

ROADMAP FOR UNION ORGANIZING IN THE COMMERCE SECTOR IN THE WESTERN BALKANS



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Trade Union of Workers in
Commerce and Services in BiH

**ROADMAP FOR
UNION ORGANIZING
IN THE COMMERCE SECTOR
IN THE WESTERN
BALKANS**

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INTRODUCTION

The commerce sector is going through drastic changes that are transforming how companies - large and small - do business and thus have a significant impact on labor relations. Globalization embodied in the processes of establishing global supply chains, the intense mobility of goods and people, accompanied by the digitization and automation of business operations, and especially the growth of e-commerce in the last two years, are the most significant social processes that are changing all segments of society, and thus the commerce sector and labor relations as well.

These processes underwent additional transformations that occurred as a result of global crises, particularly the COVID-19 pandemic and then the war in Ukraine. At the same time, the process of integration of the countries of the Western Balkans into the European Union (EU), which has adopted a stronger regional approach, imposing certain EU policies as priority areas of social transition, by emphasizing the necessity of green transformation and the rule of law, greatly structures the current but also defines the future directions of the development of the commerce sector and labor relations.

The influence of these social trends in everyday life and work is evident and requires urgent and systemic adaptation of trade union organizing.

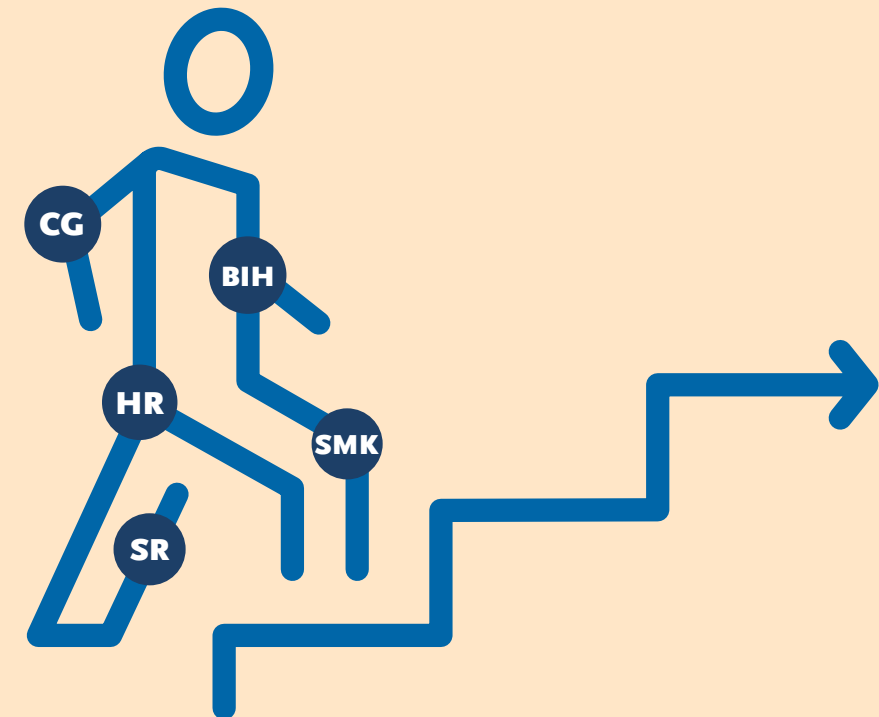
This study seeks to provide a framework explanation for the orientation of such organizing, and at the same time to offer key data from the commerce sector, labor relations and trade union operations. The starting premise of the study is a regional approach, because the selected framework orientation of trade union organizing in the countries of the Western Balkans is regional networking and cooperation in trade union actions. Without such approach, trade unions will not be able to respond individually to the challenges that are already in front of them.

Taking into account that public policies in the commerce sector are largely formulated through regional agreements, that employers, especially large companies, operate simultaneously in several countries of the region and global supply chains, and that new social trends threaten the already established rights of workers through new forms of work, it is necessary to unite the forces of trade unions in the region in order to identify forms of trade union action that will successfully protect workers in this sector.

An additional and very important dimension of the commerce sector is the large number of women employed in this sector, which means that disrespect for labor rights is exemplified here with additional forms of gender inequalities.

The structure of the study reflects the given argumentation. The first chapter provides general indicators of the commerce sector of Bosnia and Herzegovina (BiH), Montenegro, Croatia, North Macedonia and Serbia. These countries are the subjects of the conducted research. The second chapter analyzes trends that significantly affect the commerce sector and labor relations, and whose impact will be an important factor in the future as well. The third and fourth chapters provide an overview of the state of trade unions in the region and attempt to provide an overview of the key challenges they face. Finally, the last chapter consolidates the conclusions of the previous analyses and formulates recommendations for future trade union action.

The methodology of the study is based on primarily secondary data, both statistical and qualitative from various sources, in order to gain a regional insight into the situation by topic and country.



COMPARATIVE OVERVIEW OF THE COMMERCE SECTOR

The commerce sector is one of the leading economic activities in the creation of social value in the countries of the Western Balkans. The following graph shows the shares of the commerce sector (in %) in the total gross domestic product (GDP) for two years. The manufacturing industry accounts for 12% in Croatia, 13% in Serbia, and 19.7% in North Macedonia of the total value of GDP, which means that in these countries commerce is the second largest activity in terms of participation in GDP; while manufacturing participates 13% in BiH, 5.4% in Montenegro participates in the GDP in 2020, and thus commerce is the first largest activity after manufacturing.

GRAPH 1:
SHARE OF COMMERCE
IN GROSS DOMESTIC
PRODUCT (GDP) IN %
BY COUNTRY,
2019-2020

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES

[LEGEND:
BIH – BOSNIA AND
HERZEGOVINA;
CG – MONTENEGRO;
HR – CROATIA;
MK – NORTH
MACEDONIA; AND
SR – SERBIA.]

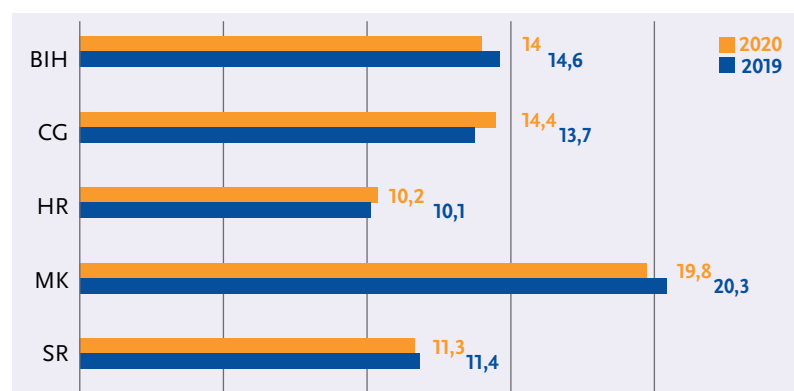


TABLE 1:
NUMBER AND SHARE
OF COMPANIES IN
THE COMMERCE
SECTOR FOR 2020

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES

Country	Total number of enterprises	Number of enterprises in the commerce sector	Share of the number of enterprises in commerce in the total number of enterprises (%)
BiH	27.415	9.374	34
Montenegro	37.255	11.141	30
Croatia	180.541	35.386	20
North Macedonia	57.853	21.866	38
Serbia	90.111	30.59 ¹	34

¹

The number of companies in the commerce sector for the Republic of Serbia was taken for 2018 due to the unavailability of more recent data.

