Facts and Artifacts of Social Dialogue

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Abstract

The paper's objective is to provide a methodical review of facts and artifacts of social dialogue in Poland. The author states number of questions regarding the nature of social dialogue in Poland such as its alleged superficiality, efficiency in solving industrial disputes and viability as a source of political legitimisation. While admitting that social dialogue retains a superficial character, the author remarks that such statement may by true only if one limits its attention to instrumental functions of social dialogue. The question concerning social dialogue's potential to prevent escalation of conflicts remains open. Finally, Polish social dialogue is described as possibly able to serve as a significant source of legitimisation to the political system.

1. Preliminary remarks

The conclusions resulting from systematic observation of labour relations in Poland are quite univocal, that is they reveal that no useful model has been formed in our part of the continent for observing changes taking place in this sphere and also that 'no Western model can be, at least at this point, applied directly' (Gardawski 2009: 33). The usual answers to the question of what characterises the arena of domestic

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industrial relations and the ongoing social dialogue are: hybridity of solutions and institutional superficiality, primarily of the Tripartite Commission for Social and Economic Affairs (see J. Sroka 2000: 207). The hybridity of solutions should not surprise anyone, because the experiment of transformation was an attempt to unite the particular and context-specific aspects of Polish industrial relations with the imitation of solutions known from other countries with a solidified tradition of industrial democracy. Opinions about the ostentatious and superficial character of the work of institutions fostering social dialogue seem too one-sided. Yet, they are true if we treat these institutions as tools for solving problems related to labour relations. On the other hand, we do know that the purpose of social dialogue is not only clarifying the current interest of partners in social dialogue, but the Tripartite Commission also discusses broader issues related to social policy, such as reform of the pension system, healthcare reform or setting the official level of the poverty line (see Frieske, Machol-Zajda, Urbaniak, Zarychta 1999: 9–13). Solutions to these problems should rather be sought in the political system and not in trilateral negotiations. If we look at institutions of social dialogue through the prism of the functions which they serve in the political system, the thesis about their ostentatious and superficial character becomes more problematic.

I would therefore like to suggest going beyond the reductionist – though in many cases necessary – approach to institutions of social dialogue and to reveal the circumstances (as well as the arguments) which enabled social dialogue to become something of a functional imperative of contemporary democracy; a democracy which, let us emphasize this, is suffering from a deep identity crisis connected mostly to the process of the alienation of power and its limited legitimacy.

Because I am interested in the role of institutions of social dialogue on the macro level, I will mostly focus on aspects of dialoguing connected to the role of the state (public administration), which means that as I discuss the functions of social dialogue, I will omit the level of corporations and industries, even though I am aware of their significance for solving various current issues in labour relations, particularly in countries which are closer to the pluralist model.

The framework of this text is structured by several questions which I would like to answer.

- Firstly, are statements about the superficial character of domestic institutions of social dialogue valid?
- Secondly, is social dialogue, as an important element of a certain model of labour relations, an efficient tool for preventing open industrial conflicts?

- Thirdly, does social dialogue, even if it does not result in specific solutions, serve a significant legitimizing function in the political system?

One should hope that the answer to these questions, even if not applauded by readers, will contribute to the discussion of the development of social dialogue in Poland in the context of the state of contemporary democracy, which is said to suffer from a deficit of legitimacy and needs active citizens who are conscious of their rights and responsibilities.

2. Functions of social dialogue

The basic question which needs to be asked is quite banal, but the answer is, unexpectedly, not as simple. The question pertains to the role of social dialogue in Poland and the answers received in response are as varied as the expectations related to social dialogue, held by the different actors of the political bidding procedure. Representatives of social partners usually treat dialogue as a tool for solving various conflicts appearing in labour relations[1] and it should be noticed that preventative measures are valued more than 'treatment of symptoms'. After all, we have heard multiple times from trade union activists or representatives of employers, particularly during periods of intense protest actions, that no social dialogue resulting in conciliatory solutions of an issue without the need to resort to final measures – understood as organized protest – is taking place in Poland. In this context there have also been opinions that domestic social dialogue is characterized by immaturity, in contrast to mature or effective social dialogue, which does not result in escalating various tensions in labour relations. Mature social dialogue, as emphasized in academic publications, is an effect of 'the existing state of political culture or system of values' (Gardawski 2004: 113). Expectations of public administration representatives connected to social dialogue seem somewhat divergent, in the sense that they place more value on various forms of consultations proposed within the system of trilateral negotiations than on solving specific problems of particular interest groups.

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[1] Such expectations were formulated in statements made by leaders of the major trade unions and employers' associations in Poland; see B. Gąciarz, W. Pańków (2001), *Dialog społeczny po polsku – fikcja czy szansa*. Warszawa: ISP, Fundacja im. F. Eberta: 40, 50, 64–65, 83; Gardawski J. (2009), *Dialog społeczny w Polsce. Teoria, historia, praktyka*. Warszawa: MPiPS: 297–302;

Public administration, therefore, sees its role as representing the common good and also, taking into account its own self-interest, is willing to not become involved in solving current problems of the sides, preferring various consultations of projects prepared within the different configurations of the political system. However, this does not mean that the administration, whether influenced by well-organized interest groups or involved in the web of interweaving interests, does not become engaged in solutions that are advantageous for each of the particular groups[2].

