



NORDENS FACKLIGA SAMORGANISATION
POHJOLAN AMMATILLINEN YHTEISJÄRJESTÖ
COUNCIL OF NORDIC TRADE UNIONS

Elements of a Time-bound Action Plan for the Reinforcement of Baltic Trade Unions

A report for the NFS written by Kari Tapiola
October 2017

This report has been commissioned by the Council of Nordic Trade Unions as part of the NFS project: ***An analysis of the Baltic Countries: Determining whether any given legislation or practice complies with the ILO Core Conventions and Convention 144 on Tripartite Consultation.***

The paper is commissioned as an independent part of a larger project context and it has been written by Kari Tapiola, former Executive Director of the ILO on Standards and Fundamental Principles and Rights at Work. It is not an official position of the International Labour Office. The content and analysis in the paper are the work of the author and has been commissioned as impartial and independent. The report does not reflect the policies of NFS.

Table of Contents

1. Unfavourable Historical Starting Point.....	3
2. Shortcomings of International Solidarity.....	5
3. The Realisation of Mutual Interdependence.....	6
4. Economic Realism.....	7
5. Priorities for the Public Sector.....	8
6. The Private Sector.....	9
7. Tripartite Cooperation.....	10
8. The Right to Strike	10
9. Unionisation	11
9.1. Domestic measures	11
9.2. Nordic–Baltic measures.....	12
9.3. Support from the ILO (ACTRAV)	12
10. Time-Bound Programme	13

1. Unfavourable Historical Starting Point

The legacy of the Soviet system was experienced differently in the Baltic States than in the other Soviet republics, which gained independence – most of them with a minimum of preparation or national desire – when the Soviet Union collapsed. Estonia, Latvia and Lithuania had been independent during the period between the two World Wars, but fell under Soviet occupation both at the beginning of World War II and after it. They had trusted in the new League of Nations. They had been members of the International Labour Organisation and ratified a number of its conventions. Their economic and political systems were comparable to those in Central and Western Europe. The Baltic States had become increasingly authoritarian, but this was not very different from what was true of many other Central European countries at the time.

After the war, the Baltic States were incorporated into the Soviet Union. This meant that an alien political and socio-economic system was imposed on them. This system, controlled by the Communist Party, differed from their history of independence and previous foreign dominance. For all practical purposes, independent trade union and employer activities ceased.

In this system, trade unions were a “transmission belt” for centralised decision-making. Lenin called trade unions a “school of communism”, but in practice trade union leaders were not always at the vanguard of political action. Rather, over the years trade unions came to be known as the “graveyard of political officials”.

The role of socialist management differed radically from that of employers in a market economy. In addition to production (which both trade unions and management were to promote), socialist state enterprises were to provide full employment and social services for their workers. In an economy characterised by shortages of goods and products, the enterprises had an important distributive function. In large enterprises this could take place through subsidised shops on the premises. The material support arrangements and social security in general were essentially run by the trade unions. Managers were also members of trade unions, and this was their primary source of social protection. Private small-scale entrepreneurship did not officially exist.

The movement to restore independence to the Baltic States started with an initial emphasis on economic self-determination. On the part of trade unions, this did include the option which characterised other former Soviet states: the restructuring of existing trade unions and adapting them to the realities of the market economy.

The restructuring of the Estonian EAKL started before the restoration of independence, and in fact it inspired the Federation of Independent Trade Unions (FNPR), which was being set up in the Russian Federation. Yet the political and economic transitions were not comparable. Russia emerged as the successor state of the Soviet Union, while the Baltic States returned to independent rule, waving aside the formula of the Commonwealth of Independent States used for the rest of the former Soviet Union.

The changeover to a market economy in the Baltic States was very rapid. It was assisted by both investment from neighbouring Nordic countries and the knowledge of the market economy model which the Baltic States had gradually acquired and which, under perestroika, they now could make use of. Estonia, Latvia and Lithuania had been more advanced than the other Soviet Republics in terms of economic development, especially regarding consumer products but also radio-electronics.

