PUBLIC SECTOR UNIONISM AND STRIKES IN DEVELOPING COUNTRIES: THE CASE OF HUNGARY

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ABSTRACT
Perhaps one of the greatest advances made during the transition in Central and Eastern Europe was the birth of new and independent trade unions. These new unions, after more than four decades, finally brought pluralism to a once-monolithic movement. This article presents the transition and birth of the new and independent public sector trade unions in Hungary, their organizational and political structure, as well as an appraisal of their goals and objectives. Further, the strengths and weaknesses of these new trade unions were analyzed and compared to some of the newly restructured, private sector trade unions. The conflicts and problems that public sector trade unions face are also defined and assessed. This assessment, based on their neocorporate, tripartite responsibilities, provides an insight into the reasons they act as they do, particularly during industrial disputes.

Nearly nine years have passed since countries in the Commonwealth of Independent States and Central and Eastern Europe planned, developed, and inaugurated their redemocratization strategies. Perhaps one of the greatest advances made during the transition in Central and Eastern Europe was the birth of new and independent trade unions. These new unions, after more than four decades, finally brought pluralism to a once-monolithic movement.

The purpose of the research presented in this article is to identify, define, and assess the impact of the transition on the birth of the new and independent public sector trade unions in Hungary, outline their new and democratic organizational and political structures, and provide an appraisal of their goals and objectives.
Further, the strengths and weaknesses of these new trade unions were analyzed and compared to some of the new and restructured private sector trade unions. The conflicts and problems public sector trade unions face are also presented. This assessment, based on their neocorporate, tripartite responsibilities, provides an insight into the reasons they act as they do, particularly during industrial disputes.

Why Hungary? In terms of the development and advancement of a market-based labor relations system, researchers have clearly identified this country as furthest along in its development compared to others in the region and a potential model for other transitional countries there [1, 2].

“. . . Hungary has developed a wide-ranging system of tripartite consultation and negotiating bodies at national and regional levels and can be considered the front-runner in this area in Central and Eastern Europe [2, p. 2].

THE BIRTH OF TRADE UNION PLURALISM

By the late 1980s the Communist trade union movement began to splinter. The government allowed new trade unions to form and compete for membership with SZOT (Szakszervezetek Országos Tanácsa) or the National Council of Hungarian Trade Unions, which served as the Communist-controlled trade union confederation in Hungary.

While the nation’s Constitution and the Civil Code, “provides the legal basis for the existence of trade unions . . . [neither] prohibits anyone from setting up [independent] workers’ organizations” [3, p. 21]. Other than during and immediately after the 1956 bloody workers’ revolt in Budapest, this was the first time during the Communist era that new independent trade unions formed in Hungary, no less successfully.

In May, 1988 more than 1,000 members of the academic aristocracy, including researchers, scientists, and university instructors, formed the Democratic Trade Union of Scientific Employees. The government’s reneging on its position to offer added support for scientific research sparked the formation of this union. The government threatened to cut upward of 25 percent funding on research. Although Socialist Party leader Kádár denounced the formation of the scientific union, his denunciation was overshadowed by his removal as first secretary of the ruling Hungarian Socialist Workers’ Party. Specifically, two days after his denunciation of the formation of the scientific trade union, the results of the government commission investigating the 1956 uprising prompted Kádár’s removal as party leader [4]. These events marked the birth of trade union pluralism.

Over the next several months new unions took root. In December, 1988 several other unions affiliated with the Scientific Workers’ Union and established themselves as the Democratic League of Independent Trade Unions (LIGA Szakszervezetek, or LIGA). During the next year and a half, SZOT reestablished
itself as well. It publicly disaffiliated with the Socialist Workers’ Party and refused its Politburo seat. SZOT splintered into four separate trade union confederations. The largest new confederation, and SZOT successor, was the National Confederation of Hungarian Trade Unions, (Magyar Szakszervezetek Országos Szövetsége, or MSZOSZ). Additionally, four new independent trade union confederations formed during this period [5]. These new federations formed initially, not necessarily as interest intermediaries on behalf of workers, but more likely because of their ability to centralize political power against the then-ruling Socialist Workers’ Party.

The first new unions were in fact cover for new political parties because the socialist government at first allowed new unions but not new parties [5, p. 378].

