

Chapter 8

The Fluidity of Labor Politics in Postcommunist Transitions

Rethinking the Narrative of Russian Labor Quiescence

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Images of disaffected workers rising up against communist regimes—most evident in the case of the Solidarity-led movement in Poland and the 1989 miners' strikes in the Soviet Union—initially spawned hopes that unions could spearhead the emergence of civil society throughout the postcommunist world. Within a decade after the fall of communism, however, a much bleaker picture emerged: “Not only have unions not experienced a rebirth—on the contrary, they have seen a drop in membership—but they have been largely unable to create for themselves a pronounced political role to allow them to shape the postcommunist transformation.”¹ Labor throughout the postcommunist world came to be seen as unusually weak, in part because of the behavior of “legacy unions,”² unions derived from the official trade union structures set up by the communist party-state apparatus. Although these legacy unions benefitted from the assets, members, and organizational structures inherited from their predecessors, they were thought to exhibit “weak union identities” wedded to preexisting practices of collaborating with state and management to fulfill production targets and preserve labor peace.³ Studies of individual countries did draw attention to particularities of labor politics in those countries, and a few comparative studies even took note of differences in the extent and modalities of labor activism across postcommunist settings. However, even in these more nuanced studies, the common refrain stressed a powerful connection between the ubiquitous

weakness of labor across postcommunist space and the shared legacies of communist-era worldviews and practices.⁴

There is little doubt that organized labor in postcommunist countries has been unable to exert sustained influence in the way that many expected following the collapse of communism. It is also a matter of record that the leading trade union centers have tended to adopt more cooperative postures than have newly formed unions. What is less clear, however, is whether these tendencies are more pronounced in postcommunist settings than in other places where unions are coping with declining membership and growing pressures for labor flexibility in the midst of neoliberal reforms. Also unclear is whether the aggregate measures of strikes and protests point to an exceptionally high degree of labor passivity in postcommunist settings, at least when tracked over longer periods and situated within the broader context of labor's struggles in the midst of globalization. But perhaps most open to question is whether even the most cooperative unions and the least militant workers have been behaving the way they do because of the enduring legacy of norms and practices established in the communist period.

The point of departure for this chapter is a suspicion that the standard narrative of labor quiescence in postcommunist societies is overly static in its characterization of the outcome it seeks to explain and in the deterministic character of the explanation itself. In terms of the outcome, impressions formed on the basis of the initial stages of transition appear to have crystallized into fixed outcomes rather than as snapshots taken in the midst of highly fluid processes of institutional change. This results in a tendency to either ignore or discount growing evidence of local protests as well as subtle changes in the behavior of different unions with the passage of time. In explaining the apparent quiescence of labor, the standard narrative has placed great weight on the behavior of dominant unions, which is thought to result from habits and practices inherited from the function of unions as “transmission belts” for managers and party officials given the supposed absence of separate workers' interests in a classless society. While attention to the influence of the past is laudable and necessary, an overly structured view of the past risks overlooking the questions of whether discrete elements of communist legacies can exert uniform effects on specific aspects of labor relations over time and how these effects might be mediated by labor actors engaging in creative assemblages to ensure their survival in the midst of an uncertain and fluid transition.⁵

Any attempt to correct for these tendencies is likely to result in messier, less structured stories of labor politics within and across postcommunist countries. But it can also give us a deeper understanding of the anxieties, pressures, and imperatives that differently situated labor actors faced as they sought to gain some control over highly fluid circumstances and unfamiliar institutional environments. This chapter takes a modest step toward such a corrective by focusing on the case of Russian labor politics. It was in the Soviet Union that communist-era labor institutions were most enduring and most deeply entrenched, and it is thus in post-Soviet Russia that the narrative of labor quiescence should be most compelling. Indeed, most studies of Russian labor, including ones that are extremely detailed, consistently describe a weak, passive labor movement, led by union officials whose preexisting habits, experiences, and worldviews inclined them to cooperate and bargain with managers and political elites rather than to actively defend workers' interests.⁶ This chapter offers a much more complex and messy view of Soviet and Russian labor relations. In this view, the behavior of actors is neither uniform nor merely reproducing past habits and practices; instead it reflects significant political creativity on the part of differently situated actors seeking to survive in the midst of extreme uncertainty.

The first section questions the monolithic image of Soviet labor relations, highlighting the variation in workers' experiences and union officials' behaviors across sectors and over time. The second section examines the early years of the post-Soviet transition—coinciding with the period of Boris Yeltsin's presidency—with a focus on how workers and unions struggled to reconceptualize their roles and relationships in a turbulent environment marked by extreme uncertainty and hardship. The following section focuses on the first years of Vladimir Putin's presidency, viewing the struggle over a new Russian Labor Code (enacted in 2002) as a key step towards the emergence of a more "normal" pattern of labor politics. The conclusion reviews the ways in which the study of postcommunist labor can be made less structured and thus more attentive to the varying forms of agency exhibited by labor actors as initially unfamiliar institution settings become more stable and intelligible.