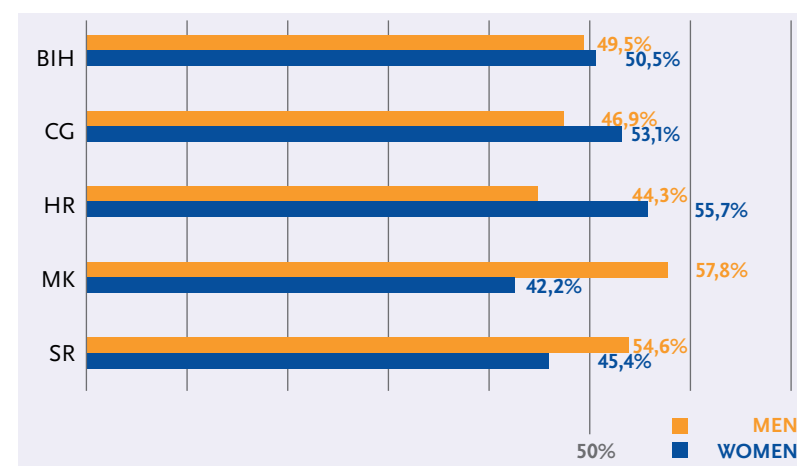
The number of business entities or companies in the commerce sector also indicates the importance of this sector in the overall economy of the Western Balkan countries. About a third of all companies in these countries consists of entities from the commerce sector, with the exception of Croatia, where one quarter of business entities are of commercial nature. Bosnia and Herzegovina has the smallest number of companies in the commerce sector, followed by Montenegro, while Croatia has the largest number of companies in the commerce sector in the entire region.

Country	Total number of employees	Number of employees in the commerce sector	Share of employees in the commerce sector in the total number of employees (%)
BiH	823.599	148.954	18
Montenegro	214.361	42.389	20
Croatia	1.573.221	208.750	13
North Macedonia	691.498	106.222	15
Serbia	2.233.000	358.000	16

TABLE 2:
NUMBER OF EMPLOYEES
IN THE COMMERCE
SECTOR IN 2022

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES

The number of employees in the commerce sector is also significant, indicating that in Bosnia and Herzegovina and Montenegro employees in the commerce account for almost one quarter of the entire labor market, while in Croatia, North Macedonia and Serbia this percentage is lower, below one sixth.



GRAPH 2:
RATIO OF EMPLOYED
WOMEN AND MEN IN
THE COMMERCE SECTOR
IN THE WESTERN BAL-
KANS COUNTRIES

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES

[LEGEND:
BIH – BOSNIA AND
HERZEGOVINA;
CG – MONTENEGRO;
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MK – NORTH
MACEDONIA; AND
SR – SERBIA.]

In total, at least 676,440 workers work in the commerce sector in these countries. Serbia has the largest number of workers in the commerce sector, followed by Croatia, then North Macedonia, BiH and finally Montenegro. The size of the workforce in this sector reflects the size of

the mentioned countries, while the share of firms and employees in the entire economy indicates the importance of trade in the overall economy.

If we look at the employee data from a gender perspective, it is obvious that the participation of women in the commerce sector is significant. Croatia, Montenegro and BiH have more women employed than men in the commerce sector, while North Macedonia and Serbia have slightly more men than women.

TABLE 3:
COMPARATIVE
OVERVIEW OF AVERAGE
NET SALARIES
IN 2022

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES

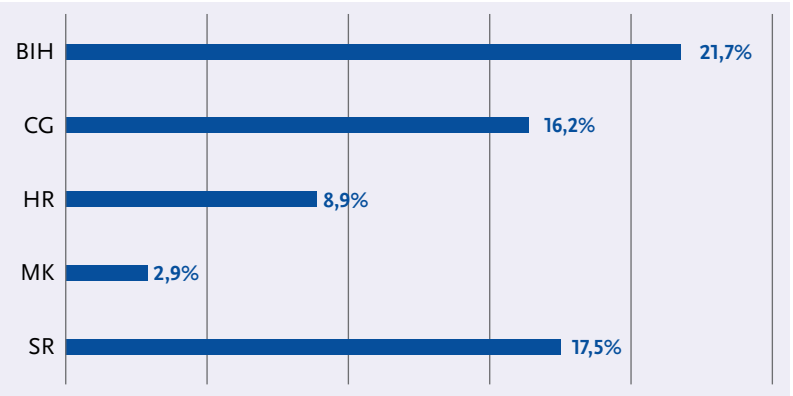
Country	Average net salary in local currency	Average net salary in EUR	Average net salary in the commerce sector in local currency	Average net salary in the commerce sector in EUR
BiH	1.083 BAM	553	848 BAM	433
Montenegro	710 EUR	710	595 EUR	595
Croatia	7.547 HRK	1004	6.881 HRK	915
North Macedonia	31.525 MKD	514	30.640 MKD	499
Serbia	74.664 RSD	636	61.610 RSD	525

According to the data of statistical offices, net salaries (earnings without taxes and contributions) in 2022, were the highest in the commerce sector of Croatia, followed by Montenegro, Serbia, North Macedonia and finally of Bosnia and Herzegovina. A comparison of salaries shows that the average net salary in commerce in BiH is 21.7% lower than the average salary for all sectors, in Serbia by 17.5%, in Montenegro by 16.2%, while this difference is significantly smaller in Croatia with 8.9% and the smallest in North Macedonia with 2.9%.

GRAPH 3:
DIFFERENCE BETWEEN
THE AVERAGE NET SAL-
ARY FOR ALL SECTORS
COMPARED TO THE NET
SALARY IN COMMERCE

SOURCE:
STATISTICAL INSTITUTES
AND AGENCIES (AUTHOR
CALCULATIONS)

[LEGEND:
BIH – BOSNIA AND HER-
ZEGOVINA;
CG – MONTENEGRO;
HR – CROATIA;
MK – NORTH NORTH
MACEDONIA; AND
SR – SERBIA.]



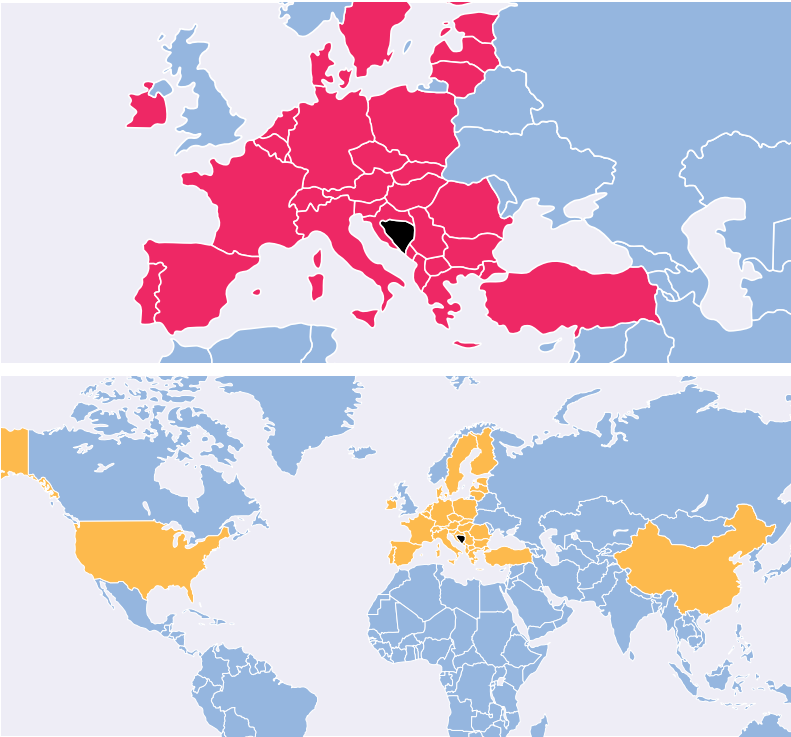
TRENDS THAT ARE TRANSFORMING
THE COMMERCE SECTOR

The commerce sector in all Western Balkans countries is closely connected to markets of neighboring countries as well as with EU member states and internationally. Thus, commerce sectors are based on the circulation of goods within the country but also from around the world through global and regional supply chains. The term global supply or procurement chains "refers to the cross-border organization of activities required to produce goods or services and bring them to consumers through inputs and various stages of development, production and delivery".² Global supply chains have always existed, but they have developed intensively in the last 30 years through the processes of globalization, which are supported liberalization public policies for markets of goods, services and labor through the action of international bodies, primarily through the World Trade Organization (WTO), then the International Monetary Fund (IMF) and the World Bank (WB). Moreover, the markets in the Western Balkans countries were quite connected during the period of Yugoslavia, but after its disintegration there was also a breakdown of the supply chains between its former republics. After the entry into force of the Agreement on Amendment and Accession to the Central European Free Trade Agreement (CEFTA) in 2007, which the countries of the Western Balkans signed a year earlier, the process of more intensive integration of the goods, services and labor market began.

