical conferences and were embodied in branch programs (FP Agroindsind for 2003-2004) and, finally, in a CSRM initiative in 2005: *on the national trade-union action*,²⁶ which materials were discussed at a seminar 'Legal work – you and the country', carried out for representatives of the mass media, employers, ministries and departments.

Thus, CSRM has got real experience of attraction of science to research into current trade-union subjects, translation of the conclusions received into the language of strategies of trade-union action and information/dissemination of its program on the protection and legalization of informal work at the national level. This activity of CSRM has received a wide response in electronic and other mass-media, and also the support of ICFTU and the ILO. The social partners and other trade-union confederations of the

²⁵ Unprotected work: strategy and tactics of trade unions: Materials of scientific - practical conference on October, 24-25 2002. -Kishinev: 2002. -204pp. (in the Romanian language)

²⁶ Legal work – riches of the country. Information material for participants in the CSRM action on the reduction of the informal economy. Kishinev: CSRM, 2005. pp. 6-9.

country have been compelled to reflect on the work in this direction under pressure from CSRM.

5.2 Recommendations for higher trade-union bodies

For successful functioning trade unions in conditions of market economy and in opposition to the existing threats and risks for workers, it is necessary:

- to struggle for the unity of the trade-union movement in the country;
- to form combative and capable primary trade-union organizations, using both their establishment from below, and formation from above, with the help of higher trade-union structures;
- active cooperation with international trade-union structures, the trade-union organizations of other countries and of the enterprises of transnational companies is necessary;
- to develop relations of social dialogue and collaboration with representatives of the employers and the government;
- to strengthen training-methodical, legal and psychological training, training of trade-union activists and ordinary members of trade unions;
- to distribute both positive and negative experience of the activity of trade-union organizations in new conditions among trade-union activists and rank-and-file members;
- to improve selection of trade-union staff activists, paying special attention to the selection and training of trade-union leaders;
- more actively to use the possibilities of the mass-media, creating both positive and negative image of the trade unions and employers, especially of foreign companies.

6 Trade Unions in Contemporary Kazakhstan

D. Shubin

6.1 Characteristics of the current trade-union situation in the country

Not only the present, but also the future of both trade unions and society depends on how reform of the trade unions of Kazakhstan proceeds and what new models of mutual relations with employers, the state and the administration are developed.

The problem is serious, universal, and it should be solved by accelerated reform methods. Practice shows, that reform has already ripened for a long time. One can cite examples from all regions of Kazakhstan when trade unions either do not work or have completely fallen apart or represent an administrative - industrial structure.

Today there are more than one and a half million trade union members in the leading branch trade unions, comprising the trade unions of education and science, health services, mining-metallurgical industry, agriculture, railwaymen, the state, banking establishments and communications. All the other 19 branch trade unions - workers in housing and communal services and the sphere of services, the oil-and-gas complex, the electric power industry, construction and construction materials, culture, the coal industry, chemical branches, motor transport and roads, atomic energy, industry and allied industries, armed forces, small and medium business, timber, mechanical engineering, aviation, geology, geodesy and cartography, 'Birlik', science, light and gas industry total more than 308 thousand union members. If we consider these data in terms of trade union density in general it is quite a good parameter. However, the number of members of trade unions is constantly reducing, and those losses which were practically

catastrophic for some branches, have now become irreplaceable. This concerns the trade unions of agriculture, construction, aviation workers and other trade union associations. In these branches trade unions have practically lost their importance.

Today in Kazakhstan the modernization of the economy and the civil and political reorganization of society proceeds at full speed, the national program of development of civil society is being realized. Against this background the trade unions of Kazakhstan are still considered outsiders, there is every opportunity for a significant trade union spurt, there is a legal base, mutual relations with the government and employers are developing, intensive interaction has achieved cooperation of trade unions with various parties and public associations. In a word, there are already all the preconditions today for trade unions to assert themselves as a part of civil society.

New laws, the main one being the Labour code which should soon appear, provide big opportunities for the activity of trade unions. Here the main labour relations between the employer, the state, trade unions and the worker are registered. The rights and duties of trade unions and employers are delineated, but it is the basic document. The problem is whether trade unions can take full advantage today of the main act of labour rights of the country? And that is far from being the last problem of the trade unions.

A problem of social partnership is the absence of collective agreements at a lot of foreign enterprises working in Kazakhstan, the frequent declarative character and lack of concreteness of mutual obligations and the absence of control of their implementation. The reason for such a situation is quite often the lack of principle and conciliatory position of the heads of many trade-union bodies. In this work the trade-union organizations should pass to active forms and methods, down to carrying out mass protest actions and presentation of court claims to those employers who do not want to conclude a collective agreement.