The Soviet Inheritance—Neither Monolithic, nor Formless

Rethinking the narrative of labor quiescence in Russia begins with the recognition that the putative legacies of the Soviet era were not derived from

a fixed, monolithic system of labor relations. Certainly, communism was predicated on an essential harmony of interests in a classless revolutionary society. This in turn engendered certain standardized institutional structures intended to foster close cooperation between workers, unions, managers, and the communist party-state apparatus. Yet this neither suggested a fixed role for trade unions over time nor preempted instances of militant protest by workers in particular locales or sectors.

In spite of Vladimir Lenin's earlier criticism of trade union consciousness, unions that supported the Bolsheviks in the 1917 Revolution were treated as leading agents of the working class and given a significant place in the new Soviet government. The All-Union Central Council of Trade Unions was set up as a unified association of sectoral federations that corresponded to branches of the economic ministries and encompassed regional and factory trade union committees. The trade unions were not viewed as defenders of workers' interests since the means of production were now owned by a "dictatorship of the proletariat." Even so, during the first decade following the Bolshevik Revolution, factory trade union committees were granted significant autonomy as watchdogs over "bourgeois specialists" who had been retained from the old regime to administer production. At the national level, top trade union officials regularly offered opinions concerning working hours, the structure of wages and benefits, and working conditions in nationalized factories. Mikhail Tomsky, head of the trade unions and later a member of the Politburo, proposed measures to prevent the exhaustion of workers in the midst of efforts to adapt Taylorist forms of work organization designed to boost productivity.⁷ Thus, the idealized harmony of interests in a classless society did not initially translate into trade unions functioning as passive collaborators of enterprise managers and central planners.

Under Josef Stalin, however, the independent advisory and watchdog roles of the unions were steadily scaled back. Unions were effectively turned into transmission belts for carrying out directives of party leaders and fulfilling the ambitious targets of the first two Five-Year Plans (1928–1938). As the old "bourgeois specialists" were purged and replaced by a new generation of "red directors," factory trade union committees no longer had a role in reviewing the actions of managers. Official party pronouncements and cultural activities heaped praise on "worker heroes" who set production records. But most workers feared the pressures brought to bear by high targets, and the more established workers resented newer workers who

came from the countryside and used the official campaigns to secure better positions. Trade unions could do little about this situation as they were now officially charged with assisting managers and planners in maintaining labor discipline and fulfilling plan targets. In view of the anxiety created by Stalin's campaigns against "wreckers" and "saboteurs," many factory union officials did participate in collusive practices designed to help both workers and managers evade excessive scrutiny and ensure access to resources needed for survival.⁸ This collusion underscored the absence of an independent official role for unions in defending workers, but would also produce a distinct alternative legacy: the informal arrangements that managers made to allow workers to use enterprise resources to pursue covert earning schemes and obtain nonwage benefits at a time of declining wages and job security.

The post-Stalin era brought yet another shift, this time in the opposite direction. After Stalin's death, overt coercion and high-pressure campaigns gave way to a Soviet-style "social contract": the regime offered material security and improved living standards in exchange for loyalty to the state, labor peace, and efforts to maintain productivity.⁹ This understanding, first anticipated in a party program introduced under Nikita Khrushchev in 1961 and later formalized under Leonid Brezhnev in the 1971 Labor Code, guaranteed workers full employment, price controls on basic necessities, and a host of welfare benefits ranging from education to health and recreation. The Code also formally granted trade unions the right to review and challenge dismissals of employees, while also being placed in charge of managing their own network of buildings, schools, clinics, and vacation sites. In practice, while unions did not often succeed in overturning dismissals, they still played a role in the reassignment of employees and ensuring continuity in workers' access to key educational and health benefits. In addition, during the post-Stalin era, the Soviet Union rejoined the International Labor Organization (ILO) in 1956 after a sixteen-year hiatus (it had joined in 1934 but withdrew in 1940). Following the ILO's tripartite structure, Soviet trade unions joined caucuses with other unions in debating labor standards, and officials in the international section of the All-Union Central Council of Trade Union became familiar with key ILO conventions covering such standard issues as the right to organize, collective bargaining, and social dialogue.¹⁰ On the whole, the role of unions during the late Soviet period may be characterized as lying somewhere between that of a pure instrument of political and managerial control (as under Stalin) and

that of the active organization that Tomsky had envisioned during the first decade of Bolshevik rule.

Workers in the post-Stalin era, despite the regime's continuing emphasis on labor-management harmony, did not hesitate to engage in acts of protest when they believed that managers or the government were renegeing on implied promises. Under Khrushchev, massive protests were triggered in 1962 in Novochoerkassk, when the regime attempted to punish the workforce for sagging productivity by increasing the price of basic foodstuffs.¹¹ These protests prompted the Brezhnev regime to formally codify job rights, standardized benefits, and subsidized prices for basic foodstuffs. Even so, delays in the delivery of wages or other benefits promised by the regime led to work slowdowns and wildcat strikes, as was the case during large-scale strikes in Dnepropetrovsk and Dneprodzerzhinsk in 1972 as well as a lengthy strike wave in 1980–1981 that involved tens of thousands of workers and halted production in several automobile plants.¹² Later, during the era of glasnost and perestroika, workers became even more sharply critical of the regime in response to Mikhail Gorbachev's initiatives to boost productivity, culminating in the 1989 miners' strikes, which spread like wildfire across the Kuzbass and Donbass regions. Significantly, the strikers were not motivated by any opposition to socialist principles but by a desire to see these principles adhered to more consistently in the form of better working conditions and greater autonomy at the workplace.¹³

