ARTUS CEE 'Articulation of the Trade Unions' Strategies on upward convergence of social standards in the enlarged European Union – voices of CEE countries'

(VS/2019/0070)

National Report – Slovenia

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2020

This report was co-financed by the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission. The opinions expressed in this report reflect only the author's views. The European Commission is not responsible for any use that can be made of the information contained therein.

1. Introduction

The report is based on the views of trade unions representatives collected in a Focus Group Interview, a survey of those who participated in the Focus Group Interview, interviews with selected relevant trade union representatives, as well as desk research.

The questions posed in the Focus Group Interview, survey and interviews generally covered topics on Slovenian trade unions activities at the EU level (including cross-border co-operation), the unions' views and strategies on certain European concepts/ideas, for example European social dialogue, the European social model, introduction of the euro, the issue of (protection) posted workers, a European minimum wage, social dumping, FDI, TCAs as well as the (potential) West–East divide in this regard.

The Focus Group Interview was conducted on 11 July 2019 at the Faculty of Social Sciences, University of Ljubljana and included representatives of six sectoral trade unions (with all invitees attending): the Trade Union of Energy Sector Workers of Slovenia (SDE), the Trade Union of Construction Industry Workers of Slovenia (SDTS), the Trade Union of Metal and Electro Industry of Slovenia (SKEI), the Agriculture and Food Industry Trade Union of Slovenia (KŽI), the Trade Union of Retail Workers of Slovenia (SDTS), and the Education, Science and Culture Trade Union of Slovenia (SVIZ). The Focus Group Interview was carried out by the Slovenian team (Branko Bembič and Alenka Krašovec). The session lasted 2 hours and 48 minutes and was tape-recorded. Prior to the interview, the participants had also completed the questionnaire.

The results of the questionnaire reveal all participants had experience with EU-level (including cross-border) activities, with some differences among them. As shown by the survey completed by the participants prior the Focus Group Interview, all of them (except one) were familiar (at least to some extent) with the effects of the European social dialogue. However, just three of the six participants knew that particular agreements were implemented in Slovenia, with only one seeing the impact of European social dialogue outcomes at the workplace level. All except one believed there is a need for regulation on a European minimum wage, although even the one exception is familiar with debate on the issue in the ETUC forum. In addition, four participants were familiar with the TCA debate in the ETUC and/or European

industry federations fora. In the course of their supranational activities, all participants had encountered the view that trade unions from Central Europe are perceived differently by the 'old' Member States. They noted several areas in which it is easiest to detect differences among the two groups of trade unions (West–East European divide): (minimum) wage, questions related to the labour market, the need for (and structure of) collective agreements, but also differences in the approach to union membership, forms of unions activity, social benefits (transfers), internal union democracy and union freedom. Half the respondents were quite critical of the involvement of Slovenian unions in the operations of both the ETUC and the ETUFs, among others pointing to communication problems including certain language barriers, the lack of funding for such participation, the relatively low sensitivity of EU-level sectoral organisations to the specific problems of trade unions in Central and Eastern Europe (CEE), but also the view that Slovenian trade unions see the EU-level organisations as inefficient and useless.

Three more interviews were conducted after the Focus Group Interview (in October 2019) with the intention to obtain further information on certain specific topics. Interviews were conducted with two people from the leadership of a trade union confederation, and one person from a trade union more deeply involved with the issue of migrant and posted workers. Questions in all three interviews covered similar topics but were adapted to suit the position/role of the interviewee.

This report has four main parts: a) an introduction to the research and methodology used; b) an overview of recent developments in Slovenian industrial relations; c) a presentation of the views expressed by trade union representatives in the Focus Group Interview and subsequent interviews; and d) a conclusion including a critical reflection on the information gathered.

The activities were financed by the ARTUS-CEE, an EU-funded project (VS/2019/0070) coordinated by the Institute of Public Affairs (Poland) and carried out in cooperation with researchers from Romania, Bulgaria, Lithuania, Slovakia and Slovenia.

2. Overview of recent developments in national industrial relations: Slovenia

Characterised by a gradual transition from 'self-management' socialism to capitalism, a relatively developed welfare state and an 'inclusive' industrial relations system, Slovenia is

often described as a neo-corporatist economy (Bohle and Greskovits, 2007; 2012). It is also regarded as the sole instance of a *coordinated market economy* in post-socialist Europe (Buchen, 2007; Feldmann, 2006; 2014). This distinguishes Slovenia from the *Visegrad countries* which adopted the *dependent market economy model*, denoted for its dependence on foreign direct investment (FDI) (Nölke and Vliegenthart, 2009). Indeed, the role of foreign investors during the formative period of the newly independent Slovenia was comparably small, representing an important element of the emergence of the 'Slovenian pattern'. Over the last 15 years, this model has been exposed to growing pressures that have led to the gradual erosion of several institutional features, although for the time being the core elements of the system, at least in terms of industrial relations and the economic model, remain in place.

Hovering between 20 and 25 per cent, the union density in Slovenia is not only higher than in most other CEE countries but also some coordinated Western European economies like the Netherlands and Germany, yet it is much lower than in countries with the Ghent system, such as Belgium and the Scandinavian countries. After the early 1990s, there were two general collective agreements, covering the public and private sectors, respectively, which were complemented by collective agreements on the sectoral and company level. However, in 2005 the general collective agreement for the private sector was cancelled while the one for the whole public sector remains in place. Collective bargaining is today largely conducted on the sectoral level with agreements often extended to the whole sector and supplemented by company-level bargaining. Collective bargaining coverage is relatively high at some 71 per cent (ILOSTAT, data for 2016), but decentralised to some extent.

Tripartite social dialogue is well established at the national level on which social and labour legislation is regularly discussed and more or less systematically coordinated among the social partners. Instrumental social pacts (cf. Traxler, 2010: 50-54) and agreements on incomes policy (*Dogovori o politiki plač*) were signed from 1994 to 1996 and from 1999 to 2005 (Stanojević and Krašovec, 2011), followed by two quite expressive social pacts covering the 2007–2009 and 2015–2016 periods. The 2015–2016 pact was short-lived because the signatory employer organisations cancelled it by late 2015, while the most important organisation (GZS) never signed it.