2
International Labor Organization (ILO). "Global supply chains".

MAP 1:
MAIN COUNTRIES OF
EXPORT (RED) AND
IMPORT (BLUE) OF
GOODS FOR BOSNIA AND
HERZEGOVINA IN 2020

SOURCE:
TRADE MAPS, WORLD
TRADE ORGANIZATION



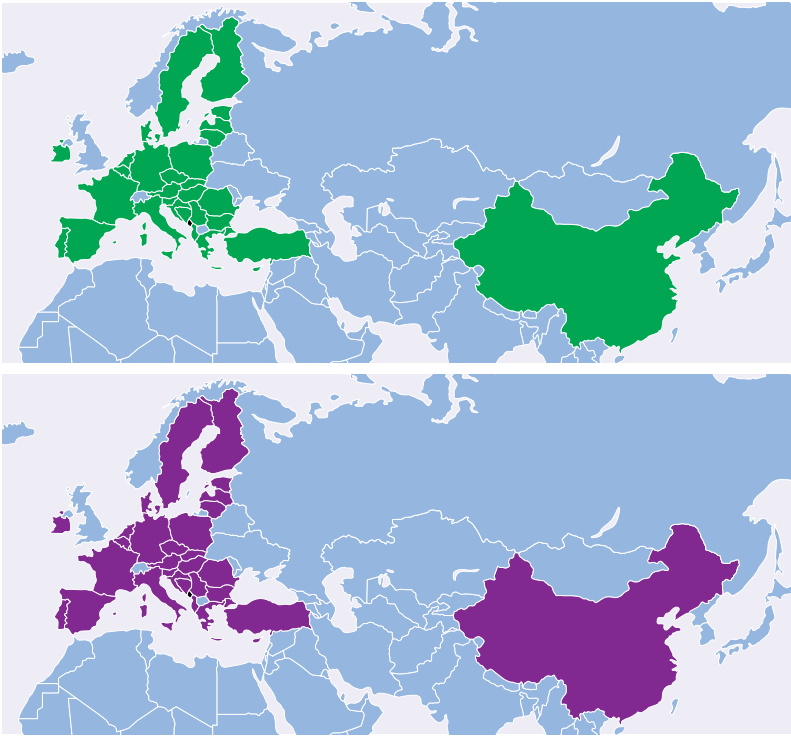
The countries to which BiH exports the highest amount of goods are EU countries (72.4%), Serbia (11.6%), Turkey (3%), Montenegro (2.8%), Switzerland (2.5%) and the rest of the world (7.6%). BiH primarily exports manufactured products (71.3%), fuel and ores (15%), and agricultural products (11.8%).

Bosnia and Herzegovina mostly imports goods from the EU (60.8%), Serbia (11.3%), China (8%), Turkey (5.3%), and the USA (2.5%). BiH primarily imports manufactured products (64.5%), fuel and ores (18.1%) and agricultural products (17.4%).

It is evident that the BiH market is strongly connected to the markets of goods in Serbia and Montenegro and the EU.

MAP 2:
MAIN COUNTRIES
OF EXPORT (RED) AND
IMPORT (BLUE) OF
GOODS FOR
MONTENEGRO IN 2020

SOURCE:
TRADE MAPS, WORLD
TRADE ORGANIZATION

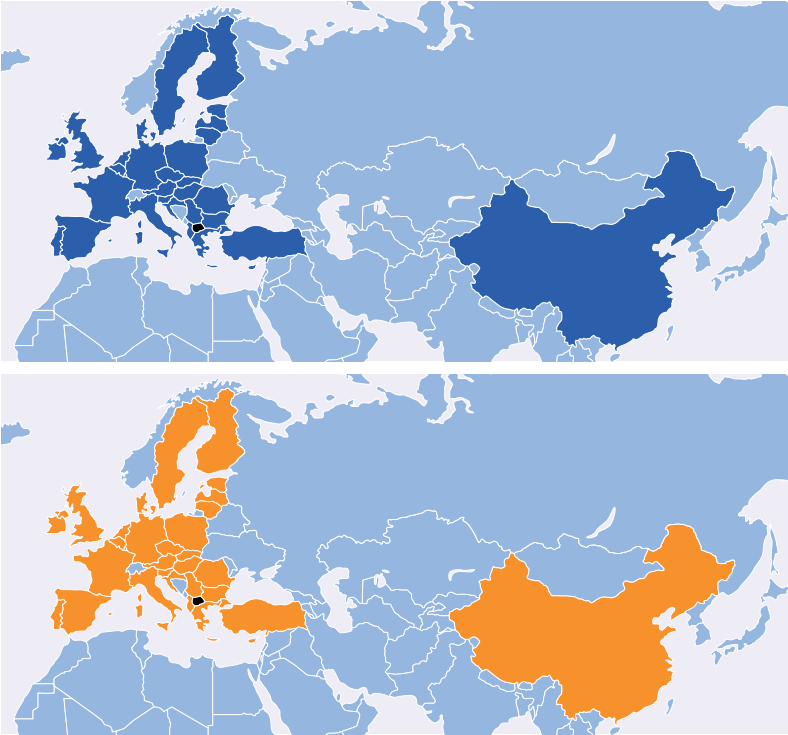


The countries to which Montenegro exports the most are EU countries (36.2%), Serbia (28.3%), BiH (6.2%), China (6.2%), Turkey (3.8%) and the rest of the world (19.4%). Montenegro primarily exports fuel and ores (49.6%), factory products (28.9%), and agricultural products (20.7%).

Montenegro mostly imports goods from the EU (44.1%), Serbia (19.8%), China (10.4%), BiH (5.7%), and Turkey (5.1%). Montenegro primarily imports manufactured products (64.3%), agricultural products (22.7%), and fuel and ores (13%). The strong connection between the Montenegrin market and the markets for goods in Serbia and BiH and the EU is evident.

MAP 3:
MAIN COUNTRIES OF
EXPORT (RED) AND
IMPORT (BLUE) OF
GOODS FOR NORTH
MACEDONIA IN 2020

SOURCE:
TRADE MAPS, WORLD
TRADE ORGANIZATION



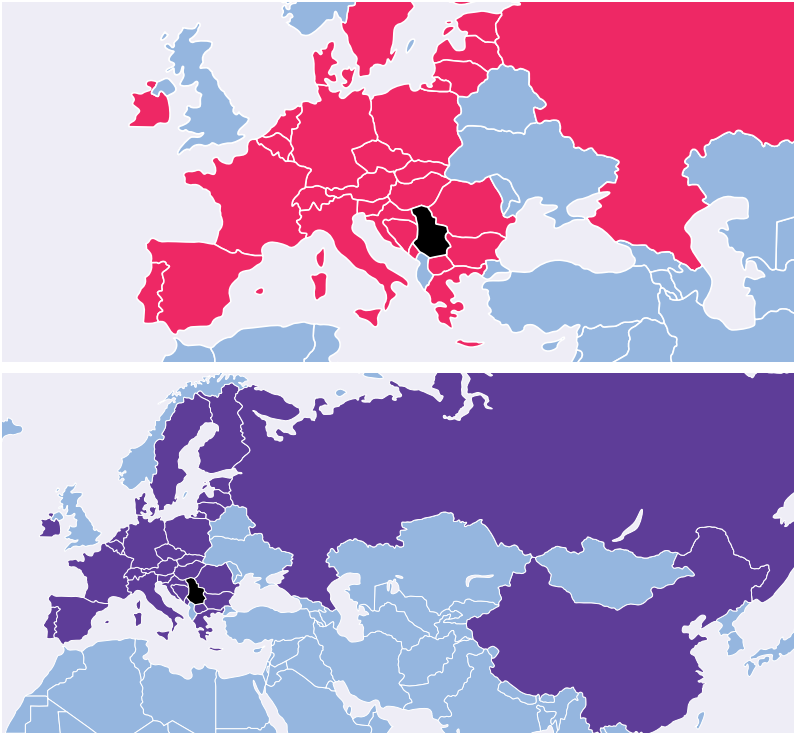
The countries to which North Macedonia exports the most are EU countries (77.5%), Serbia (7.9%), China (2.5%), Great Britain (2.4%), Turkey (1.5%) and the rest of the world (8.1%).

