

ORGANIZATIONAL DESIGN AND CHANGE. THE EVOLUTION OF TRADE UNIONS ORGANIZATION FORMS IN ROMANIA AFTER 1989

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Abstract

The study: „Management and organizational change. Evolution of union organization forms in Romania after 1989” propose as subject of analyze a type of organization which, through its affiliation to the civil society and through its role conferred by law, becomes the key for the proper functioning of the labor market. Along with the change of political regime from December 1989, the trade union organizations were put in a position to cope with a triple: reorganization, learning a new social role and public image reconfiguration, including cancellation of the association (inevitable) with the “ancient” trade union. The study proposes three major subjects: defining the term union organization accompanied by possible interpretations of the role of this type of organization at the society level – „collective voice”, counter pole , political actor, collective negotiator, transnational and promoter of the class struggle, the last role not being characteristic to a democratic society; the description of the syndicate organizations evolution in Romania, after 1990; the argue of the necessity of an organizational change felt by the unions, under the impact of some factors depending on socio-economic and politic changes.

Keywords: trade unions organization, organizational change, employee, social dialogue, globalization

Introduction

From the relational point of view, the labor market suppose the regulation of labor relations between employers and employees, between the employers’ bodies and the trade union organizations at different levels of economic activity (at national, sectoral or economic unit) Basically, on the labor market there are three large groups of interests; interests of the capital (represented by employers bodies and their associations), of the labor factor (represented by the syndicates) and of the state.

The subject of the present study is part of the interest aria of the organization sociology and aims to analyze the trade union organizations evolution, in the context of the socio-economical and political changes that cross our country in the last twenty two years.

Such an approach is absolutely necessary, given that the organizations which represent the employees’ interests in the labor relations are un important part of the civil society and, also, social dialogue partners with employers bodies and institutions of the local and central public administration. Hence the main objectives of this study: emphasize the role of the trade union organizations type in their relationships and in the social dialogue; the identification of the directions in which these organizations in the last twenty two years.

The study was developed in three main directions: (a) defining the trade union organization term, together with possible interpretations of the role of this kind of organization at the society level– „collective voice”, counter pole, political actor, transnational collective negotiator, promoter of the class struggle, the last role is not specific to a democratic society; (b) the evolution of the trade union organizations in Romania after 1990; (c) the need for organizational change, felt under the impact of factors related to socio-economical and political factors.

The data underlying this study are the results of the researches that the author coordinated and attended, beginning with 1997, in cooperation with various trade unions federations and confederations in Romania.

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The Romanian literature doesn't treat this subject very often, maybe because these organizations have a distorted, mainly negative, associated more with street movements, with strikes, social disorder, and less with the idea of social dialogue and constructive partnership. Or, the lack of structured, coherent and fundamental information is as well detrimental as the propagandistic abundance practiced before 1990.

However, the existing contribution in the international literature are very different, the approaches from sociologically or in the economic or political sciences. We mention, in particular, the studies made available to those interested by the European Trade Union Institute.

1. Organizational change in the context of post-industrial society transformations

The mechanism of organizational change, its key factors, the context and the moment when an organization decides to restructure itself, the effects generated by these transformations within the environment in which the subject evolves represent as many challenging topics for the analysis of organizational behaviour in relation to the substantial social, economic and political modifications that have characterized the last two decades. These topics are even more challenging for the subject of our analysis is the trade union organization – i.e. a type of organization which "enjoys" a not quite positive image and which has been associated in Romania in the last 20 years rather with street protests, strikes and social disorder than with the image of a constructive social dialogue partner.

For approaching such a topic it is absolutely necessary to refer to the main evolution trends recorded in society, trends which are differently reflected over the environment in which each organization functions. In this respect, special literature most frequently mentions: globalization, innovation (particularly, innovations in technology and informatics technology), market restructuring and increase in competitiveness, geopolitical transformations, demographic modifications, major modifications of the workforce structure and its characteristics, limitation of resources (basically, energetic resources) etc.

Globalization is a concept used for defining a system of complex processes, sometimes contradictory ones, with a variable dynamic, which may have the following major effects:

Internationalization of goods and services markets, of monetary and financial markets, as well as of the workforce, a fact which allowed the liberalization of commerce, the free circulation of capital, technology and workforce. When national markets were not integrated, social experience has indicated that this fact did not lead to a decrease of the gap between them;

The very fast spread of new technologies, especially of IT and communication ones. This had, as a main effect, a globalization of knowledge without leading, however, to a dilution of the development differences which exist between different countries from various parts of the world;

The increase of corporations power, also due to the quick penetration of new markets, which have become accessible after the political regime changed (see European states from the former socialist bloc);

Integration of national states within a political and global system which had as effect the transfer of new economic, social and political decisions from national governments to supra-state structures;

The modification of certain social behaviour patterns and life styles through assimilating "imported" (and most often non-differentiated) social and cultural products alongside with the other phenomena which are associated with globalization.

Even if there is no general definition upon which the majority agrees, one thing is certain: globalization leads to an ever increasing interdependence of economic, social, political and cultural phenomena so that the facts and events that are specific for a country, a region or a system have direct and indirect effects, which are more and more complex in other economies, countries or parts of the world.

The effects of globalization are basically visible in the way economic organizations function – they had to react fast, modifying their structure, management concept and strategies in order to correspond to the new challenges. In this context, trade unions have also been obliged to adapt themselves "on the spot" and to reconsider their objectives, strategies, as well as the ways of representing their employees' interest before the employers.

What are trade union organizations?

The price which a society must pay when it undergoes a period of political, economic and social transformations - as the years that have marked the history of Romania during the last 22 years - is also a terminological one. The disappearance of an epoch inevitably brings with it a partial or total renunciation to anything that might, even indirectly, remind people of the previous reality – laws, institutions, systems of norms and values, personalities, as well as their representations, symbols, holidays, rituals etc.

Social sciences are mainly exposed to linguistic modifications, which tend to be more evident and deeper since each historical period and regime has its own series of specific terms by which it defines its identity in an as accurate and suggestive (persuasive) way as possible.

The concept of *workers' movement*, integrated after 1990 in the category of "to be avoided" words, is one of the most interesting examples of manipulation instruments which one can use when analysing history and society. Romanian historical literature after 1947 obsessively associates the idea of workers' movement with the idea of socialist movement (which it identifies, in its turn, with the communist one), justifying the latter through the former one, while implicitly establishing certain ideological limits. On the other hand, special literature from the former communist space does not repeat this mistake since it makes a clear and pertaining distinction between the workers' movement, the trade union movement and the social-democratic, socialist and communist doctrines.

The term *movement* (with the meaning that we use in this paper), as the Encyclopaedic Dictionary defines it, refers to "an action which brings together a large number of people that support a common idea and purpose."² We can speak, and we are not wrong, of a cultural, religious, artistic, environmental, liberal, conservatory, etc. movement. Thus, the workers' movement is a historical reality which cannot be contested and which is much older than the history of the Romanian Communist Party; its objectives are more numerous than the ones set by the framework of the Unique Party. It is true that for a certain period of time, the workers' movement (including the trade union movement) was regulated by the Romanian Communist Party, but we should not confine ourselves to this period.

