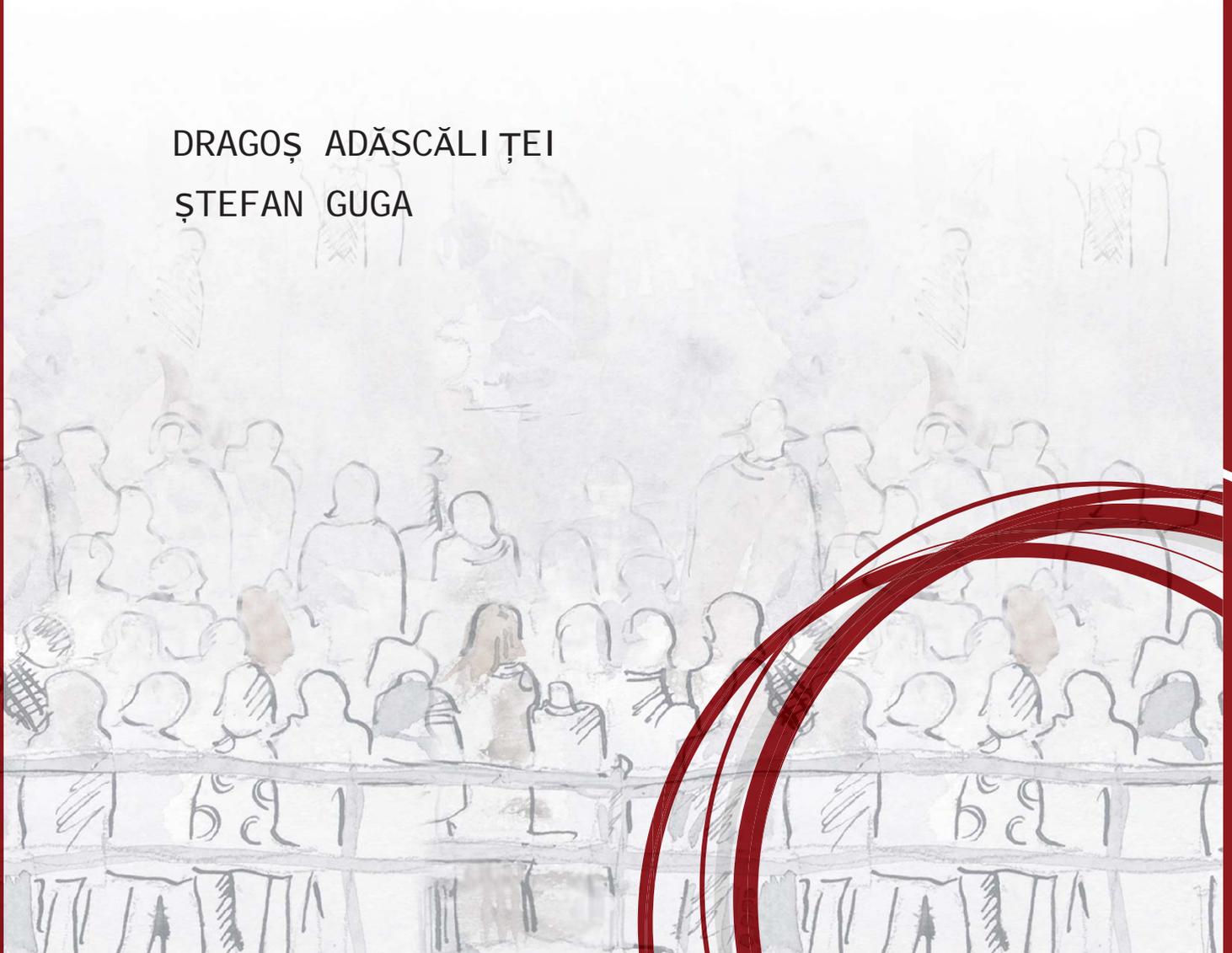


CELSI Discussion Paper No. 39

TAKING STOCK OF THE CRISIS: A MULTILEVEL ANALYSIS OF THE ROMANIAN TRADE UNION MOVEMENT

June 2016

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ABSTRACT

Taking stock of the crisis: A multilevel analysis of the Romanian trade union movement

This paper analyses the evolution of industrial relations in Romania since the onset of the crisis from a multilevel perspective. It shows that the crisis has contributed to a significant decline in the power of trade unions at the national and sectoral levels as employers capitalized on weaknesses the union movement had accumulated during the previous decade. We discuss why the repeated attempts by unions to block labour market reforms or to push for the government to roll them back once they were adopted have been unsuccessful. For national union confederations, these shifts have rendered the question of reconsidering their relation with local constituencies and organizations positioned lower down the union hierarchy more urgent than ever. In this context of problematic labour relations at the national level, we find the local picture to be more nuanced. By looking at the example of the Romanian automotive industry, a traditional stronghold for trade unions, we analyse how trade unions defend their interests at the local level. We find that variation in union success between assembly plants depends on the power resources that local unions themselves possess and that immediate union success or failure has progressively become uncoupled from supralocal resources and forms of organization. For local unions, the sweeping reforms after the onset of the crisis have nonetheless emphasized the need to reconnect with the national union movement and secure an influence on supralocal decision-making processes.

Keywords: economic crisis, automotive industry, trade unions, Romania

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Taking stock of the crisis: A multilevel analysis of the Romanian trade union movement

Dragoş Adăscăliţei and Ştefan Guga

Introduction

Romania stands out in the landscape of the Eastern European countries where the crisis-driven austerity has in recent years resulted in a loss of rights that trade unions had to bear at the local, sectoral and national levels (Glassner 2013; Varga 2015). From a country with a centralized industrial relations system, where unions enjoyed extensive powers to negotiate collective bargaining agreements, Romania shifted to a highly decentralized system of industrial relations that prioritizes enterprise-level agreements and at the same time imposes considerable limitations on the powers that enterprise-level trade unions used to enjoy. This decentralization of labour relations was particularly sudden, as the legislative change was enforced unilaterally, without the consultation of the social partners and leaving virtually no temporal and organizational leeway for trade unions to adapt to the new institutional framework (Guga and Constantin 2015).¹

In this paper we analyse the impact of the decentralization of industrial relations on the Romanian trade unions from a multilevel perspective. We show that the loss of power that trade unions experienced as a result of 2011 legislative changes pertained to all levels of collective bargaining simultaneously. At the national level, collective bargaining agreements have been effectively eliminated, putting national union confederations in a position in which their main reason for existing has been put into question.² Sectoral-level agreements have remained a possibility, but the conditions under which they can be signed and validated have become much more stringent. Furthermore, at the company level, trade unions were forced to comply with stricter representativeness criteria, severely limited conditions for striking legally, and competition from new alternative mechanisms of employees' interest representation. Still, enterprise-level collective bargaining has now officially become the

¹ Our research for this paper included in-depth interviews with trade union representatives from all levels of organization conducted in 2015 and early 2016.

