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Industrial Relations and Corporate Culture in the Czech Republic

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1 Characteristics of the Economic Development

The current economic and social development of the Czech Republic in the period of the transformation process may be in general divided into a few development stages. The first years of the economy transition to the market economy were typical - as in other transition countries - for a deep economic sink. It was caused by deterioration of existing economic relations among the east-block countries and a slow change to the western markets, as well as by a domestic demand decline due to a decline of real dispensable income of the inhabitants. The 12% decline of GDP in the years of 1990 to 1993 was accompanied by a slightly smaller decline of employment (lower than 10 %). Over half a million people left their jobs – a part of them left the labor market at all (retirements, employed women stayed at home). The rest of them became unemployed, which is a phenomenon that had not been (at least in its visible form) known in our country until then. A certain part of the people gradually started working in the shadow economy – work abroad, often illegal, unregistered activities in our country etc.

The next period of transformation – about the years 1994 to 1996 was characterized by a relatively fast recovery, especially in 1995 and in 1996, with a high rate of GDP grow (of 6 to 4 %). Then, because of various internal and external reasons, a period of economic stagnation and of recession with annual GDP decline of 1% in the years 1997 to 1999 started. It finally changed in the last period of economic development recovery, when the GDP grew by 3 % in the year 2000. Such development has been copied by the development of employment since about the half of the nineties. The period of economic recovery was accompanied by a stop of the previous grow of unemployment and by annual grow in numbers of workers of about 1 % (in 1995 it was even about 2.5 %). In the following years of the stagnation and recession, a more remarkable employment decline, annually of 2 to 4 %, was observed. It was even steeper decline than the one of the GDP. The decline of employment continued in the years of recovery (2000 – 2 % and 2001 – 1 %).

In the mean time, the period of the economy transformation beginning in the second half of the nineties was typical for external economic imbalance with passive balance of the balance of trade payments– for example in 1996, 1997, and in 2000 mounting to about CZK 130 to 150 billion – as well as by high and growing passive balances of the balance of payments. They were moving around 1.3 to 4.3 billion USD. It was 7, 6, and 5 % of GDP in the years 1996, 1997, and 2000. Since 1997, the problem of worsening internal misbalance has accompanied the unfavorable development with the growing national budget deficit (gradually 15 to 50 billion CZK, e.g. 1 to 2.5 % of GDP). The growth of deficits of all public budgets has been obvious in the last years.

The development of wages and salaries, on one hand, had to reflect the high inflation rates, characterized by growing consumer prices during the beginning of the transformation process. On the other hand, it was necessary, from the

long-term point of view, to accommodate the development to the spatial possibilities provided by the economy's growth. Judging from this point of view, the wages and salaries development did not always correspond with the development of productivity. In 1991, a steep decline in real wages as a result of the prizes liberalization of all the main products and services was more than 26% compared to 1990 (compared to 1989 it was even 30%). Thus the wages decline was bigger than the decline in productivity, which was in 1991 7% compared to the year before. However, the aims to compensate such a big decline of real wages were apparent virtually for the whole forth-going period of 1992 to 1999, as the real wages were annually growing faster than productivity. This trend was on even after 1995, when the real wages level and the productivity growth rates of 1990 were reached. The differences between the growth rate of productivity and of wages did not differ much in that time. The braking point of the trend was reached in 2000, when the growth rate of wages was about twice smaller than the growth rate of productivity. The growth rate of labor productivity of 1995 to 2000 legged behind the growth rate of real wages of 14,5%. The real wages grew by more than 19% in that period and nominal wages grew by two thirds.

Generally, it has to be stated that the pressure on growth of wages should not only reflect the relation to the growth of consumer prices but also the growth rates reached in the economy. In the organizations financed by the national budget, unjust wage growth requirements collide with the possibilities of the budget. In that regard, we have to realize that in a document on the strategy of further development of the economic reforms in the CR, it was stated that to preserve significant and sustainable economic growth, the wages should grow only by 2/3 of the grow of productivity. Representatives of the Czech Republic and of the European Union signed the document together. („Joint Assessment of the Economic Policy Priorities of the Czech Republic“, Brussels, 1999).

2 The Profile of Industrial Relations Focusing on Shop Floor Representation and Participation¹

In the Czech Republic, the social dialog has experienced an intricate development, which has been strongly influenced by the attitude of the governing parties, during the period after 1989. Before the year of 1989, central planned economy was in effect, in which the functions of employers and their representatives were performed by governmental bodies. Regarding the employee representatives, there was one integrated labor union in the country (further referred to as ROH) and some sectional unions, however under the conditions, when all actions were directed by the political center, the unions did not act as real social partners in the social dialog. A sort of social dialog took place on the corporate level but its importance was inconsiderable due to the existence of an explicit labor law that had to be strictly obeyed. That was the reason why the collective agreements were solving only particular problems of social character, such as the work environment, regulations of offering so-called union recreation etc.

The reform strategy after 1989 required certain political and institutional basis to help resolving expected conflicts, to prevent and or minimize them. In the period after 1992, during the right oriented government, the role of the tripartite ties was restrained and collective bargaining stagnated on the sectional level. The attitude of the government to the tripartite ties improved only after 1997 in relation to the economical crisis and especially after the government change at the beginning of 1998. The current social–democratic government started their actions by a strong support of the tripartite ties and other forms of social dialog. In the later development though, it lost its previous constructive attitude to the problem solving.

The social dialog in the Czech Republic takes place on more levels. The highest level is represented by the tripartite negotiations, which are negotiations among the top trade unions, employers' organizations, and the government. Other level is sectional social dialog between the sectional trade unions and employers' organizations. Finally, the most common type of the social dialog is the communication of the social partners at the corporate level. Here, it is necessary to mention that new laws have been recently passed about the new regional arrangement, it may thus be expected that the social dialog will be taking place at that level as well.