LEGAL REGULATION

Without Act XXIX, the Financing and Free Association Acts passed by Parliament in 1991, trade union pluralism and decentralization might not have survived. These acts in essence, broke the rigid monopoly over organized labor by regulating trade union membership dues collection and the division of financial assets and real property inherited by MSZOSZ from SZOT. The passage of these laws by Parliament created a 

politically controversial paradox . . . In its efforts to serve pluralism by creating the preconditions for union autonomy [the government] was actually intervening in a trade union sphere that had just become autonomous [from it] [6, p. 23].

Act XXIX of 1991 made the payment of union dues through payroll deduction voluntary. Under the previous Communist regime, SZOT maintained full control of all union membership dues through compulsory payroll deduction. That is, while union membership was voluntary, members were required to pay their membership dues through payroll deduction. MSZOSZ inherited the dues check-off/payroll deduction system from SZOT, which allowed them to maintain a continued monopoly over organized labor. As a result of the passage of this law, trade unions could collect dues via payroll deduction only with express written permission from the employee [7, 8]. There is no doubt that the passage of this law considerably weakened the Communist trade union successor, MSZOSZ. To maintain the incoming revenue of trade union dues, trade union staff and stewards had to reorganize their entire membership by either seeking written permission from their members nationwide for payroll deduction, or manually collecting dues from members—neither an easy task.
Further, Act XXVIII froze all union assets valued between five and fifteen billion\(^1\) Hungarian Forints (HUF). Once again, this affected MSZOSZ more than any other union, as it had inherited the majority of all union property and real estate from SZOT. This act required that all MSZOSZ assets be held for one year and then be reallocated based on worker preferences determined by an election. The redistribution of MSZOSZ (SZOT) assets would be supervised by the State Asset Management Board [9].

MSZOSZ appealed to the Constitutional Court in April, 1992. The Court found Act XXIX legal. However, it struck down certain provisions of Act XXVIII. The Court stated that the State Management Board’s role in the reallocation of property was unconstitutional. The limited number of trade union members sitting on the State Asset Management Board disallowed all the trade unions adequate representation [7]. In June, 1992 Parliament amended Act XXVIII, supplementing the State Asset Management Board of Directors with one representative of each trade union confederation and one representative for each trade union not aligned with a confederation. On December 15, 1992, the trade union confederations came to an agreement with regard to the reallocation of property and the conduct of elections for this purpose.

The impact of the legal regulation developed during this period certainly took its toll on the new MSZOSZ—and it would seem, not by chance. The largest party of the parliamentary ruling coalition, the Hungarian Democratic Forum (Magyar Demokrata Fórum or MDF) held close ties with the independent trade union confederation MOSZ. MOSZ, the National Alliance of Workers’ Councils, was a direct competitor of MSZOSZ [10].

THE NEW “PUBLIC SECTOR” IN HUNGARY

Defining the difference between the public and private sectors in Hungary and throughout Central and Eastern Europe is still difficult, nearly a decade after the onset of transition. During the Socialist era, virtually all employment fell within the public sector, as private property or business ownership did not exist. Thus, all employment was state employment. Since transition, three distinctive employment sectors have surfaced. The first is the competitive sector, which behaves similarly to what we understand in the U.S. as the private sector. The public sector consists primarily of nongovernment organizations (NGOs) outside the realm of the competitive sector. Similar to U.S. nonprofit agencies, public sector organizations include such employers as hospitals, universities, primary and secondary schools, scientific and research institutes, etc. The third sector is the civil service sector, which comprises employees serving in municipal, county,

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1. Approximately $1.00 = HUF 63.21 in 1990 (USDOL, 1992).
and national governmental offices. The latter two employment sectors are budgeted by government appropriation and are subject to labor laws specifically created for their existence, generally outside the realm of the competitive sector labor code of 1992 [11].

