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INDUSTRIAL RELATIONS AND FINANCIAL GLOBALIZATION

Analysis of national experiences
in Europe, America and Asia

Ignasi Brunet, Alejandro Pizzi & David Moral



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Ignasi Brunet
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Introduction

Capitalism is now present in almost every state in world, including the former communist territories, which adopted the neo-liberal ideology – “the new reason of the world”, according to Laval & Dardot (2013) – as soon as they opened up to free trade and free movement of capital and reinforced capitalist social relations (Panitch & Gindin, 2015). The nerve centre of neo-liberal ideology is managerialism, represented by the principle of freedom of choice. This principle, in turn, is grounded in “the idea of the ‘psychological’ subject endowed with propensities he or she tries to realize” (Žižek, 2008:11). To this end, this ideology concludes that all individuals find engaging in relationships with other individuals rationally useful, and that these relationships form a complex system of exchanges that make up the basis of society.

This liquid society (Bauman, 2002) dissolves Fordist Workerism’s personal, collective, and political identity and replaces it with “the new spirit of capitalism” (Boltanski & Chiapello, 2002), which prescribes what the new subjectivities committed to creativity and innovation must be like. It is regarded as a mechanism in the hands of rational, informed citizens who try to maximise its use and who, in their search for greater efficiency, have lost faith in public services, unless “they are under the supervision of private companies” (Crouch, 2004: 67) or the cultural values of economic corporations (Parker, 2015). These are based on “spontaneous orders of cooperation” (Hayek, 1985), which are amoral (Comte-Sponville, 2004), and therefore rarely generate dissent, resistance or rebellion due to the strategy of presenting the obligation to choose as freedom of choice (Bauman, 2017), and an example of human rationality.

Neo-liberalism, which has triggered countless structural changes, is not simply an ideology that aims to transform the social state in order to guarantee that the market functions smoothly; it is also a technology of power. In this regard, Foucault (2008) discussed the ability of states and governments to have a certain influence on

behaviours and obtain more or less constant obedience (Gago, 2015: 221). To this end, states need to construct and take part in a global market. This was pointed out by Lordon (2012: 31–32), who believes that states, on their own initiative, “freely and deliberately organise an institutional system which deprives them of their sovereignty. They are clearly and willingly creating a situation that makes capital markets dependent (by deregulating them, but also by preventing all other ways of financing deficits) and submits economic policies to their free judgement, since markets are deliberately set up as means of vigilance and normalisation.”

Current disorganised capitalism (Lash & Urry, 1987) consists of “business states” (Hedges, 2009, 2015), which do little more than guarantee a free market (Crouch, 2004) and are the main actors in neo-liberal globalisation (Harvey, 2007). As Panitch and Gindin (2015: 33) conclude, “the mechanisms of neo-liberalism, defined as the expansion and deepening of markets and competitive pressures, may be economic, but neo-liberalism was essentially a political response to the democratic gains that had been achieved by the subordinate classes and which had become, from a capitalist perspective, barriers to accumulation”. In this respect, the figure of the state cannot be said to have withdrawn, but that the primacy of the economy is of a geopolitical nature (Sloterdijk, 2015).

This indicates that neo-liberalism needs active national governments, which are firmly behind privatisation, economic deregulation, and the construction of a market that is “protected” from democratic initiatives (Escalante, 2016). All national economies are subject to intensified global competition; states acquire the characteristics of a “business”, and encourage markets to expand, which is little more than the transfer of structural power to private oligopolies. Likewise, financialized capitalism has updated once again the classical discourse of *laissez-faire* (Cerny, 1999a, 1999b) and has recreated a reality in which multinational companies and work systems become dependent on their external transactions. In this context, capitalism in the south-east of Asia, particularly in China, could be described as “capitalism 4.0”: “an authoritarian capitalism managed by the state and inspired by Asian values” (Cohen 2013: 106).

According to Jessop (2000), a new state model arose at the end of the 20th century and the beginning of the 21st: “neo-liberal Westphalian state”. It emerged from a structural and strategic reorganisation, and can be seen in three trends or changes: denationalisation, destatisation and internationalisation. These changes originated from the fact that Keynesianism could not solve the problems that were threatening its system of accumulation. Unlike Keynesian corporatism and its national models of labour relations, neo-liberalism encourages the moralization of social help and the erosion of social citizenship (Ariño & Romero, 2016). It is an option that sees that the poor lack a rational approach to their poverty (Banerjee & Duflo, 2012).

This option presents the idea that the focus of the new Westphalian state model is not work, “an endangered value” (Cohen, 2013), but the good working order of the market. Free competition is sufficient to organise the economy to the detriment of coordinating pay and working conditions. The need to adapt to the new globalised capitalist conditions is unquestionable and, therefore, the mechanisms of power mobilize the worker’s subjectivity to favour the smooth running of the economy. Žižek (2008:12-15) pointed out that when all this is part of the ideology of freedom of choice, then “I interpret all these changes as a result of my personality, not as a result of me being thrown around.” To some extent, liberalism naturalises “the reasons for obedience in the subject’s internal psychological structure.”

The Westphalian state, then, plays a proactive role in market reinforcement and the social norms that it promotes strengthen the thesis put forward by Foucault (2008), for whom neo-liberalism is a technology of power. The relations between democracy and liberalism are subtle. There is an alliance between democracy as a means of exercising power and liberalism as an ideology, for which we must distinguish between “what is the responsibility of democracy as a system of power and what is the responsibility of liberalism as an ideology that dwells in that power. The former can create nothing without resorting to the latter” (Dubois & Joule, 2008:27).

The ideology is grounded on a “moral idea”: “The market shapes character, market creates virtues: responsibility, punctuality, caution”. This explanation is based on the idea that in this world “there is no reason for criticising selfishness, lack of solidarity and ambition, because there is no alternative; nature is like this”. Thus the result produced by the market “is fair because it gives everyone what they deserve: it rewards effort and those who are morally better, although those who have not worked hard enough may get hurt” (Escalante, 2016: 161–169). So the new art of governing “has radically changed: it is time now to respect the proliferation of initiatives, not to limit them, so governing is knowing how to respond to these wishes. In this instance, wishes are free initiative, a boost for capitalism’s development. The counterpoint with the Hobbesian sovereign is absolutely clear: a sovereign is only possible when men are capable of renouncing their wishes in favour of a unified political authority” (Gago, 2015: 221–222). This new art of governing or the technology of power has led the Westphalian state to become a *workfare* state which, according to Foucault (2008), came into being after Nazism in Germany. Unlike liberalism in the 18th century, which tried to “introduce the free market in opposition to the previous century’s national interest and police state”, German neo-liberalism or Ordoliberalism “tried to found and legitimise a “nonexistent’ state, which shows that a state is needed if what is now a global market is to be created and sustained. This state must take on three groups of tasks: some of these are commercial; others are a set of residual, costly obligations,

which the private sector is not interested in; and yet others are purely political and focus on the construction of an image” (Crouch, 2004: 69-70).

Neo-liberalism establishes an indissoluble link between political institutions and economic organisation. This link is particularly noticeable, for example, in the European Union (EU) and has been used to guarantee the global interests of capitalism. European integration means, among other things, the “planned and systematic destruction not of the nation state in general, but this particular social state, which guaranteed social, labour, and union rights within certain limits” (Moro, 2015: V). Post-nationalisation involves stripping the assets from the social state, in which the market is the economic centre, and using it to replace factories as the typical figure (Jessop & Sum, 2006). In this respect, the solution to the crisis of capitalism is to weaken and dismantle the power of negotiation of the unions and the political block that underpinned the welfare state. By exploiting the competitive wages of peripheral countries, the labour market has been deregulated. Also, the deterioration of the financial situation and state debts have reinforced these same tendencies. This dynamic explains the creation of a new “industrial reserve army” and the relative and absolute impoverishment of wage earners, which brings the idea of the “labouring poor” up to date (Moro, 2015: 220).

This process, put into practice with the new information technologies used for the purposes of accumulation, has prompted the emergence of “informational capitalism” (Castells, 2001a) which gives technological innovation a leading role in improving competitiveness in international markets. In this context, the state cannot continue to decommercialise in order to pass the international-market tests, but must act as a commercialising agent (Cerny, 1999a). The state, then, focuses on producing entrepreneurial subjectivities (Du Gay, 2012: 65), and regards the “commercial business” as “the preferable model for any type of institutional organisation that has anything to do with providing goods and services”.

The post-Fordist spirit is conservative because, to defend total individual freedom, it uses social Darwinism as a criterion to regulate the social and economic survival of the most capable. Hence, the quest for selfish individual interest and the freedom to get rich is the most appropriate moral guide nowadays.¹ Thus, justice and efficiency can only be attained if the provision of welfare is not an object of strategic action by the public authorities. Neo-liberal globalisation, then, is constructed on a basis of free markets, minimum state, and competitive policies that adapt to the world-market standards.

¹ This proposal links up with Hayek (1985) and Nozick’s (1988) solipsistic approaches which regard society as being produced spontaneously as if it were the result of the interaction of individual actions for subjective purposes.

The discourses that legitimise this reality construct “instrumental identities in the reproduction of inequalities” (Gantman, 2017a:20) and reduce social rights and expenses. One example is Trump’s attack on the whole terrain of social rights, employment and social security. Another example is Trump’s attack on “Obamacare”, which illustrates the asymmetries of power behind the aggressive processes commercialization (Rendueles, 2017; Streeck, 2017; Szélenyi, 2016).

Hyper-consumerist capitalism, based on financialisation and public and private debt, was preceded by the “erosion of labour-relation systems and the deterioration of the welfare state, which has led to the decline of the middle classes, an increase in poverty, and a clear feeling of discomfort, which, in turn has led to the emergence of numerous protest movements” (Fernández Rodríguez, 2016:35).

In this neo or post-liberal context, in this book we make a wide-ranging comparative study of the various labour-relation models in the first decade and a half of the 21st century. In particular, the first chapter analyses various theoretical approaches to the relation between capitalist accumulation and the evolution of the world of work. It analyses the main contributions made by institutionalist theories, the varieties of capitalism approach, the theory of regulation and current version of post-workerist Marxism. Chapter 2 explains the theory behind the evolution of capitalist accumulation and gender reality, especially the relation between salary and gender in Fordist and post-Fordist systems. Chapter 3 analyses labour relations in mainland Europe and uses typical cases to compare the Northern, the Mediterranean, and the Central-European models. Chapter 4 studies the Anglo-American liberal labour-relation model and discusses the extent to which countries such as United States, United Kingdom, Canada, Ireland, New Zealand, and Australia can be said to have a common model. Chapter 5 deals with the features of labour relations in Eastern Europe, particularly in Poland, Hungary, and the Russian Federation. Chapter 6 discusses the development of labour relations in Latin America. We focus on the cases of Brazil, Mexico and Argentina, and we present their common and specific features.

Chapter 7 studies Asian models, particularly China, South Korea and India. Finally, Chapter 8 presents some theoretical considerations on the challenges and risks that the radicalisation of financial accumulation and its mechanisms of biopower pose for democracy.

Chapter 1. Capitalism, politics and institutions: a conceptual revision

Introduction

Several key terms can be used to refer to the sociological approaches that analyse the current stage of capitalism: post-industrial society, the new economy, post-Fordism, the knowledge economy, the information society, the network society, cognitive capitalism, financial capitalism, etc. (Brown & Lauder, 2012). One of the most cited theorists of the post-industrial society, Daniel Bell (1980), alongside other classical theorists such as Touraine (1994), Drucker (1971), Castells (2001) and Gorz (1995), suggested that advanced societies undergo a twofold process. On the one hand, manufacturing industries go into decline. And on the other, services start to grow. These two processes indicate that the economy of the future, in proportional terms, requires more highly qualified workers (Drucker, 1971). Likewise, the end-of-work thesis (Rifkin, 1995; Gorz, 2001) predicts that tasks and processes will be more automated.

According to Chelsom Vogt (2016), one of the central features of post-industrial society is the distinction between “intellectual” workers (bearers of scientific knowledge, who are on the rise) and “manual” workers (in decline). Underlying this distinction was the idea that the rise of the service sector would mean that the demand for repetitive, unqualified manual jobs would decrease. The prediction was not accurate; many jobs in the service sector require unqualified workers to carry out manual tasks (Hislop, 2013; Lloyd et al. 2013).

However, the definition of services that he used at the time was residual (Hislop, 2013). Nowadays, there has been an increasing hybridization between services and industrial activities (Brynon & Daniels, 2010). One example is the work required by fast-food chains, whose employees replicate the patterns of assembly lines. Studies have also been made of the “industrialization” of intellectual work; many workers who use knowledge as inputs are subject to a Taylorist discipline (Brown et al. 2011), which

generates a sort of “digital Taylorism”. One example of this is the application process for bank loans: they are designed by computer applications and the criteria specified by the financial entity minimize any assessment and decisions by the bank employees.

These processes reflect the polarization of the labour market and the maintenance of a certain proportion of “low-quality” jobs (Kalleberg 2013) of both the manual and the intellectual type. The theories about post-industrial society were originally formulated, as utopic approaches. However, in today’s capitalism this polarization functions as an ideology to legitimate the regime of accumulation (Chelsom Vogt, 2016) because it shows that low-qualified work (which current capitalism needs) is work “from the past” and that it deserves no social or salary recognition.

As well as this ideological component, these approaches reflect such real processes as the hegemonic presence of a globalized financial market, industry’s loss in relative weight and vertically integrated business forms, the successful expansion of self-disciplining strategies for employees, the debilitation of conventional collective actions, the emergence of networked business forms, and a climate of structural insecurity and uncertainty. Some approaches critically include these features in broader strategies of biopower and control of the people (Hardt & Negri, 2002; Virno, 2003).

In this chapter we make a theoretical review of critical approaches from sociology and political economy, which analyze the relations between forms of accumulation and the political, cultural and institutional characteristics of current capitalist societies. Specifically, we study significant aspects of institutional theories of regulation, varieties of capitalism, historical institutionalism and the current post-workerism approach. These approaches provide various conceptual tools to study the changes that have come about in capitalist accumulation and employment relations by combining the dynamics of institutions and social struggles and mobilizations.

Systems of accumulation, capitalisms and biopolitics

There is a general consensus on the periodization of capitalism in the last century and a half, at least in the West, in terms of clearly different accumulation systems. In the 19th century there was a first period of liberal and financial capitalism, hegemonized by the United Kingdom, which reached its point of structural exhaustion during the financial crisis that began in 1929. After a period of military, political and economic upheaval, which came to an end with the victory of the Allies in the 2nd World War, there began a thirty-year period of considerable, sustained economic growth based on both Keynesianism and Fordism in conjunction with widespread welfare policies in the First World; a socialist area that included European, Asian and African countries under the disparate political-economic control, direct and indirect, of the Soviet Union and China; and a predominant capitalist reality, albeit more heterogeneous, in

the Third World with numerous geopolitical influences. This reality was characterized by processes of import substitution industrialization in some countries, and primary and enclave economies in others.

Between the end of the 1960s and the beginning of the 1970s a new, major transformation of the capitalist structures began to develop around the world. There emerged a new pattern of neoliberal accumulation from the 1980s onwards, which structured production, monetary orthodoxy and financial valuation, and increasing cuts in social policies in different ways in different geographical regions. The theoretical approaches analyzed in this chapter define the periods spanned by the accumulation systems in similar terms, although they are quite different in terms of content and internal social dynamics. To account for these different theoretical features, in this section we discuss the basic characteristics of these approaches.

In particular, we point out the theoretical link between accumulation systems and a series of institutions of regulation and social control. Of the research that currently focuses on comparing the various forms of capitalism, we look in particular at the Regulation School, which takes the political economy approach, and Varieties of Capitalism, which takes the political science approach. A similar theoretical trend is historical institutionalism, which brings together a variety of approaches all of which analyse the ways in which institutions are structured socio-economically and politically to constrain and channel social practices. Finally, we analyse Italian post-workerism, which is a theoretical attempt to radically understand the new forms of biopower on which current capitalist accumulation is based.

The Regulation School (RS) is a research programme which aims to dismantle the argument that markets self-regulate (Aglietta, 1976; Boyer, 2007). It analyses the relations between the work process, social institutions and the state. In so doing, it links the functioning of the financial system, industrial relations, forms of corporate government and the ways in which the state takes part in economic and welfare policies. This approach has tried to shed light on how the tendency of the capitalist economy to have crises enables the state to implement certain institutional “arrangements” in an attempt to ensure the extended reproduction of capital (Vidal, 2013a, 2011).

Institutions set the rules of the game that prompt social actors to take on stable commitments. Therefore, they can structure social practices (establish a social order), although they constitute spaces of dispute because they are ways of stabilizing social contradictions. The theory indicates that when the relations between the various institutions in the different areas of the economy are structured in a “mode of regulation” that guarantees a certain coherence, these regulations favour economic growth (Boyer, 1992). A mode of regulation reciprocally adjusts the set of decentralized decisions of the individual and collective agents (Billaudot, 1997) and stabilizes the distortions

generated by the accumulation of capital. On the other hand, when the “mode of regulation” does not logically adapt to the accumulation system it wastes resources and economic growth is slower or negative. The mode of development determines a type of work productivity and a way of using the profits resulting from this productivity. For its part, the “mode of accumulation” is the set of institutions and economic regularities that defines a growth pattern for a particular social formation. It fixes the model by which the surplus is distributed, and the investment and consumption model stabilises over time.

When speaking of Fordism and post-Fordism we must distinguish between the social-technical aspect of the work process, on the one hand, and the institutional framework that organizes the accumulation, on the other. For RS, Fordism is an institutional structure that “connects” (and gives coherence to) Taylorist forms of production, on the one hand, with mass consumption, on the other. In turn, this links with macroeconomic equilibrium and growth. Capital accumulation requires certain “extra-economic” institutional arrangements that can temporarily stabilize the accumulation and minimize the inherent tendency to stagnation. The constitution and organization of these institutions by the state and social actors is stimulated by the possibilities of profitability allowed by the economic structure itself.

As a concept of the social system of accumulation, Fordism was constructed on the base of the aforementioned criteria² (Aglietta, 2001; Peck & Tickell, 2002). It describes an institutional complex that has managed to channel and stabilize capital accumulation by state regulation (industrial and welfare policies), class commitment (collective agreement and bargaining) and oligopolistic competition within countries (tariff protection). Salaries are indexed to productivity in main economic centres and are sufficiently widespread to increase general average salaries and decrease social inequalities. According to RS, the Fordist accumulation system was the perfect complement to collective labour relations because it meant mutual gains for all social actors (Vidal, 2013a, 2011).

There is general agreement that the causes of the crisis of Fordism were a combination of the inadequacy of Keynesian macroeconomic policies, internal inflexibilities (exhaustion of productivity gains through Taylorized production, increase in work conflict) and external shocks (new competitive pressure caused by rising energy prices). According to RS, the exhaustion of the hegemonic model of production and the changes in the production costs structure (energy and salaries) caused average profitability to fall. This led to capitalists tearing up their social and institutional agreements, and the onset of a period of great conflict in which social actors started to look for new institutional equilibria.

² RS takes it from Gramsci's original work.

Other approaches (Thompson, 2003) claim that the degree of institutional coherence attached to the mode of accumulation is not consistent with the empirical diversity of institutional arrangements that reflect a wide range of national and regional experiences, and which are subject to non-systematic logic.

For its part, the Varieties of Capitalism approach (VoC) studies the relationships between the national institutions that organize accumulation: labour relations, financial structures, research systems and vocational training, corporate governance, and relations with employees (Hall & Soskice, 2001). The inter-related analysis of these institutions is important if the various types of economic performance are to be understood. Generally speaking, the VoC approach reduces the variability of institutional structures to a limited number of models or family of countries (Crouch et al., 2009). This theoretical operation creates the impression that institutional coherence is greater than it really is.

Hence, the various combinations between these institutional structures explain the variety of models of capitalism: coordinated market economies (CME), liberal market economies (LME) and hybrid market economies (HyME). The persistence of the different ways in which institutions are combined explains why globalization and market pressures do not have a homogenizing effect and do not tend to the convergence of a single, efficient model of capitalism (Iversen & Soskice, 2009).

LMEs coordinate their activities through market competition and the legal guarantee of contracts. Based on flexible labour markets, mobile capital and open markets, equilibrium is reached through competition. Companies have more flexible corporate structures and are financed to a greater extent by stock. CMEs coordinate their activities by entering into non-market agreements (social agreements that reduce uncertainty) through cooperative negotiations and networks of organizations (Hall & Soskice, 2001; Hall & Thelen, 2009). The institutions in these economies allow information to be exchanged between actors, behaviour to be monitored, sanctions to be levied for non-compliance and strategic issues to be debated (social dialogue, etc.) Equilibrium is reached through strategic interaction and the construction of agreements. Proportionally more of their assets are specific to, and rooted in, the region. The high mobility of capital does not encourage long-term relations between economic agents. This approach makes it more likely for certain groups of companies, investors and workers to seek collaborative responses to sustain accumulation schemes that guarantee profitability and employment in the medium-long term (Aguire & Lo Vuolo, 2013).

In the third place, hybrid market economies are somewhere between the other two options and are regarded as being in a process of transition towards one of them, because in themselves they do not offer sufficient complementarities to consolidate.

The first two models are efficient because they generate positive institutional complementarities (Aguirre & Lo Vuolo, 2013; Allen, 2004). This theory highlights the importance of the “coordination abilities” of employers and their organizations to strengthen those institutions that protect their interests (Marginson, 2015; Iversen & Soskice, 2009).

In turn, Amable (2003) proposed a typology of CMEs: social-democratic, continental-European, Mediterranean and Asian. Schneider (2009) argues that in Latin America there is a specific variety of capitalism, which he calls Hierarchical Market Economies (HME). The component “hierarchical” is included because of the considerable amount of control exercised on the various markets by oligopolic groups and the characteristics of the labour relations, which are highly dependent on connections with weak states and, for this reason, dependent on the political orientation of governments. In contrast to this position, Bizberg & Théret (2012) suggest that there is a variety of Latin-American capitalisms: “peripheral” (Brazil and Mexico), “erratic” (Argentina) and “state regulated and exporting” (Chile).

For the VoC approach, class conflict is not a required feature of the structure of capitalism; rather, relations between workers and companies can be managed to favour economic cooperation and efficiency. This theory has a functionalist, industrialist bias, overestimates the institutional component and does not take into account the endogenous sources of social transformation (Thelen, 2014). However, it does explain that local environments can provide institutional support for some sectors that are different from the national model. In these conditions, there may be divergences and “creative incoherencies” (between national and local institutions) that promote growth and development (Crouch et al. 2009).

Fordism and post-Fordism are not of any central theoretical relevance to the VoC approach either. However, social coordination abilities and the weight of “extra-economic” institutions help to explain the dynamics of accumulation during the post-war period in the CMEs and the market competition mechanisms are central to explaining how LME institutions coordinate. The ways in which institutions are organized are conceptual solutions that fulfil a function similar to the Regulation School’s “modes of regulation”. However, they refer to different aspects of reality: historically, Fordism was challenged by globalized accumulation while CMEs, for their part, have managed to maintain institutional complementarities that sustain the systemic competitiveness of the model under the pressure of globalization. For VoC, then, transformations take place within the range of tolerance of the established institutional patterns, so changes tend to be gradual (Aguirre & Lo Vuolo, 2014).

For its part, historical institutionalism consists of three general theoretical positions (Saavedra Echeverry, 2016): 1) focus on the stability of institutions (North,

2007); 2) focus on the fluidity of institutional change (Orren & Skowronek, 1999); 3) focus on the interaction between forces of change and the stabilization of institutions (Thelen, 2006; Mahoney & Thelen, 2009).

The aim of this research programme is to understand the ways in which political, economic and social processes are coordinated, particularly how, in a particular social context, institutions restrict and channel social practices. Time sequences or processes provide causal explanations for the changes. That is, institutionality is regarded as the intentional or unintentional effect of political decisions and previous conflict (Pierson & Skocpol, 2008). The results obtained with this approach aim to produce medium-term theorizations, without ignoring any historical peculiarities (Thelen, 2006).

According to the institutionalist perspective of “industrial governance”, the market is a network of diverse social relations, both formal and informal. As well as production, exchange and consumption, there are relations of political and corporate power. Therefore, capitalism does not necessarily tend towards equilibrium, given that the distribution of power can be more important than coordination through the price system (De la Garza, 2005).

In this regard, the rational preferences of actors are “externally” limited by institutions and de facto powers (Friedman & Hechter, 1998). For Granovetter & Swedblerg (2001), actors establish rules on the basis of their previous, successful experiences. However, action is taken within social networks first and only then in institutions, so the unit of analysis is social relations. The concept of “social action” in neo-institutionalist approaches, then, is no different from that used by neo-classical economics (the quest for personal profit by rational calculation). Results are optimized but externally limited by institutions and power relations (De la Garza, 2005).

Historical institutionalist analyses often study the combined effects of institutions and processes for a particular time period in a particular social space. The approaches used attempt to find out why particular structural patterns consolidate in particular contexts and regions. Some approaches stress the importance of path dependence (Huber & Stephens, 2000) because it can be seen that once social actors take a strategic option it becomes more difficult for them to go back to past decisions. So the concept of “historical causality” is important because it explains why the dynamics that are initiated by a social process tend to repeat even in the absence of the initial stimulus.

As a consequence of path dependence, institutions are not replaced quickly but are stable over time. Original initiatives promoted by some social actors to cope with new scenarios often lead to new institutions that do not necessarily replace the previous ones but become superimposed on them. At the same time, the old institutions can persist but are used for different purposes (Pierson & Skocpol, 2008).

For critical historical institutional approaches (Streeck, 2011, 2014; Thelen, 2014), social cohesion in advanced countries was organized in post-war capitalism by means of a type of social formation known as “democratic capitalism”, which involved elements of institutional coordination that did not distribute resources exclusively using market criteria. Resources were distributed on the basis of two conflicting principles: 1) the marginal productivity of each factor of production; and 2) social needs or rights. The implementation of these two principles led to what Polanyi described as the “double movement”, by which the self-regulated market was restricted by the policies and institutions of social protection.

However, after the 2008 crisis a conflict emerged between international financial institutions (which promote the remercantilization of social relations), on the one hand, and national states (which organize social protection), on the other. This conflict seems to be a zero sum game in the struggle for social resources between both structural principles of democratic capitalism.

The theory of critical institutionalism does not believe the formal continuity of institutions coordinating economic expectations or institutional coordination to be essential if company profits are to be improved (as VoC does). The most important theoretical point is whether social cohesion can be strengthened through coordinating institutions. Other institutional approaches (Thelen, 2014; Thelen & Kume, 2006) consider that the survival of economic institutions depends on the political coalitions that support them or try to get rid of them. Nevertheless, institutions that in the past supported socially egalitarian variants of capitalism can survive in a different context by using the same coalitions as before, but with far from egalitarian arguments that promote duality and social segmentation in the new context (Levitsky & Murillo, 2012).

For its part, post-workerism aims to revive Marxist language to describe the specific nature of current capitalist changes. It does not put the conceptual emphasis on different forms of institutional regulation and coordination, or on political coalitions, but on social antagonisms and the profound transformations in class composition. Post-Fordism, understood as an accumulation system, is the business and political response to an offensive by the working class that had threatened capitalist reproduction in the 1960s and 1970s (Virno, 2005; Hardt & Negri, 2002, 2004, 2011).

For Virno (2003), the Russian Revolution was the threat that prompted various social pacts on which Fordism was based in the central capitalist countries. Also, the attempted socialist revolutions that had been quashed in Western Europe in the 1920s encouraged states and the elites to integrate the workers into Fordist capital accumulation. In a similar way, Virno suggests that the attempted revolutions of the 1960s and 1970s were the social forces behind the counter-revolution of post-Fordism, a drastic innovation in the economy and the institutions to relaunch productivity and

political control (Gómez, 2014a). Post-Fordism was the response of the capitalists and states to the movements “against salaried work” and “in favour of the right not to work” (Moulier Boutang, 2004).

In this regard, it is an anti-determinist Marxism because the direction in which capitalism develops is not determined by endogenous laws but by the ways in which capital rises to the social challenges of accumulation. In turn, these challenges are contingent on the level of class struggle. The stages of domination are the following: 1) Manufacturing industry (1870–1917), in which there was no great reliance on machines and the dominant working figure was “the professional worker”; 2) Fordism (1914/17–1968), in which the dominant working figure was the “mass worker”; 3) Post-Fordism (1968 to the present day), in which the dominant working figure is the “social worker”, and the “multitude” is the unit of study of the Empire as a political form of domination (Fagioli, 2015).

Post-Fordism represents a drastic change to the economy and institutions in an attempt to relaunch productivity and the political control of capitalism. Even so there are still models, practices, strategies and institutions that are the continuation of the past (Taylorized companies, pre-capitalist practices, disciplinary institutions, etc.). Therefore, it is not just the shift from mass manufacturing to just-in-time manufacturing (Fumagalli, 2010), but part of a wider-ranging change of a bio-political nature. The most important result of this perspective is that it captures the structural trends of every moment. The “trends” are the “objective” element that enables the hegemonic forms of each paradigm to be periodized (Hardt & Negri, 2002). Post-Fordism combines previous practices and institutions, and hegemonizes them in a different way, unlike that of the previous period. For Hardt & Negri (2011), immaterial and biopolitical work is hegemonic, and it is the paradigm that shows the trends of other types of work (Fagiolo, 2015).

On the political level, post-Fordism shows a tendential loss in the importance of the nation state and an increase in the construction of a distinct governance space (the Empire), based on a multiplicity of mechanisms of biopower which organizes the various territories biopolitically controlled by financial capital into a network (Hardt & Negri, 2002).

As far as the economic system is concerned, the aggregate result of the set of biopolitical mechanisms is the system of production known as “cognitive capitalism”, which has three general features: 1) the expansion of financialization, which is the driving force behind accumulation and investments; the financing of consumption and debt is a form of biopolitical control (Lazzarato, 2013, 2006); 2) the spread of knowledge, the main source of capitalist appreciation on a global scale; and 3) the increasingly precarious nature of employment conditions as a mechanism of control

on cognitive work (Gómez, 2014b). These three conditions are the base of short-term monetary/financial accumulation, dissociated from the social pacts that provide medium- and long-term stability (Rullani, 2004).

The social governance of cognitive capitalism controls the population through biopolitical mechanisms, and has two main features: 1) financial markets expand without limits to support income by means of generalized debt; and 2) the social cooperation on which the production of goods and services is based, and which is the source of the income provided by the surplus value, must be supplemented by controlling the workers (disciplining them with variable combinations of precarious employment and identification with the company's objectives) and minimizing and/or limiting their autonomy with respect to capital. In this way, in cognitive capitalism, economic governance (the mechanisms that favour financial accumulation) is possible as long as social governance (precarious work and control of the work force) is sacrificed because there is an opposition between the capitalist attempt to win back income, on the one hand, and the appropriation of income by the multitude, on the other (Fumagalli, 2009; Negri, 2009; Lazzarato, 2013).

National states and financialisation

In this section, we reconstruct the link between financial logic and the functioning of social institutions and biopolitical systems of control from the perspectives analysed.

For the RS, markets are complex institutional systems, stable structures that organise multiple and repeated monetary transactions, and ensure the continuity of relationships between economic agents (Coriat & Weinstein, 2005). In this context, the disconnection between the conditions of financial accumulation and the institutions that stabilise distribution, demand and social equilibria limits the possibilities of sustainable growth (Boyer & Saillard, 1997; Coriat & Weinstein, 2005). Therefore, the power of the state needs to be reinforced if economic imbalances are to be redressed. According to Aglietta (2012), financial liberalisation is causing cyclic instability and systematic risks, even though its official purpose was to improve market efficiency. So, a virtuous regulation needs to reinforce the control of financial markets and implement countercyclical economic policies (Aglietta & Rigot, 2009).

Some theoretical trends based on the RS's thoughts about the relation between finance, production and consumption argue that there are "functional" and "dysfunctional" systems (Vidal, 2013a). Whether they are one thing or the other depends on their ability to restrict the inherent trends towards stagnation. Fordism was "functional", while post-Fordism is "dysfunctional" because it redistributes income, decreases the volume of added demand and restricts the extended accumulation of capital. However, as well as functional and dysfunctional systems, there is another

Kaleckian criterion (Onaran et al. 2010; Stockhammer, 2012) that describes four typical models: 1) accumulation regimes based on investment, in which the demand for investment can drive internal growth and compensate for the decrease in consumer demand; 2) accumulation regimes based on salaries, in which the demand for investment does not make up for the decrease in internal consumption; 3) accumulation regimes based on exportations, in which external demand is the basis of internal investment; and 4) accumulation regimes based on debt. Here the demand for consumption is sustained by private and public debt (respectively, domestic consumption and public expenditure financed with debt; Aguirre & Lo Vuolo, 2013). This model seems only to be sustainable in countries that have reserve currencies.

The approaches that suggest that the RS should be reformulated hold that conflictive class relations do not tend towards systemic equilibrium. It cannot be said, however, that there is imbalance or disconnection, but that the (post-Fordist) model of accumulation is hegemonized by the global financial system (Hugon, 2004; Thompson, 2003, 2013) with its own mechanisms of accumulation based on a series of speculative bubbles and on the financial appropriation of income (Aglietta y Reberioux, 2005). Post-Fordism will not be a “dysfunctional” model for two main reasons: 1) it is consistent with the interests it benefits; and 2) for these sectors, accumulation is sustainable over time if neo-liberal regulations are respected.

Finally, the transnational regulation organised by financial capital questions regulationist approaches that characterize socio-political commitments and accumulation regimes as essentially national phenomena, and the following assumption that international systems consist exclusively of nation-state relations (Hugon 2004).

For VoC, national and territorial institutions still have explanatory relevance and the effects they have will depend on their characteristics. Under the pressure of global financial interests, state dynamics promote the conditions that reinforce LME institutional complementarities, which are functional on the global stage. This helps national institutions to adapt to the world environment and, in line with the theory, improves their efficiency. On the contrary, the trends towards financialisation and post-Fordism encourage state policies to change the institutional features of coordinated market economies for more localized and segmented corporate schemes that defend particular economic and industrial interests (Martin & Swank, 2012; Wilensky, 2012). These segmentations can give rise to different regional environments with their own specific features (the theory of VoC is related to the theories of national and regional systems of innovation). They can also lead to the dualization of labour markets (Crouch, 2015) because some areas will be unprotected against the effect of the coordination of local institutions.

Therefore, the more or less linear scheme of VoC is a model that is historically full of nuances and complexity. Crouch et al. (2009) show that some companies, sectors or districts have models of growth that are unlike those of the country overall. These are not “anomalies”, but are examples of the complexity of how institutions operate. Local institutions can be quite different from the national institutional architecture or “creative inconsistencies” can arise, for which entrepreneurs can creatively combine different institutions (local and national) in such a way that they provide innovative results. Finally, companies may not be quite as limited by national institutions as theory suggests.