¹ See a grant of the VUPS „Development of the social dialog in the CR“, August 2002

2.1 Legal Context (In Particular Its Impact on the Reality)

Creation of labor unions and of employer associations is regulated particularly by an act of law Nr. 83/1990 on civil associations including its amendments. Civil associations created under its authority have to be registered by the Ministry of Domestic Affairs of the Czech Republic (further referred to it as "MV"). Labor unions and employer organizations, according to applicable agreements of International Organization of Labor, are only obliged to register and the governmental bodies have no right to intervene into the organization's establishment and actions. Labor unions become a corporate body a day after the proposal to register the organization had been delivered to the MV. The law does not give any criteria of representativeness to the labor unions nor to the employer organizations.

Any restriction of number of labor union organizations or disadvantaging of some of them in their field or company is prevented by the Charter of Fundamental Rights and Basic Freedoms that is an inseparable part of the Czech jurisdiction.

The rights of the labor unions are not regulated in the Czech Republic by any particular law but they are regulated by more legal norms and acts.

The pivotal legal code regulating the individual labor law relations is the Labor Code (further "LC"), which is the legal base for negotiations on collective agreements of company and higher level. The Labor Code in general states for wage and other labor legal claims of employees that these claims are possible to broaden only in the framework given by labor legal acts. In reality, it means that broader claims than granted by the law may be established only in cases literally entitled to the collective agreement in the labor code.

Such claims of non-salary or non-wage character are:

- shorter working ours under the limited stated by the LC,
- lower extend of standby state at workplace,
- longer vacation,
- broader claims for CTO (compensatory time off) or wage compensations,
- broader work relieves in case of participation at trainings and studies when working, and in case of work obstacles due to serious personal reasons,
- higher severance pay of multiplications of average salary of the employee and or other conditions ensuring higher severance pay for the employee.

The Collective Bargaining Act Nr. 2/1991 rules the right of collective bargaining, including the jurisdiction pertaining to the process of closing collective agreements, and the right to strike in case of conflict when closing a collective agreement. The Czech Republic ratified the convention MOP Nr.98 about the collective bargaining. The unions have not yet put through the ratification of other related conventions. The conventions concerned are especially MOP

Nr.154 about support to the collective bargaining and MOP Nr.151 regulating this problematic within the public services. The main argument of the executive body is that the national law is not fully compatible with the conventions concerned. In this regard, a consensus of the trade unions, employers and the Ministry of Labor and Social Affairs (MPSV) was not reached.

The collective agreement is signed for a definite period of time that is verbatim stated in it. If it is not stated, it is supposed that the agreement was signed for one year. Collective agreements are usually signed as two-side agreements between the employers and the labor unions. The labor law distinguishes company collective agreements (further „PKS“) agreed on between the cognizant union body and the employer. Further, they are collective agreements of higher level (further referred to as „KSVS“) agreed on among a bigger number of employers and appropriate higher labor union body and or organizations of employers.

The legal regulation does not state the obligatory content of collective agreements (nor KSVS neither PKS), although it gives some restrictions to them. The selection of factual topics is given not only by the economic situation of the firm but also by the legal law and tax regulations. Even though, the KSVS agreed on in different times and between different partners differ by far but only by the agreed claims extend.

The legal regulation does not distinguish so called branch collective agreements that would apply on the whole branch or on a field of economic actions (Czech legal system does not define economic branches). If we talk about branch collective agreements in the Czech Republic, we usually mean collective agreements of higher level („KSVS“) regardless to their real competence. The regulation does not also define holding collective agreements that are to be applied on the whole holding, even though such agreements were negotiated, especially in the nineties (Škoda Plzeň, ČKD Praha). They are needed as a certain link between PKS and KSVS due to some specialties of holdings' structures. Problems have to be faced also when trying to conclude a collective agreement, which should regulate relations in one company or organizational unit. It is possible only, if such company or organizational unit have their own trade union body that was delegated the negotiating power from a higher stand union. In the cases, when there is an existing appropriate union body, a partner at the company level does not have the right to negotiate, since it is not a corporate body. Collective agreements with a territorial authority are also not being negotiated, even though they could reflect territorial differences of the labor market including different wage levels. The Collective Bargaining Act defines so called collective disputes that are arguments about the collective agreements that do not create claims of individual employees. In case of a dispute about negotiating a collective agreement, the parties negotiate before a mediator at first, who is agreed on by the parties or is assigned by the MPSV. If the negotiations before a mediator are no successful, the negotiations go on before an arbiter. If they do not reach a consensus, the dispute may be solved by a strike.

The act of law Nr. 120/1990 has become a pillar of the union pluralism on the company level. The law regulates some relations between the trade unions and employers. The law defined rules of partnership of unions existing along on the same level. Regarding the negotiations, it is handier to negotiate between two partners only. That is why the law says that union bodies of trade unions working parallel at one company may negotiate collective agreements only together and in consensus, if they all and the employer do not agree on anything else. The act Nr. 120/1990 does not serve the reality well, since it is based on absolute trade union plurality and its applying sometimes causes problems when negotiate on collective agreements. The opinions emerge that the principal of representativeness should be reflected by either the labor code or by a separate act of law on the trade unions.

Regarding the social dialog at the tripartite level that is kept among the social partners and the government, it has to be stated that no law regulates it. Ever since the establishment of the tripartite ties in 1990, this institution and its functions are based on volunteer agreements signed among the trade union, the employer organizations, and the government. It is true especially about the tripartite status, which means the basic rules of functions of the organization. In the first half of the 90's, general agreements were being concluded at the tripartite level. Those meant agreements of the social partners and the government on the conditions of preserving the social consensus that were based on commitments of the government in the field of economical and social reforms. These agreements soon changed into formal proclamations that were, especially by the left oriented governments, used in foreign affairs to declare they are engaged in the social dialog, although the reality was much different. The trade unions lost their interest in such agreements, since they did not contribute to anything, and declined further governmental proposals.

2.2 Actors and Their Affinity to Co-operative Industrial Relations

Social Dialog at the National Level – Tripartite Negotiations

The tripartite body of the Czech republic was called the Council of the Social Consensus. When the economy policies become a part of the negotiations, the name was changed to the Council of Economic and Social Consensus ("RHSD"). Three partners work in it: the government, employers, and employees.

The head of the tripartite ties is a representative of the government, usually the Minister of Labor and Social Affairs.