Thus, the history of Soviet labor relations cannot be reduced to the role played by unions as transmission belts since the Stalin era. Trade unions were not assertive, independent organizations pursuing separate agendas, but their activities went beyond simply implementing directives from above. While workers in many sectors showed no signs of resistance, in other sectors, perceptions that party leaders or enterprise managers were renegeing on existing understandings could lead to a wide range of protest actions, even industry-wide strikes.¹⁴ And while official Soviet rhetoric stressed the unanimity of interests in a classless society, there were in fact competing interests that generated both industrial disputes in certain sectors and informal norms and understandings at the level of the enterprise.

Labor Politics in the 1990s: Survival in Turbulent Times

Following the appearance of unofficial strike committees during the 1989 miners' strikes, the Russian branches of the All-Union Central Council of

Trade Unions decided to detach themselves from the Soviet party-state apparatus and become more proactive in dealing with Gorbachev's reforms. In 1990, they reconstituted themselves as FNPR, the Federation of Independent Trade Unions of Russia. The FNPR is regarded as Russia's chief "legacy union,"¹⁵ and its supposed aversion to industrial conflict is seen as a carryover from the communist period and a key reason for the weakness of the labor movement.¹⁶

Through the mid-1990s, FNPR's composition, behavior, and inability to mobilize labor protest appeared to confirm this view. FNPR's leadership remained firmly entrenched, with most top officials having spent at least a decade as leaders of factory trade unions or branch unions in the Soviet era.¹⁷ FNPR also inherited the bulk of the material assets—in the form of buildings and facilities for health, education, and recreation—that had been under the control of the Soviet-era trade unions. These assets, which were thought to generate an annual income of \$300 million,¹⁸ became a means for political elites to exert pressure on FNPR because it desperately wanted to hold on to its inherited resources. This seemed to suggest that FNPR leaders were looking out for themselves rather than defending the interests of rank-and-file workers, a view that became even more plausible when money from social insurance funds once administered by unions was found to have been siphoned into newly created financial structures from which some union officials' salaries were paid.¹⁹ Moreover, FNPR's first chairman, Igor Klotchkov, ended up siding with Duma deputies who refused to accept Yeltsin's decree dissolving parliament until the armed confrontation of October 1993. Those who saw Yeltsin as a committed supporter of democracy and free markets portrayed opponents of his policies, including FNPR, as defenders of the old regime. The steep decline in FNPR's membership—from over 60 million in 1993 to under 35 million in 1999—supported this view, since it suggested that most workers did not see FNPR as willing or able to solve the problems they faced in the new era.²⁰ Yet this did not mean that workers engaged in independent forms of labor action. Although the vast majority of the workforce confronted falling wages, hyperinflation, and the growing prospect of layoffs, only 357,000 workers (less than 0.5 percent of the workforce) participated in strikes and lockouts in 1992, and just 120,000 workers (less than 0.2 percent of the workforce) in 1993.²¹ Moreover, almost all of the striking workers were from two sectors: coal mining and education.²² All these factors were cited in the making of the narrative

of labor quiescence. A closer look at workers' and unions' behavior during the 1990s suggests a more complicated story.

To begin with, there is the static picture of low militancy. Although scholars paid little attention to cross-national data, most observers viewed the aggregate figures for strikes and protests in the first half of the 1990s as "surprisingly" low.²³ This impression remained intact despite the fact that the period from 1996 through 1998 brought a sharp increase in the number of workers participating in strikes and lockouts, with the figure for 1997 alone (887,300) exceeding the combined total for the four years from 1991 to 1994. The figure for 1997 also included over 150,000 workers from sectors outside the usual hotbeds of labor militancy in Russia, coal mining and education.²⁴ Moreover, cross-national data on the number of working days lost per one thousand workers indicate that the total for Russia during the 1996–1998 period exceeded the combined total for Britain, France, and Germany during the same period.²⁵ Perhaps because this increase coincided with—and could be attributed to—the unusual problem of persistent wage arrears, it was treated as an anomalous spike rather than as a response to shifting circumstances. Even so, the sharp increase in strike activity should have raised questions about just how passive Russian workers really were, especially considering that strikes and protests have historically come in waves even in more pluralistic Western societies.²⁶

The aggregate figures also had little to say concerning the origins and dynamics of highly visible instances of protest in many locales and sectors. These included dozens of hunger strikes, several lengthy lockouts and strikes by thousands of coal miners, teachers, and health workers, as well as a protracted strike by air-traffic controllers that Yeltsin forcefully crushed. As economic reforms threatened the closure of state enterprises, a variety of other forms of protest came into view during the late 1990s, ranging from a blockade of the Trans-Siberian Railroad by miners to attempts at self-immolation in various enterprises and cities.²⁷ To the extent that such militant protests were not more prevalent, there are at least two observations that do not conform to the story of passivity: some point to workers' desires to remain on the payroll at all costs so that they could continue to obtain nonwage benefits and informal earning opportunities from paternalistic managers, while others note the high degree of confusion among workers over whom to blame for wage arrears or other immediate grievances.²⁸ There is no need to adjudicate between these two explanations; both are

plausible and both underscore the point that whatever labor passivity was in evidence was more than a result of atomized workers being held back by coopted unions acting as they always had.

