

Emigration and Labour Shortages: an Opportunity for Trade Unions in New Member States?

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Abstract:

The paper explores whether and how unions in the post-socialist EU member states have responded to the opportunity of improving their situation, offered by the increased emigration after the recent EU enlargements. Migration influences the labour force composition and unemployment rates, which could facilitate union organizing and bargaining position, and in consequence enhance union legitimacy and bargaining institutions. We adopt an actor-oriented framework to examine union strategies and actions, and we test the above hypotheses in the public healthcare sector largely affected by migration in Slovakia, Poland and Hungary. We argue that variation in union strategies depends mainly on the interplay of union capacities and state strategies. Slovak unions used migration-triggered labour shortages to obtain wage increases and to consolidate existing bargaining channels. In contrast, Polish unions responded to migration-induced labour shortages through industrial action, while Hungarian healthcare unions remained the least active in seizing migration-related opportunities to enhance legitimacy or bargaining institutions.

Key words: Central and Eastern Europe, trade unions, union strategies, migration, labour shortages, healthcare sector

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1. Introduction

Organized labour emerged as an important political force in CEE in the late 1980s and early 1990s, and played a major role in the dismantling of socialist regimes across the region (Kubicek 1999). However, in the early post-1989 period unions appeared to have "low capacity to shape public policy or to win material benefits, (...) to organize the newly important private sphere" and no ability to prevent "a general decline of labour's social and cultural standing" (Crowley and Ost 2001:219; see Bohle and Greskovits 2006, Bohle and Greskovits 2007). At present the position of trade unions in CEE is weak, especially if compared to their Western European counterparts (Carley 2009; European Commission 2006; Visser 2006; Visser 2008, for a contrasting view, see Armingeon 2006). Membership and density rates in CEE remain low; so does collective bargaining coverage; and the CEE countries' industrial relations systems present a corporatist facade with little content (Crowley 2004; Kubicek 1999; Ost 2000; Ost 2002; Ost and Crowley 2001; Tatur 1995).

Most literature on trade unions in CEE is devoted to describing and explaining union weakness, identifying the hostile post-1989 political and economic environment and "the communist legacy" as factors constraining unions' actions and draining membership (Varga 2009). We recognize the importance of such investigation, and the strong causality mechanisms described in the existing research. We claim, however, that most of the existing literature perceives unions in a passive perspective and does not offer insights into what unions can do, and are doing, in such unfavourable conditions.

To help fill this gap, this paper adopts an actor-oriented perspective and analyzes how unions in CEE respond to changes in the environment offering an opportunity to overcome their weakness. We propose that the intense post-EU-enlargement labour migration from the "new" EU member states in CEE (EU-10) to the "old" Western EU member states (EU-15) has produced a change in the labour market (decrease in unemployment rates and even labour shortages in the most affected sectors), which constitutes such an opportunity (see Kahanec and Zimmermann 2010). We argue that this situation could offer ground for unions in the sending countries to enhance their position vis-à-vis governments and employers, to regain societal legitimacy, and strengthen the existing bargaining institutions.

We test this hypothesis by engaging in a comparative analysis of union responses to migration-triggered labour market changes in the public healthcare sector in three CEE countries (CEE-3): Hungary, Poland and Slovakia. The choice of countries was determined by, firstly, the fact that the three countries belong to the 2004 enlargement wave, which allows for a 5 year period of observation. Secondly, while they are classified as belonging to the same "variety of capitalism" (Bohle and Greskovits 2007), they present different domestic industrial relations landscapes, ranging from decentralized and fragmented union organizations in Hungary and partially in Poland, to more centralized sectoral industrial relations structures in Slovakia (Avdagic 2005; Crowley and Ost 2001; Kahancova 2007; Mailand and Due 2004). Our aim is to highlight the variation in union

situations and in union strategies across the region (Carley 2009).¹ We focus on the public healthcare because it has been among the sectors most affected by labour migration, as recent OECD and EuroStat data indicate. Moreover, we aim to complement the existing literature's predominant focus on unions in the private sector (Bohle and Greskovits 2006; Crowley 2004; Kahancova 2007; Ost 2000; Ost 2002; Varga 2009).

We propose a model explaining whether and how unions build strategies in response to the migration-induced labour market change. We identify the factors behind unions' choice of strategy and address the issue of cross-country variation. While this remains the main focus of our paper, we also analyze the impact of unions' strategies on their situation, at the micro-, meso-, and macro-level. At the micro-level, we assess whether unions' strategies have resulted in meeting two of the three main union goals: wage increases and improvement of working conditions (Offe 1985).² At the meso-level, we investigate if union actions have had a positive impact on unions' legitimacy and their position vis-à-vis employers, and if there have been membership gains. At the macro-level, we look at the consequences of the union actions for the industrial relations institutions in the healthcare sector, i.e. whether they have led to strengthening, building or reviving the existing bargaining structure.

