

ANALYSIS ON THE EVOLUTION OF COLLECTIVE WORK CONFLICTS IN ROMANIA IN THE YEARS 1992-2015

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Abstract:

The collective work conflict is defined in the Romanian legislation as the conflict that occurs between employees and employers, which is to start, conduct or completion of negotiations concerning contracts or collective agreements. The strike, as a protest during the course of collective work conflict is a cessation of work aiming at achieving professional demands, claims that the employer refuses to satisfy. The claims must follow certain procedures and conditions according to their type.

As we observe the evolution of conflicts of interest was one decreasing in the period between 2008 and 2013, most conflicts of interest were recorded in 2008 on the grounds that our country entered into an economic crisis of large proportions which required measures as budgetary cuts and collective redundancies.

Regarding the strike actions, since 1992 they have seen an upward trend until 1994, a downward trend from 1994 to 1997 then followed again by an increase in their number until 1999. From 1999 until 2015, the number of strikes experienced small fluctuations from year to year, 2003 recording most of the strikes in the entire period 1999-2003.

Key words: the collective work conflict, strike, conflict of interests, employees, employer

JEL classification: J51, J52, J53

1. INTRODUCTION

Since Romania was marked by social unrest both after the 1989 revolution and after 2007-the year of accession to the European Union, we considered appropriate during this material to highlight and justify the evolution of work conflicts developed in Romania between 1992 -2015 without neglecting, before this, the definition and presentation of the regulatory framework of these conflicts so far.

The fiercest manifestation of work conflicts is strike that will be summarized in terms of the definition, conditions that must be met to be triggered and typologies encountered in practice.

In subchapter three we intend to identify the evolution of conflicts of interest and strike actions triggered in Romania with regard to due process, for each category of strike in part, in the period 1992-2015. We will not analyse the situation of collective work conflicts for 1990 and 1991 because in this period there was no legal framework and therefore no workplace disputes have been triggered (only in 1991 was adopted the first law on conflict resolution jobs - Law no.15 / 1991).

In order to achieve the research, we processed the data supplied by the National Statistical Institute of Romania - Romanian Statistical Yearbook - Series 1990 - 2014 and the data recorded and published by the Ministry of Labour, Family, and Social Protection for the years 2014-2015. We mention that the two institutions keep separate records and statistics for strike and track of conflicts of interest, which entitled us to analyse them by the same criterion.

2. DEFINING COLLECTIVE WORK CONFLICT. REGULATORY FRAMEWORK

The collective work conflict is defined in art. 1 of the Social Dialogue Law no. 62/2011 as the conflict that occurs between employees and employers, which is to start, conduct or completion of negotiations on contracts or collective agreements [9]. It is noticeable that this new law has given up classifying the work conflicts in conflicts of rights and conflicts of interest (as the repealed law

no.168 / 1999 addressed them). If we look at the definition of law-making emphasized by us, we see that the legislature refers to the latter type of conflicts of interest in the content of this definition.

Collective work conflicts, through the most known type of conflict – the strike - is, according to the Romanian Constitution, the Labour Code and the special law one of the basic rights of employees, which occurred to defend the collective interests professionally, economic or social. These interests are the result of fundamental rights of all employees, these being: the right to work, right to optimal working conditions, the right to remuneration, the right to social insurance or social security and the right to join a union [7].

If other rights of workers are breached, they can be defended by triggering one of the forms of collective work disputes.

Conflicts mentioned above are *collective* as they target a community of employees or civil servants and an employer. These conflicts are work disputes as they relate to negotiating contracts / collective agreements.

However, work disputes may be individual, situation encountered when an employee expresses dissatisfaction with the employer discontent which, in most cases relates to working conditions, remuneration rights or other categories of rights inserted in the individual employment contract [2].