Turning to the unions, a closer look at the composition of FNPR's leadership reveals that there was significant variation in the background and behavior of senior officials even if they had held key positions within the Soviet trade union apparatus. Some union bosses rose through the ranks of the FNPR more rapidly precisely because of their reputations for acting independently and assertively. Mikhail Shmakov, who became FNPR's new chairman in 1993, came out of what was regarded as one of the most independent and syndicalist regional unions, the Moscow Federation of Trade Unions, which had organized its own mass protests in 1992 in response to price hikes when the rest of FNPR was considering offering support to Yeltsin's shock therapy. In fact, the Moscow Federation issued its own separate draft platform on "Economic Democracy," explicitly calling for collective action by workers to check the power of management and to press for across-the-board increases in wages, including a base subsistence wage.²⁹ In keeping with this stance, in 1994, Shmakov called for nationwide strikes and rallies just as mass privatization was getting under way and as Yeltsin was promoting a "Civic Accord" to head off social unrest.³⁰

Other leaders, too, rose through the FNPR's ranks after becoming known as advocates of workers' rights and living standards. The late Vitali Bud'ko, who was made FNPR vice-chairman by Shmakov, got his start in the Soviet era in the restive coal industry unions. Bud'ko was an active supporter of participants in the 1989 miners' strikes, and in 1993 threatened large-scale strikes to protest the government's plans to drastically cut back funding for state-owned coal mines. Another Soviet-era trade unionist, Evgeny Sidorov, became FNPR's international secretary in 1999, served as a member of the ILO's Governing Body, and became a staunch supporter of the transnational trade union movement. Upon Sidorov's death in 2010, General Secretary Guy Ryder of the International Trade Union Confederation noted, "Evgeny Sidorov played an extremely important role as an international advocate for workers' rights, and in building and maintaining strong relations between the FNPR and trade union centers across the world."³¹ At the regional level, Anatolii Chekis, who served as head of FNPR's regional organization in Kemerovo in the 1990s, publicly promised to defend miners who had blockaded the Trans-Siberian Railroad during the "rail wars" of the 1990s.³² It is also worth

noting that Chekis would make a failed bid—backed by Communist Party deputies in the Duma—to challenge Shmakov for FNPR's leadership. And, even though the 1990s witnessed very little turnover in FNPR's leadership, the aging leadership was acutely conscious of the need to attract younger members and leaders. By 2000, FNPR had organized a nationwide network of young Russian trade unionists and set up a quota to ensure that at least 30 percent of delegates to its 2001 Congress would be under the age of thirty-five.³³

The point is not that most FNPR officials were committed advocates for workers' interests. Many were focused on holding on to their positions and salaries as new managers began to take over at various enterprises. Others resisted market reforms and did not adapt easily to pursuing workers' interests in the new economy. But there is no reason to assume a priori that FNPR's leaders, even those groomed during the Soviet period, would be uniformly ossified and utterly incapable of acting independently following the end of communism. Absent this assumption, any effort to understand the behavior of unions must be more open-ended, with due attention to the constraints and choice situations they faced.

The dynamics within the Russian Trilateral Commission are instructive in this regard. The commission was established in 1992 in line with the ILO's recommendations for a national forum for the promotion of "social partnership" between labor, business, and the state. This would mainly take the form of general agreements that could serve as a basis for bargaining between workers and employers at the enterprise and branch levels. However, the most significant cleavage within the commission in the 1990s was not that between labor and business, but rather between those unions and business associations that wanted to temper radical reforms (FNPR on the labor side and the Russian Union of Industrialists and Entrepreneurs on the business side) and more recently formed organizations that backed Yeltsin's reforms (for example, the white-collar union, Sotsprof, on the labor side and the Congress of Russian Business Circles on the business side). Different labor and business groups used their positions in the Trilateral Commission to improve their positions within their respective categories, and they did so mostly by either supporting or challenging Yeltsin's policies. Thus, FNPR responded to losing its automatic dues checkoff by hardening its resistance to Yeltsin, while newer unions backed him in the hopes of eventually being granted a share of FNPR's inherited assets and membership by decree. Under such conditions, it was hardly a surprise that the

Trilateral Commission failed to produce viable general agreements, or that the few that were signed were ignored or unenforceable.³⁴