No one should be surprised with arguments that the administration is itself a well-organised interest group, because operations of the public administration, trying to obtain access to legitimate centres of power, resemble the operations of interest groups that want to have access to important decision-making processes in issues of public interest (Peters 1999: 248). However, generally speaking, as revealed in various statements made by representatives of public administration, social dialogue should serve a legitimizing role for decisions made within the governmental system of power, because *it is the government which makes the final decisions and takes responsibility for them* (Gąciarz, Pańków 2001: 94).

Researchers dealing with social dialogue agree that institutions of social dialogue cannot be said to serve one specific dominant function and they usually fulfil several functions, including:

a) harmonizing the bargaining process in labour relations, which results – or should result – in some form of social peace;

b) working out specific strategies (policies) for change on the macro-social level in order to solve burning social issues (for example, problems in specific industries or related to particular social groups);

c) legitimizing the political system through acceptance of decisions made on the political scene, particularly those concerning painful social-economic reforms.

It should be noticed that the role played by the public administration will be slightly different for each of the functions of dialogue listed above. In the case of harmonizing the bargaining process (a) a special role is played by social partners and no consensus is possible without their agreement, while public administration can,

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[2] Many such examples can be given from various branches of the economy. In particular, the fuel-power sector provides an abundance of examples, including the infamous 'Law 203' dated December 22, 2000, on the basis of which salaries of employees of the healthcare sector were raised by 230 PLN gross.

at most, play the role of 'midwife'; in the second case (b), working out any program of change without the active participation of public administration is impossible.

Consent of social partners for a certain policy line is a condition of the legitimization of the political system. Such consent should be even greater when representatives of social partners have a real influence on the decisions made within the power system. Such is the role of, e.g., the institution of *remiss petition*, particularly well developed in Scandinavian countries, but the role of the Tripartite Commission can be similar, as long as projects of changes are consulted with social partners and their demands are taken into account in the legislative process. However, it is known that the role of social partners in working out various social policies within the Tripartite Commission is very limited, not to say illusory, and thus the question appears of whether legitimization without participation is at all possible. My answer is 'moderately' positive, as will be discussed in the latter part of the article. Sociologists and politologists who deal with the topic of labour relations are constantly analyzing the legitimizing functions of social dialogue in relation to the political system; as Ch. Anderson emphasizes, *'when an organization becomes the official representative of a particular interest it becomes, in effect, part of the political system'* (Anderson 1979: 290).

In this context we can pose the question of whether organizations which are official representatives of the organized interests of the 'world of labour' and 'capital' are acting according to the logic of liberal corporatism, to use a term created by G. Lehmbruch, and whether there may exist the danger of replacing the party system of representing interests with neocorporate mechanisms of their representation and of achieving consensus (Lehmbruch 1979: 150, 180). The answer provided many years ago by the German researcher was negative and one can hardly discern any arguments allowing for the formulation of a different answer on the basis of the Polish experience of practicing the neocorporate model of labour relations. Such hazards were mentioned in Poland in the period 1994–2007 (and particularly in the period 1997–2001, when AWS first co-formed the governing coalition and then was in power independently), when social partners were part of the governing coalition and interests were determined through a party-corporate (union) framework. Yet it should be noticed that the practice of instrumentalising social dialogue (and social partners) was much more often caused by the political system and not vice versa[3].

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[3] According to the unanimous opinion of representatives of different sides of the political scene, Jerzy Buzek's government completely rejected or severely limited social dialogue in Poland, taking for granted full legitimacy of the government's policy-line, not only because it fully controlled the

Some domestic researchers of industrial relations point out a completely different hazard, that is they warn about such treatment of social dialogue in which the framework of cooperation moves closer to political partnership because 'then social dialogue … stops focusing on finding solutions to important social and economic problems but serves to legitimize the influence of the sides on the electorate and to strengthen "multitiered clientelism", serving to control so-called hierarchised markets' (Sroka 2003: 29). The danger of such a framework of cooperation was particularly visible during the period of social partners' increased activity in the political system, when they were combining the roles of representatives of group interests with political functions. There is ample evidence proving that social partners, and particularly trade union leaders, worked hard to 'do their history homework' and are now distanced from engagement in current politics per se (Ost 2003: 127–137) but this does not mean that the danger of a framework of political partnership is far from over, although there are many signs that it has transferred onto a lower level of relations between the parties[4].

Even though representatives of the sides engaged in social dialogue attribute different functions to social dialogue, expectations related to the main outcome of social dialogue seem to be similar; that is everyone hopes that it will result in some form of social peace and that this outcome should best be obtained through negotiations and appropriate contracts signed on various levels of labour relations (see Gąciarz, Pańków 2001: 14).

The hopes connected to social dialogue treated as a tool of consensual agreement-making are based on the assumption that *pacta sunt servanda* and that these can be in the form of social pacts (macro level), inter-establishment collective bargains (mezzo level) and single-establishment bargains (micro level). The trouble is that if

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main partner for social dialogue, NSZZ Solidarność trade union, but also because members of the government believed that an effective reform policy (in this case, four major social policy reforms were being implemented) should ignore the society's attitude to these reforms. Objectively, the AWS-UW government, in the last years of its rule in Poland contributed to the need of posing the question of whether the mechanisms of social dialogue in Poland are necessary and rational; see: B. Gąciarz, W. Pańków (2001), *Dialog społeczny po polsku – fikcja czy szansa*. Warszawa: Fundacja Eberta ISP: 33.