For clarifying the terms, we are going to consider *trade unions*³ as organizations which are set up for defending the rights provided by national legislation in collective and individual employment contracts or in collective employment agreements as well as in the international covenants, treaties and conventions Romania is a party to in order to promote its members' economic and social interests.

Trade union organizations are set up thanks to the right to free association, a constitutionally safeguarded principle in all democratic regimes in the world. Moreover, freedom of association and freedom of expression represent fundamental principles upon which the activity pursued by the International Labour Organization relies; these principles are set forth in the 13th Part of the Versailles⁴ Treaty on 28 June 1919, as well as in the Declaration from Philadelphia⁵ regarding the

² *** *Dicționar enciclopedic*, vol IV, București, Editura Enciclopedică, 2001.

³ See the Law on social dialogue no. 62/2011.

⁴ Provisions set forth in the 13th Part of the Treaty of Versailles are fully comprised by the Saint-Germain Treaty concluded on the 10th of September 1919 (Article 332-372), in the Treaty from Trianon concluded on 4th June 1920 (Articles 315-355) and in the Treaty of Neuilly concluded on 27th November 1919 (Articles 249-289).

⁵ Adopted at the 26th session of the General Conference of the International Labour Organization, which was organized at Philadelphia on the 10th of May 1944.

goals and objectives of the International Labour Organization. Any of the 175 member states of this organization are obliged to ensure the legal framework necessary for the setting up and functioning of the structures that represent the employees', as well as employers' interests (see the case of employers' associations).

In order to reinforce the right to setting up professional associations and the freedom of exercising this right, the International Labour Organization has adopted the Convention no. 87/1948 on trade union freedom and the defence of the trade union right.⁶ According to the document, "employees and employers have the right, without previous authorization, to set up organizations as they may wish, as well as to affiliate to these organizations on condition they comply with the statutes of the latter" (Article 2). Organizations have the right to elaborate statutes and administrative regulations, to organize their management and activity, to freely elect their representatives, to devise their activities on condition that they observe the law (Article 3 § 1 and Article 8 § 1). In its turn, "national legislation shall not aggrieve the guarantees provided by the present convention" (Article 8 § 2), while public authorities "shall restrain from any intervention that might limit this right or hinder its legal exercise" (Article 3 § 2). Employees' and employers' organizations are granted the right to constitute themselves as federations and confederations which can affiliate themselves to other similar national and international organizations.

Thus, the principles which represent the basis for the organization and functioning of trade unions (largely understood as employees' organizations) are: "a) trade union freedom (which is both individual for it recognizes an employee's right to freely adhere to a trade union, withdraw from it whenever he chooses to, and collective since it recognizes the possibility of certain trade union groups to associate or affiliate to another trade union group; b) trade union pluralism (which derives from trade union freedom since it ensures the possibility to set up more trade unions within the same branch of activity, domain or unity); c) trade unions independence (understood as independence from the state bodies, which forbids any intervention from the public authorities that might limit or thwart the exercise of trade union rights and freedoms, independence from political parties – since trade unions are non-political organizations, as well as from any civil society organization)".⁷

In Romania, the present Constitution provides that "citizens may freely associate in political parties, trade unions, employers organizations, as well as in any other form of association" (Article 40). In compliance with these provisions, trade unions are defined by law as employees' organizations, "set up for the defence of the rights provided by domestic law in covenants, treaties and conventions to which Romania is a party, as well as in collective employment contracts, for the promotion of the professional, economic, social, cultural and sport interests of those organizations".⁸

No matter what definitions one gives to trade union organizations, they are merely the synthetic expression of the different ways of understanding the role played by trade unions in the relation system between employers' organizations – trade unions – states in a certain society. If we analyse the way in which representative organizations of employees function in different countries, we shall see that one can talk of trade union models. These are inevitably marked by the economic,

⁶ Adopted at the 31st session of the General Conference of the International Labour Organization on the 17th June 1948, held at San Francisco and entered into force on the 4th July 1950. Up to the 31st of December 2001, the Convention had been ratified by 139 states, Romania being one of the first 20 states which committed itself to applying the provisions of this document (28th May 1957).

⁷ Ion Traian Ștefănescu, *Dreptul muncii*. (București: Editura Lumina Lex, 2000), pag. 51.

⁸ The law on trade unions no. 54/2003, published in the Official Gazette no. 73 / 5 February 2003, Article 1. The former law (no. 54/1991 on trade unions) set forth that trade unions are "non-political" organizations; this phrase was eliminated from the present form of the law after a series of debates on this topic, which had as result the idea that the meaning of the term "political" is quite broad and, moreover, that trade unions define and put into practice their own defence and promotion policy regarding employees' rights; in consequence, the statement that they "do not have a political character" is not true.

political, social, cultural and historical, as well as geographical particularities of any country, and lead to the appearance of different forms of trade unions.

A first interpretation of the role of trade unions is that they are a "**collective voice**" which expresses the employees' point of view as to working conditions, salaries etc., and by means of which one can protest through specific means whenever there is discontent. This means that bidirectional channels of communication are created and maintained basically between trade unions organizations and management and also between these organizations and state institutions so that there is a permanent exchange of opinions on the employees' main problems.

A second interpretation is represented by the phrase: "**trade unions as a counterbalance pole**". The main role of the salaried representatives is in this case to balance the management objectives of the economic unity, which basically are based on profits, with their own interests, which are basically social, so that the results of the economic activity are "fairly" distributed. "As a result, it depends upon the trade unions capacity to counterbalance profit and equity so that the state is not obliged to resort to regulation measures".⁹

From another perspective, trade unions (alongside with employers) organizations are viewed as "**political actors**" within our society and represent the economic and social interests of their members, including their participation in the creation of normative drafts, mainly on trade unions. This requires that there should be a tri-party organization system: trade unions – employers' organizations – Government/other state administrative institutions; it also requires the legal recognition of the fact that trade unions and employers organizations may intervene in the elaboration of normative acts (for expressing advisory opinion and so on).

Globalization of economy brings about a new possibility of approaching the role of trade unions organizations, i.e. the role played by the **transnational collective negotiator**. The creation of multinational companies, which are organized on the principle of decentralization, namely the decentralization of the production unity and/or services which are offered in several countries, enjoying a more or less degree of autonomy in the decision making process, has led to a relatively similar reaction on the part of trade unions. Globalization of economy has also generated a decrease in the power of trade unions whose influence is most often limited to only several professions and to the territory of a state. On the other hand, enhanced financial resources of multinational companies, their capacity to move production to another state, the possibility to transfer workforce from one area to another, the presence of decision centres which sometimes are not located on the territory of that country represent as many threatening factors for the negotiation capacity and the importance of trade unions. Consequently, trade unions reacted against this situation; the solution is represented by the setting up of international trade unions and the secretariats thereof so that finally a trans-national collective negotiation system could be created. At the same time, national and international confederations collaborate with the International Labour Organization, as well as with other international or regional political bodies, with a view to encouraging the adoption of certain regulations that would limit the advantages enjoyed by multinational companies in their relation to employees and to the trade unions which are located on a certain state's territory. It is difficult to establish whether this pattern will function since there are many obstacles that might intervene: economic, social and cultural differences between countries; legislation differences as to work relations; the retention of trade union leaders who consider that the setting up of regional or international trade union structures constitutes a power transfer from their country abroad and thus a weakening of their organizations force within their national territory; the preponderantly negative perception of foreign employees in that state.