3. STRIKE – PRIMARY FORM OF PRESURE ON EMPLOYER THROUGHOUT THE COLLECTIVE WORK CONFLICT

a. Legal and doctrinal definition of strike

According to the law of social dialogue, the strike is defined as a form of collective and voluntary cessation of the work in a unit, or voluntary and collective stop of the work by employees.

Definitions of strike are present in Romanian doctrine. The doctrinaire Vasile Val Popa explains strike as stopping work, determined and organized by employees, aimed at achieving professional claims, claims that the employer refuses to satisfy. Alexandru Țiclea defines strike as a collective and voluntary cessation of work during the running work dispute used as a means of pressure on employers so that they agree with employees' claims sustained in collective negotiations [6].

Thus, we can consider strike as a conscious manifestation of the employees' intention to cess work voluntarily and collectively.

The International Covenant on human rights refers to the right of strike in the wording of the art. 8 to be exercised under the law of each country [3] and The European Social Charter (in force in 1965, ratified by Romania by Law no. 74/1999) refers to *employers and workers right to collective action in the event of a conflict of interest* and describe the right to strike as a means of ensuring collective bargaining and affirms *the right of workers and entrepreneurs, to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that result from collective agreements which are in force* [4].

After 1990, in our country, the strike was recognized as a legitimate way in which employees can opt whenever their economic, social and professional interests are violated, in this regard we mention the art.45 of the Romanian Constitution.

b. Conditions for declaring the strike. Typologies

To be legal the strike must aim to achieve interests of employees, economic and socially; it must be preceded by conciliation procedure provided by the Ministry of Labour or the Labour Inspectorate (depending on the level of the conflict: unit, group of units or branch); it must be conducted in compliance with the provisions relating to the protection of property of the employer,

life / health of people but also protecting the interests of those employees that do not participate in the strike and want to continue working [4].

In accordance with Law 62/2011 there are three types of strikes: warning strike, strike itself; solidarity strike.

Warning strike- serves to warn the employer that if the claims of employees are not satisfied, they will trigger the strike itself. This type knows two ways: one in which the warning strike is done without stopping work, while the second implies the collective and voluntary cessation of work, for a period of more than two hours.

If the strike involves cessation of work under the terms provided by the law, the strike itself must be achieved, and when the strike takes place without the voluntary and collective cessation of work, vindictive manifestation must be notified to the employer [1].

The strike itself. The strike itself is the discontinuation of effective work by employees aiming to achieve some demands, not just alerting the employer, as in warning strike or a demonstration of solidarity towards other employees on strike, as in the case of solidarity strike [5].

Solidarity strike. This type of strike is to support the claims, made by employees from other units belonging to one group or sector. Therefore, those who trigger this type of strike have no individual claims against their employer; they are just sympathetic to those who are on strike to resolve their own claims.

Apart from strikes listed above, we also meet other type known as the **Japanese strike type**, particularized by wearing distinctive signs by the employees that participate, as a protest against the measures taken by the employer.

4. ANALYSIS ON THE EVOLUTION OF CONFLICTS OF INTEREST AND STRIKE ACTIVITIES IN ROMANIA

As can be seen in Chart no.1, the evolution of conflicts of interest was one decreasing in the period between 2008 and 2013, most conflicts of interest recorded in 2008 with a total of 116 conflicts. 2008 was loaded with conflicts of interest in all branches of the economy, given that our country got into an economic crisis of major proportions which imposed measures as budget cuts and collective redundancies.

Between the years 2011-2013 are observed decreases in the number of conflicts of interest, about 10 fewer conflicts from year to year which explains some economic and social stability.

According to data from the Ministry of Labour in the Statistical Bulletin, series 2014-2015 [10], in 2014 there were 19 conflicts of interest and in the first quarter of 2015, including third quarter, there were 26 conflicts of interest. So 2015 recorded an increase, meaning that employees have filed complaints relating in particular to their economic interests.