² The Romanian trade union movement has a three-tier structure: company-level unions, sectoral-level federations whose affiliates are company-level unions from the same economic sector, and national-level confederations to which federations can be affiliated.

most important source of protection for workers, and this is something that trade union structures from all three organizational levels have had to cope with.

To analyse the effects of the decentralization on a local level we proceed by discussing two cases of union organizing in two automotive manufacturing plants: Dacia and Ford. These two cases exemplify the dynamics of industrial relations in one of the major new “leading export sectors” (Greskovits 2008) in Romania and in the entire region of Central and Eastern Europe. By selecting two car assemblers with significantly different trajectories, we aim at nuancing the relatively well-known story of improving employees’ welfare following foreign investments in such leading sectors (Jürgens and Krzywdzinski 2009) by highlighting the different efficacies of workers’ interest representation in the two cases.

We show that in the absence of national or sectoral institutional resources, local unions have to rely solely on their own capacities of organizing and mobilizing the membership. In this context, although the two plants are similar both in terms of institutional context and production activity, the power the unions in the two companies have varies substantially. Whereas in the case of Dacia the local trade union has remained powerful in spite of the decentralization of labour relations, at Ford the union is in a significantly weaker position and lacks the capacity to influence management policies. We argue that variation in union power between the two plants is explained by the associational and structural resources that each of them has.³ In the case of Dacia, the single representative union at the plant boasts high levels of both associational and structural power because it maintained a strong connection with the rank-and file while employing traditional organizing activities to defend its interests. At the same time, it exploited the success of the productive model developed by Dacia and its increasing importance for the Renault Group in order to negotiate better pay and working conditions for its constituents. By comparison, in the case of Ford, the representative union has fewer associational resources as it remains highly contested by alternative unions which organize around one third of the labour force. The associational weakness of the Ford union is accompanied by a lack of structural power generated by the less significant role that the plant has in the Ford group.

The economic crisis and the crisis of the Romanian trade union movement

³ We use Wright’s (2000: 962) distinction between workers’ “associational power” — understood as “the various forms of power that result from the formation of collective organizations of workers” — and their “structural power” — understood as “power that results simply from the location of workers within the economic system”; power “that results directly from tight labour markets or from the strategic location of a particular group of workers within a key industrial sector would constitute instances of structural power.”

Until relatively recently, the Romanian trade union movement was commonly described in ambivalent and sometimes in even unusually positive terms for a country from East-Central Europe, a region where, with the remarkable exception of Slovenia, the rule of postsocialist “labour weakness” (Crowley 2004) otherwise seemed to reign supreme. Indeed, some observers of the Romanian trade union movement (e.g., Varga 2014) were prepared to reject this thesis altogether, highlighting the comparatively high inclination toward militancy of Romanian unions. Though far from setting the tone of policy (see Kideckel 2001), the unions’ capacity to muster the rank and file for threats and street protests, together with the comparatively high union density and collective bargaining coverage (Bernaciak 2015:375), seemed convincing enough to set Romania apart from countries like Hungary or Poland (Bohle and Greskovits 2006:184ff). Other analyses (e.g., Trif and Koch 2005) stressed that, despite the heavy-handedness of the state at the national level and the weakness of employers’ associations on a sectoral level, things were headed in the right direction as “partnerships” were becoming increasingly attractive (and available) for all sides involved in bipartite and tripartite bargaining. Still others pointed toward the growing influence of Romanian trade unions and described the overall impact of EU accession on Romanian collective labour relations as decidedly positive, though here as well the positive aspects were nuanced by highlighting the possibility of declining labour standards and the abuse of and disrespect for existing labour laws with which employees were more or less commonly confronted (Funk and Lesch 2004; Trif 2007). The adoption of a new Labour Code in 2003 was widely regarded as a major victory for the Romanian trade union movement as a whole, with the national confederations flexing their muscles in backdoor political deals and managing to quickly push the law through Parliament despite consistent outcries on the side of employers. This, it was said (Coman and Pilat 2005; Pilat 2006), opened new possibilities for improving the quality of tripartite and multiemployer labour relations, as it finally convinced employers of the need to associate and participate in social dialogue, in order not to be left out in the future.

Fast-forward to the early 2010s and the picture looks almost radically different, as recent analyses (e.g., Chivu et al. 2013; Trif 2016) have overwhelmingly stressed the disastrous state of Romanian industrial relations in the wake of the onset of the crisis and the adoption of an extremely harsh anti-austerity package by the Romanian government, which included the revamping of laws concerning both individual and collective labour relations. Moreover, there is a wide consensus that, even though the attack on trade unions and on tripartite and

bipartite institutions during this time happened across the entire Europe, Romanian collective labour relations have been negatively affected to a disproportionate extent (see Adăscăliței et al. 2015; Koukiadaki, Távora, and Martínez Lucio 2016). Nonetheless, while the “frontal assault” (Marginson 2015) has been obvious, overly dramatic interpretations attributing this change to the government’s use of “non-democratic procedures (...) resembl[ing] the authoritarian rule in place before 1989” (Trif 2013:236; 2016:435), redundantly labelled as an example of a newfound “authoritarian neoliberalism”, do not contribute much in the direction of describing, let alone explaining what has taken place in the field of Romanian industrial relations since the onset of the crisis. If the Romanian government did indeed ally itself with the business interests of foreign investors and succumbed to the pressure of international financial institutions in forcefully pushing new labour laws through Parliament in the first months of 2011, we are left with the question of how it was possible for this to happen as it did — that is, without facing any genuinely threatening opposition whatsoever from the ostensibly relatively strong Romanian trade union movement. To be sure, the events of early 2011 stand in a stark contrast with those of early 2003, when the government used practically identical procedures to push a major piece of labour legislation through Parliament, only that time it had stood on the side of the trade unions. Any misplaced thoughts of “authoritarian social-democracy” describing the 2003 moment notwithstanding, the seeds of the 2011 disaster had indeed been sown at this time, as trade union confederations proved that backdoor political deals with a friendly government were much more effective than the regular instruments of interest representation — that is, bargaining backed up by the mobilization of the membership. While employers did indeed organize in the aftermath, they did so only in order to be able to use the same methods. Though this is far from being an adequate explanation, it certainly does point in the direction of one.