The contemporary industrial relations system in Slovenia was shaped in the early period of the transition from "self-management" socialism to capitalism, marked by the strong mobilisation of Slovenian organised labour (Crowley and Stanojević, 2011). Some conditions paving the way for the 'Slovenian pattern' may be traced back to the period of self-management socialism in which companies were market-oriented and conflicts between workers and management often developed into wildcat strikes when failure to achieve market success resulted in worker deprivation. By the end of the 1980s, a wave of strikes emerged while the trade unions, which had been losing their former role in the face of the disintegration of socialism and had to compete for membership in the new environment of union pluralism, became increasingly militant and started to actively support workers' strikes (Stanojević, 2001: 803-810). The critical moment came in 1992 when, in the midst of the transformational depression, the government attempted to unilaterally impose a wage freeze so as to improve the economy's competitiveness (Bole, 1997). This saw a strong response from the trade unions, which organised a warning strike and effectively paralysed the country. While the strike persuaded the authorities to abandon the wage freeze, among other factors, it also contributed to the fall of the government 1 month later. Even more important were the long-term effects that had a profound influence on the Slovenian transition and the model of capitalism adopted (Crowley and Stanojević, 2011: 279-282).

The trade unions first established themselves as a social force which every subsequent government had to reckon with (ibid.). Second, the mass mobilisation of labour coincided with debates about which model of privatisation to adopt. Besides the government and the unions an important actor was the emerging domestic capitalist class mainly composed of the top management of the formerly self-managed enterprises, aspiring to become a proper capitalist class by appropriating what up until quite recently was social property. Nevertheless, the emerging domestic capitalist class was too weak to achieve its goals by itself, in turn setting the stage for a compromise with the working class (Bembič, 2017: 366). The first compromise was struck in the area of selected type of privatisation which favoured *managers and workers* over foreign bidders (Crowley and Stanojević, 2011: 280; Simoneti et al., 2004), which has probably influenced the way Slovenian trade unionists view foreign capital (see below). Another compromise related to the area of exchange rate policy which was following a path of controlled currency depreciation in order to accommodate the demands of the powerful

unions without having to resort to any drastic shock therapy measures that would endanger the strategic export sector (Bole, 2002) that provided the material base of the emerging domestic capitalist class.

Such compromises had taken on a more institutionalised character after 1994 when the trade unions accepted the incomes policy demanded by the government in exchange for establishing a tripartite body on the national level, the Economic and Social Council (ESC). A series of social pacts and/or other exchanges ensued in which the trade unions consented to wage restraint (incomes policy) in exchange for acceptable social reforms that shaped the system, such as introduction of the minimum wage in 1995, the pension reform of 1999, or the Employment Relations Act of 2002 (Stanojević and Krašovec, 2011). Several preconditions facilitated the emergence of instrumental social pacts in Slovenia. First, stabilisation (i.e. reducing inflation) by means of shock therapy was ruled out due to the power held by the trade unions and the need to preserve the export sector. Second, ensuring the export sector's competitiveness was imperative. Finally, companies were in need of funds for restructuring through investments and development. However, the *incoming FDI was largely absent due to the chosen model of privatisation*, while the central bank that wanted to retain control over the exchange rate (competitiveness) and the money supply (inflation) made great efforts to prevent the inflow of funds from abroad in either the form of portfolio investment or loans to domestic banks (Mrak, 2010: 120). Thus, with little inflow of foreign funds, the only way to finance the restructuring of industry through investment was to boost the domestic savings rate by means of distributional changes in favour of profits, namely, one of the key tasks of the incomes policy (UMAR, 1997). In other words, industrial relations was instrumental in avoiding dependence on FDI and the associated bidding wars by different locations for foreign investment. Given the strong trade unions, the interests of the export sector and the fact that Slovenia governments have entailed coalitions of several parties and traditionally been quite weak and vulnerable, regulation by social pacts was probably the only vehicle available for economic and social regulation (Stanojević and Krašovec, 2011: 233; Krašovec and Krpič, 2019).

This pattern of industrial relations lasted approximately until the mid-2000s when Slovenia became an EU member and signs of gradual changes started to emerge as the basis of the compromise was being eroded. Entry to the ERM II in 2004 and later the eurozone meant that

a crucial objective of the social pacts – the Maastricht inflation criterion – was met. Moreover, companies were given access to the deep European financial market and its low interest rates, meaning that, insofar as investment finance is concerned, the burning need for a compromise in the form of incomes policy was further reduced. Indeed, based on cheap foreign credit investment activity expanded rapidly in the 2004–2008 period. Further, as workers' ownership gradually faded away, the newly established domestic capitalists probably had less of a need for shop-floor compromises.

The first serious conflict emerged in 2005 when the newly elected centre-right government tried to push through a package of neoliberal reforms, including a shift to a flat-rate tax and pushed the unions into the opposition. However, the unions closed ranks and managed to fend off the government's attack (Stanojević, 2015). However, in the 2004–2008 period trade unions were losing power, as seen in the sharp fall in union density. Moreover, with the shift from compulsory to voluntary membership in 2006 the largest employers' organisation also saw a decline in membership, which in turn radicalised its positions in order to better appeal to its members (Stanojević and Klarič, 2013: 222-223). By joining the EU and EMU in the mid-2000s, exchange rate policy was ruled out by definition, making the competitiveness of Slovenian exporters dependent on *internal devaluation,* in turn rendering the work of trade unions much more difficult. Another important development was the growing use of non-standard employment by companies, further undermining the power of the trade unions.

Although adoption of the euro had several impacts on the foundations of the social dialogue, there was little discussion of the alternatives, at least in the mainstream. As revealed by the Focus Group Interview, survey and the interviews, many trade union representatives perceive adoption of the euro as positive, mostly in terms of the ease of currency conversion and price comparisons and from a business standpoint. Nonetheless, critical stances were exposed during our research as well, for example, the belief that the euro has increased the gap between the centre and the periphery, particularly to the benefit of the core member states (Germany, the Netherlands, France…) and strengthening their position and economies due to the eurozone. Some participants also warned that it is not good to have a common currency without a common wage system and/or welfare system.