According to another approach, coined as Marxist, trade unions are "**promoters of class fight**", respectively organizations which, besides other organizations, represent the interests of the

⁹ Dennis Briscoe, Raoul Nacamulli, Miriam Rothman, transl. *Industrial Relations Around the World: Labor Relations for Multinational Companies*. (New York: Gruyter, 1993), pag. 4.

subordinated class in its fight against the exploiting class, in the evolution process towards a better social order. On the one hand, trade unions must settle social problems and, on the other hand, they must pursue an intense political and educative activity for making the trade union members aware of their role in the creation (or, if the case may be, consolidation) of a new society. This interpretation is losing more and more ground due to the new post-socialist political and economic context existing in Eastern Europe.

Except for the last explanatory model (which is not characteristic of a democratic state), the other ones do not exclude each other, but rather represent facets of the role currently played by trade unions organizations in different countries.

The evolution of trade unions organizations after 1990

The setting up of trade unions organizations. Political changes which occurred after December 1989 led to the disappearance of the former centralized power institutions and thus of the former Romanian General Trade Unions Association, generating a complete lack of organizations that could protect employees' rights before those who became employers in the new economic and social context. In fact, due to the impetus of that period few could predict the appearance of new work relations and the necessity of creating employees' organizations that could integrate and exercise their role in the new work environment. This explains the adoption of the solutions that were suggested at the moment: the appointment in each enterprise of a Council for National Salvation that would be invested both with administrative powers within that economic entity and with powers related to the employees' interests representation; these solutions would be seen today at least original if not utopic but, anyway, at the moment they seemed correct and efficient.

Nevertheless, at the end of 1989, political events could not thwart the normal evolution of the new trade unions. The arguments regarding the necessity of their existence in the new Romanian democratic society are both objective and subjective.

(a) From an economic point of view, the new system required the pluralism of property forms, in which private property became dominant. The owner of the property was profit-oriented and assumed his right to adopt decisions in relation to the encountered risks and within a competitive environment; the coherence of the system is ensured through the market mechanism, the existing economic and financial levels and the legislative framework. Most of the merchandise is transacted on a supply and demand market and the price is the result of free negotiations between buyers and sellers without the administrative intervention of the state and without any other pressure. Under these conditions, workforce becomes an object of transaction on the market (without, objectively speaking, being considered a merchandise in itself), a fact which brings about the necessity of creating organizations that can negotiate employment and payment conditions for employees and that can promote their professional, economic and social interests before employers, the associations of employers or before other institutions.

(b) In case certain employees' rights are aggrieved, provided that these rights are set forth in domestic legislation, collective employment contracts or in the international treaties and covenants Romania is a party to, the defence of these rights lies with trade unions organizations.

(c) Trade unions represent a social dialogue partner whose role is well defined in the bi- and tri-party organizations that are set up in a democratic society.

(d) Last but not least, the material and financial legacy of the Romanian General Trade Unions Association had to be managed and put to good account to the benefit of those who had contributed to its setting up in time, respectively to the tax paying employees and trade union members that had been active before December 1989. The quite consistent patrimony could not be included in the state proprietorship either, as it could not be shared, fragmented or destroyed; on the contrary, it had to be transferred to an organization whose role was similar to the previous association.

The first attempts to reorganize trade unions could be noticed during the last days of December 1989,¹⁰ when the National Provisory Committee for the Free Trade Unions Reorganization was set up; several former members of the Romanian General Trade Unions Association (it is true, not the former leaders but the second wave of the former national trade unions association) got involved in this structure. From a certain point of view, their presence was natural thanks to the organizing experience and the information they had about trade unions and their way of functioning. On the other hand, the reorganization activity pursued by the new Committee was soon labelled as an attempt to preserve, in a disguised way, the former trade unions structures.

Contested or not, the National Committee basically attempted to achieve three objectives: managing the patrimony of the Central Council of the Romanian General Trade Unions Association,¹¹ devising a statute framework based on new, democratic, principles, which would constitute a model for the new employees' professional organizations¹², and reorganizing territorial structures.

The first two months of 1990 represented an intense activity for the reorganization of free trade unions in economic entities/or per fields of activity; at the same time, initiative groups prepared the activity programme and conference/congresses for the setting up of similar organizations.¹³ The political interests and confrontations of that period could not ignore these newly created organizations which enjoyed the adhesion of an important number of persons. At the moment it is difficult to evaluate the extent to which trade unions objectives intermingled with political objectives; however, it is sure that certain trade unions organizations constantly declared that they got involved in the political activity,¹⁴ while others, on the contrary, benefited from the advantage of being present on the public sphere and clearly departed from this kind of activity stating that their claims are exclusively economic and social; on the other hand, trade union leaders from different economic units officially became members of the newly set up parties – declaring, however, that this is a strictly personal option which does not have anything to do with the organization they manage.

In January 1990 the first central trade union was set up at national level, i.e. the "Frăția" Confederation of the Independent Trade Unions, its nucleus being made up of the "Frăția" Drivers Trade Union and the "1 Mai" Trade Unions of Ploiești and "Policolor" Trade Unions. In March 1990 the National Confederation of the Romanian Free Trade Unions¹⁵ was created (known by Romanian as C.N.S.L.R.) and it comprised federations from education, commerce, textile industry, leather

¹⁰ The "Tineretul Liber" newspaper signed on the 25th of December 1989 the action known as the "1 May" Free Trade Union of Ploiești for the distribution of typical adhesions forms for 7,000 members; the "Adevărul" newspaper mentions - in its issue on 23rd December - Mr. Mircea Adrian's initiative, a worker in the production section of the Metallurgic Research Institute who, together with 14 workers and engineers, encouraged the setting up of a free trade union for workers in the field of metallurgy. On the 30th of December, through the agency of the same daily publication, the Provisory Committee for the Typographers' Free Trade Unions Reorganization published fragments of their program and suggested that February would become the month for organizing the Conference of the Typographers' Free Trade Unions.

¹¹ In March 1990, by statute, the National Committee for the Free Trade Unions Reorganization declared itself the successor of the Romanian Trade Unions General Association, thus taking over its patrimony through absorption.

¹² According to the statements of some persons who were directly involved in the activity of the National Committee, the conceiving of the framework-statute followed the models of the International Free Trade Unions Confederation and the Solidarity Trade Union of Poland.

¹³ Newspapers record the creation of the first federative structures – the Federation of the Romanian Journalists and Typographers' Free Trade Unions, the Federation of the Education Free Trade Unions, the Federation of the Miners Free Trade Unions of Uricani, The Jiului Valley, the Romanian Medical Assistants Federation of the Free Trade Unions, The Navigators Free Trade Union, The Radio – Television Free Trade Union, The Federation of the Romanian Factory Railway Free Trade Unions, the Federation of the Romanian Free and Independent Engine Driver Trade Unions, the Federation of the Underground Mechanics Free Trade Unions etc.