The paper supplements the existing literature in two major ways. First, as already mentioned, a substantial share of trade union literature sees unions as passive organizations whose behaviour is constrained by external factors and historical legacies.³ Such static approach has received criticism for its inability to capture the interaction between unions and their environment. Visser argues that "structuralist explanations of union decline leave little room for unions as active organizers of their membership markets, let alone as strategic actors capable of changing the dynamics of these markets" (Visser 1994:84). Frege and Kelly stress that "explaining actors' strategies by their institutional context alone is too simplistic and deterministic, downplaying the mutual dependency and the interrelationships between actors and institutions" (Frege and Kelly 2003:12). Following this criticism, a more actor-centred approach has been proposed to examine Western European unions' responses to external factors (Frege and Kelly 2003; EJIR 2003). This paper joins the scarce actor-centred research on unions in CEE and questions the image of unions as a passive "black box" under the influence of external factors. We investigate how CEE unions as actors reacted to opportunities arising in their environment and what they accomplished. Second, the current debate on international migration and union policy in Europe is (almost) exclusively devoted to questions on how to organise the migrant workers and enforce "national" standards in destination countries (e.g. Dundon, Gonzalez-Perez & McDonough 2007; Woolfson and Sommers

¹ Rarely have the differences in the 'labour weakness' or 'labour strength' in CEE been discussed (exceptions include Avdagic 2005; Ost 2009; Stanojevic 2003; Varga 2009).

² The third goal in Offe's (1985) definition, security of employment, is not problematic in the case of healthcare sector as the unemployment rate is negligible; and indeed migration has produced labour shortages.

³ This approach seems to prevail not only in research on unions in the post-socialist countries of CEE, but is also found in the Western European literature (Carley 2009; Martin and Ross 1999; Regini 1992; Waddington and Hoffmann 2000).

2006). Our contribution consists in examining the effects of labour migration on unions in the source countries.

The paper is structured as follows: the next section offers a theoretical framework underpinning the expected effects of labour migration on unions' situation in the sending countries. Section three proposes a model explaining the choice of strategies that unions (may) develop in response to the external shocks in their environment. We then present country findings and engage in an empirical comparative analysis of unions' responses to migration-triggered labour market changes in the healthcare sector. We assess the impact of unions' strategies in terms of improving unions' situation at micro-, meso- and macro-level. Section five discusses the cross-national variation in the adopted strategies and their impact. Section six concludes.

2. Theorizing migration effects on unions in the sending countries

In the context of declining union membership and legitimacy in CEE, we investigate whether unions in these countries are able to seize opportunities for improving their situation. We propose that the recently intensified labour migration from EU-10 to EU-15 constitutes such an opportunity. In this section we present general migration developments in the region and we theorize direct and indirect migration effects on the situation of trade unions in the sending countries.

Over the last two decades, a number of CEE countries have experienced a growing labour migration to the EU-15 (Kahanec and Zimmermann 2010). Migration has been motivated by a greater availability of work, an expectation of better working conditions and higher pay in the EU-15 (Bonin et al. 2008; Fouarge and Ester 2007). Since the 2004/2007 EU enlargements, labour migration has mainly targeted countries that liberalized their labour markets for workers from the EU-10 (e.g. UK, and Ireland, see Kahanec and Zimmermann 2010).

Migration from the EU-10 to the EU-15 has increased in all EU-10 countries since 2000, although cross-country differences persist (Kahanec et al. 2010:17). Between 2003 and 2007, 2.0% of Poles and 2.0% of Slovaks moved to another EU country (European Commission 2008). Kaczmarczyk and Okólski (2007) estimate that 5-7% of the Polish labour force worked abroad in 2006. Although Hungarian figures are less dramatic, migration from Hungary also increased between 2000 and 2007 (Brückner and Dameland 2009; Kahanec et al. 2010).

We argue that such intense labour migration may affect unions in the sending countries through its impact on some of the factors conditioning unions' situation. Ebbinghaus and Visser (1999) define these as structural, cyclical and configurational factors, yielding direct or indirect effects on unions. In particular, migration produces changes in the labour market: it alters the labour force composition (a structural factor impacting unions, see Ebbinghaus and Visser 1999) and influences unemployment rates (which belongs to cyclical factors, *ibid.*). Changes in these two factors may further lead to changes in configurational factors (the institutional context), and more specifically in an actual (and

not only formal) “inclusion of unions in (...) consultation bodies with employers and the state” (Ebbinghaus and Visser 1999:147).

The departure of workers (the very definition of migration) alters the labour force composition, which translates into a *direct* effect of migration on unions in terms of changes in union membership and density rates. This effect largely depends on the socio-demographic profile of migrants. If the migrants belong to groups with low propensity to unionise (e.g. un(der)employed, unskilled, young or students), migration will not produce losses in the current union membership, and will not change the membership base, while it may produce an increase in union density in the short run if the migrant workers are not replaced by immigrants from other countries. If, however, migrants belong to groups with high propensity to unionise (i.e. skilled workers or professionals, and middle-aged or older, employed in the public sector), unions may expect losses of the current (and potential) membership, and decreasing density rates. This also means losses in the institutional resources and unions’ capacities for action, and in consequence – less potential for seizing opportunities from indirect migration effects.