On a national level, the most severe and immediate impact of the new legislation was the elimination of the possibility of signing a collective bargaining agreement applying to all companies and employees in the country. Negotiating such an agreement previously constituted the main task of trade union and employers’ confederations and the agreement was considered crucial especially for setting a national minimum wage. The process of negotiation was, however, fraught with tensions, as trade union confederations whose membership came mostly from the public sector negotiated with employers’ associations representing the private sector. This disequilibrium produced constant tensions between private and public sector trade unions, since the latter dominated national-level strategies; it

also produced tensions between trade union confederations and employers' associations, as the latter contested the *de facto* representativeness of the former (Guga and Constantin 2015). For this second reason, in 2010 the disequilibrium decisively contributed to the failure of signing a new agreement. Though it was widely regarded as one of the most important consequences of the 2011 Law for Social Dialogue, by the time the law was adopted a national collective bargaining agreement was not in force and, after the 2010 breakdown, there was little reason to believe another agreement was going to be negotiated and agreed upon in the foreseeable future. In the absence of a national level agreement, trade union confederations were left with few effective instruments of interest representation, as the functioning of Romania's various tripartite bodies was and still is typically "illusory" (Ost 2000).

All this has led to problems of legitimacy for trade union confederations, who have had to face increasing hostility from union federations and the base membership. According to the latest version (5.0) of the ICTWSS database, the number of trade union members decreased from approximately 2.24 million in 2008 to around 1.23 million in 2012. As a result, the union density fell from 35.6% to 19.8% during the same period and has most likely decreased even further since 2012 (see Guga and Constantin 2015). Repeated pushes by confederations for changing the labour legislation in order to get back at least part of their previous prerogatives met with resistance from both government and employers, as a result of which they all failed. It is not just that confederations' legitimacy in front of federation and company-level unions has been dwindling, but confederation leaders themselves have been openly criticizing the activity of lower-level organizations, blaming union leaders for self-interest and lack of solidarity (e.g., Trif 2016:429). If vertical relations have become tense from both ends of the organizational ladder, national confederations have found themselves in a catch-22 situation: in order to increase their legitimacy, they have to mobilize the membership against both government and employers' associations; yet, as a result of their continued loss of legitimacy, they have been facing increasingly severe obstacles in mobilizing the membership, so much so that some confederation leaders believe classic methods of mobilization and protest to be somewhat of a lost cause (e.g., Monitorul de Suceava 2011).

Multi-employer collective bargaining has also been dissolved as a result of the legislative change. The extent of this is obvious from the number of agreements signed starting with 2011 (see Table 1). Only 4 sectoral contracts were signed between 2011 and 2015, all in

public sectors or in sectors such as healthcare, where public companies constitute the vast majority of employers; this compared to the 47 contracts signed between 2007 and 2010 — a number in which the private sector was more or less on a par with the public sector. The major reason for this sudden drop was the new obligation for the employers’ associations signing a sectoral agreement to comprise at least 50% + 1 of total employment in the respective sector. Given the well-known weakness of employers’ associations in Romania, in many economic sectors this has effectively rendered the signing of an agreement impossible. In the few sectors where the existing employers’ associations could have met this stringent

	sector	group of companies
2005 – 2010	47	44
2011 – 2015	4	31

TABLE 1. Multi-employer collective bargaining agreements for sectors of the national economy and for groups of companies, 2005–2015.

Data source: Romanian Ministry of Labour, Family, and Social Protection.

criterion, it was common for employers to voluntarily withdraw from associations precisely in order to prevent the signing of an agreement (Guga and Constantin 2015; Trif 2016). Even representatives of employers’ associations have been explicitly opposed to the idea of sectoral agreements, all the while advocating for collective bargaining only at the level of groups of companies, where agreements apply only to the signees. Such advocacy notwithstanding, the number of agreements for groups of companies has also witnessed a decline, albeit not as sharp as the number of sectoral agreements: from 44 agreements signed between 2005 and 2010 to 31 between 2011 and 2015.

Compounding the problems faced by union confederations on the national level, federations have thus also had to cope with the disappearance of their primary focus of activity. Despite being representative, the majority of trade union federations find themselves objectively unable to engage in collective bargaining. Even though some federations have managed to maintain a good relationship with the enterprise unions that make up their membership, as they have got increasingly involved in securing enterprise-level agreements, many have faced

acute problems in holding on to their membership. While finding it increasingly difficult to keep up with their own membership requirements in national confederations — e.g., payment for the confederation membership fee becomes quite difficult once a federation bleeds members and in its turn has trouble collecting fees from remaining ones — federation leaders have been particularly frustrated with confederations’ failures at changing the legal provisions blocking multi-employer collective bargaining.

According to the ICTWSS database, starting with 2011 just 2% of Romanian employees have been covered by multi-employer agreements, down from 63% in 2010. Correspondingly, the total coverage of collective bargaining has dropped after 2011 from 98% to just 35% of the total number of employees entitled to bargaining. At the same time, the percentage of employees covered by single employer bargaining has increased from 25% in 2010 to 33% starting with 2011. Overall, an extremely rapid shift has taken place from a relatively coordinated and centralized system of wage setting, in which national and industry-level bargaining had considerable weight, to a system in which wage setting is uncoordinated and takes place mostly at the level of individual firms. No matter how excessive the decentralization, it has not been accompanied by a relaxation of conditions under which company-level bargaining can take place. On the contrary, the new legislation came, among

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
total	10936	11602	12206	11729	10569	7718	7473	8783	8726	9477
private sector	9400	9341	-	8789	-	6290	6281	7540	7336	8329
public sector	1298	2066	-	2668	-	1256	1025	1092	1219	1006

TABLE 2. Enterprise-level collective bargaining agreements, 2005–2014.

Data source: Romanian Ministry of Labour, Family, and Social Protection

other things, with stricter criteria for bargaining eligibility and a severe curtailment to the efficacy of labour disputes, which can now legally take place only during negotiations for a bargaining agreement and only if the two sides are not bound by an already-existing agreement.