North Macedonia primarily exports manufactured products (83.2%), agricultural products (9.8%) and fuel and ores (6.9%). North Macedonia mostly imports goods from the EU (46.2%), Great Britain (15.6%), Serbia (7.8%), China (6.9%), and Turkey (5.1%).

North Macedonia primarily imports manufactured products (61.9%), fuel and ores (27.7%), and agricultural products (10.3%). The strong connection of the North Macedonian market to the markets of goods in Serbia and BiH and the EU is evident.

Croatia exports the most to the EU (89%), followed to BiH (11%), and Serbia (6%) and the USA (4%). Croatia mostly exports manufactured products, followed by fuel and ores and then agricultural products. When it comes to imports, Croatia imports most from the EU (76.5%), followed by China (3.5%), BiH (3.4%) and Serbia (2.8%). This makes the EU, BiH and Serbia the most important partners for Croatia. Croatia mostly imports manufactured prod-

ucts, followed by fuel and ores and finally agricultural products.³ These data showcase that the markets for goods are strongly connected in the countries of the Western Balkans as well as the EU, and with certain countries in the world, such as China, the USA, Russia, and Turkey. The traditional approach of trade unions to operate only within national frameworks is no longer effective due to the level of globalization, i.e. the high interconnectivity of the markets for goods, services and labor.



MAP 4:
MAIN COUNTRIES OF
EXPORT (RED) AND
IMPORT (BLUE) OF
GOODS FOR SERBIA
IN 2020

SOURCE:
TRADE MAPS, WORLD
TRADE ORGANIZATION

The countries to which Serbia exports the most are EU countries (64.9%), Bosnia and Herzegovina (7.1%), Russia (4.7%), Montenegro (4%), North Macedonia (3.8%) and the rest of the world (15.5%). Serbia primarily exports manufactured products (70.3%), agricultural products (19.3%), and fuel and ores (8.4%).

Serbia mostly imports goods from the EU (55.8%), China (12.5%), Russia (6%), BiH (2.3%), and Turkey (4.4%). Serbia primarily imports manufactured products (63.3%), fuel and ores (16.8%) and agricultural products (9%). The strong connection between the Serbian market and the markets for goods in the EU, Bosnia and Herzegovina, Montenegro and North Macedonia is evident.

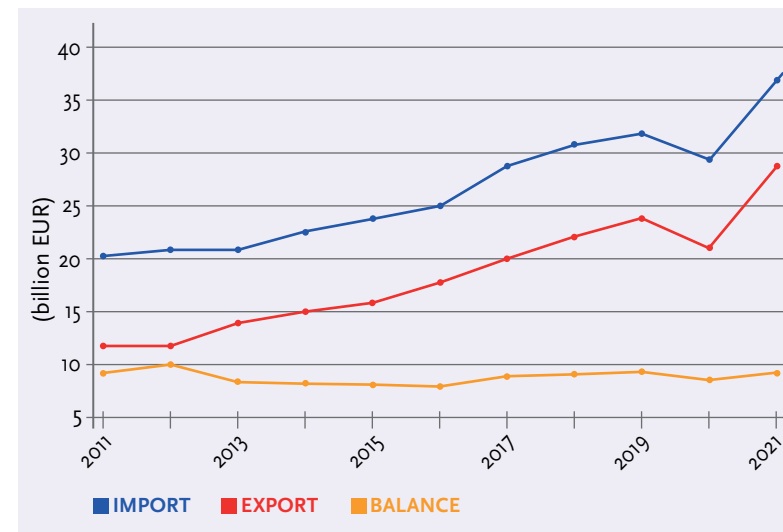
³ State Statistical Office of the Republic of Croatia. "Commodity exchange of the Republic of Croatia with foreign countries in 2021."

In the global economy, companies operate as networks that continuously seek the most profitable (often defined as the cheapest) access to goods and workers. Thanks to the great mobility of goods and people, and the transfer of information through new technologies, the networking of companies and the development of new business is constantly changing. Taking into account that it is very easy for companies in the global economy to find a quick replacement for goods, employees and partner companies if a strike happens or workers demand better working conditions, in the last three decades there has been a trend of reducing workers' rights or a lack of their respect, as well as the significant weakening of trade unions, not only in the countries of the Western Balkans but throughout the world. Unions in developed countries are turning to analyses of global supply chains and targeting key companies and transport routes. Therefore, trade union action should be based on a very good knowledge of supply chains, that is, the commerce, but also transport and manufacturing companies that make up a supply chain.

From the above overview of commerce relations in goods of the Western Balkans countries, it is obvious that all countries are strongly connected with the EU markets, but also with each other. Therefore, trade union actions in the commerce sector should take this fact into account and analyze individual commerce supply chains and develop strategies based on the collected data, and systemically connect with trade unions in companies that are part of the supply chain in neighboring countries and the EU. For example, BiH exports large quantities of seats, followed by electricity, then furniture. These foreign trade data, of course analyzed at the level of companies, must be connected with the analysis of in-country trade, as well as the sectoral connections of companies (commerce companies with transport and manufacturing) in order to gain a detailed insight into the supply chain of a particular company or companies that are the subject of trade union actions. In addition to labor issues, it is important to identify environmental, tax, legal and similar problems that are closely related and that can offer a good basis for cooperation with civil society organizations that deal with specific violations of human rights.

A well-known trade union action that are based on connecting workers from global supply chains are the protests that took place in 2020 and 2021 against the Amazon company in 22 countries, bringing together 50 organizations, not only trade unions but also organizations that fight against corruption and for environmental protection. The fight against the company, which is worth two trillion US dollars, was only possible under the condition of uniting a

large number of workers from several sectors - commerce, transport and production - to force the management of Amazon to increase wages and working conditions for workers, to stop avoiding paying taxes and to comply with environmental standards in the countries in which it operates.



GRAPH 4:
EXPORT, IMPORT AND
TRADE BALANCE
BETWEEN THE EU AND
THE COUNTRIES OF
THE WESTERN BALKANS
2011-2021

SOURCE:
WESTERN
BALKANS-EU - I
NTERNATIONAL
MERCHANDISE TRADE
STATISTICS,
EUROSTAT

Furthermore, it is very important to take into account public policies as well as actors from the EU, considering that markets of these countries represent main partners for all the countries of the Western Balkans. The economies of this region are becoming increasingly connected to the economies of the EU, and when it comes to global supply chains and the development of trade union actions, it is necessary to connect them with actors, especially trade unions, from the EU.

This approach is also important because of the connection with actions led by actors from the EU in countries where the respect for the rule of law is greater. Joint actions have a synergistic effect, foster learning and capacity building processes. In addition to the above, when it comes to the EU, there is also the fact that the EU policies towards the Western Balkans countries have primarily a regional approach, which also requires a regional response. These policies, which also include associated financial resources, represent the most promising opportunity for the development of trade unions in the Western Balkans.