In questions of organizational reform of their work trade unions behave conservatively. There is almost no renewal. The number of members of the trade unions does not grow, there is little to attract

young people to the trade-union ranks. From time to time dissonance and inconsistency are shown in the actions of the branch and territorial organizations. Attempts to poach primary organizations from one trade union to another do not stop.

In the trade unions of Kazakhstan much is said about expansion and on this basis strengthening of trade unions, but it does not go farther than general conversations. It also has to be said, that in the Kazakhstan trade unions there is no personnel policy; not one member organization has created a reserve for the leading positions.

A lot of regional branch trade union committees and trade union committees in enterprises operate in isolation. Their chairmen do not want to take account of decisions of the collegial bodies of the branch trade unions or regional trade union organisations. There are also, very regretfully, also heads of trade-union bodies who operate only according to their own conception and definition.

However there is a number of positive aspects in the work of the Kazakhstan trade unions which should be noted.

The representation of trade unions in the work of the State commission on the development and concrete definition of the program of democratic reforms in the Republic of Kazakhstan, the Commission of Human Rights of the President of the Republic of Kazakhstan, the Public chamber of experts of the Mazhilis [parliament] and other formations which are engaged in the development and realization of state policy in various spheres.

Trade unions accepted direct participation in the development of the Concept of development of a civil society in the Republic of Kazakhstan and have managed to ensure that in this document trade unions are assigned their due role.

Day by day trade union-parliamentary communications get stronger and contacts with political parties and nongovernmental organizations are extending.

The international connections of the trade unions are advancing. Next year the introduction of the Federation of trade unions of The Republic of Kazakhstan into the new largest international association – the ITUC is proposed.

Cooperation with the ILO has become more intensive – recently the Federation of trade unions as the representative of the workers of the country together with other social partners signed the National program of decent work in the Republic of Kazakhstan for 2007-2009.

Much has been achieved by the trade unions in the field of the legislation.

With the participation of the trade unions, various laws were discussed and enacted in Parliament concerning social guarantees of workers and all citizens of the Republic.

The Law ‘On obligatory insurance of the civil-law responsibility of the employer for causing harm to the life or health of the worker in the course of their labour (service) duties’ appeared. To tell the truth, some trade-union workers consider, that this law gives the worker more harm, than benefit, but it is impossible to agree with such an assessment. The law provides the minimal guarantees, and the business of trade unions is to achieve more through collective negotiations, including insisting not only on monthly, but also on lumpsum payments to the victim of industrial injury. For that also there exists a trade-union movement that on the basis of international labour standards and national legislation to expose employers and the state to increased demands and use to the full the rights given to us to achieve their satisfaction. This concerns not only the Federations, but also all trade-union structures of the republic.

Important changes have been brought in to a number of other laws. The law on employment introduces social workplaces for orphans, persons of pension age, demobilised soldiers, invalids and other poorly protected citizens. In total about 24 thousand such workplaces will be created; the state has allocated 750 million tenge for these purposes.

Amendments to laws on social benefits stipulate appreciable increase of grants to invalids, for the loss of breadwinner and for large families. The special state benefit for List № 1 disabled, for example, is now 9270 tenges, where previously it was 8000 tenges.

One more major act which the trade unions have sought for a long time, concerns the subsistence minimum. According to changes in the law adopted in December, 2005, now the size of the subsistence minimum, instead of a monthly expenditure parameter, is the basis for the establishment of the minimum monthly wage, the minimum pension and basic social payments.

According to the demands of the Federation of trade unions the structure of the subsistence minimum has changed: the share of articles of food is reduced from 70 to 60 percent and accordingly the share of non-food and services is increased from 30 to 40 percent. Simultaneously the set of food stuffs in the food basket is increased from 20 to 43 items. The general size of the subsistence minimum has increased to 7945 tenge, from 5850 tenge in 2005.

It is necessary to note, that in Kazakhstan the minimum wage is almost 116 percent of the subsistence minimum – such a high parameter has not yet been achieved by any other countries of the Commonwealth of Independent States. But it is still not enough.

A significant part of increases in salary and pensions is eaten up by inflation and the rise in prices of goods and services.

With the direct participation of the trade unions three republican programs for 2005-2007 have been developed: on deepening of social reforms, on employment of the population and on health and safety. The state has allocated 316 billion tenge for social programs – double that of three years ago.

The trade unions have also not given up resolving the problems of workers on List №2. Drafts of documents coordinated by the Ministry of Labor are now being studied by the Government. The deputy group Enbek has assumed liability to speed up work on the adoption of the law on this question.