[4] The author of this paper learned of a large corporation from the fuel-power sector whose managerial staff were requested by the executive board to join the governing party and run for office in the local self-government elections representing that party; the author also knows of instances when employment in that corporation was made conditional upon joining the ruling party. Representatives of local trade unions are also in possession of this knowledge and leaders of trade unions play important roles in both industry dialogue and in the central structures of their own organizations, even though the headquarters of the unions are distanced from the governing party.

we treat these agreements as the fruit of mature social dialogue, at the same time we assume that they will effectively protect from the escalation of conflicts in labour relations, which means that we are falling back upon a simple, though not necessarily true, chain of cause and effect actions, which are exceptionally difficult to notice in the field we are discussing. To put it differently, building such a relationship, that is the belief that social dialogue leads to collective bargains and these are a significant factor effectively preventing conflicts in labour relations, is not fully true because we are not able to prove the relationship between the quality of social dialogue and the scope of intensity of conflicts.

If such a simple relationship indeed existed, then countries with a longer tradition of consensual agreement-making and much more mature institutions of social dialogue should have significantly lower indicators of conflicts in labour relations. However, this is not necessarily the case – more about this in the following part of this essay – but it also does not mean that in countries with a higher indicator of conflicts, social dialogue is illusory because it may lead to significant solutions extending beyond current issues of labour relations, for example, agreement of social partners on the issue of retirement age, minimum wage, rate of inflation or regulations of labour relations in the labour code, that is issues that are usually not contested on the level of an individual workplace. On the other hand, lower levels of conflicts in labour relations, as exhibited by countries of the former communist bloc – such as Lithuania, Latvia, Estonia, or in the period 2005–2005, Poland[5] – do not necessarily result directly from mature social dialogue. After all, these countries are among those where social dialogue is weaker (Gardawski 2010: 82).

The principal problem is thus the fact that it is difficult to specify a precise indicator of the maturity of social dialogue. Although on the one hand, there exist, in publications related to the topic, scales allowing one to measure the maturity of social dialogue, but on the other, there have been attempts to classify countries with a different level of the development of social dialogue on the basis of the structure of collective bargains (Traxler 2010: 45–82). However, there also exist opinions arguing that bargaining resulting in collective labour agreements should be analyzed in the 'means – goal' paradigm, rather as a means for achieving something than as the final goal of negotiations. This outcome could be achieving or maintaining the status quo of the consensual solution or, to put it differently, managing current conflicts in

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[5] In the period 2003–2007 Poland was one of the countries with the highest indicators of work days lost in result of industrial actions, see Table 2.

labour relations, which is something that collective bargaining should favour, but which it does not necessarily resolve by default.

2. Social dialogue versus conflicts in labour relations

When discussing social dialogue in the context of conflicts in labour relations, we have to distinguish between different levels of dialoguing. Usually, three levels are distinguished within the field of domestic industrial relations, that is the macro level, which takes into account many aspects of social-economic policies, for example, the level of minimum wage, legal regulations of labour relations, eligibility for retirement benefits etc.; the industry (sector) level, taking into account key employment conditions and wages for each industry (sector); and the level which deals with social-pay conditions particular to a specific workplace. Consequences of lack of agreement on each of these levels do not necessarily have to be the same that is they may lead to industrial actions that violate the basic rules of social peace and of settling issues by the parties in a conciliatory manner. Documentation presented by the Tripartite Commission for Social-Economic Affairs reveals that it is rare for sides to agree on, for example, the level of minimum wage, but usually no one organises a nationwide strike for this reason. However, we do know that agreements made on the macro level can significantly contribute to maintaining social peace, particularly in situations when the stability of economic development is threatened in a way that requires taking into account not only the interests of the sides involved in negotiations. Such conclusions are proved by examples of negotiations in Denmark and the Netherlands, where trade unions agreed to lessen demands of pay increases when faced with the threat of increased inflation, or of Austria, where employers agreed to phase in technological innovations to decrease employment problems resulting from development of technology (Trebilcock 1994: 8).

We should also remember that emphasis on conciliatory development of industrial relations on the macro level, resulting in some form of agreement, does not necessarily have to translate into equally conciliatory behaviours of the sides on the level of particular workplace establishments. This also does not seem to be strictly an issue of centralizing the bargaining process and the abilities of social partners to control their members because, when one looks at the statistics of European Industrial Relations Observatory (EIRO), a significant number of working days lost

in results of industrial actions per number of employees can be seen also in countries with a high level of centralization of the bargaining process (see Table 2).