When it comes to unemployment (a cyclical factor conditioning unions’ strength) migration reduces its rates or even produces labour shortages in the affected sectors. Here, the effect on unions is *indirect*. First, given that “unemployment tends to make recruitment more expensive for unions since it raises the capacity of employers to resist unions organizing and increases fear among workers to demonstrate solidarity” (Ebbinghaus and Visser 1999:139), the decrease in unemployment rate should facilitate union organizing. Second, as decrease in unemployment rate (or labour shortages) relieves labour market pressures and produces an upward effect on wages in the sending countries, migration indirectly enhances the unions’ position in the bargaining process, and - other things equal - positively affects membership growth. Unions may seize opportunities stemming from these changes at micro-level by adopting strategies aimed at increasing wages and improving working conditions. If they are successful in reaching these two micro-level goals, they may also improve their situation at the meso-level, by strengthening their legitimacy and their position vis-à-vis employers.

Finally, we argue that migration may produce an *indirect* effect on configurational factors, or institutional context, affecting unions. We argue, however, that this last effect will materialize only if unions seize opportunities from migration’s influence on cyclical factors. Ensuring wage increases and a better quality of working conditions, and a higher legitimacy in the eyes of members and social partners may lead to macro-level gains for unions in the form of more union-friendly industrial relations and an institutionalised inclusion of unions in policy making. The indirect migration effects may be conditioned by the policy response to migration-triggered changes in the domestic labour markets coming from employers and the state. On the one hand, employers themselves may seek union cooperation in addressing labour shortages; then the impact will be positive for unions. On the other hand, if employers or investors reduce their activities in response to labour shortages or unions’ successful wage claims, and if governments decide to reduce services (e.g. in healthcare or education), migration’s effect on unions will be mitigated.

To sum up, we expect migration to influence the situation of unions in the sending countries directly through an impact on labour market structures (effects on structural factors), indirectly by reducing unemployment and generating an upward pressure on wages (effect on cyclical factors) and – depending on the impact of unions’ strategies – by offering new opportunities for institution building (effect on configurational factors).

In this paper, we follow an actor-oriented approach and focus on union strategies in response to the migration-triggered labour market changes, and their impact on unions’ situation at different levels. For this reason, we refrain from investigating the direct, structural effects of migration on union membership and density.

3. Strategy formation

In this section we identify, based on the relevant literature, factors shaping the capacity of unions in CEE to observe and appreciate opportunities arising from external shocks and to formulate and pursue strategic responses. We model the formation of union strategies (dependent variable) in response to external shocks, which in our paper are exemplified by the migration-triggered labour market changes.

Consistently with the actor-centered approach of our paper we focus on variables that determine union abilities to exploit external shocks to their benefit. Following the discussion of sources of union power in Visser (1995) and the application of social movement theory to union strategy building in Frege and Kelly (2003), we argue that the unions’ strategic capacity will depend on union resources and organizational capacities as they condition the ability to appreciate opportunities and act upon them (independent variable), and on the cognitive process shaping the choice of strategies (procedural variable). Further, the independent variable is influenced by the economic and institutional context, while the dynamic process of framing will include interaction with state and employers.

We start defining our independent variable based on Visser’s (1995) identification of three sources of union power: organizational (the resources that unions can mobilize from within), institutional (place of unions within institutional contexts, external sources of support unions can depend on), and economic (market forces). The first source of power is internal, while the two latter are external. Given the paper’s actor-centred approach, we focus on the organizational power: union resources and organizational capacities that determine union capacity to recognize and react to opportunities stemming from external shocks. However, we do not ignore the other potential resources of union power: we integrate them into our model as intervening variables conditioning the internal resources of unions.

We draw on available literature to define internal resources and capacities as a *leadership* strong enough and able to provide a vision and define *goals* (Visser 1995; Ost 2009); *identity* which helps to shape unions’ perception of choices, threats and opportunities (Hyman 1994, 2001; Hunt et al. 1994); *legitimacy* or the compatibility of union goals and action with workers’ demands (Hyman 1997); *organizing capacity* that ensures the ability

to perform the expected tasks (Visser 1995); and *union structures* or the features of horizontal and vertical organization of unions (e.g. the extent of fragmentation, the mode of interaction with other unions), as well as the quality of links to political parties and other external actors (Avdagic 2005; Esping-Andersen and Korpi 1984; Higgins 1985).

Impacting on union resources and organizational capacities are institutional and economic variables (potential external sources of power). In the CEE context, these generally defined variables find a concrete exemplification in the process of the post-socialist transition; the process of internationalization; and the industrial relations institutions, which emerged from these two processes.

The post-1989 transition presented CEE unions with major challenges and had a dramatic impact on their resources and capacities. From “corporations with compulsory membership” unions had to become, almost overnight, “voluntary associations of employees” (Kohl 2008:108). However, the common perception of unions as organizations belonging to the “old” system, and a very low level of social trust within the post-socialist societies (Rose-Ackerman 2001; Kaminska 2010) where individualistic problem solutions prevail over collective action, including the defense of labour standards (Tisenkopfs 2006; Woolfson 2007; Elster et al.1998), meant that unions were missing the institutional embeddedness of effective unionism – the acceptance in the wider society. Union identity, recognized by Hyman (1994) as a determinant of union strategies, as well as union legitimacy, were put into question.