Thus, from the mid-1990s onward, Yeltsin began to strike bilateral deals with the FNPR. In exchange for behaving more as a negotiating partner in the midst of growing wage arrears and unemployment, FNPR was permitted to retain all its assets and its affiliated primary organizations. Yeltsin, gearing up for a presidential election in 1996, ended up turning away from the smaller, newer unions that had been supporting him, while counting on some restraint from the federation that still accounted for nearly 90 percent of the unionized workforce. The sequence of events—FNPR's intransigence in 1993–1994 followed by increased bargaining with elites beginning in 1995—is significant. It punctures the notion that FNPR's compromises were an extension of past union behaviors, and instead suggests that FNPR leaders were consciously trying to use their still vast membership base at a time of growing economic crisis in order to protect its assets and maintain its position as the most significant component of the labor movement. While this also meant that the inherited assets could be leveraged by political and business elites in the bargaining process, the basic strategy followed by FNPR was not radically different from that being followed by leading European unions that have engaged in compromises to defend their positions in the face of neoliberal reforms.³⁵

Alternative unions, for their part, neither acquired greater influence within the labor movement nor managed to distinguish themselves as reliable defenders of workers' interests. Newer unions such as Sotsprof (a mostly white-collar union seen as one of the first truly "free" unions) tended to focus almost entirely on the goal of curtailing FNPR's influence and redistributing its assets. In the process, they threw their support behind policies that were increasingly seen by workers as responsible for wage arrears, rising prices, falling living standards, and growing unemployment.³⁶ Non-FNPR unions also failed to coalesce into a unified alternative federation as key leaders competed for influence among different constituencies. The best chance for such a federation, the Confederation of Labor of Russia (KTR), was formed in 1995 but immediately became truncated when the leadership of the Independent Miners' Union withdrew and set up a new federation that it could control better (the All-Russian Confederation of Labor, or VKT). The dynamics of this split also underscored the fact that VKT and KTR, although "free" unions in that they had broken away from FNPR, had also inherited the leadership, membership, and organizational

structures of preexisting unions entrenched in particular sectors and regions. KTR, for example, relied mostly on unions set up among the Soviet-era dockers and sea-transport workers, and its ability to form a national-level federation was the result of past networks formed by union officials who came from different regions but had been able to form connections at various ports or at trade union conferences and vacation facilities.³⁷

Thus, although the labor quiescence thesis places much emphasis on legacy unions operating in their old ways, it is significant that FNPR is not as monolithic as it is made out to be, and that alternative unions failed to distinguish themselves as committed defenders of labor rights. In fact, the behavior of FNPR as well as other unions are at least in part a result of the extraordinary circumstances they confronted. The main components of shock therapy—dismantling central planning, removing most price controls, adopting mass privatization, facilitating bankruptcies and dismissals—were pushed through quickly by presidential decrees. In a rapidly changing environment, unions of all stripes had to find ways to make themselves relevant actors in the eyes of state and business while watching union membership decline and fighting over limited resources. As Walter Connor put it, "Trade unions, especially the FNPR, had barely found their feet in the post-Soviet period; yet the ground was still shifting. Privatization; unemployment; the looming threat of bankruptcies; the inability of the government, except by cranking up inflationary currency emissions, to satisfy demands for cash—all limited the space in which unions could maneuver."³⁸

The connection between unions and their membership base also deserves a closer look since it is a core element in the labor quiescence narrative. The sharp decline in membership throughout the 1990s, alongside surveys indicating that workers tended to rely more on managers rather than on unions to solve their problems, has been cited as evidence of the weakness and passivity of labor.³⁹ However, this inference does not take into account the impact of unions' sudden loss of their automatic dues-checkoff privileges or of their loss of control over the social insurance fund, which was handed over to municipal governments. Until the end of the 1990s, some workers continued to approach their enterprise unions for social benefits.⁴⁰ As it became clearer that unions had nothing to do with benefits, workers had no sense of what unions had to offer in their immediate struggle to survive in the face of unpaid wages, sharp rises in prices for

basic foodstuffs, and the looming threat of factory closures. Under these conditions, most workers, even those not paid for months, had no reason to risk losing their jobs when simply being on the payroll guaranteed access to nonwage (in-kind) payments and opportunities to engage in informal supplemental earning.⁴¹ Considering the shifting functions of unions and the extreme anxiety generated by the early years of transition, both the workers' initial exodus from unions and their continued reliance on paternalistic managers are better understood as survival strategies rather than as a definitive rejection of unions as tools of management.

These observations point to a more complex picture than is evident in stark narratives about Russian labor quiescence during the 1990s. This was a period of dramatic upheavals followed by the rapid introduction of new, unfamiliar institutions and policies. In such a turbulent environment, there is no question that union bosses worried about holding on to their positions and that workers worried about losing access to benefits linked to their workplaces. But these worries are precisely the reason for dispensing with narratives emphasizing the mechanical reproduction of past practices and entertaining the possibility of creative assemblage among pragmatic actors.