The trade-union organizations have all this time adopted a firm position of principle on the development and consideration of the draft of the Labour code. It is necessary to say, that by and large in the Labour code it was possible to press for the creation of more effective mechanism of legislative protection of workers, the rights and freedom of trade unions and the responsibility of employers and authorities than is included in the existing labour law. As a

whole the Code has established a civilized order of construction of labour relations. Though it is necessary to recognize, that the new labour code will not be completely what the trade unions would like to see.

Furious disputes have been inflamed concerning the initiative of parliament to establish minimal standards of a payment for harmful and dangerous production. The former metallurgist perfectly knows the nature of labour conflicts in the mining and processing spheres, the style of a management of foreign companies (to invest the minimum and to extort the maximum) and is firmly convinced that the authorities should protect citizens from unfairly low payment. The regulating factor should be the introduction of standards of payment, that is the establishment of the size of payment below which the employer has no right to fall.

Other variants have been proposed in parliament – the introduction of coefficients on the conclusion of branch agreements, and even differentiated, in view of the real subsistence minimum in various regions of the country. At the moment owners of enterprises have the unique requirement – not to pay below the minimal salary established by the law on the republican budget (today it is 9700 tenge). The state guarantees receipt only of the minimum wage, having attached it to the subsistence minimum.

If the size of the subsistence minimum used in Kazakhstan is completely unrealistic and dependent on the opportunities of the republican budget, the branch standard of payment of miners and metallurgists would be close to reality. The standard developed in the Institute of Regional Development represents the minimum consumer budget (a set of goods and services of the first necessity, from visiting the doctor to the repair of domestic appliances) plus expenditure on children and pension payments. It has turned out to be a little more than 52 thousand tenge. The method of its calculation through indicators of the minimum salary in branches last year was transferred to the government. But the Ministry of

Labour and Social Protection categorically does not accept such a variant.

Another proposal was even more interesting: an order was given to the trade unions to develop a branch standard, then it was planned to consider it at the republican tripartite commission, then to send it to the council of foreign investors. Two votes were not sufficient for the discussion of this norm in the senate, legislatively to oblige the employer not to pay below a certain level.

But, nevertheless, the trade unions of the republic have taken a much more active participation in the development of the labour code, than ever in the past regarding the preparation of such documents.

The federation of trade unions of the Republic of Kazakhstan consistently and persistently supported the strengthening of the social orientation of the republican budget and the development and introduction of state social standards. Due to the general efforts of the trade unions measures on the unacceptability of a sharp and uncontrollable rise in prices on goods and service were adopted.

In the center of attention of the trade unions was the question of maintenance of decent wages. Wages have increased in all kinds of economic activities, today the average monthly wage is more than 40 thousand tenge. In the new year the minimum wage will be 9752 tenges, the minimum pension (together with base) – 10236 tenges, and the size of the subsistence minimum for the calculation of base social payments – 8861 tenges. Debts of employers on wages and pension deductions were reduced.

6.2 Best trade-union practice

6.2.1 New approaches to old functions

In recent years serious changes have taken place in the trade-union movement. They are to a significant extent connected with social stability and the growing role of workers and trade unions which have achieved a strengthening of the social orientation of reforms.

Trade unions conduct consistent work on the protection of the social-labour rights and interests of workers, struggle for the preservation and creation of new jobs, decent pay, reduction of wage debts, for safety in production and counteract the deterioration of labour legislation and infringements of the rights and freedom of trade unions.

In the state internal conditions are changing, there is a favorable economic situation, there is an active involvement of Kazakhstan in globalisation and integration processes, the introduction of the country into the WTO is necessary. All this dictates the need for trade unions to assess and specify the directions of their activity, designate existing problems, define strategic and tactical priorities in the protection of the social-labour rights of workers and methods of their resolution. Far-reaching plans demand a maximally realistic approach.

The main thing, is that there is some basis on which to say that an understanding that a ‘trade union’ and a “mutual assistance fund” are different concepts is gradually developing. Old stories about the development of the social sphere are still far from being left behind. It is necessary to designate precisely the main priority of trade-union work – protection of the rights and interests of working people. Only at those enterprises where it has become the basic slogan of work is there a feeling of support by the labour collective for the actions of the trade union.

And the main tool of protection becomes the collective agreement. Refusal of the administration of Hurricane Hydrocarbons to conclude a collective agreement with labour collective became the reason for a long conflict which we described in case-study 3.

Last year there were more collective agreements in the Republic, however there are still a lot of trade-union committees – about two thousand - which could not conclude them. Another disturbing fact is that according to the Ministry of Labour in 2005 almost one thousand collective agreements was signed not by trade-union committees, but by other associations of workers. This signifies a loss of trade-union positions and the trust of workers.