Two most important central trade union bodies, the biggest Czech-Moravian Confederation of Trade Unions, represent the employees. The unions standing

outside these umbrella organizations are not represented at the tripartite negotiations. Yet there is mounting pressure from some of them for the situation to be changed. In the Czech Republic, the centralization of the unions was preserved which has proved to be an advantage during the negotiations, partly due to their strong base of experts.

Employers are represented by the Co-ordination Committee of the Confederation of Employers and Business Associations of the Czech Republic and by the Federation of Industry and Transport of the Czech Republic in the tripartite negotiations. The Confederation is an umbrella organization for many business associations set up for individual branches of industry or grouping together private entrepreneurs. It also includes associations of businesses in agriculture and the co-operative sector.

So far, three Statutes and rules of procedure had been approved – in 1992, 1995, 1997, and in 2000.

In the Statutes on November 1992, the problems that were to be parts of the tripartite negotiations were specified as follows:

- The conception of economic and social development including its regional aspects,
- The conditions of economic competition,
- Labor law relations and collective bargaining,
- The development of the labor market and of the employment situation,
- The development of incomes and living expenditures,
- Health care, work safety, and environmental protection,
- Conditions of facilitation and development of cultural sphere, schooling system, and education,
- The conception of tripartite development and its functional facilitation,
- Significant impulses of regional tripartite bodies,
- Coherence with international treaties in the fields concerned,
- Functional contracts with RHSD SR and European institutions of social dialogue,
- Negotiating a tripartite General agreement to influence the labor market, incomes, standard of living, and business conditions.

As a consequence to the governmental pressure to limit the tripartite competences, new Statutes was issued in May 1995. It changed the concept and the make-up of the tripartite institution – the number of included topics was smaller. Those were the following problems:

- Labor law relations, collective bargaining, and employment
- Wages, salaries, and related topics
- Safety at work

- Social affairs

The newly approved conception meant the acceptance of the government's intentions to get rid of the intervening tripartite body and move its actions more to the parliament. In such way, the social partners interpreted it as well, especially the Trade Unions. That is why they changed their strategy of pushing their interests. They tried to use more the parliament to represent themselves and to present their demands. In other words, they did not rely much on the tripartite anymore. Their expectations of the tripartite actions changed too. For example the trade unions had the opinion that tripartite negotiations should not be overestimated, since a dialogue is needed but the decisions are made somewhere else.

During the difficult economic situation of 1996 and 1997, the government showed more will to negotiate with the social partners. A new statute was being prepared and was passed in November 1997. Basically, the conception of 1992 was retrieved.

In the Statute of November 200, it is stated that selected problems will be negotiated, which are of common interest in the following fields::

- Economic policy,
- Labor law relations, collective bargaining, and employment
- Social affairs
- Salaries and wages
- Public services and public administration
- Safety at work
- Human
- Integration of the CR into the EU

The social-democratic government began to use new forms of social dialogue at the national level after its succession. The goal is to involve as wide public – especially NGOs, civil initiatives and independent professionals – as possible into the process of preparation of concepts in the field of employment measures, labor law regulations, social security, etc.

Employers organizations

After 1989, the newly emerging entrepreneurs established voluntary many organizations representing their newly emerging, specific interests. The employers' organizations were being established according to sectional or professions point of view, sometimes according to the types of ownership. The percentage of membership in these organizations has not changed much in the past few years. It was more common that the particular unions were moving to

different umbrella associations. According to their data, the employer organizations unite a total of 10 to 12 thousand of business subjects and individual entrepreneurs. In comparison, in 2000, the Czech Statistical Office registered 2 063 883 business subjects including individual entrepreneurs and 32 000 of those had more than 20 employees. The data on the numbers of employees of companies that are associated in employers' organizations are not sufficient. Some sources state that companies associated in employers' organizations employ roughly 1.5 million of people.

In the statutes of the majority of employers' organizations, it is stated that their function is to represent, coordinate, and to support the common business and employer interests of their members in cooperation with the government, the trade unions, the legislative bodies, and other employers' organizations. Often, they urge the interests of their members also in international organizations of employers and in international professional organizations. Those functions as well as the relations to the social dialogue are more or less included in program documents of all associations and unions. The actions of employers' organizations are focused especially on protection of equal business conditions and harmonization of the business conditions with the EU, further on facilitating of services and counseling for their members, mediation of business contacts, delivery of economic and technical information. Their educational activities are of high importance, too. It is obvious that the organizations facilitate especially the activities that could not be performed effectively by their members alone. Exception to that rule is the Confederation of employers' and entrepreneurs' unions. According to its statutes, its only objectives are to represent, coordinate, and support common interests including building relations with other related organizations.

The most important organizations:

Confederation of employers' and entrepreneurs' unions	
Association of textile-clothing-leather manufacture	90 members in 2001, growing trend
Union of construction entrepreneurs in the CR	1356 members in 1996; in 2001 more than ¾ of construction capacities in the CR
Union of Trade in the CR	224 registered members in 2001 (total of 205 500 employees)
Union of agricultural cooperatives and companies	1002 members (total of 67 000 employees)
Cooperative association of the CR	
Entrepreneurs Association of the CR	Unites 3400 individual entrepreneurs and 7 232 subjects in professional associations – 95 146 employees.
Union of employers' unions of the CR	Unites 19 unions
Union of Industry and Transportation	1453 organizations with about 600 000 employees in 2001 – 1742 organizations in 1996

The Trade Unions

After the ROH had been terminated after 1989, some trade union umbrella organizations were established, that have united trade union organizations. Some of them, namely those with lower numbers of members, unite corporate as well as individual members. Farther a list of union centrals and bigger individual organizations is included as of to 2001. Exact numbers of members are not available – it is a qualified estimate.

Trade Union Centrals

	<i>Nr. of Members</i>
Czech-Moravian Confederation of Trade Unions	900 000
Association of individual unions	200 000
Confederation of Art and Culture	90 000
Trade Union Association of Bohemia, Moravia, and Silesia	50 000
Christian Trade Union Coalition	15 000

According to the available data and to estimates of the union leaders, the number of all members of trade unions was about 1.3 million in 2001. According to the Czech Statistical Office, 3 980 700 people were working in the time in the civil sector. Around 30 % of all employees were thus organized in the trade unions.

