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MONOGRAPHS ON THE SITUATION OF SOCIAL PARTNERS IN  
ACCEDING AND CANDIDATE COUNTRIES

TRADE SECTOR

Summary

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## Staff working on the summarised study

### Author of the report

Olivier HOFF, researcher

Alexandre CHAIDRON, researcher

### Research Team

Prof. Armand SPINEUX

Prof. Pierre REMAN

Catherine DELBAR, researcher

Marinette MORMONT, researcher

### Administrative co-ordination

Marie-Anne SAUSSU

### Network of National Experts

Bulgaria: Rumiana Gladicheva and Teodor Dechev, Department of Sociology - Sofia University

Cyprus: Dr. Savvas Katsikides and Maria Modestou, Department of Social and Political Science - University of Cyprus

Czech Republic: Ales Kroupa, - Research Institute for Labour and Social Affairs - Charles University of Prague

Estonia: Raul Emeats and Kaia Philips, University of Tartu

Hungary: Dr. Andras Toth, Institute of Political Sciences, Hungarian Academy of Sciences

Latvia: Alf Vanags, Baltic International Centre for Economic Policy Studies (BICEPS)

Lithuania: Mark Chandler, EuroFaculty Vilnius Centre Ekonomikos fakultetas, Vilniaus universitetas

Malta: Prof. Godfrey Baldacchino, Workers' Participation Development Centre, Department of Sociology, University of Malta. Research Work: Edward Zammit and Saviour Rizzo assisted by Godwin Mifsud

Poland: Jolanta Kupinska and Andrzej Ogradowczyk, Katedra Socjologii Organizacji i Zarzadzania, Uniwersytetu Łódzkiego

Romania: Ion Glodeanu, Institut de Sociologie - Académie Roumaine des Sciences

Slovak Republic: Lubica Bajzikova, Faculty of Management, COMENIUS UNIVERSITY

Slovenia: Miroslav Stanojevic, Faculty of Social Sciences, University of Ljubljana

Turkey: Dr. Engin Yildirim, Faculty of Political Sciences, Department of Labour Economics and Industrial Relations, Ankara University

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# Introduction

This document is a summary of a report that has been produced as part of research into the institutional representativeness of social partners in the European Union, and the situation of trade unions and employers' associations in acceding and candidate countries. The research has been conducted by the Institut des Sciences du Travail (Catholic University of Louvain) at the request of the Employment and Social Affairs Directorate-General of the European Commission (Call for tenders No VT/2002/83).

The aim of the report has been to produce monographs that set out both brief descriptions of the way that social dialogue functions in acceding and candidate countries, and descriptions of the various workers' and employers' organisations involved in social dialogue at trade sectoral level.

## 1. Background

This research which is summarised in this document is located against a backdrop of the European Commission's promotion of social dialogue at Community level, and in the setting of enlargement of the European Union.

The issue of the representativeness of European organisations came to the fore in the context of the promotion of social dialogue. In a Communication<sup>1</sup> in 1993, the European Commission set out three criteria determining the access of employers' associations and trade unions to the consultation process established under Article 3 of the Social Policy Agreement, and in 1996, it adopted a consultation document<sup>2</sup> that sought to bring together the widest range of views on the measures to be employed in fostering and strengthening European social dialogue. At that point, given that the social partners at European level were, and still are, in the process of structuring themselves and accepting new applications for membership, the European Commission conducted a study on the representativeness of interprofessional and sectoral organisations in the European Union, and in a new Communication<sup>3</sup> in 1998, announced the measures that it proposed taking in order to adapt and promote social dialogue at EU level. In it, the Commission reaffirmed the three criteria established by the 1993 Communication permitting European organisations to be recognised as representative for consultation purposes under Article 3 of the Social Policy Agreement. They were that the social partners should (1) be related to specific sectors or categories and organised at European level, (2) consist of organisations which are themselves an integral and recognised part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of several Member States (3) have adequate resources to ensure their effective participation in the consultation process. Finally, in 2002, the Commission reaffirmed its support for a strengthening of social dialogue in its Communication *The European social dialogue, a force for innovation and change*<sup>4</sup>.

