



UDC 331.109.32:331.105.44(497.11)
<https://doi.org/10.22182/spm.6642019.10>
Article received: 27.10.2019.
Accepted for publishing: 26.11.2019.
Review article

Serbian Political Thought
No. 4/2019, Year XXVI,
Vol. 66
pp. 207-231

Zoran Stojiljković*

Faculty of Political Sciences, University of Belgrade

Strike And Power(Lessness) Of The Union

Abstract

The aim of this paper is to identify, on the basis of an analysis of the causes, the course and effects of strikes in Serbia over the last three decades, the mechanisms by which society and trade unions have moved from self-management mythology to the defense of whatever wages and “decent, dignified work” as the maximum goal. The drama of the decay of labor and trade unions, as well as the crisis of society, is presented in three chronologically related acts. The first one describes the process of decay concealed behind the call for patriotism, a kind of socialist-patriotic deception. The second one is the democratic introduction of capitalism through “predatory privatization”. The current, third act, illustrates how neoliberal populism seeks to pacify any resistance of employees and autonomous unions by creating their surrogates through political clientelism and party employment.

Keywords: strike, union, changes, class compromise, industrial relations

* Full Professor
zoran.stojiljkovic@fpn.bg.ac.rs

Prologue: Strike – From the Revolutionary Myth to the Defensive Enforcement

In this paper, I proceed from a conflict theory of power and an understanding of industrial relations as a conflicting partnership between agents of labor and capital, trade unions and employers' associations, in which the state, itself an employer, creates a regulatory framework that reflects the established power relationship. I see the strike, its causes, course and effects, but also the very change in the rules of the game that regulate it, as a barometer of the current redistribution of influence and power (Stojiljković 2019a: 435).¹

The basic thesis I am trying to argue is that the analysis of strikes, but also the evolution of attitude towards it as a means of workers' struggle, helps us understand the road travelled from (1) revolutionary unionism and the myth of a general strike as an instrument of revolutionary change, through (2) "normalization" and regulation of strikes within the achieved class compromise expressed by the welfare state and pluralistic industrial relations and dialogue to (3) a current attempt to defend them, in which, within the disrupted distribution of power in favor of corporate capital in post-democratic or authoritarian-populist regimes, strike is regarded as the last, unwanted and enforced method of defending the interests of employees and trade unions.

Strike is a complex phenomenon that resists definition and causes many controversies². Notwithstanding all its numerous

-
- 1) The high cost of a strike, as an open unregulated conflict, forces agents of labor, capital and political power to reach a compromise and its more or less developed institutionalization. Logically, an industrial relations crisis occurs when the system comes out of a relative balance – a balance of power in favor of a dominant actor and/or coalition. The message is, in fact, that the state of the conflicting partnership is "fluid", variable. It is determined, first of all, by the distribution of market power (control over the work process, chances in the labor market), and then by the political power (rating of a certain idea/concept and the number and influence of its social clientele on the political market). Penetration of turbo globalization practices, the process of digitization and precarization and flexibility of work, and the resulting domination of the corporate elite and the weakening of trade unions have the power of a paradigmatic example. Reduction of strikers' demands, as well as of collective bargaining and effective social dialogue practices are expected and intended consequences.

- 2) There are numerous forms of worker action aimed at harming the employer, which

developmental forms, it is indisputably a method of workers' or trade-union action, which implies interruption of work until certain requests are fulfilled. For example, the current law in Serbia defines a strike as an interruption of work organized by employees to protect their work-related professional and economic interests (Marinković 2001; Marinković 2012; Ivošević 2009).

Strike is a powerful activist tactic that has an immediate effect, since it represents a direct financial loss for employers and business owners. The result should be their strong interest in addressing the set requests, attracting the attention of the general public, as well as a clear demonstration of union unity and commitment to the needs of employees that cannot be ignored (Hadži-Kostić 2018: 9).

A "creative" contribution of the practice in Serbia and the reflection of the powerlessness of trade unions and employees are defensive strikes in companies where the volume of work has already been reduced or which have gone bankrupt or where such action is not a challenge for the entrepreneurs' business.

In terms of the quantitative criterion, that is, the extent and addressee of the request, a strike can be at a workplace, in a particular industry and a general strike.

As for the way the strike is carried out, we distinguish between warning strikes, circular and thrombosis strikes in which individual work processes are successively stopped, or the protest focuses on the most vulnerable place in the work process in order to achieve maximum effects with minimum cost, or sit-down or work-in strikes where a particular factory or institution is occupied.

From the point of union's rating, particularly interesting is a spontaneous ("wildcat") strike – a collective cessation of work that is not organized by the union or endorsed by the union during its duration. Underlying these strikes may be the clientelistic position of "yellow" unions towards employers and the state, the absence of communication between union structures and workers, as well

in theory are called strikes, although they are not, since they do not possess all the characteristics of a strike. These forms are: absenteeism from work (gray or white strike), work-to-rule, work-in where workers occupy the workplace and re-start production, and hunger strikes.

as the political instrumentalization of the strike, which is not supported by unions and the majority of employees.

Normative Regulation and Institutional Framework

During a heroic period in which unions and strikes were unrecognized, non-institutional factors, the myth of a general strike lay under the revolutionary trade unionists' and anarchists' idea of a radical change of the class society. Socialists assembled at the Second International also naively (or not sincerely) believed that a workers' general strike would, for example, end the First World War. By the way, both then, and in the case of war and breakup of the former Yugoslavia, it turned out that ethnic alignment of workers and trade unions had catastrophic consequences for themselves.