Decentralization and the more stringent regulation of collective bargaining took their toll on the already heavily shaken enterprise-level industrial relations. The onset of the crisis and the adoption of extremely harsh austerity measures had a severe impact on collective bargaining at this level even before the change of legislation in the spring of 2011. The number of collective bargaining agreements signed annually had dropped from a high point of over 12 thousand in 2007 to under 8 thousand by 2010 (see Table 2). And while the new regulatory framework seemed to have impacted the relatively highly unionized public sector most severely, the upward trend witnessed in recent years in the private sector is rather deceiving. The new collective bargaining legislation introduced an alternative mechanism of employee interest representation to union organization: so-called “employee representatives” — individuals elected in the employees’ general assembly and tasked solely with negotiating a collective bargaining agreement with management. These representatives become an alternative to union representation in companies in which there are no trade unions or where none of the existing trade unions can reach the membership threshold of 50% + 1 of the company’s total number of employees. Among trade union leaders, this mechanism of

representation is widely seen as an instrument for undermining the strength and even the purpose of collective organization at the level of individual companies. Considering that this was introduced only in 2011, the impact of this change has been as massive as it has been rapid: between 2012 and the first half of 2015 over 80% of company-level agreements were signed by such representatives and only 15 to 18% by trade unions ("Dialogul Social În România. Situația Actuală Și Perspective" October 27, 2015), with the latter faring particularly bad in the private sector (Guga and Constantin 2015:130).

In quite similar fashion to federations and confederations, therefore, company-level unions have also been under considerable pressure since the onset of the crisis and the change of legislation. Largely deprived of the protection of upper-level organizational structures, many

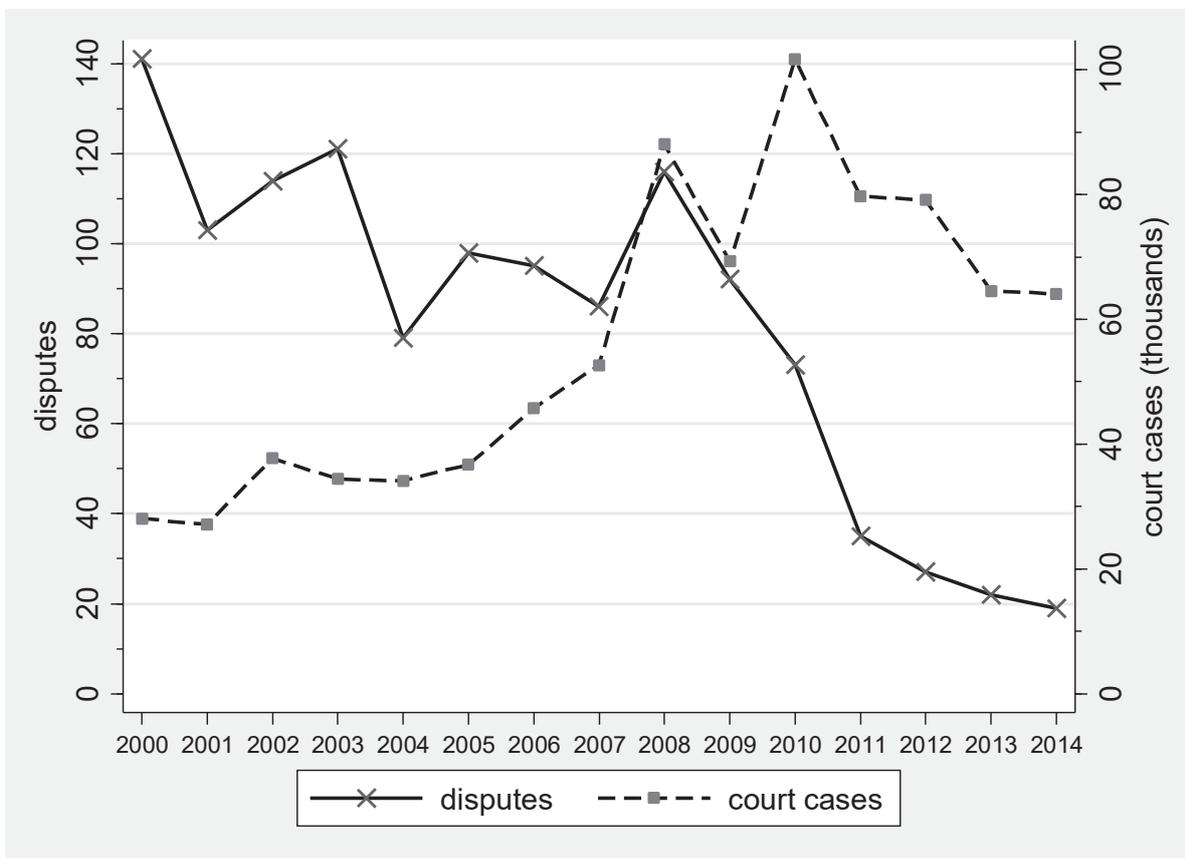


FIGURE 1. Labour disputes and court cases on labour issues, 2000–2014.

Data source: Romanian National Institute of Statistics.

company-level unions have also had to deal with new existential threats coming from their immediate organizational surroundings. To make things even worse, trade unions have not been able to respond in force, as the new conditions for opening labour disputes and the legitimacy problems faced by union organizations have led to an unprecedented drop in the

number of labour disputes (see Figure 1). With this avenue of action being closed, going to court has become an increasingly important channel for employees' discontent, though union representatives also speak of the courts' growing hostility toward employees and unions during the past half a decade.

In short, the “frontal assault” on collective labour relations in Romania after the onset of the crisis comprised both an attack on individual organizational levels and the dismantling of the institutional infrastructure regulating relations between levels. Each trade union organization in its turn has thus been faced with problems originating both in its respective level of organization and in its relationships with other trade union structures above or below the organizational ladder. While problems with maintaining vertical relations were undoubtedly exacerbated by the new legislation, they were far from new. And while the trade union movement as a whole had been repeatedly attacked by the political establishment during the 2000s (see Varga and Freyberg-Inan 2014), several other major weaknesses led to the 2011 debacle. The disequilibrium between the predominantly unionized public sector and the predominantly nonunionized private sector had bred tensions that could be exploited by politicians and pundits in pitting private sector employees against public sector employees and gaining the former's support for austerity measures and labour law reforms during 2010 and 2011. The illusory character of tripartism long antedated these events and had fuelled distrust in trade union confederations. While on the ground the social pacts and even the national collective bargaining agreement produced ambiguous results, confederation leaders continued to place their trust in the efficacy of them having the ear of politicians. As 2011 highlighted that the government was willing to steamroll the trade union movement regardless of any overt threats or covert promises, the trade union movement supported the opposition party (the Social-Democrats — PSD) that came into government in 2012 under the agreement that labour laws would be changed back to something equivalent to their pre-2011 versions. Between 2012 and the end of 2015, when the PSD left government, confederation leaders repeatedly attempted to push for this change and repeatedly failed at bringing any but the most incremental and least consequential modifications.⁴

⁴ One of such incremental change is Law 1/2016, which allows representative sectoral federations to negotiate local collective labour agreements in cases in which local trade unions that are affiliated with them are not representative at the company level. The most significant effort to change the Labour Code has been the so-called citizens' initiative started by the National Union Bloc. The outcome of this initiative is still unknown at the time of writing, as the proposal has to go through a protracted process in Parliament. Even though it is far from rolling back all the changes made in 2011, this proposal has been lambasted by employers' representatives and by the media alike.