Finland had established a form of free trade with the Soviet Union at the time of the trade agreement with the EEC in the 1970s. This originally rather fictional set-up suddenly became a reality when the borders were thrown open. Much of the investment from Finland was physical movement across the Gulf of Finland of

relatively small-scale enterprises, which had lost their Soviet market and were not competitive in other international markets. To many of them, the Baltic States offered a relatively easy way out of this predicament. The production they created was not comparable to that of the large-scale enterprises of the Soviet days, nor they did not come with any social model to manage the employment or working conditions of their workforce.

This process in the Baltic States cannot be characterised as deliberate shock therapy in the same way as in Poland. It was comparable, but it lacked the intentional shock given administered by the programme of the Polish Minister of Economy, Leszek Balcerowicz. Baltic developments consisted rather of a rapid creation of a new economy, with direct foreign investment from neighbouring Nordic and other European countries, coupled with liberalisation and deregulation. The former “commanding heights” of the state-owned economy were not knocked down, but rather a new economy with new rules took over at the primary level of economic activity.

In retrospect, retaining a large trade-union movement, which would have been restructured on the basis of the Soviet practice and with a significant variation of its functions, was not a feasible alternative for the Baltic States. The nature of economic transition worked against this alternative.

In this respect the Baltic States differed from the rest of the formerly Communist Central and Eastern Europe. What is common, though, is that much of post-Soviet trade unions’ activities depended on a survival strategy in situations where the ownership and decision-making structures of enterprises had changed but the social realities under which production and work were carried out remained much the same as earlier. In such cases, the old trade unions became a default position.

The property of the old trade unions from the Soviet time was an inherited but poisonous asset. It soon became clear that the maintenance and use of this property cost real money in the new market economy, and these costs could not be defrayed due to declining membership dues. Certain disagreements in the Baltic States regarding former trade union properties were brought to the ILO’s Committee on Freedom of Association around 2000. In Latvia, a trade union won back its premises through the courts. In Lithuania, the property was shared and managed in a manner which in practice did not satisfy all trade unions.

The Baltic trade-union movement has had no recent tradition of defending the rights of the workers against either employers or governments. The political system has varied between authoritarian right-wing rule and Communism since the 1930s. Employer policies were a new experience for all.

Yet governments were not openly hostile to the trade unions. In each Baltic State, trade unions had supported the independence movement. Consequently, trade unions did not end up in a political wilderness even if, at least in Estonia and Latvia, large number of workers were non-nationals.

There was a degree of tension in Estonia between the central leadership and Russian-speaking workers in the eastern region of the country (Narva, Kohtla-Järve) for whom maintaining the old structures was a source of protection in a post-industrial region that was now in difficulty. Due to internal turbulence in the Russian Federation at the time, this situation was not exploited by Russia. Instead, some radical Scandinavian unions attempted to support the eastern region’s unions through a human rights agenda. In Lithuania, the Russian-speaking minority had been much smaller. Instead, Lithuania experienced a challenge to the traditional trade-union structures by a movement which resembled Poland’s *Solidarność*.

Trade-union structures were often seen as remnants of the Soviet era, but there was little open hostility to their leaders and activists because they had not become identified with the Soviet occupation. This had become clear at the time of the failed putsch in the Soviet Union against Gorbachev in August 1991. Just over

a fortnight after the failed coup, the Supreme Soviet of the USSR formally recognised the independence of the Baltic States.

The Baltic States had become members of the ILO for the first time in 1921, and, after independence was re-established, their relations with the ILO were soon reactivated. The first high-level ILO delegation visited all three countries in November 1991. As of 1992, the Baltic States were represented at the International Labour Conference by tripartite delegations. The new Multidisciplinary Team of the ILO, based in Budapest, also covered the Baltics.

2. Shortcomings of International Solidarity

The geographically closest international supporters in the Nordic area had no experience of how to provide assistance in these new circumstances. Up to then, the development-cooperation activities of the Nordic trade unions had been with developing countries and the lessons learned from this were not directly applicable to their neighbouring region. Nor did recipients consider themselves “developing countries”. Their problem was not a lack of development, but rather misdevelopment.