Within the class compromise achieved after the World War II, that is, within the concept of social partnership between labor and capital, labor-law standards recognize the right to strike, together with other collective labor rights, explicitly or implicitly, to all workers, regardless of the legal basis of their work for the employer. The right to strike is primarily prescribed by national constitutions and laws, but also by numerous international instruments. In the context of global sources of the right to strike, the documents adopted by the International Labor Organization are particularly significant. Although no recommendation or convention directly regulating the issue of strike has been adopted within the ILO, this right is considered to be implicitly recognized by the Freedom of Association Convention. The Resolution of 1970 on trade union rights and their relation to civil liberties invites the Governing Body and the Director-General of the International Labor Organization to take action in several directions to ensure full and universal respect for trade union rights in the broadest sense, including the right to strike (Gernigon et al. 2000).

As for the European concept of strike regulation, it is characterized by non-uniformity and numerous communitarian and

3) The term European non-communitarian labor law means documents produced under the auspices of the Council of Europe, the most important of which are: the 1950 European Convention for the Protection of Human Rights and Fundamental

non-communitarian sources of law (Warneck 2007)⁴. The case law itself plays a significant role (Bojić 2010; Kostić 2014).

The object of negotiation and the quest for an acceptable balance of power, therefore, now include not only the strike requests, but also the normative design and conditions for organizing a strike at an acceptable social cost: the manner of deciding to go on strike, the obligation to have a specific quorum and the obligation to vote on strike; the obligation to announce a strike; the obligation to resort to conciliation and/or voluntarily accepted arbitration before going on strike; the obligation to establish measures to ensure the protection of health and safety at work; the obligation to maintain a minimum service level; conditions regarding the representation and organization of the strike (strike committees), as well as limiting the lock-out and guaranteeing striker's rights⁵. A strike can, as a

Freedoms, the European Social Charter and the Revised European Social Charter. The right to take collective action is in most European countries guaranteed by the constitution, with the exception of Austria, Belgium, Luxembourg, Malta, the Netherlands, Ireland and the United Kingdom. In Germany and Finland this right arises from the freedom of association. The lack of precise legislation has imposed the need to regulate this topic through the developed case law. This is the case in Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg and the Netherlands. Greece and Ireland represent two countries where this topic is governed by both legal and precedent law, and this is somewhat true of France, at least in relation to the public sector.

- 4) The term European non-communitarian labor law means documents produced under the auspices of the Council of Europe, the most important of which are: the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the Revised European Social Charter. The right to take collective action is in most European countries guaranteed by the constitution, with the exception of Austria, Belgium, Luxembourg, Malta, the Netherlands, Ireland and the United Kingdom. In Germany and Finland this right arises from the freedom of association. The lack of precise legislation has imposed the need to regulate this topic through the developed case law. This is the case in Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg and the Netherlands. Greece and Ireland represent two countries where this topic is governed by both legal and precedent law, and this is somewhat true of France, at least in relation to the public sector.
- 5) LOCK-OUT – temporary closure of business premises by the employer or prohibition for a sufficiently large number of workers to access their workplaces, in order to put pressure on workers and the union to give up their demands. The types of lock-outs are: preventive or offensive (the employer decides to implement a lock-out before the strike), defensive (the employer decides to implement a lock-out after the strike in his company has started), ex-post or retaliatory (a decision on lock-out is made

rule, be prohibited only during war and in emergency situations, as well as in vital activities.

Regulatory Strategies to Make Strike Pointless or Marginalized

One of the reliable indicators of the power and political influence of trade unions is the “class struggle in the field of law“, especially the efforts of employers’ lobbies to weaken the position of trade unions through a strategy that toughens conditions and extends the deadlines for organizing strikes, thus, practically, preventing broader “political” and solidarity strikes.

Methods for organizing and holding a strike

Instead of negotiating with strikers how to overcome the problem, employers often use the time between the announcement and the beginning of strike to “persuade” the strikers to abandon the idea of strike. The methods of influence vary, from promising privileges to those who quit a strike, through “friendly advising” that what they do is unwise, to open threats and pressures (threat of dismissal, degradation, fines, withholding of assistance, etc.). The counter-strategy of the union is to seek to shorten the deadline for announcing a strike and to allow a spontaneous strike to be held in the event of a violation of basic labor rights (Miljković 2004a, 2004b).

A special strike regime

The ILO Committee on Freedom of Association stipulates that limiting the right to strike by a minimum service requirement is only allowed in essential public services. As an example of

by the employer after the strike ends) and solidarity lock-out. On the other hand, an employee participating in the strike exercises basic rights in employment, except for the right to wage, and social security rights – in accordance with social security regulations. During a strike organized under the conditions laid down by law, the employer may not employ “strikebreakers” of persons to replace the strike participants unless the security of persons and property is endangered, it is necessary to maintain a minimum of the process that ensures the security of property and persons or the fulfillment of international obligations.

essential services, the Committee lists: the hospital sector, water and electricity supply, air traffic control, the police and the armed forces, the fire-fighting services, prison services, the provision of food to pupils in schools and the cleaning of schools, the telephone services. With regard to civil servants, the right to strike may, in the opinion of the Committee, be restricted or prohibited only to civil servants acting on behalf of the public authorities (Kostić 2014)⁶.

Indicatively, there are many examples in Serbia of the established minimum service requirements that go beyond international law and practice. One of the most problematic is the minimum service level required by law for teachers and non-teaching professionals in primary and secondary schools, of 30 and 40 minutes per hour, respectively, within the daily schedule. This represents between 65% and nearly 90% of their regular hours, rendering the right to strike in these activities meaningless (Miljković 2006).

