Collective labor law was developed under pressure from striking workers in 1980. Before August 30, 1980, collective labor law in any country of "real socialism", Yugoslavia included, contained legal regulations concerning the right of workers to form and join already established trade unions and the right of trade union officers to represent workers’ interests and defend their legal rights. The most important way of representing workers’ interests by their official representatives was the trade unions’ right to negotiate and eventually enter into a collective agreement with the employer or his official representative which in a socialist society was the state itself and its agent: the government. As a matter of both ideological and political principle, collective labor law did not regulate industrial conflicts. An official explanation was that in a society run by workers’ representatives there should be no conflict of interest between workers, their representatives and the state. Therefore, in such a society, legal regulations concerning labor disputes, economic weapons (strikes, pickets, boycotts and lockouts) are not necessary. This was the official line of labor policy from 1945 till the end of 1982.

In practice, however, those official explanations proved wrong. Starting from the right to form a trade union it is necessary to stress the major conflict which broke out in autumn 1981 over legal registration of the Solidarity trade union. A newly created trade union did not want to get registered by an old, bureaucratic trade union structure, controlled by the government. It happened in the situation in which the Trade Union Act of 1949 provided for - what seemed to be - the most democratic registration procedure of a trade union. Interestingly enough, the Solidarity had...
preferred the judiciary (organ controlled by the state government) over self registration proceedings, which meant registration by a state controlled confederation of trade unions (CRZZ). 4

3. Concerning the right to represent workers by trade unions there were, and still are, important obstacles which were introduced in January 1, 1975. Until then old regulations, issued before the WW II, concerning collective bargaining were enforced. 6 For thirty years, in real socialism, trade unions were to bargain over terms and conditions without limitations on the part of the state government. Since January 1, 1975 this freedom was severely curtailed. As a result, trade union bargained over wages and minor details related to terms and conditions of employment. In a short period of time since the new regulations were introduced, the state government regulated terms and conditions of employment as well as the wage of a majority, if not all of the employees employed in the country. Collective bargaining ceased to exist. Trade unions tried to develop different techniques to influence the labor legislation process.

4. The state government was quite eager to regulate in great detail the scope of power of local and national trade unions formed to defend workers’ rights. The Labor Code of 1974 laboriously regulated what kind of legal action a trade union representative was allowed to take in a case of termination of an employment contract regardless of the type of employer. 7 Previously (before January 1, 1975) this matter was regulated in a different way by different collective agreements. Since January 1, 1975 uniformity of a legal regulation was imposed by the state upon both parties of the employment contract. Lack of incentives to negotiate over the terms and conditions of employment (employers’ right to terminate the contract of employment is considered one of those conditions) was an additional legal cause which affected further impediment of collective labor regulations between the parties of collective agreement. I do not want to advocate the possibility for discussion of a full scheme of resolving labor disputes, including strikes, at that time. These issues were of

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4 See Bieneiek, Sadowa rejestracja zwiazkow zawodowych (Courts registration of trade unions), Nowe Prawo (New Law), No. 11-12, 1982.

5 At that date the Labor Code passed on June 26, 1974 Dziennik Ustaw (Journal of Law), No.24, item 141 as amended was enforced.