The Public Sector Service Code and the State Service Code regulate labor relations and collective bargaining in a manner similar to the competitive sector labor code passed by parliament in 1992, but in a considerably more limited scope. The 1992 Labor Code creates a neocorporate tripartite system of industrial relations. This system calls for a tripartite council compromising an equal number of representatives from the government, employer representative organizations, and organized labor. Each of the three parties—labor, management, and the government (called the social partners)—may only cast one vote each on matters they are negotiating. The one vote-one party rule is in place regardless of how many individual and divergent organizations each represents. Together, they negotiate a national minimum wage, annual wage increases, employer payroll tax legislation, and other related social, economic, employment, and labor issues. Actual workplace conditions are negotiated at the enterprise level, but only if the employer agrees to negotiate these issues. However, for the most part, many workplace conditions such as work hours, leaves of absences, and the like are predetermined by the 1992 Labor Code [12].

Other conditions of employment are often determined through a company’s works council. In Hungary and throughout much of Europe works councils consist of a company-based group whose members are employees, supervisors, and management officials elected by that company’s general workforce. Together, they act with the employer in developing and implementing a myriad of workplace policies, including those relating to health and safety and the utilization of welfare funds and resources, including funds allocated to welfare purposes in the collective bargaining agreement. Further, the employer must confer and consult with the works council on macroemployment issues such as reorganization, privatization, modernization, and any other activity with the potential to affect a majority of its workers.

During the Socialist era, works councils had liberal authority and responsibility, including decision-making roles in the areas of determining company production planning, marketing, pricing, investment, and the hiring and dismissal of the enterprise director [13].

The Public Sector Service Code

The Public Sector Service Code limits public sector trade unions from directly negotiating wages. A separate tripartite council exists in the public sector, whose sanctioned sphere of collective negotiations is much narrower in comparison to the competitive sector tripartite council. Union confederations may give their opinion only on matters such as working hours, the minimum wage, and other
major employment-related issues during meetings with the government. Trade union confederations earn seats on the tripartite council by acquiring at least 10 percent of all public sector works council seats. Whatever agreements are arrived at through bargaining sessions with the government are drafted into legislation for consideration by parliament at the national level, or county or municipal legislatures at those levels of government. Aside from the 10-percent rule mentioned above, in the public sector trade unions may negotiate a collective bargaining agreement adjusting working conditions only if they obtain at least 50 percent of all votes cast in a works council election [14].

The State Service Code

Act XXIII of 1992, the State Service Code, regulates civil service employment in the state and local government sectors. Unlike the competitive sector labor code or the public sector labor code, the state service code is considerably more confining, and generally does not allow for interest bargaining. Salary scales for administrative, clerical, and blue-collar positions are specified by the code, as is the process for wage determination. The basic wage is set by the annual budget as determined by Parliament. However, Section 43 of the code specifically states that the determination of the basic wage shall take

into account the standpoint accepted in the course of interest conciliation [between the social partners on the competitive sector tripartite council] and later by the annual Budget Act in such a manner as to define it as being not lower than the base salary for the previous year [15, 43].

Local governments have greater latitude in the establishment of the wage and classification system set out by the code. Through the enactment of a local government resolution, local government tripartite councils may establish their own wage and classification system. However, their system would generally be constrained by the basic wage budget furnished to them under the state budget.

There does exist a consultation council in the state service sphere. The Civil Service Council (CSC) consists of eleven members invited to participate by the prime minister. Membership is solicited from among several groups, including academia, professional organizations, and trade unions and their confederations that represent employees in the state service. The CSC’s president is elected from among the membership. Its duties include preparing analyses and issuing opinions on legislation that may affect the state service, recommending legislation and regulations, preparing recommendations on civil servant training and promotion, salary systems, etc. Additionally, the CSC evaluates the civil service system of local governments and territorial organizations within the jurisdiction of the State Service Act [15].
Several common bonds exist between each of the new Hungarian labor confederations, both public and private sector. First, they have configured their administrative and bureaucratic structures to conform more closely with American and West European trade union confederations. This restructuring effort offers their membership greater organizational democracy. They have also subjected themselves, through the use of internal committees and auditing boards, to fiscal controls and western accounting principles. Further, they are all directly affiliated with, or have very close ties to several of the country’s political parties. Nevertheless, there is a distinct difference between the two types of trade unions that have come to exist in Hungary since political and economic transition. There are trade unions that are considered “reformed Communist unions,” or trade unions that have splintered from the former Communist trade union, SZOT. There are also “post- or anti-Communist trade unions,” that have developed independently, with no real established past.

