

**How to put the trade unions in their place
(and at the same time
comply with the labour law, more or less)**

„Guidelines” for large, transnational corporations
establishing their subsidiaries in Poland

Dr Jan Czarzasty (Warsaw School of Economics)
and Maciej Pańków (Institute of Public Affairs)
28 March 2023

Tip 1. Convince workers that trade unions are useless to them

- HR will surely solve all personnel problems and **impartially** ensure that **labour law is respected**.
- A '**consultative body**' (but not a works council!) could be useful.
 - Let it deal with really **relevant issues**, such as the company **canteen menu**.
 - Delegates can even **answer employee questions** and comments anonymously dropped in the designated mailbox, as long as they are **not too troublesome...**
 - ... but let **the managers oversee the answers** to these questions first, and then the employee representatives will certainly be happy to approve them.

Tip 2. Don't make it too easy for workers to unionise

- Admittedly, asking new employees to **commit in writing not to establish** a trade union nowadays could be considered too extreme...
- ... as well as suggesting the activists seeking to establish an union that perhaps they might consider a career **with another company**...
- Especially if the unions have developed their own ways, such as:
 - organising meetings outside the company's premises (e.g. Restaurants nearby)
 - creating a new structure within an already existing inter-company organisation (instead of a new, separate company organisation)

Tip 2 (cont.). Don't make it too easy for workers to unionise

- But, instead, one could:
 - **limit the visibility** of the union in the company and avoid mentioning their name in public
 - **not allow or obstruct meetings** between union leaders and workers*
 - **reject the union's proposals** and suggestions for improving working conditions and then, after a while, **step forward with them, claiming it is your own idea.**

*pandemic restrictions have been a nice justification, even if they don't apply in the retail sector, and hundreds of people pass through stores every day!

Tip 3. Don't make it easy for trade unions to operate

- Remember that **employee e-mails cannot be used by trade union leaders** for the purpose of communication with the members - this is a blatant breach of the licence agreement with the provider!
- Disregard the union, saying it is small, thus **does not represent the interests of the workers**, and has **no legitimacy** to represent them*

*Caution: this can sometimes upset workers and cause them to join the union in large numbers!

Tip 4. Sure, workplace-level social dialogue is great, but...

- If social dialogue at **multi-employer/sectoral level** is so weak, why make such an effort?
- Again, have you heard of our **consultation body** where you can complain about the **canteen menu**?
- **Collective bargaining**? Is this some species of Australian bat?
- **European Works Council**?
 - Maybe CEE employees **do not need to know** about it. The knowledge of "how it is in the West" might be overwhelming for them. Or...
 - No, we don't have one, life is complicated anyway. Do you want to establish one? Well, it won't be easy or quick....

Note: The above guidelines have been developed for **illustrative purposes** only and we **strongly do not recommend** their use by MNCs!

Unfortunately, they are all based on our empirical evidence, no irony.

Thank you!

jczarz@sgh.waw.pl
maciej.pankow@isp.org.pl