The percentage of trade union members has declined in the long run in the CR. The decline in membership is fought by all of the trade union centrals and unions. The bigger changes in the membership were usually caused by transfers of whole union to different centrals of associations. The decline is reflected in social researches too. Compared to 1991, the union membership was 60 % lower in 2001. The willingness to join trade unions has been declining among the public. Researches describe the decline in the potential will to participate in the union activities – for example between the years 1995 and 1998 of 12%.

The decline in the union membership was primarily caused by the privatization and consequent reconstruction of the corporations in the 90's. In the newly established companies and organizational units, the owners usually did not favor establishing trade union organizations at work (that is why the employees sometimes establish so called local organizations). Data acquired from several researches state it clearly that sometimes the employees fear joining the trade union, since they are afraid of possible persecution by the employer. It was revealed that about 46 % of employees would agree that working in the trade unions might cause them problems and slow down their career. The decline in the trade union membership is related also to the attitude the society has inherited from the communist regime that supports mainly passive membership in the unions. The employees have not realized yet, that the main objective of the trade unions is to negotiate on basic employment certainties work

conditions etc. further lowering of the union membership though gives even more emphases on the legitimacy of the trade unions to represent the employees and to negotiate in their names.

2.3 Social Dialog at the Branch Level – Collective Agreements of Higher Level

Collective bargaining as a legislatively regulated form of social dialog between the social partners on a higher level has gone through since 1990, e.g. parallel to establishing the needed institutional partner structures.

The following table illustrates the development of the extent of competences of the KSVS's regarding the number of affected employees, respectively employees organized in the trade unions. The data on the development in each year are available for the ČMKOS unions only.²⁾

The extent of collective bargaining at a higher level for ČMKOS in the period of 1995 to 2001

	1995	1996	1997	1998	1999	2000	2001
Number of KSVS completed	33	30	30	25	22	22	20
Number of trade union organizations the KSVS affect	2020	1946	1725	1352	1347	1395	1457
Number of employees affected by the KSVS	770550	730080	648079	521651	584067	469249	446997
Number of affected employees organized in the trade unions	566887	513957	432844	330855	323257	272214	249528
Number of employers on whom the KSVS were expanded	6	0	0	0	399	2074	3482
Number of employees on whom the KSVS were expanded						174272	288314
Number of employees affected by the KSVS after the expansion						643521	735311

Source: Report on the outcomes of the collective bargaining at the higher level in 2001, ČMKOS, 2001

The general reason to negotiate KSVS is the need of constitution of minimum standards in the field of work conditions, e.g. quantitative limits, liability constructions and models of attitude for broad employing subjects. However, the creation of KSVS has to fight the unwillingness of some employers' representatives to collectively bargain. Consequently, the numbers of employees affected by the KSVS is limited. By the year of 2001, the KSVS negotiated by the ČMKOS were applied on only 19 % of employees of the civil sector. The attitude of the employers to the negotiations is affected by the ongoing reconstruction and connected uncertainty in the entrepreneur sphere.

² Kromě odborových svazů, sdružených v ČMKOS, sjednává KSVS, a to více než jednu (celkem až 4 KSVS) ještě rovněž Odborový svaz pracovníků zemědělství a výživy – Asociace samostatných odborů ČR.

Of not much lower importance, are subjective factors such as the opinion that social dialog would influence the business's affectivity. The Czech management is typical for a bad attitude to the human recourse in some cases.

The durability of the KSVS has gradually been prolonged. Longer periods, usually two or three year ones, have slowly replaced the one-year period of KSVS applicability, typical at the beginning of the nineties. Some parts of KSVS, especially those pertaining to the wages, are still agreed on for one year or changes are negotiated.

According to §7 of the act of law Nr. 2/1991, on collective bargaining, the MPSV may state by an act of law that a KSVS is binding even for employers that are not members of employers union that has agreed on in. The competence of a KSVS may be expanded only on employers with similar economic actions and similar economic and social conditions and who are not bind by another KSVS. The definition of employers on whom the KSVS may be extended is somewhat problematic due to the construction of law that does not specify branch collective agreements.

The general trend is, however growing, at least concerning the number of employers.

Company Collective Agreements

The collective bargaining on PKS is the most significant form of social dialogue in the CR, in respect to the real influence it has on the work conditions. PKS signed in that period may be counted by thousands. From that point of view, with respect to the numbers of affected employees, PKS prevail over the KSVS.

Regarding the general reach ability of PKS, it is quite small. A number of factors have the negative influence:

- Legally regulated obligation to centrally register PKS (with the exception of their preservation by the partners concerned) does not exist; PKS are registered neither by the government nor at the branch level etc.
- The company trade union organizations usually are not willing to reveal the PKS out of the company, either because of the owner, who prohibited them to reveal the data included in the PKS or because they are ashamed of the quality of the agreement.
- The employers organizations do not preserve PKS's and usually do not work with them
- Not even the Trade unions and their associations do not store all the PKS's
- No institution exist that would take interest in PKS's in the whole, for example without the regard to what union negotiated them.

Data available on the extent of collective bargaining at the corporate level reveal that the number of employers, where a trade union works, and the number of PKS annually declines.

Some of the reasons of such development are listed by the ČMKOS:

- Passive and malfunction union organizations
- Unwillingness of some employers to engage in collective bargaining and to impose on themselves above standard contract commitments with regard to the financial situation of their companies
- Gentleman agreements between the employers and employees on not signing a PKS when the KSVS ensures better conditions than the company trade union organization would be able to negotiate
- Cases when collective bargaining is eliminated by voluntary offering above standard advantages to the employees

(Note: Most alerting has been the development in the field of wages and salaries. It has been revealed that numbers of employees whose wages are secured by a collective agreement has rapidly dropped – faster than other parameters of collective bargaining.)

The collective agreement applies on all employees of an organization, not just the trade union members. The trade union members and functionaries do not accept this principle without objections. It is viewed as unjust and it is held up as one of the reasons of low motivation to join the trade union organizations, since the trade union member contributions finance the organization's activities, results of which are enjoyed by the non-members as well.