It was sometimes said of the socialist system in the Communist countries that it was well developed to solve problems which no one else had. When the system changed, the acute dilemma was that everyone felt that they knew how to make an omelette (the market economy) out of eggs but that no one knew how to make eggs (ingredients of a managed socio-economic system) out of an omelette. The change was not about transforming socialism. It was about replacing socialism with a capitalist market economy.

For a while it was not clear which form practical and concrete assistance should take. The Nordic unions made use of their educational facilities and offered a significant amount of training about how workers’ representation should function in a democratic market economy. They had both the resources and the will to assist, but Nordic unions lacked experience of the structural transitional problems of their Baltic counterparts. These, in turn, had to cope with a radically changing situation requiring urgent first aid, not long-term organisational solutions and advice.

The property inherited by the Baltic trade unions provided some potential relief, at least. However, the Nordic options of assisting the trade unions in how to use this property were not workable. By this time, the socio-economic activities of several Nordic trade unions had resulted in severe crises back home in their own country.

Unfortunately, technical assistance and cooperation tend to focus on what to do. In countries in transition, it should have equally focused on what not to do (or what not to accept) in a relatively harsh new market economy. Even in the Nordic area, some assumptions – that were still generally acceptable in the 1970s – had become to be questioned with the new focus on entrepreneurship, the liberalisation of capital markets and labour market flexibility. Employers’ organisations, who had been partners in constructing the so-called Nordic model, were no longer convinced that new employers’ bodies in the former socialist countries had been such a good idea.

As a result, the know-how assistance provided by Nordic trade unions was not easily transferable. Nor did Baltic trade unions want to end up in a new kind of dependency either. The Baltic States had regained their independence mainly through their own actions. There had been a fair share of scepticism about independence in the Nordic countries and other European neighbours. The Soviet Union disintegrated within an unexpectedly short period of time. Despite some tensions, the Baltics were spared the kind of conflicts that engulfed some of the other former Soviet republics, such as Moldova and Georgia.

A certain amount of direct financial assistance was provided by Nordic trade unions to their branches in the Baltic States. The effect of that, however, turned out to be mainly to support the national leadership of the

unions. As no significant part of this financial assistance went to organisational activities or membership services, of which the old leadership had little experience, the effect was to maintain a union leadership that was increasingly out of touch with its actual or potential base.

A massive input of assistance, both financial and know-how, might have helped Baltic trade unions to survive better. In the early 1990s, there was some talk of a “Marshall Plan” for ex-Communist countries. This did not consider the fact that the original Marshall Plan had a strong labour–management element or that it focused on tripartite cooperation. Fifty years later, the situation was far more complex: all the potential supporters agreed on the need for the Baltic States to transition rapidly to a market economy, but social issues were not at the top of anyone’s list of concerns.

As elsewhere in Central and Eastern Europe, new foreign investment brought much needed management know-how. In these circumstances, there was little interest in receiving assistance that could have interfered with the transition by slowing it down or making it more costly. In the 1990s, the attitude of trade unions in Central and Eastern Europe to foreign direct investment differed considerably from the position held by Western European and international trade unions.

3. The Realisation of Mutual Interdependence

On this specific point, the author wishes to take the liberty of referring to a concrete, but significant experience from one part of the Nordic–Baltic area in the early years of the ILO.

Following the 1918 Civil War and the consolidation of the Finnish state, the Finnish authorities proceeded to dissolve a number of Communist organisations, among them trade unions with radical left-wing leadership. At that stage, Swedish trade unions became acutely concerned that the newly independent Finland could become an area without efficient trade-union activity. After all, Finnish trade unions had been participating in Nordic meetings since the 1880s and had seen themselves as an integral part of the Nordic trade unions during the last decades of Imperial Russian rule.

A joint complaint was presented by Finnish and Swedish trade unions to one of the early sessions of the International Labour Conference. As a result, the ILO sent an official expert to examine the situation in Finland, which helped normalise the situation. The necessary clarification of the different roles of political and trade-union organisations was further supported by the first Labour Contracts Law. The ILO standard supervisory system has not been presented with a freedom of association case concerning Finland since that early period.