Against this background, it is clear that one of the main issues in the coming months, both for the Commission and for the European social partners, will be to prepare for the enlargement of the European Union and its impact on the process of social dialogue at Community level: *The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process*<sup>5</sup>. As far as the European Commission is concerned, *only with sufficiently robust national structures will the social partners be able to*

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<sup>1</sup> COM(93) 600 final of 14 December 1993, Communication from the Commission concerning *the application of the Protocol on Social Policy*.

<sup>2</sup> COM(96) 448 final of 18 September 1996 concerning *the development of the social dialogue at Community level*.

<sup>3</sup> COM(98) 322 final of 20 May 1998, Communication from the Commission, *Adapting and promoting the Social Dialogue at Community level*.

<sup>4</sup> COM(2002) 341 final of 26 June 2002, Communication from the Commission, *The European social dialogue, a force for innovation and change*.

<sup>5</sup> *Op cit*.

*participate effectively in negotiations and other European social dialogue activities and also implement agreements at national level*<sup>6</sup>.

The development of social dialogue therefore forms part of the *acquis communautaire*. *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at EU and national level, and to indicate whether they are consulted on legislative drafts relating to the taking over of the employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidates countries' social partners in the social dialogue activities developed at European and national level*<sup>7</sup>.

Enlargement of the European Union is a major issue from a quantitative and qualitative point of view: *The quantitative leap is quite clear as soon as the number of partners rises. The delegations taking part in social dialogue will be enlarged, and that, as we know, does not facilitate dialogue*<sup>8</sup>. However, the leap is also qualitative in that the new entrants present the industrial relations systems they have inherited from their national histories<sup>9</sup>. The role played by collective bargaining is from an overall point of view quite inferior to the traditions of which we are aware in some of the EU 15 countries. In particular, social dialogue does not exist in all countries at a sectoral level. By and large, most of the country studies are notable for strongly developed tripartism at national (intersectoral) level, but weakness at central bipartite level, in social dialogue at sectoral level, and at the level of organisations, particularly employers' associations.

This study may be seen as a tool to help understand these quantitative and qualitative factors. It will also make it possible to understand the various systems of industrial relations in different countries, and to introduce the actors involved in social dialogue.

## 2. The research process and methodological remarks

For the purposes of conducting the research, a network of university researchers was established for the 13 acceding and candidate countries. These researchers are independent both of the European Commission and of employers' and workers' organisations. Each researcher was tasked with producing a report on the basis of a common canvas, and a questionnaire dealing specifically with the realities of the acceding and candidate countries was drawn up for this purpose. The IST was responsible for coordinating and writing the summaries, and reaffirms its independence in respect of the political consequences and decisions that may flow from this study.

The research process that was developed involved not only the gathering of quantitative and qualitative information on the actors and the social dialogue in which they took part, but also *an active approach to constructing a consensus that forms an integral part of social dialogue itself*. For example, although the data collected do not in many cases make it possible to be wholly objective about the role played by organisations, the contacts that were made in the course of collecting the data and discussions with the various actors concerned will *form an integral part of a process of mutual recognition*<sup>10</sup>. Each national report issued from the expert has been submitted to the national organisations in order to enable them to make comments on collected data. It follows that the main sources used in the course of this study have been the social partners themselves. The IST coordinating team then collated information that had been gathered and presented information issued from the experts reports in order to produce comparable analysis for the different countries. The report was then submitted to the European social partners for the trade sector in order to enable them to make comments on the report. These will either be included in the report or will be appended to it. Lastly, the report will also be checked by the Commission's services, which will decide whether the appended comments (if there are some) have to be included or not, before it is approved.

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<sup>6</sup> *Op cit*.

<sup>7</sup> *Enlargement of the European Union. Guide to the negotiations. Chapter by chapter*, European Commission, DG Enlargement, June 2003.

<sup>8</sup> *Regarding this statement, EuroCommerce (the employers organisation at European level) insisted to mention that enlarging the social dialogue and having active participation from the candidate countries will make it possible to ensure a more targeted, more realistic and therefore more successful social dialogue. The members from candidate countries would often show great interest in participating in social dialogue.*

<sup>9</sup> Léonard E., Spineux A., *Les relations industrielles en Europe aujourd'hui*, Institut des Sciences du Travail, UCL, 2003 (unpublished).