„The European Pillar of Social Rights reflects the principles and rights that are necessary for the fair and efficient functioning of the labor market and the social protection system. Through the new strengthened social dimension for the Western Balkans, the Commission will work to support employment and social policy in the region, encouraging the appropriate engagement of all levels of government, social partners and civil society. This will include an increased focus on employment and social reforms through increased monitoring of relevant policies, and those in the context of economic reform programs. The Commission proposes an annual ministerial meeting of the EU and the Western Balkans on social and employment issues for the purpose of exchanging views. Greater financial assistance in the social sector should be foreseen, especially investments in education and health to support social inclusion.“ (European Commission, 2018).



The integration of markets for goods and labor will be even stronger in the future, both between the Western Balkans countries and with the EU.⁴ Therefore, trade union action should take this fact into account and develop forms of cooperation and action with EU actors, given

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Look at the plans of the Regional Cooperation Council, https://www.rcc.int/priority_areas/39/map-rea

that the most important trade partner for all countries in the Western Balkans is the EU. Additionally, in this regard, it is important to point out that the connection with the EU is not only at the level of exchange of goods, but also of people, i.e. labor force. The emigration of a huge part of the population of all countries of the Western Balkans to more developed economies in the EU and beyond, represents a serious trend that threatens the labor markets in the Balkans and opens the door to new aspects of mobility.

Namely, an important aspect of globalization and the market mobility is the mobility of the labor force. The Western Balkans countries primarily experienced increased emigration, i.e. the outflow of workers from their countries to countries in the EU and other developed countries in the world, which affected the reduction of the workforce. But due to the structure of the workforce, that is, the qualifications of the required workers in the commerce sector, this did not have a significant impact on the sector yet, i.e. employee deficiencies. However, it is important to consider the reverse scenario that is already developing and has already been observed in other sectors, such as construction, as well as in the commerce sector. Namely, market globalization does not only lead to emigration, but also to labor force immigration. In the construction and commerce sectors, the arrival of foreign workers from Asian countries to work in Serbia, BiH and Croatia was recorded. All Western Balkans countries have experienced refugee or migrant crises, i.e. a large flow of people on the move. Although a large number of foreign workers are not currently being retained in the Western Balkans countries, looking at global flows on the one hand, and domestic demographic trends that indicate a continuous negative population increase and mass departures of young people, a greater lack of workers in the commerce sector is also already evident in some cities, and may result in an increased influx of foreign workers and new dynamics in both labor and political relations.

Another issue that is related to the workforce is the process of digitization and automation of work. The commerce sector is particularly susceptible to these processes from two important aspects: robotization of work and e-commerce. Robotization implies the replacement of workers by machines (in direct sales, warehouses, etc.), which leads to a reduced need for physical workers. Although these trends often create new types of jobs, they also require workers with different qualifications and the acquisition of IT skills. Such changes are often introduced by companies suddenly, leaving very little time for employees to adapt and acquire the necessary skills. In addition, e-commerce, i.e. shopping via the Internet, represents a global trend in sales that has developed significantly in the last two years as a result of the quarantine

of people during the COVID-19 pandemic. E-commerce has developed significantly in the last period, and a further growth trend of this type of commerce is to be expected. This change in commerce also affects the creation of new jobs and new types of jobs, but also the disappearance of some old ones. For union action, it is very important to recognize the impact of this trend on the organization of workers and the need to identify new supply chains. For example, during the COVID-19 pandemic, the number of delivery companies and workers in this sector, who closely cooperate with commerce companies, has grown significantly.

Finally, it is important to emphasize that EU policy towards the Western Balkans has taken on a strong regional character. This means that the largest number of EU integration public policy programs and associated funds have a regional approach, that is, they include interested parties from all Western Balkan countries in the programs.⁵ This approach is used not only in areas that clearly need to have a regional framework, such as climate change, connecting good and labor markets, but also in areas such as the rule of law.

LABOR AND SOCIAL RIGHTS

The scope and focus of trade union organizing directly depends on the general state of labor and other social rights that workers can exercise, and the possibility of access to public services, such as health and education. In order to better understand the situation in the social sector, this chapter offers basic data and comparisons between the countries of the Western Balkans regarding the state of essential labor rights. Data on the state of labor and social rights in the commerce sector are not directly available and empirical research is necessary to gain insight into the actual situation on the ground. Namely, in all sectors there is an evident difference between the minimum rights guaranteed by labor laws and their function in practice. Here, the labor rights are highlighted that are particularly dire in the commerce sector.

Labor laws in all countries of the Western Balkans guarantee the right to sign an employment contract. However, in practice, and especially

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See https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future_en and especially „Western Balkans: An Economic and Investment Plan to support the economic recovery and convergence“. https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1811

in the commerce sector, two trends have been noted that significantly threaten this right. The first trend refers to the practice of "informal work" (rad na crno), i.e. hiring male and female workers without signing an employment contract, in order for the employer to avoid the obligation to pay taxes and social contributions for employees. Namely, access to health, social and pension insurance is closely related to the employment contract, and if the employment contract is not signed, the employee does not have the right to access the health system and other social insurances. Although this practice is to the detriment of male and female workers, due to the high unemployment rate⁶ and the possibility to use a health insurance based on unemployment registration at employment bureaus, a large number of people agree to work without a contract. Based on existing estimates, the rate of informal employment is 20% to 30% in the Western Balkans countries, which accounts for about one fifth of the total employment in the entire region.⁷ Informal employment is especially common among the youngest (15-24 years) and the oldest (55-65 years) working population, as well as among people with the lowest levels of education.⁸

Another trend in employment contracts is a significant increase in short-term contracts as well as other occasional forms of work (student work, part-time contracts, etc.) compared to full-time long-term contracts. All non-standard forms of labor contracting, i.e. all contracts that are not for an indefinite period, often imply reduced labor and social rights. Labor law reforms in the region resulted in the liberalization of the labor market, which contributed to more flexible forms of work in order to respond to new needs in the economy, but which often implied public policies and practices that benefit employers and harm workers. Such public policies are not only recorded in the Western Balkans but are a global trend that began in the 1980s and continues to this day, whose negative consequences are already evident in the overall social well-being, and especially in increased economic inequalities.⁹ Thus,

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Vidovic, Hermine. „Why Western Balkan Labour Markets are Different“.

⁷

Regional Cooperation Council. „Labour Markets in the Western Balkans – 2019 and 2020“

⁸

Ibid.

⁹

„Global economic inequality: insights 2022“. The World Inequality Lab and Database. [INEQUALITYLAB.world](https://inequalitylab.world)

one fifth of employees in Croatia work under a fixed-term contract. The issue of labor contracting was particularly highlighted during the COVID-19 pandemic, the economic consequences of which were felt most by workers employed informally or on contracts for specific or occasional work, who were the first to be fired.

Namely, not all groups in the Western Balkans societies are equally affected by changes in the labor markets. The worst consequences were borne by women and people employed informally, who were often the first to be laid off or experienced reductions in working hours, while at the same time women were the ones who provided care the most for sick members of their families.¹⁰ The authorities did not address the already existing differences between the formally employed and those who work casual or "informal" jobs, and during the COVID-19 pandemic they incentivized the creation of an even greater difference because employee retention programs did not include informal employees.¹¹ Thus, the European Commission in its report on the progress of Bosnia and Herzegovina for 2021 emphasizes that "the pandemic has exposed the need to amend the labor law in order to eliminate shortcomings related to crisis management, such as the lack of detailed provisions regulating work from home, paid and unpaid absence due to force majeure, temporary reduction of working hours, as well as limited opportunities for an adequate response in order to protect jobs and ensure the socio-economic security of employees."¹² A similar situation was recorded in all countries of the Western Balkans, including Croatia.

¹⁰

Amar Numanović. „Performance of Western Balkan economies regarding the European Pillar of Social Rights; 2021 review on Bosnia and Herzegovina“; European Commission. "Report for Montenegro: 2021 Communication on EU Enlargement Policy"; European Commission. "Report for Bosnia and Herzegovina: 2021 Communication on EU Enlargement Policy".