Union goals had to be redefined in new circumstances, too. While under socialism union tasks were mostly related to distribution of social benefits (Ost 2009), after 1989 they were expected to deal with the “standard” union tasks (job security, wage increases, working conditions). These new tasks seemed particularly pressing in the conditions generated by the neoliberal reforms: a closure of many state-owned enterprises followed by large-scale redundancies and skyrocketing unemployment; (hyper)inflation; a growing shadow economy (Kaminska 2010). This hostile environment for labour was further toughened by the attitude of transnational capital investing in CEE which had “different preferences and [was acting] more powerfully [in CEE] than at home” (Bohle and Greskovits 2006). Nevertheless, union leadership, which plays an important role in shaping unions choices, particularly in the less strongly institutionalized industrial relations systems (Frege and Kelly 2003:20), have often been unable, or unwilling, to perform new tasks and respond to workers’ demands. Most union officials in the early transition years were convinced of the necessity of market reform and seemed to have accepted the new management model (in which consultation was either ignored or routinized to the extent of becoming meaningless (Ost 2009).

The fragmentation of union movement, while *per se* not excluding political action, in CEE has been coupled with rivalry or lack of cooperation between unions due to ideological divisions from the pre-1989 period (post-socialist vs. opposition-related origin), which has further weakened labour representation. Moreover, the institutionalized links between unions and political parties, which in the Western countries allow unions to advance their interests (Frege and Kelly 2003), in the context of

CEE have resulted in a “capture” of unions and an inverse dependency relationship (Avdagic 2005).

In these conditions, new industrial relations were emerging in CEE. The role of industrial relations institutions in shaping the structures and behaviours of unions is emphasized by Martin and Ross (1999) and Ebbinghaus and Visser (1999, 2000) in their analysis of Western unions. We extend their conclusions to unions in CEE with the caveat that in the context of post-socialist transition, before unions found themselves conditioned by industrial relations institutions, they were first co-responsible for shaping them. Their input, however, was that of abstention rather than participation and mostly consisted of accepting the neoliberal solutions, because of the challenges discussed above, and because many union officials believed that market economies function best without much union involvement (Crowley and Ost 2001; Ost 2009; Meardi 2002). Free of union pressure, the neoliberally minded governments had an upper hand in creating labour relations (Avdagic 2002:22). The outcome was, as most literature suggests, “illusory” (Ost 2000) or “paternalistic” (Tatur 1995) corporatism, in which unions are far away from enjoying “semi-public status” (Offe 1981). As a matter of fact, in a number of CEE countries they are hardly recognized as partners in policy-making. The recovery phase of the neoliberal reforms since the late 1990s has not brought about a recovery of negotiated industrial relations (Bohle and Greskovits 2006). Thus, unions have fallen victims of their earlier passivity in shaping the industrial relations.

To recall the structural, cyclical and configurational factors influencing union organizing discussed in section two (Ebbinghaus and Visser 1999), we conclude that all of these groups of factors (structural: shadow economy, shift from industrial to service employment and general economy slack; cyclical: unemployment and inflation; configurational: poor quality of industrial relations) militated against union organizing.

Despite this rather bleak picture, the few examples of actor-centred literature (Ost 2009; Varga 2009) suggest that unions’ internal resources in CEE are not completely depleted. As the following sections will show, unions may be galvanized into action by a change in the environment. As we endorse Frege and Kelly’s (2003) application of the social movement theory’s notion of the “framing process” (Mc Adam et al. 2001), we argue that the mode of response to the change will depend on such a “cognitive” process (procedural variable) within which constraints and incentives can be “framed” in different ways.