2.4 Barriers of Imposing the Social Dialogue at the National, Sectional, and Corporate level

Factors delimiting the influence of the social partners

- Public is not sufficiently informed on the problems and outcomes of social dialogue at all level, as well as on the situation, aims, goals and problems of the social partners. The social partners in the CR often lack information strategy and a clear vision of building their internal and external image.
- The public stills deprecate the social dialogue due to ideological experiences of the years before 1989
- Another problem is the relationship of the trade unions and the employees who are not members of the trade unions. The Czech regulations accents the principal, that a trade union organization is a representative of all the employees not only its members, that it expresses their interests and provides them with individual and collective shield. It means that the trade

union is obliged to protect all the employees and the employees who are not its members cannot refuse it.

- Even though the law does not prescribe a certain level of representation to the trade union nor to the employers associations, it has to be watched closely, especially with the gradual decline of trade union membership.
- Law does not prescribe the obligation of the trade unions and employers association to inform on the number of their members.
- Due to the decline of the numbers of employees organized in trade unions, a gradual decline of numbers of employers, where trade union organizations work, occurs and so does decline in the numbers of collective agreements.
- Besides the objective reasons for the decline in numbers of union members that are related to the reconstructions of companies, some employers disapprove the development of the trade unions.
- The employers associations face the problem of low general representation, too.
- The Czech employers do not view associating themselves as a standard need.
- The employers pay the membership fees from the net profit (after taxation) so the taxes stimuli for associating the employers are missing.
- Employers' organizations do not have their own information pools and databases. Membership in expert teams is usually voluntary and not paid.
- The regulations are not unambiguous enough – especially that pertaining to collective bargaining – though many amendments have been passed.

Weaknesses of the system of social dialogue at the national level

The overall situation of the tripartite ties and their results of the period of their existence are evaluated positively by the social partners. However, certain weaknesses still persist:

- The establishment, structure and functioning of the tripartite ties has not yet been regulated by any law. It works on good will principle and on an agreement of the social partners and the government. In the last four year of social-democratic government, social partners did not dread the lack; in general, however, the lack of any law regulation opens quite a wide space for potential dependence of the system of social dialogue on the current political climate in the country.
- An absence of clearly set goals at the national level is a result of the fact that no General Agreement or another basic document, defining relevant economic and social goals and a framework of macroeconomic and social development of the CR, has been concluded since the mid-nineties.
- The ties of the tripartite social dialogue at the national level to the social dialogues led on the lower levels are not being strengthened. The possibility to put the social dialogue of the lower levels through using the national level of tripartite ties is not being used sufficiently.

Determinants of Development of Collective Bargaining at the Higher Level

The social dialogue that is being held on the level of trade union umbrella organizations and the employers associations is less developed compared to the other levels (corporate and national). The most significant obstacles preventing the development of collective bargaining and entering into KSVS (collective agreements of the higher level) are:

- KSVS may be applied only on a limited number of employees. The regulation does not define sectional collective agreements due to the lack of a consistent definition of KSVS (economic branch) in the Czech legal system.
- To expand the wage and other labor law claims of the employees is possible only within the framework set by the labor code. Higher and further claims may be set by a collective agreement only, if collective agreement is entitled to do so by the law.
- Any part of a collective agreement cannot be contradictive to legal regulation and cannot be formulated vaguely and or incomprehensibly (in the case of PKS, the law states examples of their invalidity in case of being contradictory to KSVS)
- Insufficient legal legitimacy of any agreement party leads to invalidity of the agreement.
- The trade unions acting in the field of state administration cannot often enter a KSVS due to a non existent partner for collective bargaining, since the employers of this field – the states administration – are not allowed to form employers associations.
- The regulation does not know the term of a holding collective agreement, even though the need for such agreements has been very urgent.
- Different legal interpretations still exist concerning the relations between KSVS and PKS, especially concerning limiting agreement freedom by KSVS that orders agreement parties of PKS to negotiate of certain obligations.
- In reality, it is quite problematic to acquire a KSVS by its users. It is not common to use KSVS in companies and lower general authority of collective agreements prevents their further usage to some extend, too.
- In relation to the current system of evidence of KSVS, the complexity of the list of KSVS is rather questionable (possible not registering of KSVS by the MPSV has not material consequences, neither it results in the KSVS's invalidity)
- The role of MPSV (in fact the government) and its competences relating to KSVS are not unambiguous. MPSV – for example –is not obliged to review the content of a KSVS when being registered, is not responsible for their content, and does not certify their legal accuracy.
- A central registration of collective arguments does not exist. Responsibilities of the MPSV exist only to rule on such arguments. MPSV does not register disputes it is not involved in. The parties of the KSVS do not have to inform the MPSV on the outcomes of such arguments.
- A complete documentation of strike actions does not exist in the CR, leaving alone less important frowns of the trade unions.

- The need to deepen the regulation pertaining to expanding of competences of KSVS emerges – it is too brief and a number of systematic aspects are not solved in it.
- The main issue of expanding the competences of KSVS is the definition of the employers on whom it may be expanded. Using the whole branch attitude is somewhat problematic, since in the CR, no law defines a branch as a term, as it was stated above.
- A long time problem related especially to exacting the conditions promised by the KSVS is the real quality of Czech jurisdiction.

Problematic aspects of the system of social partnership and social dialogue at the corporate level

Even though collective bargaining at the corporate level is the main domain of social dialogue in the CR, some barriers of its further development still exist - insufficient motivation of the employers, underestimation of the social dialogue by the employers and the employees, and a number of system obstacles:

- Regulation Nr. 120/1990 that regulates some conditions of the social dialogue under the conditions of trade union plurality is positive about smaller union centrals but sometimes causes following problems when negotiating on a collective agreement:
- The rules given by the regulation allow establishing of trade union organizations with just a small number of members. That can be misused and lead to prevention of collective bargaining in the company.
- It is negative aspect for independent control, that a legislative mechanism does not exist to collect, register and document all the PKS.
- To that, absence of systematic control of fulfilling of the agreed obligations of subjects other than the agreement parties is related, as well as small attainability of PKS for the need of independent investigation and evaluation. Usually, only partial sets of PKS are used. Detail information of collective bargaining of corporate level is available for the biggest umbrella organization – ČMKOS.
- The number of employees affected by PKS is declining and so is the number of employees receiving wages secured by a collective agreement.
- The public negatively views some aspects of the PKS. Those are for example broad topics (causing that some part are not detailed enough and the agreements become confused) or some flows regarding legal accuracy (vague formulations, incomprehensible obligations), as well as too general or proclaiming agreements, and formal rigidity. Usually proclaiming and general are for example the offers of opportunities and advantages in the field of education of employees.