The post-2008 crisis saw much of the investment based on foreign credit obtained during the 2004–2008 period went sour and a banking crisis ensued, gradually developing into a liquidity

crisis of public finance. These developments placed further strains on the industrial relations system in Slovenia. While the first anti-crisis measures in the form of short-term work were swiftly negotiated in the tripartite ESC, subsequent measures were mostly unilaterally imposed. Responding to the demands made by the radicalised trade union movement that organised wildcat strikes in which workers sometimes turned their anger not only against the management, but also against the political authorities and the unions, the centre-left government unilaterally increased the minimum wage, which infuriated the employer organisations. Soon after, the government launched a package of neoliberal reform measures (pension reform and the introduction of German-style mini-jobs) and sent them to the parliament without reaching any settlement with the trade unions. The latter then started to express their public discontent and the reforms were defeated at referendums and brought the government down. The newly formed centre-right government then imposed relatively harsh austerity measures to deal with the evolving liquidity crisis of public finance. The trade unions organised a public sector strike which ended with concession bargaining conducted under the increasing pressure of the financial markets. Trade unions accepted the austerity measures, but managed to negotiate a lower reduction of wages and a milder cut to the welfare state than initially announced. This was followed by a slightly modified pension reform and a labour market reform in which trade unions agreed to the substantial flexibilisation of standard employment in exchange for a certain re-regulation of flexible forms. Under the third 'crisis government' which acted as a "Troika proxy" (Stanojević and Krašovec, 2019), many unilateral measures were introduced by the government – such as the costly establishment of the 'Bad Bank', passing of the 'Golden Rule' for fiscal management, a draft list of 15 companies scheduled for privatisation (not all of which were actually privatised) and the curtailment of rights to call a referendum. The trade unions protested, but offered little opposition as the country was virtually under compulsory management from Brussels. After the crisis, random and fragmented political changes may be observed, but not any return to the pre-2004 practices of a systematic social pact. As Stanojević and Krašovec (2019) state, the neo-corporatist systemic political exchange typical of the 1990s had come to an end and was substituted by random concertation in the new euro context.

Turning now to collective bargaining, recent research (Stanojević and Kanjuo Mrčela, 2014) shows indices of the decentralisation of collective bargaining in Slovenia, including the

cancelation of collective agreements for individual sectors during the crisis. Most of these cancelled agreements were, however, renegotiated in later years. There was also a change in the duration of collective agreements – while collective agreements had previously been signed for an indefinite period, today they are more often signed for a fixed (short) term (ibid.). The decentralisation of collective bargaining generally takes place in an 'organised' manner since sectoral collective agreements are retained but more issues are devolved to company-level bargaining. However, many sectoral trade unions are able to secure collective agreements and improve standards in certain areas only at the cost of making concessions in the form of certain deviations from the law which capital can achieve, according to the legislation, only in sectoral collective agreements (Bembič, 2018: 447-458 for the case of the trade sector).

It is also interesting to note that trade unions in the private sector are still capable of protecting the basic rights of workers (statutory guaranteed pay, unfair dismissals) via collective agreements, but are less capable of preventing any worsening of the working conditions (Stanojević and Kanjuo Mrčela, 2014). Krašovec and Lužar (2013) mention growing breaches of collective agreements by employers, increasing worker unrest and more strikes, and a rise in unilateral/hasty government interventions in public sector working conditions. All of these developments reached a peak during the crisis, but it is hard to say that they are sole outcome of the crisis or that they disappeared after the crisis.

3. Articulation of trade unions' strategies on the convergence of social standards in the EU

The possibility of using European social dialogue as a tool to build common standards within the EU

Trade unions in Slovenia are generally open to the possibility of relying on social dialogue to build common standards on the EU level. Most of the trade unionists we interviewed support the idea of establishing certain minimum standards at the European level, such as an EU regulation on the minimum wage. Some explicitly claimed that common regulation is in the interest of trade unions from both Eastern and Western Europe (Interview 3, 2019: 15) and

that there should be greater discussion at the EU level on the common standards needed to preserve the European Social Model (Interview 1, 2019: 17-18).

Interviewees from the trade union confederation noted some ideas on how to structure European-level social dialogue. For example, one claimed that the proper role of European social dialogue is perhaps to refer to the national social dialogue and oblige the social partners in the Member States to negotiate at the national level on certain commonly determined issues (Interview 2, 2019: 15, 17). In the same vein, some trade union representatives contended that collective bargaining and social dialogue should primarily be conducted at the national level since it is impossible to establish minimum standards due to the very large economic and institutional differences as well as the wide variety of labour standards in Europe (Interview 2, 2019: 14-16). Yet, some maintained that the threat that the Commission will go ahead with directives which regulate social and employment issues if social partners cannot come to an agreement on the European level is beneficial and should therefore be retained (Interview 2, 2019: 22-23).

A prominent issue in both the individual interviews and the Focus Group was the question of convergence. Here, most of our interlocutors agreed that some standards in Slovenia are more favourable not only than those in most CEE countries, but also higher than those established in many Western EU countries. Hence, in many areas convergence to Western European standards (but clearly not wages) would mean a downward adjustment for Slovenian workers (Interview 1, 2019: 12). One of the Focus Group participants, for example, mentioned provisions for parental leave (Focus group, 2019: 3). Another representative argued:

> *I think there is a lack of reflection on those advantages – compared to many other countries, in some respects even compared to most Western countries – that for the time being Slovenia still has with regard to the social model and where convergence in certain areas would actually mean regression. Now, the key questions: public education, public health and pension systems, paid time off for meals, sick pay … I mean, we can list here some extremely important achievements that we have retained from the socialist era and have been preserved in this competition, this race to the bottom, as it were, despite everything, which means they have a robust foundation and are economically viable, although constantly*

under pressure for reduction, diminution or even annihilation. (Focus Group, 2019: 12-13)

On the other hand, such a position does not imply any concern that the EU level will intrude in the national sphere of industrial relations, with one interviewee even commenting that the route taken by the Scandinavian trade unions which opposed certain common standards is not sustainable (Interview 1, 2019: 16).