Therefore, the key problem in Serbia is the fact that activities that prohibit a strike are too broadly defined, and so are activities of general interest in which strike can be organized only if a unilaterally established and broadly defined minimum service requirement is ensured.

Political and solidarity strikes

A political strike is a strike the purpose of which is a request that cannot be directly fulfilled by the employer. The object of a political strike is a request of a labor-law nature, but its fulfillment is requested from the state or the legislator. In the view of the ILO Committee on Freedom of Association, purely political strikes do not fall within the scope of the principle of freedom of association, but unions should be able to have recourse to protest strikes, especially where aimed at criticizing a government's economic and social policies.

On the other hand, according to the Draft Strike Law of 2018, a solidarity strike in Serbia cannot be used to support strikers with another employer if that employer does not belong to the same

6) In Serbia, strike is not allowed for professional members of the Serbian Armed Forces, in medical institutions providing emergency medical care, for members of the Security Intelligence Agency.

industry and the same territory. The solidarity strike and support for strikers abroad are also excluded, while the duration of the strike is limited to one day only. Such restrictions largely make the solidarity strike pointless as a means of union action.

The draft Strike Law, compared to the current Strike Law adopted back in 1996, indeed brings about significant improvements. For example, it legalizes the practice that employees may strike outside the employer's business premises, that they are entitled to wages/salaries if the reasons for the strike are unpaid wages/salaries, that only the court can declare a strike unlawful, while the powers of the Labor Inspectorate have been strengthened.

However, the Strike Law is still not an umbrella law, since the Draft Law provides for the implementation of other special laws, by-laws and regulations already in force and restricts the right to strike in many activities (Stojiljković 2018).

A Short History of Serbian Employees' Experiences with Protest in the Period of Transition

In times of transition, workers' protests passed through three tides and ebbs. First, in the 1990s "years of lead", the newly aroused protests were replaced by rallying around ethnic causes – "people came to protest as workers and left as Serbs" (Nebojša Popov). After 1996/1997, workers have "awakened" and their resistance and withdrawal of support, such as the strike in the Kolubara mine, have significantly facilitated change. This was followed by a short honeymoon for citizens and new democratic authorities.

After 2002/2003, in response to failed privatizations, bankruptcies and dismissals, followed a new tide of protests. In an atmosphere of hopelessness, they sometimes assumed radical forms of hunger strike and occupation of premises.

The specific feature of current strikes in the age of populism is reflected in the (un)concealed support of the authorities to corporate capital and their own appointees at the helm of public enterprises, with a proven political formula – appeals to workers and citizens for their understanding and support to "authorities who are working in the long-term interest of the people".

The era of patriotic decay

The effect of the war adventure and the economic collapse of the country on workers is best seen through the wage movement: in December 1990, the average wage in Serbia was DEM 752, two years later it was DEM 132, in September 1993 DEM 34, and in December of that same year a “fascinating” amount of DEM 5-10 (Pavlović and Marković 2013: 319).

War and economic blockade was also the framework in which workers became deprived of their economic power, while translation of social ownership and group shareholding were fraudulently carried out by their nationalization. Without managerial responsibilities and risk, the socialist directors actually became managers and owners’ representatives. It is somewhat cynical that this operation took advantage of an amendment to the privatization law, proposed by the opposition, which sought to annul the “inflationary gain”, i.e. the share in ownership based on shares acquired under credit terms at the peak of inflation.

The logic of survival of this, by economic and social parameters failed government, that is, a successful substitution of a class identity with a threatened national identity, is best expressed by successfully implemented, unproductive “social marriage of convenience” established through the formula “no layoffs while sanctions last”. The point is that the government pacified workers by introducing the so-called forced leaves. Everyone who agreed to take the leave of absence received 80% of their earnings. They also retained all rights relating to employment. By the end of 1993, there were already about 600,000 workers on forced leave.

Yet workers did not quite give up strikes during the difficult 1990s. However, the most common causes for powerless strikes were irregular wage payments and a lack of staple food items. For example, employees in education and health care demanded flour, oil and sugar (items commonly termed BUŠ in those times, after their Serbian acronym).

With the aggravation of crisis, hyperinflation, but also widespread civil protests and an indication that a change of government is likely, there has been a new tide of strikes.

Public attention was particularly drawn to workers at the FOM foundry in Belgrade, who organized a hunger strike following a decision by the factory management to put about 2,500 workers on forced leave. In the spring of 1995, textile workers, leather workers and shoemakers rallied at the Union Hall to express their discontent at their demands being ignored. In the fall, workers in the Rakovica industrial complex, arms-makers in Kragujevac and Serbian Power Sector (EPS) resorted to strike. Teachers went on strike on 1 February 1996. They completely ceased work for 4 days. More than 10,000 teachers gathered with parents of their pupils outside the government building. Healthcare workers suspended their work for 9 days – 20-29 May.

In late summer 1997, a strike broke out in the Belgrade City Transport Company (GSP). After the opposition won elections in Belgrade, the state suspended subsidies for fuel, parts, as well as any other support for the GSP. A two-day strike reduced the number of vehicles on the streets to a third of the regular. For the first time in its 106-year long history, GSP vehicles remained in garages for six days.