<sup>10</sup> *Reply to Call for tenders VT/2002/83. Studies on the representativeness of the social partners at sectoral level in the European Union and monographs on the situation of the social partners in the candidate countries*, Institut des Sciences du Travail, UCL, 2002.

Given that national situations are very changeable and evolve rapidly, it is important to stress that the aim of this study is to take "a snapshot" of the situation of organisations in 2003. Interviews with organisations took place, and the national reports were written, between March and October 2003.

### 3. Industrial relations and organisations active in the Trade sector

A rapid overview of the sector in the countries covered in this study shows that the Trade sector is characterised by a very high number of small or very small (often family) enterprises and SMES. The presence of multinationals is currently increasing in these countries. Although the underground economy in the sector is believed to be quite important and this makes it difficult to estimate the size of the Trade sector in the national economies, the latter can be considered to be very important.

As regards *tripartite concertation* at sectoral level, this form of negotiation is generally not part of the social partners and governments traditional practices. However, it often happens that sectoral organisations are represented in national tripartite concertation through their respective federations (intersectoral organisations). Occasional consultation of representatives on matters affecting the sector occurs in some countries.

As regards *bipartite social dialogue*, collective bargaining usually takes place at sectoral and enterprise levels. Collective agreements at a level higher than the enterprise are exceptions. In most cases, collective bargaining at the enterprise level is more developed than collective bargaining at sectoral level. It should be noted that in some of the countries covered in the study, collective bargaining and signature of collective labour agreements even takes place at the company level only. In one country, collective bargaining does not occur at the enterprise level or at the sectoral level. It is also worth noting that the social dialogue at sectoral level can be limited to just two organisations representing employers and workers respectively, whereas in other countries a plurality of organisations represent the companies and the workers.

As regards *organisations* active in the sector, both trade unions and employers' organisations usually have a low membership. They sometimes face serious drop-off from this point of view. Collective bargaining organisations do not exist in some countries. In most cases, the trade unions, which negotiate at sectoral level, group smaller unions, which negotiate at enterprise level, and provide support to the local players. Another characteristic of some organisations is a poorly developed decision dissemination system.

The current organization of industrial relations in some countries still bears the marks of the privatisation and deregulation process, which they have had to assimilate rapidly. In some cases, collective bargaining at sectoral level does not even occur, for example, because of the lack of social partners as mentioned above. The changes brought about by this restructuring require adaptation, which at times is still partly lacking. In order to enhance the social dialogue at national level, the social partners sometimes benefit from external support. To this end, EuroCommerce (the employers' organisation at European level) and Uni-Europa Commerce (the employees' organisation at European level) have conducted roundtable seminars on social dialogue in all accession and candidate countries except Bulgaria and Romania. A roundtable for Romania is planned in 2004.

In **Bulgaria**, the *tripartite social concertation* takes place as a general practice and not as an exception. One weakness of it is that it depends exclusively on the good will of the state's representatives. The state's representatives can make a Sectoral Tripartite Cooperation Council work or they can stop it for a long time. In order to eliminate this dependence, the social partners developed the bipartite procedures step by step, but they insist that the state must keep its place in the social partnership at sectoral level. Therefore, the tripartite concertation and the bipartite social dialogue take place "in parallel".

Regarding *bipartite social dialogue*, collective bargaining takes place at sectoral (branch) level, at "higher-than-enterprise" level and at the enterprise level. Only one agreement was signed at "higher than enterprise" level and there is no chance for this experiment to be repeated. Even now, the most developed and sustainable form of collective bargaining is bargaining at the enterprise level, where differently to the sectoral and "higher than enterprise" levels, all the legal trade unions, no matter whether they are representative (according to the Labour Legislation) or not, can negotiate with the employer. Evolution of sectoral bargaining is visible, but it is not very effective, because of the quite limited power of the employers organisation, the Union of

Traders in Bulgaria. Since 1993, and much more since 1997, the State has been supporting the bipartite social dialogue mainly by training representatives of the social partners.