Expectations arising from the European pillar of social rights

There seems to be no agreed view on the potential of the European pillar of social rights among trade unionists in Slovenia. Broadly speaking, there are two main views on this issue that differ mainly with regard to the seriousness of the action (i.e. EPSR). According to the first view that is generally held by the sectoral trade unionists, the European social pillar is more or less about propaganda measures from which not much can be expected (Focus Group, 2019: 29). The confederation representatives we interviewed additionally, on the other hand, took the initiative much more seriously. They contended that it can bring many advantages at the Member State level and could be an initial step in establishing common EU standards (Interview 1, 2019: 12-13; Interview 2, 2019: 23). Nevertheless, no one expects any significant progress in Slovenia from this action since, as one interviewee noted: "The [s]ocial pillar, if you want to put it that way, we already have it in Slovenia and do not need to do much in this respect" (Interview 1, 2019: 17).

The idea of a European minimum wage

The trade union representatives mostly supported the idea of an EU-wide minimum wage. Still, most emphasised that determining the minimum wage at an absolute, nominal level is currently infeasible, but most welcomed the idea of establishing some lower limit as a percentage of the average or median wage. Such a regulation should be determined at the EU level and imposed on the Member States. Some went even further, claiming that we should not be talking about a minimum but about a living wage. A similar system was proposed in Slovenia where after 2021 a new mechanism for establishing the minimum wage will apply, according to which the minimum wage will be set at 20 per cent above the minimum cost of living (MDDSZ, September 2019). For instance, a common basket of goods should be

established as a minimum at the EU level, a kind of living wage in real terms, below which wages should not be allowed to fall (Focus Group, 2019: 27; Interview 1, 2019: 15).

A kind of dissenting view (Interview 2, 2019: 5) also warned that we should not take the issue of a European minimum wage too lightly and that Eastern Europe seems under some type of illusion that, if we transfer the problems to another level, someone else will resolve them. Even in Slovenia, the minimum wage is said to be a contentious issue within the trade union movement since, on one hand, the minimum wage is an instrument for establishing minimum standards in an environment of weakening collective bargaining that demands not only expert work but also a certain degree of resistance on the part of workers: "We have never achieved a good collective agreement without the people standing beside us and saying: 'We won't work [for less]'" (Interview 2, 2019: 5). On the other hand, a minimum wage sets the lowest wages without collective bargaining, thereby further weakening the social dialogue (ibid.). Finally, one trade union representative noted the paradox of CEE trade unions demanding an EU-wide minimum wage while simultaneously supporting social dumping practices (Interview 2, 2019: 7).

The importance and (expected) development trends of TCA

Sectoral trade unions participating in the Focus Group interview consider EU-mandated industrial relations institutions such as TCAs or EWCs as being weaker than their Slovenian counterparts. Hence, they are not particularly interested in these institutions. This lack of their interest is, for instance, reflected in the fact that the Focus Group participants ignored the question on TCAs, which should perhaps be read as a total lack of interest in such an institution. As the metalworkers' trade union (SKEI) representative stated on another occasion: "I have never ever heard of a case where such a framework agreement would increase the level of our rights [in Slovenia]" (Interview with the SKEI representative, 2018). Similarly, most participants regard EWCs as an institution that enables workers from the same MNC to occasionally meet and be involved in discussions which they consider beneficial, but far less efficient and useful than the national works councils. In fact, many consider EWCs as little more than window dressing on the part of MNCs that wish to appear to be socially responsible (Focus Group, 2019: 3, 25-26).

The confederation representatives in the additionally conducted interviews interpret the attempts to transfer labour management relations to the European level as a cry for help from other CEE trade unions because they themselves lack the power to impose certain minimum standards on MNCs. Nonetheless, they expect CEE trade unions to be disappointed by the results if such institutions indeed take place. Thus, rather than TCAs, some kind of protocol on how MNCs should behave in host countries would be more effective (Interview 2, 2019: 7).

The problem of posted workers in the context of social dumping

Over the last decade, several companies in Slovenia have developed a profitable business model of 'exporting' workers to the Western Europe. Since a large majority of these workers come from the countries of former Yugoslavia (Hvalc et al., May 2017), employment considerations are not of prime importance, but there are other short-term advantages which Slovenian workers could reap from such an undercutting of Western European standards. For instance, social contributions and taxes paid from this lucrative business could be, *ceteris paribus*, used to lower taxes on labour and consumption without making cuts in other government expenditure or, vice versa, to boost welfare state programmes without a corresponding rise in tax rates.

This is, however, far from the case in Slovenia. The position of the confederation representatives on the issue of posted workers that the worker needs to be treated according to most favourable conditions with regard to wages and other labour standards has never been in doubt and been shaped over a longer period and clearly stated in several programmatic documents (Interview 1, 2019: 5 and 8-9).

The government of Slovenia was not one of those that gave a 'yellow card' to the proposal to revise the posted workers Directive. The trade union confederations were not consulted during the revision process. Yet, they asked the Ministry of Labour about the position it intended to take. Since the answer was favourable (i.e. the government did not intend to oppose the revision) and in line with trade union position, the confederations simply notified the ETUC about it (Interview 1, 2019: 5).

All trade unionists participating in the Focus Group maintained that posted workers should be treated equally as host country workers in all respects (Focus Group, 2019: 26-29). Social

dumping was seen (Focus Group, 2019: 27) as arising when posted workers are sent from other countries and allowed to work with lower wages and social contributions, such as the case of the Slovenian retail trade sector where ex-Yugoslav workers are hired through companies registered in Slovakia to restock the shelves of a certain retail chain (Košak, April 2019). Some sectoral trade union representatives even disputed the legitimacy, albeit not the legality, under the current legislation of the practice of posting workers and maintained that it should be completely abolished while workers should always be employed according to the conditions found in the host country (ibid.: 28).