However, what finally defeated Slobodan Milošević was a strike by the Kolubara mine workers. The strike officially began shortly after the elections, on 29 September 2000. A few days later, on 4 October, about 1,000 Ministry of the Interior specialists arrived at the mines. The main organizers of the strike faced arrest as they were suspected of endangering the security of the state. The next day the whole of Serbia was at Kolubara. It is the most beautiful event I have experienced in Serbia so far. Radio Lazarevac reported on everything that was happening there. With joint forces, the resistance was broken on the same day. The next day, hundreds of thousands of people from all over the country came to Belgrade (Rusovac and Jovetić 2002). The 12-year long rule of Slobodan Milošević ended thanks to strikes that eventually changed the balance of power.

The final milestone result of the first decade of pseudoprivatization is that the unreformed economy in such an environment operates in a kind of a twilight zone – the clash of lobbies and clans close to authorities over the distribution of monopoly rents and import-export quotas. With the support of political patronage,

it is necessarily directed-corrupt economy – a Balkan variant of Weber’s political capitalism and the transformation of political into economic power. But it is also the scene of a reverse process, the politically corrupt, even criminalized action of the “new” economic power-mongers.

The influence of politics was decisive, often extremely arbitrary and narrowly party-motivated to stay in power. Thus, in this period, a pattern of rule has been established that will continue to function in the following stages.

On the social stage, representatives of public authorities and a few large “capable” private businessmen favored by the government play the lead roles all the time. All the others – the vast majority of the population, employees and unions, but also market-oriented private entrepreneurs – are all extras and losers (Stojiljković 2011: 334).

An age of market enthusiasm and the imposition of capitalism

The revolutionary post-October euphoria and honeymoon of citizens and democratic authorities in 2000 was soon superseded by severe sobering. The ensuing wave of strikes was the result of a delayed reaction to the efforts of corporate capital, with the assistance of the authorities, “to seize, preserve and increase the most important sources of social power as soon as possible, with the least obstruction by the employed workers” (Novaković 2005: 310).

The new political elite has opted for privatization and labor and social legislation that, with the previous devastating effects of wars and destruction, further weakened workers’ position. The Privatization Law, adopted in 2001, was the first step in this direction. It was followed by an amendment to this law in 2003, which introduced a ban on bargaining of amendments to the provisions of a collective agreement in an enterprise undergoing privatization. This provision violates the European Union labor law, as well as numerous conventions that emphasize that there can be no violation or restriction of the right to collective bargaining (Stajić 2006: 25).

After the initial confusion of trade unions and reluctance to accept the role of a “disruptive factor and barrier to reforms”,

a wave of strikes began from 2005. Strikes occurred in Zastava in Kragujevac, JAT, Nisal, Župa in Kruševac, Autotransport in Kostolac. Miners also went on strike in RTB Bor and Kolubara. The strike by aviation mechanics at JAT airlines has caught media attention as workers on strike were threatened with dismissals and strikebreakers have been brought in from Tunisia.

Due to the unfavorable balance of powers, strikes after 5 October took a very specific form. Workers have replaced conventional work stoppages with more demanding and riskier forms of action, such as rallying outside government institutions and local parliaments, blocking roads and railways, hunger strikes, and even various forms of self-harm.

Establishment of a pattern: the case of Jugoremedija

The struggle of Jugoremedija's workers, which began before this wave of strikes, has attracted the greatest attention of the general public. Namely, while the 1997 Privatization Law was in force, a part of the workers managed to buy shares and thus became majority owners of the factory. Although the plant was doing well after the changes of 5 October, the new government decided in 2002 to sell its stake to entrepreneur Jovica Stefanović. After a few months, Stefanović managed to prove to the Commercial Court the debt of Jugoremedija to one of his companies, then to convert the debt into equity and to register with the court as the majority owner of Jugoremedija.

In order to draw public attention to these irregularities, in 2003 the trade union leader Vladimir Pecikoza and the representative of small shareholders Zdravko Deurić chained themselves to the factory gate to symbolically show their attachment to the factory. A few days later, a union at the factory declared a strike.

After a series of protests, the Privatization Agency finally decided in May 2004 to terminate the contract with Jovica Stefanović. The workers occupied the factory trying to save the machines, though no judgment concerning the ownership of the company was given. Stefanovic hired a private security company with the intention of regaining control of the factory. During the summer of that year, physical confrontations between workers and

security personnel engaged by management occurred on several occasions.

In August 2004, police in Zrenjanin arrested several workers after a physical confrontation between strikers and private security personnel. To support the arrested workers, fifteen of their colleagues went on a hunger strike out of solidarity, locking themselves in the city's union premises. In a conflict in which one co-owner has a private army in front of him, the government opted to hold the hands of the weaker one while the other beats him (B92 2004). The Anti-Corruption Council has warned the Government that small shareholders are being unjustifiably deprived of their protection, in violation of their right to private property. Workers remained persistent in their struggle. The protests continued for another three years and attracted the interest of the media and critically-minded intellectuals worldwide who signed a petition to support the Zrenjanin workers.

Such perseverance has not been demonstrated in any other case of workers' struggle. However, 14 years later, the state of Serbia has not yet investigated the case of the Zrenjanin pharmaceutical factory "Jugoremedija", although it is one of the 24 disputed privatizations whose review was requested by the European Union.