The first director of the ILO, Albert Thomas, visited Finland in 1921 and 1927. On both occasions he continued his travels by air from Helsinki to Tallinn. He made several visits to other Nordic and Baltic countries as well. Albert Thomas realised the importance and potential of tripartite cooperation in both the Nordic countries and the Baltic States. Already in 1921, he suggested that the Nordic countries should rotate their representation in the Governing Body of the ILO, thus ensuring a permanent Nordic presence in the decision-making bodies of the new organisation.

More than seven decades later, the interlinked questions of solidarity and self-interest emerged again. In the same way as the Swedish trade unions in the 1920s were worried about the suppression of trade unions in Finland, the Nordic trade unions were now concerned that a union-free area could appear in their immediate geographical neighbourhood in the Baltics.

Despite some two decades of attempts to rein in multinational enterprises, the Nordic trade unions had not been very successful in taking action when their own enterprises moved production and jobs abroad. This applied to the other side of the Baltic Sea as well. Nordic trade unions had little experience in putting pressure on their national enterprises in the near vicinity. Nor was it feasible to call on fellow workers in the Baltic

States to resist the investments and jobs that were coming in to replace the former Soviet state-controlled economic system.

At least the Nordic trade unions abstained from calling for a stop to these outward movements of investments and jobs. Notably, they did not take the kind of a negative position which characterised the AFL-CIO's response to US investments in Mexico, although the wage differentials in the Baltic sphere were more than comparable with those on the two sides of the US–Mexican border.

The trade-union leaders of some of the Nordic industries most affected by dislocation and job losses – such as textile, clothing and graphics workers – recognised that in the medium term, the only sustainable answer was to develop the Baltic States' economies into markets that could also absorb Nordic products. The logical consequence was to focus on the strengthening of the unionisation and collective bargaining mechanisms in the Baltic States.

Later on, especially the Baltic States' membership of the European Union provided an additional platform and some badly needed safeguards for social dialogue and tripartite cooperation. Above, all, this meant maintaining a legitimate voice for worker concerns. Yet valuable time was lost in the first years after the restoration of independence, as the international trade union movement failed to develop a coherent plan for the union-based aspects of transition. In the end, the Baltic States have been left in a grey zone between reorienting the old structures and building something entirely new. Fortunately, this did not lead to a fundamental ideological or ethnic rift, as their re-established independence was not questioned.

4. Economic Realism

In the post-1991 situation, there was no viable alternative to the rapid transition to a market economy. No political opposition to such transition was voiced by Social Democratic or labour parties, which, compared to the Nordic countries, were not strong anyway. Unfortunately, the subsequent trend has not strengthened the Baltic Workers' Parties while the Nordic Social Democrats have suffered a series of setbacks. For a multitude of reasons, trade union and political cooperation comparable with the traditional Nordic model could not catch on in the Baltic States. Nor did the strong non-political orientation of Nordic salaried employees' unions.

The personal career and income opportunities for leaders in the remaining and reforming trade-union sector were small compared to the almost seemingly unlimited prospects provided by the new markets. There was no real basis on which to undertake industrial action with sufficient popular support. Had such action been undertaken, it would have been necessary to make a convincing case that the sector was not against the transition in general and that, at least in Estonia and Latvia, it did not have an ethnic dimension.

It would be too easy to say that there was a deliberate trend of reform-minded political leadership to limit the role and rights of trade unions or to avoid collective settlements in the labour market. Anti-union attitudes in the Baltic States were more implicit than explicit. Trade unions have had serious difficulties in explaining their role and rationale in the new economy. Employers' organisations as effective counterparts in negotiations did not exist. In these circumstances an individualisation of employment relations was almost inevitable, especially as new job opportunities were created in activities that had little or no tradition of unionisation.

The proximity to the Nordic model still had a certain influence, especially on social security and know-how regarding the management of social affairs in a market economy. Yet the Nordic social model has relied more on the state than on employers. The transition was all about cutting down the omnipresent role of the state. And when it comes to industrial relations, the Nordic employers are actually less "soft" and social-minded than most of their central European counterparts.