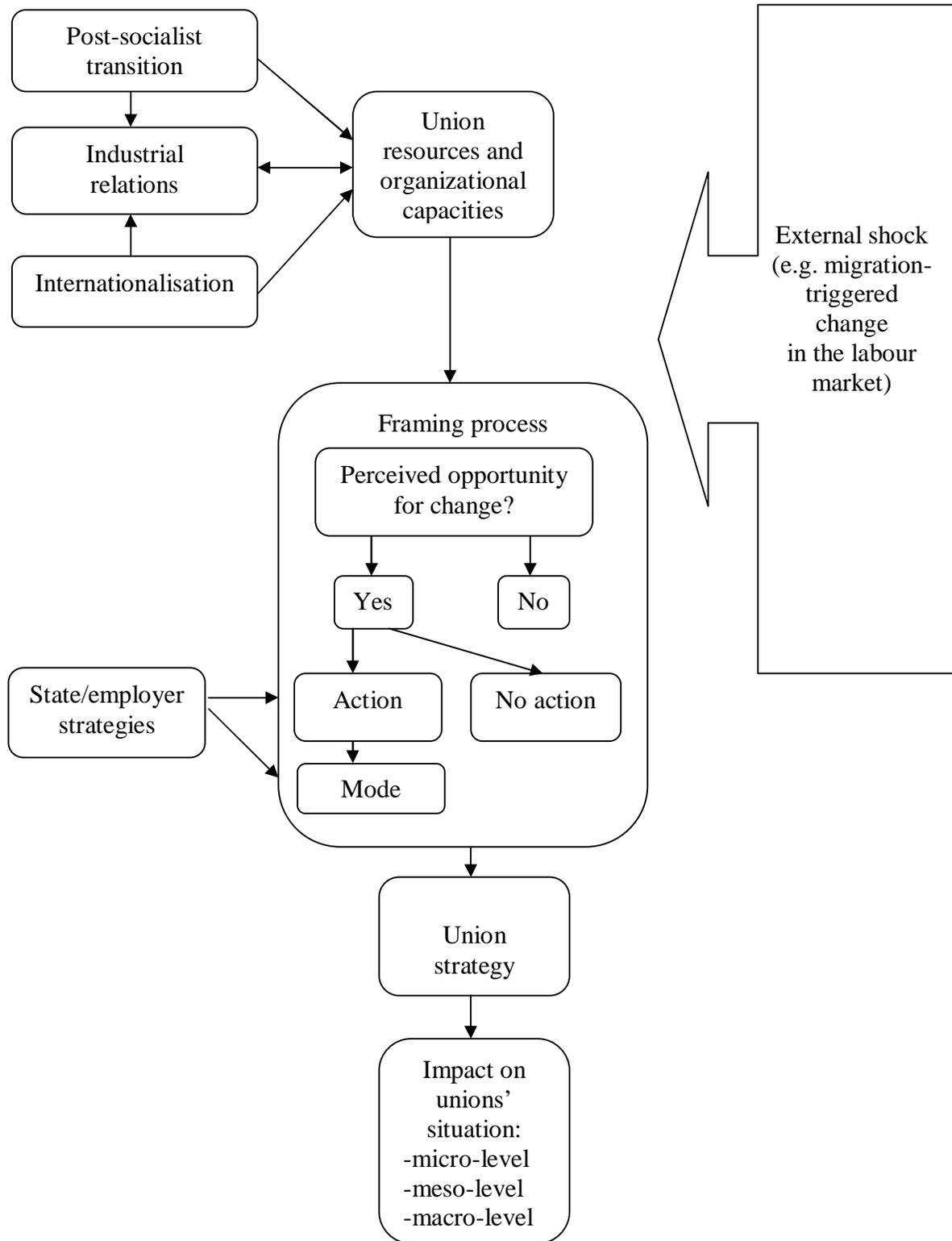
The framing relates to a dynamic process through which unions define the problem, assess the opportunity and then elaborate a response to it, based on the internal and external context (e.g. internal unity, external support, possibility of coalition building). Within the framing process, the strategies of the state and/or employers (intervening variable) play a direct role as they interact with unions responses. In particular, they have an impact on unions’ repertoires of contention, or the available and familiar methods of collective action (McAdam et al. 2001). Unions assess the utility of repeating behavioural patterns and of employing new strategies in responding to new challenges, also in relation to state and employer responses facilitating or obstructing union action (Crouch and

Streeck 1997). The less recognition unions receive from the state and employers, the more radical and militant their strategies become (see Geary 1981; Poole 1986). The role of state strategies is of particular relevance in the CEE context where the strategic political interventions in the early transition had a strong impact on unions (Stanojevic 2003:299; Avdagic 2005). We can also expect state strategies to react to the inter-union dynamics: “[r]ivalry and hostility between unions (...) strengthens the government’s position vis-à-vis organized labour, thus weakening its incentives to cede to their demands” (Avdagic 2006:22).

The relation between state and unions has a specific character in the public sector. The state features here in a double role of an executive/regulator and an employer, and it thus has an interest both in seeking democratic legitimation and in reproducing capitalist structures (Offe 1973; Varga 2009). Within the conceptual framework of post-1989 neoliberal reforms, where unions were perceived as an evil monopoly frustrating the market functioning (see Freeman and Medoff 1984; and Visser 1995), the latter interest seems to have prevailed (Ost 2005; Vanhuysee 2007). In a number of CEE countries, with differences in intensity, this resulted in state strategies aiming at weakening the union movement (see Avdagic 2005).

Drawing on Frege and Kelly (2003), in Figure 1 we graphically present the described framing process, in which union responses to external opportunities, in this case migration-triggered labour market changes, are cognitively formed.

Figure 1: Model of union strategy formation in response to migration-triggered changes in the labour market.



To reiterate, the choice of strategy (dependent variable) in the context of an external shock - migration-triggered changes in the labour market - will depend on union resources and organizational capacities (independent variable), and on how unions perceive the opportunity, in other words: on the framing process (procedural variable). The union resources and organizational capacities are influenced by intervening variables: the post-socialist transition; the internationalization (the impact of which was magnified in CEE due to the simultaneity with the post-socialist transition); and industrial relations institutions that emerged with the participation (or rather: lack thereof) of unions. We model the “framing” as a dynamic, three-step process (the three steps being: the perception of the opportunity; the decision of whether or not to act; the choice of the mode of action), where state and employer strategies (intervening variable) impinge on the final choice of strategy. We complete the model with another dependent variable: the impact of union action on unions’ situation at the micro-, meso-, and macro-level, as mentioned in section two.