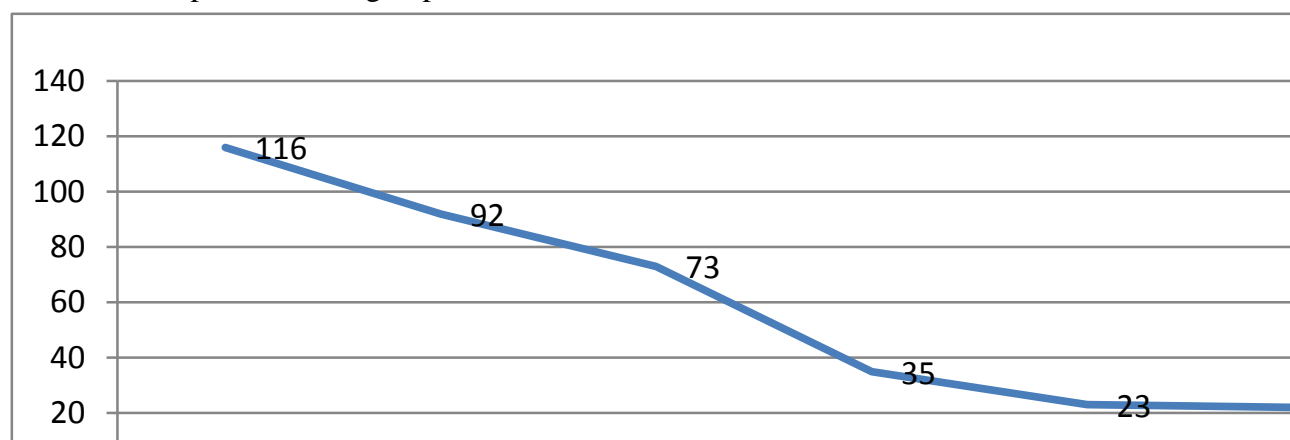


Chart no. 1. Evolution of conflicts of interest between the years 2008 – 2013

Source: own processing on the data published by NIS

If analysing the regions of the country, most conflicts of interest were recorded in Bucharest-Ilfov region with a total of 99 such conflicts throughout the period 2008-2013, most recorded in 2008 and 2009. (Chart no. 2)

At the opposite was the South-West Oltenia recording a total of 25 conflicts over the years taken into account, half of them recorded only in 2008. In the year 2014 all South region recorded the most conflicts (6 conflicts).