The confederation whose officers we interviewed has a special office dedicated to the prevention of social dumping that helps posted workers enforce the full amount of wages at the level of the host (i.e. Western European) countries and/or the unpaid wages and benefits which posting companies owe them (Interview 3, 2019: 6, 11-12). Further, Slovenian trade unions are trying to leverage their position and pressure the government to pass a regulation on posted workers and improve the enforcement by working closely with the ETUFs, Western European trade unions and even some foreign embassies. For example, the construction sector trade union informed its international partners about the fact that the Slovenian government allows resident companies to pay lower social contributions than their actual earnings (e.g. the Austrian minimum wage) would imply, which both the Slovenian trade union in question as well as the respective ETUF regard as a social dumping practice. The Slovenian trade union condemns this practice as unfair state aid to posting companies that impoverishes the welfare state by paying lower contributions (Focus Group, 2019: 10). This action led to pressure of both EFBWW and the Austrian trade unions (DGB) on the Slovenian government (Žerjavič, June 2019).

The position of Slovenian trade unions with regard to the revision of the Posted Workers Directive diverges from that taken by trade unions in the Visegrad countries which called for the separate treatment of road transport workers (ČMKOS et al., October 2017). Instead, Slovenian trade unions wanted to have road transport workers included in the revised Directive (Interview 3, 2019: 9). One representative we interviewed claimed that the regulation should be the same “regardless of the occupation or sector” and the confederation did not object to the imposition of minimum wages for foreign road transport workers in France and Germany (Interview 1, 2019: 9).

Slovenian trade unionists were part of the discussions on posted workers within the European trade union structures and they feel that their opinions were heard. However, they noticed that a clear dividing line with respect to the issue of posting workers was established in the ETUC between the Western European trade unions on one side and the Visegrad and Romanian unions on the other (Interview 1, 2019: 6). During these discussions, Slovenian trade unions advocated a position similar to most of the Western European trade unions with regard to revision of the Directive on posted workers since they believe equal treatment (without any exceptions whatsoever) is in the best interest of workers. Our interviewees noted that some CEE unions were less enthusiastic about equal treatment since they were afraid their employers would lose their competitive edge vis-à-vis Western European companies and their members would lose their jobs (Interview 3, 2019: 2-3). More specifically, according to some Slovenian TU representatives, the trade unions from particular Visegrad countries effectively demanded that their (posted) workers be given the right to work under standards lower than for their Western European colleagues (Interview 1, 2019: 7). Slovenian trade unions thereby consider their positions as being much closer to their Western European counterparts regarding the regulation of posted workers – they are convinced that most CEE unions are much more comfortable with what they themselves perceive as social dumping (Interview 2, 2019: 7).

Trade unions' reactions to the influx of foreign capital and its impact on the IR system

The effects of foreign multinationals on the industrial relations system in Slovenia must be assessed on at least two different levels. On the level of the national economy, several measures that affected the country's IR system quite significantly can at least to some degree be interpreted as part of the post-2008 turn towards a much more prominent role for FDI. Some of these measures include the substantial flexibilisation of standard employment in 2012, the tax reforms that brought about a reduction of the corporate tax rate in 2012 and lower taxation for higher income brackets in 2016 as well as quite generous subsidies for foreign investors. At the company level, however, the difference between foreign and domestic companies does not seem very evident, as far as industrial relations are concerned. Surveying 11 sectoral trade unions in Slovenia, Bembič (2019) reported no major differences in collective bargaining at the sectoral or company level between foreign MNCs and locally-owned companies, although recruitment might be more difficult with the former. In general,

foreign MNCs seem to be more rather than less disposed to cooperating with workers' representatives, but many would prefer to deal with the works councils rather than trade unions. Still, it must be noted that according to the survey the most important element of industrial relations at the company level are the standards established on the national level and the power and willingness of the trade unions to implement and defend them (ibid.: 355-357).

However, some Focus Group participants noted that MNCs do not support the social dialogue in their home countries and try to avoid it when doing business abroad. One participant clearly diverged from this view by maintaining that the openness of Western MNCs to works councils has quite a beneficial influence on unionisation in the host (CEE) countries (Focus Group, 2019: 1-3). Participants expressed a shared view that foreign MNCs come to Slovenia mostly to take advantage of the labour cost difference and they do not expect the presence of foreign MNCs to lead to wage convergence with the West of Europe but to exert downward pressure on wages:

> *[W]hy do they bother to come to Slovenia? In order to make money, whatever it takes. […] And they can only make money by putting pressure on the price of labour because the prices of all other commodities are already the same, if not higher, than abroad. […] they will tell you this in the context of: we are the crisis area and they are the Establishment, they are stable and we are in crisis – and they will behave accordingly. (Focus Group, 2019: 11-12)*

Some of the participants even reported that their trade union had successfully opposed the privatisation of domestic facilities and the influx of foreign capital into their branch, which in turn led to a conflict with their respective ETUF which was in support of takeovers of Slovenian companies. The conflict was ultimately resolved by convincing the ETUF to support their policies (ibid.: 25).

The opinion of the confederation representatives is that foreign MNCs behave quite differently in Slovenia than they do in other CEE countries and that these differences spring from differences in the power resources of the trade unions (Interview 1, 2019: 7). The same opinion prevailed in the Focus Group interview as most participants argued that whether certain labour standards and wage levels will be implemented or social dumping practices will

occur in the foreign MNCs largely depends on the presence and power of the trade unions in the host location (Focus Group, 2019: 16-17).