However there are also significant successes in this direction. So, it is possible to note chairmen of the trade union committees of the joint-stock companies Aktobemunaigaz and Great Wall which, with the assistance and support of the regional trade-union associations have achieved from the Chinese employers an increase in workers' pay of 25 and 15 percent.

Against this background, the importance of branch agreements, which had a frankly declarative character in the past, is also raised.

In our opinion as independent researchers, the Republican trade union of communication workers, the Agency of the Republic of Kazakhstan on information and communications and the joint-stock companies Kazpochta and Kaztelekom have concluded quite a good branch agreement. The branch trade union during negotiations managed thus to propose to the employers a social package which is the norm of the modern organization of the work of hired workers.

Agreements favourable to workers have been signed in the last year by the trade unions of railwaymen and of electricity workers and, concrete negotiations with the employers are being carried on by the trade union of mechanical engineering and the trade union of workers of the armed forces, strengthening connections with the Ministry of Defence.

6.2.2 The organization of new primary groups by non-bureaucratic methods

History has left behind the exhausted thesis that reform of the trade-union movement should be initiated 'from above'. Only the organization of new primary groups by non-bureaucratic methods is able to take the level of trade-union consciousness to a new level.

Practice shows, that in primary organizations there is a new generation of trade-union leaders to which is connected the future of the trade-union movement. So the opposition of miners of Karaganda to the Indian billionaire Lakshi Mittall (case 3) has revealed new leaders in the ranks of the trade union. Several new group committees have been created at the enterprise and, what is

especially important, some of them were created during the conflict with the administration.

Moreover, leaders of these trade-union associations began to play a significant role during uneasy dialogue with employers. Hard working conditions, low salary and a low standard of living were not the only reason for the conflict between the trade unions and the owner of the company.

One of the young leaders of the trade union, Marat Mirgajazov, in the tragic days of the Karaganda events, when the future social status of miners was determined, acted not simply as an active fighter, defender of the interests of miners, but also showed deep professionalism in the negotiating processes, legal approaches and in interactions with the employers. Marat Mirgajazov has been involved in public affairs since 2000 and in the beginning combined it with production. Working as a foreman at the Tentekskaya mine, he was simultaneously a member of the trade union committee of his section, and then the chairman of the trade union committee. At the beginning of November, 2006 he was elected chairman of the trade union of Korgai coal miners.

In conversation with the participant of the project D. Shubin, he precisely expressed his opinion concerning the organization of new primary groups by non-bureaucratic methods: “Declarations of human rights at work alone do not protect anyone. For them it is necessary really to struggle, therefore I always aspired to this not only by verbal approaches, but also by rallying public organizations and active workers. Representatives of power structures also demand that rights of trade unions should be observed and call for social dialogue. But in practice it is not favourable to the employers to have at their enterprise a rather strong and independent trade union. Therefore they try to observe formally the legal norms, but at the same time try to smooth thorny questions and do not give an opportunity to the trade-union organization to raise them. At the moment most part-time leaders of trade-union committees, who are themselves hired workers, allow the employer to solve this issue in precisely this way. And in this case the role of the trade union leader is on the second, not the

main level, and it affects the quality of work and mutual relations with the employer.

But for the proper protection of rights and legitimate interests the trade union leader should be full-time, and he should have assistants – not only active workers, but also lawyers, economists, etc.”

One cannot disagree with this opinion, particularly because there are still not many examples of the practice creation of the primary organizations by non-bureaucratic methods.

6.2.3 Representation of individual members

Representation of members of the labour collective in court is becoming a regular practice in the work of the Kazakhstan trade unions. And against this background there are cases when infringements of employers have an openly mass character. We already told about court proceedings concerning the illegal dismissal by the old Canadian investors of workers of Shymkentnefteorgsintez. But the labour collective also had problems with the new administration of the enterprise.

Having failed to find a common language with the Chinese management, the trade union committee of the Shymkent oil refinery brought an action against them.

The judge of the Enbekshinsk court of Shymkent, Mailik Momynov, postponed consideration of the claim of the trade-union committee of TOO Petrokazakhstan Oil Products (the new name of the former TOO ShNOS) against the administration with the demand to recognize the ‘Regulations about the system of encouragement and compensation of local workers of the processing division’, an integral part of the collective agreement. The case was postponed on the grounds that the well-known Astana lawyer employed by the administration had accidentally injured his leg.

The trade unions brought the action because the new management of the enterprise considered the ‘Regulations’ void and, hence, refused to pay workers an annual bonus (the western analogue of the 13-th salary well-known in Soviet times). The

Chinese insisted that if their Canadian predecessors paid a bonus it was their private affair, and they, the Chinese, did not accept such obligations.