On the part of Baltic trade unions, there were no strong alternatives to the representation of workers by what had been inherited from the earlier trade unions. The history of transition demonstrated that, in most cases, the alternative to reforming an old union base was not the kind of movement as *Solidarność* in Poland. Rather, it was no unions at all. In Poland, *Solidarność* had been a de facto a national liberation movement. In the Baltic States, trade unions had supported the liberation process but had not led it.

At the political level, the question was still not whether but how workers should be represented. It appears that at least in larger work collectives, the void created by either the collapse of the former union base or the absence of a new one seems to have led to reaching out to “trustees” or works councils as a substitute. There does not seem to have been many attempts to create “yellow” or “sweetheart” unions, which would have been dependent on the employers.

5. Priorities for the Public Sector

As in many other countries in transition, the public sector has remained the most organised part of the labour market. It was also furthest from the turbulence of the market and the informal economy. For the purposes of a trade union strategy, the message should be clear enough. If something that is left can work, it should be taken care of with all available strength. While there seems to be some kind of a stigma about the public sector, the Baltic States continue to subscribe to the notion of a functioning state based on the rule of law and appropriate institutions.

In the public sector, an important distinction should be made between civil servants and public-sector employees. While civil servants normally have a higher degree of job security than other employees, there may well be recognised limitations on their organising activities and the right to strike. Governments are tempted to argue that public-sector employees should generally have the same restrictions as civil servants. However, they would not accord many of the privileges of civil servants to those workers who have more precarious employment contracts.

For many reasons, the issue of the right to strike should not be allowed to dominate this debate. It is important, but it is usually the last resort when other consultative and negotiation procedures have failed. The concept of freedom of association covers the entire range of actions from freely joining a union to the union’s rights to recognition and negotiation. The right to strike is only the last step in a whole string of situations covered by ILO Conventions 87 and 98. It comprises several elements that are not explicitly spelled out in the ILO’s instruments but which are the basis on which the jurisprudence gives guidance.

In light of the jurisprudence, the right to associate is only part of a whole sequence of rights: to assemble, to be recognised and registered, to take and express a common position, to maintain the necessary facilities and property, to negotiate collectively and, if needed, to apply pressure by withholding the workers’ labour. This continuum legitimises the right to strike which, after all, like all the other phases, can be subject to national law.

The right to organise and thus be properly represented as a collective bargaining partner is in practice more important than discussing the right to strike. The right to strike becomes theoretical, if the right to organise is not granted.

The rights of public-sector employees who are not civil servants, including municipal employees, is a basic question. In a certain way, the more the public sector is restructured and activities are partly or entirely privatised, the greater the need for organisation and negotiations. The right to bargain, including industrial action if needed, must be safeguarded for those who, as a result of restructuring, lose certain guarantees hitherto provided by the public sector to its workers. It is also important to have an authorised counterpart

for negotiations and that this counterpart has an institutional basis and is not dependent on political parties or their electoral calendar and interests.

Dealing with the organising of the private sector and the development of social dialogue and collective bargaining is a long-term issue. But if trade unions weaken in the public sector, it will be more difficult to build them up in private activities.

6. The Private Sector

A sufficiently detailed typology of the private sector in all three Baltic States should differentiate between traditional large-scale activities which existed during the Soviet era and new “greenfield” investments. It should look at the effect of a more flexible start-up economy.

Traditional activities are liable to have more history of trade union activity. Consequently, transformation methods that have been applied in other central and eastern European countries can still work. To the extent that this leads to parts of the economy being able to manage both crises and outside competition, there might be scope for pragmatic labour–management cooperation.

Regarding small and medium-sized enterprises, both in the production and service sectors, a concept of both organising and dialogue needs further development. This calls for dialogue with employers to the extent that they have either representative or authoritative bodies. If such bodies do not exist, outreach to prominent enterprise leaders should be considered. The main argument for dialogue should be to avoid unfair competition and a race to the bottom, which will hit the enterprises as hard as the workers in each sector. The private sector is not well served by a bankrupt state which tries to shift its responsibilities to the private sector.