Of the six new, independent and/or restructured trade union confederations that formed during transition, two clearly stand out as primarily representing the public and state service sector.

**Intellectual Workers’ Trade Union Confederation**

When the Communist-controlled SZOT trade union confederation reestablished itself as MSZOSZ, a subgroup of MSZOSZ comprising researchers and scientific workers seceded, forming the Intellectual Workers’ Trade Union Confederation (Értelmiségű Szakszervezeti Tömörülés, or ÉSZT). The new ÉSZT represented workers from universities and agricultural schools. Over the next several years, ÉSZT membership widened with new affiliations from trade unions representing medical universities, the public health service, social security workers, and engineers, growing from 90,000 members in 1991 to 110,000 members in 1993. As of 1996, ÉSZT maintained twelve affiliates, comprising members from the workforce, as well as pensioners and students [16].

ÉSZT considers itself to be independent from political parties, but nevertheless active in setting political and social agenda so ÉSZT is a “loose confederation of independent trade unions with a central bureau of minimal size” [17, 18].

**ÉSZT Constitution and Structure**

The ÉSZT constitution differentiates between three types of trade union affiliations [18]. The “fully qualified member” status is offered to trade unions that are willing to fully participate in ÉSZT activities and pay a per-capita membership fee. “Cooperative members,” participate less and thus pay a prorated fee, while
“observing membership” status is extended to trade unions participating in confederation discussions but that have no voting rights.

A simple majority is the standard for most matters coming before the several voting bodies of this confederation. However, it does require a two-thirds majority vote for a myriad of specific matters. These include issues concerning personnel, acceptance or amendment to the constitution, the dissolution of the confederation, the acceptance of the annual budget, and appeals following the exclusion of trade unions.

The confederation’s structure comprises a total of four bodies that meet regularly. The General Assembly is the supreme decision-making body. Members having the right to vote include members of the Presidential Board, members of the Auditing Committee, the president of the Budget Committee, trade union delegates from fully qualified membership status affiliates, and delegates from cooperative membership affiliates. Fully qualified status affiliates are authorized to have five voting members plus one for every thousand members. Cooperative status affiliates are allowed only two voting delegates per thousand members. Observing member affiliates and regional organizations may partake only in discussions.

The General Assembly defines the trade union’s role, mission, and platform, accepts and/or makes changes to the constitution, addresses financial responsibility, elects and dismisses union functionaries, and confirms the admission of new member organizations, among other related duties. It meets on a regular basis annually and may schedule special meetings when needed.

ÉSZT’s Presidential Board is the coordinating, decision-making, and executive body of the confederation. It operates between meetings of general assemblies. Members with the right to vote include two representatives per qualified member organization and one representative per cooperative member organization, including elected functionaries. Members with the right to partake in discussions include the president of the Budget Committee, the president of the Auditing Committee, and one representative per observing member organization. Unlike the MSZOSZ trade union, members of the ÉSZT Presidential Board cannot be candidates for, or members of, Parliament without the confederation’s consent. Further, ÉSZT’s president, three vice presidents, and the secretary may not serve as representatives for any political party. This board meets on a regular basis, at least monthly. Special meetings can be convened if proposed by at least one third of the fully qualified member organizations.

The Presidential Board makes decisions concerning current tasks, executes the decisions of the General Assembly, convenes the General Assembly, proposed its agenda, and suggests a chairperson. Should the president of ÉSZT resign, be dismissed, or considerably impaired from performing his/her official duties, the Presidential Board elects one of its members to serve temporarily as the managing president. The Presidential Board also prepares the annual budget and manages the union’s assets.
The Budget Committee has the authority to prepare decisions about, give opinions about, and control the organization’s economy. It provides a preliminary commentary on the financial report of the Presidential Board and provides an annual report to the General Assembly. The Auditing Committee also assists in controlling ÉSZT’s fiscal affairs. It is comprised of a president and two members elected by the General Assembly for a term of two years. The president and members of the Auditing Committee cannot be members of the Presidential Board and must belong to different member organizations. Generally, the Auditing Committee supervises the execution of financial tasks and ensures the proper observation of the rules of accounting. It provides an annual report to the General Assembly and oversees the correction of financial irregularities.