In turn, the trade union insisted that the regulations about the bonus signed by the old managers are a part of the collective agreement working today, and were ready to delegate tens of witnesses who would confirm to the court that at meetings with the new management workers constantly asked about the bonus, and they were invariably answered, that they will pay it.

Oil was added to the fire has when the statement of the head of the public relations department, Erkina Zhumadil was published in 'Gazere. kz'. Already when the president Bo Chilyan officially notified the trade union committee of the refusal to recognize the 'Regulation', and in response the trade union committee had brought an action, Zhumadil explained to journalists: 'At the moment the management has not unequivocally refused to pay a bonus. As far as I know, in what volume, whom and when to pay a bonus is being discussed'.

After such an 'explanation' everything finally got confused.

When last year the Canadians from Petrokazakhstan were noisily expelled from the factory, the trade-union committee welcomed it since it was one of the first cases in the country of dealing seriously with foreign capital. There were disputes and meetings, threats and strikes. Just as Marx proposed, during these fights the capitalists brought down on their heads a pretty strong, sharp-toothed trade union led by a competent and tenacious leader.

In the struggle for the interests of the workers the factory trade union committee even appealed for help to the International federation of trade unions of workers of the chemical, mining industry and power ICEM (20 million workers in 122 countries). Trade-union solidarity worked, the English [Canadian] workers even organized a picket at the office of Petrokazakhstan in the city of Windsor, pressing the Canadian bourgeoisie in protection of the Kazakhstan workers. And three years on end the Canadians paid a bonus, and also indexed official salaries, annually increasing them by 5-7 %. Workers would certainly like it to be more. However, as

against the Canadians, the new Chinese investors indexed salaries only by a symbolic 2 %, and absolutely refused to pay a bonus. As a result, by the calculations of Shpilev, as a result of the nonpayment of a bonus the real salary in 2006 at the factory fell by 4,7 %.

The chairman of the trade union committee was very surprised by the attitude of the Chinese comrades to the organization representing the workers of the enterprise against the employers. Probably, after three centuries of class struggle the western capitalists already have it in their blood to listen attentively to trade-union leaders and it is normal to communicate with them. And when Shpilev recently drew attention to the question of the additional days holiday laid down by the law for workers in harmful and especially harmful working conditions, he could not even talk about it to the first head, and two letters officially directed to the chief too had no effect.

Shpilev did not begin to write a third letter, and instead invited the state labour inspectorate to the factory which, naturally, issued an instruction and imposed a penalty. But he still considers, that there was no need to go that far since a ten-minute conversation should have been quite enough to explain our laws to the employers.

The average pay at the factory is comparable to the average salary in Kazakhstan. However, both workers, and their trade union, logically consider that in conditions in which the cost of oil all over the world has reached record levels, and Petrokazakhstan Oil Products last year processed 30,5 million barrels of oil (in 2004 – only 27,3 million, an increase of 11,7 %), it is possible to pay people better.

In general, the trade union had to engage in a long and persistent struggle for the workers.

However, this is not the only case of reference to the court in recent months. At the beginning of October, in the Aktyubinsk region, the trade union of the Chinese oil construction group (KNISG) brought an action against the employers, also demanding

to equalise the salaries of local workers with the salaries of the Chinese specialists.

Here the Chinese employers in general went over the top.

In the workers' settlement of the Chinese oil construction group, the Kazakhstan workers were forced to clean the Chinese toilets. And this was before the arrival at the settlement of the regional commission on the observance of labour legislation.

'Thus the Chinese provoked the Kazakhstan workers to fight, so that then all our diligence in court concerning labour relations was reduced to national hostility', considers the chairman of the trade union committee of AF TOO DO KNISG Adilkhan Kaldybaev, 'we have held a meeting of our workers and have explained, that they should not give in to provocation. By the way, toilets should be cleaned by electricians and mechanics who have been removed from their basic work'.

- Such things happen frequently in the Chinese company. An excavator driver digs the ground, a welder gets an electric shock and all under the instruction of a Chinese foreman. The safety precautions are not observed. Besides, the management itself forces us to break rules, - the trade-union leader declares.

Two separate dining rooms for the Chinese and Kazakhstan workers, distinguished from each other as the sky and the earth, have been introduced in the workers' settlement at the Zhanazhol field. As the chairman of the trade union committee says, the dining room of the Chinese is designed for 400 places, but is only half full, a meal for the Celestial workers is free-of-charge and varied: vegetables, fish, meat and dairy products. An absolutely different situation is found in the dining room for the Kazakhstan workers. In the canteen there are 50 places for a much larger number of people, by the way, each worker pays on average five thousand tenge a month for their meals. They eat in two or three shifts, with long queues, a poor menu, the building looks poor: the ceilings of the kitchen are mouldy, the ceiling has sagged, floors are worn through. All this compels local workers to search for other canteens.