Starting such a dialogue with wages – despite their being low – might not be the most promising route, although this depends on how wage determination functions in practice. Early stages of social dialogue and labour–management agreement often work better on more procedural questions than on direct cost issues. One starting point could be workers’ representation; labour–management information and consultation arrangements; productivity development; and occupational safety and health.

It is not clear to what degree workers in an economy with a high share of small enterprises can be organised, or how they can be organised into collective bargaining units. The preferable alternative is to develop agreements which apply to all workers in a given economic sector or branch of activity, irrespective of whether they are members of a trade union. Trade unions should strive (and be seen as striving) to improve the conditions of all workers – not just their own members.

In a situation where there are employee representatives elected independently of trade unions and shop stewards elected by union members, it is important to avoid a situation where parallel systems could be used against the trade unions. Wherever possible, existing systems of representation should be under the influence of trade unions. In many countries there are formal representative arrangements that are not controlled by trade unions, but unions should be able to ensure that any system of workers’ representation is not used to undermine them. Instead, the aim should be to maximise synergy.

Another aim should be to reach an agreement between employers and trade unions on workers’ representation in keeping with the ILO Workers’ Representatives Convention 1971 (No. 144). This Convention was ratified by Latvia in 1992, Lithuania in 1994 and Estonia in 1996. Article 2 of the Convention specifies that workers’ representatives should be either trade union members or elected workers’ representatives whose activity does not duplicate the functions of trade unions.

Such an agreement should be accompanied by capacity-building measures, including bilateral training of workers' and employers' shop-floor representatives.

The opportunities to develop a solidarity economy, including cooperative activities, should also be clarified and encouraged.

7. Tripartite Cooperation

EU and ILO membership continue to be strong practical arguments for national tripartite dialogue. There appears to be little in prevailing public attitudes that would be openly hostile to such dialogue. While a low unionisation rate could call the representativeness of trade unions into question, there are apparently no other organisations to contest their position. The advocacy role of many NGOs should not be confused with the representative role of trade unions.

On this count, one generally plays the cards one has been dealt. It is not useful to dwell too much on formal requests for the acceptance of representativeness. True representativeness can only be assessed when freedom of association is respected. The pragmatic attitude is to note that a trade union is representative of the views of the workers unless this is effectively challenged. If such representativeness is denied, then at least some of the burden of proof is on whoever wishes to deny it and assume it as a body freely representing its members.

Tripartite bodies are well-suited for general economic, social and labour policy discussions. They should not become a fora for collective bargaining. It is important to clarify what can be agreed upon and what cannot. Use should be made of whatever space is given to trade unions for consultation, as opposed to bargaining. In many cases, it may be better to be fully heard without being bound by a bad deal.

Trade unions should insist on consultations on labour and social legislation, and National Tripartite ILO Committees should play a more prominent role. If there is to be a binding agreement at a national tripartite level, agreements should be concluded first and foremost between the collective bargaining partners.

Consultation on reporting to the ILO should take place before finalising the reports. It is not enough for trade unions just to receive copies of the reports for their information. This is also in the interest of the government, as it will know well enough in advance of whether the trade unions (or employers) are reporting separately to the ILO. Achieving a genuine consensus at the pre-reporting stage is worth pursuing, but it not should be allowed to become a method of pressuring the social partners to accept a specific government policy.

Bipartite or tripartite consultation arrangements should involve a minimum level of bureaucracy to resolve any problems before they are transferred to the ILO's supervisory bodies.

8. The Right to Strike

The extent to which the right to strike is guaranteed in the legislation is of crucial importance. Yet it is worth remembering that a credible strike threat assumes that there is an organisation which can carry through on the announced action. There is a difference between strikes which may become necessary if the collective bargaining process does not lead into an acceptable result and strikes which are protests. Strikes against a collective-bargaining agreement are by definition formally out of order unless it can be demonstrated that the other party, the employer, has breached the agreement. While being technically illegal, such strikes would seem to be legitimate.

It might be useful to discuss the issue of "political strikes" by using other language, which is available in the CFA Digest. There is considerable flexibility in this regard. After all, the Solidarność strike in the Gdansk

shipyards in the early 1980s would fall under the definition of a political strike. The jurisprudence of the CFA accepts the legitimacy of strikes of a general nature when the direct interests of the workers' are involved.