3 Frame Conditions of the Corporate Governance

3.1 The Privatization Model

In April 1990, it was decided on elaboration of a program of a mass privatization including the distribution of shares using a voucher privatization. The privatization was divided into three stages:

Restitutions (10%) – return of ownership rights to the former owners by returning the thing or financial refund supplied in shares of a public limited company or, if need was, in the shares of Restitution investment fund (created on this purpose by the National Property Fund = a statutory corporation founded by the government); the value of the returned capital was about 75 to 120 billion Czech crowns.

Small privatization (2%) – its focal point lied in selling small business premises in public actions, sold 22,212 of operational units of total price of 30,052 million Czech crowns.

Big privatization (88%) – took place at the level of denationalization of big companies. Its basis lied in privatization projects, when a law stated that at least one of the projects had to be submitted by the company's management. The privatization methods used were: a transformation to a public limited company, direct sale to a pre-chosen owner, public auction, public competition, voluntary conveyance. In the practice, combinations of these methods were used which usually led to fractional ownership that insured a key position of the current management in the company. After an authorization of a privatization project for a company or its part, the assets were signed to the National Property Fund, which according to the privatization project, sold or voluntarily signed the assets to the new owner or incorporated the company (dissolved it without liquidation and put its assets into a new company).

The scarcity of domestic capital was overcome thanks to the voucher privatization. From the quantitative point of view, it may be denoted as the dominant method of privatization of shares of all public limited companies in our country. It was used to privatize 55% of all the property sold during the Big Privatization. So, it was offered to every citizen older than 18 to become a co-owner of the privatized subjects with minimum costs. The voucher privatization went through two stages. In the second stage, people could put their points not only in capital funds but in mutual funds as well. In the case of an open mutual fund, the stockholder has a right to sell it to the fund's administrator. In a closed mutual fund, on the other hand, this right does not exist, but the stocks are negotiable at the secondary market with a high discount rate. The fact's implications are of a high importance to the corporate governance of particular funds. From the total of investment points 40% were given to the investment funds (out of any incomprehensible reason), 37.8% into closed shares funds and only 22.2% into open shares funds.

The privatization in the Czech Republic was sped up, but by far it has not been finished yet – there are still almost 500 corporations that are partially or absolutely owned by the government.

Privatization in Practice

The most important participants of the privatization process were current management of the privatized companies (top managers as well as the management of affiliations), privatization investment funds, foreign investors, banks (especially in connection with their function as trustees of investment companies), the National Property Fund, and last but not least individual voucher investors.

One of the most distinctive characteristics of the Czech privatization program was establishing of investment privatization funds that facilitated a creation of bigger blocks of stock-holders and a transformation of scattered ownership of many individual investors into concentrated ownership of these financial institutions (within the framework of the voucher privatization a majority of the people invested their points by means of the investments privatization funds). Economic subjects - mostly those that had already operated in the economy in different fields (e. g. public or private banks, private enterprises, financial factors) established the funds spontaneously. The government was rather passive at this stage. It created the legislative framework (button-up attitude). Besides closed investment funds, open mutual funds and closed mutual funds were legalized in 1992. In a closed mutual fund, the investors were abridged of the voting rights (it prevented a liquid market from function). Originally it was mandatory that a closed investment fund was to be managed by the trust guarantor, later (1992) each fund could choose its own management.

It was supposed that such concentration would lead to an active promotion of the ownership rights by the funds, that they would control the management actions, that it would speed up the transformation process, and that it would improve the corporations' effectuation. There were limits set for the investment funds though, that pushed them into a schizophrenic situation - in its consequences, and the limitation pushed the funds into a passive role to only manage their portfolio. A situation was so created that the system included characteristics of both western models of corporate governance - insider as well as outsider. In part, at the capital market, institutional investors have a great share due to the voucher privatization (their share is even bigger than in typical exit systems). On the other hand, at the banking sector, few biggest banks play the predominant role. They are definitely banks of universal type, that means commercial and investment actions are not separated. That may lead - and obviously does - to a conflict of interests. A connection of institution investors (funds) – investment activities – with banks, that are their establishers and trustees has as a consequence usage of insider information from commercial banking when operating on the capital markets. This situation, of course, influences the corporate governance of Czech corporations, it basically

prevents it from being actively pursued. It seems that the Czech system has adopted the bad function of both ideal models. Further more, until recently, the biggest Czech banks have been partially or entirely owned by the government, thus we may talk, in the best, of “quasi-private ownership”.

Negative Effects of the Voucher Privatization

- Creation of fractional ownership of companies.
- Constantly changing owners preventing strategic development of companies
- Destruction of big corporations with regard to the critical size in relation to the global market
- Slow seek for majority owners (repeating sales and purchases of ownership rights and their concentration with speculative motivation not with the respect to effective execution of the rights)
- Purchases of majority shares with the strategic bonus in so called third wave of privatization meant a big financial burden for the companies

The results stated above obviously prove, that from the point of view of corporate governance, voucher privatization was not the best idea ever.

3.2 Profile national employers / type of company culture

The transition from centrally planned economy to the market economy, the brake down of the east economic block, opening the market to foreign investors and products meant a fundamental change of the economic reality the Czech companies had and still have to face. To ensure the ability to compete at the national, international and global market, the industrial companies had to go through complete reengineering. For most of the managers, it meant total change in managerial attitude.

At this place, it is necessary to admonish of the liquidation of the private sector between the years of 1945 and 1989. In 1989, it did not virtually exist with few rare exceptions.