¹¹

Ibid; Orlić, Merima. „The Impact of the Covid-19 Pandemic in Bosnia and Herzegovina“; Arandarenko, Mihail. „Analitički izveštaj o stanju na tržištu rada Srbije u kontekstu ekonomske krize izazvane pandemijom COVID-19.“ [“Analytical report on the state of the Serbian labor market in the context of the economic crisis caused by the COVID-19 pandemic.”]

¹²

European Commission. "Report for Bosnia and Herzegovina: 2021 Communication on EU Enlargement Policy".

It was the COVID-19 pandemic that instigates changes to the Labor Law in Croatia, which are currently under public discussion.¹³ The main subjects of the changes are the prevention of misuse of fixed-term contracts, the duration of which would be limited to three years, and a new condition is added, according to which only three fixed-term employment contracts can be concluded with the same worker. In addition to this change, work at a separate place of work is also defined, i.e. occasional and permanent work from home and conditions for reimbursement of expenses in such conditions, as well as work via a digital platform.¹⁴

Exactly the same aspects of work need to be addressed in Montenegro, even though the new Labor Law was adopted in 2021 and entered into force at the beginning of this year.¹⁵ Fixed-term work contracts and the misuse of this form of work are also very widespread, and it is necessary to address them. This type of illegality is part of the widespread informal economy in Montenegro. New changes in the labor legislation introduced a change in the source of financing social contributions, that is, the abolition of this obligation towards employers and employees, and its financing from the budget from classic taxes.¹⁶ These measures were introduced to increase the minimum wage, encourage economic development and stop the mass exodus of young people.¹⁷ Currently, the processes of signing collective agreements are

¹³

„Izmjene ZOR-a: Što radimo i kako se uključiti?“. Savez samostalnih sindikata Hrvatske. [“ZOR changes: What are we doing and how to get involved?”. Association of Independent Trade Unions of Croatia.]

¹⁴

Ibid.

¹⁵

European Commission. "Report for Montenegro: 2021 Communication on EU Enlargement Policy".

¹⁶

„Crnogorski „Maršalov plan“: Reforma uz podršku sindikata i poslodavaca [“Montenegro's "Marshall Plan": Reform with the support of trade unions and employers"]. UGS Nezavisnost.; Pejović, Ratko. „Šta sve predviđa zakon o radu?“ "What does the labor law provide for?" Union of Administration and Judiciary of Montenegro.; „Uvažiti glas sindikata, dominantni nestabilni ugovori o radu“, [Respect the voice of the trade union, unstable labor contracts dominate"]. RTCG.

¹⁷

„Crnogorski sindikati sa protesta zatražili produženje kolektivnog ugovora“. [“Montenegrin trade unions request an extension of the collective agreement

underway, and the impact of the legal changes will be known only at the end of this year and during the next year.

North Macedonia is also going through the process of amending the labor legislation, within which comprehensive consultations with interested parties have been carried out. However, the capacity to implement labor policy and legislation in North Macedonia is still insufficient.¹⁸ In particular, labor inspectorates do not have a sufficient number of employees, despite the increases implemented last year. In its report for North Macedonia, the European Commission states that the informal economy is still large and that, according to IMF estimates, it accounts for as much as 37.6% of GDP. Informal economic activities include, in addition to "informal work", partial failure to report wages, and failure to issue tax receipts or invoices.¹⁹ Freelance work and personal services at home or via the Internet, which often remain unregistered, have also increased.

The Labor Law and the Law on Health and Safety in Serbia should also be revised in order to harmonize them with the EU acquis, that is, with European standards in the field of labor, employment and social rights.²⁰ As in other countries of the Western Balkans, informal work is high (about 16.4% in 2020), and labor inspectorates do not have a sufficient number of employees and authorization changes are needed that would allow labor inspectors to enter workplaces freely and without notice.²¹ As in other countries in the region, Bosnia and Herzegovina also has a large number of undeclared workers and a

during the protest"], Radio Free Europe.; „Crnogorski „Maršalov plan“: Reforma uz podršku sindikata i poslodavaca“[“Montenegro's "Marshall Plan": Reform with the support of trade unions and employers"]. UGS Nezavisnost.

¹⁸

European Commission. "Report for North Macedonia: 2021 Communication on EU enlargement policy"

¹⁹

Ibid.

²⁰

European Commission. "Report for Serbia: 2021 Communication on EU enlargement policy"; Arandarenko, Mihail. „Analitički izveštaj o stanju na tržištu rada Srbije u kontekstu ekonomske krize izazvane pandemijom COVID-19.“ [“Analytical report on the state of the Serbian labor market in the context of the economic crisis caused by the COVID-19 pandemic.”]

²¹

Ibid.

large sector of the informal economy.²² The complexity of the political system in BiH further complicates the implementation of laws and access to basic rights.²³

Poor implementation of labor laws, i.e. a high level of informality and various forms of illegal activities on the labor market is directly related to the actual labor rights that workers and workers from the commerce sector can realize. The most threatened right in this group of rights is the right to organize a trade union. In most countries, the prior approval of the employer is necessary so that unions can talk with workers about joining, while the self-initiated organization of workers into unions is very often the subject of attacks that result in dismissals and threats. Workers are afraid to join unions because that act represents a high possibility of job loss, transfer to other work tasks (often under worse conditions) and disruption of interpersonal relations at the workplace. Such practices are rarely prevented by relevant public institutions, such as ministries of labor or labor inspectorates. If workers start a judicial case, it lasts a long time, usually longer than the legal deadline for such labor cases. Often employers themselves implement the processes of establishing and informally managing trade unions in their companies to ensure their control. Such unions not only exist at the company level, but even at the sector level.

The aforementioned practices resulted in a systematic weakening of the role of trade unions in social and economic reforms in all Western Balkans countries. The exception is Croatia, where trade unions manage to maintain a certain role in the creation of public policies. In all other countries that are the subject of this research, social dialogue is limited. Thus, in North Macedonia, although all social partners were actively involved in the drafting of the new labor law and consideration of a package of economic measures related to the COVID-19 pandemic through the work of the Economic and Social Council, no improvements were observed in the functioning of bipartite social dialogue and the implementation of collective agreements in private

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European Commission. "Report for Montenegro: 2021 Communication on EU Enlargement Policy"; Numanović, Amar. „Performance of Western Balkan economies regarding the European Pillar of Social Rights; 2021 review on Bosnia and Herzegovina“.

²³

Ibid.

sector.²⁴ As a consequence of such a situation, the trust of workers in trade unions is continuously weakening and the number of members in trade unions is decreasing. This trend was also noted in sectoral trade unions.²⁵ The reduction in the number of members directly prevents trade unions from negotiating because they are not representative in accordance with legal regulations. The situation is very similar in BiH and Serbia. Social dialogue is still weak at all levels of government in these countries and no significant improvements have been made.²⁶ Although sectoral collective agreements are typically signed for the public sector, they are very difficult or impossible to be agreed in the private sector. The Economic and Social Council at the state level in Bosnia and Herzegovina has not even been established. Agreements at economic-social councils are very difficult or impossible to be made.²⁷

The impossibility of reaching an agreement and conduct active negotiation for trade unions in bipartite and tripartite social dialogues reflects negatively on the material status of workers. This aspect is particularly evident in the commerce sector when it comes to minimum wages, the use of daily, weekly and annual holidays, and protection against discrimination in the workplace. Although these rights are guaranteed by every labor law as essential, in reality they are very difficult to be realized and the level of their implementation depends on the good will of the employer, so the practices of companies differ greatly. As a result, many workers in the commerce sector - in one of the most important economic activities of the Western Balkans countries, often live in poverty despite hard work and effort.

²⁴ European Commission. "North North Macedonia Report: 2021 EU Enlargement Policy Communication".

²⁵ Notes from the working meeting of the trade union of the Western Balkans. Online, Zoom platform. 14.12.2021.

²⁶ European Commission. "Report for Serbia: 2021 Communication on EU enlargement policy"; European Commission. "Report for BiH: 2021 Communication on the EU Enlargement Policy".