Due to the Labour Legislation in Bulgaria, only specific *organizations* have the right to operate at sectoral level. The organizations at sectoral level are only those organizations, which are members of central trade union organizations recognized as representative at national level. This way, only two federations act in the trade sector. The same holds true for the employers' representatives, and there is only one employers' organisation active in the trade sector. The trade unions, as a whole, are much better prepared than the employers are. Many of the relevant employers organizations in the trade sector do not take part in the social partnership at all.

In **Cyprus**, there is no specific *tripartite concertation* for the trade sector. Tripartite concertation takes place for the overall economic and social policy of the country.

Bipartite social dialogue takes place at the sectoral level, at higher than enterprise level and at enterprise level. These levels are interconnected. If the issue concerned is not resolved at the enterprise level, it is taken for discussion at the other levels. Collective agreements are only signed at enterprise and sectoral levels. 300 collective agreements have been signed in the trade sector, mostly concluded at enterprise level (295 out of 300). In case of deadlock in negotiations at enterprise level, the assistance of the Ministry of Labour and Social Insurance can be used. The positions of the social partners with regard to future developments in the social dialogue in the trade sector are positive. The partners engage in negotiations in a spirit of good faith and mutual understanding, in the context of the industrial relations principles and practices, prevailing in the country.

Three *trade unions* have to be mentioned. The Cyprus Industrial, Commercial, Press-Printing and General Services Workers Trade Union takes part in consultations at all levels but mainly at enterprise level. It negotiates and signs agreements at all levels. Since 1st January, 2001 it has signed about 400 collective agreements in all its branches of activity (4 at the sectoral level and 396 at the enterprise level). It takes part in tripartite concertation and about 30% of the collective agreements signed are within this framework. The Federation of Clerical and Commercial Employees has signed about 150 collective agreements in all its activities since 1st January 2001. Of these, 147 are at the enterprise level and 3 at the sectoral level. The Democratic Trade Union of Commercial and Industrial Employees has signed 3 agreements at the enterprise level since 1st January, 2001.

Regarding *employers' organisations*, 3 organisations should also be mentioned. The Cyprus Chamber of Commerce and Industry (OEV) founded in 1927, is mainly composed of small enterprises (94%). This organisation has signed 25 agreements at sectoral level and 150 at enterprise level. It also takes part in consultation at all levels. Most members of the Employers and Industrialists Federation are SMEs, with a few multinationals and internationals, in a wide spectrum of economic activity. In the trade sector, the OEV covers around 1,100 enterprises employing 6,500 workers. It has signed about 200 collective agreements (30 at sectoral level and 170 at enterprise level). The Cyprus Federation of Small-scale Industry, Craftsmen and Shopkeepers represents enterprises in all branches of the retail trade, small-scale industry and services. The enterprises represented are small and self-owned. The organisation takes part in consultations at all levels (sectoral, higher than enterprise or enterprise level), and negotiates and signs collective agreements. It has signed 10 collective agreements at branch level.

*Tripartite concertation* does not take place at sectoral level in the **Czech Republic**. However, the government indirectly takes part in consultations between employers and employees in the commerce and in the accommodation and catering sector.

*Bipartite social dialogue* has existed for a number of years between the Czech Confederation of Commerce and Tourism and the Union of Commercial Employees; contacts are also in place with the Trade Union of Workers in Catering and Tourism. Bipartite social dialogue takes place at the sector level (called "higher level" since in the Czech Republic, the Act regulating collective bargaining does not mention sectoral collective agreements and Czech law does not define economic sectors) between the two highest ranking representatives of the social partners in the sector, and at enterprise level where the employer and trade union representatives (if a trade union exists in the firm) conduct collective bargaining. Higher-level collective agreements lay down the framework rules and duties of the two contracting parties for the sector. Enterprise-level collective agreements cannot contain commitments lower than those set out in an HLCA, and they usually go beyond their substance regarding wages, care for employees and occupational health and safety.

Both *social partners* have access to sufficient resources and knowledge to conclude agreements regarding issues in the commerce sector. The main obstacle to the advancement of social dialogue at sectoral level is the low level of awareness of the significance of social dialogue and collective bargaining in enterprises, including firms with foreign capital.