How trade unions perceive 'social dumping'

The interviewed representatives of a trade union confederation as well as the sectoral trade union representatives participating in the Focus Group acknowledge the importance of the 'social dumping' problem, although it seems they have quite a distinct understanding of this notion. As the Focus Group interview made clear, the sectoral representatives do not ascribe social dumping practices primarily to the workers or governments that seek to undercut the established social standards. Instead, they see as the main protagonists that engage in social dumping practices the Western European (or Slovenian when they relocate production abroad) companies which seek profit from taking advantage of workers in low-wage countries or rely on immigrant workers, subjecting them to a harsher regime of exploitation than local workers would be willing to accept. Thus, when production is relocated they perceive foreign MNCs – sometimes identified by their home countries, i.e. Western European states – as actors which aim to profit from social dumping practices by relocating to the CEE countries where the wages are lower, enabling these companies to cut their costs of production:

> *[S]ocial dumping, that is, dumping between states, emerges when the final producers, the strong ones, e.g. Germany, cheapen their products by producing them where it is cheaper.* (Focus Group, 2019: 16)

Importantly, as argued by one Focus Group participant (2019: 16), it is precisely this interest in cheap labour by large MNCs that is behind the EU enlargement. Further, this same interest in cheap labour is also the primary reason the discussion on the European level about proper regulation to prevent such practices never really took off.

Most participants saw no important differences between the posting of workers and foreign investment in this respect – they consider both forms as social dumping, i.e. as practices that enable companies to increase their exploitation of labour. As one Focus Group participant remarked, the only difference between increasing the exploitation of labour by relocating production to a low-wage country and posting a worker from a low-wage country is that: "there [i.e. abroad] you can exploit them even more than you can [by bringing them] here" (Focus Group, 2019: 15).

In the construction sector, social dumping could refer to practices of both Slovenian subcontractors as well as Western European main contractors, since the former pay lower wages than the minimum wages stipulated by law in the host countries while the latter do not monitor and control the wages paid out by the subcontractors (Interview 3, 2019: 11-12).

With regard to the posting of workers in general, the confederation representative define as social dumping any practice of 'exporting' the labour force abroad that would work in the direction of lower standards or payment of lower social contributions than the host country workers (Interview 2, 2019: 24). More generally, enhancing competitiveness by lowering the price of the service, which is then reflected in the wages and/or other labour standards, is regarded as social dumping (Interview 1, 2019: 8-9).

The representative of the confederation believed there is insufficient discussion on social dumping in the Slovenian confederations while the sectoral unions only become aware of the danger when it hits their sectors (Interview 1, 2019: 13). He thought that greater effort should be made to strengthen the measures against social dumping, for instance, by improving coordination between national institutions from different countries – the European Labour Authority should contribute to this goal (Interview 3, 2019: 14). Some representatives stressed that upward convergence and struggles for improvements to standards and wages is in the interest of all workers, especially those in locations with the highest wages since convergence is the best way to prevent the relocation of production and/or social dumping (Focus Group, 2019: 23; Interview 3, 2019: 15).

Nevertheless, the Slovenian trade unions regarded their positions on social dumping as being closer to Western European trade unions since they feel that Eastern European trade unions are more comfortable with these practices (Interview 2, 2019: 4). Hence, they are quite critical of the Eastern European trade unions that have uncritically welcomed, in the view of Slovenian trade unionists, the arrival of the Western European companies which have brought new jobs. Instead, they should be taking a principled standpoint against the practice of exploiting low-cost advantages and demand equalisation in labour standards and wages (Focus Group, 2019: 16).

While discussing whether the trade unions should prioritise employment or standards and wages, most Focus Group participants expressed their disapproval of the suggestion that

employment should take priority over other issues in any case. As one Focus Group participant argued in relation to recent developments in Slovakia where the management of a foreign MNC threatened layoffs after a successful strike:

> *[A]nd all of a sudden there is a problem in Slovakia. They have recently, especially in Volkswagen, where they have the same productivity and maybe even better quality, stood up and got a pay rise exceeding 10%. This is now probably a kind of a slap in their face and they started to put pressure on them. Now, you will say, well, 'Jobs [should be prioritised]'. But that is not the solution!* (Focus Group, 2019: 11)

On the contrary, virtually all participants agreed that prioritising jobs over labour standards and wages is tantamount to accepting lower labour standards and wages. As one of the participants put it: "Jobs are not all-important. By thinking in this way, we will sooner or later all be on minimum wages" (Focus Group, 2019: 18). Or, as a trade union representative explained on another occasion, adjusting wage policy to the targeted employment level would mean that the wage model is pursuing the aim of competitiveness while the basic guideline should be survival and the quality of life (Interview with a trade union official, 2019). This does not mean that in the past there were not occasions on which they prioritised employment and accepted lower wages, but they consider any such past decision to have been a grave mistake. The opinion expressed by some Focus Group interview participants that, if a company is unable to meet the social and economic minimum in terms of wages and standards it should close its operations down in Slovenia, was not challenged (Focus Group, 2019: 18-19).

Cross-border cooperation with other organisations, including the coordination of collective bargaining as a tool to strengthen the national level of bargaining

There is no special system for cross-border cooperation, but it works very well, as noted in the interviews – whenever the confederation turns to a body in Europe it receives the requested information quickly, be it from Western or South-East Europe (Interview 1, 2019: 18). In fact, the flow of information from the West of Europe is very strong but the problem is that there is not enough capacity to process all the data coming from abroad since not enough staff are employed in Slovenia to be able to cover all relevant issues (Interview 2, 2019: 19-20; Interview 3, 2019: 4). Further, as far as IndustriAll is concerned, Slovenian trade unions are

invited to send delegates to all of the committees, negotiation teams for TCAs etc. (Interview 2, 2019: 19-20).

There are some very tangible results of bilateral cooperation. For instance, information received from German and Austrian trade unions about the effects of mini-jobs was very important because it enabled Slovenian unions to reject the government's proposals (Interview 1, 2019: 20). There is also close cooperation with German trade unions to help enforce the solidarity clauses against German main contractors. In summary, the view of Slovenian trade unions is that cross-border cooperation does indeed bring significant benefits by allowing the trade unions to protect workers across the borders. The financing of cross-border projects should be increased (Interview 3, 2019: 11-12).