The institutions of capitalism can be weakly coupled with one another in a national system of production and innovation. This lack of coupling leads to the emergence of local actors, relatively autonomous subsystems, which can find different roles to play in the context of global finance (Trigilia, 2004). In this regard, the innovative systems approach (Asheim et al. 2011; Cooke et al. 2004; Lundvall, 2007) adds complexity to the analysis made by VoC because it suggests a multi-level approach in which national and local institutions, and external influences (particularly financial) have a joint effect on the behaviour of companies (Crouch et al. 2009). The results of all these influences together depend on the weight they have and the way in which they are combined in each country.

Many researchers into historical institutionalism use the “interrupted equilibrium” model of change, in which periods of institutional stability (settled periods with established rules) are disturbed by wide-ranging transformations (unsettled periods without strong rules). However, according to Mahoney and Thelen (2010), institutional change may 1) be slow and gradual; 2) in some contexts, do away with some rules and replace them with others; 3) add new rules to existing ones (without replacing them), which creates stratified or layered institutions; 4) lead to deviation, because the original rules are maintained but they have different effects because the external context is different; and 5) lead to conversion, when the rules are maintained but interpreted and sanctioned differently than at other times (Pierson & Skocpol, 2008).

These approaches can be used to study the impact of global finances on the institutional organization of states. Social actors can promote slow rather than abrupt changes or they can build new institutions without doing away with the previous ones. They can also give new direction to the established institutions to obtain different effects. In strong institutional environments, gradual, stratified changes leading to deviation or conversion are more likely to occur. In weak environments, change usually comes in the form of constant, discontinuous and radical replacements (Pierson & Skocpol, 2008).

A weak institutional context is one in which rules are not enforced to any great extent and this means that social actors can use a considerable amount of discretion when applying these rules (Levitsky & Murilo, 2012). However, when enforcement is greater, rules are more difficult to change. Enforcement means that social actors are willing to respect the rules and, therefore, that the social pacts that sustain institutionalities are widely accepted.

Depending on the different level of institutional enforcement in each country, the financial deregulation that states encourage reinforces global financialisation, but maintains distinctive national features. However, when taken together, the new and/or revised institutionalities weaken the social cohesion of regions, because they promote fiscal orthodoxy and limit funding for social-security policies, they tend to undermine the relationships between local banks and companies, they weaken local economic promotion, and they destructure labour markets. According to Fraser's neo-Polanyian analysis (2013), financialisation leads to social relations being re-commercialised instead of socially protected.

In this regard, historical institutionalism has pointed out that the most significant occurrence since the consolidation of neoliberalism is the disruption of the social pacts that organised "democratic capitalism", which organized the rights of property and the rights of citizenship (Streeck & Thelen, 2005; Streeck, 2011; Thelen, 2014). This explains the institutional change towards a global financial model. It was not directly brought about by the evolution of the economic structure, but by political coalitions favourable to global financial interests which have led to institutional transformations and stable situations that favour post-Fordist financialisation and accumulation, and which give a structure to the expectations of the actors who make decisions.

For post-workerism, financialisation is the contemporary form of capitalist power. According to Negri (2007), the crisis of Fordism was brought on by inappropriate state intervention in the organisation of accumulation. And a solution to the crisis was only found by reinforcing the link between the state and global capital. In a post-Fordist system, economic growth does not depend on a stable commitment between capital and work that links an increase in production with mass consumption (Fumagalli, 2010; Virno, 2003; Lazzarato, 2006). However, the state was configured as a state-cum-business and broke away from previous social equilibria. It started to promote new and more intense valorization processes (Lazzarato, 2013) by using biopolitical control mechanisms. Any debate about the radical change in the capitalist production system under post-Fordism does not deny the importance of production and industrial work. The novelty is that this work is coordinated and organized by processes of valorization that are not industrial.

For Hardt and Negri (2002, 2004), the Empire is the political solution that regulates this stage of capitalism. Financial globalisation undermines the foundations of state sovereignty because states lose control of investment in production (delocalization), connectivity between markets and financial flows.

The global forms of biopolitical control, which Hardt and Negri refer to as “Empire” (2002), regulate economic and political-cultural exchanges. These regulations create the conditions that make a continuous accumulation of capital possible. Financialisation is a means of social control, an attempt to recover, in the financial markets, what capital has not been able to capture in the real economy (Marazzi, 2009). Financialisation does not have traditional sovereign power; instead it encourages a series of behaviours, through biopolitical mechanisms, that make state control consistent and functional with financial accumulation (Lucarelli, 2009).

The global workforce has been subsumed into cognitive capitalism intensively and extensively. Intensively because it mobilizes the workforce for the whole of the global working day. And extensively because it valorizes all the places and interstices in society and integrates all the segments of planetary social space into the production cycle (Negri, 2008). Through delocalization, the greater interconnectivity of markets and financial liberalisation, capital now occupies a fully global position.

The financialisation of cognitive capitalism (Negri, 2009; Lazzarato, 2013) means that financial markets are channeling a growing part of the total wage bill for purposes of social security and reproduction (e.g. pensions, insurances, healthcare, education), which are replacing the state as a social insurer. In this regard, financial markets have a function that is equivalent to public spending in the Keynesian period. They also provide the funding for capitalist accumulation. The companies that obtain liquidity in the most advantageous conditions are those that restructure production so that it is based on the exploitation of knowledge and the control of external spaces.

Likewise, Negri (2009) argues that the current crisis reflects the difficulties of using finances to regulate accumulation. In order to regulate financial accumulation, the share of global wealth channelled through financial markets needs to grow constantly. This means that 1) the number of people in debt needs to increase (as a mechanism of biopolitical control) and 2) new financial tools need to be produced to promote liquidity (e.g. derivatives). However, the mechanism of debt is unsustainable in the long run because it comes up against the debtors’ crisis of solvency.

This approach, then, does not consider the crisis to have a financial “origin” or that it will end up affecting the real economy. The ultimate origin of the crisis lies in the difficulties of guaranteeing control of the workforce’s production, given the structural and ontological tendencies (Virno, 2005, 2003) towards greater autonomy of the workers. Financialisation is a system that aims to control people by using the mechanism of debt (Vercellone, 2009; Lazzarato, 2013) in order to ensure capitalist valorization.

Financial accumulation, work and labour relations

In this sub-section we shall discuss the relations between finance, the organization of production and work, in terms of the approaches analysed. For the RS, financial capitalism is based on the doctrine of “shareholder sovereignty”, which legitimates the control of companies by shareholders (Aglietta & Réberieux, 2005). The financial governance of the company establishes internal and external mechanisms that reinforce the capacity of the shareholders to exercise sovereign control over the company. The external mechanisms consist of hostile takeovers. The internal mechanisms consist of measures for re-establishing the board of directors’ power of decision. In order to guarantee the strictly disciplinary role of this board, it is absolutely essential for administrators to be independent from directors. What is specific to the financial governance of a company is the absence of internal counter powers.

So the desire to combine liquidity and control (the base of financial capitalism) involves externalizing control and freeing shareholders from the responsibility of managing companies. What is more, the creation of value for shareholders also affects the stock valuation. The constant search for profit instead of a balanced market return, if it is validated by market prices, encourages speculative bubbles, which lead to disequilibrium in the system (Aglietta & Réberieux, 2005).

The connection between finance and the organisation of production is a dysfunctional process insofar as the dismantling of labour institutions (precarization and institutionalization) leads to the loss of income for a large section of workers, which limits the chances of mass consumption and stable growth, and encourages the dynamics of speculation and the formation of bubbles. For the variants that reformulate the RS this involves an example of “disconnection” between accumulation and labour institutions (Thompson, 2003).

Under the Fordist paradigm of the internationalization of employment, a high percentage of tasks and jobs required little autonomy (production line workers, security personnel, employees, etc.), but had “decent” wages, job security and opportunities for internal promotion (Goldin & Katz, 2008; Mason & Salverda, 2010; Appelbaum & Schmitt, 2009). Under post-Fordism, the main ideas underpinning labour relations are externalization and mercantilization. In central countries, the tendency is for an increase in jobs with higher levels of autonomy and quality, but at the same time an increase in jobs with low salaries (Vidal 2013b).

According to Vidal (2013b), who focuses on the case of the United States but suggests that this is a general trend in the advanced countries, in the last 40 years there has been an increase in highly qualified work (from 30% to 38.5%) consistent with the technological transformations of capitalism. The proportion of low-autonomy jobs has also been observed to remain relatively stable, although it has decreased slightly

(from 40% in 1960 to 35% in 2005). In the last four decades, repetitive tasks decreased but low-autonomy jobs remained stable. The findings of Segunpa et al. (2009) show a similar tendency. Also in the United States, Goldin & Katz (2008) found that between the 1980s and 2006 the demand for low-quality and low-autonomy work remained stable, which indicates the difficulty of providing decent levels of income and job security for workers occupying these jobs (Vidal, 2012; Standing, 2011).

The drop in salaries of low-autonomy jobs is one effect of internationalization and the deregulation of production (sub-contracting and externalization), the intensification of competition, deunionization and economic financialization (Kalleberg, 2013). Also regarded as the effects of managerial strategies are: 1) quality jobs, high salaries and training; 2) low-salary jobs, instability, low autonomy and continuous cuts in costs (Appelbaum & Schmitt, 2009). The aggregate effect is pressure on decreases in salaries and increases in inequality (Piketty, 2014).

For its part, the VoC approach does not focus on the internal organization of companies as the main aim of its analysis, but on the link between forms of corporate management and a variety of institutions, among which are financial structures. It points out that positive systemic complementarities between the organization of networked firms, the liberalization of trade and the flexibilization of the labour market should be accompanied by institutional changes in the functioning of the liberalized financial system, general training policies, decreasing fiscal pressure for companies and legal guarantees on contracts. These factors give EMLs greater consistency. According to this approach, the various types of CMEs are subject to disruption and accumulation problems if the forms of corporate management do not coordinate coherently with the other institutions that are central to the type of capitalism in which they operate. In this regard, the subordination of production to global finance will disrupt coordination and socio-economic transformation, which will lead to dual, economic, labour and social models.

According to the VoC approach, the relation of the labour market with other economic/social/educational institutions depends on the coordination abilities of companies (Aguirre & Lo Vuolo, 2013). This is what creates the various forms of employment. Labour markets are the result of a combination of regulating institutions (which define the levels of openness to or protection against external competition), legal structures and the strategies of the actors belonging to each type of capitalism. The scope of the negotiations covering salaries and working conditions is the result of the strategies and the power of private and public actors, as well as the effect of legal institutions and structures.

The ways in which labour markets are governed define the dominant types of workers and jobs (Crouch, 2015). When the labour market is governed by state

legislation, precarious mechanisms tend to have less weight in the system as a whole. In those cases that forms of governance are organized through agreements, the ability to control externalities depends on their scope. And when governance depends on the individual company, precarious mechanisms and “outsiders” are less important (unless the unions are sufficiently powerful to revert the trend). It could be said that the greater the decentralization, the less social control there is of externalities. Finally, if the forms of governance are totally liberalized, social positions depend on the competition in the labour market and, in these cases, externalities are controlled very little.

In current LMEs, the unions tend to protect the workers they represent and do not have a broader political-unionist agenda. In CMEs, collective agreements and legislation have a greater scope and can affect workers who are not union members (Traxler & Kittel, 2000). This approach shows that introducing criteria of flexibilization does not necessarily mean precarization. The use of part-time contracts, for example, does not necessarily involve a loss of work status (Crouch, 2015). In the specific case of Europe (where the most advanced CMEs are to be found), since the economic crisis of 2008 sectorial and multi-sectorial collective agreements have been regarded by companies and governments as the source of labour market rigidities (Erne, 2012). As far as their scope is concerned, Traxler & Brandl (2012) claim that agreements are effective if they manage to coordinate vertically (between levels) and horizontally (between sectors). However, the 2008 crisis created the conditions to disturb the forms of vertical and horizontal coordination (Marginson, 2015; Schulten & Muller, 2013). In this framework, states are organizing new schemes of labour governance (Bickerton et al. 2015) to encourage internal devaluation by means of decentralization and precarization (Keune, 2011).

For institutionalism, the organization of work and labour relations is institutionalized as a result of the interweaving of power relations among the actors involved. The far-reaching changes in the institutions that organize the world of work are effects of the actors’ strategies insofar as they have the power to change the previous course. Stability and/or gradual changes show that the previous course was so strong that it is difficult to change substantially (Thelen, 2014; Streeck, 2011; Levitsky & Murillo, 2012).

Critics of historical institutionalism suggest that, after Keynesian institutions had been abandoned and public welfare institutions had weakened, labour relations were subordinated to new forms of competition from external job markets, subcontracting and delocalization. This involves a remercantilization of labour relations and the gradual abandonment of internal job markets. Nevertheless, in some occupations and/or industries, and in different countries, companies continue implementing training and internal promotion strategies, particularly for their most qualified employees

(Proser, 2015; Fenwick, 2012). Many service companies implement strategies to develop tacit knowledge, abilities, affective capacities and the social competencies of their employees.

The subordination of the production of goods and services to finance was not simply the result of competitive pressure; it was also partly due to political coalitions that were entered into in various places precisely for this reason (Thelen, 2014). According to the critics, the political coalitions that defend institutional continuity lose their capacity to defend it and become more vulnerable to change (Mahoney & Thelen, 2009).

For example, Rueda (2007) hypothesized that social-democratic parties allied to strong unions can promote inequality because of the dualization between insiders and outsiders. The electoral system encourages social-democratic parties to prioritize the interests of those who are part of the labour market at the expense of those working in precarious conditions. Likewise, when the organized interests of manufacturers (companies and unions) prevail in the design of public policies, there tends to be an increase in dualism (Thelen, 2014). Traditional factories and industries will defend the institutions that benefit them, and if the new companies in the new service sectors do not manage to develop a similar institutionality, there will emerge new practices and work patterns (more precarious workers, more deregulated markets). In turn, if the unions in the new service sectors have no power, they will not be able to regulate them (Eichhorst, 2015).

In this regard, manufacturing companies will not necessarily be at the forefront of the demands for deregulation, but they will not oppose dualization because they benefit from a more flexible labour periphery while enjoying job protection for an increasingly smaller and strategic core of workers. This is the case of the German model of labour relations (Doellgast & Greer, 2007). On the other hand, if service-sector employees are organized and are involved in the discussion of public policies, and largely vote for the left-wing of social-democratic parties, they may favour more comprehensive reforms that are far-removed from dualization. This is the case of the Nordic model of labour relations (McLaughlin, 2013). If it is to be successful, flexisecurity requires the support of a socio-political coalition that contains highly organized service sectors that enforce their demands.

For post-workerism, capital does not actively organize the workforce to produce goods and services; rather, the workforce, ontologically, has intellectual and social resources at its disposal to organize itself autonomously (Hardt & Negri, 2011; Virno, 2003). The very demands of post-Fordist accumulation prompted a certain re-organization of the concept and the execution of tasks in some strategic sectors of the economy (the setting up of relatively autonomous work groups, various mechanisms

that seek the continuous improvement of processes and products, participative groups, etc.). If these mechanisms are to be effective, companies must encourage workers to apply their cognitive and creative abilities in their tasks. This means making them responsible for the results of the production process. Taylorist logic, then, no longer hegemonically defines the production of goods and services; rather, productive cooperation comes before the business function. Only subsequently does capital capture the results of this cooperation. Capital, then, is simply an external control and valuation depends on being able to control from without the productive aptitudes of workers, which by their very nature are cooperative (Vercellone, 2009; Marazzi, 2009; Moulrier Boutang, 2004).

So, capitalist profit is based on two mechanisms of valuation. On the one hand, property rights (intellectual, shares, public and private debt securities), which are the rights for appropriating the value based on social cooperation. This appropriation is made from a position that is external to the value created by the production process. The added value is not simply the result of the productivity of work but a patrimonial use of the human capital that has settled in the region (in the form of positive externalities) and which is independent of any particular business initiative (Negri, 2009; Moulrier Boutang, 2004).

On the other, direct control of the production process is replaced by control of the market (through externalization and subcontracting). In this way, large capitals can directly appropriate the value created outside their organizations (Vercellone, 2011; Marazzi, 2009). Underlying this process of appropriation is the reality that work is increasingly cooperative (because it is structured in networks and value chains, and in social and regional environments that provide positive externalities) and cognitive (because it is based on producing and using knowledge). In turn, the work force contains a wide variety of different class positions (multitude).

Therefore, for post-workerism, capitalist income is based on forms of ownership and positions of strength, and financial capital is a hegemonic and inherent component of productive capital; it is not merely a parasitical figure in contrast to productive capital, which is a progressive figure. The two types of capital make up a unit of forces that appropriates collective value.

For post-workerists, the change in the paradigm of employment was brought about by socioeconomic mutations. However, they structure their argument on the basis of the criterion of class struggle and social antagonisms that take place at the deepest levels of society. As far as the organization of work is concerned, the “mass worker” transformed into the “social worker” and the “multitude”, as a result of changes in production, which involved moving from a disciplinary (Fordist) society to a (post-Fordist) society of control (De Giorgi, 2006). The changes in forms of accumulation

are capitalist responses to the resistance of the workforce (Fagioli, 2015). Therefore, they do not follow any particular evolutionary pattern but express the contingent nature of conflictivity and social mobilization.

In post-workerism, work becomes tendentially immaterial and/or cognitive because it is based on producing the symbols, on constructing the languages and on managing the signs that are used to produce goods and services. Work tends to “dematerialize” in the sense that it loses its connection with a particular product and it becomes a communicative performance (De Giorgi, 2006). In this respect, an argument has been developed that suggests that post-Fordism and immaterial and intellectual work will only be applied to an elite of workers in the IT sector of communications and advanced technologies. This means that large sectors of Taylorized workers are left out. Of course there are numerous workers throughout the world who are not involved in computerized or immaterial work. What is more, Taylorist approaches can be applied to intellectual work to normalize tasks, fragment and simplify activities (Ruiz Herrero, 2015), and intensify the rhythms of work through productivity by objectives and precarization.

All the above occurs in the factual and/or phenomenological plane. However, the tendential features of post-Fordism, according to the post-workerists, are not correctly displayed in the phenomenological plane but in the “ontological”. At this level, the work force can be seen as a set of cooperative and productive potentialities that resists any rigid regulation (De Giorgi, 2006).

The current demands of accumulation need to give greater levels of autonomy if all the abilities of workers are to be exploited. At the same time, companies must develop strategies to keep the uncertainty that has been generated by these new organizational forms under control. Due to these cooperative potentialities and the greater responsibility and autonomy of workers, companies put into practice strategies of “participatory management”, the aim of which is to cultivate the loyalty of the worker. The ultimate aim is for companies to subordinate workers’ emotions and affections to their economic objectives (Pagura, 2010; Ruiz Herrero, 2015). This biopolitical option requires a strategy of weakening the power of the unions and establishing individualized labour relations.

The normalizing requisites of post-Fordism have different effects on organization than Fordism. Although the production of goods and services means that the conception and execution of tasks regain some of their importance, workers are fully tied to their companies. This involves individualizing labour relations (deunionization), and developing ties of affection and commitment for some segments of workers, and strategies of precarization, subcontracting, etc. for others.

Discussion and conclusions

The study of the various critical theories reveals the important features of the ways in which capitalist accumulation is currently organized and the reasons why it is periodized as it is. In turn, this provides guidelines for studying the ways in which the world of work is structured. We ignore the post-industrial theses of the end of work and we start from the clear evidence that the social and class pacts that underlay the institutions that regulated and organized “Fordist” accumulation system so characteristic of advanced Western countries are being dismantled. A wide range of questions have been raised about the nature of subsequent development and a variety of approaches used to study it.

Firstly, we analyze those aspects of the links between global finances and national states that affect the world of work. According to the RS, the institutionalization of social relations is the main factor that stabilizes accumulation. In this framework, the state is an agent that actively regulates economic activity. The policies and regulations of macroeconomic stabilization implemented by states under the pressure of the financial markets prompt the internal devaluation of salaries and the flexibilization of work markets. As has been seen, in European countries, this takes place through new forms of neo-Liberal governance. Insofar as these regulations often do not favour an efficient link between production and consumption, the RS might suggest that the situation is dysfunctional or in disequilibrium. Other approaches that reformulate the positions of the RS argue that it is not correct to use the functionalist paradigm because the image that it gives does not match reality. There are social relations, material interests and power, and the configurations that emerge have an internal coherence that is the result of the strength of the interests that have benefited. The idea of functionality is not theoretically very productive. It is more interesting to focus on the “coherence” that the balance of power provides. There is a structural economic dynamic that defines political interests. Then, these political interests, depending on their power, organize state regulation to stabilize the accumulation in their favour. From this perspective, labour relations occupy a particular place in each regime of accumulation.

The perspective of VoC can make a more political analysis and try to determine how labour-relations institutions are connected with company strategies and with other institutions that play leading parts in the configuration of capitalism in every country. The existing types of jobs are defined as a function of the modes of governance of the work markets and depending on the coordination of the companies. Institutions are analyzed in terms of their coherence with other institutions (which favour sustained accumulation), because this is where the stability of types of capitalism lies. The pressure of the financial markets tends to reinforce LME institutions and resists counter pressure that may come from other socio-political actors. Likewise, they bring

about transformations in CMEs (segmentation and dualization if the structures of coordination are maintained in some sectors and not in others) and HMEs (the relative weakness of states explains the greater analytical importance of political orientation and the strength of governments). The scope of the changes depends on the strength of the social and political actors, on the one hand, and on the institutions, on the other. The theory indicates that since institutions are socially rooted they will have a certain (variable) strength to resist external pressure. From this point of view, labour relations can be studied in terms of how they are organized with the institutional framework that defines the type of capitalism. The set of institutions that make up a particular type of capitalism is what makes it possible to explain if labour institutions are functional or dysfunctional for accumulation.

Institutionalist criticism shows that financial pressure on the state can dismantle the coordination between the principle of private profitability and the democratic distribution of resources. This raises new challenges for economic governance in general and labour governance in particular. The state's capacity to take action depends on the political coalitions that give it support. The material force of the economic structure does not determine the places that social actors occupy. The weight that the sectors linked to financial accumulation have within governing political coalitions will define the state's approach to labour relations. It could be said that the social logic that organized these social pacts and class commitments was of a political nature and that it did not "necessarily" stem from the organization of production but from the logics of recognition and relative power of socio-political actors.

For critical institutionalist approaches, the ways in which deregulated markets operate and the precarization, dualization and/or liberalization they involve, are the result of the institutional decisions and transformations implemented by different types of political coalition. This explains why in several countries, depending on the prevailing political coalition, strategies of liberalization, dualization or flexisecurity dominate.

According to post-workerism, the aim of bio-political mechanisms of control is not simply to discipline individuals but to capture the flows of social productivity generated by the multitude, through mechanisms of public and private debt (the financialization of production and social reproduction) together with the precarization and individualization of labour relations. Under financial pressure, states have reconfigured a "New Economy" or cognitive capitalism, which coordinates a series of mechanisms to control cognitive work as a means of ensuring the capitalist extraction of socially generated value. In this way, employment relations are defined by the biopower strategies implemented by companies to guarantee that the new post-Fordist conditions can be exploited. This requires a combination of desyndicalization,

individualization, and the construction of affective links with the company for some groups of workers, and precarization and subcontracting for others.

For the RS and VoC, financial accumulation is the result of coordinating the institutions that organize the regulation of current capitalism. This coordination is, in turn, the result of competitive pressure and company decisions. According to the institutionalist approaches, the subordination of the production of goods and services to financial logic is not simply the result of competitive pressure or business decisions but depends on the political coalitions that are developed in the various territories to reach this result. For post-workerism, financial logic is a strategy of bio-political control that makes it possible to capitalize productive forces and, at the same time, govern people and keep their potentialities for autonomous productive practices under control. Financial valorization does not depend on political coalitions or institutional coordinations; it is inherent to the current stage of capitalist accumulation.

Chapter 2. Gender, Fordism and post-fordism

Introduction

Between 1960 and 1980, the sex/gender axis gained currency as a “visible, recognisable and undeniable” (Fraisse, 2016:70) area for reflection, arising from the notion of gender trouble (Butler, 2001), from the debate over sex (natural) versus gender (cultural), and from the idea that gender should be considered a discursive construct that is imposed by force. The construct of gender made it possible to understand the social difference between the sexes and to think about it as a political relationship, insofar as “the symmetry of the mixing of the sexes also entails the dissymmetry of domination and subjugation”. This dissymmetry “configures history” (Fraisse, 2011: 85 & 45), given that sexual inequality “involved, after a certain point in history, asymmetrical power relations in all cases” (Hernando, 2012:43). During this period, the feminist movement widened its focus from exclusively demanding equal political rights—as the suffrage movement did—to voicing vindictive criticism regarding the power relations between the sexes. Foucault (1977) called this the “device of sexuality”, which demonstrates “the articulation of devices of power and bodies, linking the biological and the historical in increasing complex ways” (Campillo, 2011:106).

The device of sexuality alludes to a sexual-political regime (Wittig, 1985) that imbues Millet’s (1970:24) assertion that “sex is a status category with political implications” with meaning, in the sense that “if there were no interest in domination, genders would not exist” (Molina, 2011:139). The genders are based on a very common element of Western philosophy: binary logic (Comas d’Argemir, 1995; Orobítz, 2011). This logic “appear[s] as the language of universal rationality” (Butler, 1990:13), which has dominated us “with its masculine certainty” (Fraisse, 2009:122) and permeated the history of “how power over life is organised in capitalist and patriarchal societies” (López Gil, 2011:34). Such societies have taken sex and the body as a “given”, as something “innate”, when in fact the body is not a “natural” product. Neither is gender, which according to Butler (1990:33) is produced through the

constant repetition of performative acts—behaviours through which we constantly and repeatedly constitute ourselves as subjects. Gender “is always a doing, though not a doing by a subject who might be said to preexist the deed”. Thus, gender, power and history are bound up in social practices. These practices configure the organisation of work life and the constituent power relations of working subjects, and they preexist the Keynesian-Fordist pact of the decades following the Second World War. This patriarchal and inter-class pact instituted the notion of the family wage, “a salary that allows a worker to support his family while maintaining and reproducing the regime of domesticity” (Maldonado and López Gil, 2013:311), a regime that conditions and shapes us, orchestrating our gender and our historical time.

Gender “lives in us as the historicity of whatever form we take as human creatures” (Butler, 2015:6), as does heteropatriarchy—that is, the ability to continue thinking of ourselves as “women” or “men”. Under the political regime of patriarchal heterosexuality, “exploitation not only may benefit the exploited, it most often occurs with the full voluntary consent of the exploited” (Jónasdóttir, 2011:52). Mateos (2013:299), drawing on the work of Bourdieu, asserts that, in order compensate for this consent, discursively, “history is transformed into nature and cultural arbitrariness is transformed into something natural” and thus, a “long collective labour of socialisation of the biological and the biologicisation of the social combine to reverse the relationship between causes and effects” (Bourdieu, 2001:3). The sexual division and asymmetry of society therefore “make a naturalised social construction (“genders’ as sexually characterised habitus) appear as the grounding in nature of the arbitrary division which underlies both reality and the representation of reality” (Bourdieu, 2001:3).

Between 1990 and 2016, a new phase of patriarchy has taken root in the context of neoliberal globalisation. This phase “is supported by the idea that men and women are manufactured differently, with different qualities and for different purposes” (Calvo, 2016:241). This idea presents sex as prediscursive (Butler, 2001), as something natural and biological, as something that preexists everything—in other words, it ontologises sex. This ontologisation occurs, paradoxically, in the context of what Hochschild (2001) calls the “global chains of care” as well as certain unjust labour practices (Harcourt, 2010) that illuminate the various chains of power (Castro-Gómez, 2007) acting on the interconnections between the social and the economic, between the public and the private, between production and reproduction. These interconnections lend “visibility to the heteropatriarchal and capitalist control over our lives” (Pérez Orozco, 2014:21), thus upholding the man/woman, heterosexual/homosexual and male/female oppositions seen throughout the social and labour system that we inhabit. This system, according to Pérez Orozco (2014:24), is not only

capitalist but also heteropatriarchal, in the sense that it is radically structured, (neo)-colonialist and has its epicentre in the capitalist markets.

Given this definition, the various social and occupational positions entail and incorporate processes of hierarchical differentiation, since the peculiarity of each subject in its sociohistorical context is affected by “multiple power structures and variable situations at once, obliging analysts” (Adlbi Sibai, 2016:47) to accept that we are never just “women” or “men” but that we simultaneously occupy positions that determine how work activity is organised. In this sense, in terms of gender and other variables of inequality, the work environment is neutral at neither the material nor the symbolic level. The concept of intersectionality is therefore the key to analysing the considerable increase in Western women’s presence in the labour market. This increase has been accompanied by a “gender-based segregation—both vertical and horizontal—of the labour market, with women starting to occupy many occupations of the new ‘services society’ as well as occupations in the secondary labour market” (Castelló, 2009:76).

The aim of this chapter is to explain the close relationship between the wage order and the gender order. Taking a historical perspective, we will compare two recent stages of capitalism: the Fordist and post-Fordist regimes. We will show that both Fordism and post-Fordism are built on a heteropatriarchal system that produces and reproduces gender inequalities—an expression of the domination of heterosexual masculinity—through an institutionalised system of social practices. The methodology used in this article is the analysis and interpretation of the texts listed in the bibliography. Our main conclusion is that despite recent changes associated with the evolution of capitalism, the relations of domination of heterosexual masculinity remain unchanged.

From this historical perspective, in section 2 we explain the link between the wage relation and the gender order in Fordism. In section 3 we describe the genealogy of this link. The significance of this link is the fact that Fordist organisation of labour is built upon an underlying masculine domination, with the sexual contract serving as “the hidden basis of the vaunted social contract” (Pérez Orozco, 2014:37). In other words, men were engaged in an implicit contract with one another, with women as the subjects of the agreement (Millet, 1995). Under this sort of domination, masculine work is “a societal game in which there are no men, but rather ‘being men’ is a role that is played. The question is whether the ‘parody of manhood’ and the transgressive dimension [...] have a concrete translation in the life and day-to-day occupational experience of the worker. What is parody in the theoretical dimension can, in practical reality, become forced acceptance of the construct” (Vélez-Pelligri, 2008:188), given that “image, appearance and visually recognisable elements are of great importance in the labour market” (Romero, 2003:51).

Section 4 explains how the introduction of the flexible wage model in recent decades has changed the link between the wage relation and the gender order while leaving its heteropatriarchal nature unchanged. These changes were a consequence of the service economy being freed from public control while regulation and the market came to be seen as contradictory principles. Indeed, states imposed this vision and promoted policies of flexibility and precarity (Brunet and Moral, 2016). These policies, in turn, brought network structures and the wage-based services society to the forefront. In this economy, women brought with them into the workplace the symbolic connotations of their place in the social structure. This section also examines the social practices that generate gender inequalities within organisations, in the sense that organisational practices reinforce gender differences. In fact, the internal processes of identity construction are shaped by an institutionalised system of social practices. Once the gender category has been socially established, it appears in multiple mutually reinforcing scenarios such as the distribution of resources in society, hierarchical structures and work practices in organisations, the assignment of household tasks, patterns of interaction between people, the meanings and identities of people as individuals, and so on. Finally, the chapter ends with our conclusions.

Wage relation and gender order in the Fordist regime

The “unique and structural importance” (Lorey, 2016) of the traditional Fordist model of industrial production has waned in recent decades. This model, a historically specific phase of capitalism and not merely an economic category, was a social formation in which time—an essential element in the generation of profit—was a key aspect of the wage relation. Consequently, “disputes between employers and wage earners were to a large extent disputes over time, over control of how the wage-earner’s time was used”. Such struggles were androcentric, given that, in Fordism, employment norms were linked to a strict gender division. Women only worked “outside of the home while single; once married, they became exclusively responsible for reproductive work. This social exclusion of women from the directly productive market order was part of the norm” (Martin Criado and Prieto, 2015:13). Osmond (1996:387) points out, referencing Hartmann (1979), that women’s access to work “posed a threat to the patriarchal control of families, since women and children could potentially enter the labour force, earn their own wages, and become independent. Why did this not happen? [...] Segregation by gender (and the associated development of the family wage and protective legislation) perpetuated the traditional patriarchal subordination of women within capitalist industrial society”. Historical evidence supports this thesis: “Working-class men, with the help of their unions, had a significant influence in removing working-class women from the factories (where they were viewed as a

threat to men's jobs) or into low-paid, low-skilled jobs, and ensuring that women would continue to be responsible for the domestic labour in individual families (the greatest opposition was to married women doing factory work)". This sexual division was historically linked to pacts and patriarchal practices, in the sense that "industrial society was able to resort to an existing hierarchisation of men and women, since the division of labour by sex was not the origin of the hierarchy—it had older historical roots" (Wikander, 2016:9).

As Amorós and De Miguel (2007) point out, one of the patriarchal practices of Fordism was the spatial separation of the home (reproduction) from the factory (production). Productive work was linked to the space outside the home (the factory) and activity that reproduced the needs of household members was associated with the domestic space. In central European countries, social reproduction was financed partly by public social security policies and partly by "family wages" negotiated through collective bargaining (Fraser, 2015a). In Fordism, salaried employment was institutionally consolidated as the only relevant work because it involved obtaining money through wages. Reproductive work lacked this social recognition. Therefore, the groups that performed these tasks were socially subordinated to those which provided monetary income. This implied the creation of strongly male-oriented spaces, the construction of masculine values through homosociality and an eagerness in men to bond with one another (Kimmel, 1996). Thanks to male homosociality, in Fordism everything that was not wage-earning work came to be seen as "non-work" and therefore became invisible. Thus, the dichotomy of work versus non-work went hand in hand with the dichotomy of public space versus domestic private space, which corresponded to the economic/non-economic dichotomy. Each gender was assigned a space, a role, a temperament and an identity, and the nuclear family was established as the infrastructure of Fordist capitalism. Hegemonic masculinity—and with it hegemonic femininity—thus took root, assuming a dominant role and denoting specific practices of gender through which people were identified on the basis of their gender (West and Zimmerman, 1987; Nuño, 2010; Stergiou-Kita et al., 2015)—in other words, gender-producing practices. According to Butler (2016:15), both masculinity and femininity are produced by interwoven norms that tend to be grouped together and possess a spatial and temporal dimension that is inseparable from what they are, how they act and how they take shape.