In **Estonia**, tripartism or bipartism is most developed at national level, and hardly at all at sectoral or company level. The reasons are that the social partners suffer from a lack of representation and from institutional and financial shortcomings. Specifically related to the trade sector, the absence of *tripartism* and bipartism social dialogue at sectoral level can also be explained by the fact that there is no employers' organisation in the trade sector. At enterprise level (the only level where *bipartite social dialogue* exists), only three collective agreements (lasting one year) have been signed in 2003 in three different enterprises.

Regarding *organisations*, trade unions in the trade sector are poorly developed. There is one central trade union organisation representing employees in the trade sector (Estonian Trade Union of Commercial and Servicing Employees - ETKA). Some of the trade sector employers belong to the Estonian Society of Merchants (Eesti Kaupmeeste Liit - EKL), but this employers' organisation does not take part in social dialogue at sectoral level.

There is no *tripartite social concertation* in the trade sector in **Hungary**. However, in the nineties, a tripartite forum did exist which covered trade and manufacturing topics. This Council was practically stopped after 1998. The institutionalised social dialogue was replaced by less formalised discussions.

Regarding *bipartite social dialogue*, despite the fact that the social partners recognise their mutual co-operatives behaviour, there is no effective collective agreement at sector level or in the different sub-sectoral areas at the moment. Despite the lack of sectoral level collective agreements, the social partners do draw up annual recommendations on wage increases for the sector. At higher than enterprise level, there is only one (sectoral)-regional collective agreement which is still applicable, while at enterprise level, there are 230 company level (single-employer) collective agreements (on the 31st December 2002). In addition, there are also multi-employer<sup>11</sup> agreements covering 12 companies. The company collective agreements traditionally deal with procedural issues and terms and conditions of individual employment relationships, including wages. As a rule, the contractual regulations should favour the employees compared to the default (mandatory) regulations. However, in certain issues the Labour Code allows a divergence to the detriment of employees.

There is only one *workers' organisation*, based on the five former sub-sector unions. While the majority of its members work in the trade sector, there are smaller groups of employees who work in the broadly interpreted service sector and their unions are also members. The three *employers' organisations* apply specifically to different kinds of enterprise: cooperatives, family owned small enterprises, and large organisations. Despite this distinction, some conflicts can occur because of the strong competition between these organisations because the member's interests are not always similar. In order to avoid this kind of situation, all three organisations try to build an alliance alongside common interests, and they try to avoid sharp conflicts. That is why the organisations do not dispute the representativeness of the others, and they have been able to create a formal framework for their co-operation.

There is no *tripartite process* at the sectoral level in **Latvia** and, consequently, no collective three-party sectoral agreements. However, there is occasional consultation of representatives on matters affecting the sector (or all sectors) when adopting or preparing legislative changes by sub-councils of the National Tripartite Cooperation Council.

There are two main levels at which *bipartite social dialogue* takes place in the trade sector: the sectoral and enterprise levels. However, the Latvian Trade Union of Commerce foresees the development of social dialogue at "higher than enterprise" level in the future. The main problem associated with potential activity at this level is the lack of representativeness, especially on the employee's side. The nature of agreements at the sectoral level is such that their force depends on moral obligation rather than legal enforcement. So far, the sectoral level agreements have only dealt with basic principles of partnership, while at the enterprise level (where social dialogue is more developed although it covers a very small number of employees), real day-to-day matters – working conditions, safety, transfers and others – are settled. Collective agreements at the enterprise level are legally binding.

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<sup>11</sup> These multi-employer agreements are practically applicable to a group of companies controlled by one single owner.

Regarding *organisations* active at the sectoral level, the Latvian Trade Union of Commerce, which was founded in May 1990 and took over from the corresponding Soviet-era entity, represents employees. The Latvian Traders' Association was founded in April 1994 and just over 1000 enterprises operating in the trade sector currently belong to it.

In **Lithuania**, there has been occasional *tripartite concertation* at the sectoral level. Other than these irregular talks, there is no real tripartite concertation at sectoral level. Representatives of the Lithuanian Association of Trade Undertakings are sometimes invited to the national Tripartite Council when trade sector issues are discussed there.