At the sectoral level, low union density and absent or weak employers' associations were known problems during the 2000s, leading to the signing of agreements that were regarded as largely useless and illegitimate not just by individual employers, but also by increasingly powerful business associations and even by national employers' confederations whose declared object of activity was multiemployer and tripartite collective bargaining. Apart from fragmentation and inter-union conflict, the hostility of both employers and employees toward unionization seriously hampered the formation of new unions, especially in the private sector, while many already existing unions faced difficulties in maintaining their membership rates as their constituencies aged and exited employment. These weaknesses were topped by accumulating tensions between organizing levels, which became obvious as the repeated calls to protest made by confederation leaders during 2010 and 2011 met with an at best lukewarm response even from the public sector strongholds. Though massive in size (Varga 2015:320-1), the protests were short-lived and failed to inflict any visible harm on the government, who could unflinchingly make draconian cuts in wages and benefits and subsequently adopt new labour laws that were overwhelmingly unfavourable to both employees and trade unions. The latter measures were met with only measly protests, despite confederation leaders' loudly and repeatedly voicing threats. Having lost their capacity to effectively mobilize even their most entrenched constituencies, unions no longer posed a credible threat to government and there was no political quid pro quo to be had anymore, as had happened in such an exemplary fashion in the early 2000s.

As mentioned already, explanations stressing the violent manner in which the Romanian government adopted a series of vicious austerity and labour market reforms are misleading, since the question remains as to how it was possible for the government to pursue this avenue of action without fear of trade union reprisal. And if the threats voiced by the union confederations did indeed prove to be a bluff, the question of why this was so cannot be swept aside simply by once again pointing to the insidiousness of those in government. To be sure, attacking confederation leaders with corruption charges was obviously a tactic employed by government in order to weaken the position of the unions during those critical months, as were the less overt — and admittedly rather few — divide and conquer attempts (Varga 2015). But why was it so easy to dissuade the lower ranks of the confederations' bureaucracies, the leaders of federations, those of individual unions, as well as the rank and file from mobilizing against policies that were predictably going to inflict unprecedented harm? Surely, these two tactics came in a long series of anti-union struggles waged by

government (Varga and Freyberg-Inan 2014), but even this cannot explain how quickly, how quietly, and how unqualifiedly the Romanian trade union movement lost a battle whose stakes clearly resembled those of a war. Adding to the hostility of government and to the growing preference of employers' representatives for backdoor lobbying instead of bipartite or tripartite bargaining was the fragility of vertical and horizontal relationships within the union movement. In the absence of these latter weaknesses, the various tactics employed by government should have fallen moot in the face of the sheer stakes at hand and the unions' threats would have been far more consequential. Instead, these weaknesses were brought out in the open in the year leading up to the adoption of the new labour laws and many were effectively set into law during the early months of 2011. Paradoxically, if it had not been for these pre-existing weaknesses, some of the new legal provisions would have eventually strengthened the trade union movement, as they could have reduced fragmentation and infighting (see Guga and Constantin 2015). In the aftermath, reversing things in this direction would require major efforts not just in the strengthening of individual organizations, but also promoting strong vertical and horizontal relationships of cooperation within the trade union movement. And while this has largely remained a rather theoretical possibility, the pressure to do so has started to be felt even in some of the strongest union organizations, on which decentralization and legislative change initially seemed to have minimal impact.

From solitary resistance to pressures for reaching out: The Automobile Dacia trade union in the post-2008 era

Profiting from the immense success of its low-cost range of automobiles during the crisis, Dacia–Renault has risen to the status of Romania's largest company in terms of both turnover and export; in the process, it has also become one of the most remarkable cases of post-1989 industrial upgrading accompanying the wave of automotive foreign direct investment in the former socialist countries in Central and Eastern Europe (see Jürgens and Krzywdzinski 2009; Pavlínek, Domański, and Guzik 2009). On a national level, it is common knowledge that Dacia also boasts the strongest trade union in the country, not just when it comes to the number of members — approximately 11,000 just at Dacia, and around half that in several of Dacia's first-tier suppliers that are situated in proximity to the plant — but also when it comes to militancy — as the union has been regularly organizing protests either against the employer or against the government (see Adăscăliței and Guga 2015:13).

Undoubtedly, the Dacia union — “Sindicatul Automobile Dacia” (SAD) — has managed to stage serial protests because of its large membership base and vice versa. It has achieved both, however, on a particularly favourable terrain comprising both a plant operating at full capacity and a somewhat ambiguous position of Dacia workers on the local labour market. The considerable size of Dacia’s labour force is tied not only to the sustained demand that has witnessed practically no noticeable numerical fluctuation since 2009 and has kept the pace of production at a maximum, but also to Dacia’s organizational peculiarities of production: ever since it launched the Logan range in the mid-2000s, the meaning of low-cost has been tied to low-cost labour coupled with an unusually high degree of labour intensiveness. This has granted Dacia workers a particular advantage in the labour market as they have become to a certain extent indispensable not due to skill, but mainly to discipline and their ability to deliver on increasingly stringent quantity and quality targets. The union has been able to capitalize on this and has obtained significant wage and benefits increases over the years, at the price of heightening the pace of production. Although this has led to a weakening of the labour market position of workers (Adăscăliței and Guga 2015), thus forcing the union to be increasingly concerned with defending job security, there is no question that the employer has also been keen on not implementing labour flexibility policies that might eventually inflict more harm than good to the fulfilment of output targets. For instance, even if the fact that Dacia has not even experimented with agency workers — let alone adopt agency work as a staple of its HR policy, as other car assemblers in the region have done (Drahokoupil, Myant, and Domonkos 2015:232-6) — can be regarded as a success of the union, the fact that, leaving aside workers’ collective organization, the company’s management has had to tread lightly in all matters of labour policy has likewise played its part.