Slovenian trade unions tend to keep very close ties with the trade unions from ex-Yugoslavia and are part of a forum called *Solidarnost* which unites trade unions from the Balkan region and discusses some common issues and problems (Interview 2, 2019: 4). However, one representative expressed a lack of trust in certain trade unions from the Visegrad countries, which are allegedly not convinced about the need to uphold the standards established in other countries (Interview 1, 2019: 18-19).

The principles of cross-border membership are established within the 'Viennese memorandum group' and within the Solidarnost forum such that a Slovenian worker in need of help can go, for example, to the Austrian trade unions and request help or support of up to EUR 10,000. Even if there are no formal channels available when Slovenian workers go abroad and need help, trade unions from other countries are always very cooperative (Interview 2, 2019: 12-13).

Slovenian trade unions are members of several interregional trade union councils (IRTUCs). The most active seems to be the one that brings together CGIL, UIL and CISL from the Italian region of Friuli-Venezia-Giulia and ZSSS and KS-90 from Slovenia. The work of this IRTUC entails cross-border meetings, which are sometimes joined by members of another IRTUC that binds unions from Friuli-Venezia-Giulia and Southwest Croatia. The unions involved frequently organise combined events, issue publications and sign joint statements. A central focus of the IRTUC is the cross-border mobility of workers, but also trade unions' response to the post-2008 financial and economic crisis and the problem of atypical workers (ZSSS, 2017: 50-52).

There are also two IRTUCs with Austrian unions and one including unions from Hungary, Croatia and Slovenia.

One of the confederation representatives expressed serious doubt as to whether there is any point in developing collective bargaining on the European level. The position taken was that, since there is such huge institutional and economic diversity, it is very hard to find a common minimum standard (the lowest denominator) and, if one could be found, it would be so low that there would be no point in establishing it (Interview 2, 2019: 13-14). Yet, another confederation representative was more constructive in this respect and even suggested a method for establishing a common standard based on a certain basket of necessities across economically very diverse countries. This representative even hinted that sooner or later such a supranational standard will need be established on the EU level as a response to the single market:

> *A certain percent in relation to the cost of living in a given country. In this way, we could have a common standard for all. We would only have to agree at the EU level on the content of the basket representing the costs of living. We could thereby have a minimum standard, which simply has to emerge because this must be the answer to the common market for services and capital. This is the only possible answer.* (Interview 1, 2019: 15)

Nevertheless, both representatives acknowledged great heterogeneity in the scope of collective bargaining, signatory parties, the autonomy of bargaining parties etc. that have to be taken into account when debating the European dimension of collective bargaining (Interview 2, 2019:15). Concerning the process of collective bargaining on the national level, the dominant view was that not much can be achieved at the European level since collective agreements are voluntary and there is no collective agreement without pressure from below (Interview 2, 2019: 16).

Relationship between CEE 'old' Member States within the European trade union structures and the problem of protectionism/isolationism of Western European trade unions

There seem to be two main elements of the discussions on the relationship between the East and West within the European trade union movement. The first element concerns the content

of political views. Here the question of protectionism and/or isolationism of the Western European trade unions on one hand and the problem of social dumping on the other represent two sides of the same coin and are perhaps best described in terms of the duck–rabbit illusion, as Czarzasty and Mrozowicki (2018) ingeniously put it. The second element, however, pertains to the question of political influence within the European trade union movement.

"There certainly is a dividing line between the East and West and it runs right through Slovenia" (Interview 2, 2019: 3), as one of our interviewees claimed. Yet, this is not to say that the political positions of Slovenian trade unionists lie somewhere midway between the two. Quite the opposite. They are well aware of the accusations that the standards demanded by the Western European unions are too high, which in turn prevents Eastern European companies from successfully competing and negatively affects the employment level in CEE countries. However, their political position is simply that the issues of posted workers should not be conceived in terms of protectionism but in terms of exploitation and that trade unions should not prioritise competitiveness and employment but instead standards and wages (Interview 3, 2019: 7 and 12; Interview 1, 2019: 8-9 and 14-15; Focus Group, 2019: 169-18). There is less unanimity among the trade union representatives with regard to questions of EU-wide minimum standards where even the political positions of Western European unions seem less uniform than those of their Eastern European counterparts. Here most, though not all, of our interviewees believed that significant progress needs to be made if social Europe is to be preserved. Nevertheless, some expressed amusement as they find the positions taken by certain CEE trade unions to be contradictory, claiming they would like to have common regulations on one hand and social dumping on the other (Interview 2, 2019: 7).

Overall, it is fair to conclude that Slovenian trade unions are much closer to Western European positions with respect to the contents of their political positions. The similarity with the West stops, however, when it comes to the influence of Slovenian trade unions within the European trade union structures.

Most Focus Group participants noted that the ETUC lacks any mobilising power and many agreed that the organisation substituted propagandist actions for serious trade union work and that it itself became, bureaucratised as it is, an EU institution. Instead, they claim the ETUC would need to return to the people (Focus Group, 2019: 6-8 and 29). Similar views were

expressed by a confederation representative who claimed the ETUC is insufficiently attentive to the needs of its members, that is, national confederations (Interview 1, 2019: 3-4).

Views on the relationship between the Slovenian and the 'old' Member States within the European trade union structures differ somewhat between representatives of the confederation and the sectoral unions. One of the former expressed belief that Slovenian trade unions are generally relatively well established within the European trade union structures (Interview 1, 2019: 2). The voice of Slovenian trade unions is heard in international forums and they are often called upon to become even more involved. Moreover, the confederation is a member of the ETUC and is represented on the committees that it deems to be in its vital interest, such as committees dealing with the issues of migrations, youth, collective bargaining, training and education etc. (Interview 2, 2019: 2-3). The main barrier to any stronger presence of the confederation in the European trade union movement is its lack of personnel (ibid: 2).

Although formally equal, the confederation's influence in the European trade union structures is, as one representative admitted, incomparable with that of unions from larger and richer countries which contribute a substantial share of funds to the ETUC, have ample resources and trained staff, an office in Brussels etc. (Interview 2, 2019: 3). This unequal power manifests when it comes to organisational issues or leading positions in the ETUC that are mostly reserved for trade unions from influential large countries (Interview 1, 2019: 2; Interview 2, 2019: 3). The influence of the confederation is, however, to a certain degree magnified as it is able to leverage its good connections with and ample knowledge of the trade unions from the area of ex-Yugoslavia (Interview 1, 2019: 2).