Historically, wage-earning work was an invention of modernity that imposed a single form of rationality—economic rationality—that dominated all others and resulted in work becoming both a factor of production and a link between the individual and society through which a new social subject—the free wage earner—was created. The free wage earner was subjected to the nuclear family, which originated

from the fact that “modernisation processes not only transformed public life but also profoundly affected the household structure” (Del Olmo, 2013:190). Under this modernisation, female sexuality was subjected—to a much greater extent than its male counterpart—to “intense state regulation through laws regarding marriage and prostitution. Something similar happened with the regulation of women’s working conditions. The modern state had liberalised the labour market and production by doing away with trade-union rules. However, the unions’ idea that women and men were in no way comparable—either legally or as members of the workforce—was alive and well in the labour market” (Wikander, 2016:108). This inherently political market was based on masculine forms of stable work that depended on a single employer and company, with a clearly defined relationship between the employer and the full-time subordinate worker, who received a family wage and social benefits (Montesinos, 2002). The conditions were based on the assumption that the male gender should support the family because “the men” were the ones who worked for pay in the labour market and were therefore responsible for their non-wage-earning family members. In this situation, which Bourdieu (2001:23) has called the “somatisation of the social relations of domination”, women’s lives took place in “an apparatus of nature and culture that is difficult to dismantle”. From this perspective, “the only role that the social context had to play is to provide support so that the mother could focus exclusively on raising children” (Del Olmo, 2013:190).

Genealogy of the Fordist gender order

Fordist capitalism was strongly associated with both the industrial work experience and the nuclear family. From a functionalist perspective, the nuclear family was considered to represent certain “functional” roles of modern societies. This perspective legitimised the model of the man as the breadwinner—that is, the asymmetric model of distribution of family roles and responsibilities. This analysis focused on industrial work, its protagonist (the male industrial worker) and the main institution where this activity took place: the large Fordist company. Alongside this clearly heteropatriarchal institution was the nuclear family, which was “the recipient of the entirely cultural work of caring for the natural, animal and mortal aspects of ourselves” (Del Olmo, 2013:28). The genealogy of this gender order has been reconstructed by Donzelot (1979:90). In the 18th century, families were the “minimum bulwark” in terms of political organisation and the man, as head of the family, was the privileged interlocutor with the state. Donzelot writes:

With regard to the central apparatuses, the head of the family was *accountable* for its members. In exchange for the protection and recognition of the state, he had to guarantee the faithfulness to public order of those who were part of that order; he also had to supply a fee in taxes (*corvées*) and men (militia). Consequently, the fact of not belonging to a family, and hence the lack of a sociopolitical guarantor, posed a problem for public order. [...] In compensation for his responsibility toward the authorities that bound him, the head of the family had virtually a *discretionary* power over those around him. He could make use of them for all the operations that were intended to further his *état*; he could determine the children's careers, decide how the family members would be employed and which alliances would be contracted. He could also punish them if they did not live up to their obligations toward the family, and for this he could get the support of the public authority that owed him aid and protection in his endeavour.

This family model went into crisis with the deterioration of the absolutist state in the late 18th century. Despite revolutionary proposals to eliminate the family in favour of the state, the family was ultimately preserved in its nuclear form, at the cost of being invaded by what Donzelot (1998) calls the “tutelary complex”, a varied and heterogeneous set of institutions and services that—first through private initiative and later through state initiative—took on functions previously performed by the family in the absolutist regime. This set of institutions and services was subordinated, in the second half of the 19th century, to a strategy of familialising the popular strata. The function of this strategy was to constitute individuals and to spread the idea that everyone was free and autonomous—in a word, sovereign. This was what is known as “governmentality”, a term coined by Foucault (1991), which, as Lorey (2016:37,40-41) explains, refers to structural involvement between state government and self-government techniques in modern Western societies. This involvement between the state and the subjects of the population can be understood as the political and economic paradigm shift that marked the start of Western modernity. Under this form of modernity, Lorey argues, people had to govern their own conduct, recognise themselves as subjects of a sexuality, and learn to have a body, which could be kept healthy through care (nourishment, hygiene, shelter) or become ill through neglect. They also had to develop specific techniques of self, which could be used to influence the condition of precarity. Thus, every member of the population became a biopolitical subject. Biopolitics, Lorey explains, reduces the vulnerability of a precarious existential condition through specific techniques of self-education, with the aim of guaranteeing a relatively productive economic life for the average person.

This life of inward-directed self-discipline involved a form of political organisation in which social bonds were organised around the social contract, which formalised relationships uniting individuals who were free (to commit) and equal (principle of equality of parties). Underlying this social organisation was the sexual contract, through which modern contractualists replaced the traditional patriarchy—the law of the father—with modern patriarchy in the fraternal formula of the social contract. Thus, according to Pateman (1995), the social contract was an agreement that, through fraternity, constituted men as “husbands,” “workers” and citizens” while “good women” were relegated to the private or natural sphere. The patriarchal order made intelligible the connections between the sexual contract, which assigned reproductive work to the private sphere, and the social contract, which excluded women from the liberal model of citizenship. The first modern contradiction was the fact that the social contract—apparently grounded in equality and freedom—presupposed a sexual contract that was a pact of subjection, and did so by converting sexual difference into natural difference. Starting in the 19th century, this naturalisation invaded “the entire sphere of social explanations. Female inferiority was followed by the inferiority of workers, racial inferiority, the inferiority of the sick or disabled, the inferiority of anyone whose social position made them inadequately equipped to “struggle for life” (Valcárcel 2002:37).

Wage relation and gender order in post-Fordism

The post-Fordist wage society was the product of a capitalist restructuring process that began in the 1980s. This process was a response to the drop in profitability that resulted from the slowdown following the long growth wave of the 1970s. This led to what Husson (2009) calls *pure capitalism*, in other words, capitalism hegemonised by a neoindustrial service-providing financial bourgeoisie, which put an end to the Taylorist image of fixed occupations associated with particular workers, tools and tasks. According to Duménil and Lévy (2000:67), in this form of capitalism, the global capital market became the “nerve centre of the neoliberal device”, which, the authors argue, “converted the world into a gigantic market where everything—nature, people, their knowledge and products, even their tastes and desires—can be treated as merchandise for sale on a global scale”. Under the neoliberal device, a company is seen as “a set of financial assets rather than an organisation with productive aims” (Massó and Pérez-Yruela, 2017:166), driven by a financial logic that requires the maximisation of shareholder returns (Lazonick and O’Sullivan, 2010).

This logic generated a society split between full-time wage earners and precarious workers; between those who enjoyed job security and those who had only precarious employment; between creative salaried workers capable of developing

innovative products or processes and neo-Taylorised employees who were easily replaced by robots or automation, or whose jobs could be outsourced to other companies that offered lower wages and poorer working conditions. In various parts of the world, this financial capitalism combined archaic and innovative forms of work, both Fordist and post-Fordist, “all of them current and functional”. There was even “a partial re-Taylorisation of intellectual work and the transformation of social and human activities into directly productive work” (Morini, 2014:85). In this context, citizens had to assume the same fate and attitude as any other financial asset (Moruno, 2015), with the attendant changes in the time available for social life. Lives were led at the service of the needs and demands of productivity, exploitation and self-exploitation. Converted from citizens into nomads, people began to live mobile lives subject to market laws, which made jobs precarious and working hours more intense. Thus emerged a framework that would reshape citizens’ lives: labour precarity. This framework was the result of a process that reactivated and generalised the market and competition as absolute entities that dictated norms and defined rationality itself, imposing competitiveness and precarity on the ideological horizon. This dynamic was forged with the aim of attaining a Keynesian-Fordist social commitment between capital and workers—a class-based commitment that was violated “when the ruling class took power over financial capital and the economic globalisation that it drives” (Beroud and Bouffartigue, 2013:461).

With this power grab, and with the help of new technologies and digitalisation, employment came to be characterised by precarity. Thus emerged “new forms of employment (many of them linked to outsourcing and offshoring, to freelance work and contracts for projects or services, to decentralised and miniaturised business structures, or to the incessant multiplication of contract types), the dislocation of time and space in relation to work (flexible working hours, part-time work, teleworking, home offices), the intensification of the production process (a result of the just-in-time approach, with overtime hours no longer classified as such in terms of the wages paid and the compulsory nature of said hours), and the incorporation of imperceptible qualities inherent to the workforce. [...] Given the multidimensional nature of precarity” (Brunet and Pizzi, 2011:64), Precarias a la Deriva (2004:28) defines this phenomenon as “material and symbolic conditions which determine an uncertainty with respect to the sustained access to the resources essential to the full development of one’s life”.

Precarious employment led to a situation in which “the dispersion of fragmented production into multiple units combined with the dispersion of employment conditions marked by increasing heterogeneity and polarisation, giving rise to flagrant discrimination suffered primarily by the most vulnerable people” (Romero, 2003:45).

Indeed, “several recent studies in Spain and Europe have revealed the existence of racist, xenophobic, sexist and homophobic discrimination in the labour market that cuts across class lines, complicates class solidarities and is linked to situations of increasing employment precarity” (Romero, 2003:47). Thus, the “misogynist configuration” of work “in Fordism was not limited to expressing rationalisation, organisation, and the social and scientific division of assembly-line work” (Brunet, 2009:128). Instead, it illustrated how the industrial world—“a hotbed for the formation of working-class identity and consciousness but also an area in which the popular classes, particularly heads of household, emphasised their physical resistance, their manhood and their virility”—remained circumscribed, despite social and cultural changes, “by a whole series of rules, values, symbols and rites linked to a certain stereotyped conception of masculine identity” (Vélez-Pelligrini, 2008:187).

This symbolic “virilisation” of the industrial world and the separation between the home and the factory also provided the basis for the complementarity of women’s wages. This complementarity has persisted in post-Fordism and is accentuated by changes in production processes, which had led to changes in the types of employment and the gender distribution of occupations. Carrasco writes:

Women now account for a third of the workforce employed in manufacturing in underdeveloped countries and as much as half in Asian countries. Some authors have described these processes as “the double feminisation of labour markets.’ This expression reflects, on the one hand, the growing number of women linked to global production systems in the aforementioned activities and, on the other, the configuration of working conditions that are more unstable, less safe, more temporary and more poorly paid—in other words, conditions associated with the traditional traits assigned to women’s employment throughout history in most economies (Carrasco, 2006:72-73).

These jobs rely on labour that is constantly available and able to adjust to scheduling changes, wage cuts and increases in the pace of work. The creation of female employment has done very little to reduce gender segregation. Indeed, the logic of the Fordist nuclear family persists. In this logic, gender segregation in productive and domestic work is overcome in two ways: 1) greater participation by women in paid work and 2) the “double presence” of women through part-time work. This situation has given rise to various paradoxes. For instance, it could be said that the Fordist model remains in place but only for men, who are more likely to work in industry (or, less frequently, in distribution services). In fact, Carrasco and Iglesias write:

The greater presence of women in paid work explains the slight increase in full-time wage-earning work in relation to the non-dependent population. In other words,

women who through their (in many senses marginal) employment pose a challenge to the Fordist model have, at the same time, helped to support full-time wage-earning work, the Fordist category *par excellence* (Castaño and Iglesias, 2008:60).

Thus, “‘true’ work is in the hands of men, while women are destined for ‘collateral work’” (Lagrange, 1993:495), that is, jobs with precarious employment conditions.

From a social point of view, precarious work is a lesser and specifically female form of employment, as well as “a common thread that makes it possible to interpret the mutations that cut across the salaried class, to decipher hierarchies and segmentations throughout the world of work, and to detect the differentiations that are once again being constructed in the salaried class, while also explaining the boundaries between feminine and masculine jobs” (Gálvez and Rodríguez, 2011:113). Likewise, “the concentration of women in low-paid, secondary jobs—their position of subordination in the labour market—must be interpreted as a consequence of implicit assumptions in the attributive logic of femininity and masculinity” (Brunet and Pizzi, 2011:66). This attributive logic can be seen in the rigid sexual classification of occupations, such that the demand for feminine jobs depends on the existing demand in feminised sectors. This assertion is based on “the existence of socially constructed boundaries between occupations that reinforce the socially subordinate position of women and are associated with the division of labour between women and men in the market and in the home”. This argument is based on the patriarchal consideration of “women’s work and salary as secondary or complementary to the main employment of the husband” (Gálvez and Rodríguez, 2011:115).

The attributive logic that has given rise to an unfair distributive logic has also had an influence on women’s involvement in entrepreneurship and the creation process, the nature of women’s business activities, the success of female entrepreneurs, the responsibilities that female entrepreneurs assume, and the support they can expect from their environment. Thus, Acker (1990) and Martin and Collinson (2002) argue that society’s attitudes towards female entrepreneurs pose considerable obstacles to these women because gender-influenced institutions and social practices shape relations between men and women in such a way that men’s collective status, power and opportunities are still strongly reinforced. This distributive logic explains Carnoy’s (2000) argument that, given the increase in self-employment, temporary work, part-time work, outsourcing, consulting work and informal activities, the figure of the organisation man is in decline while the flexible woman is on the rise. Therefore, the incorporation of women into the workforce constitutes an indispensable basis for the development of a post-Fordist service economy (Castaño and Iglesias, 2008).

Gender segregation occurs throughout the post-Fordist economy. Men tend to be concentrated in certain fields and occupations that are considered masculine

(industrial and manual work) while women are concentrated in services and indirect tasks (Köhler and Martín Artiles, 2005). In post-Fordism, both the economy and organisations are gendered. Given that organisations are created largely by and for men, their organisational systems, work practices, structures and norms tend to reflect men's experiences, values and life situations (Castaño, 1999; Ely and Meyerson, 2000; Alvesson and Billing, 1997). As a result, everything we have come to regard as normal and routine at work tends to favour men, generating privileges that are socially and culturally attributed to men. This situation can be explained by deeply rooted and often unquestionable assumptions that guide behaviour and work practices within organisations. These assumptions appear neutral and consequence-free, but they often have a differential impact on women as compared to men. Moreover, these assumptions shape experience, so it must be assumed that the categories of man and woman, masculine and feminine, acquire meaning and shape experience through the full set of social power relations. These categories are situated within social, political and historical circumstances and are developed from these circumstances. Moreover, these categories are to a certain degree influenced by other social relations, including those having to do with class, race, ethnicity, nationality, religion, age and sexual identity (López Gil, 2011).

Divestment on the part of the state (welfare policies) and business (family wage, real wages) has led to care work being externalised in a way that is strongly marked by gender, social class and ethnicity, and which has made it possible to articulate feminist demands for emancipation in conjunction with the entrepreneurial demands of commodification, thus generating a sort of progressive neoliberalism (Fraser, 2015b).

Hence, gender is neither static or universal; its meaning and its consequences are socially constructed. However, "as far as we know at present, it seems that gender has been constituted on the basis of power relations: the social relations that constitute gender are manifested in practices that act to preserve the predominance of the masculine. We refer to these social practices as gender". Organisations include at least four categories of social phenomena

that either defend or challenge the value of men over women, the masculine over the feminine; that reinforce or challenge traditional interpretations of what it means to be a man or a woman. These social practices construct the mechanisms that produce and justify the allocation of resources, information and opportunities in the culture of organisations. The four categories are as follows: (1) formal policies and procedures; (2) informal work practices, norms and rules; (3) discourses, rhetoric, language, and other symbolic and unstructured expressions; (4) patterns of everyday social interaction (Brunet et al., 2011:418-419).

In addition, some social practices in organisations hide the gendered nature of other practices (Ely and Padavic, 2007). These practices consist primarily of discourses that individuals believe make sense of what is happening around them. We believe it is necessary to reflect on and analyse how gender explicitly or implicitly influences competence and incompetence, commitment and lack of commitment, success and failure. An organisation's members take for granted that these discourses—and the set of assumptions, preferences and interests on which they are based—are objective and independent of those who created them. Therefore, the naturalisation of “the way things are” is an invisible mechanism of legitimation. Some organisational theorists have referred to these discourses as institutionalised myths, which construe certain versions of reality—which might otherwise be called into question—as legitimate, neutral and natural (Brunet et al. 2011:421).

Moreover, many organisational social practices are so deeply rooted in the beliefs and values of the times that people simply accept things “the way they are” and assume them to be gender-neutral. We must also take into account the strength of institutionalised prejudices, that is, the restrictions imposed on the lives of women in patriarchal organisations. These prejudices are characterised by various forms of discrimination that place an invisible price on women's health (both emotional and physical). The woman is still “the other”—someone alien to the organisation's objective principles, even if she is successful. According to Nicolson (1996:91), there are “three kinds of discriminatory processes”: visible barriers (lack of facilities for the care of dependents, lack of guidance for women, etc.), invisible barriers (prejudiced attitudes, beliefs and male-defined behaviours), and unconscious organisational impacts “upon women's motivation and self-esteem, combined with the reflexive relationship between biographical context and knowledge”.

Final comments

We have argued that the Fordist wage order contains a gender order and that post-Fordism brought about changes in both the wage order and the gender order, while leaving their heteropatriarchal nature unchanged. Moreover, the link between the wage relation and the gender order in Fordism had to do with the fact that, starting in the late 18th century, women who were primarily engaged in domestic work and family care were considered, under the notion of contractualism, to be “dependents” of a breadwinner because they earned no wages. Thus, domestic and care work was performed within a particular system of gender relations—that is, within a system of patriarchal power that divided the world into two separate, unrelated spaces with distinct forms of social recognition. Thus, the male figure was configured in modernity

as “the subject”, as “the absolute”, and the social contract allowed the consolidation of patriarchal civil law and the legitimization of the male-female inequality that characterised the reorganisation of industrial modernity. This modernity laid the groundwork for the consolidation of the ideology of complementarity as well as the complementarity of women’s wages.

Under the Fordist idea of the family wage, households were segregated from the productive world. This segregation was exacerbated by the process of physically distancing the factory from the home, despite the fact that women continued to be present in the factories. Moreover, all this took place in a society in which citizenship was conceived as a status to which rights were ascribed. As Camps (1998:44) writes: “The exercise of substantive citizenship is closely linked to the possession of rights, many of which are directly or indirectly associated with employment. Thus, whereas land ownership was once the basis on which citizens were granted political rights, it is now through work that the right to more than merely formal citizenship is granted.” She continues: “The sexual division of labour in the private sphere is determining the position that women occupy in the public space, generating new scenarios of gender inequality”. Consequently, the partial breakdown, under post-Fordism, of the old Fordist order is not a trivial matter insofar as it limits “the employability of women and, at the same time, their autonomy, the full exercise of their citizenship and indeed the maintenance of the welfare model of the immediate environment” (Nuño, 2009:207).

Evidence of the breakdown of the old order can be seen in the increasingly complex profile of the average paid worker. And yet this breakdown is not trivial, for the productive dynamics of post-Fordist capitalism have led to an “incessant society” in which production and sale times “no longer have limits, machines operate at all times to maximise profits on invested capital, and shops extend their opening hours to attract more customers and maximise profits on invested capital. In labour relations, the strategy of avoiding, at all costs, the employment of workers who operate at less than maximum capacity has been widely adopted” (Martín Criado and Prieto, 2015:11). In this “incessant society”, the sexed use of time is the means by which gender inequalities are produced in both the professional and private spheres. However, “in view of the persistence of the unequal distribution of domestic and family obligations, women are perpetually confronted with the dilemma posed by the double availability requirement of family and work”. The tendency to focus the problem of “balance” on family factors “has made us forget that this issue is also related to how the workforce is managed. The explanation for social inequalities—particularly in women’s employment—can be found in the professional sphere” (Martínez García, 2015:44). Therefore, in order to address time-related conflicts, “it is necessary to consider differences in power—between companies and employees, between social classes, between genders—in addition to inequality and social polarisation” (Martín Criado and Prieto, 2015:15).

Chapter 3. Industrial Relations in Continental Europe

Introduction

Industrial relations in Continental Europe are classified under three different labour market models: the Nordic model (NM: Sweden, Denmark, Finland, Norway and Iceland), the Mediterranean model (MM: Spain, Portugal, France, Italy and Greece), and the Central European model (CM: Germany, Austria, Belgium and the Netherlands). In this chapter, we will briefly present the main features of each model to highlight the differences between them. In order to make the scope of these differences clear, we have chosen an archetypal country for each model³.

- The Central European Model (CM). The key distinctive feature of this model is corporatism, a form of organization designed to prevent conflict and promote dialogue in a social market economy. Fernández (2011: 49) has defined corporatism as “the integration, under the aegis of state policy, of the demands, participation and mobilization of social, class and professional groups”. The country most representative of this model is Germany, whose commitment to the cooperative-corporatist structure of industrial relations has been described by Hassel (2015: 107) as “the relationship between the market and the state [...] emphasizing that all liberal markets are embedded in a fundamental social order”. Based on a stable democratic order and an export-oriented economy, Germany is considered “the most important economy in Europe”. As a result, during the crisis that began in 2008, it was the only economy capable of offering countries that maintained their investment capacity, in particular China, the capital goods they needed. While Germany’s export capacity (based on goods such as engineering products and associated after-sales service) has

³ This chapter is based on a reworking and extension of the study by Brunet et al. (2016).

- clearly been central to its success, Rahtz (2015) identifies other significant factors: collaboration between employers and unions; rationalization, which the German state accomplished by liberalizing short-term work; and enormous flexibility in collective bargaining, which allows for wage adjustments linked to productivity and growth rates (by sector or region).
- ✦ The Mediterranean model (MM). This model is closely linked to three basic institutions: employment, the state (the guarantor of legislation, social peace and welfare policies), and the family (a complement to welfare policies). Spain is one of the countries that most closely represents this model. Collective bargaining coverage in the country is high: approximately 90% of private employees are covered by some type of collective agreement. This coverage rate (very high compared to the other models) is the reason this model has been defended by both social partners and governments (with varying levels of resolve). Immersed in the effects of the 2008 crisis, it is following the same path as the other models: decentralization and reduction of coverage. Spain's lack of significant social and assistance policies (it has one of the weakest social protection systems in Europe) has been counterbalanced by the important role of employment (something to cling to given the deficiency of social assistance and benefits) and family networks, which privately redistribute a certain amount of material welfare and have therefore become one of the key social institutions for a population hard hit by the current crisis. This model tends to predominate in Mediterranean countries with welfare regimes based on family solidarity (Bernardi, 2007; Martínez-Pastor & Bernardi, 2011) and reflects the fact that "family policies of the welfare state and the socio-economic condition of families influence men's and women's expectations about employment and family" (Moreno et al. 2017: 151).
 - ✦ The Nordic model (NM). The Nordic model is based on two key elements: "free trade (in an increasingly broad sense) and collective mechanisms for risk sharing" (ETLA, 2007: 31). This foundation has made it possible to create a highly developed welfare state that seeks to achieve a degree of egalitarianism with respect to wages (i.e. to improve redistribution of the wealth generated by an open economy). Wage solidarity is rooted in the so-called "September Compromise", an agreement that was signed in Denmark in 1890 (considered the first global basic agreement) and remained in effect throughout the twentieth century. In the middle of that century, the Nordic Council was established to promote and strengthen "cooperation between these countries on cultural, social and financial matters" (Faggiani,

2010: 229). This complex configuration has shaped a “system of industrial relations based on institutionalized class commitments between workers’ and employers’ organizations” (Fundación 1° de Mayo, 2015: 8). The country most representative of this model is Sweden. Currently, there is no other country in the advanced capitalist world that has an industrial sector dominated by companies that are so few in number or so global in their reach. (Only 1.5% of Swedish companies have 250 or more employees.) However, the country’s economic openness has led to a close correlation between the size of a company, its degree of internationalization and wages. The fact that the bulk of production is sold in foreign markets has facilitated impressive growth of Sweden’s largest companies, and control of wages, mainly through negotiation, has therefore become a critical issue.

The case of Sweden poses a challenge to the analysis of Kjellberg (2002), who argues that economic internationalization makes state action in support of social protection and social regulation of employment impossible, leaving industrial relations at the mercy of uncontrolled market forces. Sweden’s performance calls into question the two pillars of the “globalization thesis”: that economic internationalization inevitably erodes the national specificity of economic policies and institutions, and that the activities of multinationals are no longer influenced by differing national parameters.

Financialization and globalization (1990–2017)

The labour market models of Continental Europe originated during the intense and agitated 30 golden years, between the end of World War Two and the first oil crisis. During this period, profit was linked to social peace, which was achieved through a degree of redistribution of industrial profits. The current period, known as the financialization society (1990–2017), has transformed the generation of profit by abandoning productive investment (the watchword of the 30 golden years) and replacing it with financial speculation. This new economic landscape in Western countries is based on a simple dynamic: “goods and services of all kinds are transformed and managed in the form of financial instruments”, which forces “the finance sector to engage in continuous predation on all economic levels” (López & Rodríguez, 2010:79). This strategy has been encouraged by a substantial reduction in political controls on this type of trade, which has enabled a far-reaching transformation of industrial relations, with a devastating impact. The most significant result is a loss of regulatory autonomy, a situation that can be traced back to a ten-year period spanning the 1980s and 1990s. It is often argued that the economic boom of that time was mainly due to the policy of liberalization.

As for the effect of financialization on the countries we have chosen to represent their respective labour market models, it should be noted that between the late twentieth and early twenty-first century, the NM underwent a series of changes, as Pampillón (2007) has noted in the case of Sweden, a paradigm of this period. In 1999, a reform of the pension system was approved (by dictate of the European Union as a response to population ageing) and the “capital-funded system” was introduced. The reform was aimed at limiting public expenditure on pensions (with the goal of reducing spending to 11% of GDP by 2050). Berglund (2012) has called this new era a model in transition, with respect to both full employment and labour market policy, in which collective bargaining continues to play a central role. This model is manifest in industrial relations within the framework of the NM. Even though the Nordic countries “accepted openness to financial capital and factor movements as an extension of their long-standing commitment to free trade in the new circumstances created by the IT revolution and globalization” (ETLA, 2007: 37), until the end of the 2010s, these countries were not as hard hit by the 2008 crisis as others in the West. Further reforms were needed to tackle this situation, particularly as it was a blow to one of the pillars of the NM: full employment. Unemployment has reached levels that were once unthinkable from the Nordic perspective. According to Salvador (2012: 43), “In 2009, Iceland had the highest unemployment rate in its history due to the crisis of capitalism that had taken hold in Europe. [...] Since 2009, Sweden has recorded high unemployment rates.”

Many share the vision of Sweden offered by the European Union, a picture that has been criticized for being overly romantic by Rojas (2008:13), a member of parliament for the Liberal Party from 2002 to 2008: “For many, this Nordic country represents a model society [...] that has been able to successfully combine democracy and economic growth with extensive state intervention and large public monopolies that presumably ensure social justice. It is seen as a kind of possible utopia and a paradigm for progress that other countries should imitate.” His description offers an insight into a little-known reality: “for almost two decades, this country has been engaged in an exhaustive and promising search for an alternative to its old welfare state, which collapsed in the early 1990s in the midst of an extraordinarily severe crisis.” Something must have been going on, because in elections held the same year, the Sweden Democrats (SD) party made its breakthrough, offering “a populist discourse that was authoritarian, xenophobic, Islamophobic, and charged with provocative overtones” (Urbán, 2010: 6). This development clearly pointed to an underlying problem, and these moments of uncertainty make it easier to understand the reforms and cuts applied in certain public services, all with the aim of encouraging people to actively seek employment. Such measures, which included the curtailing of

access to unemployment benefits and the reform of activation policies, led to dramatic reductions in unemployment. In 2006, the new mood facilitated the coming to power of a right-wing party that advocated privatizations and changes to the welfare state. Another aspect of this transformation is the sale of public assets. Social partners were willing to accept this sacrifice, so criticism (much of it from unions) focused on the timing of sales, stressing the need to reduce the state's role in the economy gradually and safeguard jobs in the enterprises sold off.

The reforms (which were very significant in 2007) brought something new to the NM: vulnerable groups were left unprotected in a system that had historically guaranteed wage solidarity. Those affected included the unemployed, who in 2009 saw their benefits fall to 40–45% of the average salary. Single people without children also saw a reduction in the unemployment insurance payments they received, which fell from 75% of the average salary (in 1995) to 50–60% in the late 2010s (Mauriel, 2012). In contrast to what happened in the late twentieth century, in the 2014 elections, the Red-Green bloc won a majority. The victorious coalition presented a budget for 2015 that included extra spending on schools, the welfare state and job creation. The increase in spending was covered by raising taxes, especially on the richest segments of the population. This abrupt change of direction was met with resistance from centre-right parties and the populist Sweden Democrats, who refused to approve the budget, leading the government to call early elections for March 2015.

This framework of reforms has been highly significant for NM countries, which have focused on these measures as a means of bringing their labour regulations in line with those of “successful” countries that have managed to keep their unemployment rates below 0.2% (i.e. very close to full employment). In the broader context of reforms, Spain has also looked to Britain and Germany as examples of the direction the country's employment system should move in (Martín-Artiles, 2014). The perception that such changes are needed is a consequence of Spain being one of the countries where the 2008 crisis has had the greatest social and economic impact, to the point that it needed assistance (a bank bailout) from the so-called Troika, though this was only a partial (financial) rescue, in contrast to the situation of other countries that share the same model (Portugal and Greece). It is useful to recall that in the 1990s Spain went through two periods in which there were developments closely related to financialization. First, in the first half of the decade, the government began the process of privatizing public enterprises. This step was generally attributed to Spain's accession to the then European Community, as well as the conclusion of the Single European Act and the completion of the Single Market in 1992. The sell-off took place during the so-called brief crisis (1991–94), which ended with the labour reform of 1994, pompously described by Pérez (2009: 59) as the “most comprehensive and

ambitious reform approved since the Workers' Statute of 1980". The reform included cuts to unemployment benefits, flexibilization of working conditions, the introduction of objective reasons for individual dismissals, the expansion of collective bargaining (to include aspects previously regulated by law), and the introduction of a new youth employment contract with a low level of protection. The measures adopted were another step in the process of making the labour market increasingly insecure.

The second development related to financialization took place in the second half of the 1990s, when there was a major political transformation. In 1996, the People's Party (PP) came to power for the first time in Spain's young democracy, defeating the Spanish Socialist Workers' Party (PSOE), which had been weakened by corruption scandals. The PP returned to the policy of social dialogue and consensus-building that had been abandoned by the PSOE, which had embraced the dominant neoliberal ideology. Another election win by the PP in 2000, this time with an absolute majority, brought an end to social dialogue. The government's change of strategy explains why the labour reforms of 2001 and 2002 were undertaken without the support of social partners. After chalking up another election victory in 2004, the PP returned to an approach based on cooperation and consensus-building with social partners. This led to the signing of a tripartite declaration calling for social dialogue on competitiveness, stable employment and social cohesion. Various other matters were also on the table for the first time in the meetings held, including immigrants, the national minimum wage, and the Kyoto Protocol, among others.

There have been two recessions since the onset of the 2008 crisis. The first (2008–10) happened under a newly elected PSOE government that had begun by engaging in social dialogue to a certain degree, though the Zapatero government eventually abandoned this approach. This change of tack is exemplified by the approval of the first labour reform by his government: Royal Decree-Law 10/2010 (García Serrano, 2011:167), later passed as Law 35/2010. According to Segalés (2011:84), the legislation represented "a significant intervention in the system of industrial relations" under the mantra of "flexicurity". The cuts approved by the Zapatero government led to the PSOE's electoral defeat in 2011, and the PP's return to power made the resumption of social dialogue unlikely. The conservative party's new term of office coincided with the second recession (2010–14), to which the government responded by approving another labour reform, Decree-Law 3/2012, which had two main features (Moral Martín, 2015). First, it put an end to social dialogue, "a consensus-based approach that had been consolidated over decades" (Cruz Villalón, 2010:29). Second, the legislation was intended to be part of an ongoing process; it was described as "just one more stage in the reform process" (González Ortega, 2012:86). The reform sought to blame unemployment on "the regulations that govern the industrial relations

model” (Morata & Díaz, 2013:43). However, the last two rounds of reforms, carried out without any social dialogue, have not improved the Spanish population’s standard of living. The general worsening over the period 2009–13 was criticized by the ILO: “in Spain, real wages have contracted in almost all sectors since 2011” (ILO, 2015:34).

In the 1990s, Germany underwent a series of far-reaching economic transformations related to globalization. Dribbusch and Birke (2014:99) describe these changes as follows: “To the extent to which conditions on world markets changed in the 1990s, along with the global economic situation, relations between employees and trade unions, on one hand, and employers and employers’ organisations, on the other, also changed. A higher level of unemployment, but also increased opportunities to outsource and relocate production shifted the balance of power in favour of the employers.” This was a turbulent stage that began with high union membership. In 1990, the membership rate was 35.2%, with a total of some 10 million affiliated workers (Gómez & Pons, 1994). It is important to bear in mind that this was the period when Germany was reunified, just a few months after the fall of the Berlin Wall (on 3 October 1990).

Having partially overcome the challenges posed by reunification, Germany began the twenty-first century with doubts about its “employment pact” and a new economic status: “Germany no longer exports only goods; it now exports capital as well, and the export of capital may lead to work centres in Germany relocating abroad.” All of this highlighted the need for “a radical reform of the German market economy” (Hassel, 2015:105). In 2004, Germany regained its role as the world’s largest exporter of industrial products (as it had been in the 1970s). However, this success was not built on higher productivity, but on wage restraint and the extension of working hours – measures aimed at addressing the threat of companies relocating to countries in Eastern Europe (Slovakia, Hungary, the Czech Republic and Poland), Asia or Latin America. This strategy masked the reality of a very stagnant internal market, with serious consequences for workers, reflected in a decline in membership in the German Confederation of Trade Unions (DGB), from 11 million in 1991 to 7.7 million in 2003 (Anderson, 2009).

These grim figures, which pointed to the poor performance of the labour market, began to appear early in the twenty-first century (from 2002 on). In 2005, the Federal Employment Agency confirmed that there were serious problems in the labour market. The reduction in the number of jobs subject to social security contributions reflects a general tendency to replace regular jobs with various forms of precarious employment. In 1994, 75.3% of all jobs were regular positions. By 2004, this figure had fallen to 68.2%, and in 2005 it reached 67.5%. In terms of unemployment, “Women, young people and immigrants [were] the groups most affected by the combining of

the non-contributory unemployment benefit and social welfare benefits.” These figures reflected a deep crisis in the German labour market: “From 2002 to 2005, the years in which the economic crisis led to elimination of jobs on a massive scale, the government refrained from taking any measures that might increase labour or non-labour costs.”

These developments explain why a series of structural reforms were adopted. The measures were known as the Hartz Reforms (after Peter Hartz, a friend of Gerhard Schröder and head of human resources at the multinational Volkswagen, who was sentenced to two years in prison in 2007 for various corruption offences and for paying bribes to the company’s works council). Four laws were passed to implement the reforms: Hartz I set up Personnel Service Agencies at employment offices; Hartz II promoted self-employment and mini-jobs with salaries of under €400 a month and social security exemptions; Hartz III turned employment offices into job centres for their “clients” (the unemployed); and Hartz IV entailed a major restructuring of the system of unemployment benefits. According to Bosch (2015: 69), these laws were intended “to expand the low-wage segment of the labour market. By reducing unemployment benefits for the long-term unemployed at the lowest level and modifying eligibility criteria, the Hartz reforms put pressure on unemployed people to accept jobs that paid up to 30% less than the usual local wage.”