¹⁴ See the Free Radio-Television Free Trade Union run by Dumitru Iuga

¹⁵ Recorded at the Sector 1 Court of First Instance, Bucharest, Judge's Ruling no. 782 / 16th March 1990. Its leader was Victor Ciorbea, who at the time was the President of the Federation of the Education Free Trade Unions.

trade, fabrics industry, rubber, mechanical engineering, metallurgy and agriculture. "Cartel Alfa"¹⁶ National Trade Unions Confederation set up in June 1990 comprised seven professional federations from the main industrial sectors: chemistry and petro-chemistry, mechanical engineering, metallurgy, mining, electrotechnics, electronics etc.

This does not mean that all trade unions organizations, as well the federative ones, were affiliated to one of the three national structures: there existed a multitude of organizations which considered that none of the large confederations represented their interests, preferring a large number of associations and alliances, many of which existed for a short period of time, depending upon the short and middle term interests of those who created them.¹⁷

One of these inter-federative unions, The National Trade Union Block¹⁸ agrees with other three organizations ("Electron", The Post Office and Telecommunications Trade Unions Federations and the Typographers' Trade Union Association) to start negotiations for the setting up of a new confederation. The suggestion becomes reality in November 1991, when the representatives of 13 federations reunite in a Congress for deciding the setting up of the National Trade Unions Block as a confederative national trade unions organization.

In June 1993, delegates of the National Confederation of the Romanian Free Trade Unions¹⁹ (C.N.S.L.R.) and "Frăția" Confederation of the Independent Trade Unions joined in a common Congress and decided to fusion the two different national trade union structures; thus, the National Confederation of the Romanian Free Trade Unions – Frăția²⁰ was set up. A year later the Romanian Confederation of the Democratic Trade Unions was created.

The experience of the next years proved that the principle of trade unions pluralism was not in contradiction with the idea of coagulating the trade union movement; moreover, cohesion does not do anything else but bring extra force to organizations in their relations to social partners. That is why, in 2000, C.N.S.L.R. – "Frăția" and the National Trade Unions Block started negotiations for merging; the idea was not new and (apparently) there were enough premises for applying it, many of the included federations representing employees from similar domains so that the subsequent merging thereof was possible; at the same time, the two confederations shared the same doctrine visions (social – democratic) and they also had the same international affiliation. Nevertheless, in the autumn of 2001, negotiations came at a cross and B.N.S. delegates at the National Conference decided to give up the merger project and to proceed with the consolidation of the confederation. The idea of unification is reiterated at the middle of 2004 without coming to an agreement.

At present, in Romania there are more than 180 trade unions federations and more than 10 confederations. As to the confederations, only five of them are representative: The National Trade Unions Block, the National "Cartel Alfa" Trade Unions Confederation, The National Confederation of the Romanian Free Trade Unions – Frăția, the Romanian Democratic Trade Unions Confederation and the "Meridian" Trade Unions Confederation.

¹⁶ « Cartel Alfa » C.N.S was set up on the 7th June 1990; it received legal personality on 26th November 1990. Its President is Bogdan Iuliu Hossu.

¹⁷ In 1993 there were more than 25 national confederations with legal personality.

¹⁸ It comprises the following trade unions: CONSTRUCT, CONSENERG and CONMAS.

¹⁹ Recorded at the Sector 1 Court of First Instance Bucharest, through the Judge's Sentence no. 782 / 16 March 1990. Its leader was Victor Ciorbea, who at the time was the President of the Federation of the Education Free Trade Unions.

²⁰ Victor Ciorbea and Miron Mitrea became co-presidents of the largest confederative organization in the country. However, the "marriage" of the two does not last and in October 1994, Victor Ciorbea submitted his demission from the leading position of this structure and set up the Confederation of the Romanian Democratic Trade Unions, with a Christian – democratic orientation (he took a part of the professional organizations that were "torn" from the mother-organization).

Stages in the trade unions organizations development

1990 – 1991- "Strong" trade unionship. The first two months of 1990 were marked by a real "euphoria" of the claiming movements that were most often concluded in the street; the claims were mainly aimed at material and financial resources and dialogue between governing organizations and trade unions organizations and they were quickly "consumed" in the favour of adopting more radical methods. Large meetings of the industrial workers from important factories in Bucharest and in the country, of drivers, of employees from the Romanian Railway System and the Underground etc. were quickly organized and filled in the squares of the Capital City – this became, in fact, a common situation in Bucharest.

Trade unions organizations soon noticed that owned an efficient pressure instrument (the mass of employees) and intensely speculated their position in relation to the state institutions. On the one hand, the advantages consisted in the large number of trade union employees and the relatively quick rhythm in which trade union leaders²¹ became specialized in their specific activities; on the other hand, the advantages were represented by the weakness of certain state institutions and by the sometimes incoherent policy on economic restructuring and privatization. At the same time, one cannot neglect the social factor which favoured the given context – after years of prohibition, people suddenly discovered the "taste", "show" and "force of the street", and they started to get involved in a series of such events due to their need to be "in the middle of the events", to "directly participate" in the events; this made it easier for the trade unions to convince the population to "come in the street" (a thing which is much more difficult to do now and which requires more costs).

The implication of the political factor was added to these problems so that trade unions organizations started to be "courted" from the very beginning (thanks to their force) both by the governing political parties and by those from the opposition. Questions such as to what extent is it correct for trade unions to get involved in politics, under what form and up to what limits can this be done – represent a much too complex matter of argumentation and counter-argumentation for us to deal with in the present study. What is certain, however, is the fact that Romanian trade unions organizations quickly "tasted" from the political fruit, in a more or less visible way, supporting different political parties or alliances.

At present it is difficult to prove to what extent trade union movements from 1990 – 1991 (as well as the ones which were organized later) were influenced by economic and/or political factors. It is a certain fact that miners' protests organized within the above mentioned period showed the extent to which trade union movement can be manipulated so that it departed from its normal goals; this is proved by the fact that later on, when similar events occurred (at Stoieniști, 1998), the large central trade unions clearly detached from the miners' attempt to reach Bucharest, probably accepting that the miners' claims are natural but the manner in which they tried to impose them was illegal and, in consequence, could not be supported.

Starting with 1991, legislation on work and social dialogue came into force as a result of the negotiations between the state and trade unions representatives; these negotiations lasted almost one year. It is true that trade unions representatives repeatedly criticized the inexistence of some real consultations, considering that the government did not take into consideration their claims.

Law no. 13/1991 on the collective employment²² contract was the first way of legitimating the regulations of working conditions, payment and other rights and obligations that derive from labour

²¹ Trade union leaders underwent a quick period of training in various domains – from negotiation techniques to the assimilation of essential economic, legislative, financial and organizational management; they obtained support and benefited from training programs organized with lecturers from international trade unions organizations or from different foreign countries (with the inherent advantages and disadvantages of an intensive training program, sometimes placed on an insufficiently consolidated foundation).