²⁷ Ibid.

COMPARATIVE OVERVIEW OF
TRADE UNIONS IN THE REGION

This chapter provides a comparative overview of the situation in the trade unions of BiH, Montenegro, Croatia, North Macedonia and Serbia. The review is based on information provided by trade unions. Data for the Independent Trade Union of Commerce of Serbia were collected from the website of this union or from other sources indicated in the text, and are missing where they were not available.

The missions and visions of trade unions point to the fact that all trade unions in the region share the same or very similar goals in their operational approaches and expected social impact.

Trade Union	Mission and vision of the trade union
Trade union of commerce and service workers of Bosnia and Herzegovina	Mission: Trade union of commerce and service workers of Bosnia and Herzegovina represents workers in the most dynamic and progressive sector, and accordingly defines its main goal, which is to ensure the work of a worthy person in the commerce and service sectors in BiH. In achieving its mission, the Trade Union decided to work based on the trust of its members and the community, through a transparent and an open approach. Vision: creation of a unique and strong union in commerce and services, which, with its authority, recognition and number, will provide members with a high level of protection of their rights and be a legitimate and worthy representative of their interests.
Trade union of Commerce of Montenegro	Trade union of Commerce of Montenegro is an organization that strives for the material, social and professional status of all employees in the commerce sector through social dialogue and improvement of legal regulations. Our vision is that Montenegrin workers are satisfied with their financial status, that their labor rights are respected, and that they are not afraid to organize in trade unions.
Trade union of Commerce of Croatia	Protection and promotion of the economic and social interests of members of the Trade union of Commerce of Croatia, through social dialogue and collective agreements, and ensuring the right of co-education of workers with employers in the field of commerce.

TABLE 4:
COMPARATIVE OVERVIEW
OF TRADE UNION MIS-
SIONS AND VISIONS

Trade union of Commerce Workers of North Macedonia	Trade union of Commerce Workers of North Macedonia is a voluntary and independent organization in which commerce workers act voluntarily. We stand for the improvement of rights and protection, economic, social and material rights from the labor relations law for all commerce workers.
Independent Trade Union of Commerce of Serbia	The Independent Trade Union of Commerce of Serbia is an interest-based, non-partisan, democratic and independent organization that workers join in order to protect their common and individual economic and professional interests, exercise rights from work and based on work, and preserve general individual and collective rights and freedoms.

When it comes to the structure of trade unions and the administration or management of trade unions in the region, they are similar with minor differences. Trade unions of commerce are led by women, except in Serbia.

TABLE 5:
TRADE UNION
MANAGEMENT

Trade Union	President	Governing Body
Trade union of commerce and service workers of Bosnia and Herzegovina	Mersiha Beširović	Main Board (10 members)
Trade union of Commerce of Montenegro	Sonja Knežević	Republican Board (6 members)
Trade union of Commerce of Croatia	Zlatica Štulić	Main Board (21 members) and Executive Board (5 members)
Executive Board (5 members)	Vesna Micevska	Predsjedništvo (7 članova)
Trade union of Commerce Workers of North Macedonia	Vesna Micevska	Presidency (7 members)
Independent Trade Union of Commerce of Serbia	Radoslav Topalović	Republican Board

An insight into the basic data on trade union membership indicates a low level of trade union organization in the commerce sector, that is, a smaller number of union members compared to the total number of employees in this sector. The average rate of union organization is lower than in EU countries.²⁸

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Vidi na primjer: <https://www.worker-participation.eu/National-Industrial-Relations/Across-Europe/Trade-Unions2>

Trade Union	Number of members (in the 12 th month of 2021)	Share of women who are members of trade unions (% of the total number of members)	Percentage of workers who are members of trade unions (%)- level of trade union organization	Increase or decrease in the number of members in last 3 years
Trade union of commerce and service workers of BiH	13.317	75%	8.9%	Increased by 6.2%
Trade union of Commerce of Montenegro	3.000	70%	7%	Remained the same
Trade union of Commerce of Croatia	12.022	69.6%	5.8%	Remained the same
Trade union of Commerce Workers of North Macedonia	1.534	25.5%	1.4%	Decreased
Independent Trade Union of Commerce of Serbia	Over 20.000 ²⁹	No data available	5.6%	No data available

TABLE 6:
TRADE UNION
MEMBERSHIP

At the time of preparation of this report, most trade unions do not have signed collective agreements at the level of the entire sector (collective agreements), with the exception of the Trade union of commerce and service workers of BiH. Most unions do not have signed special collective agreements with individual companies, with the exception of the Trade union of Commerce of Croatia and the Trade union of Commerce of Montenegro.

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Izvor: Web stranica Samostalnog sindikata trgovine Srbije, <https://www.sindikatrtrgovine.rs/index.php/o-nama>

TABLE 7:
COLLECTIVE
AGREEMENTS

Trade Union	Signed collective agreement at sector level	Companies with which collective agreements are signed
Trade union of commerce and service workers of Bosnia and Herzegovina	Yes	No
Trade union of Commerce of Montenegro	No	No
Trade union of Commerce of Croatia	No, negotiations in progress	Petrol d.o.o., Zagrebački Velesajam, ZG Holding upravljanje sportskim objektima, Konzum d.d., Tisak d.d., Phoenix Farmacija, HRT, IKEA Hrvatska, Atlantic Trade, and Borovo d.d.
Trade union of Commerce Workers of North Macedonia	No	Makpetrol AD, Podravka DOOEL and Angrokum
Independent Trade Union of Commerce of Serbia	No data available	No data available

The following table presents an overview of labor and trade union rights that are most often violated in practice in the commerce sector based on reports of trade unions.

TABLE 8:
LABOR AND TRADE
UNION RIGHTS THAT
ARE OFTEN VIOLATED IN
THE COMMERCE
SECTOR

Country	Labor rights	Trade union rights
BiH	Unpaid overtime, denial of the right to use annual leave, mobbing.	The right to organize a trade union, to participate in trade union activities.
Montenegro	Deprivation of the right to use daily and annual leave, "informal work".	The right to organize a trade union, influence on the choice of trade union representatives, provision of working conditions for trade union organizations.

Croatia	Working hours, especially failure to register and pay overtime hours; inability to use days off, especially during the tourist season; illegal changes to the working time schedule of workers, i.e. the inability to harmonize the private and professional life of workers.	The right to collective bargaining is formally recognized, but it does not work in practice. Anti-union sentiment in small family businesses and trades.
North Macedonia	At member companies, workers' and trade union rights are respected: minimum wage, payment of holiday pay, use of annual holidays, and respect for working hours.	
Serbia	No data available	No data available

In all countries of the region, although legally trade unions are not required to obtain company approval in order to be able to talk to workers and present their activities, in practice they must have such approval. In Croatia, the trade union is always announced to employers, i.e. the management of the company, so that it can be presented to workers at their workplaces. In other countries, trade unions often face informal "bans" and don't even have the opportunity to present themselves and invite workers to unionize.

In North Macedonia, trade unions legally fought for the declaration of a non-working week during which shops are closed, except in large shopping centers. Thus, a large number of workers in the commerce sector finally got a regular weekly vacation.

In addition to these regular challenges that trade unions have been facing for many years, the last three years brought crises that significantly affected the commerce sector and the rights of workers in this field of work. First of all, the impact of the COVID-19 pandemic, the war in Ukraine as well as the economic crises that accompanied these two global phenomena had a negative impact on the commerce sectors, and thus on the activities of trade unions. Due to disruptions in global supply chains, there was a shortage of goods and a loss of profits, which often resulted in the dismissal of workers in the commerce sector and suspension of payment of union dues. Workers in this sector were most exposed to the COVID-19 virus, in addition to healthcare workers, and trade unions advocated and negotiated with companies and public institutions for adequate protection and equip-

ment and then for priority vaccination of workers in the commerce sector. Due to the application of protection measures, trade unions could not carry out their regular membership activities and work with members at their workplaces. Meetings of working bodies and union members were held via the Internet, and communication often took place via social networks and by phone. In Croatia, the Trade Union of Commerce specifically dealt with the problem of the increase in violence by third parties towards commerce workers, and provided legal advice to members related to the COVID-19 virus pandemic: sick leave, work schedule, days off, vacation days, and controlled payment of wages for hours actually worked and salary extras.