The change in management of the companies or in the ownership structure brought usually not only the change of strategy and goals but also the need of change of corporate culture. The corporate culture has not in many companies overcome the transition from centrally planned economy to market economy. Its persistence, which is the stronger the older the company is and the more the employees have been attached to it, allows any change only in the time horizon of many years.

Corporate culture often was not able to adequately reflect growth of the company, growth in the numbers of employees, and namely, hiring of new

employees who do not have personal feelings for the company and did not go through the starting period.

That often resulted in conflicts between the new management and the conservative older employees that threatened the new strategy and corporate goals.

Even though the Czech managers have improved their qualities since 1989, some faults are still found with them

- Only few companies have a real strategy and even less of them actually follow it.
- Managers often do not realize the relations between the strategy and organizational structure.
- Working with people is often underestimated. They do not comprehend management as a specific field with specific knowledge, skills, preconditions, and attitudes, which have to be continuously cultivated.
- A significant part of the managers “motivates” still by fear and punishments. They know only vaguely how to create job descriptions, how to manage conflicts, how to effectively reward, or how to communicate.
- A real professionalism in HR management is in our company more or less an exception (it is a result of no HR management in our companies for years).
- The managers often are not able to become strong employees that could systematically work with people, and motivate them in a long run (the growth of their own company is usually a bigger problem than their competitors)

The facts stated above were affirmed by a research carried out at the Faculty of management of the University of Economics in Prague “Evaluation of the Current Situation of the Czech Companies at the Beginning of the 21st Century”. It concluded that factors that are not viewed as important by the Czech managers are: creation of new organizational structures, outsourcing of other activities and sources, or creation of corporate culture.

It was also proved that many managers under estimate ongoing education and the whole system of work with human recourse. Personnel management is not viewed seriously or – in the worst cases – is totally neglected. The HR departments are viewed as abundant and a place where it is the most convenient to delayer the company. Education is supposed to represent extra expenditures instead of an investment that will return in the future with some interest or value added.

4 The Practices of Foreign Companies

4.1 Overview – Main Investors, Types of Investments

In the Czech Republic, primarily the companies that are owned by strategic foreign investors have recently caused economical growth. The foreign capital has been slowly but surely gaining significant influence in Czech corporations. First of all, foreign investors have bought Czech banks. After setting distinct directions of the Czech Republic to the European Union and joining the NATO, the flow of investments to begin from scratch has grown and it was followed by construction of factories owned by concerns such as Philips, Mitsushita or Panasonic.

After the Commercial Bank had been sold to the French financial group Société Générale, roughly 95% of the Czech banking sector – measured by the balance sum of the banks – was moved to foreign ownership. The monopoly importer of gas of Transgas and other eight gas companies have recently been put into ownership of German gas colossus RWE, which is only missing authorization of the antimonopoly office. With the forth-going privatization of the Czech Telecom, the map of Czech telecommunications will obviously change, too. Česká rafinérská, a producer of gasoline has a foreign owner as well. Though the electric nets remain controlled by the government after an unsuccessful privatization of the electricity supplier, it is only a matter of time when foreign capital will penetrate this field. The field of thermal powers and hot water supply is dominated by the French.

Concerning the automotive industry, the Volkswagen Group owns the biggest Czech car producer Škoda Auto. The Japanese together with the French are beginning to build a new automobile factory that will produce small cars Toyota and Peugeot. Prazdroj, “the beer industry”, is dominated by South Africans.

The Largest Investors (in billions of USD)

Name of the Enterprise	Branch	
RWE	Transgas	3,7
Toyota	Factory building	1,35
TelSource	The Czech Telecom	1,25
Societe Generale	Commercial Bank	1,2
KBC	ČSOB	1,2
VW	Škoda Auto	1,19
Philips	Power plant building	0,733
Agip, Shell, Conoco	Česká rafinérská	0,629
SAB	Company České pivo (the Czech Beer)	0,619
Erste Bank	Česká spořitelna (the Czech Savings Bank)	0,500

Investments into the CR according to the county of origin (1993 till 2001, in millions of CZK)

Germany	333 919
Netherlands	156 661
Austria	97 613
France	78 347
USA	68 004
Belgium	59 998
Switzerland	49 772
the United Kingdom	32 243
Sweden	14 415
Italy	7 724
Canada	6 083
Denmark	5 562
Japan	5 236

Source: ČNB – the Czech National Bank

The State of Foreign Investments in the CR in 1993 – 2000 (data in million USD)

Year	Registered Capital	Reinvested Revenue	Other Capital	Total
Beginning of 1993	2 889,0	.	.	2 889,0
1993	3 423,1	.	.	3 423,1
1993	4 546,8	.	.	4 546,8
1994	7 350,0	.	.	7 350,0
1995	8 572,4	.	.	8 572,4
1996	7 955,7	263,4	1 014,7	9 233,8
1997	11 719,3	500,3	2 155,4	14 375,0
1998	14 078,9	884,8	2 588,3	17 552,1
1999	17 715,7	529,0	2 850,7	21 095,4
2000*				

Note: Registered capital includes the shares of foreign investors in the affiliates and associated companies. Source: www.czechinvest.org

According to the estimates of CzechInvest the producers with foreign capital in the CR:

- have a 65 to 70% share on the total export of manufacturing industry;
- employ directly 300 000 employees (foreign owned companies with more than 100 workers employ more than 25% of Czech labor force employed with manufacturing companies of the same size);
- will create estimated 22 500 new work places in next twelve months;
- will involve roughly 10 000 Czech subcontractors in the field of manufacturing industry and services, will secure at least 600 000 work places in local subcontracting companies (approximately 10% of total employed labor force in the CR).

4.2 Industrial Relations and the Corporate Culture in Foreign Companies

In the CR, some larger companies exist with the participation of foreign capital, which have gone through a positive development of work relations. These companies tend to use methods of management and customs, they have been used to from their home countries, they dispose of relevant capital potential for modernization and reconstruction, and they may, among others, offer a relative social certainty to their employees together with good perspectives of the company. In some cases, these companies have become pillars of the Czech industry and they perform thus a positive influence on the work relationships in the Czech Republic as a whole.