*Bipartite social dialogue* takes place exclusively at enterprise level. There is no partner from the employers' side available for higher-level bipartite dialogue, because the Lithuanian Association of Trade Undertakings is mainly interested in political lobbying. Government seeks to promote social dialogue, acting as a moderator, and trade union confederations try to organise collective bargaining. However, there does not appear to be strong pressure from the workers in the retail sector for it. Employers would prefer that wages and conditions be regulated by the government rather than through collective bargaining.

Regarding *organizations* active in the Lithuanian trade sector, there is only one trade union and one employers' association: the Lithuanian Trade Union of Commercial and Cooperative Employees. It comprises employees from retail and wholesale trade, catering, mediation, and petrol station security. There are no trade unions in the major Lithuanian supermarkets. However, there is currently an attempt by the Lithuanian Labour Federation to organise workers at the country's main supermarket chain. The Lithuanian Association of Trade Undertakings, which was established in 1997, is a lobbying organisation and does not see social dialogue as its function. It does not negotiate or sign collective agreements. However, as mentioned above, the Association's representatives are sometimes invited to take part in the national Tripartite Council when trade sector issues are discussed.

In **Malta**, *collective bargaining* for the wages and salaries of workers in the trade sector is totally absent both at enterprise and at national level. Due to the size of the enterprises and the 'extended family' culture prevailing in many of these micro and small firms in the Maltese trade sector, workers in this sector are difficult to unionise. Since employees in the Maltese trade sector are not unionised, their wages and conditions of work are not regulated by collective agreements but by a Council Wage Regulation Order of the Ministry of Social Policy.

It has to be noted that an *organisation* called the Association of Retailers and Traders, better known as GRTU, organises the self-employed and persons owning or managing a small firm in this sector in a union which represents them at different levels of the Maltese economy. The collective negotiations conducted by the GRTU on behalf of its members differ from the typical negotiations between employers and trade unions. The GRTU represents the interest of those members whose earnings come from commissions on their sales. It has to deal either directly with Government or with Government run enterprise or Corporations or with single private owners in their relationship with their distributors, licences, or independent sales force and does not negotiate with trade unions. Even though it looks mainly like a business association due to its activities, the GRTU can be considered as an employer's organisation in some way because it has full rights to sit on Malta's National tripartite consultative body where it generally takes the side of the employers. On the other hand, in defending and promoting the interest of the self-employed, it could also be considered in some way as playing the role of a trade union for the self-employed.

In **Poland**, there is no agreement stemming from *tripartite concertation* at trade sectoral level. Nevertheless, employers' organisations participate in various lobby bodies, also in sessions of the Tripartite Commission or parliamentary commissions, experts' teams, etc., dealing with subjects such as labour law, taxes, privatisation etc. It should be mentioned that employers' organisations have more of an orientation towards business rather than towards social partnership. With regard to trade unions, the lack of unionisation explains the difficulties in participating in such discussions.

Concerning the *bipartite social dialogue*, there are no supra-enterprise agreements, nor institutional agreements in the absence of trade unions. Actually, social partners are not organised and the problem of their representativeness is non-existent. In the last two years, institutional clubs and commissions of trade unions have been created, especially in large enterprises. In fact, there is no tradition and readiness in the sector to organise trade unions and bargaining on regulations or collective agreements at the level of an enterprise.

There are two workers' organisations. The Independent Self-governing Trade Union "Solidarity" (8500 members - NSZZ) is organised in enterprise commissions and makes an effort to create trade unions in supermarkets as well as to organise

commissions outside enterprises (by the Regional Management Board). However, the setting up of this kind of commission has had no considerable successes so far. An enterprise commission may negotiate a collective bargain or the code of work regulations. The practical aim is to participate in consultations on the labour regulations, especially in cases of suspending benefits, and to participate in administering the social fund. The All-Poland Alliance of Trade Unions (OPZZ) encompasses independent trade unions operating in various branches of industry including 16 unions and federations, in total, 13,845 people (density of 3%). Among these organisations, 4 are related to the field of trade: The Federation of Trade Unions of Trade and Service Workers with about 1200 members, the Trade Union of Workers and Sellers "Ruch" (newspaper distribution) with over 2000 members, the Confederation of Labour, a new union established for self-organisation in small companies and the Federation of Trade Unions of Co-operative and Trade Workers with about 10,000 members including workers from the Co-operative of the Food Industry "Społem" which has a tradition of participating in consultations and decision-making processes. It should be noted that the OPZZ is not affiliated to ETUC. As the total number of employees is nearly 2 million, all these organisations have a low coverage rate.