The pandemic and the war in Ukraine pointed to the fact that the commerce sector is very susceptible to changes in global economic trends, and that it is necessary to actively think about the various forms of risks that arise so that trade union organizations can adequately respond to them. Furthermore, Croatia was hit twice by strong earthquakes in Zagreb and the Banija region, where part of the shops were closed for some time due to the rehabilitation to the consequences of the earthquake. In response to these natural disasters, the Trade Union of Commerce of Croatia participated in the solidarity action of the Association of Independent Trade Unions of Commerce of Croatia aimed at helping the most vulnerable citizens in the Banija region, and in cooperation with union branches and union trustees, organized and paid solidarity financial support to vulnerable members of their union.

The increased political instability in Bosnia and Herzegovina as well as in Montenegro had a negative impact on socioeconomic developments. In all countries, the following socioeconomic phenomena are noted, which negatively affect the work of the commerce sector but make trade union organizing more difficult: a significant increase in the prices of goods and services and inflation; low wages in the commerce sector which, despite a slight increase, cannot keep up with real prices and needs; and labor shortages. In Montenegro, the minimum wage was increased from EUR 250 to EUR 450 in 2021. In both Croatia and Bosnia and Herzegovina, salaries in the commerce sector have increased slightly, but still they are growing more slowly than the increase in the cost of living. In Croatia, starting in 2021, there is a new wave of concentration of trading companies, the takeover of small trading chains by multinational investors, which causes additional job insecurity for workers of overtaken companies. The problem that the trade unions confirm and that was highlighted earlier in this report is the fact that the commerce sectors also face a labor shortage. Two phenomena particularly influence this trend: poor working conditions

and the liberalization of the labor market. Due to low wages, long working hours and unpaid overtime in the Western Balkans countries, workers from the commerce sector often move to other sectors or abroad. The processes of EU integrations, as well as the facilitation of the process of hiring workers between the Western Balkans countries, facilitated the processes of labor mobility, but also caused a massive emigration of workers outside the borders. At the same time, the number of foreigners who are employed either seasonally or on a project basis has also increased.³⁰

An overview of the orientation of trade unions in the region, as well as an overview of the challenges they face, shows that they largely share many factors. At the same time, socioeconomic challenges are of the same nature, taking into account the fact that all Western Balkans countries are going through similar political and economic processes. In particular, the challenges currently faced by trade unions are caused by global crises, the impact of which has shown a high level of globalization of markets for goods and labor too.

This raises the question of the need to build capacity to deal with new challenges, collective action, but also the possibility of mutual cooperation in those processes of capacity building.

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In Croatia, a new Law on Foreigners was adopted entering in force from 01.01.2021.

TABLE 9:
SELF-ASSESSMENT
OF TRADE UNION
CAPACITIES

Legend:

improvement necessary ■

mid-level capacities ●

good capacities ▲

Trade Union of Commerce	BIH	Montenegro	ST Hrvatske	SRT Sjeverne Makedonije
A good trade union structure and a functional decision-making system	▲	▲	▲	▲
Implementation of strategic planning and advocacy campaigns	▲	●	▲	●
Sufficient number of trained personnel	●	●	▲	▲
Good cooperation with other trade unions in the country	●	▲	▲	▲
Regular data collection (analytics, monitoring and evaluation)	▲	■	▲	●
Legal capacities and participation in the decision-making processes	▲	●	▲	■
Developed financial capacities	●	■	●	■
Additional funding sources in addition to membership fees	▲	■	■	■

RECOMMENDATIONS FOR FUTURE TRADE UNION ACTION

The commerce sector represents one of the most important economic activities in all Western Balkans countries. The social value of the commerce sector is reflected not only in the high percentage of the total GDP of each country, but also in the large number of employees in this sector. The importance of commerce for the further socioeconomic development of the countries of the Western Balkans is unquestionable. The global economy is based on the free flow of goods, capital and workers,

and economic progress is linked to the export and circulation of goods to new markets. Precisely, the continuous increase in commerce between the countries of the Western Balkans among themselves, but also with the EU, and with Turkey, the USA, China, Russia and other world powers indicates the fact that commerce will represent an important factor in socioeconomic reforms. An important aspect in these reforms, as well as in all other areas, are the processes of EU integration.

Until now, this process has been focused on the reform processes of individual countries of the Western Balkans, but from 2020 it has taken on a clear regional focus. That focus implies a regional approach to the integration of the Western Balkans into the EU, and the existence of a series of public policies that require cooperation between the countries in the Balkans. This approach also represents a huge opportunity for trade unions in the region to cooperate with trade unions in the region in order to increase their influence, exchange knowledge and connect in concrete actions both with trade unions in the region and with trade unions from EU countries. Especially for trade unions, international and regional integration is important in order to be able to adequately respond to the challenges in a global economy that strives to abolish any borders, especially national ones, and leads to unifying markets as a constantly developing network. In order to be able to respond to such challenges, trade unions must also develop together with the transformation of the economy and strive to develop channels of joint communication and action. The previously mentioned trade union actions through generating influence on global supply chains represent a new but effective approach of trade unions in the world to exercise workers' rights.

It was two global crises that significantly affected global supply chains - the COVID-19 pandemic and the war in Ukraine - that showed how economies function today. Significant changes that have occurred in the last four years due to the impact of the COVID-19 pandemic and the war in Ukraine, and due to changes and blockages in global supply chains, have led to a rise in prices and inflation, and caused different trends in employment. The COVID-19 pandemic resulted in an increase in unemployment in certain areas and the creation of new jobs in others. For example, a large number of workers in the commerce sector have experienced permanent or occasional unemployment, while at the same time e-commerce has grown in the region. It is necessary to develop knowledge in trade unions about the specific supply chains in which the companies they work are involved, and to monitor trends in areas that will significantly affect the commerce sector, such as digitization and automation of work. It is necessary to use this knowledge

for strategic planning in the field of public advocacy for changes in public policies, but also for informing workers and the general public.

However, in addition to trade union action aimed at the markets, it is important to work on strengthening the rule of law in the field of labor relations. Although the Western Balkans countries have developed labor legislation, the main challenge in this regard is the application of labor rights in practice. Thus, any type of advocacy and monitoring of the situation on the ground should include the aspect of implementing legislation. Although the primary role of unions is to organize workers in joint action, and to offer them various protection mechanisms, monitoring the concrete situation in companies based on facts and formal processes can increase the level of social transparency and responsibility.

It is also important to emphasize the fact that accurate data on actual rights realized in the field of labor relations that workers in trade unions have at their disposal do not exist. Official statistics are collected cumulatively for all industries and it is very difficult to estimate how many employees receive salaries below the minimum, how many rest rights employees can use, and what forms of discrimination they face and how often. Although trade unions occasionally conduct research and the media often write about these issues, systematic and in-depth research is rarely available.

In accordance with the above, future trade union organizing should consider the following:

- Development and implementation of regional projects with the support of EU funds in order to establish cooperation in joint trade union actions, capacity development and advocacy for the rule of law in the countries of the Western Balkans;
- Establishing cooperation and joint action with trade unions from the region, the EU and the world;
- Development of a credible methodology for monitoring the state of application of labor rights in the commerce sector, with a special emphasis on reducing "undeclared work", banning all forms of discrimination in the workplace and employment, especially against women, as well as public information on the collected data;
- Monitoring new forms of work in the commerce sector that arise as a result of the process of digitization and automation of work (e-commerce, digital platforms, robotization, etc.) and the development of strategies for joining new workers in trade unions;
- Analysis of practices and regulations of employment of foreigners in the countries of the Western Balkans.

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