²² Published in the Official Gazette on the 9th February 1991.

relations. Basically, this law represented a step forward as to the conditions required for concluding, executing, modifying, suspending and ending the collective work contract. It has been later on proved that the limits imposed on this law were determined by the lack of representativeness criteria on the parties involved in negotiations. If for the employers organizations representatives it was simple since they were appointed by the Chamber of Commerce and Industry (for concluding contracts with the companies from the same domains and at national level), when it came to trade unions, the multitude of organizations made it difficult for the negotiation team to be established coming to the absurd situation in which two work contracts were concluded at national level. At the same time, the law did not provide clear surveillance mechanisms for the observance of the contract clauses, a fact which obliged trade unions to make use of multiple forms of protest for demanding this claim.

The law on salary income - The Law no. 14/1991²³ - and the law on collective work conflicts are considered by trade unions leaders as two of the most serious obstacles against the trade unions movement. On the basis of the first normative act, the government was entitled to thwart salary raise for a period no longer than a year. Although this provision has an economic ground, it constituted the reason of many actions initiated by the employees' organizations.

Law no. 54/1991 on trade unions²⁴ was the first attempt to regulate the creation and functioning of trade unions organizations after December 1989. Besides the clear advantages brought about by the provisions of such a normative act, the law favoured the atomization of the trade union movement allowing the setting up of a professional federation through the association of at least two basic organizations within one field of activity, whereas a confederation could be set up with at least two federations from different areas of activity. A simple calculation shows that with at least 15 members in an organization a central trade union organization could be created for 60 employees.

1992 – 1996 – Protest period. The firsts three years of this period are characterized by general strikes and protest actions common to the national trade union C.N.S.L.R., „Frăția” (unified from 1993), „Cartel Alfa” and B.N.S., regarding especially the salary growth, the living standards, the employment maintain, the redundancy elimination; among them there were also protests regarding politics. For example, in Juin 1992, B.N.S. organized a marsh and a protest in the capital, demanding early/anticipated elections.

On 15th September, the National Trade Union Block sign a Collaboration Protocol with CDR that undertakes to sustain the Romanian Democratic Convention in the futures elections, following that, after victory, the candidate Emil Constantinescu choose his counselors from the unionist group.

The 1993 begins in force for the union movement: early strikes of workers in railways, subways, health, etc, culminate with the general strike from may 1993, attended by six central trade – C.N.S.L.R., C.S.I., „Frăția”, B.N.S., „Cartel Alfa”, Univers and Ceres. Although claims were especially economic and legislative, often people from the rally demanded, as a last solution, Vacaroiu Government demission, allowing the association of the protest movements with the political manipulations.²⁵

Although the social dialogue has become a slogan of both parties, reality showed that the social dialogue was not really used by either part: the government accused the syndicates pressures and the syndicates leaders gave more importance to the methods based on force and less to negotiating methods (to do not forget that the high number of the syndicate members which could be involved in streets protest is still actual). In this context, requesting to the central trade unions to

²³ Published in the Official Gazette no. 32 / 9th February 1991.

²⁴ Published in the Official Gazette no. 164 / 7th August 1991, at present repealed by Law no. 54/2003.

²⁵ For example, after the strike, PRM leaders accused the confederation representatives that they will create a “syndicate dictatorship”, their political action being controlled from abroad

constitute a dialogue parliamentary commission with syndicates at the Senate and Deputy Chamber level was not a success.

In the autumn of the same year, the protests began again, when the government did not respond affirmatively to the requests regarding the minimum base salary and the salaries indexation.

When, in December 1993, the political parties have filed a motion of censure against The Cabinet Vacaroiu, B.N.S. triggered an action for picketing the Parliament (probably, under Protocol signed cu CDR), while the meeting Chambers debated the motion.

The year 1994 was also characterized by trade unions protests (subway employees, Resita Steel Plant) and general strikes organized by three main trade confederations.

1997 – 2000 – A new approach of the social dialogue. The government installed at the final general elections in 1996 proposed an accelerate economic and political- social reforms; or, the new prime minister²⁶ new very well that he needed the support of the trade union organizations, which, although they didn't have the force of the 90thies (and were sufficiently rooted in the political space), needed to play the interface role between the governmental decision and the different categories of employees. Therefore, the concept of social dialogue had to be approached in a different way.

The Economic and Social Council was created²⁷ - a tripartite institution aiming the debates, the consulting and negotiations between the social partners to obtain approval of the legislation regarding the development and restructuring of the national economy, the privatization of the economic agents, work relationships, salary politics, social protection and health care, education and research, etc. The apparition of the Government Decision no. 89/1997 favored the tripartite dialogue in each county.

Health Insurance Fund passed in the administration of the National Health Insurance²⁸ designed as a tripartite body. The next year, the National Agency for Employment was created as an institution responsible for the tripartite administration of the unemployment fond for the implementation of passive and active measures for employment.

Although the tripartite institutions were created especially because the union organizations requested to (for example, the idea of C.E.S. was lanced in 1994), very soon after that the trade union organizations were overcome by the complexity of their attributions because they didn't have neither promotions strategies for the employees through this decentralized institutions nor experienced representatives.

The fact that a number of central trade union federations had signed cooperation agreements with the new political Power has not prevented them to punish the inobservance of the agreements settlements. When Ciorbea Government didn't took the social protection measures for the rapid privatization process, the social protest began again – strikes of employees from the steel field, mechanical engineering, education, health, research, post, electricity etc. In the same time, as an organization form, the union trade organizations renounce to organize protests in the Capital, adopting the method (less expensive and more convenient) of the simultaneous protests in different towns of the country (December 1998, March 1999, April 1999, January 2000 etc.).

The Government accorded high attention to the mining sector restructuring, considered rightly "a sensitive area", both from economical and social point of view and imagological: the syndicates from din Valea Jiului and their leaders²⁹ were considered powerful organization from long time ago, and associated with the idea of brute force, social disorder, violence, material etc. So, the solution applied was aimed mainly to close the unprofitable mines and in parallel to accord various and consistent subventions and facilities in view to determine the Jiu Valey Trade Union League to not

²⁶ Mr Victor Ciorbea, ex syndicate leader, president of CNSLR, and of CNSLR-Frăția and afterwards of CSDR

²⁷ Bz Lwo no. 109/1997

²⁸ In base of The Health Social Insurance Low no 1455/1997

²⁹ Especiallz the president of Thea Minins syndicate League from Valea Jiului, Miron Cosma

open labor conflicts; all these without according high importance to the immediate and long term consequences (on the finance source for this restructuring).

From the economic reform point of view, the year 1998 signified the release of the process to restructuring the self governing management organizations – electric and thermal energy, transports, gas, railways etc. Or, this fact represents the touch of the „hard core” of the trade union organizations (the most compact structures, with a big number of members and with significant financial resources), leading to the immediate and widespread reaction of them. The division of the ancient RENEL, With all its negative consequences for the employees and for the population determined the syndicates members from the others self governing management organizations (especially from the natural gas field, the next target) to do all their best to attest the risks of such measures – repeated negotiations with the governors, arguments similar to those occurring in the restructuring process practiced in other countries, use of media channels to make their views known, picketing (the headquarters of ministries, parties or governments housing),³⁰ meetings, general strike threat, etc.