Strikes and crisis

After the World Economic Crisis of 2008, foreign investments drastically declined, while Serbia was required to repay billions of euros of increased debt on borrowings. Serbia was steps away from bankruptcy. The shock therapy chosen by reformers as the path of transformation of Serbia has led to an enormous increase in indebtedness and a re-increase in the unemployment rate. In a situation where employees were paralyzed by the crisis, workers from unsuccessfully privatized companies were pushed to the forefront of the fight against government policy. In 2007 and 2008, the unions organized May Day protests with about 50,000 participants. The most frequent requirements were: payment of wage arrears; meal allowances; return from forced leaves; cessation of dismissals; change of management; payment of contributions to maintain continuity of pensionable service; reviewing disputable

privatizations (Musić 2013: 43). Direct action has often been the result of a sense of hopelessness, isolation and frustration with the general disinterest in workers' problems rather than of the confidence in their own strength and faith in the attainability of strike goals (Musić 2013: 45).

Blockade of institutions

Businessman Đorđe Nicović bought the once successful textile factory Nitex in Niš. Its workforce of 2,400 was reduced to a third – only 800 employees, who received irregular wages below the minimum wage, until their payment stopped altogether in 2008. Nitex workers blocked city institutions in Niš several times, seeking urgent resolution of the problem.

The strike was officially announced in November 2008, but was only noticed by the media in the summer of 2009, when about 500 factory workers blocked entry to employees of the Niš City Hall, demanding payment of wage arrears, bridging the gaps in pensionable service and payment of contributions (Todorović 2009).

On that occasion, a group of workers climbed on the roof and threatened to jump unless the state resolved their problem. Following this strike, the Privatization Agency terminated the contract with Nicović. In 2011, the Italian fashion house Benetton bought it at a public auction at the Privatization Agency.

Hunger strike

The screw factory Gradac in Valjevo was privatized in 2006, when Dušan Sekulić bought it for 81 million dinars through one of his companies registered in Moscow. After privatization, production levels dropped from 300 to 14 tones of screw goods a month. Workers thought that production was reduced with an intention to shut down the company because of the attractive land on which the factory was located. As a result, they went on strike in April 2010. As the protest did not echo in public, seven workers occupied the factory and started a hunger strike, without contact with the outside world. Many feared for the health of the workers when the plant management shut off water supply in the part of the factory where the workers were on strike. The hunger strike lasted for a full month before negotiations resumed, with the intervention of the state.

During the strike, Dušan Sekulić threatened lawsuits against all those who support the workers on strike. After this strike, he abandoned the offered reorganization plan. Bankruptcy ensued, followed by the liquidation of the company and 260 workers lost their jobs.

The threat of collective suicide

Zastava elektro showed the greatest grit in this wave of strikes. The workers of this company managed to secure the support of citizens and persevere in the fight for respect of their rights despite the pressures. At an auction in 2006, Ranko Dejanović bought 70% of the factory's capital. On that occasion, he undertook to invest in fixed assets and production. However, except for not receiving wages for months, the workers could not get medical care because Dejanović did not pay health insurance contributions. Among other things, it turned out that Dejanović and his partners received more than 150 million dinars from the Development Fund of the Republic of Serbia to pay debts to workers. However, the money was gone and the debts were not repaid. In March 2009, workers went on strike with a request for payment of wage arrears. Over the coming months, they organized protests in front of the local city hall, the police station and the headquarters of the Privatization Agency in Belgrade. They also blocked the railroad by laying on the rails as a threat of collective suicide (Musić 2013: 47).

Under public pressure, in September 2009, Ranko Dejanović relinquished his ownership in favor of the Republic of Serbia. After the new owner, Yura, took over the factory, the workers opted to leave the factory with severance pay.

We could conclude that heroic but futile resistance is the result of the cumulative effect of: (1) the privatization process chosen, (2) the climate of dissemination of pro-market mantra as something that has no alternative, along with (3) the crisis of solidarity and the spread of fear of job loss, (4) parallel union pacification and targeted changing of labor legislation to the detriment of workers. The process of "imposing" capitalism has only become harsher and more visible as the economic crisis erupted.

The essence of the far-reaching transformation of power relations was very plastically expressed by Dragana Maletić. “Ever since economic experts overnight transformed socially-owned property into private property, and workers into miserables on standby, living on humanitarian aid, soup kitchens, occasional small-scale underground jobs and political promises that production is about to start, social revolt escalated, year after year. The escalation of the social revolt went hand in hand with the incompetent running of the companies and the managers’ arbitrariness to which the new labor laws, not very generous to the workers, offered many opportunities” (Maletić 2012: 42).

Strike in the (populist) “Jurassic” era

The fight against corruption and tycoons and, in this context, for the revision of “predatory privatizations”, has been the most promising pre-election hit for decades. During the 2012 campaign, the Serbian Progressive Party was the most vocal advocate for the revision of controversial privatizations, in which the state sustained damage amounting to millions of dinars. When he came to power, Aleksandar Vučić said that one of the Government’s priorities would be to examine privatizations which the European Commission assessed as controversial. However, the final outcome of the process is nowhere in sight.

Meanwhile, against the backdrop of stabilizing and consolidating the economy, as well as reducing the oversized public sector, a model of economy that in fact functions as a fusion of predatory, corporate and party capital and capitalism has been perfected.

At the same time, the level of precarization of labor increased through the use of: workforce leasing and temporary employment agencies, encouraging vulnerable and difficult (self-)employment, work in the informal sector with or without a contract, as well as the growth of the “gig economy” in the media and creative industries.

When strikes and widespread social protests occur despite the established safety net of party appointments and recruitment, the government either declares itself incompetent or discourages protests and finds their political background.