4. Country findings: trade unions seizing opportunities from migration

Building on the presented model, in this section we review the situation of unions in the CEE-3 countries’ public healthcare sector and discuss how unions responded to the migration-induced labour market changes. Despite the difficulties in data collection on migration trends, evidence on the scale of migration in the healthcare sector is relatively accurate because of information on certificates of competences and good standing, which almost all certified doctors, nurses, and midwives collect from their home country’s professional associations prior to their departure.⁴ Although we do not discuss this evidence, this section builds on this precious source of information on the structure and quantity of migrants in the healthcare sector.⁵ To collect information on union situation and strategies in response to migration, in 2008 and 2009 we carried out interviews with union representatives at sectoral and national levels, professional associations, and officials at ministries of healthcare.

Although overall migration is much more intense in Poland and Slovakia than in Hungary (Kahanec et al. 2010, Brückner and Damelang 2009), our respondents agree that healthcare sector migration constitutes a serious issue in all three countries, triggering labour shortages in public hospitals and healthcare provider organizations, as third-country qualified professionals are not replacing the migrants.

Trade unions in the CEE-3 countries’ healthcare sector

⁴ Such certificates declare the professional qualification of the migrant and his/her ability to serve as a healthcare professional abroad.

⁵ Being a fair estimate of migration in the healthcare sector, the shortcoming of professional associations’ certificate databases is the fact that they only cover migrants from among the members of professional associations. Most practicing healthcare professionals are indeed members, but the evidence fails to capture university graduates and school leavers who decide to migrate before joining a domestic professional association and before entering the domestic labour market. For an overview of migration of school leavers, additional information, i.e. interviews and media sources, proved to be essential.

Trade unions and industrial relations in CEE-3's healthcare sector largely reproduce the national post-1989 trends. The main problems that sectoral unions have been facing in all three countries is a declining membership, cleavages among unions, recent privatization in the healthcare sector, and the unclear relationships with the state, which is the employer in the public healthcare sector. For example, in Poland the generally negative post-1989 membership trends were further exacerbated by the 1999 healthcare reform, which undermined workers' rights in the sector. Also, Polish unions claim to have been consistently disregarded as legitimate partners by the subsequent governments in sectoral and intersectoral commissions and discussions on wage increases, employment conditions, and reforms of the healthcare sector. This has led on numerous occasions to massive strikes. In all three countries, conflicts of interests have emerged between various unions in the sector; thus, we incorporate into our inquiry the question whether the variety of union interests influenced the adopted union strategies and their impact. This issue has been most relevant in Poland and Slovakia, as discussed below.

Despite the above, the healthcare sector is relatively well organized in all three countries. A centralized sectoral union structure and the predominance of sectoral and multi-employer collective bargaining is present only in Slovakia. The sectoral interest organization structure, together with established sectoral collective bargaining, are mutually reinforcing. Nevertheless, unions remain critical of the bargaining institutions and claim a lack of recognition by the state and potential members. In contrast to Slovakia, Hungary and Poland present a more fragmented union structure and bargaining in the healthcare sector. Table 1 summarizes the main characteristics of organizations and bargaining in CEE-3's healthcare sectors.

Table 1: Trade unions, employers' associations and bargaining in the healthcare sector*

| | Hungary | Poland | Slovakia |
|---|---|---|---|
| Number of sector-level unions | 5 (EDDSZ, MOSZ, HODOSZ, VSZ, OSZSZ) | 4 (FZZ, FZZPOiPS, SOZ, OZZL) | 2 (SOZZaSS, LOZ) |
| Trade union density in the sector | n/a | n/a | 50% |
| Trade union density with regard to the sector** | EDDSZ: 16% MOSZ: 13% HODOSZ: 0.3% VSZ: 0.3% OSZSZ: 0.1% | FZZ: 33% FZZPOiPS: 14.3% SOZ: 8% OZZL: low; exact figure n/a | SOZZaSS: 46.5% LOZ: 4.2% |
| Number of sector-level employers' associations | 1 (MKSZ) | 2 (KZ, PSDS) | 2 (AFN, ANS) |
| Dominant bargaining level for collective agreements | Single-employer level | Single-employer level | Sectoral, multi-employer level Wage agreements also at single-employer level |
| Sectoral bargaining characteristics | Sectoral tripartism but no collective agreements*** | Sectoral tripartism but no collective agreements | Sectoral bipartism and sectoral tripartism with collective agreements |
| Sectoral bargaining coverage**** | 7.5% | n/a | 95% |

* Data for 2005 in Hungary and Poland and 2006 for Slovakia. Source: Bálint et al. (2009), Czírja (2009), Towalski (2009).

- ** Estimated density of particular unions within the healthcare sector
- *** Professional associations form a fourth side of the forum (Bálint et al. 2009)
- **** The % of employees in the sector covered by collective agreement

All concerned unions in all countries experienced the *direct* impact of migration in the form of membership losses. However, these have been marginal, because most migrants were young doctors and nurses, and school-leavers (graduates of medical schools) that were not unionized in the sending countries. In CEE-3, the propensity of young people to unionize remains low in general, as they are unwilling to join unions prior to entering the labour market or at the early stage of their career. However, the departure of the young, energetic and entrepreneurial constituency implies that unions lose *potential members*, while the actual membership is aging.