Table 1. Models of labour relations

	North	Centre-West	South	West	Centre-East
Production regime	Coordinated market economy		Statist market economy	Liberal market economy	SME or LME
Welfare regime	Universalistic	Segmented (status-oriented, corporatist)		Residual	Segmented or residual
Employment regime	Inclusive	Dualistic		Liberal	
Industrial relations regime	Organised corporatism	Social partnership	Polarised-state-centred	Liberal pluralism	Fragmented/state-centred
Power balance	Labour-oriented	Balanced	Alternating	Employer-oriented	
Principal level of bargaining	Sector		Variable/unstable	Company	
Bargaining style	Integrating		Conflict oriented		Acquiescent
Role of SP in public Policy	Institutionalised		Irregular/politicised	Rare/event-driven	Irregular/politicised
Role of the state in IR	Limited (mediator)	'shadow of hierarchy'	Frequent interventions	Non-intervention	Organiser of transitions
Employee representations	Union based/high coverage	Dual system/high coverage	Variable	Union based/small coverage	Union based/small coverage
Countries	Denmark, Finland, Norway, Sweden	Belgium, Germany, (Ireland), Luxembourg, Netherlands, Austria, Slovenia, (Finland)	Greece, Spain, France, Italy, (Hungary), Portugal	Ireland, Malta, Cyprus, UK	Bulgaria, Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Slovakia

Source: Industrial Relations in Europe 2008, European Commission: 49.

This is still not the end of complications, in light of the fact that there exist cases of countries with a high level of strikes which in no way endanger the basic conditions of social peace. This can happen because even a large number of uncoordinated industrial actions in individual workplaces, does not necessarily have to be socially painful and perceived as a threat for the stability of social-economic development.

Labour relations are usually described using specific models, taking into account various variables, such as the level of trade union membership of employees, the level of organisation of employers' representatives, level of centralization of the bargaining process, or the level of bargaining, that is regulating labour relations through collective labour agreements. The authors of the report *Industrial Relations in Europe 2008* have suggested the following models of labour relations, using variables such as level of organisation of trade unions and employers' organisations, the quality of the relations between them, the level and style of bargaining, the role of social partners in the sphere of public policy and the extent of the state's interventions into labour relations.

Considering the four principal variables, that is the strength of employee representation, the level of employers' organisation, the significance of bargaining in labour relations and the level of 'concertation' of negotiations on the macro level, and assigning specific quota to each of the variables, the value of the variables was quantified on the basis of, for example, the level of union-organisation where decision-making takes place, influence of leaders of union headquarters on the decision-making process on the level of corporations, or the level of the bargaining process[6]. The higher the values, the higher – generally speaking – the level of regulating labour relations.

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[6]   Some of the variables used for describing the individual models require explanation. Centralization of union decisions results from their authority and concentration. Centralization, quantified on a scale of 0 to 1, signifies the aggregate power of trade unions in a given country and is described through the coherence of the unions' actions and the ability of union leadership to define, defend and carry out a joint union policy and refers also to the level of bargaining (signing collective labour agreements) and the number of union organisations which take place in bargaining on a given level. The scale for bargaining on the sector level (or higher) was created in such a way that if such bargains (collective agreements) dominated in a given country, the country was assigned 2 points, if bargains were missing on the level of the sector or if there were very few of them 1 point was assigned. Concertation, on a scale of 0 to 2, takes into account the scope of the problems and their negotiable institutionalization on the macro level. 2 points means that a countries has a longstanding and institutionalized tradition of consulting basic parameters of macroeconomic development, social security and family policy; see *Industrial Relations in Europe* 2008: 21, 52;
http://ec.europa.eu/social/main.jsp?catId=329&langId=en&pubId=155&type=2&furtherPubs=yes

**Table 2. Models of labour relations and working days lost
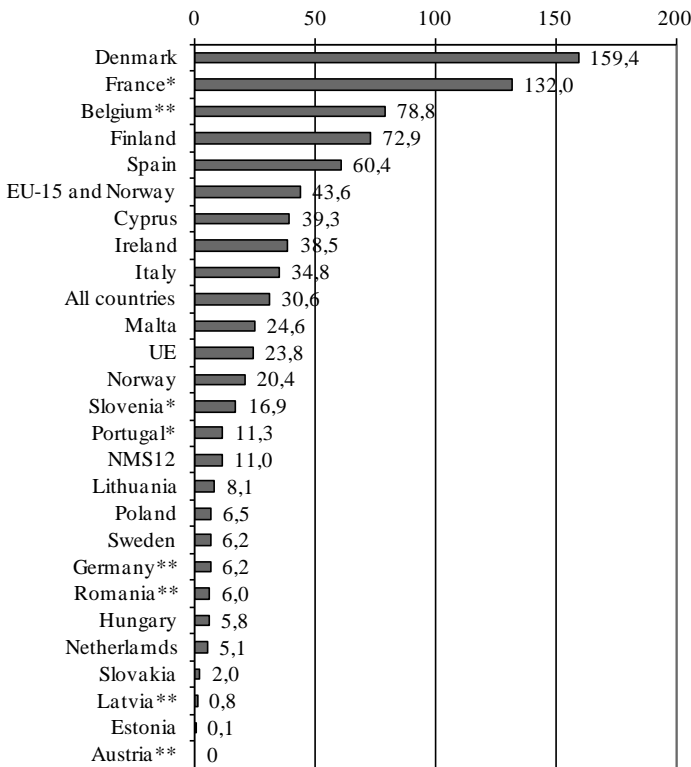in result of industrial action per 1,000 employees**