The labour market situation was a factor behind the calling of new elections in 2005. Angela Merkel’s CDU was the big winner, though only by a narrow margin, and the party emerged victorious once again in the 2009 election. There are two notable features of these terms of office. Initially, from 2006 on, strong investment reactivated the internal economy, in part thanks to start-up subsidies that unemployed or chronically underemployed people could apply for. Subsequently, over the 2005–12 period, the German economy managed to generate employment (over 2.6 million jobs), though in contrast to what had happened in previous years, this included a mix of part-time and full-time positions, which increased inequality in a model historically based on “a carefully balanced wage scale” (Schmidt, 2006: 33). Company profits grew by 37% while wages increased by only 4%. In other words, the growth rate of real wages was “below [the] EU average growth rate since the turn of the century”, which increased poverty and led to “income and wealth inequalities, now among the highest in Europe”. Rahtz (2015: 144) offers an explanation. In his view, “Productivity growth has been weak, the outcome of an investment rate that is among the lowest in the industrialized world, with German competitiveness achieved only by means of wage repression.” Paradoxically, the availability of skilled labour began to dwindle. As a result, in August 2007, the German government took the decision “to facilitate access to the German labour market for engineers from Eastern countries who were specialists in the machinery, vehicle, shipbuilding and electrical engineering sectors. It

was also decided that foreign students who completed a university degree in Germany could stay in the country if they were able to find work.”

In the 2013 federal elections, Merkel won a landslide victory (about 42% of the popular vote, with the SPD coming in at 25.7%, its second worst electoral result since 1949). Nevertheless, the party formed a coalition with the Social Democratic Party of Germany (SPD) to tackle the complex situation created by the crisis. The new CDU/CSU-SPD coalition approved a series of agreements, including the following: a) support for retirement at age 63 for workers with 45 years of contributions to the statutory retirement scheme (with a minimum pension of €850); b) extension of the payment of a pension supplement for mothers responsible for the care of children before 1992; and c) the establishment of a minimum wage (Fundación 1° de Mayo, 2014). The most significant point was undoubtedly the introduction of a general minimum wage, which was a key requirement for the SPD to approve the agreement. The statutory minimum wage of €8.50 per hour took effect on 1 January 2015. The measure was intended to alleviate the precarious situation of many German workers. Approximately 21% of employed persons in Germany (4.6 million workers) earn less than €7.50 per hour. In 2004, the low-wage threshold was €9.83 per hour in the western Länder and €7.15 per hour in the eastern Länder. There are, however, significant gaps in minimum wage⁴ coverage: it does not apply to apprentices or trainees, and previously negotiated collective agreements that stipulate sectoral minimum wages below €8.50 per hour will remain in effect until 2017.

According to estimates made by the German Institute for Economic Research (DIW), approximately 17% of German wage earners (over 6 million workers) benefit from the new minimum wage. The sectoral, social and geographical distribution of minimum wage earners is uneven: they represent 46% of part-time workers, 44% of under 24s, 34% of farmworkers, 27% of workers in East Germany, 22% of those employed in services related to consumption, and 21% of working women (Fundación 1° de Mayo, 2014). This distribution of minimum wage earners seems to be shaping the development – at least since the Hartz reforms – of a “second labour market” that has replaced the traditional framework of industrial relations (the *Modell Deutschland*), blurring it beyond all recognition. In its various forms and varieties, this “second market” includes around 8 million employees and points to an uncertain society that bears no resemblance to the admirable *Modell* (Brunet et al. 2016). Labour market flexibilization in Germany has resulted not in more work, but in the same work being distributed among more people. (A total of 57.4 billion hours were worked in 2010, compared to 57.7 billion in 2000.)

⁴ The German minimum wage is below that of Luxembourg (€10.80/h), France (€9.40/h), Belgium (€9.10/h), the Netherlands (€9.00/h) and even Ireland (€8.70/h), but higher than that of Spain (€3.90/h), Greece (€3.40/h) and Portugal (€2.90/h).

Social partners, the state and collective bargaining: specific cases.

Germany

Germany was “the last of the early industrializers” (Neal & Cameron, 2016: 268), though the country’s companies had long been highly organized. Today, despite some loss of cohesion in the 1990s, most remain loyal to their business organizations, which can be categorized into three types: chambers of industry and commerce (CIC), business associations (BA) and employers’ associations (EA). CICs are local organizations and membership is mandatory for all companies. They perform public and semi-public functions, including: a) regulating certain business practices, b) managing vocational training programmes, and c) providing business advice to member companies. BAs are organized in two ways: by industry and locality, and into sectoral associations at the regional and federal level. They can negotiate multi-employer collective agreements (with individual autonomy). In the industrial sector only, BAs participate in bargaining at the territorial (*Länder*) level. Finally, EAs are responsible for negotiating the content of sectoral and national collective agreements.

German employers have pursued a two-pronged strategy. On the one hand, they have focused on the European single market and the monetary union in response to increasingly intense competition (first from the United States and Japan, and later from the so-called emerging economies: China, Brazil and India). This positioning explains Germany’s frequent criticism of a perceived pro-union bias on the part of European Union bodies. They are particularly critical of what they call the “social dimension complex” of European trade unions, the European Economic and Social Committee, and the European Commission. On the other hand, German employers are committed to a social Europe, though they oppose what they consider excessive bureaucratic regulation. This is why they accept the Social Charter (a “solemn declaration without legal effect”), but strongly criticize the Action Programme and the Commission’s far-reaching social regulation policy. Many draft Commission Directives are viewed by German employers as violations of the principle of subsidiarity and rejected for that reason.

The main organization representing employers is the Confederation of German Employers’ Associations (BDA), whose “central mission is actively to represent business interests in the field of social policy.” It is the lead organization when it comes to addressing social issues in a way that reflects the interests of German trade and industry. The Confederation’s members are sectoral federations and regional associations. It has a million member companies that together employ over 20 million workers, and its role is to “represent the interests of small, medium-sized and large companies from all sectors in all questions linked to social and collective bargaining policy, labour law,

labour market, education and societal policy.” Its sectoral associations are not directly involved in collective bargaining but play a coordinating and mediation role, working “at national, European and international level”.

The second German business federation is the Federation of German Industries (BDI), which “represents the interests of German industries and industrial service providers worldwide. It speaks on behalf of 36 sectoral associations and represents more than 100,000 large, medium-sized and small companies with well over 8 million employees.” The difference between the two organizations is that the BDA represents employers in the field of social policy and industrial relations before the government, the public and international organizations. Also, unlike the Federation of German Industries (BDI), practically all private-sector employers’ associations fall under its purview.

As for trade union federations, their reconstruction in 1945 paved the way for them to come together in a high-level union association: the German Trade Union Confederation (DGB). The DGB overcame the long-standing ideological divisions that had plagued the movement and managed to bring together in a single organization both private-sector workers (blue- and white-collar) and civil servants, united by a consensus on the need to engage in an egalitarian struggle “for a society of solidarity”. At present, about a fifth of employees in Germany are union members, and the trade union density rate is around 11%, having declined during the 1990s, partly due to a sharp fall in manufacturing employment in East Germany after reunification. Public workers have an affiliation rate of around 60%, much higher than in private industry. The most important public-sector union is the Public Services, Transport and Traffic Union (ÖTV). A common problem is the difficulty of affiliating women, part-time workers and young workers.

The DGB has traditionally been organized around an industry base, and this is reflected in its inclusion of metalworkers’ and chemical workers’ unions. Since the early 1990s, there have been major mergers within the organization that have radically changed the landscape by altering the balance of power between individual unions. The three largest unions account for 81% of DGB’s total membership. IG Metall is one of these big three and has the most members (2,263,700 at the end of 2012). A large majority work in the metallurgical sector, but it also has members in the information and communication sector. The union has grown through mergers, including the incorporation of the German textile union (1997) and the wood and plastics union (1999). The second-largest union is ver.di, which was established in 2001 (bringing together service workers in both the private and public sectors) through a merger of five unions, covering transport and a range of public services, retail and finance, post and telecommunications, the graphic industry and media sector, and a non-manual

confederation that had previously been outside the DGB. For some time after the merger, ver.di was larger than the DGB itself, but after losing members it is now the second biggest. The third largest trade union is the Mining, Chemicals and Energy Union (IG BCE), which has some 670,000 members.

There are several reasons for the crisis DGB is currently facing. In recent decades, its membership has shifted from the industrial to the service sector. Segmentation of the labour market has created some relatively privileged groups and others that are more disadvantaged. This is clearly reflected in DGB's representation structures, where skilled male workers tend to be overrepresented. To counteract this bias, most agreements governing the membership of affiliated unions include clauses to ensure proportional representation of their members on committees and at trade union congresses. It should also be noted that the change in membership composition has resulted in greater professionalization: most of DGB's elected bodies now have a high proportion of full-time leaders. This has led to the creation of bureaucratic structures, centralized decision-making processes, and the concentration of control over personnel and financial resources in the national executive committee, the body responsible for coordinating wage policy, selecting full-time leaders, and controlling the union's media. It should also be noted that, unlike employers, trade unions long underestimated the significance of the European single market project. In the early 1990s, their capabilities were focused entirely on internal problems (related to reunification) and other non-European issues. Two concerns compelled them to take European integration seriously. First, the introduction of the euro forced them to debate how unions should respond to the powerful European Central Bank and address the need to develop a European strategy on unemployment. Second, the erosion of national capacity to regulate social and labour issues raised the issue of compensatory regulation at the European Union level (Brunet et al. 2016).

Collective bargaining is enshrined in the German Constitution (1949). Bosch (2003:182) notes that one of the basic rights protected under the constitution "is the freedom of coalition. The freedom enjoyed by the social partners to engage in collective bargaining on behalf of their members without state intervention is one of the most important concrete manifestations of this basic right." As a rule, the state does not intervene in collective bargaining, possibly for historical reasons: "After the experience of the Weimar Republic the state dispensed with its former right to intervene in collective bargaining through mandatory arbitration." As for the legal framework, the Collective Bargaining Act, (TGV, *Tarifvertragesgesetz*) was passed in 1949 and supplemented in 1952 by the Works Council Constitution Act (*Betriebsverfassungsgesetz*), which has undergone several partial amendments, including one concerning youth delegations (1972), which provides that workers under the age of 18 may have "youth delegations"

on works councils, and an amendment aimed at improving protection of minorities (1988). In 2001, a wide-ranging reform of the law was undertaken. According to Alzaga (2003: 65–66), the reforms were intended to “strengthen the right of workers’ representatives to participate in companies and [...] adapt the Works Council Constitution Act (substantially unchanged for over three decades) to new forms of work organization.” In practice, the scope of workplace decision-making by workers was strengthened “by various means, such as increasing the number of members on works councils, simplifying electoral procedures, strengthening their powers with respect to participation, and improving protection and training of young workers serving on youth delegations.”

The limited regulation that applies to collective bargaining is consistent with its dual objective: to bolster prerogatives in bargaining between unions and employers’ organizations, and to encourage the conclusion of collective agreements that are binding. García Calavia (2012) identifies the main features of collective bargaining in Germany: a) they are carried out by unitary trade unions (DGB members) and regional employers’ organizations; b) the conditions established are binding on all members of signatory organizations; c) the social partners have certain moral obligations (to refrain from protest actions while the agreement is in force, and to ensure compliance by informing their members); and d) the agreed conditions cannot be undercut.

The bargaining process takes considerable time. Though it usually ends with the signing of an agreement, if this is not the case, mediation procedures are carried out. There are several types of collective agreements. The most common are sectoral agreements, which cover an entire industry or sector at the regional (*Länder*) level (used in the metal and chemical industries). Agreements of this kind predominate because all employers’ organizations have the right to participate in bargaining, while unions must belong to the DGB. This is intended to facilitate coordination in bargaining by increasing standardization of wages and other working conditions, which is why these issues are dealt with in a way that mirrors state regulation. There are different types of sectoral agreements, each with a specific purpose. *Pilot agreements* are negotiated in key areas of the engineering industry and serve as a model for the rest of the sector (in which IG Metall is the leader); *collective wage agreements* govern wage increases and periodic adjustments; and *framework agreements* stipulate payment systems and the wage structure. Finally, “*umbrella*” agreements regulate all other working conditions: working time, overtime, holidays and dismissals (Jacobi et al. 1998). For all these reasons, Bosch (2003: 181) has stated that “uncontrolled decentralization is not the dominant trend.”

Company-level agreements are the least negotiated type. They are concluded in large companies and multinationals such as Volkswagen and oil companies.

Agreements of this kind cover only a small minority of workers. Works councils are involved, but do not have the right to negotiate on matters that have not been stipulated in higher-level collective bargaining. Works councils are bodies that seek consensus. Consequently, they do not have the right to call strikes if, for example, there are threats of dismissal. This division of labour (between unions and works councils) was intended to eliminate workplace conflicts, though it entails a certain risk of overlap between collective agreements and plant agreements. The arrangement has made works councils primary-level union organizations. This process was strengthened in the 2001 reform (on work councils), which sought to facilitate the establishment of works councils in the kind of small and medium-sized companies where it is most difficult to organize (those with 5–20 workers) as a response to the difficulty of setting up works councils in SMEs in general. Alzaga (2003: 67) notes that this dual model is based on the fact that “works councils and unions coexist, but [the latter] do not meddle in the representation and defence of workers’ interests in individual companies.” The position of works councils enables them to apply the collective agreements that are in effect and negotiate additional wage increases, which must in all cases be linked to the company’s financial situation. This practice is known as the “most favourable condition principle” or a “plant agreement”. For a long time now, works councils have not limited themselves to applying collective agreements. The fact that the “system of unitary participation of workers at the company level is the most notable feature of German labour law” has allowed them to enter into negotiations on a growing number of matters with a measure of independence.

In accordance with the Collective Agreements Act (TVG), agreements are signed during the current year and their duration varies. Wage-related agreements remain in effect for one to two years. Those related to other conditions generally run for five years, though some are extended until one of the parties wishes to introduce amendments. The general rule has been that an employer could only be covered by a single agreement, with exceptions made for a very small number of professions (doctors, pilots and train drivers), who are granted a degree of freedom to negotiate separate agreements that apply to them. In 2010, the Labour Court ruled that although a worker could only be covered by a single agreement, a company could operate under several different ones. This began to cause some fragmentation of bargaining and erode the collective consciousness of workers in the same company (Fulton, 2013). The content of collective agreements has been evolving in parallel with changes in the labour market and in the balance of power among actors in the system. Both employers and trade unions have changed their priorities, shifting their focus from “quantitative” to “qualitative” issues. Trade unions, in particular, have been forced to adapt to the new circumstances. At present, collective agreements regulate a wide and complex range

of issues related to wages, working time and working conditions. Brunet et al. (2016) note that negotiating parties employ large teams of experts to keep abreast of collective agreements in the branches of economic activity they are concerned with and negotiate new issues connected to them, the most significant of which are provisions related to remuneration, training and individual qualifications, regulation and promotion of vocational training and studies, a common wage structure for blue- and white-collar workers, and measures aimed at safeguarding employment.

Historically, there have been legal mechanisms to extend the results of collective bargaining agreements beyond the negotiating parties, especially with respect to employers who are not organized on an industry basis. At the start of the twenty-first century, the state intervened legally, granting the Minister of Labour authority to extend collective agreements, even when they did not cover 50% of the workforce in an industry, provided that employers and trade unions stipulated that the agreement would be extended to include workers not directly covered. At the start of 2013, this option had been applied for less than 1% of the collective agreements concluded (506 of 68,000 registered agreements). Minimum requirements were also set for specific industries where there are no collective agreements, including construction, postal deliveries, cleaning, and refuse collection (Fulton, 2013).

At present, falling coverage rates continue to suggest that this mechanism is becoming less effective. According to the Institute for Employment Research (IAB, 2011), 61% of workers in the former West Germany were covered by collective agreements (54% in industry and 7% in enterprise), whereas only 49% of those in the former East Germany were (37% in industry and 12% in enterprise). Overall figures show that collective bargaining coverage stands at 59%, which means that “28 million or so employees subject to social insurance payments are not employed in companies covered by collective agreements” (Dribbusch & Birke, 2014: 10). This loss of collective bargaining is linked to the behaviour of employers, who, particularly in the wake of the crisis, are taking an increasingly individualized approach as they seek ways to respond to economic challenges. This gives them an incentive to leave federations so they can pay wages below those stipulated in collective agreements. The remedy to this situation would seem to be the obligation companies are under to comply with agreements (which remain in effect until a new one is signed). This should make it difficult for companies to opt out of sectoral collective agreements. But an individualistic approach is particularly common among enterprises in the former East Germany. It should also be borne in mind that tripartite negotiation is institutionalized in other fields. Social partners are involved in decision-making related to old-age insurance, health insurance and unemployment insurance schemes, though their influence is limited since the state sets the framework for these decisions in its budget and in social security legislation.

Social partners only have an independent and decisive influence on the dual vocational training system, where they make decisions concerning the modernization of outdated occupational profiles and the creation of new ones. The state supports this process through the Federal Institute for Vocational Education and Training (BiBB).

As for labour disputes, the entire structure of the *Modell Deutschland* is geared towards minimizing this kind of conflict, and historically the level of disputes in Germany has been low compared to other countries in the region. There are few strikes, and while there is a tendency for major conflicts to erupt every few years, their overall economic impact is limited. However, Germany's experience since the war has been quite uneven. In the 1950s, the decade of reconstruction and economic growth, the level of labour conflict was relatively high because collective bargaining had yet to be re-institutionalized. In the late 1960s and early 1970s, years of full employment following the first brief recession of 1966–67, conflict broke out once again, resulting in waves of wildcat strikes during a period of general political discontent. In the mid to late 1970s, the level of labour disputes was comparatively high and intense, mainly in reaction to new “qualitative” demands (protection against rationalization, introduction of new technologies and new forms of work organization), and even though unemployment had reached levels not seen for several decades. It was against this backdrop that the Codetermination Act was passed on 4 May 1976 (Alzaga, 2003: 67). The 1980s, a period of economic modernization, were characterized by large-scale unemployment (despite considerable employment growth), but there was a marked decline in labour conflict, with the exception of prolonged disputes over the reduction of the working week in the metallurgical and graphic arts sectors in 1984.

Sweden

In the middle decades of the nineteenth century, “Sweden followed the general European trend towards trade liberalisation under very similar philosophical and economic pressures.” (Milward & Sual, 1979: 458), which led to the emergence of strong employers' organizations, the most significant of which was the Swedish Employers' Confederation (SAF). The SAF, together with its union counterpart, the Swedish Trade Union Confederation (LO), has historically been the main player in collective bargaining. The SAF represents “49 member organizations and 60,000 member companies with over 1.6 million employees. It was founded in 2001 through the merger between the Swedish Employers' Confederation (SAF, founded in 1902) and the Federation of Swedish Industry (SI, founded in 1910).” The strong presence of the state in certain industries led to the establishment of the State-Owned Industries Federation (SFO). Finally, the cooperative sector, which plays an important role in Sweden, is represented by the Federation of Co-operative Industries (KFO), an

organization overshadowed by the large multinationals that dominate the country's private sector (Volvo, Saab, Ericsson, ABB, AstraZeneca, Electrolux, Ikea and H&M, among others). These companies have been particularly affected by the vagaries of the global economy. Consequently, the goal of Swedish employers has historically been to decentralize collective bargaining and turn the SAF into a weak political organization in order to reduce its role as a powerful collective bargaining unit (Brunet et al. 2016).

Trade unions are undoubtedly the other great Swedish institution. Historically, highly centralized wage setting has led to the exclusion of the state and forced unions to group together in strong confederations in order to effectively undertake negotiations of this kind and ensure that they cover an entire industry. A wage structure based on solidarity among workers meant national agreements had to be fine-tuned to local conditions. Workers' organizations in the workplace therefore retained a significant role in negotiation. The absence of ideological conflicts among workers makes it easier for them to organize by profession. This explains why various kinds of unions can be present in the same company (for example, a union of electricians and a union of construction workers in the same workplace) and the fact that every group has its own collective agreement (though they include solidarity measures that are extended to the other unions).

The main Swedish union is the Swedish Trade Union Confederation (LO), which has 14 affiliates that represent workers in both the public and private sector, and around 1,470,000 members, of whom 684,000 are women. It is "primarily an organization for coordination, research, signing labour market insurance schemes, and creating public opinion at central and regional levels." Prominent among its affiliated unions are the municipal workers' union and the local authorities union. The metalworkers' union, Metall, also plays an influential role. Once again, the absence of conflict allows for the existence of various unions organized according to workers' qualifications and level of education. The Swedish Confederation of Professional Employees (TCO) comprises 14 affiliated unions that have around 1.3 million white-collar members, 60% of whom are women. Its members are "professional and qualified employees who share a major responsibility for important functions in society, although in a wide variety of occupations", such as schools, healthcare, trade, the media, the police, industry, IT and telecommunications. Its most powerful affiliate is the Union for Clerical and Technical Employees in Industry (SIF). Finally, the Swedish Confederation of Professional Associations (SACO) represents workers with post-secondary education. SACO is "a trade union confederation of 22 affiliated associations which together have 650,000 members. Members are university graduates or professionals with a college degree." The union represents employees, students, researchers, self-employed workers and retired professionals, as well as economists,

lawyers, physiotherapists, graduate engineers, doctors, teachers and members of many other professions.

One of the most notable aspects of trade unionism in Sweden is the high level of membership, a consequence of Olof Palme granting unions responsibility for payment of unemployment benefits. Brunet et al. (2016) have identified other factors that help explain the high membership rate: a) early development of centralized industrial relations, b) the combination of decentralized and centralized aspects of the system of industrial relations, c) an increase in employer affiliation, and d) wide coverage, including all workers, of agreements that affirm the right to organize. Another very significant point is the high level of union membership among workers, especially white-collar workers. Membership has increased continuously since the mid-1920s (Kjellberg, 1983). In addition to joining unions for wage-related issues, the important role of workplace organizations is a significant factor. There are two reasons for the centrality of these organizations: first, the scope of the tasks they carry out has been broadened due to decentralization of collective bargaining and the introduction of new remuneration systems linked to a transformation of the way work is organized; and second, they play a key role in the search for more flexible and participatory working methods within unions. This means working with members rather than for them, and rediscovering the spirit of trade unionism as a popular movement, as opposed to conceiving of it as a set of centralized institutions in which formal representation structures predominate (Kjellberg, 1997). The end result will probably be unions that work with their members *and* for them, involving them in the process of setting and implementing trade union objectives, but also providing support and services for individual members.

The level of membership in Swedish unions has fluctuated widely over the last 60 years. This is particularly evident in two of the most affected groups: blue-collar workers (male manual workers in large cities) and the female workforce. In the case of blue-collar workers, trade union membership in the private sector dropped by nearly 10 percentage points from 1975 to 1991, mirroring stagnation and a prolonged decline of the Swedish economy as a whole. However, this drop is more than offset by an overall increase in union membership among manual workers; in Sweden, many groups, including shop assistants and nursing staff, are classified as “manual workers”. Union membership among the female workforce (the second group) evolved in a way that reflected political events.

Swedish trade unions have faced a range of challenges since the beginning of the twenty-first century. Most notably:

- a) Decentralization has shifted power to national industrial trade unions and cleared the way for “bottom-up cooperation”, which seems much more viable than the old “top-down cooperation”.
- b) The level of union membership is extremely high (among the highest in the world) but increasingly unstable.
- c) There are two political trends unions must deal with: first, the growing instability of union membership, which leads members to adopt more critical attitudes towards union leaders, politicians and institutions; and second, the radicalization of female manual workers, which is reflected in steadily climbing trade union membership and growing recognition of women as a radical force within the labour movement. Both trends pose a profound challenge to trade unions, which must develop new, more flexible forms of organization and working methods to meet the demands of individuals and different groups of members.
- d) Union renewal has also been highlighted as a significant issue due to a rapid increase in the rate at which individuals are joining unemployment funds. Anyone who joins a trade union in Sweden is automatically affiliated to its unemployment fund.
- e) The role union organizations play in the workplace is a decentralized, small-scale feature of the otherwise quite centralized Swedish trade union system (Brunet et al. 2016).

The third social institution in the Swedish model is the state, which, as mentioned above, plays a subsidiary role because responsibility for ensuring implementation of collective agreements lies with the social partners (employers’ organizations and trade unions), which have historically opposed state involvement in the labour market, especially in relation to such a crucial matter as wage setting. This explains why there are no statutory minimum wages for specific occupations in Sweden. However, despite its subsidiary role, the Swedish state has intervened in pursuit of economic stabilization. In the early 1990s, faced with the prospect of an economic crisis and mass unemployment, the government sought more consensual methods to halt the upward spiral of prices and wages. A tripartite “national mediation commission”, known as the Rehnberg Commission, was appointed. Most organizations endorsed the “Rehnberg agreement”, which established a framework for bargaining in industry and a new type of centralized industrial relations. Aided by rising unemployment, the agreement managed to slow the upward drift of wages in 1991–92, coordinating the duration of agreements and curbing labour disputes, but it did not stop the rapid deterioration of the Swedish economy. Once again, tripartite negotiations provided

a way out of the impasse. The state (in its role as public mediator) called for and achieved cooperation between national unions and employers' associations with the aim of avoiding inflationary wage increases at a time of economic crisis.

Collective bargaining (CB) has been the key to maintaining Sweden's model by making it possible to achieve wage restraint through so-called "wage solidarity", which is based on a commitment to competitiveness in a country with a small, very open economy that is fully exposed to the vagaries of international trade. This is the main reason for the high level of cooperation between capital and labour on wage setting, which is reflected in the centralization of CB at the national level. As a result of the ebb and flow in trade, decentralization has shifted CB to the industry level, though it is organized at the company level since the wages of approximately 90% of employees are determined through negotiation at the local level, while those of the remaining 10% are fully determined by industry-wide negotiations (Brunet et al. 2016).

The CB coverage rate in Sweden is considered high – estimated at around 88% overall (83% in the private sector and 100% in the public sector). In the private sector, CB is conducted at three levels: a) the national level, between trade union confederations and the main employers' association (SAF); b) the industry level, between unions and sectoral employers' associations; and c) the local level, between companies and local unions. In addition to the matters typically discussed in any CB process (working time and remuneration), most working conditions can be negotiated, including issues such as temporary disability payments, compensation for occupational accidents, or payments to supplement disability or retirement pensions (over and above the government-set minimum). Other matters for negotiation, such as training or the introduction of ICT in the workplace, are also addressed at the local level in many cases.

During the approximately 30-year period from 1956 until the late 1980s, the main feature of CB in Sweden was its centralization at the national level, which was essential to redistribute the costs of the Swedish economy. From the early 1980s onwards, swings in international markets had an impact in Sweden, where from 1983 early signs of the decentralization of CB to the industry level became evident, with the signing of the first agreement between employers and unions in the metallurgical sector. CB is currently dominated by two trends: first, the advance of decentralization through extension of negotiation to the workplace level, though within the framework of industry-wide agreements; and second, an increase in the involvement of the state in coordinating national agreements and ensuring that they are compatible with low inflation and other economic policy objectives. This "centralization through state regulation" does not imply a return to the traditional three-level system abandoned in the 1980s. Rather, it points to a new model for coordinating the economy as a whole based on the current two-level system. As we have already noted, the Swedish system

of industrial relations (like the Nordic system in general) is based on establishing the framework for wage negotiations. That is why, in the context of increasingly fragmented bargaining coupled with the intact ability of Swedish unions to take industrial action, coordination by the state is on the agenda for negotiation. Thus, the Swedish variant of the Nordic industrial relations model was for a long time distinguished by notably limited state regulation (Brunet et al. 2016).

The Swedish model is based on maintaining a low level of conflict. That is why employers' concern for containing labour disputes has led them to analyse episodes that may have contributed to increasing the incidence of strikes – in the 1980s and 1990s, for example, when figures for participating workers and days lost to legal strikes were considerably higher than in the 1970s (known as the decade of wildcat strikes) or the 1960s. In stark contrast to the 1970s, in the 1990s employers took the initiative to support change. In contrast to what happened in the 1930s, when both sides accepted the Saltsjöbaden Agreement to avoid state intervention, the SAF now appears to prefer state regulation.

Spain

Microenterprises are a highly representative business structure in Spain and the defining feature of the Spanish model. The country's business structure is as follows: 53.5% of all enterprises have no employees; 42.2% have 1–9 workers; enterprises with fewer than 10 employees (86.7% of the total) are responsible for employing 21% of workers; 3.6% of enterprises are small companies with 10–49 workers; 0.6% are medium-sized companies with 50–249 workers; and 0.1% are large companies with over 250 workers. According to the National Statistics Institute (INE), "As of 1 January 2014, over 1.67 million companies did not employ any wage earners. This figure represented 53.6% of the total number of enterprises. In addition, a further 921,000 (29.5% of the total) had one or two employees." These figures reflect a complex reality that has undoubtedly affected the type of employers' organizations found in Spain.

Employers' organizations are intended to perform two functions: first, to coordinate their response to demands from workers' groups; and second, to reconcile the conflicting business interests of member enterprises competing for the same market. These organizations were established after the restoration of democracy in Spain, so they have not been around for long. The main employers' associations – the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME) – were founded in the late 1970s. The CEOE plays an important role: "Since its establishment in 1977, the CEOE has become the standard-bearer for economic change in Spain." The CEOE describes itself as an organization that has "1,200,000 voluntary member

enterprises based throughout Spain that operate in all sectors of the economy – agriculture, industry, construction and services – and include businesses of all sizes: national and multinational companies, and self-employed entrepreneurs that together provide employment to 12 million workers.” The CEOE’s members employ just under 70% of the employed workers referred to above, hence its importance. It represents members based on two factors: the sector they operate in and the territory where they are located. According to the CEOE website, it is organized “through 4500 grassroots associations, which belong to 225 federations and confederations, of which 64 are territorial organizations corresponding to autonomous communities or provinces, and 161 are national sectoral organizations.”

The fact that most Spanish enterprises can be classified as small or microenterprises accounts for the establishment of the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME), whose structure mirrors that of the CEOE. It was founded on “22 September 1977 by 12 provincial organizations. The CEPYME currently comprises 59 territorial organizations (provincial or regional in scope) and 51 national sectoral organizations, which in turn bring together over 3000 base-level employers’ associations – nearly 99% of existing SME associations.”

Trade union federations were also affected by Spain’s dictatorship, which explains why several were established following the restoration of democracy. The most historic is the General Union of Workers (UGT), which was founded in 1888 by 44 craft unions (28 based in Catalonia and 16 in the rest of Spain) during a congress held at Barcelona’s Teatre Gran Vía. The other great historical union is the National Confederation of Labour (CNT), which was founded at the Palau de les Belles Arts in Barcelona in 1910. Contemporary unions, established in the mid-twentieth century, include the Workers’ Labour Union (USO, whose founding charter was signed in 1961). The most well-known of the relative newcomers is the Trade Union Confederation of Workers’ Commissions (CCOO, whose first documents were drawn up in 1966–67). CCOO is linked to workers’ movements that organized “from 1953 onwards – opposition activists (many of them communists), members of Catholic Action, and other disgruntled workers who seek to put forward alternatives to official candidacies in elections organized by vertical unions. These industrial struggles and attempts to organize alternative candidacies afford the opportunity to create workers’ commissions.” The Spanish trade union landscape is completed by several nationalist trade union federations (the Basque organizations ELA-STV and LAB, and the Galician INTG) and a group of sectoral unions (including the Union of Education Workers and the Dockers’ Union).

Trade union membership in Spain has traditionally been low (Pere Jódar et al. 2004). In the late 1970s, 40%–45% of the population employed in the manufacturing

industry were union members. In the early 1980s, membership fell to 13%-14%. This was the period of *concertación* (cooperation and consensus-building with social partners) and the Moncloa Pacts. In the mid-1990s, membership recovered, reaching 20%. By 2003, it had dropped to 17%, and by 2010 it had regained some ground, reaching 18.9% (Beneyto, 2012: 526). What does appear to remain fairly constant is the relationship between membership levels and staff size. Brunet et al. (2016:101) identify certain events and trade union practices that help explain why trade union membership has historically been so low in Spain:

a) the defeat of the ideological hegemony of unions, from the time of the oil crisis to the present day, at the hands of the Thatcher and Reagan governments, between the late 1970s and early 1980s; b) the economic decline of the sectors where membership was traditionally highest, which were especially hard hit by restructuring programmes in the late 1980s and early 1990s; c) a sharp increase in ‘precarious’ employment, particularly after the 1994 reform; d) the extension of collective agreements to all workers, regardless of whether they were union members; e) the existence of a certain level of internal misconduct in unions with respect to management of training funds, labour force adjustment plans in Andalusia, and illegal enrichment of trade unionists (Asturias, Bankia); and finally, f) the high level of unemployment that recessions have produced in Spain (about 20% in each downturn).

Another factor that comes into play is the ideological rivalry between the two main trade union federations at the national level. After the legalization of CCOO in April 1997, a serious dispute broke out between the organization and UGT. Differing strategic approaches were one factor driving this conflict. CCOO advocates unitary representation in the workplace by works councils, which it views as the custodians of a double legacy: that of the so-called *jurados de empresa* (“works committees”), and the “revolutionary” dimension of workers’ assemblies. For its part, UGT has taken a stance in favour of workplace trade union branches. It is also important to note the different international reference points of the two organizations: CCOO and the mirror of revolutionary French and Italian trade unions, and UGT and the German corporatist trade union model (Etzerreta, 1991). In terms of structure, both are organized in the same dual manner as German trade union federations: by branch of activity (metal industry, chemical industry, construction, etc.) and by territory (CCOO in Catalonia, UGT in Andalusia; Antón, 2006). In terms of union action, there have been two stages in relations between CCOO and UGT. During the first, from Spain’s transition to democracy until 1985, there was strong rivalry between the two organizations. In the second stage, which began in 1986, they sought to forge closer ties. For example, this strategy led them to jointly call a general strike on 14 December 1988 to protest the PSOE government’s employment plan. At present, there is much talk of the possibility of merging the two union federations, and many believe this would be a good move.

Brunet et al. (2016: 103) identify a series of features that have historically defined collective bargaining (CB) in Spain: “a) its regulatory character, overall efficiency, and the automatic continuation of collective agreements on expiry (*ultraactividad*); b) its levels: sectoral, provincial (especially prevalent) and the company level, which affects three quarters of agreements and 10% of workers; c) centralized negotiation, based on a high coverage rate (despite the low membership level); and d) broad representation of the main trade union federations (two thirds for CCOO and UGT; one third for other federations).” CB takes place at three levels: national, industry and company. By law, negotiations must be conducted “in good faith” (Fulton, 2013). The general coverage rate is high, around 70%, but a significant number of workers (approximately one third of the total) are not covered by any type of collective agreement. Bargaining is fragmented and poorly coordinated with respect to different types of agreements. Its effectiveness depends a great deal on a union presence. This can be a problem in small companies: for those with fewer than six workers, union representation is not mandatory, and for firms with six to ten workers, it is only established if requested by a majority of employees.