The other source of SAD’s success has been its own capacity to maintain its organizational strength over time and grab whatever opportunities became available once Dacia’s trajectory on the automobile market shifted and once labour market conditions became favourable for taking action. Even though more than a decade and a half has passed since its privatization, the company has maintained a stable union density of around 75-80% — very high according to industry standards in the region (see Drahokoupil et al. 2015:227; Jürgens and Krzywdzinski 2009:484) and quickly becoming extreme in a national landscape witnessing an accelerated decline of unionization (see above). If at the time of privatization there were five different trade unions at Dacia, the smaller unions eventually were either absorbed or disappeared as they became irrelevant. As noted by Renault officials at the time of

privatization (Debrosse 2007:288, 320), SAD was particularly strong in controlling the shop floor, had a considerable capacity to mobilize the rank and file, and had an explicit policy of co-administering of the labour force with the company management; all this while maintaining a high degree of autonomy from national union structures, which were at the time also quite strong (Varga and Freyberg-Inan 2014). Conceding to the overall goal of overhauling production after privatization, SAD played an integral part in the process of personnel restructuring that took place in the first half of the 2000s having the mandate to mitigate the effects the extensive restructuring program was expected to have on individuals, on the local labour market, and on everyday life on the shop floor. In the years following the end of the restructuring program, the union managed to obtain significant wage increases, a substantial benefits package, massively improved working conditions and solid job security regardless of the ups and downs of Romania's economy. Since all these accumulated over time, the situation of Dacia employees relative to their labour market peers has become increasingly asymmetrical. In combination with the company's stellar performance, having a genuinely strong trade union has made Dacia into an outlier not just in terms of economic performance, but also when it comes to the welfare of its employees. This has bolstered employees' loyalty toward both the company and the trade union, thus further increasing the latter's associational strength.

In terms of strategy, SAD has tried to use both institutionalized collective bargaining and regular strike threats to its advantage. The union was directly involved in the pre-privatization discussions between the Romanian government and Renault, though bargaining relations with Dacia's management had by then long become standard practice. Since privatization, the union has negotiated and signed an annual agreement with the management, regulating wages, working conditions and all other major aspects concerning the welfare of the labour force on and off the job; in exchange, SAD contributed to the fulfilment of specific management goals — personnel restructuring, productivity gains, quality targets etc. When bargaining proved inefficient — which, especially in the first half of the 2000s, was openly admitted to be the case — the union shifted to a more confrontational strategy. Since strikes were unheard of before privatization, when SAD secured its objectives peacefully, this required substantial strategic and tactical changes, as proved by a failed attempt at organizing a general strike in early 2003. Having learned such a painful lesson, in 2008 SAD staged a general strike that lasted no less than three weeks, proving the tremendous force of the union not just to the management, but to national and international publics alike (Delteil and

Dieuaide 2008; Descolonges 2011:chapter 4). Since then, union leaders have routinely appealed to strike threats during the annual negotiations and have managed to consistently and largely peacefully improve the welfare of their constituency.

Although since 2008 SAD has not had to make recourse to striking, as strike threats alone proved effective enough, the successful general strike was a watershed for union militancy, as SAD has since then staged several protests against the government and has promised to continue to do so if its demands are not met. The first threats of protesting against the government came in 2009, when the collapse of the internal automobile market resulted in declining sales for Dacia; as the spectre of downscaling production and cutting jobs was becoming more and more menacing, the union threatened to strike if the government did not keep up to its promises of stimulating the sales of new cars and hampering the sales of imported second-hand ones. The company's virtually total reorientation toward exports turned things around and, with the sales crisis being averted, the union backed down on its threats. A major protest was nonetheless organized at the beginning of 2011, against the adoption of a new Labour Code meant to provide a more "flexible" legal framework for individual labour relations. Since the trade union movement as a whole had been defeated just a few months earlier (see above), SAD was one of the few unions that actually backed up its threats with a large-scale protest against the changing of labour laws. The austerity measures took no direct major toll on SAD or on Dacia's employees, nor did the new law concerning collective labour relations adopted May 2011. The disappearance of the national collective bargaining agreement and the failure to sign a new sectoral bargaining agreement after employers' voluntary exit from the employers' federation with which unions had signed previous agreements (Trif 2016:418-9) did not mean much for SAD, as the importance of the company-level agreement and of its company-level bargaining power vastly outweighed those of sectoral or national agreements, which were explicitly geared toward setting minimal wage thresholds and offering minimal protection. At the time, it was the new Labour Code that brought the most immediate danger, as it facilitated the signing of fixed-term contracts and relaxed the conditions for hiring and firing employees. As participants in the January 2011 protest organized by SAD loudly called for solidarity and claimed they were not primarily protesting for themselves, but rather for the good of all employees across the country, they seemed like a strangely resilient remnant of a trade union movement that had been soundly defeated and could not mount anything more than scattered and mostly purely verbal resistance. This was not the case just within the trade union movement, but

nationwide, as the Dacia protest received considerable media coverage, most of which kept emphasizing the alleged bizarreness of a situation in which employees who are exceptionally well off take to the streets to advocate for the wellbeing of others. With an overbearingly hostile reception in the media and without any worthwhile response from within the trade union movement, SAD's 2011 demands for solidarity in opposing the government largely fell moot.

The union continued to organize street protests during which it demanded the change of the Labour Code in 2014, 2015, and 2016. However, this demand now became secondary, as the situation of both the plant and the union had changed in the meantime. In 2012, Renault opened a new plant in Morocco, meant to produce the same range of low-cost models as the Romanian one, with which it allegedly entered in direct competition. Attempting to tone down the wage demands of Dacia workers, the management began to threaten with relocating part of production to Morocco, where labour costs were said to be several times lower than in Romania. The union's response to management's aggressive push for maintaining or even increasing "competitiveness" in relation to Renault's Moroccan and even Turkish operations was twofold: on the one hand, making more significant concessions in the annual wage negotiations; on the other hand, championing the company's cause in front of the country's government. Indeed, the protests of 2014–2016 were primarily concerned with this latter task, as the union demanded that the government build a highway between the cities of Pitești and Sibiu and thus significantly reduce transportation costs for assembled vehicles. Displacing the issue of competitiveness from the question of labour costs to that of transportation costs, the union thus explicitly demanded that the government contribute to upholding the job security of Dacia employees and of local employees in its upstream industries. The union's discontent has been fuelled by management representatives repeatedly declaring to the media that if the highway is not built by 2020 Renault's operations in Romania will have to be reduced and jobs will be lost. The seriousness of the situation is obvious from the union's organizing of protests for three years in a row, with good chances of continuing in the years to come. While it is too early to tell if they will pay off, the union's strategy has apparently shifted again as demands made during the protest organized in March 2016 no longer focused only on the highway, on the need for a renewed system of vocational education, and on the Labour Code, but also on the need to sign a sectoral-level collective bargaining agreement. Openly denouncing the "betrayal" of trade union confederations for having allowed the government to impose collective bargaining restrictions that were practically impossible to circumvent,