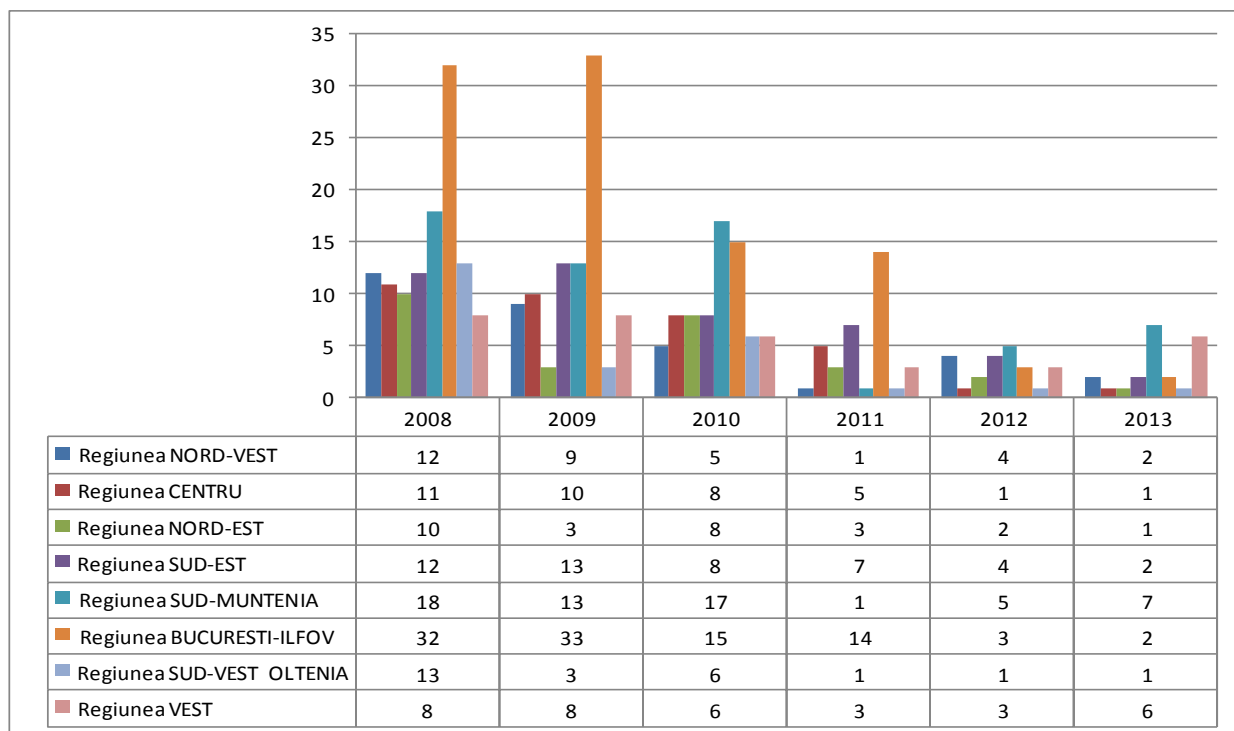


Chart no. 2. Number of conflicts of interest on macro regions (2008 – 2013)

Source: own processing on the data published by NIS

In the region of the Northeast during 2008-2015 (excluding 2014 and the fourth quarter of 2015 with no published data), there were 31 conflicts of interest, mostly recorded in Bacau and Iasi.

Thus Suceava County is ranked fourth in the period 2008-2014 by the number of conflicts of interest; in 2015 no conflict is registered in this county.

Suceava County is noted in terms of labour disputes by the strike of 2011, when teachers in the county have downgraded a general strike aimed at obtaining full remuneration.