CB has been constantly called into question in the industrial relations model, and there have been many attempts to transform it. At present, an orientation towards more decentralized bargaining has been put on all reform agendas. However, there have already been many changes to CB, including during the current financial crisis. Royal Decree-Law 7/2011, approved by the PSOE government, gave a greater role to company-level bargaining, thus decentralizing CB, and this process was accelerated after the change of government in 2011. The current labour reform (Law 3/2012) focuses on several points. Alfonso (2012) points out that this reform has undercut some of the essential functions of collective bargaining by eliminating automatic continuation of collective agreements on expiry (*ultraactividad*), giving priority to company-level agreements, and raising the possibility of non-application of agreements (through recourse to compulsory arbitration by the National Advisory Committee on Collective Agreements). The reform also simplified the mandatory content of agreements and suspended amendment of labour agreements for contract workers employed by public administrations.

The reforms led to a fall in coverage rates and the number of collective agreements signed. In 2010, the coverage rate was 70% (somewhat lower than in 2008 and 2009), but by the end of March 2013, only 4414 agreements covering 10,035,500 workers had been signed. Prior to that, the number of collective agreements in Spain had risen from 1995 onwards, peaking in 2007 with the signing of 6000 agreements. In 2008, the number of agreements signed fell to 5987, and in 2009 there was a further drop to 5700. The main impact of this downward trend has been a continuous decline in the number of workers covered.

Collective agreements are legally binding on all employers in the area they cover, though at times of particular economic difficulty, employers may suspend some parts of an agreement. So-called “representative unions” are the only bodies entitled to conduct CB above the company level. Their status is based on trade union elections. At the national level, a union must obtain at least 10% of votes cast to be considered representative; at the autonomous community level, the threshold is 15% of votes. National agreements generally cover non-wage issues: hiring, training and equality. Since 2002, general guidelines have been established concerning annual wage increases (with the exception of the 2009 national agreement). These agreements are signed by the two most representative trade union confederations at the national level and by the CEOE. The same approach is used for sectoral agreements, even though in some industries there are no employers’ groups to bargain with. At the workplace level, the negotiating parties are the employer and the works council. Negotiations usually cover wages issues – generally with the inclusion of a “review clause” that provides for additional payments if inflation is higher than an agreed level – and working time. They can also address other issues such as training, classification of positions, sick leave, maternity agreements, and occupational risk prevention.

Along with these agreements, there is a slight degree of corporatism, reflected in tripartite agreements (between the government, trade unions and employers) and bipartite agreements (between employers and unions). Subjects for negotiation include efforts to convert temporary contracts into open-ended ones – a fundamental issue for the Spanish industrial relations model – along with issues such as training, social security, equal opportunities, and occupational risk prevention. This kind of approach facilitated the incorporation of the European Framework Agreement on harassment and violence at work. Recently, the most important tripartite agreement linked wage increases to forecast inflation (February 2010) and approved the application of a clause providing for a special single payment in the event that inflation was higher than forecast. In 2011, another agreement was signed. The main points covered in this case were pensions, active labour market measures to reduce industrial unemployment, energy policy, and – notably – reform of the collective bargaining system. In addition, a bipartite agreement on independent resolution of labour disputes was approved in February 2012 (Fulton, 2013). In January 2012, before this agreement expired, Spain’s dramatic economic situation, reflected in the destruction of employment, made it necessary to sign a new three-year pact. Spain has a national minimum wage that is set every January by the government and has been increased annually in line with inflation. An 8% increase in the national minimum wage has been accepted for 2017.

Chapter 4. Industrial relations in Eastern Europe

Historically shared aspects

Our comparative study of industrial relations systems in Europe and the rest of the world takes us to countries we have categorized as belonging to the Eastern Model (EM). This geopolitical category, led by the Russian Federation (RF), comprises countries situated within the Federation's geographical environment and sphere of influence which, in the years indicated by Bomba (2014), joined the European Union (EU) project: Estonia, Lithuania, Slovenia, Slovakia, Hungary, the Czech Republic in 2004 and Bulgaria and Romania in 2007. As Szilágyi (2005: 110) has stated, this process, which was finalized at the Nice Summit, "was not an easy one because the collapse of state socialism that occurred in 1990 took Western Europe by surprise". In this chapter we focus on three of the main members of this model: the Russian Federation, Poland and Hungary.

There is ample justification for including the Russian Federation in our analysis. Two important reasons, for example, as Sánchez (2008) points out, are the European Union's energy vulnerability and its dependence on the supply of hydrocarbons (and gas) from the RF. Indeed, data provided by Fernández Sola (2015:121) show that the EU receives "80% of its oil, 70% of its gas and 50% of its coal" from the Russian Federation and therefore "it may be said that the association between Russia and the EU is largely influenced by energy issues". The other countries we have selected form part of what we might call the second belt of the Russian Federation, as opposed to the first belt⁵ or "transit countries" (Morales, 2015). We chose these countries because of their dependence on RF energy (Sánchez, 2008), their relative success in transforming their Soviet-type systems to occupy "the strongest positions in terms of their homologation with western capitalist economies (Sánchez and Luengo, 2000:141), and their problems with exacerbated nationalism. This represents a serious challenge

⁵ We refer to the closest geopolitical belt to the Russian Federation, i.e. Latvia, Estonia, Lithuania, the Ukraine, Belarus and Lithuania.

for the EU and has led to states whose counter-liberal and ethno-nationalist nature has led to them being labelled illiberal, accused of “authoritarianism by consensus” (Schamis, 2017), and described by Behrend et al. (2017: 40) as having “democratic channels that are attenuated or distorted rather than completely eliminated”.

Of all the elements common to EM member countries, we ought to begin with their immediate history since they all shared the same political and economic system: the planned or centralized economy. This economy emerged as an alternative form of economic development to the prevailing socioeconomic, so-called free-market model. Luengo (1996) affirms that this strategy led these countries to participate only marginally in international commercial, financial and productive economic flows. Luengo (2001:32) describes the main transformations that have taken place politically and socially since the change in this system. Extremely important is the “liquidation of the administrative structures and the creation of a new market-based socioeconomic order”, which has freed up numerous resources (human, financial and productive) and fostered the modernization of the business fabric, increasing the economy’s overall productivity. Just as important has been the policy of openness and integration into the world order, which has enabled these countries “to purchase modern products that allow them to obtain financial resources that complement their limited capacity to generate domestic savings and attract the interest of foreign investors”. To do so, they took their model from the Soviet Union (USSR), which was characterized by a huge impulse for heavy industries that produced capital goods and intermediary inputs and enormous industrial complexes that provided work for most of the population. Although from the point of view of capitalist efficiency these turned out to be ruinous investments, from the social perspective they enabled these countries to evade one of the greatest problems faced by free market economies (especially after the oil crises of the 1970s), i.e. unemployment.

However, their advance towards western European standards has revealed numerous shortcomings. Alonso (2004:3) points out, for example, that since the late 1980s “frictions in the labour markets and the limitations of the former system in meeting the needs of the unemployed in the beneficial conditions that were prevalent until then have been revealed”. Luengo (2001:31) puts this in the context of migratory flows that accelerated the urbanization process and put pressure on the system, albeit at a time of intense economic growth. Nevertheless, in the countries we analyse, the contribution made by the industrial sectors to their respective economies is still great – around 30% of GDP and 25% of the workforce, while the presence of the primary sector remains important. These countries have been able, therefore, to focus on opening up their economies, which are clearly oriented towards the export of industrial products (automotive and other machinery components), pharmaceuticals and chemicals.

The economic and employment systems of these countries show that their productive structures once shared a common strategy that was clearly aimed at industrialization. This is illustrated by their immense Soviet industrial estates containing enormous manufacturing complexes, characteristic structures that were imposed and supervised by the country that was their main driving force. The final common elements of these countries are their low unemployment rates, which are currently around 8% and can be explained by the importance to their GDP of their industrial sectors (25–30%, except for Hungary), the similarity of their working population rates, and the general level of training of their workforces.

Components of the Eastern European Model

The Union of Soviet Socialist Republics (USSR), imbued with a clear instinct for expansion, was created after the Russian revolution of October 1917. Later twentieth-century events – including the Wall Street Crash of 1929, the Second World War, the revolts of 1968 and the oil crisis – led the USSR's influence to expand towards its border countries such as Poland and Hungary.

The Russian Federation

The current Russian Federation was created on December 25, 1991, when the Union of Soviet Socialist Republics (USSR) ceased to exist. When it fell, the reality of Soviet Russia was different from what one may have expected. As well as the well-known obsolescence of much of its productive apparatus, which made it difficult to compete internationally according to the established parameters, Morales (2015: 89) asserts that “in 1989 the Soviet Union barely exerted any influence on its surroundings” and that “this facilitated the fall of the Berlin Wall at the hands of those whose opinions of Soviet ideology had changed”. The new spirit of openness revealed an image that had been unknown just a few years earlier (although it had been intuited). Most economies in countries where Communist parties had taken power after the Second World War (except former Czechoslovakia and the German Democratic Republic) were viewed as backward and having a predominance of agricultural structures.

Gutiérrez (2011:99) states that while their current situation “is far removed from this conceived image or stereotype”, history has reserved this image a permanent place in our memories. The origins of today's RF date back to the end of the second decade of the twentieth century and the October 1917 revolution. It was the first time a country had contemplated reconciling and eliminating class interests and making all its inhabitants equal through the public management of the country's resources. Thus, the USSR was born, though history (and its own limitations) have since condemned

it. Later, from the horrors of the Second World War a great world power emerged whose status was upheld until 1992 when “the Soviet Union disintegrated and Russia as an independent country was born” (Sánchez, 2011: 46).

However, Russia’s incorporation into the new geopolitical structures was not easy. Its deliberate, decades-long avoidance of international commercial relations with the West meant that a huge number of reforms had to be undertaken. These were implemented in several phases. The first phase (1992–1994) was characterized by policies of a structural nature. As the stated objective was building a market economy, administrative restrictions on domestic and external trade were lifted and most price controls were removed (except for a small number of strategic products whose prices continued to be set bureaucratically, prices were now in the hands of the market). The economy was also massively privatized through a policy that mainly involved “medium and large enterprises, i.e. this policy affected the core of the Russian productive structure” (Sánchez, 2002:55). However, because of the weight of history and the Soviet training of the new leaders, the companies maintained their practice of providing services for their workers. The strategy employed was implemented in accordance with the recommendations of the International Monetary Fund (IMF) and the World Bank. Fernández Sola (2015: 103) describes the European Union’s position in the early 1990s as “one of cooperation at a difficult and critical time for the newly proclaimed Russian Federation”.

Privatization was further developed in the second phase of reforms (1995–1998), though emphasis was placed on tackling the country’s monopolies. However, this phase did not achieve the desired results because the change in company ownership was not accompanied by successful tax reform and the State continued to have serious difficulties in obtaining income. The third phase (1999–2002) practically coincided with Putin’s rise to power as prime minister (1999). Sánchez (2002:64) asserts that one of Putin’s priorities was to implement dual reform in order to “reverse the inability of the State to implement its decisions and eliminate the powers of social agents opposed to the central authority”. In summary, as Sánchez (2011:46) states, the reforms implemented were: *liberalizing* (the deregulation of prices and trade); *privatizing* (the development of private initiative and the sale of substantial amounts of State assets); and *stabilizing* (the creation of a macroeconomic management system (western-style budgetary and monetary policy).

The same author believes that the current idea of modernization is associated with the diversification of production, technological renovation, the raising of living standards, and more efficient education and healthcare systems. To achieve such aims, the Russian Federation must first address its main structural problems, which include the economy’s lack of response due to structural deterioration and inertia in

the country's administrative apparatus, and these must be addressed at a time of falling oil prices and a reduction in the flow of western finance (especially from the EU) since Russia invaded Crimea in 2013.

Macroeconomic data

In the twenty-first century, the RF's situation can only be described as disparate. While Sánchez (2011) points out that since 2000 there have always been surpluses and the highest level of growth (7.5% of GDP) was reached in 2005-2006, recent data from ICEX (Spanish Institute for Foreign Trade) show that recessions have followed one after another (2009, 2015 and 2016), though a 1.1% growth rate is expected for 2017 thanks to a boost in private consumption. At the same time, foremost among the numerous causes of this behaviour during the second decade of the new millennium are falling oil prices and the trade sanctions imposed by the West after the outbreak of the Ukraine crisis.

These sanctions imposed by the international community have led to a flight of capital and a subsequent fall in the value of the rouble. Such behaviour is logical according to Morales (2015:86), who warns of the political dangers posed by the scope of these economic reprisals in a country whose poorly diversified economy depends strongly on the exportation of raw materials. According to the above author, these exports are so important that the RF uses its energy resources for diplomatic reasons on two fronts. Domestically, these resources represent one of the fundamental pillars of current nationalism and the contrived, anticipated return to the greatness of former times that is to be achieved by activating the economy and cutting Russia's dependence on external factors. The Federation has therefore adopted a strategy of import substitution and self-sufficiency via policies aimed at encouraging the incorporation of Russian-originated components into the country's value chains (ICEX). Internationally, Russia's exports are used as "tools for its external actions", where they help to promote a rapprochement with China in "a clear example of the development of classical balance of power theories", according to Morales (2015:90), who justifies this alliance because: "both countries share a large land border and both are members of the United Nations Security Council, the Shanghai Cooperation Organization (SCO), the BRICS group of nations, and the New Development Bank". At the same time, the Federation is expressing an interest in European countries (such as Greece) that are experiencing problems, and establishing relations with various populist political movements: "in France with Marine Le Pen; in Austria with the Freedom Party (FPÖ), and in the United Kingdom with Nigel Farage, whose anti-European platform may favour Russian interests either directly or indirectly" (Morales, 2015: 98). This chauvinistic posturing extends even as far as its own economy.

Meanwhile, Russia's macroeconomic data seem to have stabilized. Sovereign debt remains low and the country possesses vast foreign exchange reserves and numerous sovereign wealth funds. This allows for a certain expansionary policy, as is indicated by the budget for 2017, which includes plans to increase social spending and reduce expenditure in other fields. The unemployment rate is currently 5.8%, though this has been accompanied by a fall in income. Inequalities remain strong, especially between large cities and rural areas. To achieve its main objective, however, i.e. cutting the deficit by stimulating demand, the RF must confront important challenges: poor competitiveness, insufficient investment, dependence on raw materials, lack of structural reform, a poor business climate, and an ageing population.

As far as economic structure is concerned, the RF possesses a wealth of natural resources. It is the world's leading producer of natural gas and oil and one of the main producers and exporters of diamonds, nickel and platinum. The primary sector is underexploited since, despite possessing 10% of the world's arable land, its production is relatively small due to the climate. This sector contributes around 4% to GDP and employs 7% of the workforce. Industry is heavily represented in the Russian Federation's economy since it inherited the industrial base of the former Soviet Union. The most developed industrial sectors are the chemical, metallurgy, construction, machinery and defence industries. Companies in these industries account for 36% of GDP and employ roughly 28% of the population. Finally, the services sector employs roughly two thirds of the population and generates around 60% of GDP. The banking sector has not undergone comprehensive restructuring since the 1998 financial crisis. Given the size of the country, the transport, communications and trade sectors are especially significant, while tourism is also a growing source of income.

Actors in the field of labour relations

The emergence of the Russian Federation as a sovereign state led to a flow of legislation and, in particular, to a return to constitutionalism in 1993⁶, after seven decades of Soviet rule, and the adoption of the new Labour Code of the Russian Federation (*Trudovoy Kodex Rossiyskoy Federazii*) on 1st February, 2002 (Bronstein, 2005). In Rymkevitch's view (2003:143), the intention of this legislation was clear: to dismantle the protective 1971 Labour Code and make the current labour relations more flexible: "the new Code undoubtedly contains many mechanisms intended to make labour relations and industrial relations in Russia more flexible (...), it can be considered deregulatory". This was a clear legislative attempt to re-position the RF in the new age

6 The new Labour Code derives from the 1993 RF Constitution, which states that "the Russian Federation is a democratic and federal state based on the rule of law, with a republican form of government (Article 1)" (Bronstein, 2005:328).

of post-industrial relations. However, the old Soviet legacy was still felt to the extent that reforms as radical as those carried out in Poland, Hungary, the Czech Republic and Slovakia (which, as we will see later, were based on an immediate deregulation of prices and rapid structural reforms) were not implemented.

This new legal framework establishes the rules of the game, the main players of which are the trade unions, the employers' associations, and the State. In this context, Rymkevitch (2003) points out one of the most significant features of the new Labour Code – its commitment to greater autonomy for trade unions and business organizations. This recognition is extremely important because under the communist regime, business organizations did not exist. Bronstein (2005:320) points out that in the USSR trade unions represented “the interests of workers in the fields of production, work, life organization and culture”, i.e. “the union, the company director and the Party cell shared power within the company”.

Employers' organizations were promoted by the State itself with the aim of developing social dialogue, for which they needed institutional interlocutors. It is not surprising, therefore, that in 1994 the Coordination Council of Russian Employers' Organizations (KSORR) was established as a non-profit, private association (in 1999 it underwent a process of reorganization). According to Bronstein (2005) and the KSORR, the Council comprises 29 sector organizations representing some 5,000 companies, including many of the largest in the Russian Federation. On its website it calls itself the Russian Union of Industrialists and Entrepreneurs (RSPP). Among its priorities are promoting the interests of the business community in Russia and abroad and consolidating the efforts of Russian industrialists and entrepreneurs to develop the business environment; improving the state of business in Russia and around the world; and maintaining a balance between the interests of society, the government and business. The RSPP/KSORR represents the interests of all Russian businesses, irrespective of size, sector or regional location. It advises Russian business leaders and represents their financial interests nationally and internationally, forms part of the International Organization of Employers, and has a representative on the board of directors of the International Labour Organization (ILO). It was actively involved in the discussions on the Labour Code and is a member of the Tripartite Commission for the Regulation of Social and Labour Relations (RTK).

Russian trade unionism, which today is comparable to that of other democracies around the world, found its legal place through the Trade Unions Act of 1990 (ILO). As Bronstein (2005:328) points out, this Act made the influence of ILO doctrine clear by establishing the right “without distinction whatsoever to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization (article 2)”.

The first trade union organization historically was the General Confederation of Trade Unions (in English, GCTU). Bronstein (2005) states that this was the reconstitution of the Soviet Central Council of Trade Unions, which in 1990 became the General Confederation of Trade Unions of the USSR (VKP), which was formally separated from the Communist Party and state organs. On its website it is defined as a regional international union organization founded on 16th April, 1992, whose objectives are to protect the rights and social and labour interests of citizens, to safeguard the rights and guarantees of trade unions, and to strengthen international trade union solidarity. Its data show that it currently comprises 41 affiliated trade union organizations representing approximately 50 million workers. However, the trade union with the highest membership is the Federation of Independent Trade Unions of Russia (FNPR), which when it was established in 1990 reported having 54 million members grouped into nineteen sectoral organizations and seventy-five regional unions. According to Bronstein (2005:329-330), in 2001 it reported having “forty-eight national sectoral trade unions, seventy-eight territorial associations and 300,000 grassroots trade union committees in production or service units”. In addition, though on a smaller level, numerous unions were created as a result of the pluralism promoted by legislation. These include the Confederation of Labour of Russia (KTR), the All-Russian Confederation of Labour (VKT), and the Congress of Russian Trade Unions (KRP).

The Law on Trade Unions introduced in January 1996 recognizes three levels of trade union action: the so-called first level, the sectoral (or Russian) level, and the interregional level. An explanation of these three levels is provided by Bronstein (2005). The first level refers to unions constituted in the company. These are local unions that often form part of a higher-level union, though independent company-level trade unions also exist. The second level refers to Russian sectoral trade unions. To obtain recognition, these unions must belong to a sector that spans the whole Russian territory, comprises over half the federated entities, or represents at least half the workers in one or more economic sectors. Territorial trade unions, made up of members from a city, district or territory, also exist. The third level refers to trade union associations (federations), which may be local, territorial, regional, interregional or national.

To be recognised as legal entities, these associations must be registered with the Ministry of Justice. If recognition is refused, appeals may be made to the Law Court, which is the only competent institution for ruling on the suspension or prohibition of a union's activities when these violate the Constitution or legislation.

Negotiation and collective conflict management

The Collective Agreements Act of 1992 states that the social partners have complete freedom to set the issues to be negotiated in collective bargaining. Rymkevitch (2003:153) points out that article 40 of the Labour Code defines collective bargaining as “a legal deed entered between the employee representatives and an employer, regulating the social and labour relations at the Enterprise level”. Bronstein (2005) points out that negotiation may take place at various levels: the level of the company or one of its subdivisions (*collective contracts*) or at the higher level of sector, region, territory or State (*collective agreements*, which may be bipartite or tripartite) (Article 45). The same author reports that in 2000 one general tripartite agreement, sixty-one federal-level sectoral agreements, seventy-seven regional level agreements, 2,293 regional-level sectoral agreements, and 161,700 company-level collective contracts were signed.

As Rymkevitch (2003:153) has pointed out, an exceptional change has taken place from the company perspective since now “it is possible to conclude only one collective agreement per company”, compared to the pre-democracy situation where “it was possible to have more than one collective agreement in each company”, thus enabling workers to organize themselves separately in their company.

Once the agreement is signed, the type of agreement reached is of great importance. If the agreement is a *collective contract*, it applies to all workers regardless of whether they are members of the union that signed it. If it is a *collective agreement*, it concerns only the members and employees of the company organization that signed it. However, if the agreement is conducted at the federal level, the administrative authority may propose that other employers join it. If any of the parties disagrees, this possibility may be waived provided that a reasoned request is made within thirty days of the official publication of the membership proposal.

The final aspect to consider is trade union competence for negotiating agreements, especially at the local level. The new Code does not specify any necessary degree of trade union density with regard to collective bargaining in the company but attempts to settle competence issues within a bargaining unit by requiring that trade unions wishing to enter negotiations represent more than half of the workers. If two or more local (first-level) unions in the company satisfy these criteria, a common representative body must be established in accordance with the principle of proportional representation. If this body is not established, the only trade union able to negotiate will be the one that represents more than half of the workers. If no union satisfies this criterion, in accordance with article 37 of the Labour Code, a workers' assembly will vote to designate which first-level union will be responsible for forming the representative body (Bronstein, 2005). As Rymkevitch (2003:154) has reported,

if there is no local union or if the local union does not represent over half the number of workers, the existing trade union or another representative may be called upon to defend their interests: “in the absence of such an organization, employees are required to hold a meeting to elect an organization to serve as a single representative body”.

Poland

Poland is one of the Central European countries. It attracted our attention because of its geography (it is strategically located halfway between France and Russia and halfway between Stockholm and Budapest) and its economic development since becoming independent from the USSR (it was the first such country to achieve sustainable economic growth (Neal and Cameron, 2016)). As Fernández (2017:28) reports, this achievement has been maintained throughout the crisis that began in 2008: “Taking 2015 as the reference year, GDP grew 3.6% in that year and has remained positive throughout the current economic crisis. Poland is one of the European Union countries that has least been affected by the recession”. This led Santos (2015:55) to assert Poland’s “enormous capacity for adaptation and resistance in an environment of acute economic crisis in Europe”.

Much of this success is undoubtedly related to Poland’s clear commitment to receiving large amounts of foreign investment. For this reason, openness towards supranational political entities has been strategically important, which explains Poland’s interest in joining the EU. As Katarzyna (2016:14) states, “Poland’s accession to the EU undoubtedly attracted foreign direct investments (FDI). This is because EU membership increases the attractiveness of countries, makes them more credible to investors and guarantees observance of EU law. All this, combined with Poland’s good economic results and political stability, has attracted foreign capital in substantial quantities”. The decision appears to have borne fruit since, according to Kolodziejczyk (2016:15), until 30th June, 2015 “Poland received a total amount of EUR 119.8 billion from the EU budget (...). The balance is a surplus of EUR 82 billion”. The major investor in Poland has been Germany.

Poland’s principal appeal lies in the manufacture of industrial products. This is for several reasons: its wages are lower than the EU average, its workers receive a medium-to-high level of training, and it offers a range of tax advantages for producing in Special Economic Zones. This strategy has encouraged a certain type of growth that has been accompanied by a deregulated and unprotected labour market. As Maciejewska et al. (2016:230) indicate, the rates of temporary work reveal profound internal differences: “labour market deregulation has constantly been claimed to be the answer to the long-term strategic objective of attracting FDI”. This situation appears to be the reason for the demonstrations that took place in Warsaw in September 2013

involving over 100,000 mainly trade unionists in protest at the changes to the Polish Labour Code regarding, for example, flexible work schedules and the lack of social dialogue. Golemo (2014:75) reports several concerns among a large section of the population: “labour market difficulties, increasing food prices, rising daily expenses, and disproportionate prices and wages compared to western European countries”.

These anxieties have transcended the working environment and entered the political one. The 2015 election victory of an ultraconservative nationalist president (Jaroslaw Kaczynski, whose appointment of Beata Szydlo as prime minister appears a clear indication of the religious orientation of his mandate) has been described by Lopez (2016:17) as “an authoritarian drift that will lead to an open challenge of the EU itself”. Fernandez (2016:31) affords this situation certain historical connotations: “this fascistoid discourse is largely a response to the conservative and nationalist ideology of the ruling political class, which is widespread among the members of the Visegrad Group (Poland, Hungary, and the Czech and Slovak Republics). In clear reference to the Orban government in Hungary, in his article *Where is Poland headed?*, Piotr Buras, the Polish writer, believes that one of Kaczynski’s main goals is to erect a “Budapest in Warsaw”. Buras provides the example of the marginalization of the Constitutional Court, in violation of the Constitution, which has even led to talk of the *putinization* of Poland.

With regard to Poland’s recent history, we should mention that its creation was connected with the end of the First World War and the aim of France and the United Kingdom to create a safe corridor between their respective traditional enemies, Germany and Russia (Fernandez, 2017). Poland again became newsworthy in September 1939 when it endured a double invasion: by Germany from the West and by Russia from the East. During the Yalta and Potsdam conferences at the end of the Second World War, the Soviet Union and the United Kingdom opted to create a new corridor, leading to the birth of the Third Polish Republic. However, some territory was excised in the East (by the Soviet Union) and in the West (by Germany) and some population was transferred accordingly. In 2004 Poland became a member of the European Union (EU) after a series of negotiations that, along with the first partly democratic elections held in Poland, had begun in late 1989.

Poland’s wish to belong to the European Union is explained by Mizerska-Wrotkowska (2014:195) in terms of economic criteria: “the desire to achieve well-being through European Union financial support and increasing Polish exports by gaining access to the common market” and geostrategic criteria: “protecting its borders, stabilizing the region, and preventing a return to the Soviet zone of influence”. Fernández (2016: 31) explains it as follows: “The vast majority of Polish trade in goods and services (exports and imports) is conducted with the European Union (a quarter

with Germany). And the same is true of investments". Poland's years as a member of the EU have had clearly positive results. Kolodziejczyk (2016: 11) reports that "within a single decade, Poland has become the European leader in economic growth and during its EU membership has always experienced positive economic growth". However, despite these results Poland's membership of the EU is being called into question. As López (2016:108) reports, Poland has "for some time now been emitting a strong but disturbing message: "No more Europe".

There is no doubt that if Poland deserves to be studied for one thing it is for its performance over the last 25 years, i.e. the period covering its transition from a centralized economy to a market economy. The Spanish Commercial Office in Warsaw reports that Polish GDP has increased from 32% to 60% of the average for Western European countries (EU-15). According to data published by Eurostat, in 2014 the Gini index for Poland was 30.8. This represents a similar income distribution to those of other European countries. For comparison purposes, the latest data for Spain (2014) shows an index of 34.7.

Macroeconomic data

According to data available from Santander Bank, the population of Poland is almost 38 million inhabitants. This makes Poland the sixth largest EU country, just after Spain. However, its natural growth is negative and its population distribution is far removed from the standards of other Eastern European countries. Based on "the demographic year of Poland 2015", the Economic and Commercial Office of Spain in Warsaw reported the following geographical distribution for the Polish population: 60.3% of Poles (23.24 million inhabitants) live in cities while 39.5% (15.23 million inhabitants) live in rural areas. Another characteristic that defines the Polish population, like that of Nordic countries, is its ethnic uniformity since 97% of the population (87.2%) is Polish and 87.2% of the Polish population is Catholic. In fact, immigration and the non-Catholic nature of immigrants to Poland are two of the main issues addressed by the current government to monitor EU borders. This places Poland (along with Hungary) in clear opposition to the European Union's immigrant-welcoming policy.

Poland's economic structure is characterized by a large primary sector (11% of the working population), though this contributes only 3.4% to GDP (indicating the low productivity of this sector). With main crops of rye, wheat, potatoes, beetroot and dairy produce, the country has achieved the level of food self-sufficiency. It also possesses a large swine and ovine livestock population. Poland is also rich in coal, sulphur, copper, lead and zinc. The secondary sector employs practically 30.5% of the working population and contributes around 33% of GDP. There is no doubt Polish industry operates under the umbrella of Germany since, according to Ulatowski

(2016), “Germany is the top investor in Poland”. This justifies the existence of such an important manufacturing sector.

Today, however, Poland’s traditional industrial sectors (steelworks and shipbuilding) are declining while machinery manufacture, telecommunications, the environment, transportation, construction, industrial food processing and information technologies are growing. The automotive industry has held firm by exploiting the highly specific market niche of small, economical vehicles. In 2016 the Spanish Economic and Trade Office in Warsaw drafted a country guide that highlighted the importance of the industrial sector as one of the main bases of the Polish economy but also indicated its principal shortcomings: its link to the receipt of Foreign Direct Investment (for the production of manufactures) and its need to import capital goods, electrical equipment and supplies, especially those leading to cost savings due to price or technology.

Finally, the services sector is in full expansion, contributing to 64% of Polish GDP and employing almost 60% of the working population. The most important service sectors include financial services, logistics, hotels, public services and information technology. The report by the Spanish Economic and Trade Office in Warsaw indicates that included in the above range of services are engineering services related to civil constructions and the energy sector, both of which are influenced by their high volume of European funds and their need to renew their infrastructures. Strong competition and significant problems caused by Polish public procurement legislation and bureaucratic procedures have greatly reduced the probability of success. R&D and Information and Communication Technologies have gained importance in the European Union’s new 2014–2020 multiannual financial framework. These data are similar to those provided by Kolodziejczyk (2016:14), who states that “at present, 57.6 per cent of Polish workers are employed in the services sector (while 30.8% are employed in industry and 11% in agriculture), which generates 64 per cent of Polish GDP”. In its survey on employment demand for the fourth quarter of 2016, the Polish Statistical Office (GUS) found that 90% of the population work in the private sector and 10% work in the public sector.

In this paper we focus on the most important company size, i.e. small and medium-sized enterprises. The importance of these companies relates to the history of Poland itself. Marcin Roman (2016:196 and 198-199) explains this as follows: “In the post-war period, Polish SMEs worked within the context of the communist system, which was characterized by a lack of market economy. As they were marginalized by the large national companies, their activity was limited to the production of non-manufactured goods by the aforementioned economic entities and so positioned themselves in existing market niches”. Roman points out that “the number of companies

that were active in Poland at the end of 2011 was 1,523,418,320, of which 99.7% were small and medium-sized economic entities. Just as in the European Union, most of these (95.8%) were micro-enterprises, though the figure for Poland was slightly higher than for the European Union as a whole, which was 92.5%". In its survey of employment demand for the fourth quarter of 2016, the Polish Statistical Office (GUS) found that the majority of workers (69.9%) are contracted in companies that employ up to nine workers. According to Bomba (2014:6), this has a perverse effect on union membership because "in many Polish SMEs with fewer than 10 workers, unions cannot be set up".

According to data provided by the Polish Ministry of Economy and collected by Santos (2015), in recent years unemployment rates have shown figures of around 12%, though they reached a peak of 13.6% in 2013. Since then this figure has dropped dramatically to 9% in 2014 and to an estimated 6.2% for 2017. Using these data, Fernandez (2017:28) describes the current situation as follows: "The unemployment rate, though high (around 12%) and above average for the European Union, was ten points lower than Spain's". However, Poland's Achilles' heel is the number of temporary contracts, which is double the EU average (over one in four employees have temporary contracts). Moreover, there is much disparity between the east and the west of the country. At the end of June 2017, the Polish Statistical Office (GUS) reported an unemployment rate of 7.1% (1,151,600 workers).

Actors in the field of labour relations

Poland passed the Labour Code (Kodeks Pracy) on 26th June, 1974 (it has twice been amended since then), which contains the basic rules for regulating the relations between employers and employees. The clauses of the Code are applied to all types of labour relations unless special rules exist to the contrary. As a general rule, employees must be aged 18 or over though "it is possible to employ workers under that age provided certain conditions of the Labour Code and related regulations apply" (empleo.gob).

Due to the importance of the transition from a planned economy to a market economy, we focus on the changes to the Labour Code that have been introduced in the last three decades. In our analysis we follow Maciejewska et al. (2016), who reported several waves of neoliberal reforms. The first wave, which occurred in early 1990, was linked to the economic recession of the mid-1980s. The reforms, known as "shock therapy", aimed to transform Poland from a planned to a market economy. The strategy of the newly elected government in 1990 was to follow the advice of foreign investors, for example by introducing a range of fiscal, business, wage and employment reforms. The first privatizations of state-owned enterprises also occurred at this time. Fernández (2016:30) explains this strategy as follows: "The 1990 privatization law

provided for enterprises to become the property of the State Treasury and for them to be privatized once their capital was converted into shares". These measures led to a crisis situation that lasted until 1995.

In the second wave of reforms (1998–2001) Poland took a further step towards the liberalization of its economy by continuing with the privatization of state enterprises, the partial commercialization of public services (health, public administration, education and pensions), and the legislative changes needed to harmonize the country's laws with those of the EU. At the start of the 21st century, the aspiration to increase competitiveness led to the freezing of the minimum wage. These reforms were triggered by the pressure to satisfy the Maastricht criteria. The cut in corporation tax (from 40% in 1989 to 19% in 2004) and the labour market reforms were introduced to attract new, mainly foreign, investment. According to Bernaciak (2016:162), these reforms led to protests by social agents: "Polish trade union organizations became vocal critics of atypical employment and opposed further increases in labour market flexibility".