The housing conditions of KNICG specialists also sharply differ. As results of an inspection show, 150 Kazakhstan workers huddle in a hostel with 96 places. For all the inhabitants of this hostel there is only one TV that works, and here they do not dream of air conditioners. Badly lit rooms, toilets without doors, half of the showers do not work, - this was the picture seen by the working commission in the building where the Kazakhstan specialists live. The differences stand out even more against the background of the good conditions in the hostel for Chinese where there are not only air conditioners, TVs in each room, normally working bathrooms, but also places for drying overalls, and also service staff to clean the premises.

Even in production, reports the chairman of the commission, where foreigners and Kazakhstan workers work 'hand in hand' tells, clean bottled water is supplied only to citizens of the Chinese People's Republic. Kazakhstan workers do not get given drinkable water.

It is good, that the trade unions more actively use the possibility of asserting their rights in court.

6.2.4 Support from higher trade-union bodies

It is necessary to say, that in those three cases of conflict of labour collectives with employers which I have considered, the higher trade-union bodies have not remained aside and have precisely expressed their position.

The Federation of trade unions of the Republic of Kazakhstan, the branch and regional trade union associations have immediately taken up the demands of the workers and actively sought to use all levers of influence for their resolution.

Some examples from the labour conflict at TOO Shimkentnefteorgsintez.

From the appeal of the Federation of trade unions of the Republic of Kazakhstan:

“In connection with the collective letter of protest of workers, the Federation of trade unions has addressed to the Prime minister of The Republic of Kazakhstan the request to consider at the

governmental level the problems mentioned in it and to develop effective measures for the normalization of conditions.

Prime minister I. Tasmagambetov has charged the Minister of Power and Mineral Resources, V. Shkolnik, Chairman of the State Property and Privatization Committee of the Ministry of Finance, M. Rahanov, together with the governor of the Southern - Kazakhstan region to take steps to resolve the disputed situation and ensure stable work of the enterprise ”

Appeal for solidarity with the labour collective of TOO Shymkentnefteorgsintez:

“In the joint-stock company Shymkentnefteorgsintez social tension connected with the regular infringement by the management of the company and management of the Canadian company Hurricane of the labour rights of workers is increasing.

The management of the company has for a long time refused collective negotiations and signing of a new collective agreement, does not index wages, removes the jobs of women leaving on maternity leave; and issues orders for mass redundancies.

Heads of the company ignore protests and the legal demands of the labour collective; worse than which, they pass off their illegal actions as being almost for the benefit of the workers.

Authorities of Shymkent have forbidden the carrying out of a peaceful meeting of workers of OAO ShNOS, which violates the law of Kazakhstan and ILO norms.

The government of the republic does not react to appeals of the labour collective and the federation of trade unions and till now has not taken effective measures to stabilize conditions. At the enterprise a prestrike situation has ripened .

The federation of trade unions expresses support and solidarity with the actions of the workers and trade-union committee of AO ShNOS and considers their struggle for rights at work and social equality to be just.

The federation of trade unions again appeals to the government of the Republic of Kazakhstan with the request to take all necessary measures for settlement of the conflict”.

The statement was adopted at a session of the General Council of the Federation of trade unions of the Republic of Kazakhstan on May, 29, 2002, at Ust Kamenogorsk.

From the appeal to the president of AO ShNOS, Mr. T. Marlo

In AO ShNOS, in our opinion, at the fault of the employer, a rather dangerous social situation has arisen which has now become known among the public of the republic.

We believe, that the unilateral actions of Hurricane break not only the laws of Kazakhstan, but also the accepted standards in the field of labour relations, adopted by the ILO and ratified by the majority of the countries of the world, including Kazakhstan.

The federation of trade unions expresses support and solidarity for the just demands of the labour collective and of the trade union committee of AO ShNOS.

S. Mukashev, chairman of the Federation of trade unions of the Republic of Kazakhstan.

6.2.5 The organization of trade unions in the face of hostile employers

In the East Kazakhstan region the administration of the joint-stock company 'Ust'-Kamenogorsk integrated poultry farm', in which the main investor is an American company, interfered with the activity of the trade-union organization led by the chairman of the trade union committee M. Basharov, interfered with its work, did not allow active workers of the trade union committee admission to the workplace, applied pressure on them and on members of the trade union and limited the financial activity of the trade union committee.

M. Basharov's constant appeals in the mass media of Kazakhstan, appeals to court, meetings with workers of the enterprise outside work time and the support of regional trade-union structures have made it possible to solve the situation temporarily. However the pressure remains.