SAD representatives called for a bottom-up reconstruction of multi-employer collective bargaining. It was only this late that the legal framework of collective bargaining gained a spot among SAD's main demands, as they explicitly pointed to the dire situation at Ford's Romanian plant. A sectoral bargaining agreement, SAD leaders insisted, would bring a much-needed modicum of wage and employment security at Ford and would protect Dacia employees if the worst were to indeed happen in the future. Just as importantly, the Pitești–Sibiu highway was singled out as another common point of interest, and reason enough for trade unions to immediately join hands, since it would serve both companies just as well in reducing transportation costs and increasing competitiveness. The highway, it was claimed, would contribute to securing Dacia's future and improving Ford's troubled situation. Even though SAD's leaders are thus seeking much-needed allies in dealing with pressures coming from management, it remains to be seen whether these allies are strong enough to be able to contribute to a joint effort of the kind envisioned by the Dacia trade unionists. On the other hand, both the push for infrastructure investments and the signing of a sectoral agreement require national-level influence that SAD has so far failed to elicit through street protest alone. Hence, the dwindling of sectoral and national-level collective labour relations is becoming an increasingly acute problem even for the strongest plant-level unions, such as SAD.

Passive organizing and temporary productive strategies: the case of the Ford trade union.

Ford took over the Craiova automotive factory in 2008, following a prolonged period of uncertainty about its future. At the time, the plant was owned by the Romanian state, who had purchased it from General Motors (GM) after the company took over Daewoo in 2001 and had no further interest in producing cars in Craiova (Egresi 2013). With an annual capacity of 125 000 cars, 300 000 gear boxes, and 200 000 engines, the plant was struggling to survive as production levels barely reached 20 000 cars and 45 000 engines annually. After almost 10 years during which the ownership and the future of the plant remained insecure, Ford promised to invest and match the production volumes of the Dacia plant. The initial privatization agreement between Ford and the Romanian state involved major plans for investment in upgrading the plant's outdated equipment as well as in extending production facilities that could boost local employment. Indeed, when the privatization contract was signed, Ford and the Romanian government officials were optimistically predicting that Ford

would generate around 7000 new jobs directly and a total of 16 000 in the local car industry, thus leading to a heightened demand for workers and specialists from local universities (Gazeta de Sud 2008a). This stirred fears amongst local employers that the Ford investment would create a shortage of workers on the local labour market and would ultimately give employees the upper hand in demanding higher wages and better working conditions (Gazeta de Sud 2008b).

However, it was soon clear that the company could not deliver on the promises it had agreed upon with the government in the privatization contract. As the productive strategy of the company remained unclear a year after the privatization deal was signed, management began to stall on its commitment to hire new employees. Temporarily, the plant was assigned the assembly of the Ford Transit model, a utility vehicle that was manufactured in very small numbers and could not bring the factory on profit. Hence, Ford operated with significant losses by only assembling several thousand vehicles annually — well below its productive capacity. During this time, the local representative trade union (Sindicatul Automobile Ford) maintained a low profile and avoided entering into conflict with management. The only exception to this patient approach was a claim to 5% of the company profits for 2007 based on the collective labour agreement signed for that year at the sectoral level. The agreement required companies in the machine building sector to pay their employees a share of their annual profits that ranged between 5 and 10 percent, depending on the decision of the general assembly of the shareholders. However, since the ownership of the factory remained unclear in 2007 and 2008, the sectoral collective agreement was not applied. As negotiations over the payment of the minimum of 5 percent of the company profits for 2007 with the Romanian state and the former owners of the factory led to no result (Gazeta de Sud 2008c) the trade union sued Ford over the enforcement of the sectoral collective labour agreement. The lawsuit lasted for two years and was lost by the trade union. In its motivation, the court argued that since the general assembly of shareholders did not decide to share the profits of the company with workers and the local collective labour agreement did not include the profit sharing clause from the sectoral agreement, there was no ground for workers' claims on a share of the profits.

Unlike in the case of Dacia, where the trade union maintained a strong position ever since the privatization of the factory, at Ford, privatization was a two-way deal between the Romanian state and the new employer. The local representative trade union had no role in negotiations for the privatization of the factory. This was partly due to the fact that the local union did not

meet with similar levels of approval amongst the rank and file and remained contested by the three smaller unions that at the time of privatization organized around half of the labour force in total. With limited powers to represent workers' interests during the signing of the privatization agreement, the union found itself cornered later on, when the initial privatization contract was renegotiated in light of the revised production plans put forward by management. In this respect, the union had little space to manoeuvre and influence plant level policies since its position was circumvented both by the state and the employer. Importantly, the union had no influence on the renegotiated privatization contract signed between Ford and the Romanian state in 2010 which included a deferral of the initial production targets and investment plans, as well as the removal of the requirement to double employment levels over a four-year period.

Furthermore, after privatization the labour force remained relatively fragmented with two trade unions merging together, while the other two smaller unions continuing to contest the new representative trade union and perceiving it as an ally of management. The lack of cooperation between the three local trade unions became evident in 2014 when the leaders of the two smaller union were suddenly fired by the company on the grounds that their jobs had been eliminated as part of the restructuring of the company (Gazeta de Sud 2014a). While the representative trade union remained silent over the issue, the two leaders were reinstated a year later, after they sued the company and won in court. The consequence of fragmentation was that even though the representative trade union continued to negotiate annual collective bargaining agreements that included moderate pay rises, its legitimacy remained contested amongst a substantial part of the labour force.⁵

The structural weakness of the local union also resulted from the lagging production that persisted even after Ford announced that a new car model was to be produced in Craiova. Compared with the case of the Dacia factory, where the success of its low-cost productive model allowed the union to obtain important gains in terms of pay and working conditions, at Ford the situation of the labour force remained dire, in spite of the company's attempt to match the success of Dacia by opting for a low-cost approach. Although the B-max model, for which production began in 2012, was relatively successful on export markets, it never even came close to matching the success of the Logan. As a result, the plant continued to operate far below its capacity while remaining dependent on highly volatile export markets.