The third and final wave of reforms were the result of the crisis Poland suffered in 2010 (slightly later than in the rest of the EU). One of the main measures was the reform of the Labour Code. Specifically, regulations governing fixed-term contracts and work schedules were amended, and elements of a new public management of employment policies and a series of austerity measures aimed at curbing the growth in public debt and public deficit were introduced. The law of 22 October 2010, which amended the law on social security benefits for sickness and maternity leave, also came into force in January 2011.

Poland has numerous business organizations. One of the main ones is the Polish Confederation of Private Employers Lewiatan (PKPP), whose web page informs us that the Confederation was founded in 1999 and that in 2004 it incorporated the Central Association of Polish Industry, Mining, Trade and Finance Lewiatan, leading to the addition to its name of the word "Lewiatan". Representing the interests of employers in Poland and the European Union, it is considered the most influential Polish business organization, with over 3,900 company members employing a total of 835,000 workers. One of its objectives is to improve the business and competitiveness of its members. For this reason it has maintained an office in Brussels since 2001. It is a member of *BUSINESSEUROPE*, which represents the interests of European entrepreneurs and comprises 41 business organizations in 35 countries employing 120 million workers.

The next organization we will discuss is the Polish Craft Association (ZRP), a national organization of entrepreneurs that was founded in 1933. It is made up of 28 regional craft chambers, 478 artisan guilds and 180 cooperatives, accounting for

a membership of around 300,000 micro-, small and medium-sized enterprises. It represents the interests of these enterprises on governmental and regulatory bodies and in public administrations, law courts and socio-economic organizations both in Poland and abroad (especially in the European Union).

Trade Union activity in Poland has historically been extremely important, as is evidenced by the creation of the legendary trade union Solidarity, led by Lech Walesa, in the 1980s at the time of the collective disputes at the Lenin shipyards in Gdansk. Trade unions have therefore been extremely important during the recent decades of transition, though they have experienced more setbacks than successes (Bomba, 2014). Moreover, the transition from socialism to capitalism between 1989 and 1990 obliged the unions to reinvent themselves to be able to negotiate their working conditions during the process of social dialogue with employers and the state. Their strategies have not been supported by the majority of wage earners, however, as is reflected in their current relatively low density of around 12%, which puts them on the level of countries such as Spain, whose trade union tradition is different. Bomba (2014:4) points out that “membership rates fell from 33% to 12% between 1995 and 2013”, adding that this is a common phenomenon in post-communist countries.

According to the Spanish Economic and Trade Office in Warsaw (2016), the law of 23 May 1991 defined a trade union as a voluntary and autonomous workers’ organization intended to represent and defend the rights and professional and social interests of its members. Polish trade unions are structured in a way that befits a country with a high percentage of small and medium-sized enterprises and a highly decentralized system of collective bargaining. Bomba (2014) added another element – Poland’s commitment to trade union activity. Since 1983 the new trade unions have been allowed to organize themselves nationally. However, the difficulties involved in doing so have made it more feasible for unions to consolidate in the companies, where most of their negotiations take place, and discouraged the creation of industry- or sector-wide trade unions. According to Bomba (2014:3), this is why “workers were organized primarily at the company level and multi-firm unions usually acted as a federation of company unions”.

Pluralism is another typical feature of Polish trade unionism. Bomba (2014:7) affirms that while Polish labour law does not limit the number of unions that may operate in a company, since 2003 a union’s strength has depended on its number of members. However, if only one trade union exists in the workplace, that union will include all the company’s workers in its negotiations. Also, only company unions with at least 10 members can exercise trade union rights. Trade unions that wish to be legally recognized require the participation of their members and to be registered at the Ministry of Labour and Social Policy. The Spanish Economic and Trade Office

in Warsaw (2016) describes this process as follows: “A trade union can be founded by a minimum of 10 individuals who are authorized to create trade unions. These individuals adopt a resolution on the formation of the union, agree on its statutes, and elect the founding committee, which must consist of 3–7 members”. Moreover, this committee “must be registered in the Central Judicial Register. If the founding committee fails to present the registration application within 30 days of the union’s foundation, the resolution on the union’s foundation will no longer be effective. Once the union has been registered, it acquires legal personality”. Data from the Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS) show that in 2007 union density was 15.6%. Density is higher in the public sector than in the private sector. In the public sector it is highest in public administration (17%), while in the private sector it is highest in mining and industry (20%). Another feature is that there is practically no difference between male and female rates of union membership”.

The Ministry’s website shows that around 7,000 unions operate locally at individual workplaces with no link to larger trade union organizations. Above the corporate level are three major confederations: NSZZ/Solidarność (Solidarity), OPZZ (All-Poland Alliance of Trade Unions), and the smaller FZZ (Trade Unions Forum). These confederations encompass almost three quarters of all trade unions. The relationships between the main trade union confederations are sometimes strained, though tensions are more evident at the national level than at local or employment levels. We should also bear in mind that, because of the characteristics of the labour market we have highlighted, a significant number of workers are affiliated in different ways: in smaller confederations, in national unions unaffiliated to any confederation, and in local unions operating at a single place of work and unaffiliated to any confederation. This confusing and rather inauspicious situation is highlighted by the fact that no confederation regularly publishes data on its affiliation.

We focus our analysis on these three large confederations, which are considered to be representative (umbrella organizations), are present across the country, hold specific rights, and together have approximately two million members (the NSZZ and the OPZZ both have over 500,000 members while the FZZ is smaller). Our analysis is based on the studies by Fulton (2013). The largest federation, NSZZ Solidarność, was illegalized between December 1981 and 1989, when its leaders participated in the first non-communist Polish government and played a direct political role. Between 1997 and 2000 it was part of the Polish government. More than a union, NSZZ Solidarność is a political movement close to the conservative PiS party of Jarosław Kaczyński, though its new president (Piotr Duda) has determined that it should

distance itself from specific political organizations. NSZZ Solidarność comprises 37 regional federations and 16 sectoral trade unions.

The All-Poland Alliance of Trade Unions (OPZZ) is the second largest federation⁷. Founded in 1984, it was banned during the period of martial law. One of its objectives is to promote the political and economic transformation of Poland, which helps explain why in the 2011 elections it supported the left-wing party (SLD). In 2009 it had an estimated 535,000 members while in August 2012 a CBOS survey found that 3% of Polish employees reported being members of unions belonging to the OPZZ (Fulton, 2013). The federation comprises 79 national trade union organizations (individual trade unions and union federations). The largest group affiliated to OPZZ is the Teachers' Union (ZNP). The third federation, the FZZ (Trade Unions Forum), is largely made up of unions that had earlier split from the OPZZ.

In 2002, a new tripartite commission (comprising governments, employers and trade unions), set up to discuss future legislation, admitted only trade union confederations with at least 300,000 members. Various groups of independent trade unions then joined together to form the FZZ and thus secure a place on the commission. According to the FZZ website, it has over 400,000 members or roughly 2% of total union membership. It comprises 42 national trade union organizations (having started with 17 in 2002) and numerous local organizations belonging to its regional structures. The CBOS survey (Fulton, 2013) showed that 2% of workers belonged to unions that are unaffiliated with the main union confederations. Some are members of smaller confederations (such as Sierpień 80) while some may belong to local trade union organizations that are affiliated to major confederations without being aware of it. However, many are likely to belong to unaffiliated local unions.

Negotiation and collective conflict management

The main characteristics of collective bargaining in Poland are its limited coverage (since it only encompasses a minority of employees) and its high degree of decentralization (since it mainly takes place at the company or workplace level). Bomba (2014:10) explains that "In the countries of Central and Eastern Europe no negotiation policy exists (...) that centralizes agreements for the whole industry". Unlike what normally occurs in Western European countries, it is therefore conducted mainly at the company level. The same author asserts that collective bargaining in the communist countries was focused on "social issues such as holidays and housing rather than anything directly related to working conditions. Decisions on wages, work time and other working conditions were centralized" (2014:3). In the absence of trade unions, this type of

⁷ In 1984, "a large number (roughly 100) of recently created sectoral organizations merged to form the confederation named OPZZ (All-Poland Alliance of Trade Unions)" (Bomba, 2014:3).

negotiating structure enables employers to unilaterally establish working conditions – except wages, which are subject to a national minimum rate fixed by the government. According to data from the Spanish Economic and Trade Office in Warsaw, in 2016 the minimum wage “increased by 100 zlotys (the local currency), from 1,750 zlotys (roughly 430 euros) to 1,850 zlotys (roughly 460 euros)”.

Collective bargaining can take place at the company, workplace or occupation level, though the latter may cover an entire industry. In terms of numbers and impact, the most important collective bargaining level is the individual company. Hajn (2003) highlighted the importance of trade unions in state companies that have the exclusive right to conclude collective agreements with a single employer. While trade unions envision the possibility of conducting collective bargaining at the multi-enterprise level, serious difficulties are involved in doing so. If a multi-company trade union wishes to exercise the full range of union rights, it must comprise company unions that operate in different companies (Bomba, 2014:12). This is reflected in data produced in 2012 by the Ministry of Labour and Social Policy (Fulton, 2013), which indicate that few agreements (mainly in local government) have been reached at the workplace level since they involve activities that are rarely found in the private sector (national parks and energy, mining and railway industries) and in which current employment legislation is being reformulated.

According to Fulton (2013), collective agreements at the level of individual organizations or companies are much more significant. For these agreements to enter into force, once they have been signed they must be registered at the local employment inspection office. The legislation states that when more than one trade union organization is operating in a company, those organizations must negotiate jointly. This often does occur in practice because the relationship between the members of the various trade union confederations are often better at the workplace level than at the national level. Any agreement must be shared between all the trade unions in the workplace, or at least between all the “representative’ trade unions in the workplace, i.e. those with at least 10% of the workforce in their membership or at least 7% if the trade union is a member of one of the three national federations (NSZZ Solidarność, OPZZ or FZZ). If no union represents at least 10% of the workforce, the agreement must be signed by the largest union in the company. Agreements usually last for a year, though financial restrictions sometimes mean that no annual settlement is reached.

According to data from the Labour Inspectorate, in 2013 the total number of this type of agreement was 8.132,6. Though the exact number of employees covered is unclear, data from the Ministry of Labour and Social Policy suggest that 390,000 employees were covered in 2010 (later figures are not available), i.e. a coverage rate of 14%–18%. The European Industrial Relations Observatory (EIRO) reports that the

figure is much higher. It is estimated that collective bargaining coverage will reach 25% by 2012. These data show that the majority of employees are not covered by collective bargaining agreements at any level. One possible administrative explanation is that any company that employs over 20 workers and whose owner has established legal rules covering both the minimum wage and the legally established working conditions is exempt from having to negotiate an agreement. This has led to the appearance of so-called “discretionary bonuses”, awarded by employers with no option for workers to claim them since collective bargaining does not exist, and not included as mandatory payment in the employer-established rules. In practice it means that many employers respect neither their legal nor contractual obligations, sometimes employing workers who fear losing their jobs.

In Poland, collective bargaining usually revolves around aspects with the greatest influence on an economy (such as Poland’s) that is a receptor of investments and a provider of cheap goods and services. We refer to the issue of wages, and specifically to the structure of remuneration and its components (bonuses and allowances). We should bear in mind that there is a National Minimum Wage (NMW) negotiated by trade unions, employers and the government⁸ and that when a wage agreement is reached, the NMW enters into force. Issues such as working time, leave, health, occupational risk prevention and internal social benefits, insofar as they still exist, are therefore less important.

In addition to the above negotiating structures, in Poland a Tripartite Commission also exists that comprises the three major trade union federations, the employers’ associations and the government. Discussions held by this Commission led to important agreements in 1995. In 2001 the Commission was given a new legal base and a new regional and industry-specific structure.

Hungary

Gil (2014) believes Hungary to be a special place. Located at the heart of Europe, it has little or nothing in common with its neighbours, as is reflected in its language (“the only tongue the devil respects”). This separateness may be due to Hungary’s role as the frontier between East and West and its air of independence even when it belonged to the powerful kingdom of the Habsburgs. It is one of the Central and Eastern European Countries (CEECs), along with Bulgaria, Slovakia, Poland, the Czech Republic and Romania. It was also one of the countries where the Soviet Union’s Stalinist programme first began to waver after 1948 before finally “collapsing in 1956”, according to Lomnitz and Sheinbau (2011:4), who assert that this gave rise to

⁸ The amount is set by the Government itself if no agreement is reached.

a “post-totalitarian experimentation with an enlightened, pragmatic and paternalistic authoritarianism (...) that became popularly known as “goulash communism”.

This manifestation of the country’s character remained in place until the start of the 21st century when, on the threshold of its admission to the European Union (2004), Hungary introduced a series of changes, described by Luengo (2001) as profound, that related to procedures for company liquidation and bankruptcy and to opening up the domestic market to foreign capital in an attempt to combat unemployment, one of the most obvious externalities of its new market economy.

Hungary was a Catholic country from the 11th century, when King Stephen adopted Catholicism to align himself with the Pope, and remained so until the modern era. Between the mid- and late sixteenth century, Hungary was conquered by the Turks and governed by a Pasha until part of its territory, Transylvania, came under the control of the Germanic Empire. It was not until the conquest of Vienna (1683) that it was decided to incorporate Hungary into the Christian territories, where it remained under the protection of the Habsburg Empire. This situation endured until 1848 when the winds of European revolution arrived in Hungary, and in 1867 a pact known as the Austro-Hungarian Compromise of 1867 (*Ausgleich*) was reached between the Austrian emperor and Magyar nobility to return parliamentary constitutional government to Hungary, an arrangement that lasted until 1918. Hungary’s alignment with Hitler before the Second World War led to its downfall and the country fell under Soviet control from 1945 to 1989. After regaining sovereignty, it began the process to join the European Union, an aim it achieved in 2004.

The country’s rather troubled history appears to have left a mark on current political relations in Hungary. Not surprisingly, perhaps, Hungary is one of the countries where the threat of totalitarianism is more evident. Prime Minister Viktor Orban suffered a defeat in October 2016 when in a referendum he aimed to prohibit the resettlement of asylum seekers but the referendum was invalidated due to low participation. Hungary must also confront the growing influence of its far-right party, Jobbik. In 2016, Orban and his party, Fidesz, were accused of corruption and media control. Orban views Donald Trump’s election as president of the United States as an opportunity to strengthen the commercial bonds between their two countries (Santander Bank).

Macroeconomic data

In its 2016 report (Gob, 2016), the Spanish Economic and Trade Office in Budapest reported that the Hungarian economy is on the path towards growth, job creation and a reduction in public deficit. The economy has been assisted by exogenous factors such as a favourable economic environment, historically low interest rates, and a European

economy that is in a slow but steady process of recovery. According to data available from Santander Trade, growth in 2016 was approximately 2%. Although this is a decrease compared to the previous year, growth is expected to again reach 2.5% this year. The increase is directly linked to the transfer of funds from the European Union and to trade with various European countries. A good climate for investment is hardly ensured, however, by a certain distrust of prime minister Viktor Orban's policies, which include fiscal interventions aimed at renationalizing the banking sector, whose fragility has harmed the economy mainly due to regulatory uncertainties and heavy household debt. Harsh criticism levelled at the EU in 2016 has been accompanied by attempts to redirect investment by approaching countries whose policies have been labelled authoritarian, such as Russia and Turkey. The bulk of public investment in Hungary currently comes from the EU. Meanwhile, public debt rose to about 75% of GDP in 2016, though this is expected to decrease in 2017.

According to a sectoral analysis by Santander Trade, Hungary is largely a service sector country. Growth in this sector has accelerated in recent years mainly to the detriment of agriculture and livestock. Hungary also has a solid industrial sector whose contribution to GDP at the end of 2014 was 23% (external.gob). The primary sector, which represents 4.1% of GDP and employs 4.6% of the population, mainly produces cereals, fruit, vegetables and wine. The main components of the industrial sector, whose contribution to GDP is currently 32% and which employs 30% of the workforce, are the automotive and electronics industries, both of which are noted for their exports (30% of total exports, or 15% of GDP). Finally, the services sector accounts for roughly 65% of GDP. This sector receives most foreign direct investments, followed by telecommunications, retail and finance. The Spanish Economic and Trade Office in Budapest (2016) reports a healthy trade balance of goods and services, with positive results being achieved since 2014.

The same source reports that Hungary is one of the EU member states with the lowest hourly labour costs (7.8 euros in 2014), a figure only bettered by Lithuania, Latvia, Romania and Bulgaria. Average gross monthly wages increased in February 2016 partly due to a reduction in the income tax rate, which on 1st January, 2016, fell from 16% to 15%. Both these results help to at least partly explain the single-digit unemployment figures. Other explanations relate to Hungary's admission into the EU, which makes the ultranationalist statements of its politicians all the more surprising. Also helping to reduce unemployment are the improvement in industrial activity, the contracting of public works after the lifting of restrictions on accessing EU funds, and the temporary recruitment of unemployed workers through the government's job creation programme. According to Santander Trade, unemployment fell to 4.9% in 2016 and is expected to continue its downward trend in 2017. The same source reports

that another element contributing to the falling unemployment rate is the exodus of young people seeking work in Austria and Germany. To reverse this trend, in 2016 the Hungarian business community demanded the implementation of a migration policy to cover job vacancies. The Hungarian government is also committed to keeping wages down, promoting a higher birth rate (which has been declining since the 1980s), and obliging the unemployed to accept salaries well below the minimum wage.

Finally, the Spanish Economic and Trade Office in Budapest (2016) reports that the working population in Hungary is roughly 60% of the total population and that there are only slight differences in gender. For men, the highest working population concentration is found between the ages of 35 and 39 while for women it is found between the ages of 45 and 49.

Actors in the field of labour relations

According to Alonso (2004), employment legislation in Hungary contains three fundamental laws. The main law is the Labour Code, which was amended on July 1, 2012: “The main objective of the reform is flexibilisation of labour law in order to increase the employment rate by promoting the competitiveness of employers” (Gyulavári and Karárás, 2012:169). The remaining legislation is made up of two civil laws, one to regulate public employment and one to cover public services (education, health and the police). The authors identified the high costs of employment and the complexity of the legislation as the employment market’s main problems. They then proposed to reduce both the rights of employees and the power of the unions, though “evidently, this judgment was not shared by the trade unions and many of the academics”. Grinter (2015) describes the problem with the Labour Code as follows: “Introduced by the current right-wing government of Prime Minister Viktor Orbán, not only does it seriously undermine the ability of workers to fight for decent working conditions but it also allows companies to reopen old conflicts, punishing trade unionists for measures adopted under previous legislation”.

Our analysis of the social agents in Hungary begins with the seven business organizations, two of which are in the primary sector. In this paper, however, we focus on organizations in the secondary (basically industrial) sector and the service sector using information available on their web sites. The largest organization is the Confederation of Hungarian Employers and Industrialists (MGYOSZ), the origins of which date back to 1902 with the foundation of the first Federation of Industrialists (GYOSZ), a body created in response to the specific need for an independent organization to represent the interests of the industrial sector. In 1948 the Federation was suspended but it was re-legalized in 1990. It was not until 1998, however, that MGYOSZ was formed from the merger between GYOSZ and the Hungarian Employers’ Association.

The Confederation currently comprises over 50 sectoral professional associations and 16 regional employers' associations. Many large corporations have also joined the Confederation directly. It performs mediation activities and represents the interests of its members by influencing the formulation of economic and employment policies. It represents their interests at the macro level and submits proposals drawn up by its members. It is in contact with Parliament, the government and the state administration and does all it can to represent the interests of employers in collective bargaining.

The second organization is the Hungarian Chamber of Artisans (POSZ), which is recognized as the largest national organization of Hungarian employers and professionals of micro-enterprises, small businesses and artisans. This national umbrella organization represents 200 legally independent artisan corporations operating on a voluntary basis, including: 156 regional artisan companies, 27 national corporations of professional artisans and 17 county associations, which together represent a total of 40,000 individual entrepreneurs and companies, 200,000 employees, 6,000 apprentices, and 110,000 family assistants. Its objectives include protecting and asserting the interests of micro-enterprises, small businesses and craftspeople; fostering a suitable economic environment; coordinating pre- and post-vocational training programmes for micro-enterprises, small businesses and craftspeople at the EU level; and representing the international professional relationships and interests of these companies and helping them gain access to foreign markets.

Now turning to Hungary's trade union organizations, according to Fulton (2015) trade union density is relatively low (roughly 12%, which is comparable to the level in some Mediterranean models). This low level is also associated with a highly fragmented scenario that comprises six confederations (worker-participation), though in 2013 three of these confederations merged to form a new one. The panorama is therefore one in which competition between trade unions at the industrial, sectoral and company levels (both public and private) is high. According to data from the (ICTWSS), in 2012 union density was close to 11%.

According to the website of one of the participating unions, in December 2013 the founding Congress of the Hungarian Trade Union Confederation took place: "Through the integration of the Autonomous Trade Union Confederation (ASZSZ), the National Confederation of Hungarian Trade Unions (MSZOSZ) and the Forum for the Cooperation of Trade Unions (SZEF), the largest interest representation organization in Hungary has been created with 25,000 active and 100,000 pensioner members". In Fulton's opinion (2013), the reasons cited for the merger, which was well received by the European Confederation of Unions (ETUC), were both political (a response to the Fidesz-led government) and syndicalist (the desire to reduce divisions

among Hungarian unions). The creation of the new, reformed Confederation serves to present the various Hungarian trade union federations.

We begin our analysis with the members of the new, merged Confederation because, despite the merger, the three member federations have retained their identity even though several issues still need to be addressed before a completely unified structure can be established (Fulton, 2015). The largest federation is MSZOSZ (which represents 125,000 working members). This is followed by SZEF (which represents 92,000 workers and 18,000 unemployed or retired workers) and ASZSZ (which represents 70,000 workers and 10,000 pensioners or students) (EIRO, 2014). MSZOSZ represents workers in private industry, mainly in manufacturing and the retail trade. Politically, MSZOSZ has traditionally been close to the Hungarian Socialist Party (MSZP), with which it signed an electoral agreement in 2005. The second federation is SZEF. The third federation is the Forum for the Cooperation of Trade Unions. This Forum, defined as a national trade union confederation, was established during the transition (1989–1990). Its function is to defend and protect the interests of workers in education, health and social services, public, cultural and artistic collections, and central and local administration. According to its own data, the Forum is one of the largest trade union confederations in the country. By mid-2015, it comprised 13 member unions representing roughly 70,000 members.

The largest union federation outside the reformed Confederation is LIGA, which is said to represent 112,000 members. According to András (2013), politically LIGA is close to the Fidesz party. This may be the result of political tensions between LIGA and other federations, especially MSZOSZ, which increased in 2006-07 when LIGA and MOSZ supported demonstrations and organized strikes against the austerity policies of the Socialist-Liberal government at a time of considerable political turmoil. Relations between LIGA and the trade unions of the reformed Confederation (especially MSZOSZ) have still not improved. The reason is simple: the reformed Confederation believes that the government gives LIGA preferential treatment. According to András (2013), their complaint is based on access to negotiations and the distribution of supra-state subsidies (mainly from the EU), which are used to increase its staff.

Trade union affiliation, which now stands at 11-12%, has been declining since the early 1990s. For 2012 ITWCSS reported a density of 10.7%. According to Fulton (2015), figures from a survey on the working population show a general decline in union density from 19.7% in 2001 to 16.9% in 2004 and 12.0% in 2009. These data also confirm that the public sector and public services, including transport and energy, record the highest levels of union membership and that union density is higher among women (12.9%) than among men (11.1%).

Negotiation and collective conflict management

Negotiations mainly take place at the company level, though both trade unions and governments have made numerous efforts to strengthen negotiations at the industrial level. There is a commitment towards the tripartite discussions that until 2010 were promoted nationally to establish a framework for negotiation and improve coordination by making recommendations for lower-level negotiators. Using data from the Centre for Social Dialogue (Társadalmi Párbeszéd Központ), Fulton (2015) reports that negotiations covered 31.1% of all employees. This figure is very low, especially if we consider that many agreements do not address wage issues since they can be dealt with in separate agreements. Gyulavári and Kártyás (2012:171) report that “according to data from 2009, only 33.9% (901,500) of all employees (2,656,000) were covered by collective agreements”.

The vast majority of agreements affect just one employer and approximately 65% are made with public sector employers. With regard to the number of employees covered, however, the proportions are reversed. The predominant attitude among employers is one of reluctance to join employers’ organizations or to authorize them to make industrial agreements. The government can therefore extend collective agreements to the remaining employees in an industry provided the following two requirements are met: the request is made by both parties, and the agreement already covers most employees in the industry. However, according to Fulton (2015), this power has been extended in only three agreements (for the electricity and (some) construction industries and in catering and tourism). Therefore, 31.1% of the workforce is covered by collective agreements at the company or single-organization level (22.4% of the total workforce).

Multi-employer agreements cover 5.2% of the workforce. There is some overlap among the three groups because some workers are covered by agreements at both the company and the industry (or extended) levels. Until 2011, trade unions could influence negotiations via a tripartite body called the National Interest Reconciliation Council (OÉT). This Council, which was re-formed in 2002 by the then Socialist-led government after it had largely been dismantled by the previous right-wing government, provided a forum where the three parties could agree on the national minimum wage for the following year and set a minimum rate for skilled workers. It also played an important role in formulating recommendations for lower-level negotiators on proposals for wage increases, though such recommendations were non-binding. However, in 2011, the FIDESZ-led government chose to replace the OÉT with a new body, the National Economic and Social Council (NGTT). The NGTT is made up of a wider range of organizations, including chambers of commerce, civic

organizations and churches, and no longer sets minimum rates. This change was strongly criticized by the trade unions (Fulton, 2015).

The panorama changed again in February 2012 when a new tripartite body, the Permanent Consultative Forum (VKF), was created to discuss employment issues in the private sector. Only three trade union confederations (LIGA, MOSZ and MSZOSZ) are members of this new body, the others being excluded because they are considered to mainly represent the employees of public services. The VKF also has a more limited role than that of the former OÉT.

Company-level negotiations and industry-level negotiations are mainly conducted between employers (or associations) and trade unions. However, the entry into force of the new Labour Code in 2012 introduced changes, broadening the representation of the labour force to improve the role of collective agreements (Gyulavári and Kártyás, 2012). The first change is therefore this broadening of collective representation. Once approved, works councils (which are not allowed to organize strikes and have limited ability to influence employers) can negotiate agreements with employers when the absence of unions in the workplace is accredited and the workers are not covered by a collective agreement. The only important exception is that these agreements may not cover wages. Before the entry into force of the new Labour Code (1992 to 2012), the ability of trade unions to accredit their negotiating position depended on support for their candidates in works council elections (to obtain the right to negotiate, they required 10% of the votes). The new Labour Code established a 10% affiliation rate as the key to representativeness, so trade unions can enter into company-level collective bargaining agreements if their membership exceeds 10% of the company's employees. The same rule applies to industry-level agreements (Gyulavári and Kártyás, 2012). Once trade unions have demonstrated their level of representation, local agreements can be signed by a coalition of unions at the workplace (provided they obtain the support of at least 50% of the workforce in works council elections) or by a single trade union (provided it obtains the support of at least 65% of the workforce).

Collective agreements covering a range of issues usually last for two years, though they are sometimes valid for an unlimited period. However, company-level agreements on wage increases are usually annual. Fulton (2015) reports that agreements usually cover remuneration (annually), working conditions and procedural issues. The entry into force of the new Labour Code signified a change in the prevailing negotiating strategy. Previous strategies focused on negotiations of work time and work organization. With the introduction of the new Labour Code, employers can introduce greater flexibility without having to negotiate it with the trade unions.

The 2012 Labour Code introduced significant restrictions on what may be negotiated in companies owned by state and local entities. In many areas, such as working time, severance pay and periods of notice, it is impossible for a collective agreement for such entities to include better terms than those already established by law. This limitation also applies to the rights of union representatives regarding periods of rest and protection against dismissal (see the section on representation in the workplace). It is too early to evaluate how the abolition of the OÉT in 2011 (see above), which made recommendations for lower-level negotiators on wage increases and the new Labour Code, will affect collective bargaining. However, the situation is likely to become more difficult for trade unions.

Since the abolition of the OÉT, which used to reach formal tripartite agreements on the minimum wage, Hungary's national minimum wage has been set by government decree. Nevertheless, the government does consult the NGTT, an advisory body that also includes churches and other civic organizations, trade unions and employers (Fulton, 2015).

Chapter 5. Industrial relations in Anglo-American countries

General features of industrial relations

This chapter analyses the dominant model of labour and/or industrial relations in Anglo-American countries based on a reworking and extension of the study by Brunet et al. (2016). The above countries comprise the United States, the United Kingdom, Canada, Ireland, Australia and New Zealand. Specifically, we conduct a general historical contextualization of the evolution of capitalist accumulation and labour relations in the United States and the United Kingdom. Our analysis also includes the labour structures and institutions of this group of countries and determines the socio-institutional profile that characterizes this model.

The above countries are commonly contextualized as Liberal Market Economies (LME), according to the Varieties of Capitalism (VOC) approach. Among other things, the theory implies a limited institutionalized representation of workers' collective interests. However, in a similar theoretical paradigm, there is increasing recognition that this typology does not capture the variations that exist between countries belonging to the same group. In this sense, we could speak of "varieties of liberalisms" (Konzelmann and Vargue-Davies, 2013). According to Colvin and Darbishire (2009, 2013), in these countries there was a predominance of three labour sub-models whose differences were more evident up to the beginning of the Reagan and Thatcher era than they are today. The first sub-model, which comprised the North American countries (United States and Canada), was based on the labour relations model organized under the Warner Act. The second was the voluntarist system of collective bargaining and relatively strong trade unions (UK and Ireland), according to which the State provided implicit support for the organization of industrial relations. The third was the centralized model of Australia and New Zealand, which operated within a broad legal framework. This model included a labour rewards system that

was based on conciliation and conflict arbitration by public authorities. These different models contradict the commonly-held notion that the countries that made up the Anglo-American model constituted a homogeneous reality.

In these countries, the last few decades have seen the construction of a political consensus that labour relations are no longer a public sector policy issue organized along state regulations (public system). On the contrary, employment rules, terms and conditions should be determined in company-level negotiations held between the private parties involved (private system). Private sector negotiations can be conducted through procedures such as: a) collective agreements between trade unions and the company; B) individual negotiations between employers and employees; C) conditions unilaterally defined by the company.

This common trend in Anglo-American countries manifests itself at different levels of intensity and depth. The transformation towards a private system of labour relations has been most evident in Australia and New Zealand, since in previous decades both of these countries had a publicly centralized system of labour relations. However, Australia has recovered some of the collective rights that were lost during the period of aggressive neoliberal government (1996–2007). In the United Kingdom, the clearest change was the dismantling of the system of sectoral multi-company collective agreements and social partnership that had been widely employed during the 1970s. In Ireland, a system of social agreements for organizing labour relations began to operate towards the end of the 1980s, though without the institutional preconditions of a coordinated market economy. This explains the speed with which the system was dismantled following the 2008–2009 financial crisis and replaced in 2010 with a system comprising decentralization and liberalization. However, certain aspects of institutional coordination, though very limited, have been recovered since 2015. In the United States and Canada, on the other hand, the changes have been less evident thanks to the greater continuity with the concept of labour relations that was introduced with the New Deal and the Wagner Law.

In the last fifteen years there has been a certain convergence among the labour institutions in those countries towards a model in which the labour relations legally establish minimum basic conditions that may or may not be voluntarily improved by the parties through company-level agreements. This is a common trend that is institutionalized to varying degrees: a company-wide labour system with a minimum number of standardized public labour regulations that include minimum wages and protective legal measures against unfair dismissal (Colvin and Darbishire, 2009, 2013). The typical political feature here is the prevalence of the employer's interests over those of employees. However, the varying degrees of institutionalization for this trend have led some authors (McLaughlin and Wright, 2015) to argue that this does not

represent a common model of labour relations but typical cases of liberal capitalism (LME, according to the VOC approach).

Although there are differences within each country, the premises behind the common model that is becoming consolidated in these Anglo-American countries are: a) labour relations oriented towards a system that is defined in the private sphere; b) flexibility that fosters different forms of employee recruitment; c) the emergence of new forms of non-union representation; (d) a legal structure that protects workers' individual rights and guarantees minimum common conditions such as minimum wages and protection against unfair dismissal while weakening the collective rights of workers' organizations (Brunet et al., 2016).

Fordism and social liberalism in the United States and the United Kingdom

Liberal reformism in the US, embodied in the New Deal, was constructed as a political response to the industrial unrest of the 1930s. Worker militancy peaked with the textile workers' strikes of 1934, which triumphed in Toledo, Minneapolis and San Francisco, and the occupation of General Motors factories in 1936–37 (Brenner, 2007). This context of political radicalization saw the creation of sectoral trade unions. Union militancy pressured the Roosevelt government in 1935 to approve a legal framework recognizing trade union and labour rights and, as a result, the Social Security Act and the National Labor Relations Act (Wagner Act) were passed. The government believed that collective agreements would help to provide an antidote to economic depression and labour unrest (McCartin, 2014). The legal status of public sector workers, however, was different. State employees were excluded from the Warner Act and did not enjoy collective bargaining rights until the 1960s.

Later, a process of social and trade union demobilization led to a certain bureaucratization of trade unionism. Trade union leaders supported the institutionalization of trade union-company relations through collective bargaining conducted under the protection of the State. During the two decades after the Bretton Woods agreements, the industrialized world enjoyed strong economic growth accompanied by relatively stable prices, and there was an expansion of trade union bases and the bureaucratization of workers' organizations. Economic growth enabled corporate profits to rise along with wages and social spending (Aglietta, 2016), though these achievements were made via a regressive contribution from the workers (Brenner, 2007). The collective bargaining agreements reached by the trade unions during this period were "equivalent" to the achievements gained in Europe by the social democratic movement, such as social security, retirement and pensions rights, etc.

In the 1960s, trade union leaders accepted that industry should regain its competitiveness by moderating labour costs. Despite prolonged economic expansion, salary increases in the industrial sector between 1960 and 1969 were only half of those achieved between 1948 and 1959. However, this economic expansion generated the finance that was needed to expand the welfare state. The Johnson administration incorporated programmes such as Medicaid, Medicare, the Food Stamp initiative, guaranteed minimum income, laws governing primary and secondary schools, and pre-school assistance programmes for low income families. Nixon increased subsidies for social security, established a guaranteed annual salary, set up a public environmental protection agency, created institutions to promote consumer safety, monitor health and safety at work, and reduced income taxes for those on low incomes. However, this Federal social reform programme was implemented without strong trade union power (Anderson, 2013). Increased social spending was thus based on a regime of substantial profits, economic growth and the domestication of the working class (Brunet et al., 2016).