Toward "Normalization"? The Politics Behind the 2002 Labor Code

Although Russia under Vladimir Putin is thought to be less democratic than it was in the 1990s, the period from 2000 onward coincides with the emergence of a more "normal" pattern of labor politics. This shift came into view with the adoption of the 2002 Russian Labor Code. As part of the 1997 negotiations with the International Monetary Fund, the Russian government had agreed to adopt new labor regulations that would replace the old Soviet Labor Code and give employers more freedom. The result was the comprehensively revised 2002 Russian Labor Code, pushed through under Putin, that would regulate dismissals, working conditions, strike procedures, and union representation. What is important here is not the content of the new code but the political struggles that accompanied its adoption. These struggles reflected the emergence of a clearer separation of interests between the trade union movement—despite continuing divisions and disagreements—and business communities pressing the government

for more flexibility in managing their workforces and production schedules. The net result was certainly not a victory for the unions, but it could be read as a sort of "heroic defeat"⁴² in the sense that labor created enough resistance that state and business had to engage in a protracted period of maneuvering and bargaining to secure the provisions they wanted most.

The first draft of the Code, introduced by the Kremlin in May 2000, immediately provoked widespread criticism from the entire gamut of unions. Although FNPR would later adopt a more conciliatory posture and get criticized for doing so, the major unions initially lined up on the same side on the most contentious issues. They all challenged key provisions, pushed for alternative drafts, and worked to build public opposition to the government draft. In the process, they cited international labor standards and human rights principles as well as Soviet-era regulations concerning dismissal procedures, working conditions, and minimum wages linked to subsistence. The FNPR's regional and branch organizations organized meetings throughout the country to highlight the most problematic aspects of the proposed code, including one that would have given employers the right to decide which unions it would negotiate with. On the business side, too, newer business organizations and the Russian Union of Industrialists and Entrepreneurs (dominated by older groups of industrial elites) joined to back the Kremlin's initial draft on the grounds that it would boost labor flexibility and make their firms more competitive. Whereas FNPR and the Russian Union of Industrialists and Entrepreneurs had once collaborated to oppose some of Yeltsin's policies, now the two organizations were on opposite sides of the debate. In effect, the cleavage between labor and business became more significant than that between pro- and anti-Kremlin factions within each.⁴³

Because the final version of the Labor Code was closer to the government's draft than most trade unions preferred, FNPR was attacked by other unions for not backing a more labor-friendly draft, presumably in order to protect its vested interests.⁴⁴ However, it is worth noting that this alternative draft had been produced by smaller unions from opposite sides of the political spectrum, the leftist *Zashchita Truda* (Defense of Labor) and the liberal *Sotsprof* (Social Trade Unions). These two organizations had little in common beyond opposition to the FNPR's position in the labor movement. And the draft they offered was distinctive mainly because it retained many Soviet-era labor guarantees (including the requirement of union approval for all dismissals) that would have neither passed in the Duma nor satisfied

the conditions stipulated by the International Monetary Fund. Considering this, FNPR's refusal to back the alternative draft hardly constituted a betrayal of the labor movement.

FNPR's shifting position must also be considered in terms of the broader political context. Labor had already suffered several defeats before the proposals to revise the Labor Code came up in the Duma. This included a tough battle over the Unified Social Tax, which was adopted by the Duma in 2001 in spite of extensive lobbying against the bill by FNPR.⁴⁵ Moreover, the FNPR's political allies in the Duma were also in a state of flux. Whereas for much of the 1990s, the FNPR had relied on Communist Party deputies for support, by 2000, it had turned to the center-left Fatherland–All Russia Party, only to find that the latter was merging with the pro-Kremlin Unity to form United Russia.⁴⁶ As a result, the deputies with whom FNPR was beginning to cultivate relations were now under an umbrella party that was supportive of Putin and dependent on the Kremlin in its efforts to gain control of the Duma. There were still Communist Party officials who sympathized with the unions, but FNPR's political effectiveness now depended on bargains with United Russia.⁴⁷ Thus, as the struggle over the Labor Code unfolded, FNPR leaders acknowledged that they felt forced to compromise, but they viewed this as a necessary tactical move given the political pressures they were facing as well as the constraints imposed by “normal” market conditions.⁴⁸

In addition, FNPR's claim that it got the best deal it could get under trying circumstances does not ring entirely hollow. Dismissal procedures are now easier, but specific conditions have to be met before long-term contracts can be terminated or before temporary contracts can be renewed (without becoming long-term ones). While the list of permissive conditions is long, the increased specificity accords workers a measure of legal protection not possible in the more open-ended government version. The Code also reduces the proportion of wages that can be paid in kind, and requires employers to pay interest on delayed wages. This shift is significant in that it reduces the scope for informal arrangements at the workplace, making employers more liable for paying official wages on time. FNPR also insisted on a clause tying the minimum wage to the officially determined subsistence level. Although implementing this clause nationwide would have required a separate Duma law on minimum wages, the basic principle of a wage tied to cost of living increases has been invoked in a number of recent labor disputes.⁴⁹ While a legal strike is difficult to mount (requiring the

support of over half of workers at an assembly attended by two-thirds of the workforce at a firm), larger unions with membership cutting across different professions are in a position to engineer the necessary support to call strikes. Finally, whereas the original government draft allowed management to choose which union to negotiate with, the Code now requires employers to negotiate with whichever union (or coalition of unions) represents at least half of the company's personnel. While this does not bode well for smaller unions, especially those focused on a single profession, it leaves open the possibility of larger unions developing coordinated strategies for collective bargaining across firms and sectors.⁵⁰ Thus, even if FNPR may be criticized for not sticking to a more aggressive approach in defending pro-worker aspects of the old Code, its decision to compromise with the government was more a matter of balancing different calculations, including shoring up its leading position in the labor movement.