		Years	North	Centre	South	West	Transit
			Organised Corporatism	Social partnership	State-centred	Liberal	Mixed
1	Union density (in %)	2000–2006	74.7	35.4	20.2	33.9	22.8
	Union authority	2000––2006	0.500	0.474	0.357	0.243	0.251
	Union concentration	2000––2006	0.375	0.344	0.217	0.413	0.276
	Centralisation of decision-making in unions (resulting from union authority and union concentration)	2000––2006	0.476	0.538	0.378	0.370	0.318
2	Bargaining (collective labour agreement) coverage	2000––2006	86.8	82.8	75.4	35.3	34.5
	Employer density (in %)	2001––2002	58.0	72.7	65.8	47.5	28.4
	Sectoral (or higher level) organisation	2000––2007	2.0	1.8	1.2	0.5	0.7
3	Employee representations	1999––2001	2.0	2.0	1.6	0	0.48
		2005–2007	2.0	2.0	1.6	0.83	0.93
4	Concertation	2000––2007	1.33	1.44	1.00	0.50	0.81
	Examples of countries (in parentheses number of days lost in result of strike action per 1,000 employees; yearly average for 2004-2007) Average for EU – 37.47 days (EIRO data)	2004––2007	Denmark (29.14) Finland (89.68) Sweden (1.88)	Belgium (74.07) Germany (5.62) Luxembourg (0) Netherlands (5.5) Austria (no data) Slovenia (2.8)	Greece (no data) Spain (28.41) France (no data) Italy (no data) Portugal (13.5)	Ireland (9.41), Cyprus (71), Malta (11.25), UK (26.5)	Bulgaria (no data), Czech Republic (>10), Estonia (0.73), Latvia (no data), Lithuania (2.19), Hungary (5.1), Poland (54.57), Romania (8.37), Slovakia (2)

Source: *Industrial Relations in Europe 2008*, European Commission: 51 and EIRO data; Browse by Country, http://www.eurofound.europa.eu/eiro/country_index.htm; http://ec.europa.eu/social/main.jsp?catId=329&langId=en&pubId=155&type=2&furtherPubs=yes

According to the data in Table 2, the North (organized corporatism) and Centre (social partnership) models were characterized with the highest variables, even though this did not necessarily translate into a lower number of working days lost

in result of industrial actions per 1,000 employees. For example, if the EIRO data correctly reflect the intensity of conflicts in labour relations, Denmark, Finland and Belgium are characterized by relatively high indicators of conflicts.

Data included in another EIRO report, related to strikes in the period 2005–2005, confirm such conclusions. According to this report, Denmark, Belgium and Finland (and France which belongs to the South model – state-oriented) have the highest number of working days lost in result of industrial actions per 1,000 employees, while former communist countries, belonging to the transitional model, are on the opposite side of the spectrum.

Country	Value
Denmark	159,4
France*	132,0
Belgium**	78,8
Finland	72,9
Spain	60,4
EU-15 and Norway	43,6
Cyprus	39,3
Ireland	38,5
Italy	34,8
All countries	30,6
Malta	24,6
UE	23,8
Norway	20,4
Slovenia*	16,9
Portugal*	11,3
NMS12	11,0
Lithuania	8,1
Poland	6,5
Sweden	6,2
Germany**	6,2
Romania**	6,0
Hungary	5,8
Netherlamds	5,1
Slovakia	2,0
Latvia**	0,8
Estonia	0,1
Austria**	0

 * average for 2005–2007,
** average for 2005–2008.

**Chart 1. Number of working days lost in result of industrial actions
         per 1,000 employees, yearly average for 2005–2009**

Source: Report for EIRO 'Developments in industrial action 2005–2009'; http://www.eurofound.europa.eu/eiro/studies/tn1004049s/tn1004049s.htm

**Table 3. Number of working days lost in result of industrial
actions per 1,000 employees, 2005–2009**

Country	Model	2005	2006	2007	2008	2009
Denmark	North (organised corporatism)	20.4	33.5	35.0	701.9	6.0
Sweden	North (organised corporatism)	0.1	0.5	3.2	26.8	0.4
Finland	North (organised corporatism)	280.3	29.9	30.5	5.7	18.2
Austria	Centre (Social partnership)	0	0	0	0	No data
Germany	Centre (Social partnership)	0.5	12.4	8.1	3.7	No data
Netherlands	Centre (Social partnership)	5.9	2.2	3.6	16.3	0.6
Slovenia	Centre (Social partnership)	45.6	5.2	0	No data	No data
Belgium	Centre (Social partnership)	187.0	24.6	34.2	69.3	No data
Luxembourg	Centre (Social partnership)	0.3	2.0	10.0	No data	No data
Cyprus	West (Liberal)	57.9	96.5	34.5	3.4	4.0
UK	West (Liberal)	6.0	28.0	38.0	28.0	19.0
Ireland	West (Liberal))	13.7	3.6	2.9	2.0	170.1
Malta	West (Liberal)	9.0	19.0	37.0	11.0	47.0
France	South (State-oriented)	151	117	128	No data	No data
Spain	South (State-oriented)	40.2	47.1	58.1	73.9	82.7
Portugal	South (State-oriented)	10.0	16.1	7.7	No data	No data
Italy	South (State-oriented)	48.2	28.8	47.6	36.4	13.2
Latvia	Transit (Mixed)	0	0	0	3.3	No data
Estonia	Transit (Mixed)	0	0	0.1	0.1	0.3
Poland	Transit (Mixed)	0	2.9	14.4	14.6	0.7
Romania	Transit (Mixed)	2.7	5.2	12.6	3.4	No data
Slovakia	Transit (Mixed)	0	9.5	0.3	0	0
Lithuania	Transit (Mixed)	0.7	0	7.7	23.9	No data
Hungary	Transit (Mixed)	0.4	5.5	11.6	9.1	2.4