After the simultaneous protest from 10th December 1998, from Bucharest and Brasov, the executive proposed to the syndicate to sign a moratorium which, on medium term, has not produced the expected effects of any of the signatories. .

Next years were characterized by a series of protests either the federations or the confederation level (separately or commonly).³¹ The protests regarded legislatives modifications (Pensions law, Professional risk assurance low etc.) institutional modifications (establishment of labor courts, the abolition of the State Property Fund), budget modification (consulting of confederations regarding the budget project elaboration the modification of the budget for year 1999 in order to allow the application of the table tickets law and the salary indexation law), fiscal modifications (reduce taxes), introduction of sanctions for those who use illegal work etc.

The fifth miners protest represented a new event which cast a “black light” on the trade union movement, confederation leaders detaching from the miners action, but not strong enough and not fast enough to separate the LSMVJ image and of its leader from other organizations.

Without being voided of protests, year 2000 (electoral year) lead to the repositioning of the rapports between the main union organizations and the political parties. The experience of the inefficient collaboration CDR and PD, the visible fragmentation of the old government coalition, the fragility of ApR and PSDR determined C.N.S.L.R. – Frăția, B.N.S., C.S.D.R., „Meridian” Confederation and their main federations to switch to PDSR (in fact, for the first confederation it was just a reaffirmation and a revitalization of the relationship with this political party). The pre-electoral agreements with the Social Democracy Party provided the introduction of some syndicate representatives on this party list, in order to constitute a social-democrat union pole in the Parliament.

2001 – 2004 –attempts of political implication. Year 2001 brings an innovation in the trade union politic – concluding the first Social Agreement between the syndicate, the body of employers and the Government, agreement containing clear and precise clauses, terms and responsibilities that obliges all signatory parties. The form of the partnership between the social partners is not a Romanian innovation, being practiced for a long time in various European countries, with results more or less notables. But the perception of the syndicate members on this collaboration is rather negative, given that the trade union organizations didn't knew to prepare the “explicative land” and were satisfied with the leader accept that was given in different meeting, national conferences or

³⁰ At 22 of July 1998, the members of B.N.S. syndicate picketed the houses of The Democrat Party members, because at that time, Radu Berceanu was the Ministry of Industry and Commerce and Traian Băsescu the Transports ministry)

³¹ Meetings, advertisement strikes and general strikes of the employees from construction machinery , transports (CFR, RATB and Subways, metallurgy, defense industry, health, research, education, wood industry , energy, gas, public officers etc.

congresses. The entry of some leaders of the syndicate in the Parliament and the accordance of some important executive functions for the ancient syndicate leaders in Nastase Cabinet, the Social Agreement is seen not as measure to find solutions for the employees' problems but as a measure to obtain some personal advantages for those in the echelons of union trader. The negative reaction of the members determined two confederations – „Cartel Alfa” and B.N.S. to do not sign a new Agreement for 2002, requesting separate negotiations and eventually to conclude another documents in other terms.

The protest forms (meetings, strikes, picketing) didn't disappeared but they diminished as number and as intensity; they demonstrated, on one hand the employees diminishing trust in the syndicate capacity to resolve a series of problems, and on the other hand, the scission existing in the Romanian union trade movement (in March 2003, although they presented similar demands list and although they announced the same day to protest, C.N.S.L.R – Frăția meeting was separated from that organized by „Cartel Alfa” and B.N.S., at one hour and 1 km distance of each other, only just to demonstrate the identity difference between the union trade centrals).

The new syndicate law, adopted in 2003³² brought a change that a lot of trade union organizations were unable to fructify: a trade union organization could constitute itself with minimum 15 persons from the same profession, even if they work for different employers. It would be a good opportunity to attire the employees from the small economic units and a first step in the trade union clotting movement.

The electoral year brought for the public opinion, an initiative of the trade union confederation that generated many for and against comments: the creation of a political party which sustain and promote, in the political decision plan, the interests and the legitimate aspirations of all Romanian workers. After a series of consultancy of the own syndicate members, The National Union Block, set up, at 21st February 2004, the National Democrat Block Party (PBNB), which was considered as a political instrument necessary to realize reforms in a country which desires to become an authentic state of law governed, as the occidental states, by right, fair laws, which correspond to the aspirations of the majority of the Romanian people. In view to respond to the main critics regarding the new political party, BNS declared in many times that, the two organizations, even if they are support each other, they are independent, the decisions are taken independently, the confederation keeping his trade union identity, with specific objectives and features in order to achieve political aims. Following elections in 2004, five PBNB representatives, have acquired the parliamentary standing, as a candidate on the list of The Greater Romanian Party, with which the BNS political party concluded a pre-electoral agreement.³³

2005 – 2008 – the begin of the organizational restructuring. The elections from 2004 were gained by the PNL –PD coalition, which candidate as Alianța D.A. The designed Government under Prime Minister Tariceanu, announced in early 2005 the intention to modify the Labor Code, leading to a violent reaction of all the confederations. The proposals of the Labor, Social Solidarity and Family Ministry, most of them unfavorable for the employees, and the short terms (justified also by the real or not pressures of the International Monetary Fund motivate) for the negotiation, led to the meetings and protests common to the five trade union centrals, which had a very good and respected program.

The union trade confederation reaction represented a proof of their maturity and of their competent reaction capacity, in favor of the employee's interests that they represent. Negotiations with the Government representatives and those of the employer's body demonstrated the capacity of the syndicates to sustain their point of view with pertinent arguments in the economic, legislative, social field, with reference to the European Directives and Recommendations and to the compulsivity

³² Low no. 54/2003 of trade unions, published in the Official Gazette of Romania no. 73 from 5th February 2003

³³ The Block National Democrat Party transformed, afterwards, in the Christian Social Union

to harmonize the national legislation with community patrimony in social protection and employees' rights field.

In view to emphasize their position; the five union trade confederations initiated protests in all country: – meetings and picketing organized within a good, common and totally respected program.

For the first time after 1990, over 840 representatives of the affiliated union trade federations affiliated to the fourth confederations – BNS, CNSLR – Frăția, Cartel Alfa and C.S.D.R. – went, in March 2005, to Bruxelles to participate at the euro-meeting organized by The Labor European Confederation (CES) and the International Confederation of the Free Union Trade (CISL), affirming their affiliation to the international union trade structures, the total accord regarding their requests, and hoping to an aid, more than a formal one of the European trade union groups in favor of the Labor Code in force in Romania. These are considered the first steps in view to coagulate the Romanian union trade movement, but the next years demonstrated that, this desire is still impossible to accomplish.

2009 – present – looking for a new identity. Governments that have succeeded in the last three years haven't represented an easy period for the syndicates. Because of the financial crisis, the political power adopted legislative measures (most of them assuming the governmental responsibility) that affected significantly the force of the employees representative organizations.

Although, the syndicates complained permanently the absence of the social dialogue, the true is impossible to contest: they didn't have the force and the means to impose their own point of view.