The payroll paid from the government funds and the amount of government subsidies to Fiat-Chrysler, as well as Prime Minister Brnabić's persistent and unfinished pursuit of the hidden political backdrop of the strike, are more than illustrative of the pattern of the established behavior. Previously, the Government, supporting the "practice" of the Italian employer not to bargain under the pressure of a strike, put pressure on the workers, demanding that its mediation be rewarded with a decision to suspend or "freeze" the strike. In the end, the strike ended with a Strike Cease Agreement which was treated as a business secret. This is obviously a creative practice that repeatedly violates one's own legislation.

The strikes thus speak about positions taken – the state acts as a second to corporate capital. The state fails to implement its own legislation to foreign owners and public companies occupied through the distribution of spoils – they are allowed not to pay taxes and contributions, insurance, health care for employees, and even utilities.

A state that cannot provide its citizens with a way to collect what they have honestly earned is a form of interest coalition of the rich and the powerful. Otherwise, it would not be possible for workers to file 12 criminal charges against those responsible in Goša, without any of them being prosecuted. The Criminal Code is otherwise clear: a criminal offense is defined in Article 163 – "Whoever deliberately fails to comply with the laws or other regulations, collective agreements and other general acts on labor rights and thereby deprives or restricts another person's right shall be punished with a fine or imprisonment of up to two years."

Instead, the state proposes bankruptcy for Goša, and at the same time assists the owner by rescheduling his debt to the state for unpaid taxes and contributions (although the debt relating to unpaid contributions is actually a debt to workers). Finally, in the midst of a crisis and strike, a company that owes about four million euros (500 million dinars) for taxes and contributions alone is being sold to another foreign company, with a dubious ownership structure, as it will turn out, and with the sole purpose of the Slovakian owner to get rid of its debts.

The Forgotten and the Despised: The Powerlessness of Unions as the Effect of a Widespread and Successful Anti-Union Strategy

Strikes are indicators of the imbalance of market and political power at the expense of trade unions and employees, but also of the peripheral position of Serbia.

Strikes in Goša and Fiat-Chrysler or the appeal “not to scare away foreign investors with hue and cry about Yura” are just a few examples. Any mention of dignified work sounds ironic and irritating to those faced with columns of young people leaving the country, wages and pensions nailed to the bottom in an otherwise poor region, despite reiterated political promises, examples of “humane” labor relationships such as Yura and the Geox. Otherwise, a right to decent work is a basic human right – meaning contracted, legal, safe and adequately paid work (Stojiljković 2019b).

As a consequence, two representative trade unions – the Confederation of Autonomous Trade Unions of Serbia and the Trade Union Confederation „Nezavisnost“ – decided in 2019 to withdraw from the work of the Social and Economic Council of Serbia until the problems of protecting employees and union members exposed to pressures and threats have been resolved. The months-long strike of the employees of the Republic Geodetic Authority (RGZ) and the repression that followed were practically the reason for this decision.

RGZ is an illustrative example, because it is an institution under the direct authority of the Ministry of Construction, that is, the executive power, with heavy investments made in its reorganization, modernization and digitization. It is indicative that such an organization has passed the way from pacifying employees by reducing their rights, through marginalization to open pressure and dictation against employees and unions when they have decided, after unsuccessful attempts to reach agreement and mediation by the Agency for Peaceful Dispute Resolution, to go on strike⁷.

7) The “revolutionary and unacceptable” demands of the strike referred to: (1) adjusting the salaries of employees to the decisions of the RS Government on the increase of bases in 2018 and 2019, as well as the increase based on seniority, which has been withheld since 2015; (2) the Government of the RS was requested by the unions

The fact that the slow work of the RGZ services is affecting the interests of businesses and citizens has been used throughout the strike to demonize the unions participating in it. The fact that the second, resumed strike was the result of the management's failure to observe the agreement, to which the Serbian Government was a co-signatory, also borders on incredible.

The government's awkward and uncoordinated reaction in the case of the RGZ justifiably raises the question of whether it also involves a coupling between interests and (hidden) business relationships and arrangements. How else can it be explained that the employer ignores two agreements signed by the Government representatives?

Dictation also includes threats of dismissal, relocation, pressure to withdraw from the membership of "unfit" unions with an intention of making them lose their representativeness, while supporting and directly forming their own „suitable“ unions. At the same time, one's own trade union clientele is created from the ranks of those who are about to be transferred from work under fixed-term contract to employment for an indefinite period.

When, with the involvement and solidarity of international union forums and their union centers, unions regained their representativeness "lost" during many days of counting and pressures, they were faced with hours-long interrogations of union representatives and visits by police who demand to see members' entry forms, statutes of the respective center or branch union and decisions on election of representatives.

to reconsider and endorse the proposals of the unions, which were agreed with the RGZ management and the Ministry of Construction, Transport and Infrastructure; (3) the unions requested from the RS Government and the Ministry of Finance to provide funds in the budget for the smooth operation of the RGZ, the remuneration of employees under the signed Agreement, as well as for the salaries of newly employed workers upon completion of the procedure for filling the announced vacancies. The conflict has escalated virtually from the first day of the strike when pressure from the management and requests to sign lists and statements from those who went on strike began. This attitude and behavior of the employer led to the decision to institute criminal charges against the director for gross violation of trade union freedoms, discrimination of employees and violation of the right to strike. At the same time, the unions also approached the Labor Inspectorate and asked for the review of the decisions made by the RGZ during the strike and against the participants in the strike.

As a result, Serbia has been rated 4 on the Global Trade Union Rights Index for many years, which indicates a systematic violation of trade union rights. It is not an arbitrary score but a complex, composite index consisting of 5 elements with 97 indicators. They refer to the collective rights of employees to: (1) civil liberties, (2) the right to establish or join a union, as well as the rights to (3) trade union activities, (4) collective bargaining and (5) strike.