Source: Developments in industrial actions 2005–2009 and *Industrial Relations in Europe 2008*, European Commission: 49; http://www.eurofound.europa.eu/eiro/studies/tn1004049s/tn1004049s.htm; http://ec.europa.eu/social/main.jsp?catId=329&langId=en&pubId=155&type=2&furtherPubs=yes

Data included in the reports of the European Industrial Relations Observatory and of the European Commission may be surprising and should certainly be interpreted cautiously. It cannot be ruled out that in some cases the data may reflect the level of reporting accuracy and methodological diversity and not the actual level of conflicts.

The authors of the reports are aware of the various difficulties arising when one attempts to compare aggregate data concerning industrial actions in various countries of the European Union, pointing to the fact that in many countries – particularly in

Eastern and Central Europe – protests often are in the form of demonstrations, meetings, pickets, etc., and not necessarily industrial actions, which is not reflected in the statistics collected (see *Industrial relations developments in Europe* 2009: 28). This is, of course, true but it should be added that such practices are not exclusive to our part of Europe. After all, the biggest demonstrations in the past two years took place in Greece and France, and were directly related to policies of cutting budgetary expenses and raising the retirement age triggered by huge public debts in those countries.

Beyond a shadow of a doubt, the data presented above provide no reasons to claim that models of labour relations that can be defined as 'strong versions of social dialogue' offer better protection from industrial actions. On the other hand, it would also be difficult to find support for claims that the situation in countries such as Finland or Belgium, where the number of working days lost in result of industrial actions in the period 2004–2007 was certainly above the EU average (34.47), or in Denmark – where, according to EIRO statistics the number of working days lots in result of industrial actions in the period 2005–2009 was the highest (see Chart 1) – is decidedly worse than in other countries representing different models of labour relations. All these countries are categorized as representing one of the two models dominated by bargains made on the industrial (sector) or higher level and in the typology suggested by F. Traxler, based on the structure and depth of collective labour agreements, they are all in one group of countries, based on coordinated labour agreements on the highest level, as opposed to countries such as the Czech Republic, Lithuania, Latvia or Poland, where consultations on the level of the individual workplace are the norm. We should, however, remember that conflicts in labour relations are a consequence of multiple factors and while the maturity of social partners involved in negotiations may foster conciliatory solutions of problems, the outbreak of open conflicts does not necessarily prove the immaturity of social dialogue. We should not evaluate causes on the basis of effects only, as they may actually lie beyond the scope of the possible influence of social partners, as we are painfully finding out during the current economic crisis.

Gardawski, on the basis of Traxler's typology, states that '… Poland, along with the Czech Republic, Lithuania and Latvia is executing an extremely weak version of social dialogue. Uncoordinated collective labour agreements, made solely (or almost solely) on the level of individual workplaces, do not provide any real economic influence for social partners, who can only be active in the expressive, symbolic sphere, related to legitimization' (Gardawski 2009: 82–83). It is hard to disagree with this observation. However, a weak version of social dialogue does not necessarily

translate into a purely superficial character of social dialogue, as particularly during times of various problems with the legitimization of representative democracy, the expressive sphere becomes just as important as the sphere of instrumental actions.

It should also be noticed that social dialogue in Poland serves a certain instrumental function too, particularly on the level of specific industries, even though in this case we are often dealing with various redistributing coalitions which aim to maximize their profits and outsource the costs, removing them from the interest set-up, and not with a formula which would combine individual interests with the common good, as is pointed out both by analysts of labour relations and by experienced politicians (see Sroka 2003: 33, Hausner 2007: 121–122).

To put it differently, complaints about the institutional superficiality of social dialogue are justified if we assume that such dialogue should foster consensual solutions of certain problems (public policies), while respecting the interests of all sides, including the common interest, which should be safeguarded by the public administration. Polish social dialogue does not fulfil this function even though its role differs on the various levels of the bargaining process. This also does not seem to be specific to 'our' social dialogue because a lot suggests that M. Olson's words from almost 30 years ago, that 'There will be no countries that attain symmetrical organization of all groups with a common interest and thereby attain optimal outcomes through comprehensive bargaining' are still valid (Olson 1982: 37).

Summing up, social dialogue certainly favours the achievement of interests of particular interest groups, which can be seen in Poland on the example of, among others, the fuel-power industry. However, we are unable to unequivocally determine the significance of social dialogue, built into a specific model of labour relations, for preventing industrial actions. On the basis of the available empirical data, it can be seen that there are significantly more strikes in countries where so-called 'mature' social dialogue is carried out. This does not mean that in our part of Europe, including Poland, dialogue effectively prevents the escalation of industrial actions, but accusations that social dialogue serves only as 'window-dressing' are also unjustified, because what is usually referred to as window-dressing does, in fact, have some content.