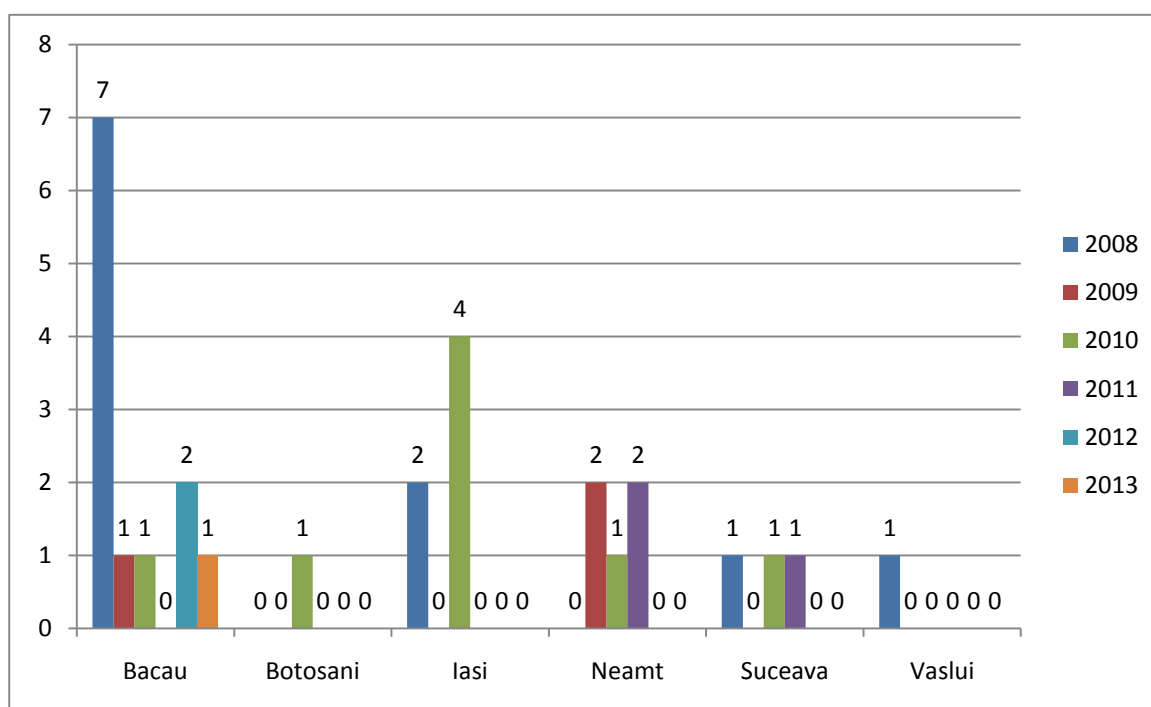


Chart no. 3. The number of collective conflicts of interests developed in North East (2008-2013)

Source: own processing on the data published by NIS

By sectors of national economy, *manufacturing industry* recorded most conflicts of interest, amounting in all the years a number of 171 disputes, the majority occurred in 2008, 2009, 2010 (54 in 2008 gradually decreasing to 41 in 2009 and 37 in 2010). From 2011 to 2013 the number of conflicts of interest was maintained at about 12 disputes a year.

The explanation for the increased number of conflicts of interest in manufacturing was that this sector has been severely affected by the increase of utility tariffs and exchange rate variations.

The next economic sector with high levels of conflicts of interest is *Production and supply of electricity and heat* sector.

Education has registered one conflict in 2010, 2012 and in the third quarter of 2015.

In conclusion 2008 and 2009 were the most "rich" in terms of conflicts of interest.

As regards the developments of the strikes triggered respecting the legal procedure, between 1992 and 2013 were conducted 347 strike actions, in 1999 being recorded the most (85 strikes), followed by the year 1998 (54 strikes). The resounding strike was an illegal one, miners' strike from the Jiu Valley in 1999 (15,000 participants) and was triggered on the grounds of refusal of the government to raise salaries against the background of the closure of unprofitable mines.

Starting from 2010 until 2013 there was no strike recorded in Romania (Chart 4). In 2015, strikes made their presence felt, for example the warning strike on 20 February with the cessation of the working program in institutions of local government on the grounds that none of the requests of the federation at branch level has been resolved favourably by the Government.

We notice that strike actions starting with 1992 experienced an upward trend until 1994, a downward trend from 1994 to 1997 followed again by an increase in their number until 1999. From 1999 until 2015, the number of strikes knew small fluctuations from year to year, 2003 and 2008 recorded most strikes -13 and 12.