Party appointments underlie this unconcealed political arrogance. Voting as ordered as well as being taken to attend party-state manifestations dangerously shifts labor relations into the field of involuntary political participation (Stojiljković 2019b).

The effect is the logic of self-preservation and pervasive apathy and indifference. As the Bulgarian political scientist Ivan Krastev (2013) wrote in the book with the indicative title “In Mistrust We Trust” – a state of internal and/or external emigration is emerging, encompassing the whole nation. The resultant powerlessness and mistrust of citizens toward e.g. the civil sector, the media or trade unions, is, of course, the result of, besides their own deficits, a conscious intention to destroy and deprive of meaning, or at least to put under firm control anything that is not already under controlled by the populist leader and his clientelistic network.

The analysis of workers’ strikes points to three possible lessons. Firstly, the government is on the side of employers (foreign capital) always, or as long as it is politically viable – in the case of requests for dismissal and responsibility of those it has previously appointed to managerial positions in the (quasi) public sector. The appointees, with an extensive system of protection, connections and deals, are often more powerful than (parts of) the Government.

Secondly, even when negotiating, the authorities do that in an untimely and ineffective manner so that protests last until such time when strikers, under the pressure of threats and/or negative reactions from the public affected by the non-provision of services, give in and accept minor concessions that do not change anything substantially.

Thirdly, even when concessions are made, this is interpreted as a sign of the responsible political leadership’s goodwill and

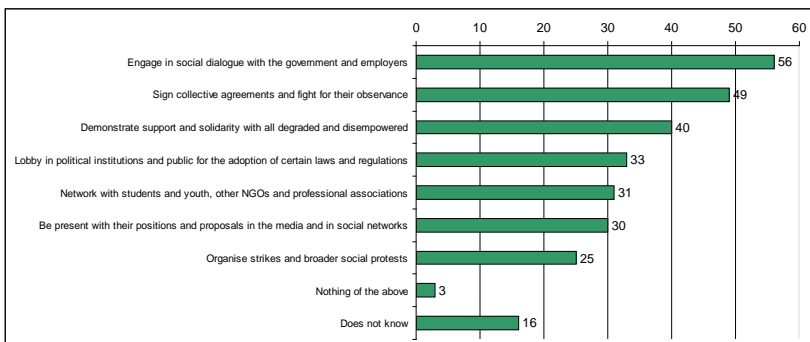
performed through contacts beyond any legitimate bargaining procedure. One of the examples of populist demagoguery at work is the agreement between “self-organized” postal workers with the “line” minister of police to change the collective bargaining agreement and to apply the principle of flat-rate wage increase, achieved by ignoring trade unions and bargaining procedure.

Consequently, the atmosphere in which only one in five citizens has confidence in trade unions and a clear pro-union identity, as shown by a survey, is perhaps best expressed by the finding of the same survey, showing that campaigns of solidarity with the degraded and disempowered are supported by less than half of citizens – 40% (Stojiljković 2019a: 368-370).

Against this background and having in view previous negative experiences, it is not surprising that protests and strikes for the vast majority of employees are justified and legitimate, but also a practically coerced tool that is implemented only when a solution acceptable to employees could not be reached through dialogue.

Trade unions’ activity to improve the position of employees, the unemployed and pensioners

In your opinion, what would trade unions have to do to improve the position of employees, but also of the unemployed and pensioners? What of the listed activities, in your opinion, would trade unions have to do?



Source: Stojiljković, 2019a.

Instead of an Epilogue

In a state of drastic imbalance of power and lack of effective solidarity and trade-union unity, conventional work stoppages were replaced by rallies outside government institutions and local parliaments, road and railroad blockades, and hunger strikes.

At the same time, the three main motives for participating in parallel broader civil protests are: violation of democratic freedoms and procedures, political clientelism and corruption, and growing social inequalities and precarious position – loss of job security and certainty.

The logical question is: Is it possible to have an alliance between the educated, middle-class with declining influence which forms the backbone of protests, and workers and trade unions who have been suppressed for decades? Provided we still have some genuine, upright workers and intelligentsia whose serious qualifications render them unsusceptible to be cheaply hired? My starting point is that this alliance is possible under two mutually linked assumptions. First, that the middle class shows more solidarity and is more socially inclusive. Secondly, that workers and unions fully realize that better labor and social legislation and higher wages and less inequality are not possible without the rule of law, free elections, autonomous media and open and independent institutions. The key problem is how to awaken and free from the regime's iron embrace the poorest ones who are held in obedience by occasional almsgiving.

I do not know whether this alliance of the working class and the middle class is currently operationally possible, but I know that it is necessary – indispensable for every democratic option and outcome. *United we stand! Divided we beg!* – a slogan coined in the US 150 years ago to promote worker association and solidarity, is more relevant in Serbia today than ever. The question of all questions is: Are changes that will be both democratic and socially sustainable and fair still possible in Serbia?

The analysis of “pre-revolutionary situations” shows that one must first delegitimize the existing system and create an image of a possible, different world, of Serbia as a framework for a desirable

future. Therefore, (1) belief in the existence of a realistic alternative to the existing situation, “Serbia in which I would like to live”, (2) competent actors who can be trusted and, (3) own activism and actual solidarity at work, are fundamental prerequisites for change.