3. Social dialogue in the political system

The problems of contemporary representative democracies are quite well known. They include the decreasing legitimization of actions taken up by elected political elites and the indicator most frequently used to prove this is poor voter turnout in elections. The causes of the various hardships of representative democracies have been aptly described by N. Bobbio, who formed the six broken promises of democracy, including the problem of representing group interests, pointing out the role which is – or maybe rather was – played in European countries by trilateral negotiations including representatives of employers and of trade unions, whose mandate for negotiating the particular indicators of macroeconomic policies does not result from universal elections and can therefore be easily undermined (Bobbio 1987: 27ff). For the sake of consistency, it should thus be assumed that the significance of various institutions negotiating with social partners in order to legitimize different social policies should be negligent or non-existent, because the activists representing the 'world of labour' and 'the world of capital' lacking any social mandate cannot legitimize anything. Such a way of thinking, although logically coherent, is weak on at least two accounts.

The first being that it does not take into consideration the complexity of contemporary democratic systems, whose 'deficit of legitimacy', which is to some extent also a consequence of the existence of various redistributing coalitions monopolizing the representation of group interests (Olson 1982: 43–47), requires some form of 'legitimizing compensation', if the democratic project of arranging social life is to differ in any way from non-democratic forms.

Institutions of social dialogue, such as the Tripartite Commission have, as analysts of labour relations point out, the potential of 'legitimizing compensation', even if not much is actually agreed upon in result of their activities. That is, they form channels for articulating collective interests regardless of whether these interests are taken into account in carrying out various public policies. This does not necessarily have anything to do with effectiveness of the activities undertaken by the institutions of dialogue, but does anyone even bother to ask about the effectiveness of, for example, the institution of the referendum, which generates significant costs and quite often does not solve anything? Yet hardly anyone would formulate opinions of its superficial or 'window-dressing' nature on the basis of these facts. After all, we are usually satisfied with the statement that democracy requires costs and problems with

quantifying costs and benefits of democracy should suffice to respect Churchill's old adage about the value of democracy[7].

The role that institutions of social dialogue play in the political system can be understood much better with the help of A. Hirschman's well known strategies for coping with various dissatisfying situations: that is strategies of withdrawal (*exit*) and critique (*voice*) (see Hirschman 1995: 12). The strategy of voice plays a much more important role in the political system, because it is obviously more difficult to abandon a country or a political system than a single corporation, unless we are dealing with a monopoly. This means that a democratic system, constituted by features such as 'effective participation, voting equality, enlightened understanding, control of the agenda and inclusion of all adults' (see Dahl 2000: 39), has to form institutional conditions for expressing criticism, in order to retain its democratic character. Otherwise, a democracy turns into its opposite and, according to R. Dahl, 'if any of the conditions are violated, the members will not achieve political equality' (Dahl 2000: 40).

We are therefore left with the need to answer the questions of whether institutions of social dialogue foster expressions of critique and this answer is positive, even if their actual influence on the real world of politics is severely limited. At this point it will be useful to consider a comment made by R. Dahl, who claimed that consensus in the area of current politics is something secondary to the axiological system of values in which the democratic system is rooted: 'In a sense, what we ordinarily describe as democratic 'politics' is merely the chaff. It is the surface manifestation, representing superficial conflicts. Prior to politics, beneath it, enveloping it, restricting it, conditioning it, is the underlying consensus on policy that usually exists in the society among a predominant portion of the politically active members. Without such a consensus no democratic system would long survive the endless irritations and frustrations of elections and party competition. With such a consensus the disputes over a set of alternatives that have already been winnowed down to those within the broad area of basic agreement' (Dahl 1956: 132–133). Social partners, taking advantage of their right to criticize the government, do it within the framework of institutions contributing to the democratic order and located in this 'broad area of basic agreement. And this means that their critique comes from within the system and, therefore, is not anti-systemic, which, in

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7 This does not mean that attempts at quantifying the costs of democracy are not undertaken, but their results are not conclusive in a way which could possibly endanger democracy; see Hoppe, H.H. (2006), *Demokracja – bóg, który zawiódł [Democracy. The God That Failed]*. Warszawa, Fijorr: 32–84.

turn, strengthens and legitimizes the democratic system, rather than weakening it. If institutions of social dialogue serve as institutional "window-dressing", then the windows themselves are quite useful from the point of view of the requirements of the democratic system'.

The second reason why the conclusions of N. Bobbio's book should be treated with caution has to do with the fact that the proper functioning of democracy does not truly require significant engagement of citizens in public matters and too much engagement can actually be detrimental for democracy (Held 2010: 208). A. Hirschman, basing his conclusions on research by G. Almond and S. Verby, phrases the problem in the following manner: 'According to another line of reasoning, the democratic political system requires 'blending of apparent contradictions': on the one hand, the citizen must express his point of view so that the political elites know and can be responsive to what he wants, but, on the other, these elites must be allowed to make decisions. The citizen must thus be in turn influential and deferential' (see Hirschman 1995: 32). It should be added that the *influential* and *deferential* ones are usually not the same citizens and institutions of social dialogue provide satisfactory tools for political participation even for those who originate from less privileged environments. Therefore, without overestimating the role of domestic institutions of social dialogue for solving various problems, it should be noticed that they create opportunities for those in power to become acquainted with the different points of view of representatives of organized – though, it should be added, quite exceptional – interest groups.