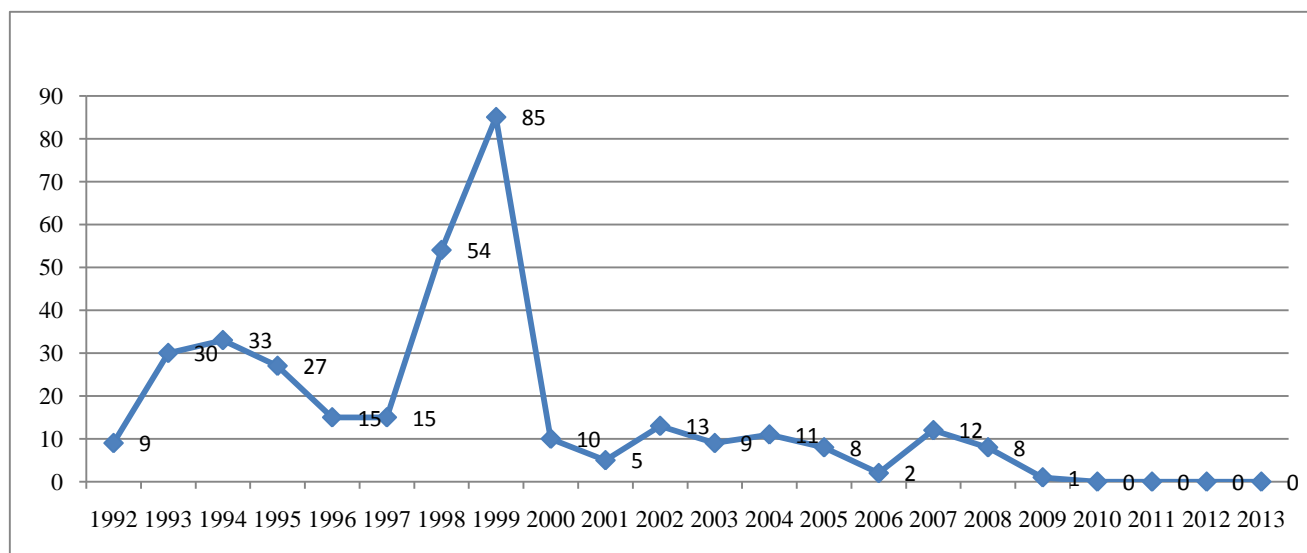


Chart no. 4. Total and evolution of strike actions triggered respecting the legal procedure (1992 – 2013)

Source: own processing on the data published by NIS

Referring to the type of strikes in the period under review ranking strikes by type was as follows: first place was occupied by the strikes themselves, second place by warning strikes that continued with the strike itself and on third place were warning strikes without continuing with the strike itself. (Charts no.5-6).