6.2.6 Creation of trade unions with support of the employer (especially in the budgetary sector)

Cases of creation of associations of workers with the support of the employer as a counterbalance to existing trade unions – are not isolated.

In the Aktyubinsk region, in the regional pensions payment center (chief K. Otarov), dissatisfied with the remarks of the chairman of the trade union committee Z. Shajkakova concerning his illegal actions, at first dismissed her, and then has forced all workers of the city department of the center to leave the trade union, having replaced it with his own organization of workers.

The heads of the Aktyubinsk branch of Kazkommertsbank did not allow the creation of a trade-union organization in the establishment, instead of it a certain ‘committee of representatives of bank employees’, completely subordinate to the administration operates there.

The chief of the Aktyubinsk regional justice administration S. Baryshev liquidated the trade-union organization working in the department under the pretext, that justice workers cannot be members of a trade union though such a statement contradicts the Constitution of the Republic. The management of the Aktyubinsk real estate center forbade the creation of a primary trade-union organization, having organized instead of a “council of the labour collective”.

Hindrance of the activity of trade-union organizations and their replacement by associations subordinated to the employer are also found at enterprises in establishments of the North-Kazakhstan region: TOO ‘Smirnovskii Elevator’, ‘Kiyali Elevator’ and the Akkajynskogo region; TOO ‘Smirnovskoe’, ‘Cherkassk’, and ‘Ishim - Lada’ .

6.2.7 The organization of effective, successful protest actions

*The labour conflict at joint-stock company ‘Mittal Steel Temirtau’ (case-study*2).*

In Karaganda on the last Sunday of November, 2006 in the Central recreation park the trade union of coal miners 'Korgai' held a meeting. Representatives of miner's collectives of the joint-stock company 'Mittal Steel Temirtau' participated in it. Miners appealed to the President of the country N. Nazarbajev with the request to promote the resolution of the labour conflict.

In December there were protest actions in front of the building of the office of the company.

The same month miners refused to come to work, until their demands were satisfied.

As a result the employer agreed to the demands of the miners.

*The labour conflict at TOO Shymkentnefteorgsintez (case - study *3)*

During 2005 there were several protest meetings against the decision of the Canadian company Hurricane Hydrocarbons about mass dismissal of Shymkentnefteorgsintez workers in which several thousand workers of the factory took part. They were deeply indignant at the actions of the Canadian company directed against the labour collective. It became one of the reasons for the cancellation of the contract with the foreign investor.

6.2.8 Political actions of trade unions at national / regional levels

In February, 2006 all trade-union organizations which are included in the Federation of trade unions of the Republic of Kazakhstan spoke out in the mass media with criticism of the rise in prices on essential commodities and continuous increase of tariffs for housing-and-municipal and other services.

In the general appeal it was noted that "from all regions of the country messages arrive on new uneven price increases on products and about the intentions of monopolists considerably to increase tariffs. Thus in Astana and Almaty the prices for articles of food have increased not by one or two, but by more than 10 percent. Despite the declared moratorium, services for water supply, gas, coal and central heating have risen in price by 10-32 percent. In the capital three companies responsible for supplying

electric power and heating, had submitted applications to increase the prices of water, light and heating on average by 50 percent. Similar increases of prices and tariffs were observed everywhere.

All this gives rise to legitimate indignation of citizens because the wages of the majority of workers do not correspond to the real cost of human work, do not provide for the reproduction of labour power and do not cover the actual expenses for the subsistence of their families.

Trade unions of republic were worried that “production and labour productivity increase, the profit of monopolists, owners of firms and companies are multiplied. While, according to reports of international organizations the number of people living below the breadline in Kazakhstan does not decrease. Pensioners and other needy citizens especially suffer”.

The federation of trade unions repeatedly directed appeals and proposals on questions of increasing the wages and incomes of workers. Under the General agreement for 2005-2006 the Governmental side has undertaken to bring and consider in the Republican tripartite commission on social partnership (RTK) predicted parameters for changes in the prices and tariffs for goods and services. But the Government ignores these proposals of the trade unions and its own obligations, during the last year by its fault the RTK sat only once.

The federation of trade unions demanded from the Government that it should immediately give in the mass media a detailed explanation of the situation connected with the rise in prices and measures adopted, to carry out public hearings on questions of the change of tariffs and prices.

It was proposed to the government that it should define the base social parameters according to criteria greater than a subsistence minimum - namely the minimal consumer budget should be based on scientifically-grounded specifications of the minimal consumption of goods and services needed fully to satisfy the basic material and spiritual needs of the person. Then the minimum wage should not be lower than this minimal consumer budget.