As regards the employers' organisations and apart from organisations of employers who participate in Tripartite Commissions, other organisations in the sector should be taken into consideration. Some of them operate on the basis of the Law on Employers' Associations, which gives them the right to participate in Tripartite Commissions or other bodies including social partners, others operate on the basis of the Law on Associations or the Law on Labour Self-government. In the activity of all these organisations, there is a prevailing tendency for business to come first. Social dialogue is treated formally, and there is no tendency to negotiate or even take trade unions into consideration in activity for economic and social policy.

The National Chamber of Commerce is an organisation for the development of the economy, one of several organisations of economic self-government; the Polish Chamber of Commerce (PIH) has existed since 1997 and is an organisation of economic self-government representing the trade environment; the Principal Council of Associations of Trade and Services is a Self-government Organisation of Small and Medium Enterprises. It is an all-Polish organisation of labour self-government, acting on Law from the 30th May 1989; the Polish Organization of Trade and Services (POHID) includes 13 large distribution and retail companies, mainly with foreign capital and has existed for 3 years. The Principal Council of Associations of Trade and Services and the Polish Organisation of Trade and Distribution are members of Eurocommerce and both Confederations of employers, the Polish Confederation of Private Enterprises and the Confederation of Polish Employers) are members of UNICE and ILO (International Labour Organisation).

In **Romania**, the commercial sector is not well represented at any level within the social dialogue. The reason for this is that there are no powerful organisations to represent the employees' and employers' interests in this sector. At the sectoral level, there is no *tripartite social agreement* for the commercial sector. However, there are consultations and debates take place between the governmental representatives and the social partners, within the tripartite commissions for social dialogue of the ministries, where the two trade unions and the employers' associations are represented. Within the counties with employers' associations and trade-union structures in the commerce sector, there are consultations and meetings on certain commercial subjects. Some of them are organised within the tripartite commissions of social dialogue from the prefectures.

*Bipartite social dialogue* can be achieved at the branch and enterprise levels. The relationship between the two levels lies in the fact that the provisions of collective conventions at branch level are minimum provisions and are compulsory at enterprise level. In both cases, the dialogue is at a low level of development (only one collective work contract at branch level has been signed and 48 enterprises have signed collective agreements at unit level). Since there are few trade unions within the same firm, there are no conflicts on trade union recognition on the part of the participants in bipartite social dialogue at sectoral level.

Two *workers' organisations* have to be mentioned. The Federation of Free Trade Unions in Commerce (settled in 1990), which has members from the wholesale and retail sub-sectors, as well as from the food distribution and real estate sub-sectors, has signed the Collective Work Contract at branch (commerce) level for the years 2003-2005 and has signed two collective work contracts at branch level between 2001-2003. A further 26 collective contracts have been signed at enterprise/group of units levels. The Federation is facing a dramatic reduction in its membership. The National Confederation of the Trade Unions from the Consumption Cooperation, founded in 1992 as a federation and became a confederation in 1994, includes 3 federations and 38 trade union organisations, representing employees from all the districts. It takes part in consultations and debates at sector level. It participates in tripartite agreements, indirectly, through the Confederation to which it is affiliated. This is how the tripartite agreements in 2001 and 2002 were signed. The Confederation signed collective work contracts for the cooperative sub-sector in 2001-2002 and 2003-2004. At the enterprise level, 22 collective work contracts were signed.