Regional and Sectional Organizations of ÉSZT

Sections of ÉSZT member organizations can form regional organizations for the representation of their common interests. While observing the confederation’s constitution, they define their own activities and elect their own representatives. They can act for the purpose of representing, protecting, and enforcing regional interests. Representatives of the regional organizations have the right to partake in the discussions of the General Assembly. The activity of the regional organizations is coordinated by a vice president.

In the same way, divisions of member organizations can form noncorporate sections for the representation of similar interests. While observing the confederation’s constitution, they may choose to define their own activities and elect their own functionaries as well [18].

The Trade Union Cooperation Forum

The Trade Union Cooperation Forum (Szakszervezetek Együttműködési Fóruma, or SZEF) is the primary interest representative for public sector and civil service employees and non-university-level teachers. That is, its members work in industries financed by the state, municipalities, and educational and social insurance institutions. The confederation was formed in June 1990 as a break-away during the reorganization of SZOT to MSZOSZ. As of 1993, it was the second largest confederation (behind MSZOSZ), claiming about 550,000 dues-paying members from about 800,000 employees in education, health care, public administration, the arts, social services, and the judicial system. Specifically, thirty-four individual and independent trade unions comprise the confederation. Several of the independent trade unions in the arts are also represented by their own federation [19, 20].

Each of the trade union confederations takes great interest in the planning of the state economy. However, SZEF, along with the ÉSZT confederation, generally has a greater interest, since these two represent, for the most part, employees from the public and civil service sectors who are paid from the state
budget. A SZEF treatise on the state of the economy published in 1995 paints quite a gloomy picture:

The productivity of the economy continues to remain low. The increase of the state debt gives cause for a growing alarm. The burden of external and internal debt is continually growing. The high rate of interest is getting unbearable. The annual budget is burdened by the economic consequences of a number of political decisions (laws on compensation and the cancellation of the World Expo). The budget spent large amounts on unjustified and non-profitable purposes (band consolidation, compensation, dubious massive investments, the financing of loss makers). Growing unemployment also causes burdens . . . The disfunctioning of the [public] institutions are [sic] continuously threatening. The tendency of material expenditure brings about deteriorating work conditions for our members and an ever decreasing [public] service . . . [21, p. 24].

Trade unions representing workers employed in the competitive sector have generally focused on constructing an economic framework that would provide for a liveable wage. SZEF claims as its principal focus and achievement the avoidance of public institutional decline, thus protecting public sector jobs and increasing job security for its membership.

It was able to resist the repeated attempts which planned the cuts of the individual areas merely on the basis of economic aspects, thus protecting the majority of the work places of public employees and public servants [21, p. 24].

The conflict of neocorporate tripartism with regard to the relationship between the public/state sector and competitive sector unions is clearly presented here. The closing of public institutions and the layoff of redundant public and civil service workers may free up capital for wage negotiations, perhaps benefiting competitive sector unions and their membership. This nevertheless has the opposite impact on public and civil service unions and their membership interests.

Another such conflict arises in the public employer’s utilization of contract employees and contracting out to the competitive sector. The SZEF program addresses this and calls for an amendment to the Labor Code that would eliminate this practice. “The new Labor Code should declare a ban on the application of contracted civil legal relationships in the interest of defending employment . . .” [21, p. 35]. The SZEF program further calls for the revision and liberalization of both the public employee and civil servants laws, expanding the rights of these employees in the area of wage bargaining, interest conciliation and, in the case of civil servants, negotiating workplace agreements [21].
SZEF Constitution and Structure

The SZEF Congress is the confederation’s chief legislative body, and is convened at least once every four years, or when one third of all congressional members mandate a meeting. Its members include the organization’s president and three vice presidents, members of the Financial Control Committee, one delegate for each affiliate, plus one affiliate delegate for each 10,000 members as well as delegates of congressional steering committees and commissions appointed to address special issues. The congress addresses matters such as adoption and amendments of the statutes and the adoption of the organization’s long-term platform, among other matters. The confederation’s council meets at least twice per year and serves with similar authority between congresses. Its members include the president and vice presidents, one member for each affiliate, elected leaders of congressional committees and commissions, and SZEF executives.