In 1971 Nixon's administration ended US dollar convertibility to gold. The crisis had begun years earlier in the UK when the British pound suffered currency pressures that eventually led to its devaluation. These pressures reflected the disparities between economies and between their internal levels of productivity. So as not to hamper the expansion of world trade, which was restricted by convertibility, the US government decided to abandon the Bretton Woods system. The American economy created the institutional conditions for issuing currency without restrictions while at the same time the dollar became the world's store of value.

In 2008 (when the last major recession began), US inflation was 440% with respect to 1971 and the dollar had only 20% of its purchasing power. This weakening of the currency has helped to liquidate a large proportion of United States dollar debts (both internal and external). Despite the liquidation of its initial value, however, external demand for the dollar remained steady throughout the period and continues to remain so even today. This external demand for the dollar enables the United States to finance itself through foreign placement of banknotes and government and private securities. Having a currency that is a world store of value enables the United States to expand its monetary base, issue external debt through government securities and bonds, and reduce interest rates in times of recession in order to encourage the recovery of investment and employment. This capacity for indebtedness is what explains some of the recurrent crises (Burkun and Vitelli, 2010). The key to monetary hegemony is therefore international acceptance both of the US currency as the world's store of value and of the levels of inflation, without these levels leading to any questioning of the dollar that could produce destabilizing effects (Streeck, 2011).

In the United Kingdom, on the other hand, from the nineteenth century onwards labour relations were regulated informally on the basis of voluntary agreements between the stakeholders. The characteristics of the UK labour system until the middle of the twentieth century were: agreements were voluntary in nature; employment regulations were the result of this collective self-regulation; employment rights were recognized *de facto* while labour tribunals had little jurisdictional competence; agreements signed between the parties had no legal effect but functioned as gentlemen's agreements; collective bargaining and its resulting agreements were mainly conducted at the company level; companies were managed pragmatically; trade unionism was divided and focused on collective bargaining; and the labour market was segmented (García Calavia, 2012, Crouch, 2011, Ferner and Hyman, 2002).

After the collective efforts of the United Kingdom in tackling the Second World War, full employment policies and greater trade union power in the companies gave liberalism a more collectivist air. The state, governed by the Labour Party in the immediate post-war period, assumed a more active role in managing the economy, especially with the nationalization of several energy, industrial and service companies. Such measures helped to turn the British capitalist system into a mixed economy. This was achieved via a neo-corporatist and partial collectivist model. However, Britain emerged from the war with its employment institutions intact (Waddington, 2004) and the state had no political or administrative structures to conduct long-term economic and industrial planning or, therefore, to implement a corporatist model of labour relations adapted to this non-existent planning (Crouch, 1989). Basically, bipartite and voluntary collective bargaining prevailed.

In this context, however, some unsuccessful attempts were made to implement tripartite institutions (Sisson, 1988). Attempts to implement neo-corporatist agreements were state-promoted strategies to manage economic crises rather than the results of a model based on long-term social commitment (Ferner and Hyman, 2002). Specifically, in Britain in the 1970s a brand-new corporate model was developed that was based on social partnership practices as a way of achieving a certain economic stability. However, these practices failed because it was impossible to regulate labour agreements in the private sector given the decentralization of trade union action via grassroots organizations. This led the business sector to lose confidence in this wage-regulation mechanism (McLaughlin and Wright, 2015). Moreover, financial pressures exerted on the government to reduce the public deficit and cut welfare and economic growth policies resulted in the abandonment of state commitments that had been negotiated with the trade unions (Ferner and Hyman, 2002).

(Partial) social consultation practices constituted an attempt to maintain the social order in a context of mobilization and questioning of the economic regime

(Brunet et al., 2016). Consultation showed that it can be a mechanism to facilitate the construction of a coalition for supporting government policies but it can also politicise the issue of redistribution since it also shows that the distribution of income is subject to negotiation and political power.

The Conservative revolution

The beginning of the 1970s was a period of stagnation and economic crisis in the United States. Between 1972 and 1980 real wages fell by 7% (Streeck, 2009; Burkun and Vitell, 2010). In the 1980s the US and British governments began to abandon the notion of democratic capitalism, which considered that unemployment would undermine political support for governments as well as for capitalism itself (Streeck 2009). Deflation and recession were advanced with an attack on trade unions by government and employers (Anderson, 2013).

The next few years in the United States saw inflation rates remain low while unemployment continued to increase, union membership declined, and strikes became infrequent. After the 1980s, a new hegemonic socio-political project came to replace social liberalism and “democratic capitalism” (Brenner 2007). This involved the deregulation of markets, the de-unionization of the workforce, lower taxes, and deflation of the money supply. It resembled the liberal regime prior to the depression of the 1930s but without the gold standard or tariff protection (Brunet et al., 2001). However, this new model was complemented by a large expansion in military spending, promoted by the federal government, that sustained domestic demand.

The main effect of the new neoliberal project on labour relations was to weaken the workers’ capacity for collective action, especially via their trade unions. While labour rights were not substantially modified, the new neoliberal environment and increasing global economic pressures encouraged business leaders to adopt a more aggressive strategy towards trade unions. These business leaders incurred few penalties for attacking the unions in their companies (McCartin, 2014) and businesses found it preferable to dismiss unionized employees rather than allow them to conduct their activities in the workplace. Similarly, the trade unions of public workers were increasingly affected by the cutback policies of the neoliberal governments.

The technological revolution of the 1990s gave added strength to the neoliberal project of integrating the world market into its financial logic. New technologies enabled the organization of international production chains that helped to reduce labour and logistics costs. In particular, the emergence of China onto the world stage encouraged the offshoring of North American assembly lines. However, Clinton’s austerity policy, introduced in 1994, led to public spending cuts and changes in social policy. The rapid increase in income inequality (due to employer offensives, de-unionization,

social spending cuts, etc.) was offset by new possibilities for private indebtedness for both wage earners and businesses. The government also chose to reinforce the model of financial accumulation. This led to industrial shrinkage whereby the industrial workforce fell by 20% while company profits rose by 25-40% (Anderson, 2013). In this new model, therefore, financial liberalization compensated for fiscal consolidation and budgetary austerity. Individual debt replaced public debt, and individual demand, leveraged by private indebtedness, replaced publicly governed collective bargaining (Streeck, 2011).

The neoliberalism of George W. Bush promoted tax cuts rather than wage increases and social programmes as a way to build social consensus (Riley, 2017). However, instead of boosting growth, it created a massive housing bubble that exploded in 2008. Obama's Democratic administration maintained the neoliberal paradigm that had become consolidated since the 1980s. Anderson (2017) argues that Obama infused new energy into exhausted American centrism. Within this context he confronted the financial crisis with a series of economic and social measures that were implemented within the framework of a new New Deal. These included economic stimuli based on lower fiscal pressure, higher public expenditure on infrastructure, energy and research, the reform of the healthcare system and universal coverage, greater consumer protection, and greater supervision of Wall Street financial institutions. The commitment to budgetary expansion was based on the nation's ability to assume an amount of public deficit with which to finance these measures without creating a lack of confidence in the currency. As far as the effect on employment is concerned, throughout this period real wages have remained stagnant while productivity has increased. Between 1979 and 2013, productivity increased by 65% while wages rose by just 8% in real terms (McCartin, 2014).

The mode of accumulation in the United States is led by finance and indebtedness (Burkun and Vitelli, 2010), and is largely sustained by the ability of the dollar to remain an international currency/store of value. US economic power is not based so much on its capital exports but on its capacity to be a safe destination for those capitals (Zevin, 2017). The budgetary stimulus induced by the monetary issue and the low interest rates took the country out of recession, cut unemployment and promoted a growth that, while weak, was greater than that experienced in European countries (Anderson, 2017).

The collapse of "private Keynesianism" in 2008 (Streeck, 2011) led to a new and notable increase in deficit and public debt. The structural context of the Obama administrations presented a difference with respect to the Roosevelt and Reagan administrations. Roosevelt and Reagan became presidents when the previous regime of accumulation had become exhausted and the guidelines of the new model were

already visible (Keynesianism and neoliberalism, respectively). However, in the current crisis, the intellectual and political horizons do not clearly offer any programme that would allow one to imagine a new regime of accumulation and work. In this context, the anti-union practices of companies and federal states have increased since the Great Recession (McCartin, 2014).

According to Perry Anderson (2013), the United States offered a monochromatic ideological universe that reflected a relatively static capitalist order with no social-democratic forces or independent workers' organizations. However, three or four years later, Anderson (2017) interprets Trump's victory – and the following that Sanders managed to attract during the 2016 primaries – as populist reactions to the neoliberal order. The most significant structural changes in the US are the de-industrialization of the rustbelt and the downward mobility of workers and immigrants (Davis, 2017).

In the United Kingdom the Conservative narrative constructed by the Thatcher government linked the high inflation of the 1970s to the increase in trade union power, since the wage agreements achieved by the social partnership were viewed as inflexibilities by the business sector and the government that affected business development in an environment of increasing global competition. The Conservative programme represented the (successful) attempt to restore the sovereignty of the market in the organization of production and the distribution of goods and income.

Keynesian demand management was abandoned via the deactivation of social partnership strategies in favour of a system that gave more discretion to business leaders for making decisions on labour issues, favoured the decentralization of negotiations with workers, and shifted the centre of gravity from sectoral to company-level relations (Brunet et al., 2016).

Conservative governments aimed to eradicate all forms of corporatism, which became weaker at the beginning of this process and was eventually dismantled in 1992. Tripartism has not been re-introduced in the UK since then. This process was part of a more comprehensive offensive against the trade unions that had several core objectives (Waddington, 2004). The first was to weaken the role of their centralized structures, nullifying their involvement in national politics by excluding them from Government Communications Headquarters (the TUC's environment for discussing public policy) and proving intransigent with regard to changes in labour relations that might increase the bargaining power of the trade unions.

The second was to weaken the workplace presence of trade unions, which were therefore forced to adopt a representative model rather than the earlier participatory model. This led to changes in how trade union officials were elected, resulting in a lower participation of union members in elections for higher-level positions and a greater centralization of union management vis-à-vis grassroots organizations (Waddington,

2004; Martínez Lucio, 2014). Moreover, the new model was also later endorsed by the Labour Party led by Tony Blair.

The third core objective was to encourage employers to exercise greater control in companies and extend legal restrictions on the declaration of strikes. Moreover, closed shops, picketing and secondary strikes were also banned. In addition, Wage Councils, which were created in 1909 and determined minimum wages in sectors where collective bargaining was weak, were abolished in 1993 (Joyce, 2015). The fourth government objective was to exert market pressure on public services through privatization, the outsourcing of services and provisions, and budget cuts. These decisions led to greater job insecurity in the public sector (like in the private sector) and reductions in full-time and indefinite employment. A long-term effect on labour relations has been the progressive adoption, by companies that provide goods and services with a high added value, of a model of human resources management that entails greater individualization in labour relations and a fall in the rate of unionization.

In a context in which union activities are subjected to restrictive regulations, disputes are being redirected pragmatically via other channels of action (Joyce, 2015). Trade union representatives have learned to use alternative means for pressurising employers, such as defending individual workers' rights on matters such as occupational health and safety regulations, in order to negotiate the organization of work. They also employ complaint procedures in order to gain access to employment tribunals (and thus address the arbitrariness of management decisions). These strategies are a way in which to continue the struggles of the workplace via other means when the strike option is more or less denied by the legal-political order.

New Labour, led by Tony Blair, reinterpreted the 1970s and concluded that the weak corporatism of that period was negative for the development of the country. For this reason, it essentially continued with the labour relations system that had been consolidated under the Conservatives. However, it did attempt to maintain a relative balance between pro-market policies and the European social model (Brunet et al., 2016). To do so, it mainly promoted the recognition and application of individual employment rights for the protection of workers to the detriment of the collective rights of organizations.

The TUC now finds itself in a position of structural weakness. To reverse this situation it is developing a new strategy for more pragmatic social dialogue based on: a) commitment to the success of the company; (b) recognition of employers' interests; c) defence of job security and the quality of working life. The TUC has also committed to increasing union membership. To achieve this objective it has abandoned its strategy of consolidating itself as a provider of member services (financial services, insurance, credit cards, personal loans, subsidies, health insurance, etc.) since this strategy has not

succeeded in boosting its membership or increasing its influence on society. Instead, the trade union movement has opted to strengthen its model of organization by improving the training of its militant cadres and union representatives (Waddington, 2004).

Union recognition declined from 1980 onwards but began to increase once more during the first decade of the new millennium (Eurofound, 2015a). In fact, 22% of workplaces with five or more employees have a recognized trade union. The incidence of union recognition is much higher in larger workplaces and increased between 2004 and 2011. In 2004, 44% of workplaces with 50 or more employees had trade union representation. By 2011 this figure had increased to 50%. However, there are marked differences between the public and private sectors. Union presence is 92% in public sector workplaces but in the private services sector it is 12% and in the private manufacturing sector it is just 9% (Eurofound, 2015a).

The Conservative coalition government that came to power in 2010 pursued an aggressive policy of fiscal consolidation via austerity measures in public expenditure. The objective was to reduce the fiscal deficit from 8.4% of GDP in 2009 to 0.4% by 2015. Three quarters of the reduction in the deficit was linked to cuts in public spending. The austerity measures focused on reducing the employment and salaries of public sector workers. The government believed that public sector workers had been the main beneficiaries of the measures introduced by the previous Labour government, when between 2000 and 2009 public sector employment increased by 15% (Bach and Kessler, 2012). This also acted as a signpost for the private sector. The prevailing discourse was that the blame for the deficit, and for the difficulties that this deficit implied for growth, lay more with public sector workers than with financial speculation. Of course, this discourse was also useful for accelerating the privatization agenda of the neoliberals (Bach and Stroleny, 2013).

However, the United Kingdom has enjoyed relative fiscal and monetary autonomy, which explains why its policy of fiscal consolidation was not the result of disciplinary action imposed by external creditors but was actually a political choice of the governing coalition (Stanley, 2016). As a result of this internal policy option, the Conservative government that gained power in 2010 diminished the ability of workers to challenge their employers and the state by, for example, introducing quotas to access the court system and establishing an obligation to accept a labour conciliation phase before undertaking any legal action. The measures of tax cuts, wage freezes and layoffs were implemented unilaterally by the government with no prior social dialogue.

Like in the United States, the mode of accumulation in the United Kingdom is led by finance and indebtedness (Bach and Stroleny, 2013). However, unlike the United States, the pound lacks the capacity to become a world store of value (though it did enjoy greater flexibility than economies in the Eurozone). Consequently, the

financial crisis led to severe economic recession, increased unemployment, and a crisis in public expenditure finance after its initial expansion. However, the Conservative-LibDem coalition promoted an aggressive policy of fiscal consolidation based on austerity measures in public spending. Specifically, it implemented a sharp cut in public employment in response to its ideological preferences rather than lose any economic or state sovereignty (Stanley, 2016), as occurred in Ireland, Portugal, Greece and (in part) Spain.

On the one hand, public opinion polls show that between 2011 and 2015 the number of people who believed that austerity was positive for the economy increased. On the other hand, several analysts believe that the anti-austerity protests were channelled towards a vote in support of Brexit (Stanley, 2016). Anderson (2017) suggests that the fear of European populations with regard to the failure of the Euro is greater than their fear of immigrants or globalization. The author asserts that although each country has its own specific reasons, populist Conservative solutions have therefore still not achieved an electoral majority in the countries of continental Europe, while they have done so in both the UK and the US.

Labour relations in the United States

Global US companies are among the largest, most competitive and most profitable companies in the world. According to Eurofound (2014b), they account for 23% of the country's GDP and 33% of the country's jobs. Indirectly, they account for 31% of GDP, 41% of productivity gains and 70% of total exports. The SME sector produces over 50% of GDP, creates 67% of all jobs, and accounts for over 51% of productivity gains and 30% of exports. The workforce comprises roughly 154.4 million workers (men = 53%; women = 47%). Of these workers, 81% are employed full-time and 19% are employed part-time; 39% are employed in professional or executive positions while 23% are employed in commercial and administrative positions; 18% are employed in service positions (including health care) and 12% are employed in production and transportation; and finally, 9% are employed in primary activities, maintenance and construction.

The large size of the American economy, its dynamic and diverse nature, and its strong pro-market institutionalities explain the difficulties trade unions have in successfully conducting collective bargaining. Collective agreements have often compensated for a non-existent state employment policy (McCartin, 2014).

American workers differ from those of other countries in their long working days and less free time, including vacations. They work ten more weeks per year than their European counterparts (ILO, 2014a). A higher proportion of women in the USA work in higher positions than women in European countries (52% of managerial

and professional positions are occupied by women). The gender gaps have narrowed, though differences still exist in average earnings.

The labour movement comprises two union federations and a series of independent unions that are not affiliated to any federation. The two federations are AFL-CIO and Change to Win. AFL-CIO was formed from the 1955 merger of two previous federations. It is the largest such organization, representing 11.6 million workers within its structure. It can therefore raise funds from its affiliates and financially support a complex structure with areas specializing in numerous issues affecting labour relations.

Change to Win was created in 2005 by a group of unions that broke away from AFL-CIO in order to reinvigorate trade union action by attempting to organize non-unionized workers. It is a smaller organization than AFL-CIO with few affiliated unions and a smaller financial and organizational capacity. It comprises three unions: the International Brotherhood of Teamsters, the Service Employees International Union, and United Farm Workers. In total these represent 4.5 million workers (Eurofound, 2014b). Initially, the two federations competed with each other but in recent years cooperation has increased (McCartin, 2014).

In addition to these federations and independent unions, new forms of workers' organizations have emerged, particularly attempts to organize and strengthen employees who have historically been excluded from collective bargaining structures (especially day labourers, independent contractors, and outsourced workers, etc.). These groups are organized in "workers' centers", the aim of which is to strengthen the participation of these employees in collective bargaining arrangements with the firms that hire them. These non-traditional organizations are experiencing a certain growth in their ability to exert pressure and have begun to establish political ties with federations such as AFL-CIO. According to McCartin (2014), the workers' centers representatives participate as autonomous members in AFL-CIO assemblies at which union strategies are discussed.

The membership rate is low (approximately 11% of workers). However, in the public sector it is 36% while in the private sector it is 7% (Eurofound, 2014b). Also in the public sector, the membership rate of employees in local administrations is higher than that of employees in the federal administration. Geographically speaking, the distribution is not homogeneous. Over half of unionized workers are located in seven of the 50 states (California, New York, Illinois, Pennsylvania, Michigan, New Jersey and Ohio).

On the business side, unlike companies in the EU, American companies do not use corporate organizations to negotiate with the trade unions. However, some companies (less than 2% of the total) create organizations that function as lobbies

to pressurize the government to adopt pro-business laws, rules and regulations. The National Association of Professional Employers' Organization (NAPEO) is the largest such association. It coordinates a network of smaller business associations and represents 85% of national employers' associations (McCatin, 2014).

The relations between workers and employers are organized by federal and state labour laws. At the federal level, the US Department of Labor manages and enforces federal labour and employment laws. These regulations cover many workplace activities for over 10 million employers and over 125 million employees. However, many labour and employment laws fall outside the scope of the Department of Labor. Under the National Labor Relations Act (NLRA), collective agreements are regulated by the National Labor Relations Board (NLRB). Although federal laws govern the right to collective bargaining, several state laws prescribe or define whether that right can be extended to employees in their own state.

The legal regulations establish a series of basic individual rights of workers with regard to employment issues. The federal government sets the minimum wage companies must pay, but the states can regulate the minimum wage in accordance with their own criteria and define it autonomously. The federal government also establishes that employees who work more than 40 hours per week must be paid overtime. However, the legislation does not define the maximum or minimum number of working hours per week.

The trade unions conduct their practices under more difficult conditions than in previous decades even though the basic legal structures have not changed substantially. To determine which union in the company is recognized to negotiate agreements, affiliations are counted among the company's employees or in-company ballots are held between the various unions. In addition, many states have their own legislation that regulates the use of conflict-resolution mechanisms via arbitration when collective bargaining fails. When an agreement fails and no alternative conflict-resolution mechanisms exist, unions can resort to strike action to strengthen their demands since in such cases the NLRA guarantees the right to strike (Eurofound, 2014b). The legislation also guarantees, under certain conditions, the company's right to stage lockouts. However, in the last 10 years, the number of strikes and lock-outs has decreased systematically.

In the United States, there is no nationally centralized tripartite system that obliges companies and unions to engage in collective bargaining. Employment agreements in the United States are voluntary. However, agreements, when signed, are legally enforceable and expire in accordance with the clauses that have been negotiated. Nationally, 13% of workers are covered by agreements.

The level of union coordination for negotiating wages is low. However, the trade union confederations, especially AFL-CIO, are developing standardized criteria for wage agreements. These are used by the trade unions in their negotiations with companies, thus promoting a certain degree of homogeneity. The vast majority of agreements are negotiated at the company level. Under the NLRA, when a union (industry or trade) is elected and designated as the workers' representative for signing a collective agreement with the company, it becomes the representative for all that company's employees regardless of whether they are members of that union or not. The law also gives workers the right, individually or collectively, to submit complaints to the company without the intervention of a trade union. Sometimes collective agreements are harmonized nationally but negotiated at the sectoral or company level, which requires a certain effort to coordinate the decentralization⁹. In aggregate terms, unionization translates into improvements in working conditions. Depending on the sector, unionized employees earn between 10% and 30% more than non-unionized employees (Eurofound, 2014b).

With regard to workers' job stability, the legislation presumes that the employment relationship will be extended "voluntarily". This implies that the labour market is highly flexible because both the employer and the employee can terminate their employment relationship at any time and for any reason. In this way, a dismissed worker is not legally protected against a company's unilateral decision to terminate the relationship. The presumption that an employment relationship is to be extended "voluntarily" can only be overcome by demonstrating that both parties have agreed a legal contract that establishes when and how the relationship may be concluded. Such contracts are not very widespread in the United States (only about three million workers have this type of employment contract).

Since the 2008 crisis, many US states have had public deficits and been forced to reduce spending by cutting benefits and lowering wages for public employees (Anderson, 2013). In this context several state governments have been obliged to meet these wage cuts by reducing union participation.

With regard to the participation of the public sector unions, the Civil Reform Law (1978), which governs trade union participation and collective bargaining, created three bodies to supervise labour relations in this area. The first monitors the health and safety issues of administrative staff; the second resolves disputes over controversial decisions taken by public administrations towards workers; and the third oversees collective agreements and arbitrations, etc.

⁹ For example, the teamsters union negotiates a national framework agreement which serves as the benchmark for affiliated unions locally and regionally. These unions then negotiate their own agreements with the company with certain variations with respect to the framework agreement.

In the American tradition, mechanisms for tripartite dialogue only operate for the negotiation of international treaties (for example, in bilateral trade agreements, treaties with the ILO (International Labour Organization), or other international negotiations affecting employment regulations). Under the NLRA, the National Labor Relations Board (NLRB) monitors relationships between workers and employers in order to ensure legitimate labour practices. However, some legal problems with subcontracted and/or self-employed workers exist that lead to job insecurity. It is very common for companies to use these types of workers, largely on a part-time or temporary basis, thus reflecting a current strategy by human resources managers to cut labour costs (Eurofound, 2014b).

There are certain signs that attempts are currently being made to revitalize trade union organizations. For example, public sector unions are pursuing strategies called “bargaining for the common good”, which attempt to construct social alliances with sectors of the community and make proposals aimed at bringing state workers, taxpayers, and social movements, etc. closer together.

Labour relations in the United Kingdom

New Labour promoted a limited tightening of the relationship between the working classes on the one hand and the state and employers on the other by strengthening individual employment rights over the collective rights promoted by trade unions. Moreover, as a result of European social regulation, it introduced the minimum wage in 1999. In the same year, the employers’ recognition of trade unions was legally established if at least half of the workers in a company expressed in a ballot their acceptance of the union as their representative. Since 2004 legislation has allowed workers to ask the company for representation agreements that had not previously been established on a voluntary basis (Eurofound, 2015a).

The characteristics of the current working model are mixed. On the one hand we observe the state’s traditional non-intervention in the regulation of employment relations and the maintenance of the voluntarist model. On the other hand, we observe the regulation of individual employment rights as a new feature of the British system. However, under the Conservative government, which came to power in 2010, some individual employment rights were cut – such as the extension from one to two years of the period required for a worker to make a claim for unfair dismissal (Eurofound, 2015a).

The labour market is not totally deregulated. Workers are protected against unfair dismissal if they have worked for the company for more than two years. If they have worked there for less time, they have a much lower level of protection and can defend themselves only if the dismissal is related to some form of discrimination.

The maximum length of the working week legally permitted is 48 hours, although employers and employees may exceed this limit through voluntary agreements. As we mentioned earlier, overtime is usually based on *ad hoc* criteria rather than negotiated via collective agreements. However, full-time workers usually work at least 35 hours per week, while 27% of employees work part-time (Eurofound, 2015a).

In organizational terms, the trade unions are in a weakened position. Trade union affiliation has fallen from a high of 57% in 1980 to the current 26%. In the private sector it is 14.4% and in the public sector it is 56% (Eurofound, 2014b). In the United Kingdom, trade unions are organised both vertically and horizontally. The only national confederation is the TUC, which has over 6 million members. In recent years the trade unions have been involved in numerous mergers, which has led to a decline in the number of organizations (Joyce, 2015). In 2012 there were 165 trade unions, whereas there were 226 in 2000 and 306 in 1990. The largest trade union organization is UNITE, with 1.5 million affiliated workers, which was formed by the merger between AMICUS and the Transport and General Workers' Union. The largest union in the public sector is UNISON, which has approximately 1.37 million members.

As a consequence of the decentralized nature of current labour relations, business federations have a smaller presence. The main business organization is the CBI (Confederation of British Industry). This business equivalent to the TUC is recognized by British government as its main intermediary and interlocutor with companies. It represents about 240 thousand companies. Other smaller business organizations are the BCC (British Chambers of Commerce), the FSB (Federation of Small Businesses), and the FPB (Forum of Private Business), which provide advice and support for affiliated companies. Eurofound (2015a) estimates that the density of employer affiliation in the UK is between 30 and 40%.

With regard to the public authorities involved in labour regulation, ACAS (the Advisory, Conciliation and Arbitration Service) organizes and manages conciliation and arbitration in the United Kingdom. The Central Arbitration Committee (CAC) is a government body whose function is to resolve collective disputes in England, Scotland and Wales either by voluntary agreement or, if necessary, by court decision. In 2013 ACAS participation increased as a result of an official regulation that established mandatory early conciliation as a prerequisite before a worker could make a claim before the employment tribunal. Another important body is the Health and Safety Executive (HSE) of the Department for Work and Pensions (DWP), which monitors health and safety conditions in the workplace.

There are some, albeit few, examples of participation by social agents in the management of employment-related public policies. One such example is the Sector

Skills Councils (SSC), which are run by representatives from business and the trade unions. The SSC are responsible for coordinating with companies to determine the most suitable contents of worker training schemes and increase worker competence. These Councils receive public funding and provide generic training that does not focus on obtaining specific employment positions. Publicly subsidized training is general in nature and not aimed at promoting labour insertion in specific jobs.

In the private sector, the labour relations system is focused mainly on company agreements and to a lesser extent on sectoral agreements. In the public sector, on the other hand, agreements are mainly sectoral and unionization is high (Perkins and White, 2010). At present there are no national intersectoral agreements. Agreements often have limited coverage. In 2012 the agreements covered 31% of workers: 68% in the public sector and 17% in the private sector (Eurofound, 2014b). However, in 2014 there was a decrease in the percentage of workers whose wages are covered by collective agreements (27.5%) (Eurofound, 2015a).

In line with the voluntarist tradition, these agreements are “gentlemen’s agreements” that not legally enforceable. Collective bargaining is also not legally regulated. However, if the terms of an agreement are incorporated into individual employment contracts, those contracts are legally enforceable.

There are no formal coordination mechanisms for the various levels of negotiation and there is no institutionalized coordination of wage negotiations. In practice, however, trade unions operating in different companies and sectors share information, and certain agreements provide points of reference for other negotiations that take place in different companies. This system constitutes an informal levelling-out mechanism, though its high degree of flexibility does not lead to situations of wage homogeneity. Therefore, a decentralization is in operation that, while not formally coordinated, functions by means of informal practices with a certain degree of coordination between companies and produces variable results. Moreover, no public extension or homologation mechanisms exist to cover those workers who are not represented by a trade union.

Another aspect that reflects the loss of trade union influence is the simplification of the issues that are negotiated in the agreements. According to Eurofound (2015a), issues related to the length of the working day, pensions, vocational training and holidays, etc. have lost weight. The main issue for negotiation in the workplace is wages.

The policy of social consultation is not very common, though some dialogue exists, especially bilateral and informal consultations between the government and social stakeholders. There are informal bilateral mechanisms for consultation on policies between trade unions, employers and public authorities. Similarly, several committees still exist, including the Low Pay Commission, which involves the

participation of social stakeholders and is consulted on increases in the minimum wage. Social stakeholders also participate in the Sector Skills Councils (SSC), whose main objective is the training of workers. However, the absence of meaningful dialogue prevails. Decisions to cut taxes, freeze wages and lay off public sector workers have been taken unilaterally by the ruling Conservative coalition without prior negotiations with the trade unions (Bach and Stroleny, 2013).

Despite this low level of social consultation, labour disputes are also rare due to the institutional difficulties for conducting collective actions that have been introduced by neoliberalism. According to Eurofound (2015a) data collected between 2010 and 2013 (the height of the recession), protest measures based on work-to-rule were adopted in 10% of workplaces, some form of strike action lasting less than one day was taken in 7%, strikes were held in 26%, and blockades and occupations were held in only 4%. In contrast with southern Europe, the proportion of strikes and labour disputes has been low (Bach and Pedersini, 2013). However, some collective actions have been carried out in response to the adjustments that began to be implemented in 2010 by the Conservative-LibDem coalition, though since 2012 these efforts have lacked continuity (Bach and Stroleny, 2013).

As we saw earlier the Advisory, Conciliation and Arbitration Service (ACAS) is responsible for conciliation and arbitration in labour disputes. Most conciliation practices are handled as individual disputes. Conciliation practices were extended in 2013 with the introduction of mandatory early conciliation as a prerequisite for making a claim before a labour tribunal. Individual employees can attempt to solve disputes informally via conflict-resolution mechanisms or obtain redress via the court system. Since May 2014, any worker who wishes to submit a claim before the employment tribunal must first notify ACAS in order to enable the opportunity to have their differences resolved via the early conciliation process. Moreover, since 2013, fees have been set as a condition for bringing cases before an employment tribunal.

The main channel of representation for workers at their workplace are the company trade unions. 22% of private companies with five or more employees have unions that are recognized by the company, while almost half of private companies with more than 50 workers have trade union representation. The situation is different in the public sector, where 92% of workplaces have trade union representation (Eurofound, 2014b). Other channels of representation for workers are the Joint Consultative Committees, which in some companies function as alternatives to or substitutes for trade unions. They are usually more common in large companies and public sector workplaces.

At the time of writing this chapter, we cannot ascertain what impact Brexit will have on labour relations. However, we can affirm that the conservative populist

discourse was based on appeals to defend the labour market for workers who were born in the UK to the detriment of those who were born elsewhere. The intention of the Conservative Party is to repeal the European Communities Act of 1972 and incorporate EU regulations into UK national legislation. The TUC's position, supported by the Labour Party, is to obtain certain political commitments from the government that would ensure the maintenance of employment protection measures implemented since the UK's admission to the EU. The objective of the Confederation of British Industry (CBI), for its part, is to maintain duty-free access to the Single Market.

An Anglo-American model? Common trends and national political specificities

Since their origins in the 1930s and 1940s, respectively, the industrial relations systems of the United States and Canada have favoured private legislation and company-level negotiations over public legislation and sectoral or inter-sectoral negotiations. This implies respect for workers' individual rights to the detriment of the rights and resources of workers' organizations, i.e. to the detriment of the power base of these collective organizations.

In the United States, the NLRA (known as the Wagner Act) was enacted in 1935. Since then it has been subject to numerous amendments and open to several ideological interpretations. During the Reagan administration the same legal regulation came to be implemented in a way that was much more inclined towards business interests than it had been in previous decades. For example, since 1939 the legal system had envisaged the possibility of replacing striking workers but it was not until the 1980s strikes in the US mining industry that this measure began to be used strategically. This resource came to be widely used by employers. This period coincides with the decline in union membership, from 22% in 1980 to 12% in 2006 (Katz et al., 2007).

In Canada the industrial relations system also remained stable. A regulation similar to that of the United States (federal in nature, with specificities for each province) became institutionalized. Canadian legislation, which began in 1940, incorporated several aspects of the US Warner Act, such as agreements by company, the certification required by unions to be recognized as legitimate interlocutors, and the acceptance of strikes and lock-outs as weapons of labour negotiation. It also contains several differential features that indicate a greater inclination than in the United States to defend workers' rights, including greater limitations on the possibility of replacing striking workers. However, labour relations are highly federal in nature.

In both countries there is a general pattern of stability in the institutional structure of labour relations (Colvin and Darbshire, 2009, 2013).

In contrast to this model of relative institutional stability, under the Thatcher and Major governments British trade unions endured state/employer attacks between 1979 and 1997. The British system has historically been based on a liberal framework of *laissez faire* that relies on the ability to reach voluntary collective agreements to establish regulations to govern the relationships between employers and employees. The neoliberal reforms aimed to transform the role of trade unions and collective agreements in British economy and society and promote a free market society in which business decisions are the economy's core criterion. The legislative changes included a ban on secondary picketing and an obligation to hold a ballot of all workers before declaring a strike. In political terms, the government encouraged employers to end their customary recognition of trade unions. Remember that between 1945 and 1980 successive governments had given trade unions their implicit support and recognized them as legitimate players in the post-war capitalist economic order.

However, when the Labour Party returned to government in 1997 it did not reverse the philosophical fundamentals of the neoliberal model of labour relations. To tone down its more aggressive aspects, in 1999 it introduced the Employment Relations Act, which publicly recognized certain rights for trade unions. As we saw earlier, in 1998 the minimum wage was introduced for the first time and workers' rights were extended in order to protect against unfair dismissal, negotiate working times, holiday entitlements and maternity leave, and prohibit age discrimination in employment. In 2004 the law restricted the possibility for companies to provide financial incentives to workers who are not members of trade unions. These actions were also supported by EU directives, though their scope in the UK was more limited than in continental Europe. The Conservative coalition that came to power in 2010 introduced a shift towards the greater commoditization of labour relations through reforms inspired by the "New Public Management" for the public sector (a marked reduction in public employment and administrative management based on market criteria) and a strengthening of the prerogatives of business authority for the private sector.