In May, 2005 the trade unions of Kazakhstan at the national level appealed to the government with the demand to adopt appropriate laws to improve the organization of wages in the Republic of Kazakhstan, which would provide:

- toughening of the control of the observance of the legislation on wages and the provision of pensions to apply administrative and criminal measures of responsibility to employers and officials guilty of infringements;
- taking the legislatively guaranteed minimum wage up to a higher social parameter - the minimum consumer budget, and to define the poverty line at the level of the subsistence minimum; to coordinate the minimum wage with the social partners on the Republican tripartite commission;
- the establishment of the base official salary of workers in the budgetary sphere not lower than the minimum wage; to cancel the application of a monthly expenditure parameter as the criterion for the definition of social payments, instead to apply the subsistence minimum;
- In the next years it is essential to increase densities the share of wages in the total domestic product to reach 50-60 percent in the long term;
- ensure strict realization of legislatively established benefits and guarantees (bonuses and additional payments on top of official salaries, compensation payments for municipal services and fuel, transport charges connected with travelling as part of duties) to workers of public health services, social security, education, culture and sports, living and working in rural districts and urban-type settlements;
- realization of measures to introduce the state regulators providing full legalization of wages and the optimum taxation.

Constantly at meetings at the highest level all trade-union organizations raise the question of List №2 workers. The drafts of documents coordinated by the Ministry of Labor are now being studied by the Government. The Enbek deputies group has taken

responsibility to speed up work on adoption of a law on this question.

6.3 Recommendations for higher bodies of trade unions, trade-union leaders and active workers

Modernization for trade unions is not an end in itself, but an opportunity to achieve more effective protection of workers against exploitation by the employers.

The struggle of trade unions for social justice and the best conditions of a life will not achieve its aims and they will fail to become organizationally and financially strong organizations if they do not show innovative approaches in their activity.

Therefore today efforts of the trade-union organizations of the republic should be directed at changing mentality, increasing the consciousness both of their own trade-union workers and members of trade unions, on increase organization, responsibility and discipline in all parts of the trade-union and carrying out a strict financial policy.

The biggest challenges to contemporary trade unions are globalization of the economy, world trade, the globalization of the work, new forms of employment and the huge influence of technological innovations on the organization of work. In the sphere of new social-labour relations, the virus of corporatism and isolation will more and more penetrate the trade unions.

How can trade unions survive and develop in such conditions? How can they resist the power of transnational capital?

Here it is possible to give some recommendations.

The problem of social partnership is the absence of collective agreements at a lot of foreign enterprises working in Kazakhstan, the declarative character and lack of concreteness of mutual obligations and the absence of control of their implementation. The reason for such a situation is quite often the lack of principle and the conciliatory position of the heads of many trade-union bodies. In this work trade-union organizations should pass to

active forms and methods, down to carrying out mass protest actions and presentation of judicial claims to those employers who do not want to conclude a collective agreement.

The work of trade-union bodies at all levels on establishing public control over safe working conditions must improve. It is necessary for trade unions more objectively to participate in work to increase employment and improve the vocational training of skilled workers – the future potential members of the trade union.

Strategy and tactics always indissolubly follow one after another. Without a general strategic understanding of the situation it is difficult to achieve any serious results. The historical example of the Swedish monarch Gustov-Adolf, the brilliant commander and military reformer before whom all contemporaries trembled is well-known. But all the victories of the Scandinavian autocrat today are only known by experts because Sweden could not take real geopolitic benefits from them. This example, by the way, has a direct relation to the work of the trade unions in Kazakhstan. Labour conflicts which arise on a regular basis at enterprises in Kazakhstan, force us to reflect on what, actually, should be the position of the trade unions in this case. Should the trade unions have a general strategic line of conduct and, if so, what should it be? On the one hand, though active participation of trade unions in labour conflict is self-evident, frequently the real situation forces the trade union leader to be more constrained in negotiations with the employer, than would be desirable for workers of the enterprise. This is not a display of passivity, but more likely an understanding that in this case the administration will listen with greater readiness to what the workers want. But, on the other hand, an excessively conciliatory position of the trade union can lead to the formation of a negative image of trade unions in opinion of working people. Both of these extremes are an inevitable result of the fact that today there is no precise understanding of what is reform of the trade unions and new forms of work. Conflicts with foreign investors have already become usual in Kazakhstan. And one fact is curious: at enterprises with foreign participation the consciousness of the Kazakhstan workers reaches a new level.

They start to realize precisely, that they have rights and legitimate interests which they are ready to assert. However a joint program of actions is necessary for a high-grade opposition.

The true way is an association of trade unions around overall aims, strengthening unity and solidarity, overcoming disagreements and integration into the international trade-union movement. And trade unions of the CIS countries can and should go on this way, despite distinctions of social and economic development and national traditions.