Such changes are possible, provided there is a developed change strategy and unity of actors, but they are unlikely, at least for the time being. However, nothing can be more helpful to civil society, trade unions in particular, than the mobilizing image of unity in bargaining and/or protest. This is also the only way that “partners” can begin to respect them.

References

- B92 (2004) Barać: Ostala samo gola vlast [Barać: What is left is only brutal power], *B92*, [online]. Available at: http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=09&dd=05&nav_category=9&nav_id=150282 [05/09/2019].
- Bojić, F. (2010) “Pravo na štrajk u evropskom i domaćem zakonodavstvu“ [The right to strike in the European and domestic legislation]. *Pravo i privreda: časopis za privrednopravnu teoriju i praksu*, 47 (7-9): 516-527.
- Gernigon, B., Odero, A. and Guido, H. (2000) *ILO Principles Concerning the Right to Strike*. Geneva: International Labour Office.
- Hadži-Kostić, A. (2018) *Štrajk kao metod sindikalne borbe u globalizovanom kapitalizmu* [Strike as a method of industrial action in globalized capitalism]. Master’s thesis, Belgrade: Faculty of Political Sciences.
- Ivošević, Z. (2009) *Radno pravo* [Labor law]. Belgrade: Službeni glasnik.
- Kostić, D. (2014) *Pravo na štrajk u međunarodnom i uporednom radnom pravu* [The right to strike in international and comparative law]. Doctoral thesis, Kragujevac: University of Kragujevac.
- Krastev, I. (2013) *Sa verom u nepoverenje* [In Mistrust We Trust]. Belgrade: Fund for Political Excellence.

- Maletić, D. (2012) *Štrajk glađu – pravni, etički i sociomedicinski aspekti* [A hunger strike: ethical and socio-medical aspects]. Belgrade: Law School of the Union University in Belgrade.
- Marinković, D. (2001) *Sindikati i štrajkovi* [Trade union and strike]. Belgrade: TUC Nezavisnost.
- Marinković, D. (2012) *Svet rada: Stari izazovi u novom dobu* [The world of labor: Old challenges in a new era]. Belgrade: College of Applied Business.
- Miljković, M. (2004a) “Štrajk i pregovori za vreme štrajka” [Strikes and bargaining during a strike]. *Pravna praksa*, 1.
- Miljković, M. (2004b) “Štrajkovi zaposlenih: neki nedostaci i slabosti” [Employees’ strikes: some shortcomings and weaknesses]. *Pravo i privreda*, 1(4).
- Miljković, M. (2006) “Pravo na štrajk i minimum procesa rada” [The right to strike and minimum service requirement]. *Pravna praksa*.
- Musić, G. (2013) *Radnička klasa Srbije u tranziciji 1988-2013*. [Serbian working class in transition 1988-2013]. Belgrade: Rosa Luxemburg Stiftung.
- Novaković, N. (2005) „Štrajkovi u Srbiji od 2000. do 2005. godine“ [Strikes in Serbia, 2000-2005]. *Sociološki pregled*, 39 (3): 309-325.
- Novaković, N. (2013) “Štrajkovi, sindikati i privatizacija u Srbiji” [Strikes, trade unions and privatization in Serbia]. *Sociološki pregled*, 47 (1): 23-52.
- Pavlović, M. and Marković, P. (2002) *Od radničkog saveza do saveza samostalnih sindikata Srbije: 1903-2013* [From workers’ association to the Confederation of Autonomous Trade Unions of Serbia: 1903-2013]. Belgrade: Institute of Contemporary History.
- Rusovac, O. and Jovetić, L. (2002) Da li su radnici subjekt društvenih promena [Are workers the subject of social changes], *Republika*, No. 297, [online]. Available at: http://www.yuorpe.com/zines/republika/arhiva/2002/297/297_15.html [29/11/2019].

- Samostalni sindikat JKP GSP “Beograd“ (2013) *110 godina samostalnog sindikata JKP GSP “Beograd“* [110 years of the Autonomous GSP Belgrade Trade Union], [online]. Available at: <http://www.samostalnisindikatgspbeograd.rs/dokumenta/monografija.pdf> [23/09/2019].
- Stajić, D (2006) *Modernizacija sindikata?* [Modernization of trade unions?]. Belgrade: Institute of Political Studies.
- Stojiljković, Z. (2011) *Srbija u lavirintima tranzicije* [Serbia in the labyrinths of transition]. Belgrade: Službeni glasnik.
- Stojiljković, Z. (2018) Stavovi UGS Nezavisnost o Nacrtu Zakona o štrajku [TUC Nezavisnost positions on the Draft Strike Law], *UGS Nezavisnost*, [online]. Available at: <https://nezavisnost.org/stavovi-ugs-nezavisnost-o-nacrtu-zakona-o-strajku/> [08/06/2019].
- Stojiljković, Z. (2019a) *Potencijali za promene: ogledi o sindikatu, civilnom društvu i strategijama promena* [Potential for changes: essays on trade unions, civil society and strategies of changes]. Belgrade: Faculty of Political Sciences, Čigoja štampa.
- Stojiljković, Z. (2019b) “Sezona lova na sindikate” [Hunting season on trade unions]. *NIN*.
- Todorović, T. (2009) Protesti u Nišu sve radikalniji [Protests in Niš getting increasingly radical]. *Politika*, [online]. Available at: <http://www.politika.rs/scc/clanak/96951/Protesti-u-Nisu-sve-radikalniji> [24/07/2019].
- Warneck, W. (2007) *Strike Rules in the EU27 and Beyond*. A comparative overview. Brussels: ETUI.