The modifications of the Labor Code, the salary restrictions in the budget sector, the elimination of the national labor collective contract, the social dialogue law are examples of normative act which supposed a more rapid and efficient intervention of the trade union organizations, especially federative and confederative organizations.

The attempts to create a pressure through public manifestations such as strikes, meeting, marsh, etc were disturbed by the syndicate leader reticence regarding the efficiency of these methods. The difference between the syndicate leaders' declarations regarding the number of persons which will participate at such events and the reality inflamed the idea of the trade union incapacity to constitute a pressure force for the actual political power

Design and organizational change

The social and economic evolution imposed a new "lesson" for the trade union organizations: training and reorganization of their activity, identification of objectives according to the changes appeared in the Romanian society. Practically, the trade union organizations have been facing with some changes which they were not prepared for. For example:

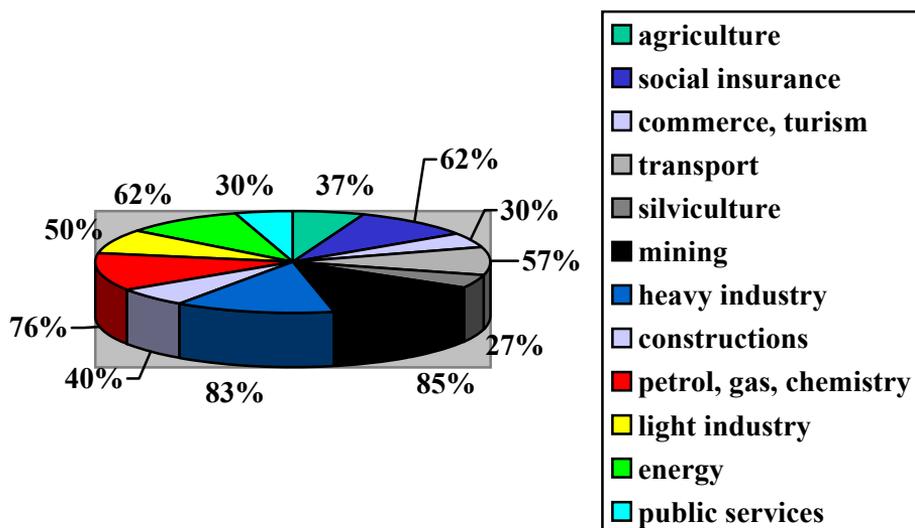
The diminution of the number of members, phenomenon due, on the one hand, restructuring economic sectors, and on the other hand, limiting confidence of employees in the syndicate force to oppose salary modifications, loss of jobs, etc. The advantage offered by the legislation regarding the constitution of the union organizations was not used, so they remained without the human and material necessary force.

After 1989 there are not exactly statistics that presents the number of syndicate members and the organization structure on age, sex, professional level, residence area etc. These dates may be identifiable at the basic organizations level but there are doubts about their veracity.

At year 1991 level, the number of the syndicate members went beyond 5,2 millions, appropriate to a rate of syndication of approximately 90%. In 1995, the forth biggest union confederations declared over 4,5 millions of members: C.N.S.L.R. – Frăția 2,1 millions, „Cartel Alfa” 1,1 millions, B.N.S. 750 000 and C.S.D.R. 600.000. These numbers would correspond to a syndication level of over 76,8%; in reality the value was less if we take into account the number of members which were paying the fee. In year 2000, with ANOFM help, they tried to realize a census

of the syndicate members but the results were not public. From the commentaries about this statistics, it seemed that the number of persons affiliated to an union organization didn't exceeded 1,5 millions.

Figura 1 - Degree of syndication in economic sectors



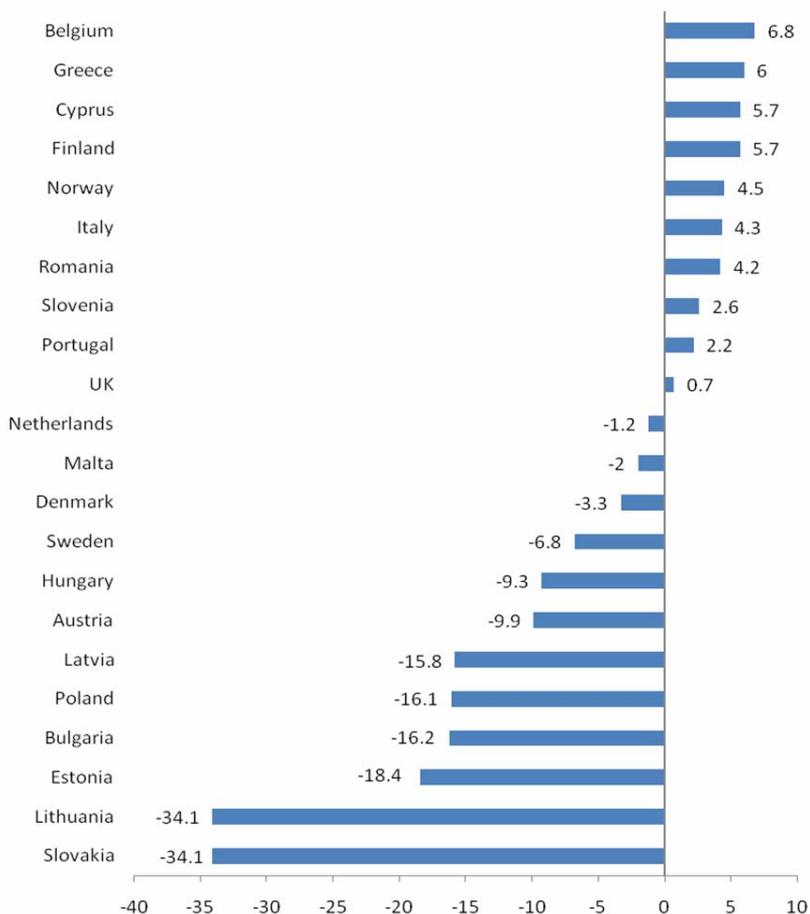
Source : *** Promoting principles and fundamental writes of workers and consolidating of the trade unions from. (Bucharest: Tipografia Print Paper, 2002), page 25

Actually, the small degree of syndication is emphasized in areas where the transition to the market economy is more intense, and the private propriety gets a share increasingly higher.

At the same time, there are a series of other areas where the union activity is inexistent- the financial and banking one, the private insurance one, the informatics one. Generally, is difficult to syndicate persons that work in professional areas having a high remuneration degree and benefit by other non-financial advantages or those which work in the outside areas of spaces that require concentration of workers. In other situations, although it is not explicitly declared (because it represents a flagrant violation of Constitution), in the private sector there is a management practice of the foreign companies in Romania, which are doing all their best to avoid the constitution of trade organizations by their employees, although that in their own countries, this is a common practice, even a sine-qua-non condition.

Romanian situation from this point of view is not an exception, especially the ex socialist countries recording similar processes. An analyze of the number of union members evolution in European countries, in the period 2003 – 2008, shows that, there are countries where the number of syndicate members increases, but growth is between +0,7% and + 10%, while in countries where the number of members decreases, the percentage rage is greater: between – 1,2% and 34,1% (see figure 2). Romania record a percentage of 4,2%, but we have to take into account that these data refers to the period before the financial crisis.