While the direct impact of migration on unions (through membership losses) has been limited, we argue that the impact of migration on unions has materialized indirectly, via union responses to migration-induced labour shortages, offering unions an argument supporting their wage increase claims. Although unions in Hungary, Poland and Slovakia perceive migration similarly, their strategies in response to migration-induced changes in domestic labour markets, and the conditions in which these strategies emerged and were deployed, show great variation. We now turn to discuss country-specific evidence to underpin our argument.

Country findings

Hungarian healthcare unions' have not recognized the opportunity provided by migration-induced labour shortages. This has resulted, first, from the weakness of union internal resources and capacities. The unions are facing a declining membership and union fragmentation in the sector, which has undermined the unions' identity. The leadership neglected the potential of migration hitting the sector for strengthening union identity around this problem and for rising union profile in the eye of public opinion. According to the Chamber of physicians and leading Hungarian industrial relations scholars, union leaders did not signal clear goals in response to migration-induced labour shortages and EDDSZ (the largest healthcare union) remained passive regarding the issue. Professional associations (chambers) seem to have played a more important role in voicing wage and working conditions claims vis-à-vis the state than the unions. Instead of forming partnerships, the relationship between healthcare unions and the chambers is competitive. Eventual union strategies and actions to improve wages and working conditions have been largely invisible to the political actors, employers, potential trade union constituency, and the broader society.

Second, the state strategy intervened strongly in the framing of union strategies. Following the growing labour shortages, the government implemented a healthcare reform in mid-2000s with a significant wage rise for healthcare employees. This unilateral action was channelled through tripartite collective bargaining institutions and thus evaded the involvement of social partners.

The marginal union response to migration-induced labour market changes did not lead to an improvement of unions' situation in Hungary. As discussed above, the lack of

strategic action derived from the unions' weak organizational capacities and from external factors (lack of supporting institutions, the strategy of the state and professional associations, and inadequately functioning sectoral bargaining institutions).

In Poland, migration-induced shortages contributed to increased workload and worsening working conditions of the domestic healthcare staff. In contrast to Hungary, the problem has been recognized and regularly voiced by all unions in support of their demands of higher wages and improvement of working conditions, although unions representing different constituencies (nurses, doctors, low-skilled healthcare staff) were not able to present a unified front. Each union was voicing specific claims related to the professional group it represented.

All healthcare unions stressed that the government consistently ignored the problem of migration and its underlying causes (low wages and poor working conditions) and refused to negotiate about union demands. In such conditions, the Polish unions adopted the strategy of industrial, instead of political action.⁶ Thanks to a clear vision of their goals, union leaders succeeded in mobilizing their members into massive protests and strikes.

We must add that union claims and actions did not receive extensive support of the public opinion who often judged doctors' and nurses' strikes as unethical (breaking the Hippocrates vow) and illegitimate (there is quite a widespread conviction – not completely unsubstantiated – that public sector doctors top their wages through corruption practices). This played into the state's hands and partly "legitimized" its refusal to negotiate with unions.

At the micro-level, the industrial action yielded some positive results in terms of wage increases both for physicians and nurses, but the government reacted not to the migration argument, but to massive strikes and protests. At the meso-level, during the wave of strikes unions registered stronger identification of members with unions and a slight increase in membership, but did not achieve a recognition of their position by the state. At the macro-level, union action has not led to an institutional enhancement of unions' situation, as suggested by the 2008 events when the government proposed a healthcare reform (with the main idea being that of a general privatization of healthcare services), but the unions were barely consulted and their objections to the proposed legislative changes were ignored in the tripartite forum and parliamentary commissions. Thus, the impact of union strategies on macro-level institutions was marginal. In sum, Polish unions did seize opportunities from migration-induced labour shortages, but their strategies and actions were only successful at the micro-level, and partly at the meso-level, leaving the macro-level bargaining institutions largely unchanged.

Slovak unions do see migration as a crucial concern, and both SOZZaSS and LOZ have attempted to use migration-induced labour shortages for domestic action. In contrast to the other countries, union strategies and action took place mostly within the established sectoral bargaining channels. Therefore, union action remained largely invisible to the

⁶ In particular, strikes and protests took place in 2006 and 2007 when 100 and 180 out of ca. 600 public hospitals, respectively, went on strike for periods of up to 100 days.

public (although two strikes took place in 2006 and 2008). The adopted union strategy has built on both unions' strong leadership, already established legitimacy in multi-employer and single-employer collective bargaining, and the clarity of union goals (wage increases and working time adjustments). However, although both unions shared the above goals and adopted an active strategy using the migration argument, union action remained segmented and the framing process differed for each union. SOZZaSS succeeded in negotiating wage increases for lower healthcare personnel, while LOZ (representing exclusively doctors) was pushed into a defensive position by the government because of the EU working time directive: the government was ready to grant a wage increase for doctors in an attempt to reduce labour shortages but at the same time requested a stricter stipulation of the EU working time directive. As a large share of doctors' incomes comes from overtime and shift work, LOZ realized that negotiated wage increases would yield lower wages and therefore would not improve the meso-level legitimacy of trade unions. As a consequence, LOZ accepted the current situation.