When one speaks of political strikes, the implication is that the strike is directed against the political authorities, not employers. In the public sector the state and municipalities are the employers, of course. For this reason it is necessary to have an employer function in this sector which is not dependent on the political constellation of power. A public-sector strike is not automatically directed at the government per se, but at the government and public authorities as employers.

Strikes opposing specific government policies are deemed acceptable by CFA jurisprudence if they concentrate on issues of vital importance to workers. The CFA has concluded that union action (including strikes) against a policy position of the government is acceptable, as long as the trade union does not substitute itself for a political party.

Regarding strikes that occur if employers have violated the collective agreement, the claim should be that the employer is guilty of a breach of contract. In such a case there should be no penalty for a strike but rather compensation. Whether the agreement has been breached or not, by either side, must be settled by a court or through other reconciliation procedures.

9. Unionisation

Any trade union is dependent on having a sufficient number of active and dues-paying members. The primary source of its income should be from membership dues. The priority of any national action plan should thus be organising: strengthening the organisations and expanding their dues-paying membership. This should also be the priority of international solidarity action.

9.1. Domestic measures

Trade unions need to be aware of their image, i.e. the perception of their role to and relevance in the society and the economy. In the case of the Baltic States, they should be able to build on their positive role in the society and argue for a constructive role in economic policy. While the image of trade unions may not be ideal, their actual or potential role to protect working women and men is acknowledged quite favourably. Consequently, any possible gap between the perception of trade unions and their real role must be filled.

This is not just a public relations exercise, however. It is important that trade unions address, and are seen to address, this question. Without a positive leitmotif, trade unions will be doomed to an obstructionist and defensive position.

What is invariably needed is education and training of both existing and future trade-union leadership at different levels, with sufficient information sessions for as large a number of actual and potential members as possible.

Identifying and making use of talent and professional knowledge is important. Professionalism tends to get positive recognition. It also helps to better integrate trade unions into the public debate on national economic and social policy.

Achieving results through negotiations – at different levels – strengthens the case for trade unions. Negotiators need professional skills and knowledge, and at certain stages of the bargaining process, they can be mentored by national experts. The way in which a branch union assists its members in a bargaining situation, or resolving a crisis, is crucial. A number of positive outcomes usually provide for the best public recognition of the usefulness of negotiated approaches. It is important, however, to avoid giving an impression that the results achieved do not benefit just a small organised group but provide fair benefits for all. Solidarity dictates that trade unions should negotiate for all workers in an enterprise, sector or country.

Training in negotiating techniques given to trade unions can, in due time, be complemented by joint training with employers on how to deal with issues that are liable to be negotiated.

9.2. Nordic–Baltic measures

NFS and its member organisations should assist by providing expertise for training courses, focused on training a sufficient number of national course instructors who then conduct courses throughout the countries.

In addition to providing expert knowledge, Nordic trade unions should invite instructors and other experts from their Baltic counterparts to conduct courses in their countries.

Short-term exchange of personnel between Nordic and Baltic trade unions should be contemplated.

Nordic trade unions should continue to put pressure on Nordic enterprises with investments and activities in the Baltic States to comply with fundamental principles and rights at work and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy.

There should be regular joint consultations between management and employees (through trade unions) of both the parent company and its subsidiary.

This should equally concern Baltic-based companies which have activities in the Nordic countries. Important sectors in this context are transport and construction. There should be a general understanding that subcontracting and working in the Nordic countries should respect the provisions of collective agreements that are in force wherever the work is being carried out.

Mentoring in specific cases could also be done with the involvement of Nordic experts.

Nordic and Baltic trade unions should agree to the procedures to be observed in case of labour conflicts in enterprises with cross-border operations. This might call for different kinds of solidarity action.

Some thought could be given to what Nordic and Baltic trade unions could do together, possibly at the level of sectoral national unions, to target Baltic workers in Nordic countries.