Still, some sectoral-level trade unionists who participated in the Focus Group have a different story to tell. Asked whether they feel they have established themselves in their respective branch committees and/or in their relationships with the Western European trade unions, the Focus Group participants' answers were far from uniform. Some claimed it is important to be part of the EU-level structures although, given the fact that they come from a small country, their influence is correspondingly small and only two out of six representatives maintained that the relationships with other (Western European) trade unions are based on an equal footing (Focus Group, 2019: 20-21). There is nonetheless quite a widespread feeling among the sectoral representatives that trade unions from Western European countries are

somewhat privileged in their respective ETUFs while the voice of the CEE trade unions is being marginalised. The main reason for this marginalisation is the lower membership rates and thus lower dues collected which, as some participants argued, most Eastern European trade unions underreport in order to save on their contributions to the EU structures, which further adds to their marginalisation. This might constitute a sensible strategy in the present situation as they feel that the problems dealt with in the EU trade union structures are those which primarily concern Western European trade unions. The Western European trade unions, on the other hand, have ample resources which strengthens their influence and enables them to instrumentalise these EU-level organisations and use them for their own advantage. This in turn perpetuates the current state of affairs in the ETUFs (Focus Group, 2019: 9). The confederation representatives also mentioned that issues which trade unions find to be of major importance vary across the East–West divide. While traditional topics of collective bargaining and workers' rights dominate the Eastern European trade unions' agenda, their Western European counterparts often deal with new issues like the consequences of climate change and digitalisation (Interview 2, 2019: 4).

What is worse, many sectoral trade unionists reported having tried to leverage their position in their ETUFs by means of regional alliances with the South-East European (SEE) trade unions, but that the Western European trade unions actively tried to thwart every single one of them. Still, the outcomes of these endeavours varied widely. The first one reported at least two attempts in which he was personally closely involved but where the central leadership of the respective ETUF on both occasions successfully intervened and disbanded the emerging alliance. The fact that many SEE trade unions depend heavily on Western European financial support was said to have greatly facilitated the central leadership's efforts to neutralise the attempts to forge these alliances. An attempt to form a coalition within an ETUF in which a second Slovenian trade union was involved was also met with resistance from the central structures. Supported as it was by the established Western European unions, the central office reportedly went to great lengths to neutralise the emerging alliance. The Western European unions even enacted changes in the formal rules of the ETUF to prevent trade unions from SEE boosting their influence within the organisation. In this case, however, the South-East European unions from the sector in question seem to have enough resources of their own to finance their joint activities in a network independently of the Western European

organisations. Here the struggle of Slovenian and SEE unions to establish themselves within the European trade union structures is still ongoing. In a similar fashion, a third trade union representative reported on the bid of sectoral trade unions from SEE to establish an alliance to better represent the interests of the regional trade unions as they felt that their ETUF was advocating policies contrary to their regional interests. For this purpose, they established a formal organisation of regional trade unions independently of the respective ETUF. Their undertaking encountered resistance from the ETUF's central structures which, however, they successfully overcame. The representative reported that today collaboration between the ETUF and their independent network – both of which the sectoral trade union in question is still affiliated to – is very good and that they have successfully established themselves within the ETUF which has changed its policy so that it is now much more closely in line with the interests of SEE trade unions (Focus Group, 2019: 9-10 and 21-23).

4. Summary and conclusions

This report presents the findings of research into the views of trade unions from Slovenia concerning several issues that impact upward convergence and social standards. It is based on a Focus Group that included six representatives of the sectoral trade unions (metal and electro industry, food industry, retail, education, energy sector and construction) as well as individual interviews with three representatives of the main confederation (a member of the ETUC), and desk research. The evidence collected relates to the trade unions' positions on the following subjects: European minimum wage, transnational company agreements, cross-border cooperation including its European dimension, posting of workers, protectionism of Western European trade unions, European social dialogue as a tool to build common standards, the European pillar of social rights, relations between the CEE and 'old' member states within European trade union structures, social dumping, and FDI.

The main finding of the research is that Slovenian trade unions are generally much closer to Western European trade union positions with regard to the content of their political positions, but that their influence in international structures is quite comparable to that of other trade unions from CEE. Thus, in principle they support the establishment of common EU-wide standards, provided this does not mean any downward convergence for countries with higher standards and wages. Nevertheless, their primary area of concern remains national-level regulation. Not surprisingly, they expect little from the European pillar of social rights, nor do

they look with enthusiasm at European company-level institutions such as TCAs or EWCs. However, they propose the relatively progressive concept of regulation of a European minimum wage. There is strong support for equal treatment in relation to wages and standards for posted workers, regardless of the occupation or sector they work in, and some representatives expressed quite sharp criticism of their colleagues from other CEE countries since they perceive their views as too liberal in economic terms and unacceptable in this area. Slovenian trade unionists tend to attribute the practice of social dumping largely to companies and not to the workers who are willing to work for lower wages and/or standards. Still, they are critical of the CEE trade unions because of their focus on employment, whether it be in the area of FDI or the posting of workers. The trade unionists from Slovenia do not expect foreign MNCs to bring better standards or wage convergence as their aim is to extract maximum surplus value and thus keep the wages and standards low.

Cross-border cooperation is good according to our interviewees, but they see little scope for the European dimension of collective bargaining. While holding similar political views on most of the issues as their Western European counterparts, the political power of Slovenian trade unions as regards their access to the top-level positions in the European trade union structures and their power to set the agenda of these structures is marginal. To make things worse, even when they try to establish regional alliances with SEE trade unions in order to strengthen their positions within the respective organisations on the European level, the top functionaries of these organisations with the support of Western European trade unions are reported to have worked to break up the emerging coalitions, albeit not always very successfully.

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