The battles over the Labor Code also reveal the maturation of some of the alternative unions. The two largest alternative federations, VKT and KTR, began to focus less on undermining FNPR and more on securing their own positions as important unions within particular sectors (for example, mining and metallurgy for VKT and sea-transport workers for KTR). VKT officials went on record acknowledging FNPR's position as a “real” union and pursued selective cooperation with the latter's affiliates on specific issues.⁵¹ Both VKT and KTR, in turn, were able to secure FNPR's support in applying for representation in the International Trade Union Confederation (at the time, the International Confederation of Free Trade Unions). In 2011, the two trade union centers, which had initially split over rivalries between key leaders, formally reunited under KTR's banner, with VKT's former international secretary, Boris Kravtchenko, becoming the new president. In the meantime, the relatively liberal Sotsprof shifted from being a leading advocate of market reforms to adopting a militant posture on the Labor Code. In making this move, it formed a tactical alliance with the leftist Zashchita Truda. Given that neither union stood a chance of becoming leading players in the labor movement, it made sense for them to adopt a more radical posture that, though not politically viable, helped to boost the visibility of these unions within specific locales and industries.

On the whole, the behavior of trade unions since 2000 has reflected both a growing awareness of labor's general interests and competing strategies that reflect the positions of various unions relative to each other. The pattern of larger unions compromising more readily and smaller unions

adopting more militant postures is not uncommon in advanced industrial countries. Major unions often failed to block particular policies but engaged in debates and protests mainly as a way of preserving their roles within a given firm or sector. In some cases, established unions exhibited restraint in exchange for locking in marginal gains for workers under difficult conditions. And unions that adopted more radical positions were often the ones that were relegated to the margins of the labor movement.⁵²

The battle over the Labor Code also underscores the point made earlier that union leadership does not remain ossified forever. Some of the most visible players in this battle turned out to be individuals who had little or no experience with labor issues in the Soviet era. Two different examples are FNPR's Andrei Isaev and Oleg Shein. Isaev joined a radical labor group called the Confederation of Anarcho-Syndicalists during the late 1980s, began working for a trade union publication, *Solidarity*, in 1991, and became a FNPR official in the mid-1990s. During the late 1990s, Isaev sought to form a broad-based labor movement led by FNPR (Soyuz Truda, or Union of Labor), and later played a key role in moving the FNPR away from the communists and negotiating new alliances with centrist parties. Isaev was elected to the Duma in 1999, played a key role in drafting the compromise version of the Labor Code, and subsequently became FNPR vice-chair as well as chair of the Duma's Labor and Social Policy Committee. Shein, who was a teenage activist critical of Gorbachev's reforms, participated in the 1993 parliamentary revolt against Yeltsin, and later became head of the most militant of the newer unions, *Zashchita Truda*. His unyielding and vociferous criticism of both the Kremlin and FNPR during debates over the new Labor Code helped him become a popular figure in his native Astrakhan. Shein also got elected to the Duma, where he became another key member of the Labor and Social Policy Committee, albeit one who was more starkly leftist than Isaev.

In the late 1990s, the attitudes of workers toward trade unions also began to change at the margins. With restrictions on informal contracts and in-kind wages in the new code, wage arrears became less widespread and workers were no longer as dependent on paternalistic managers as they had been during the 1990s. With this shift, it is likely that workers, particularly those who opted to pay their union dues, remained members because they were more aware of the new role played by unions in wage bargaining. While union membership continued to drop, the *rate* of decline slowed considerably. Whereas FNPR's total membership plummeted from 60

million in 1993 to under 35 million in 1999 (an average annual decline of over 4 million members over the six-year period), from 1999 to 2009, the figure fell from 35 million to 28 million (an average annual decline of only 700,000 members over the ten-year period).⁵³ Surveys still show a low level of public confidence in unions (and in most official and civil organizations). But as union membership fell, the level of trust in unions among workers who remained members began to increase, climbing from 16 percent in 1995 to 40 percent in 2001.⁵⁴ This also contributed to a slight improvement in the image of unions among the public at large. According to one national survey, the percentage of all respondents who approve of trade unions rose from just 18 percent in January 2006 to 34 percent in July 2012.⁵⁵

Thus, labor politics since 2000 reveals a number of subtle but important shifts. There is now a clearer differentiation of the interests of labor, business, and the state, as seen in the battle lines initially drawn over the revision of the Labor Code. The behavior of FNPR and other unions reveals a greater degree of pragmatism, with more established unions engaging in selective cooperation with each other despite lingering differences on some issues. And despite the low overall trust in unions, those who choose to remain in unions seem to be doing so not out of habit but out of a growing awareness of the role unions can play in collective bargaining. The past has not ceased to matter as a result of these trends; but its significance lies less in the role of Soviet-era unions as transmission belts and more in preexisting understandings about fair wages and job rights.