Regarding *employers' organisations*, the National Association of the Employers' Organisation for Commerce, Distribution and Real Estate Activities participates in collective bargaining and can sign collective agreements down to the branch level. The National Association of Owners and Administrators of Commercial Complexes, Fairs and Markets from Romania, established in March, 2001, groups small and medium enterprises, commercial complexes for food and non-food retail commerce, with 100% Romanian private capital. The Association's aim is to unite commercial companies, private and legal entities and Associations of private entrepreneurs, in order to develop the private sector within Romania. It has not yet signed any collective agreements at branch level. Some of the affiliated enterprises have signed 7 collective work conventions. The Association of the Large Commercial Network from Romania (AMRCR), created by the representatives of the large commercial networks within Romania, does not seem to undertake activities appropriate to an employers' association. It is possible for this organisation to become an employers' association in the near future, on one condition, that there is a corresponding trade union with same degree of power as the AMRCR has.

In the **Slovak Republic**, there is no *tripartite concertation* at sectoral level, while *bipartite collective bargaining* takes place at sectoral level ("higher level") and at company level. At sectoral level ("higher level"), the participants in the social usually conclude bipartite/sectoral agreements, called "higher-level collective agreements". Currently, 2 sectoral/higher-level collective agreements have been concluded – one with the trade sector and one with the co-operative sector. At company level, the partners conclude a company collective agreement, which is linked to the higher-level collective agreement. The obligations defined in the company collective agreement widen and increase the scope of the obligations concluded in the higher-level collective agreement. The sectoral/higher-level collective agreement, as well as the collective agreement at company level, have the power of law.

Regarding *organisations* active in the sector, it should be noted that the recent full privatisation of the trade sector brought many changes into the social partnership. While unionisation in cooperatives continues to be high and social partnership is harmonised there, the privatised trade organisations are starting to be difficult partners for the trade unions and the membership of trade sector trade unions continues to fall. The Trade Union of Employees in Trade and Tourism represents employees in collective bargaining at sectoral level. It has concluded 2 sectoral/higher-level collective agreements with the trade and co-operative sectors. Zvaz obchodu SR (representing co-operatives) and Coop Jednota Slovensko are the two employers organisations.

*Tripartite concertation* is exceptional at the sectoral level in **Slovenia**. However, the trade union representatives argue for the development of tripartite arrangements at sectoral level.

As far as *bipartite social dialogue* is concerned, employers and employees regulate their mutual relationships at sectoral and company levels by collective agreements. Sectoral collective bargaining is more developed than bargaining at company level. At sectoral level, there is one collective agreement, which was signed in 1997 and is still valid. Collective agreements at enterprise level have mostly been signed in large and medium enterprises. Since the large companies employ a significant proportion of the labour force in the sector, a relatively small number of the companies' agreements cover about half of the total workforce in the sector.

The *key players* of the bipartite dialogue in the trade sector are the Trade Association and the Trade Union of Commerce of Slovenia together with the corresponding sectoral organisation from another smaller confederation (K-90). The third confederation has taken on the status of an observer.

There is no *tripartite concertation* at the trade sector level in **Turkey**. The *bipartite social dialogue* in the trade sector takes place only at enterprise level, including individual establishments, several establishments in one enterprise, or at multi-employer level. The actual number of workers covered by the collective agreements in the trade sector (as defined in the NACE classifications) is rather low. The main obstacle to the development of the bipartite social dialogue at sectoral level is the low rate of unionisation among trade workers.

Among *workers' organisations* active in the trade sector, the Union of Commerce, Co-operative, Education and Fine Arts Workers of Turkey is the biggest. Its members are active in the trade, co-operative, education and fine arts sectors. Among the unionised firms, it includes the two largest supermarket chains and has signed 24 collective agreements since 2001. The second largest workers' organisation is the Union of Cooperative and Office Workers of Turkey. It is active in public sector

establishments, professional associations and co-operatives. This trade union has signed 19 agreements at enterprise level since 2001. The third largest workers' union is the Union of Social Insurance, Education, Office, Commerce, Cooperative and Fine Arts Workers of Turkey. It is mainly organised in the public sector and covers professional associations and co-operatives. This trade union has signed 15 collective agreements since 2001. There is no *employers' organisation* representing private businesses in the trade sector. The only employer's organisation is the Union of Employers of Public Enterprises, which represents 180 public establishments operating in the trade, office worker, education, and fine arts sectors. It undertakes collective bargaining on behalf of its affiliates.

