

## Book Reviews

*Związki zawodowe a niezwiązkowe przedstawicielstwa pracownicze w gospodarce posttransformacyjnej (Trade unions and non-union forms of employee representation in the post-transformation economy)*, Bednarski, M., and Wratny, J. (red.). Warszawa: Instytut Pracy i Spraw Socjalnych: 2010: 307: ISBN 9788361125228

The issue of collective employee interest representation in today's Poland is still frequently approached from a narrow perspective, in which only trade unions are included. While such a short-sighted view is somehow understandable, considering a long-time tradition of actual (even though other institutional forms formally existed) dominance of single-channel interest representation model built around trade unions, it does not allow to sketch a comprehensive picture of a phenomenon, which in fact is very complex.

Let us first briefly remind that the spectrum of institutional bodies exercising the task of employee interest representation in Poland is wide. In addition to trade unions, Polish legal system also recognizes such bodies as works council, which should be established by almost all employers employing at least 50 staff, employee (or workers) councils, in state-owned enterprises, employee representatives seating on the boards of companies controlled by the State Treasury, employees representatives appointed on ad hoc basis (health and safety inspectors), as well as institutional forms of workers' representation in the Community-scale economic entities, primarily European Works Councils (EWC). Obviously, most of these non-union forms of representation appeared in the Polish industrial relations landscape following the country's entry into the European Union.

Bearing in mind all the recent institutional innovations in the field of employee interest representation in Poland, the issue seems an appealing research topic, albeit quite difficult to capture. The book 'Trade unions and non-union forms of employee representation in the post-transformation economy' (edited by M. Bednarski and J. Wratny) published in 2010 by the Institute of Labour and Social Affairs is a valuable contribution to the academic discourse on the subject of employee representation. The book comprises articles contributed by four authors (besides the Editors, the remaining two are: Magdalena Ryciak and Marta Derlacz-Wawrowska).

As far as methodology is concerned, the book provides an example of a combined approach, melting theoretical, historical and empirical perspectives. In addition to the analysis of legal and institutional environment, the empirical core of the work consists of data collected during a field research carried out in the spring and summer of 2008. At that stage of the research, qualitative methods were employed; in-depth interviews were performed with trade union leaders, works councils members and representatives of employers on a non-random sample of 20 companies (of, which must be emphasized, 59 entities selected originally; a low response rate provides an interesting illustration of increasing difficulties encountered by social research in accessing the field, in particular commercial operations). The results are subject to analysis conducted primarily from the legal perspective, which is complemented by the discussion of economic and social aspects of the bodies examined.

Before proceeding to discuss the content of book, we should clarify the concepts used in the title. The authors adopt the term 'non-union employee representation' to refer to all institutional forms of employee representation other than trade unions, although they devote a special amount of attention to the new institution of works councils. Coining a notion 'post-transformation' in relation to modern Polish economy results from an assumption about the Polish accession to the EU in 2004 as a symbolic closure of the transition process, and thus the beginning of the 'post-transformation' stage.

Part I of the book focuses on traditional forms of representation, that is trade unions. In the first chapter readers have the opportunity to become familiar with the historical evolution of trade unions and their contemporary role in the political and socio-economic life in Poland. In the context of global processes of industrial relations, the Authors sketch a panorama of history of Polish trade unionism, from the times of authoritarian state socialism (1945–1989) to the present moment. The second chapter contains an analysis of the legal environment of trade unions in today's Poland.

Part II of the work deals with non-traditional (or non-union) forms of workers' representation. In the three chapters that part of the book consists of three major forms of employee representation are reviewed: various forms of workers' self-government in the state-owned enterprises and companies controlled by the State-Treasury, European Works Councils (and other forms of workers' representation in Community-scale undertakings), works councils operating under the Information and Consultation Act and workers representatives appointed on ad hoc basis (including labour inspectors).

Part III of the book is essentially theoretical, and contains a thorough description and analysis of the legal features of employee representation in Poland. In particular, the two chapters making up this part of the work deal with issues of sustainability of employment protection of workers' representatives, as well as the obligations of employers regarding access to information relating to the activities of the employer by the employee representation. The key question that the authors address is whether currently (as of 2008) existing legal framework is adequate to the needs of social dialogue at company level.