⁵ Although there are no official data available regarding membership levels in each of the unions in the plant, interviews revealed that the two smaller unions organize around between 25 and 35 per cent of the labour force.

The lack of sustained demand, left the union with little room to bargain for higher pay or better working conditions. The poor performance of the factory and its continued failure to meet with the goals set by the privatization contract in terms of production and employment ultimately resulted in a renegotiation of the initial contract that gave management much more flexibility to administer production, including the cancellation of the requirement to maintain employment levels. Concomitantly, at the sectoral level, Ford succeeded in pushing for the signing of a very vague collective agreement that gave management more power to negotiate local working conditions including pay and overtime work (Trif 2016). These changes were reflected in the policies promoted by management at the local level. In 2012, the company began its first program of “voluntary dismissals” by announcing that it aimed to eliminate 250 factory jobs by offering employees approaching the retirement age a buyout of up to 24 wages, depending on their seniority level. The program continued in the upcoming years with around 1000 workers of all ages leaving the factory between 2012 and 2015. The result of the voluntary dismissal program was that by the end of 2015 the factory was employing only 2500 workers, down from 4000 in 2008 when Ford took over the factory.

Importantly, the dismissal program was not put up for negotiation with employees’ representatives and was unilaterally enforced by management with no substantial opposition from any of the local trade unions. In fact, in 2014, the announcement of the need to dismiss 680 workers took the representative union by surprise but did not trigger a significant response. While management claimed that the dismissal of workers was necessary in order to make the factory more efficient and ended up giving an ultimatum to workers by announcing that those who do not leave voluntarily will be fired, the union remained defensive and sought to engage in negotiation rather than open protest (Gazeta de Sud 2014b). With negotiations taking place while the implementation of the dismissal program was already under way, the union had little power to oppose management. The outcome of the negotiations revealed the weak position of the union as well as its limited capacity to defend the interests of the workers: out of the initially planned 690 dismissals, a total of 520 were carried out. Furthermore, in order to keep the 170 workers that the company planned to dismiss, the whole labour force had to take an 8 percent wage cut.

Apart from allowing management to promote substantial cuts in the labour force over a very short period of time, the renegotiated privatization agreement gave managers full flexibility in deciding production targets. In practice this meant that the factory could stop production and send workers home temporarily, depending on fluctuations in demand for its products.

The effect of this very flexible arrangement was that, between 2012 and 2016, on average the plant did not operate for around a month each year, with workers receiving only 80 percent of their net pay and no bonuses for the days lost. In reality, the loss in income for the days not worked varied between 20 and 40 percent of the total wage since workers did not receive bonuses while production was stopped. While work stoppages had become an increasingly pressing issue ever since the plant had been taken over by Ford, the unions could do little to negotiate a more favourable situation. In fact, the collective labour agreement negotiated for 2015 resulted in a 2 percent cut in the pay for the days not worked as well as bonuses amounting to 5 percent of wage level, that depended on meeting the production targets as well as on the evaluation of each employee. Moreover, the collective labour agreement negotiated for 2016 and 2017 includes wage increases of 1 and 1,5 percent respectively, amounts that seek to offset the expected inflation rates in two years.

In short, the Ford trade union is in a much weaker position both structurally as well as when considering its legitimacy resources amongst the rank and file. Its weakness was reflected both in the very moderate wage increases that took place at Ford since privatization as well as in the failure of the union to meaningfully respond to management threats with cuts in employment levels. Still, alternative strategies such as using protests instead of bargaining in order to push for wage demands were unavailable in the case of Ford since production levels did not even remotely reach maximum levels as it happened at Dacia. In this case, strikes might have even hurt the interest of workers since management would not have been obliged to pay wages during the days lost and was anyway interested to reduce losses by cutting back on the number of days worked. Although it remains to be seen how the plant level industrial relations will unfold in the coming years, it is unlikely that they will be radically transformed in spite of the announcement of a new car model to be produced in Craiova beginning with 2017 (HotNews 2016). Rather, the collective labour agreement signed for two years in 2015 suggests that workers will have to cope with increased employment flexibility in a context of low levels of employment protection at the sectoral and national levels. In the absence of institutional support at the sectoral and national levels, the local union had little power to negotiate better pay and working conditions for the upcoming years.

Conclusions

In this paper we showed that the crisis-driven changes in Romanian industrial relations have led to a shift towards a highly decentralized industrial relations system, as the national and

sectoral collective bargaining institutions were practically eliminated. All this while also cutting back on the rights plant-level unions benefited from. Unlike the existing literature, we explain these recent developments not in terms of a sudden change that weakened a still somewhat powerful union movement, but as the consequence of the previous deterioration of the strength of Romanian labour — a process that affected trade union organizations across the board, well before the beginning of the crisis in 2009. In this respect, the economic crisis contributed to the deepening of a crisis of the trade union movement that existed well before the government and employers orchestrated their attacks in 2010 and 2011. In the absence of such an acknowledgement, we are left unable to account for why the legislative changes that were passed in 2010 and 2011 were met with such measly opposition from the trade unions and why, despite the constant voicing of threats, representatives of the trade union movement have repeatedly failed in pushing for any significant legislative reversal once these changes were in place and once the country's economy seemed to be getting back on track.

Our two case studies show that the decentralization of national and sectoral labour relations has led to the polarization of local industrial relations. In the absence of institutional support from national or sectoral collective bargaining institutions, local trade unions had to resolve conflicts by relying entirely on their own capacity to organize workers. As a result, while the powerful local unions did not initially suffer much from the decentralization of collective bargaining, the already weak local trade unions have been further weakened by the institutional changes passed during the recent economic crisis. The case of the local trade union at the Ford factory suggests that in the absence of institutional resources to rely upon and without having the capacity to pose a significant threat, the union found itself at a considerable disadvantage in negotiating with management and has ultimately accepted policies that went against the interest of its constituents. This stands in stark contrast with the case of Dacia factory, where the local union has used its strength to improve wages and working conditions. Even so, recent pressures for pushing down production costs at Dacia have made the trade union more aware of the necessity of having a sectoral collective bargaining agreement and of the need to influence the central government's policies. This, however, would require an extensive process of reconstruction of relations across and between levels of trade union organization. As we point out, this cannot be accomplished without tackling some of the core problems that led the Romanian trade union movement as a whole into its current crisis. It remains to be seen if and how such a feat can be accomplished.

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