SZEF’s Board of Executives serve as the organization’s day-to-day policy makers and administrators. It is comprised of the president, vice president, and the SZEF agents. This board meets at least monthly. The Finance Control Commission serves as an independent body controlling the confederation’s fiscal matters, drafting a budget, and serving as auditor.

PUBLIC SECTOR UNIONS, WAGE DECLINE, AND STRIKES

It is interesting that all of the trade union confederations, when asked whether they feel they can carry out and support a long-term strike, indicated they could. However, the consensus of their definition of a long-term strike was one week [10]. Data collected and compiled from Ministry of Labor records indicate only fourteen strikes lasted more than one week between 1989 and 1994 [23] (see Table 1). The clear majority (55 of 87) were two hours or less in length. The Hungarian Strike Act does require that trade unions engage in a two-hour warning strike (as a tool of interest conciliation during a bargaining impasse) before they engage in a longer-term collective action. Nevertheless, considering the considerable drop in real wages in Hungary and throughout Central and Eastern Europe during transition, it is clear the two-hour warning strikes have not been very successful [1, 10].

One reason why so many strikes are of short duration would seem to relate to the issue of whether striking employees are paid wages during strikes. Under varying circumstances, some employers actually pay employees, if it is agreed

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2 There were ninety-seven strikes during this period, though for ten strikes the duration is unknown.
Table 1.

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<tr>
<th>Sector</th>
<th>Number of Warning Strikes (2 Hours or Less)</th>
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Note: Numbers in parentheses represent strikes with an unknown duration.
*indicates that the warning strike lasted between four and nine hours rather than two hours as required by the Strike Code.

that they will strike for a short period of time only. For example, during a teachers’ strike in 1995:

“Our principal offered us three options”, said a teacher at Kosztolányi Dezső Elementary and Grammar School in Budapest’s 1st District. “One: We do not strike and we hold classes. Two: Everybody comes in between 8 a.m. and noon and gets paid by the city. And three: We form a committee that maintains the basic operation of the school. The committee’s members get paid; everyone else doesn’t. We took the third option” [24, p. 1].

According to confederation leaders, employers have the option of paying strikers who strike for a short duration, and though it is not mandatory, it is a common practice [25]. There is little doubt that union strike funds for many of the confederations, particularly those of MSZOSZ, were negatively affected by the sudden and dramatic drop in overall membership between 1991 and 1993. While all the confederations assert they have a strike fund, they were all unwilling to indicate the strength of those funds [25]. These factors suggest that employer payment of wages for short-term strikes serves as an impetus for trade unions and workers to engage in short, rather than long-duration strikes.

Except for 1991 and 1994 (where the difference was only 1.5 hours) the competitive sector consistently engaged in longer strikes. Except for 1994, this sector also engaged in far more strike activities, nearly at a two-to-one ratio calculated for the entire period. The state sector rarely struck, which is consistent with the fact that state sector workers are prohibited from engaging in wage bargaining [23]. Thus, any strike action would serve to impose a political agenda on state sector wages rather than influence collective bargaining [1].

CONCLUSION

It would be logical to believe that trade unions representing members in the sector bearing the greatest economic burden would engage in a greater number of activities to deflect the impact of that economic burden on their membership. The public and state sectors suffer a widening gap in wage equity with the competitive sector, yet their unions engage in demonstrations far less often than do those of the competitive sector. Between 1989 and 1992, competitive sector earnings were 13 percent higher than in the budgetary sectors. Further, budgetary sector workers earned 7 percent less than the national average in 1992, and 11 percent less than their competitive sector counterparts that same year. “So far no effective mechanism has been introduced that could have ensured a proportional wage increase in the two sectors” [26, p. 177].

Even within the budgetary sector, 1993 figures show that the range of earning inequity is substantial. Earnings range from a low of 53 percent of the competitive sector standard, among primary school educators, to a high of 88 percent of
that same standard among social workers [26]. Thus, it is difficult to conceive of an active public sector labor movement participating in fewer collective protests over wages than competitive sector trade unions. Considering this from an alternative perspective, however, the two-to-one ratio of competitive versus public/state sector strikes in itself may in fact help explain why competitive sector wages are 28 percent to 32 percent higher than in the public and state sectors.

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