The current state of the work relationships and the corporate culture may be evaluated quite positively. At the beginning though, this development was not free of problems that emerged primarily of different attitude to management, communication and expectations of foreign and Czech managers, and, last but not least, the attitude of the employees. Foreign managers often implied their vision of „top down“ e.g. everything up side down. The foreign partners underestimated the production know-how of the Czech companies and the Czech partners did not have enough confidence to urge it. This mixture of prejudices, half knowledge and ignorance initiated conflicts over and over.

Today, management and the employees (their representatives) are able to negotiate in most cases. It is not rare, in these companies, to execute employee satisfaction research and creating the corporate culture according to it, that motivates the employees and forms good work relationships (this is especially the case of big firms such as Coca-Cola, Eurotel etc.). The employees' representatives themselves feel the culture of social negotiation has improved, though cases exist when Czech managers defend any communication with the employees and with the trade unions in order to safely stay in the company.

Industrial relations and company cultures in foreign companies

Generally, it may be stated that the inflow of foreign investors had a remarkable influence on creating corporate culture – the trade unions sometimes even call it a “revolution”.

The companies with foreign participation tend to use methods of management they're used to from their home country. They dispose of the financial potential needed for modernization and reengineering and they can offer their employees relative social guarantee with good perspectives of the company. In some cases, those companies have become pillars of the Czech industry and perform therefore magnificent effect on the work relationships and corporate culture in the CR.

The speed of the change in corporate culture depends on the fact whether the company was a green field investment or the investors entered a functioning company. Whereas in the first case, a compact system of corporate culture was transferred very fast (including the rules of treating the employees and customers), in the other case, the companies with somewhat established corporate culture took the changes much worse. The problems evolved especially from different approach of management, communication and expectation of the foreign managers, of the Czech managers, and last but not least the employees. The foreign manager usually used so-called "top down" approach, e.g. everything upside down. The Western partners underestimated the production knowledge of the Czech companies and the Czech partners were not self-confident enough to back their knowledge. That mixture of prejudices, half knowledge, and ignorance usually gave impulses to conflicts.

The most successful exemplar of a foreign company entering a Czech one was the case of Volkswagen Škoda Mladá Boleslav. At first, it was most important to send own people to Škoda. Those people were not from the top positions of the mother company but they brought high potential and founded experiences with them. The success of Skoda is that all the people adopted the newly brought ideas. At the beginning, over 200 foreign workers acted there. Gradually, their number declined to today's 50. They took the most important posts (controlling, marketing, quality management etc.) where they could positively influence the processes and thinking of the whole company. Between the Czechs and the Germans, no major differences occur. Decision-making is not a one-person task, the board of directors makes decisions, where compromises are found. Every member of the board of directors manages his or her segment of the company. The differences between opinions are not strictly nation-based. Usually they are caused by different positions in the company. However, it can be said that the Czechs know the Czech employees and the Czech market – which has been yet the main destination of their products – better than the Germans. On the other hand, the Germans have more management experience. Currently, the company is the puller of the whole Czech economy, since it ensures at least a tenth of the Czech export ability. Their corporate organization structure is given as an example to all the Czech companies, especially regarding their attitude to the foreign partners and solution of connection to the strategic foreign investor. As important are its bilingual position, fulfilling of ecological norms, and customer orientation preserving characters of Czech origin.

Besides all that, corporate culture of Skoda had its effect on the cultures of its partner companies, especially the Czech ones. The attitude to the employees and to their education, the relationship to the customers, creation of motivation stimuli gradually influenced the corporate cultures of the companies that cooperated with Skoda.

Application of new management components and new corporate culture had to face animosity of the middle management in the reconstructed companies. Today, the management of the foreign companies and the employees (their

representation) are able to negotiate. There have been cases in which the problematic employer-trade unions relations had to be solved in front of the monitoring committee of OECD (Bosch Jihlava), in general, however, the occasional conflicts are natural and solution can be found, if there is the will to do so.

Problems emerge also related to insensitive efforts to implement the corporate culture of, especially, Asian investors. Insensitive approach to the cultural differences often results in frustration of the employees.

Most of the companies with the foreign capital have an employee development plan that includes motivation system, social plan, interest on the companies' profits, educational activities, fringe benefits etc.

The trade unions admit that due to the foreign influence, the culture of social dialogue improves, too.

5 Perspectives of co-operative enterprise cultures and industrial relation systems in the Czech Republic

5.1 Major Obstacles

The quality of the social dialogue at all levels is negatively influenced by many factors previously analyzed of more or less system character. On the most general level, it is the achieved level of culture of acting and thinking of the social partners, of the government, of the politic representation, and of the public.

In their materials, the trade unions put the emphases regarding improving the quality of the social dialogue especially to:

- the need of finding a new view of the social dialogue;
- achieving the changes in thinking of all the partners involved;
- the need to cope with refusing the European traditions in the field.

On both sides – employers and employees – the interest to support the actions of organizations involved in social dialogue is smaller and smaller. A way to help creating wider trade union and employers structures has not been found.

A lack of participation is seen in the management attitude, since motivation management has not been quite developed in the CR and also the competition to get high quality employees has not been tense yet. The business sphere does not view social dialogue as an opportunity to use its motivation potential.

Essential to the development of the social dialogue in the CR is passing a new labor code and other related regulations. The collective negotiation law should probably also be amended (if the collective bargaining issue will not become a part of the new labor code) – especially the issues related to the KSVS.

It is expected that the changes in legislation will bring new stimuli for collective bargaining at all levels, for intensifying the social dialog and for more authority of the collective agreements. It will also bring new problems but that might contribute to a higher participation of the social partners at all fields of social dialogue.

List of Abbreviations

ČMKOS	Czech and Moravian Confederation of the Trade Unions
ČSÚ	Czech Statistical Office
KSVS	Collective Agreement of Higher Level
MPSV	Ministry of Labor and Social Affairs of the Czech Republic
MV	Ministry of Internal Affairs of the Czech Republic
PKS	Company Collective Agreement
ROH	Revolution Trade Union Movement
ZP	Labor Code

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