Figura 2 - Percentage modifications of the number of trade union members in European countries, between 2003 - 2008



Source : European Foundation for the Improvement of Living and Working Conditions. "Trade union membership 2003 – 2008", (Dublin: Eurofound, 2009), page 10³⁴

The privatization of some fields, determined, for the first time, the union federations and confederations to negotiate the collective labor contracts with the representatives of the big transnational organizations (GDF Suez, EON, OMV etc.), facing with some tough negotiation phases comparing with the „negotiation with the state as employer”. More than that, they became part of international syndicate structures (ex. European works committees), role that they had to appropriate themselves quickly and without major errors.

From this point of view, it starts to feel significant differences between the representative organizations of workers that have as social dialogue partner a private company and those that

³⁴ European Foundation for the Improvement of Living and Working Conditions. "Trade union membership 2003 - 2008" Accesat 20 februarie 2012
<http://www.eurofound.europa.eu/eiro/studies/tn0904019s/tn0904019s.htm>

represent their employees from the budget sectors. The firsts begin to feel a stronger need for restructuring the union activities and even the union organizations. From the need to cope with the private employer pressures, these organizations start to search for coagulation forms –, for example to constitute trade alliances between federations from similar activity fields. Syndicate leaders gradually discover that the activities they develop suppose not only vocation and charisma, but also a certain specialization - the activity of a syndicate leader tend to become a profession.

The negotiation process gets out gradually from the formal field (still present in the unions from the budget sector), a more detailed knowledge of the legislative, fiscal, taxes, etc problems being more and more necessary.

The need for support from the syndicate members from the basis organizations becomes again very important, so those from the management structures of the federations and confederation look for modalities to re-establish the communication channels with those from the hierarchy base. The syndicate leader starts to become, also, gradually a manager. .

The diminution of the financial and material resources is a reality that unions felt more and more intensely. The diminution of the numbers of members generates a proportional diminution of the shares, so the unions begin to focus toward other legal forms (provided also by the trade union law) to obtain the material and financial resources necessary for a proper functioning.

Legislative modifications, especially in the last three years, adopted mainly by the government responsibility assumption, without taking into account the objections, proposals or protest of the unions led to the idea that the union organization power diminished, which resulted in the increasing of the degree among public opinion

Corruption accusations against persons from the union organizations management, rightly few in number, have been skillfully exploited by the political power. Thus, the negative image transfer from the accused person to the entire union structure that this person was leading, led to a loss of public image of the entire trade union movement.

Conclusions

This study aims to become an argument in support of the idea that unions are social actors who can be appreciated as equilibrium factor or, contrarily, as an element of disturbance of the normal labor market and, implicitly, of all society, but they can not be ignored.

One of the European industrial relationships “rule” is that the social partners, respectively the body of employers and trade unions, are not simply lobby organizations or pressure groups which do all their best to achieve their specific representation objectives. Their mission includes, besides traditional goals, a responsibility for the public welfare, playing a very important role in functioning and structuring of the labor market as well as in the social security system.

National and international legislation confers to the trade union organizations a series of rights that have as effect the direct and the indirect intervention on the labor market. They have the right to negotiate and to conclude labor collective contracts, to intervene in the normative activity at national level, having a consultative role, to pronounce on the employer’s programs that involves collective redundancies, to defend the interests of their members, interests arising from the law and from the collective labor agreements, before courts and other public and state bodies, by their own or chosen defenders etc.

The functioning mechanism of the union organizations (and body of employers) and the social, economic and political impact represents, a subject of interest to the sociological research and beyond.

In the future studies, the role of the union organizations could be analyzed in some coordinates: the corrective coordinate, the pressure coordinate, the consultative coordinate and the partnership coordinate.

The corrective role is realized especially through the quality of the trade union organizations to negotiate the collective labor agreements, starting from the national level to the unit level.

On certain segments of the labor market, labor owners don't negotiate any more individually their salary and the other conditions of employment, syndicates do it for them. This situation presents a series of advantages for the employee, the union organization becoming a "unique voice", a compact force which may be imposed in the relation capital possessors – labor possessors. Thus, the inconveniences coming from the dispersed employees against employers are limited. In turn, the employers respond with similar organization form, such as the meeting between labor market demand and labor market supply can take new, distinct issues.

The corrective role of the unions function closely linked to the **pressure** one. In terms of visible differences between different industries, closely linked to the number of members, to the financial and material force, to the quality and preparedness of the leaders, to their relationship with the employees, the union organizations are capable to exercise significant pressures to obtain, on short, medium or long term the rights that they consider favorable for the members they represent. Pressure instruments are distinct, from the legal protest forms to the lobby practiced by the unions, especially at federative and confederative level besides the state institutes and a closer relationship with the political factor. Not infrequently, the effects of these pressures proved to be on short term favorable to the employees, but negative on medium and long term, not only for the unit or the unit group in cause, but also for entire branches or even at the national economy level.

Logically, the main reasons for exercising some forms of pressure from union organizations are related to: salary problems: - setting salary scales, indexation and compensation denial, asking for salary rights, not according holiday bonus, not according restaurant coupons; modifications in organizational structures, collective labor agreements negotiation, refusal of the collective negotiations etc.; not detaining the conditions for developing the union activities, the immixing of the employers body in the union activities development, the lack of transparency, the non-compliance of the collective agreements negotiate at a higher level; the lack of social protection measures at the economic agent level, funds for social actions, compensatory payments, aids, etc etc.; work conditions; time work.

The most visible (and the most obvious) manifestations of the syndicate pressure are the meetings, the marches, the strikes, and the obsessive information of the public about these manifestations, leaded in time, to the simplistic and exclusivist association with the list of demands more or less exaggerated, presented to the authorities or imposed by force by force and by social. The trade union major objective tend to demonstrate that the pressure exercised by them may have various forms, not necessary violent forms or instigation forms, this pressure aim is to ameliorate the economic, social, professional, cultural etc, problems.

The consultative and partnership role of the syndicates is emphasized especially in situations where they are placed to represent employees interests in a number of advisory bodies, bipartite or tripartite, created in order to have an institutional framework in which the social partners express their points of view regarding the legislative measures, the strategies and programs that aim economic and social fields. Institutions with tripartite administration were set up; these institutions give the possibility to the syndicates to participate directly to the management of essential sectors of the society– training and employment, pensions and other social insurance etc.

In Romania, for the year 2012, we can say that, there is legislative framework governing the organization and the functioning of institutions and social dialogue structures– it remains to achieve the most difficult thing: to become a functional one.

The social dialogue between the union trade organizations, the body of employers and the government represents a difficult social exercise, given the multiplicity and the complexity of each party interest. To be functional, it must be based on equality, strength, and openness of each partner, otherwise it remains a formality, "a mimed ritual", without real effects in the socio-economical plan.

As long as the social partners from Romania will not perceive in this way the role that they have in different social dialogue institutions, the constructive consensus and the social peace climate

are simply illusions. And last, but not least, the good functioning of the social dialogue represents one of the principle criteria for Romania to integrate in the European Union.

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