Conclusion: Beyond Quiescence

The above discussion of Soviet and Russian labor relations neither suggests that a strong labor movement is about to emerge in Russia nor offers a novel explanation of labor weakness. It does, however, call into question the narrative of extreme labor passivity sustained by atomized workers and conservative legacy unions with an inherited penchant for collaboration with elites. This narrative needs to be critically reassessed and substantially revised if we are to gain a better understanding of continuities and changes in labor politics across postcommunist transitions. This chapter suggests at least three areas to focus on in this regard.

First, the extent of labor passivity or militancy across postcommunist settings needs to be reassessed against a wider range of comparative referents, not merely against expectations informed by the behavior of labor movements in some Western countries. One major study correlates more assertive union behavior with more effective collective bargaining in post-war Germany, contrasting this to Russia, where unions were hesitant to use sanctions and threats.⁵⁶ Yet taking into account the context of a tumultuous set of economic, political, and social transformations in post-Soviet Russia, it is difficult to ascertain what constitutes a “normal” level of militancy.⁵⁷ When relying on aggregate data, there needs to be some accounting for periodic spikes in the number of strikes and strike participants (as during 1996–1998) and for cross-national data that indicate that the number of working days lost in Russia was actually higher than in Germany during the late 1990s and again in 2004–2005.⁵⁸ Moreover, even large unions in Western Europe have found it necessary to exercise more restraint and engage in more compromises given the tactical disadvantages they have had to face in the midst of neoliberal reforms and deepening Europeanization.⁵⁹ Such observations underscore the need for a more open-ended exploration of what constitutes labor passivity or militancy in postcommunist settings.

Second, while historically minded social scientists need no convincing that the past matters, *how* that past matters is not self-evident. The narrative of labor quiescence assumes a monolithic view of communist legacies, focusing almost exclusively on the docile behavior of official unions in their role as transmission belts for party elites and enterprise directors. Yet it is worth bearing in mind that the functions associated with this role—including unions’ obligation to support the production targets of management and administer the social benefits guaranteed to workers—became irrelevant almost overnight with the dismantling of central planning and the transfer of the social insurance fund to municipal governments. At the same time, communist-era labor relations encompassed other features that could—and did—influence aspects of post-Soviet labor politics, as is most evident in the manner in which pro-worker positions were framed in debates over the new Russian Labor Code. These features included unions’ roles in reviewing workers’ dismissal and coordinating their reassignment, their far-reaching networks facilitated by the All-Union Central Council of Trade Unions’ combined regional and branch structure, and their familiarity with international labor conventions, including those relating to tripartism and collective bargaining. These possibilities point to the need to think

more expansively about the range of historical legacies that might matter in postcommunist settings—and to adopt a more differentiated view of which legacies are likely to be most durable and consequential in what contexts.

Third, it is necessary to differentiate between the early years of postcommunist transition, which was accompanied by radical institutional fluidity and extreme uncertainty, and later periods, when the institutional environment became more stable and predictable from the perspective of labor actors. In a new, unfamiliar environment, preexisting habits, beliefs, norms, and social practices neither remained immutable nor changed overnight. Instead, what we see is the fitful emergence of recombinant forms of agency among differently situated labor actors as they all sought to adapt their beliefs and strategies to novel institutional frameworks that were not even fully intelligible, let alone stable and predictable. Thus, it should not have been surprising that workers dealing with falling or unpaid wages would be less concerned with unions than with negotiating with managers to retain access to nonwage benefits and informal earning opportunities at their workplaces. Nor is it surprising that legacy unions would bargain hard to protect their inherited assets and their leading position within organized labor, or that alternative unions would pursue their own deals to expand their clout vis-à-vis legacy unions. As institutional environments became more stable and familiar over time, however, workers’ and unions’ strategies also became more “normalized” in the sense that they reflected a clearer sense of the separation of interests and identities between labor, business, and government. Moreover, all unions have seen the rise of new cohorts of leaders whose experiences as trade unionists are more connected to the political showdowns over postcommunist reforms rather than to communist-era labor relations.⁶⁰ These shifts may not have sparked a dramatic rise in labor militancy nationwide, but there is now a more predictable pattern of local-level strikes and community-based protests, driven either by mounting grievances in specific sectors or by regional elites’ attempts to mobilize labor to gain leverage in bargaining situations.⁶¹ These observations suggest that the behavior of labor actors cannot be treated as monolithic and static while postcommunist transitions move forward in time.

Those who had been optimistic about a vibrant labor movement and a burgeoning civil society following the collapse of the Soviet Union must

have been deeply disappointed with what actually transpired in the 1990s. That this disappointment would inflect the analysis of postcommunist labor is understandable. But the time has come to pursue more open-ended explorations of the motivations and behaviors of labor actors as they cope with shifting institutional environments and opportunity structures. This chapter has taken a small step in this direction by attempting to surface the pragmatic forms of agency that Russian workers and unions exhibited in the midst of a transition that was initially marked by extreme uncertainty but gradually became more stable. The result is neither a story of a “tabula rasa” nor a narrative of passivity induced by communist-era labor practices. It is rather a story featuring creative assemblage by actors carrying certain expectations and understandings while seeking to make sense of turbulent transformations and new institutional environments.

PART III

Time