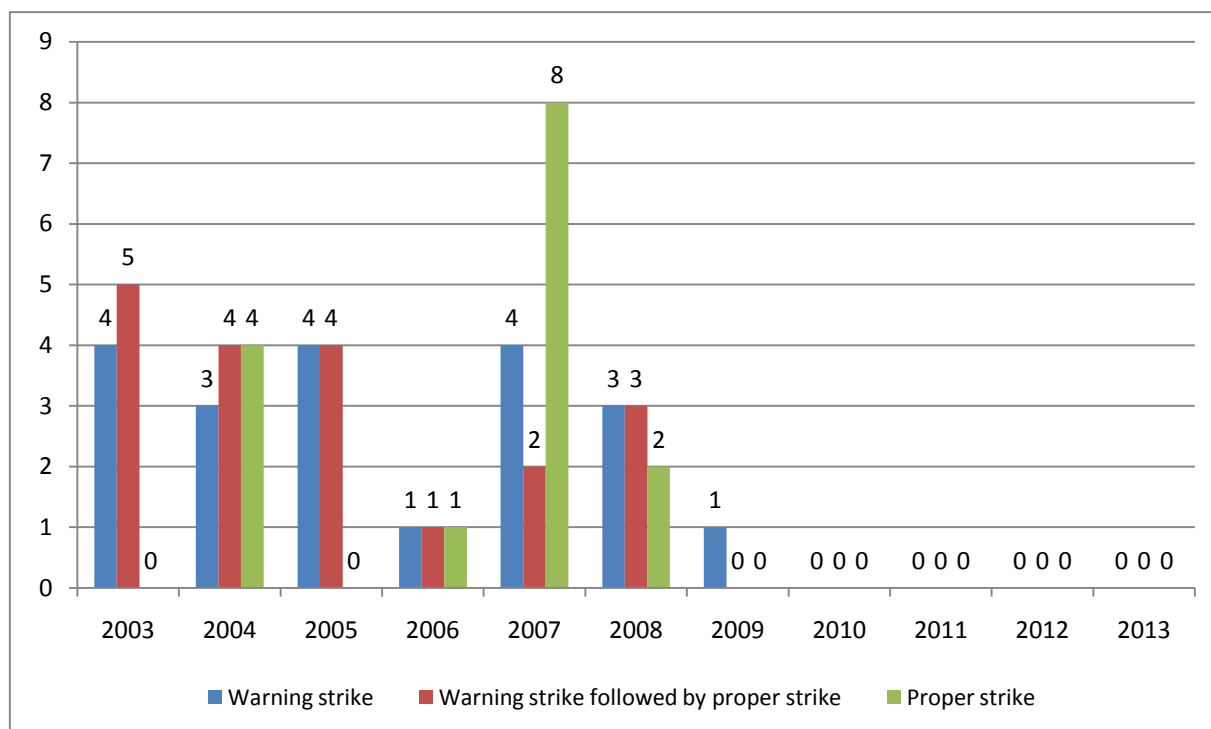


Chart no. 5. Number of strikes and their typology (1992 – 2002)

Source: own processing on the data published by NIS

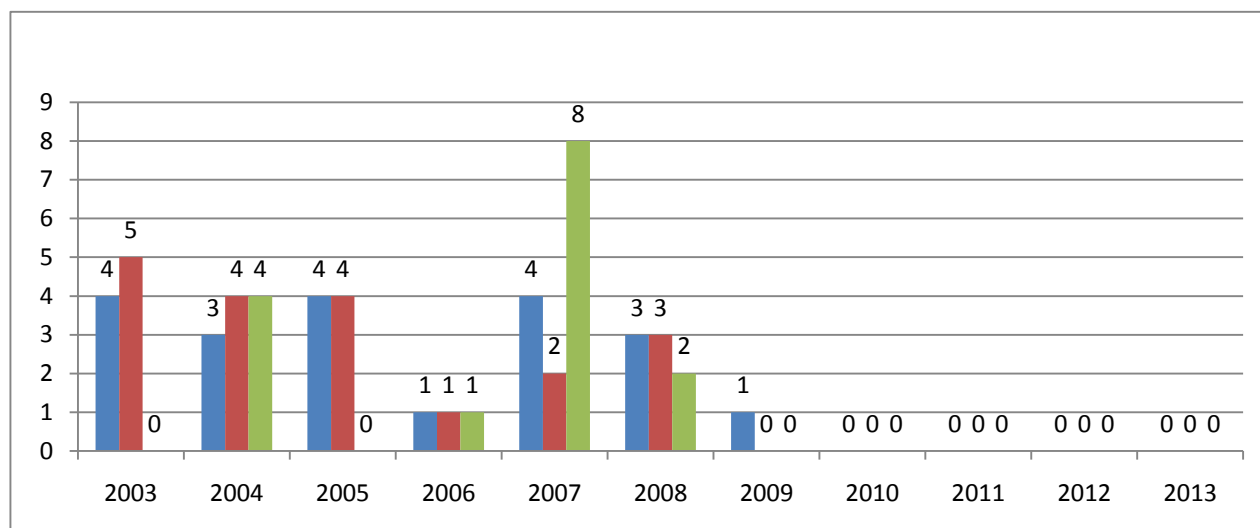


Chart no. 6. Number of strikes and their typology (2003 -2013)

Source: own processing on the data published by NIS

4. CONCLUSIONS

On the background of Romanian transition from the communist rule system to a democratic one, from a type of industrialized economy to a market economy, but also as a result of redundancies that occurred following the reorganization of the former business units of state in owned monopolies and trade companies, grievances of the employees that were to be made redundant made their presence felt after 1990. Thus 1999 and 1998 were years marked by most of the strike actions.

Also during the global economic crisis, with repercussions on our country most work conflicts occurred following the imposition of measures on budgetary spending cuts through diminishing wages by 25% and by collective redundancies.

From 2010 to the present the number of labour conflicts declined considerably and no strikes were recorded between the years 2010-2014, which explain some economic and social stability. This social stability is due both to the fact that there were no collective redundancies recorded in public institutions but also to the annual and half-yearly increases of the minimum wage between 2010-2015 and the immediate increase of the minimum wage promised by the Government starting with May 1, 2016 from 1,050 lei to 1,250 lei.

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