In publications on the topic one can find opinions – and it is hard to disagree with them – that in Poland we are dealing with an illusory corporatism, which basically means that, as J. Gardawski puts is, 'sector goals and not the object of exchange but the exchange is dominated by power-oriented interest' (Gardawski 2009: 70–71). Illusory corporatism does not necessarily mean illusory institutions of social dialogue, although, as S. Padgett emphasizes in an analysis devoted to our part of Europe, '... corporatist policy making is no more than a government strategy of institutional innovation, designed for ordering relations between state and economy and preempting social conflict by legitimizing transformation' (Padgett 1999: 4). Even though researchers hold different opinions of the legitimizing functions of social dialogue (see Fałkowski, Grosse, Napiontek 2006: 35–40), it cannot be denied that it serves a particular function in a democratic political system, even if that function is not necessarily what supporters of participatory democracy would like it to be; at least some of those supporters who, using arguments of instrumental utility, point to the superficial character of social dialogue.

Conclusion

If one looks at social dialogue in Poland from the perspective of actually agreeing upon various public policies, then it is hard to disagree with opinions claiming that not much is actually settled in Poland in result of social dialogue[8]. However, if one does away with this reductionist point of view, then it becomes possible to discern the significant role played by social dialogue in the democratic system, which requires various platforms for expressing critique, even if it is not directly reflected in the decisions made by the authorities. Therefore, I do not believe that opinions which emphasize only the superficial and 'window-dressing' character of social dialogue in Poland are justified. I fully concur with D. Natali and Ph. Pochet's view that 'Beyond the instrumental rationality assumption, social agreements are not just an instrument the parties on to face common socio-economic challenges. Rather, they are embedded in concrete temporal processes that may lead to unintended consequences' (Natali, Pochet 2010: 20). Following these unintended consequences of social dialogue is a much more interesting task than complaining about its superficiality.

Answering the questions posed in the opening part of this text, it should be emphasized that claims about the superficial character of social dialogue are correct only if we reduce its functions to purely instrumental ones, that is treat it as a tool for solving current problems in labour relations or for working out public policies. This exhausts the possible answers to the first question. After all, no counterarguments exist to unanimous claims made by representatives of social partners in the Tripartite Commission that nothing is ever settled through institutions of social dialogue[9] and it is difficult to provide examples of public policies prepared jointly by such organisations.

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[8] Such an opinion was expressed by, e.g., J. Hausner who conducted negotiations about projects of changes also outside of the Tripartite Commission, claiming that 'you cannot get anything done with trade unions', see Fałkowski M., Grosse T., Napiontek O. (2006), *Dialog społeczny i obywatelski w Polsce 2002–2005.* Warszawa: ISP: 32.

[9] These opinions could be verified after taking into account the lower level of social dialogue in some industries. Then it could turn out that claims about the superficiality of social dialogue in its instrumental dimension should be somewhat softened. However, the sector level was not a topic of my interest, even though it certainly deserves more attention, particularly in light of J. Gardawski's poignant comment that a specific feature of social dialogue in Poland, which can be seen at this moment in two or three sectors, is instrumental sector partnership; see Gardawski J. (2009), *Dialog społeczny w Polsce. Teoria, historia, praktyka*. Warszawa: MPiPS: 82.

However, the pressure placed in the discussion on social dialogue on its instrumental utility as a tool for solving current problems in labour relations and for maintaining social peace, poses significant methodological problems, because it is not clear what empirical indicators can be used to evaluate the better or worse quality of social dialogue. The number of industrial actions apparently cannot serve as such an indicator, because we cannot make assumptions about causes on the basis of outcomes. Furthermore, available empirical data – as long as we assume they correctly reflect reality – reveal that using the indicator of working days lost in result of industrial actions to measure the intensity of conflicts in labour relations brings about unexpected results, because it turns out that some countries with a longstanding tradition of consensual bargaining have higher indicators than countries which are carrying out a weaker version of social dialogue, such as, for example, Poland or the Baltic states. Yet it would be an expression of ignorance to claim that the quality of social dialogue in countries of the transit model is significantly better than in Denmark, France, Belgium or Finland, where the highest intensity of conflicts, measured in the number of working days lost in result of industrial action per 1,000 employees, has been recorded in recent years. Therefore the answer to the question of whether social dialogue prevents the escalation of conflicts remains open and cannot be specified on the basis of aggregate data concerning the various models of labour relations.

One could ask the question: who and what benefits from social dialogue if nothing is settled in result of this process? Does it make any sense to maintain the institutional 'window-dressing'? The answer would have to be negative if one does not take into account the political and legitimizing functions of social dialogue. To paraphrase A. Hirschman's statement that 'democracy requires both influential and deferential citizens', we may say that the ostentatious and superficial character of the institution of social dialogue can, quite paradoxically, serve democracy, because, one the one hand, it fosters expressions of criticism and, on the other, does not restrict the actions of the government, which benefits from the passivity of social partners.

Possibly, the development of dialogue and democracy resembles the relations between the level of taxation and budget revenue, described using Laffer's curve, which would, by analogy, mean that too much activity within institutions of social dialogue could actually weaken democracy, rather than strengthen it. The trouble is that one hardly knows how to decide on the optimal level, but this is a completely different problem. What truly matters is that without taking into account the political dimension, we could not pose such hypotheses, even if they seem incorrect to many. The answer to the third question is thus that even though not much is agreed upon

in result of social dialogue, it can still serve a significant legitimizing function in the political system.

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