Nordic and Baltic trade union leaders could meet annually to discuss the situation and strategies needed. For the last quarter of a century, there has been little strategic dialogue between Baltic and Nordic trade unions at the highest level. One should not forget that concrete joint activities between Nordic trade unions have been less important than the simple fact that the decision-makers of each organisation have been sufficiently aware of the situation and prospects in each country. Face-to-face contact also plays an important role.

Some of the above issues might be dealt with through BASTUN, even if its primary purpose is to share information. Also, because of the specific situation of the Baltic States (described in the beginning of this report), discussing the situation in St Petersburg, Poland, Belarus or Northern Germany does not lend itself to practical conclusions on what to do to strengthen trade unions in the Baltic States.

9.3. Support from the ILO (ACTRAV)

ACTRAV has a focal point for Europe and can ensure that regular activities with and for Baltic trade unions are carried out. This could involve specific workshops for all Baltic unions, or separately by country, as circumstances and linguistic situations vary. Baltic trade unions should have their fair share of participation in international training activities.

Regarding possible support by the ILO training centre in Turin, courses on organisational activities and media training could be particularly useful.

Although the training of judges and legal experts is not a tripartite exercise, ensuring that judges are more knowledgeable of the application of international labour law can only be helpful. Specific activities could be targeted at trade-union lawyers.

The feasibility of ACTRAV supporting a Nordic–Baltic trade union seminar on the social effects of economic interdependence should be studied.

There appear to be a number of potential problems in applying ratified ILO Conventions, although these have not led to acute controversies for the time being. With intensified organising, bargaining and trade-union action, more and different interpretations will be made of the provisions of the ILO instruments. NFS, Baltic trade unions and ACTRAV could arrange an activity to analyse both the shortcomings in applying ratified ILO Conventions and action for ratifying other conventions. The existing cooperation between Nordic workers' delegates and advisers could be involved in this effort, too.

Although donor resources have become more scarce, Nordic trade unions should explore the willingness of their respective governments to allocate resources for the strengthening of the social and labour dimension of Nordic–Baltic development. All available opportunities and support through the European Union should be explored, initially by the ETUC.

10. Time-Bound Programme

It should be permissible to think in terms of a programme which could, over a number of years, satisfy the concerns expressed by both Nordic and Baltic trade unions. Any programme should allow for time, but it should also establish benchmarks to be achieved within an agreed time frame. The following is not a formal proposal. It is a suggestion, based on the reflections made earlier in this discussion paper.

The first question is what can be done immediately. An answer to this is that there should be an agreement on presenting an Action Programme to the NFS and the Baltic trade unions by the spring of 2018. The meeting in Riga on 22 November 2017 could transmit a draft of such a programme to the NFS and a subsequent high-level meeting of the Nordic and Baltic trade union leaders. Alternatively, it could discuss the elements of a draft and propose a timetable for implementing its stages. In any event, a sufficiently clear roadmap should emerge at this stage.

The second question is what can be done within one year. By the end of 2018, it should be possible to agree to a common commitment and a mechanism for following up on the Action Plan. The plan should be explained throughout the trade-unions organisations of both Baltic and Nordic trade unions. This explanation should be based on the mutual interest of all unions concerned. Elements of the plan that call for national tripartite action should be discussed with both governments and employers.

The third question is what could be done within three years. A three-tiered approach could be useful.

(1) At national level, there should be an activation of the practice of social dialogue and tripartite cooperation.

(2) This calls for identifying the strengths of workers' representation (in the public sector and at certain enterprises) and can be done with the full involvement of trade unions.

(3) A dialogue should be underway with decisions on the future of labour–management relations in both the public and, in particular, the private sector.

There are abundant options for what is achievable within one decade. A national agreement on workers' representation and participation should be worked out in each country so that all aspects of the trade-union role are clear to everyone. The objective should not just be to control "trustees" or other representatives, but to ensure their general representativeness and that they are sufficiently backed by the trade unions.

The NFS should not export any model. The exercise involves looking for a Baltic model or possibly three of them. This involvement must be sufficiently rooted in its own membership and it should be used for organising purposes. There is an urgent interest to see that the economic reforms in the Baltic States have the social dialogue safeguards agreed on for the EU Internal Market and set out in the standards of the ILO.