Part IV of the book (many readers are probably going to find it the most interesting of the entire publication) provides the account of the research and, subsequently, analysis of empirical data collected in the light of selected economic theories. In the last chapter of the book, there is a dual-track analysis: the authors aim to investigate the employee representation first from the perspective referred to as 'traditional' (which means, essentially, neo-classical approach), although it is treated rather critically and superficially. On the contrary, much more attention is given to the neo-institutional perspective. In particular, the author decided to look at employee participation from the angles typical for transaction costs theory, agency theory, property rights theory, selected behavioural approaches (Olson's theory of collective action) and social capital theory (Putnam's approach).

The results of empirical research on the works councils suggest that this immature institution still has been settling in the institutional landscape of national industrial relations. Authors make the following observation: 'On the one hand, the institution of a works council has generally gained acceptance of the social partners. Only a few deny its purpose, mostly the representatives of large, highly unionised enterprise or small companies with high employee turnover and low-skilled staff. On the other hand, a clearly defined scope of responsibilities of works councils has yet to crystallize' (p. 235). In particular, the research team discovered that works councils were generally evaluated favourably, albeit with some reservations, by all types of industrial relations actors at the company level.

The overall positive portrayal of works councils by the actors of industrial relations is not, however, absolutely flawless. The readers must be aware of the fact that in enterprises without trade unions or such where unions have reportedly failed to reach agreement on terms and conditions regarding establishment of the body, councils were elected in general ballots. Employers seemed to appreciate such type of councils, seeing it as a form of workers' representation more cooperative than trade unions, but nevertheless did not consider their presence in a workplace a necessity. What is even more noteworthy, employers expressed a view that in case of small workplaces works councils should be called into existence only at an explicit request of staff. That point of view seemed to be shared by and large by trade unions leaders, who believed that works councils should be confined to small, non-unionised companies. It is significant that in enterprises with only one trade union active, employers' held higher opinions on the council than on the union. Such employers usually advocated the elections as a way of establishing works councils, but also tended to perceive councils as a body best suited for large companies. Trade union leaders and councilors judged works councils favourably, but at the same time expressed the view that works councils' prerogatives should be defined more precisely and, what is even more important, broadened. In particular, two issues appeared to be prioritized by the union leaders and council members alike: granting the councils legal instruments that would allow for efficient enforcement of the right to information, and enhancing the financial resources the institution relies on. One interesting pattern was observable: the more advanced fragmentation of the union side in enterprises was, the stronger support among union leaders to the concept of establishing councils through free election. However, there is no evident correlation between the number of unions active at the company level and the support for the idea of strengthening the competences of councils.

The Polish law leaves an open way to voluntary withdrawal from establishment of works councils by mutual consent of the parties. The research suggests that such an option was frequently used in highly unionised (with the membership rate of 60% or above) workplaces. In unionised enterprises, the actual role played by works councils is determined by the nature of the council's relationship with trade unions. There are two scenarios according to which such relationship is shaped, as the Authors claim, one includes a council largely independent from unions, albeit often ineffective, while in the other, a council is union-dependent but may rely on the unions' power.

Innovative approach used by the research team, and consequently, the value added by the book to the academic discourse on national industrial relations and social dialogue results from the Authors' decision to review the issue of workers'

representation from more than one perspective. Above all, the Authors deserve credit for their choice to incorporate economic perspective in their analysis, as it fills a noticeable gap in the domestic literature on employee representation and participation, in which economic aspects of those phenomena usually remain in the background.

The book should be regarded as a valuable study of workers participation. Its major shortcoming, which, nevertheless, could not have been avoided by the Authors, is the omission of employers with 50–99 staff, which would become bound by the regime of the Information and Consultation Act as late as June 2008 (while the research was already underway), thus could not be included in the research. Likewise, the analysis could not take into account consequences of the Constitutional Court ruling of 1 July 2008, according to which the procedure of appointing works councils members by representative trade unions in the workplace was found unconstitutional. All those limitations should not, however, overshadow the undisputable value of the book, but instead serve as an incentive to continue research on the institution of works councils and their role in Polish industrial relations. I can sincerely recommend this book to the readers as not only an extraordinary source of knowledge but also as useful teaching material.

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