However, the strategies of Slovak unions did bring some success for the larger SOZZaSS union. At the micro-level, the union succeeded in negotiating approximately a 30% wage increase for selected healthcare occupations drawing on migration-induced shortages. Although this success failed to reverse the declining union membership, it helped to slow down this decline. At the meso-level, the strategies of Slovak unions helped to reconfirm their established legitimacy as sectoral bargaining partners. Finally, the largest impact of the adopted union strategies is on the macro-level and relates to the reinforcement of sectoral bargaining in the healthcare sector. Even with declining membership, the meso-level union situation and the macro-level role of tripartite and bipartite bargaining institutions have been stabilized.⁷

5. Variation in union strategies and their impact

To generalize our findings on union strategies in response to migration-induced labour market changes, and the impact of these strategies on unions' situation in CEE countries, below we evaluate the variation in adopted union strategies referring to our model of strategy formation presented in section three.

Hungarian unions have not realized the potential of migration-induced shortages as an argument for their action to the same extent as Polish and Slovak unions. This is because the latter two were equipped with greater resources and organizational capacities including a stronger leadership, clarity in union goals and a stronger legitimacy, which facilitated active union responses to migration-induced labour shortages.

In consequence, responses that unions elaborated in their framing process differed from country to country. In a dynamic way, unions evaluated their repertoires of contention, the state strategy, and chose the most feasible strategy in response to migration-induced labour market changes. In particular, in Hungary, the state adopted a healthcare reform with wage increases, which partly shaped unions' choice not to act upon migration-

⁷ The sustainability of bargaining institutions in an environment with a decreasing union density is a different question, which we do not address in this paper.

induced labour shortages. In Poland, due to the lack of effective institutional underpinning for unions' legitimate bargaining roles, the unions resorted to industrial action. In Slovakia, where a functioning tripartite and bipartite bargaining system is in place, unions' mode of action derived from the existing institutional framework. Therefore, given diverse responses of the state, even similar resources and organizational capacities (namely in Poland and Slovakia) produced different union responses. Thus, we argue that the unions' response has been determined by unions' organizational capacity (conditioned by the institutional context) to bring forward their claims and the way unions "framed" the issue, which was influenced by the state strategies.

Although the state and employers did address the wages and working conditions issue in all countries, only in Poland and Slovakia can this be seen as an impact of union action at the micro-level. Further, the adopted strategies produced different outcomes at the meso- and macro-levels. In Hungary, union strategy neither produced a change in the unions' legitimacy, nor in the bargaining institutions within the system. The state was not pushed to respond to any union claims. In Poland, the government disregarded the unions' attempts to bring the migration argument into collective bargaining, making concessions aiming to stop massive protests and strikes. However, during the protest actions unions did register a slight membership increase, as their capacity to increase wages was recognized. Nevertheless, the unions' legitimacy in the eyes of other social partners and the quality of bargaining institutions in Poland has not improved. Finally, given the state's response in Slovakia, the unions' claims were somewhat successful for selected healthcare employee groups not only at the micro-level, but also at meso- and macro-level. Slovakia is the only country where the unions have achieved wage increases for lower rank healthcare employees through sectoral tripartite bargaining, drawing on the migration-induced labour shortages argument. At the same time, a direct impact on union membership that could have been induced by the unions' bargaining capacity cannot be observed. We conclude that in Slovakia the consequences of migration indirectly contributed to consolidating the unions' legitimacy, but not to its strengthening. Union legitimacy thus continues to be based on the unions' resources, in particular the leadership capacity, rather than on growing membership, which increases the gap between a capacity-based and a membership-based union legitimacy.

6. Conclusions

This paper adopted an actor-centred approach to examine the strategic capacities of unions in CEE in face of external shocks, here exemplified by migration-triggered labour market changes. Also, it analyzed the effects of labour migration on unions in the sending countries, in contrast to most existing literature focusing on the receiving countries.

The empirical evidence shows that the intense post-EU-enlargement labour migration from CEE to EU-15 influenced unions in the sending countries. Apart from a marginal effect on membership through an impact on labour market structures migration offered unions an opportunity to strengthen their bargaining position, as it generated labour shortages and, in consequence, an upward pressure on wages. Depending on union

responses to these changes, migration-generated labour shortages also offered a potential for institution building.

Union strategic capacity to seize this opportunity was conditioned by particular trade unions' organizational capacity (influenced by the institutional context) to recognize the opportunity and to act upon it, and on the dynamic framing process within which unions elaborated their strategies (in interaction with the state response). This set of variables also conditioned the overall impact of migration on unions' situation at the micro-, meso-, and macro-level (or, respectively, on wage increases and improvement of working conditions; union legitimacy, membership levels and position vis-à-vis employers; and on the existing bargaining structure).

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