Ireland, for its part, has strong links with British culture, though several differences exist in the field of labour relations. Its voluntarist tradition is supported by state institutions for the resolution of disputes and conflicts. Another similar element to the British system is the granting of unionization rights, though employers are not obliged to recognize unions or to enter into agreements with them. However, the role of trade unions in the public sphere is much more accepted socially and politically than in the United Kingdom. Indeed, the difference between Ireland and other

Anglo-American countries has been the significant expansion of trade unions in the public sphere, where they participate in social consultations and national collective bargaining (Colvin and Darbshire, 2009, 2013). Irish social partnership has been a highly prominent feature for comparison with other liberal economies because Ireland does not possess the institutional foundations of coordinated market economies.

Since 1987 social consultations have helped to create tripartite agreements based on social partnership and dialogue. These have helped to establish standardized wage regulations for workers and enabled unions to participate in economic policy issues (e.g. tax policy), promote social and labour issues in the public agenda, and involve different types of civil organizations. On the other hand, some researchers argue that social partnership has made it viable to introduce economic liberalization since it guarantees social stability (Allen, 2003). Other authors (Roche, 2007), however, have described “competitive corporatism” as being different from neoliberalism. For example, low-income workers have obtained wage increases that they would not have achieved in a decentralized and liberalized context (McLaughlin and Wright, 2015). What is true is that social partnership was dismantled rather quickly after the 2010 financial bailout. This reflects the difficulty in sustaining a system of social dialogue and labour relations cooperation in a country with liberal institutions that suffered a loss of political and economic sovereignty after the ECB bailout and the intervention of the Troika (Regan, 2012). Laws were established that cover the individual rights of workers but not the collective rights of trade unions. Individual rights included a national minimum wage, social protection for part-time employees, the regulation of work time, and maternity rights.

However, this transformation was achieved in relatively orderly fashion via an agreement between the Irish government and public sector unions that allowed for several concessions, unlike in the UK where the changes were introduced unilaterally. While in the United Kingdom the cuts in public expenditure were achieved mainly by dismissing public sector employees without prior negotiations, in Ireland they were achieved primarily by cutting wages (Bach and Stroleny, 2013). The involvement of trade unions in tripartite consultations earned them greater social legitimacy and protection against conservative attacks. Several authors (Baccaro and Simoni, 2007) also assert that it has helped the country to achieve economic success. Other authors (e.g. Roche, 2007), on the other hand, believe that the “private” characteristic that links the Anglo-American countries still prevails.

The “truncated” social partnership fostered a “private” arrangement of labour relations at the company level that was key to attracting multinational investments. In 2015, when pressure from the Troika decreased, the Irish Low Pay Commission, a tripartite body based on the British model, was set up to improve the incomes of

low-wage workers. The collective rights of the trade unions were also improved. While companies were not obliged to recognize the unions, the ability of the Labour Courts to decide on employment and wage conditions was re-established. This may provide an incentive for employers to agree to negotiate agreements with the trade unions (McLaughlin and Wright, 2015).

Unlike the privatist tradition of the European and Anglo-American model, the model of incentives and arbitration that was developed in Australia and New Zealand in the twentieth century (the Award System) was based on a public system of labour relations. This involved the social acceptance that a legitimate public policy on labour relations should include trade union protection, the resolution of labour disputes, and agreements on employment terms and conditions that are carried out “reasonably and honestly”. The regulatory system was later expanded to include aspects such as working hours, holidays, health and safety, and notice of dismissal, etc. These practices were central to the public policy on labour relations.

This system based on public policy came under attack in the 1990s, however. In New Zealand in 1991 the Employment Contracts Act transformed the system radically (McLaughlin and Wright, 2015) and the public system was replaced with a private one. On the one hand, these changes were due to global market pressures on the New Zealand manufacturing industry (Barry and Wailes, 2004) that encouraged the industry to introduce lower labour costs. However, they were also due to the policies and ideology of the conservative coalition, which aimed to reduce the influence of workers’ representatives in public policy negotiations (McLaughlin and Wright, 2015).

In 1991, the Employment Contracts Act (ECA) eliminated the Award System, institutionalized the decentralization and individualization of labour relations, and consolidated a pro-market discourse as a criterion for competitiveness. Since then, employment agreements have mostly been defined at the company level, subordinate to the goodwill and preferences of employers. As a result, agreement coverage rates have fallen from 59% to 25% and union density has declined from 49% to 27% (McLaughlin and Wright, 2015). In the first decade of the new millennium, the Labour coalition government encouraged a certain recovery of trade union bargaining power via the Employment Relations Act (ERA) but maintained the private nature of labour relations policy. Since 2009 the governing coalition has resumed the strategy of labour market deregulation. Rather than introducing a new institutional transformation, it has opted to maintain the ERA but has weakened real collective bargaining practices and drained them of content.

In Australia, on the other hand, the transformation has been more gradual (Colvin and Darbishire, 2009, 2013). The industrial relations reform of 1993 and the workplace relations reform of 1996 promoted the decentralization of collective

bargaining agreements, though this was done within the framework of the traditional system of labour protection. However, in 2005 the Australian government introduced structural legislative changes via the Work Choices Act, which redirected the system back to a private system of labour relations and decentralized collective bargaining. With this new system, the trade unions lost a great deal of power, to the extent that employers are no longer obliged to recognize unions in the workplace. Moreover, the right of employees in SMEs with fewer than 100 workers to receive compensation for unfair dismissals was eliminated.

A labour model was imposed that reinforced the bargaining power of employers to the detriment of that of employees. In this climate, legislation to determine the minimum wage replaced a legal structure that had organized employment conditions at the national level. The new legislation also limited the ability of trade unions to negotiate agreements since, for example, companies were given the right to sign agreements with unaffiliated workers. It also limited the workers' right to strike (for example, secondary boycotts were prohibited), though employer lockouts were permitted.

In 2009 the new Labor government in Australia partially reversed the neoliberal reforms of the 1990s and 2005. Individualized contracts were abolished and collective agreements were recovered as the primary mechanism for establishing employment terms and conditions, though company-level agreements still prevail. The new labour reform, the Fair Work Act, abolished individual contracts and recovered certain trade union rights, such as their right to access workplaces and operate in them. The regulatory powers of employment tribunals were also recovered and national employment regulations were established that set minimum working conditions for all wage earners.

The current model, which is closer to the American model of the Wagner Act, emphasizes and encourages company-level agreements. However, decentralization has been carried out in an "organized" way (Cooney and Lansbury, 2015). The trade unions have managed to use their links to the Labor Party to maintain their presence in collective bargaining. Wage determination is more coordinated and institutional protection for workers is greater than in other LMEs (McLaughlin and Wright, 2015). The current dominant model converges towards agreements at the company or workplace level, which guarantees flexibility, while employing practices of collective representation in companies that foster coordination with the relevant trade union. Roughly 60% of workers have their wages determined according to collectively negotiated criteria and all workers are included in a pension system.

The countries in our analysis represent models of liberal market economy in which the accumulation of capital takes place in a pro-business framework dominated

by global finance. The institutionalism by which labour relations are organized has undergone changes in recent decades and each country has experienced its own rhythm and variation. The UK, Ireland, Canada and New Zealand have adopted labour laws that promote regulation at the company level (though, as we have seen, some collective protection exists). After a period of aggressive neoliberalism, Australia has recovered and maintained its collective rights and social partnership practices, though also within a stabilized pro-business framework.

In Australia and Ireland, collective employment rights are stronger and more institutionalized than in the other countries. Though the United States and the United Kingdom have similar business demands, their capitalist forces do not necessarily have to have everything in order for their market economy to function (McLaughlin and Wright, 2015). The state and the social stakeholders (in this case the trade unions and the political movements sympathetic to the demands of workers) can add their own demands to the political process so that some of their demands can be recognized and the prevailing system can incorporate these demands in a way that does not respond exclusively to unilateral capitalism.

The country that presents certain distinctive features is the United States. The US model is similar to those of other countries in the emphasis it places on the private system of labour relations, the decentralized and voluntarist nature of the agreements, and the role played by legal regulations to establish a minimum set of standardized conditions for workers. However, the American model is different in that it favours employers more systematically than the models of other countries. In the field of labour rights, for example, employers can hire workers to replace strikers, thus weakening the bargaining power of unions. The hiring of workers “at will” is also a continuing resource that makes it easier to dismiss workers and promotes flexible working conditions.

Our analysis shows that there seems to be a similar pattern among Anglo-American countries. Minimum regulations have been put in place that guarantee a basic set of individual rights for workers and that may be improved voluntarily by the parties involved via negotiations held mainly at the company or workplace level. However, among these common trends are also several political and ideological differences between the countries.

The political systems and business environments have a predisposition to weaken the role of trade unions in the joint formulation of employment regulations. This predisposition is less intense in Australia and Ireland but stronger in the US and the UK. The US and the UK have taken a backward step with regard to the collective rights of workers’ organizations and have seen a trend (which is stronger in the private sector) towards the predominance of labour relations that are more individualized or negotiated at the company level and enjoy weak union participation.

In Britain since the 1990s, the voluntarist tradition has been complemented by legal regulations. In Ireland, this tradition has been accompanied by social partnership practices and a coordinated decentralization. Australia and especially New Zealand, on the other hand, have seen a reversal of centralization and collective bargaining on a national level in favour of a private, decentralized system.

The labour relations systems of the United States and Canada have seen greater continuity and the clearest changes have taken place not in regulations or legislation. Rather, the state and employers have mounted a political offensive, within the same institutional framework that emerged from the New Deal, that aims to weaken trade union participation and extend the individualization of North American labour relations.

Chapter 6. The Latin American Model of Industrial Relations: The “Flexible Corporatism” of Argentina, Brazil and Mexico

Introduction

The aim of this chapter is to describe and analyse the model of industrial and/or labour relations in Argentina, Brazil and Mexico so as to understand the typical patterns of their organization of work¹⁰. We will outline their common characteristics and specific features, and interpret how they have evolved structurally in the face of shifts in political and economic paradigm. The argument put forward is that the three countries have a “flexible corporatist” model of labour relations that revolves around, on the one hand, corporate practices built up during the period of import-substitution industrialization and, on the other hand, current company strategies focused on flexibility and reduced labour costs. Such a model is possible because of the low enforcement power of the institutions responsible for organizing capital accumulation in the Latin American countries in question.

Broadly speaking, as the twentieth century reached its midpoint, the relationship between the state and the workers’ movement changed in Latin America. Long-standing oligarchies were partially displaced by urban manufacturing and commercial sectors in the most dynamic sectors of capital accumulation. Trade unions were incorporated into state institutions, replacing governmental repression. States created vertically integrated structures that contained state-recognized unions, thereby securing a measure of control over their demands, their leadership and their organizations. These are the structures that laid the foundation for Latin American corporatism.

¹⁰ This chapter is based on a reworking and extension of the study by Brunet et al. (2016).

In Brazil, where a concentrated and exclusionary pattern of accumulation based on primary activities had been predominant in the initial decades of the twentieth century, there was some ability to incorporate an urban popular sector into capitalist accumulation. With the First World War, industrial activity gained momentum, thanks to low-productivity SMEs and institutional protections for the dominant coffee sectors. The industrialization process began with “easy substitution” because the country did not have either the technological and financial conditions needed to make the introduction of large-scale industry viable (Furtado, 1966) or a system of labour relations through which to channel workers’ demands. The paradigm shift started under the Vargas government, which erected state corporatism. In the nineteen-thirties, labour legislation was passed to ensure state control over the trade unions in organizational, political, ideological and financial terms. By the forties, the official structure of the trade-union movement had three pillars: the trade-union tax, union unity and the prescriptive power of the labour courts in collective disputes. Labour policies did not cover most of the populace, which continued to be excluded from the benefits of modernization. In the fifties, however, the Brazilian Communist Party (PCB) formed an alliance with the Brazilian Labour Party (PTB) and led a trade-union mobilization that enabled progress to be made in the organization of the workers’ movement outside the control of the state (Brunet et al. 2016).

In Argentina, the nineteen-thirties witnessed the consolidation of a fledgling process of light industrialization through import substitution. The working class, however, remained excluded from the benefits. Labour legislation and social protection were limited and institutional enforcement was very weak. In economic terms, the Argentine state created the conditions for rapid import-substitution industrialization (O’Connell, 1984). However, the process of industrialization intensified during the Second World War and under the presidency of Juan Perón (1945/1955), forcing the country down an economic path that was not integrated with its agricultural export economy. A dual structure emerged and the co-existence of two production and financial systems bred conflict, which in the long term was to impede the formation of an integrated agro-industrial economy (Ferrer, 1979; Godio, 2000).

Argentina had a high rate of trade unionism for a number of causes. First, the state institutionalized labour relations, initially establishing collective bargaining in 1943 and then giving collective agreements the status of a law of public order in 1953. Second, the country had a high degree of labour mobilization. Third, the trade unions were marked by dynamism. Fourth, the organizational skills of trade-union leaders were notable. The chief features of the trade-union model established under Perón were: 1) unionization based on sector of activity (economic branch); 2) official union recognition being given to only one trade union in each branch of activity; 3) application

of agreements to all workers in a sector; 4) a centralized trade-union structure (with local chapters, federations and confederations); 5) state oversight of trade-union activities; 6) participation in the management of institutions that mediated disputes between workers and companies (joint committees and work tribunals), management of social security institutions, and provision of tourism services for members.

The power of the trade unions depended on state recognition. But such recognition took place against a backdrop of political and institutional instability, which accounts for the “politicization” of union activities and the incentives for “integration” and pragmatic realism that characterized union culture under Perón (James, 1988).

After the revolution in Mexico, the country went through a period of institutional construction between 1921 and 1935, including the creation of a financial system, a regulatory framework for landownership and natural resources, expropriations and nationalizations of strategic energy sectors, infrastructure development, institutions for education and welfare, and market regulation. These efforts laid the groundwork for subsequent industrial development from 1940 onwards.

On the political front, the National Revolutionary Party (PNR) became the Party of the Mexican Revolution in 1938 and then, in 1946, the Institutional Revolutionary Party (PRI). In addition, the Confederation of Mexican Workers (CTM) was founded in 1936, followed in 1938 by the National Peasant Confederation (CNC). These two confederations were to provide an important foundation for corporatism. In the context of this trend, the system of labour relations became well established toward 1955.

The PRN, and subsequent PRI, was not merely a party political option. It was an embodiment of the Mexican state in construction. The aim of the state was to foster a national business class whose accumulation circuit would be bound up with relations to the public sector itself rather than to the free market. In relation to the trade-union movement, the state created a pattern of bargaining based on group conciliation, winning over corporate leaders and repression. Priority was always given to the “strategic alliance” of the workers’ movement and the state, which set labour and economic policies (Covarrubias, 2009).

The impact of the process of social and labour-market modernization on Brazil, Argentina and Mexico

By the mid-nineteen fifties, the ruling classes of Brazil had succeeded in building a state capable of managing and administering the national economy and, consequently, promoting industrialization based on the production of consumer durables. The country built an integrated and diversified manufacturing base. While the ensuing

growth was socially exclusionary, it transformed Brazil's social structure, demographics and labour market.

In 1964, a coup took place. The overthrow of the government initiated a period of conservative modernization, which combined high growth rates and an enormous concentration of wealth and income with political and trade-union repression carried out by what O'Donnell (1982) characterized as the "authoritarian bureaucratic state". The industrialist model of exclusionary accumulation in Brazil rested on three pillars: 1) a state supplying externalities and finance to the private sector (capital goods, basic inputs); 2) an alliance with foreign capital through business associations and the establishment of large multinational corporations; 3) external finance to sustain industrialization. This economic process did not unfold autonomously, but was kept going by recourse to power exercised by the dictatorship that took over in 1964.

Industrial modernization quickened the emergence of a new working class that became the foundation for a so-called "new trade unionism". Members included industrial workers, metalworkers, civil servants and the professional classes (teachers, doctors, etc.). The "new trade unionism" was more militant and politicized and it was also independent from the state. From 1973 onwards, growth ground to a halt because of the country's energy and financial vulnerability. Higher energy and finance costs put a brake on economic expansion and shook price stability. A period of inflation and recession began, leading ultimately to a moratorium on foreign debt repayments in 1982.

Workers' mobilizations and strikes in the nineteen-seventies opened political rifts in the dictatorship (Antunes, 1995, 2013). The new trade unionism organized itself subsequently through the formation of the Workers' Unified Central (CUT). Initially, the CUT championed the creation of an autonomous, class-based organization that would be independent of the state.

Though democratic representation had been shut down in 1964, the dictatorship continued to allow a degree of controlled political competition between two parties: the National Renewal Alliance (Arena) and the Brazilian Democratic Movement (MDB). Over time, the MDB adopted a stance of open opposition to the military regime. Growing political opposition led, in 1980, to the launch of the Workers' Party (PT), which sprang out of the resistance struggles against the dictatorship, specifically the confluence of the new trade unionism with left-wing organizations, social movements, student movements and clergy from the Catholic Church and from grassroots church communities with links to liberation theology. The PT focused on trade-union demands, social demands and the contentious issue of politics and institutions.

Brazil's experience has no parallels in Argentina or Mexico in the same period. In the latter two countries, no significant renewal took place either in the trade-union

organizations or political organizations of the time. Looking first at Argentina, the coup of 1955 led to a heavy-handed crackdown on the workers' movement. Control of the CGT was seized, its leaders were disqualified from taking part in collective bargaining, its delegates and internal committees were suppressed and excluded from participation in factories as a condition for progress on rationalization plans to boost industrial productivity. Years later, an anti-Peronist civilian/military government focusing on development subjected the trade unions to another harsh crackdown, which led to a climate of demobilization. Against this backdrop, the trade unions began to bureaucratize, adopting highly centralized structures.

Between 1960 and 1974, a long developmentalist phase of economic expansion took place (Ferrer, 2004). In 1966, a military coup led to an Argentine version of the authoritarian bureaucratic state, which throttled Peronist trade-union activity. The decentralization resulting from the crackdown, however, had an unanticipated effect. It strengthened grassroots trade unionism and class-conscious mobilization, which led to action in economic sectors linked to authoritarian modernization that were beyond the internal control of the traditional Peronist trade unions (Gilly, 1990).

As a consequence of democratic mobilization, Perón returned to government in 1973 and brought back the dominance of the trade unions (Werner & Aguirre, 2007). The government strengthened the neo-corporatist character of the system of labour relations, established new legislation to increase the power of centralized trade-union leadership, and bolstered the state's supervisory role over the trade unions.

In short, this stage of labour relations in Argentina was marked by a high level of state intervention, centralized collective bargaining, a Taylorist/Fordist organization of work in advanced sectors and a semi-artisanal one in more backward sectors. Bargaining focused on the pace of work and production levels, and wages were agreed so as to protect purchasing power (Novick & Catalano, 1995).

As for Mexico, capitalism during the ISI period took on a corporatist character built on populist underpinnings (Bensusán, 2000). A variety of social groups including workers were brought into the PRI's project, but kept in a subordinate position. This occurred against a backdrop of very weak opposition parties. From the nineteen-forties until the late eighties, the country enjoyed a high level of political stability. Unlike in Argentina and Brazil, struggles for power did not threaten the political system (Bensusán, 2000). The political order instituted by the PRI had only a single hegemonic party. Neither political alternation nor an effective division of power among the branches of government was possible. With this arrangement at its political base, the ISI model had a high level of state intervention through the public regulation of production and services as well as a high level of economic protection against imported goods. Social policy was also kept under tight control.

The ISI model was pursued from 1940 to 1982. In its initial phase, between 1940 and 1956, accumulation was based on local production of non-durable consumer goods and the import of capital goods and industrial inputs. The policy was financed with foreign currency obtained by the state through agricultural exports. In the second phase (1956-70), local production shifted toward some industrial inputs. Funding came through foreign direct investments and external borrowing. The third phase (1970-1982) sought to achieve local production of some capital goods linked to energy industries (oil and electricity). The funding came through international credits and hydrocarbon exports (Ramales, 2010).

The state played a mediating role between capital and labour (Cardoso & Gindin, 2009) within a historically capitalist bloc and based on a logic of accumulation through import-substitution industrialization. In this context, the state's involvement aimed at safeguarding jobs by maintaining high redundancy payments. The chief economic feature of ISI in Mexico was its trade protection, which took the form of tariffs and tax restrictions on imports. The state subsidized industry with funds obtained from the export of raw materials, granting tax incentives to companies that undertook industrial investment, devising preferential credits for industrial sectors and financing access to the capital goods and imported inputs needed by industry (Cruz Roa & Herrera, 2011).

The end of the industrialist cycle

Latin American economies began to adopt the neoliberal, post-Fordist logic when the external debt crisis first struck Mexico in 1982. In the mid-eighties, however, Argentina and Brazil refused to apply orthodox programmes, instead pursuing the Austral Plan and the Cruzado Plan, respectively. Nonetheless, by the late eighties, political pressure and pressure from international banks and financial institutions forced the latter two countries, both with vulnerable economies, to move decisively in their adoption of neoliberal policies, while Mexico's government stepped up its openness to trade in 1985 and toward the end of the decade, pushed through the privatization of large public companies and moved ahead with financial deregulation (Gallardo et al. 2011).

The debt crisis marked the end of the industrialist cycle in Brazil. However, the country did not experience a democratic opening immediately. The dictatorial process that had begun in 1964 persisted until 1985. In Mexico, for its part, the same political regime managed the transition from the ISI model to neoliberalism, while the industrialist cycle in Argentina was dismantled by the dictatorship between 1976 and 1983.

Brazil's dictatorship tackled the debt crisis with policies to open up trade and the financial markets. The policies triggered a recession, investment stagnation and increased unemployment and social inequality. The economic crisis then turned into

a political crisis that led ultimately to the return of democracy. The New Republic did not succeed in achieving a stable socio-political coalition capable of preserving the developmentalist project or of democratizing economic power in Brazil.

A new constitution received approval in 1998 with support even from the PT, which at the time was a radicalized party. The constitution enshrined the end of the labour laws imposed by the dictatorship, but it maintained the principle of union unity and the trade-union tax as elements to limit union autonomy. The PT's electoral defeat in 1989 forced the party to change its political strategy. It broke away from the CUT even as the new trade unionism accepted the logic of greater institutionalization (Nogueira, 1998). The CUT's strategy was to build an institutionally strong force that would be far from neoliberalism and its own original political project.

In Argentina, the "industrialist cycle" was interrupted by the military dictatorship of 1976, which put forward a platform of Catholic fundamentalism and economic liberalism. The regime's aim with the workers' movement was to dismantle trade-union organizations, restore the authority of employers and eradicate all forms of "social indiscipline". The junta promoted a radical restructuring of Argentine society characterized as "class revanchism" (Villarreal, 1985; Azpiazu et al. 2005).

With social organizations politically and physically dismantled, the junta put together new labour laws that made the labour market more flexible and repressed the workers' movement. In structural terms, changes in the composition of production decreased the weight of the large industrial unions and increased outsourcing and self-employment (Beccaría, 2001; Fernández, 2002). In 1987, passage of a new law on collective bargaining restarted such agreements, which focused heavily on wages. Between 1983 and 1989, trade-union action was aimed at organizational rebuilding, the safeguarding of wage hikes and employment, and the revival of the PJ party to head up the opposition to the UCR government.

In Mexico, the external debt crisis of 1982¹¹ marked the end of the ISI model and the beginning of the neoliberal phase. From 1983 to the present day, a model known as "outward-looking growth" has been pursued. The country has shifted from a stratified internal market to an open economy and developed a state that promotes deregulation and policies to cut public spending.

Neoliberalism was organized by a state/government under the political and corporate control of the PRI, which pushed an agenda based on economic openness, the privatization of public companies, financial liberalization and deregulation of commercial activities. Along these lines, Mexico signed onto GATT (1986), which later became the WTO (1995), and it entered into NAFTA, together with Canada

¹¹ Indebtedness was the result of exports not being sufficient to finance either the imports of inputs and capital goods required by industrialization or the state's public spending. The sharp increase in interest rates in the early nineteen-eighties and the fall in the price of oil squeezed out funds for ISI-based accumulation.

and the United States, which took effect in 1994 and heralded the liberalization of investment flows, intellectual property protection, the opening-up of financial services and agreements on labour cooperation. In the same year, Mexico became a member of the OECD. Despite the process, however, the Mexican government did not implement a labour reform in line with the other structural policies. To the contrary, the country's system of labour relations remained corporatist and tripartite.

During the ISI phase, tripartitism was important in Mexico as a means to formulate policies, whereas in Argentina and Brazil, a string of dictatorships encouraged state unilateralism with backing from concentrated sectors of the local and foreign business communities (Cardoso & Gindin, 2009).

Years of neoliberalism

In 1990 the neoliberal experiment in Brazil began under the government of Collor de Melo and carried on under Itamar Franco until late 1992. After a period of political and economic instability, the Real Plan of 1993 stabilized the accumulation model, which boosted the growth of foreign investments and exports. The implementation of the Real Plan changed the structure of the relationship between the state and the market through privatizations, trade openness, deregulation of the economy and flexibility in social and employment rights. The country became more dependent on international finance capital as it lost autonomy in the management of economic policy. The pattern of state intervention under the neoliberal paradigm was limited to establishing and maintaining the macroeconomic conditions needed for the smooth functioning of the self-regulating market.

Unlike in Argentina, strategies of labour flexibility were introduced in Brazil in the nineties without major legislative changes. Some changes, however, were introduced to make workers' wages and hiring more flexible. In 1994, employee profit sharing was introduced as a form of wage flexibility. In 1998, a voluntary redundancy plan for civil servants was implemented and social rights were reduced for new fixed-period employment contracts. The chief reform, however, was the establishment of a so-called "bank of hours" to create working-time flexibility, along with the legalization of part-time contracts for 25 hours a week with reduced social rights (Cardoso & Gindin, 2009).

In the early 2000s, Brazil faced an outdated industrial structure and falling competitiveness in many production chains in which it was still involved (Salama, 2010). Deregulation, flexibility, deindustrialization and privatizations caused increases in the levels of labour-market informality, outsourcing, job insecurity, under-employment and unemployment. The situation had a negative effect on the CUT and the new trade unionism, which became more moderate and defensive.

In Argentina, the state plunged into a state of virtual bankruptcy between 1989 and 1990, squeezed between external debt, which resulted in a significant flight of capital, and a marked process of internal disinvestment (Basualdo, 2000). The currency lost its value entirely and the result was hyperinflation. To emerge from state bankruptcy, the next neoliberal government (Menem, 1989-1999) pursued a course that privileged the interests of external creditors and large manufacturing and financial conglomerates, both local and foreign, in order to rebuild a stable capitalist mode of accumulation in Argentina.

Central to neoliberal economic policy was the privatization of public companies. This process enabled external creditors to recoup a portion of the state's debt owed to them in the form of productive assets. Also taking shareholdings in these companies were large national and transnational conglomerates linked to production, thereby strengthening their oligopoly positions in the marketplace (Azpiazu, 2002; Rapoport, 2005). The government also created a stock ownership programme to give collaborating trade-union members the opportunity to buy shares in the new companies (Murillo, 1997).

In 1991, the state approved a labour reform that limited wage rises as a function of productivity increases; permitted the decentralization of collective bargaining; and enabled the workday to be made longer. Two additional fundamental reforms delivered: 1) a new pension scheme to replace a public pay-as-you-go system with private individual pension accounts, and 2) a change in the system of social services to encourage the privatization of medical services provided to the populace. The CGT lent its endorsement to the reforms in exchange for the inviolability of trade-union legislation and collective bargaining, holding onto union prerogatives, participation in the privatizations and the creation of trade-union pension funds (Murillo, 2005).

In 1995, a law was passed to promote employment (called the *Ley de Fomento del Empleo*). It provided for new types of employment contracts that did not require employer contributions to the social security system. Other measures to achieve greater flexibility promoted the decentralization of collective bargaining in SMEs. In terms of collective agreements, the trade unions and trade-union federations held onto their monopoly on union representation in collective bargaining. However, they could delegate bargaining power to local representatives (Cardoso & Gindin, 2009). The trade unions reacted to the neoliberal offensive with a strategy of "organizational survival", clinging to their corporate logic, defending their monopoly on union representation and using financial valuation schemes (in the management of their own retirement and pension funds) to obtain alternative funding (Etchemendy & Collier, 2008).

As a result, there was never a strictly neoliberal model of labour relations. The neoliberal model of capital accumulation developed alongside a corporatist model of labour relations. Yet while the former respected the political and organizational norms inherited from historical Peronism, it nevertheless created a labour market that was increasingly segmented, flexible and lacking job security (Brunet et al. 2016).

Under the Alianza government, the National Congress passed a legal reform in 2000 that lowered labour costs and the costs of dismissing new employees. It also extended the probation period for new employees, resulting in higher job insecurity. In addition, the reform imposed an obligation to renegotiate all existing collective bargaining agreements. This allowed companies to renegotiate the agreements at lower organizational levels, depriving the industry-wide trade unions of their monopoly over collective bargaining¹².

Successive adjustments under the Alianza government entailed increasingly more severe budget cuts. With each cut, the recessionary effects worsened and tax revenues fell farther. Given the absence of external finance and plummeting revenues, the state resorted to issuing over 15 so-called “quasi-currencies” in the second quarter of 2001. This brought a de facto end to the convertibility regime (Schvarzer & Finkelstein, 2003). As a result of the drain on deposits and reserves arising from the distrust of investors and savers over the direction of the economy, the system teetered on the brink of collapse. The government was forced to freeze bank accounts, imposing what was called a “corralito”. This step amounted to a virtual confiscation of deposits and reserves. Out of the economic, social, political and institutional collapse, what emerged was a fragmented and uncoordinated labour model (Novick, 2001).

In Mexico, the hegemony of the Institutional Revolutionary Party (PRI) entered into crisis in 1988. In elections held that year, the PRD came second amid suspicions of election fraud and the PRI proved unable to represent the social unrest being stirred up by neoliberalism. Since the end of the PRI’s hegemony in 2000, a divided political system has emerged, with volatile electoral majorities formed by minority parties each representing approximately a third of the country. The emerging system was made up of the PRI, the National Action Party (PAN) and the abovementioned Party of the Democratic Revolution (PRD), which subsequently splintered. The offshoot party was led by López Obrador and took the name of National Regeneration Movement (Morena).

On the economic front, Mexico has continued to implement a model of “outward-looking growth” since 1983. The country shifted from a stratified internal market to an open economy with a state that promotes deregulation and cuts in

¹² Passage of the law, however, sparked a scandal when the government was accused of bribing various legislators to secure their votes. The ensuing political crisis drove an internal split through the Alianza government, which lost credibility among the rest of the social and political actors.

public spending. The early years of the Salinas de Gortari government (1988-1994) ushered in the privatizations of Telmex, Aeroméxico, Mexicana de Aviación, Fomento Azucarero, Ingenios Azucareros, Compañía Minera Cananea, Planta Tultitlán de Conasupo, Grupo DINA, Mexinox, and more. Since Mexico joined NAFTA, the export dynamism of its economy has not driven growth in the internal market and there has been no virtuous circle between its external and internal dynamics. For instance, between 1993 and 2007, GDP rose 3% on average, while foreign trade jumped 10% on average. In turn, while industrial productivity climbed 82% over the same period, industrial wages only went up 0.57% in real terms (Gallardo et al. 2011).

By changing the model of accumulation, manufacturing exports and foreign investment became the country's economic drivers. The Mexican economy was transformed into a production plant integrated into the US market (Covarrubias, 2009). Export-based "maquila" plants, the automotive industry and the electronics industry, all located in the north, have turned that region of the country into the geographic centre of capitalist accumulation.

In the face of NAFTA and globalization, currency overvaluation (to attract capital) and increasing imports translated into a rising trade deficit. This, in turn, triggered a flight of capital and a subsequent devaluation in 1994, plunging the country into a deep financial crisis.

In the 2000s, the buying power of the minimum wage fell. At the same time, the proportion of workers earning the minimum wage declined, though this did not mean that they had stopped getting paid low wages. In terms of averages, wage restraint is evident. In 2007, real wages were only 2.7% higher than they had been in 1990 (Fujii, 2009). Outsourcing and job insecurity for workers constitute a core strategy by which companies have achieved this result.

However, Mexico held onto its corporatist structure in the neoliberal phase. In 1995, members of most trade unions that belonged to the Congress of Labour (Congreso del Trabajo, or CT), the most important labour confederation in the country, were forced to join the PRI¹³. At the same time, the governments of De La Madrid, Salinas de Gortari and Zedillo committed to policies that furthered Mexico's inclusion in NAFTA. This new strategic policy undermined the relationship between protectionism in the labour market and the corporatist political system. Based on the analysis of Bensusán (2000), however, the corporatist structures of the political and labour system did not collide with the neoliberal reforms, but rather adapted to them by giving a different meaning to the practices of social and trade-union control over

¹³ Nonetheless, the PRI lost control of the legislature for the first time in 1997, marking one of the first steps toward a change of political system, though not a change in the regime of accumulation or formal labour relations.

workers. In this respect, it has not been necessary from an employer perspective to introduce structural labour reforms to stabilize the new regime of accumulation.

Labour law regulates hiring, dismissal costs, the length of the working day and the definition of overtime. The World Bank's pressure on Mexico, however, was targeted at overhauling the social security system (privately funded pension programmes), eliminating dismissal costs, abolishing wage increases and professional training based on length of service, removing restrictions on temporary employment and restructuring the minimum wage system.

The regulation of wages has formed part of an incomes policy aimed at keeping inflation under control. Two mechanisms are used: a) a minimum wage set annually by the National Commission on Minimum Wages (CNSM), which is a tripartite body, and b) government influence on collective bargaining to ensure that agreed wage increases are in line with inflation forecasts for the subsequent year. Although the regulation of formal employment is high, however, there is also a high degree of de facto flexibility. This is because a significant portion of the labour market operates outside the regulations.

In addition to legislation, the Mexican corporatist model also has a tradition of social dialogue, which promoted pacts for productivity and employment in the eighties and nineties in order to give legitimacy to the economic transformations at the time. Fundamentally, however, the pacts have worked more as an instrument of social control than as policies of inclusion (Cardoso & Gindin, 2009).

Latin American neoliberalism at the dawn of the twenty-first century

In Brazil, the Workers' Party (PT) won the presidential elections of 2002 through an alliance with the Communist Party of Brazil, the Brazilian Socialist Party, the Democratic Labour Party and the Brazilian Democratic Movement Party. At the time, the PT and CUT were different than they had been in the early eighties. Under pressure from the financial markets in 2002, the PT signed the Letter to the Brazilian People and committed to respect the market economy and IMF policies: ensuring a budget surplus, pursuing a policy of privatizations in the form of public/private collaborations, promoting privately funded pension and retirement schemes, and maintaining the concentrated structure of landownership. These policies created the macroeconomic conditions to lure back investments: GDP in 2004 rose 5.7%. Economic growth went hand in hand with social and labour policies that distributed the resulting income to some extent and created new consumers among a significant sector of the populace that had previously been excluded.

Between 2003 and 2012, the country's rate of growth in GDP doubled with respect to the average for the period 1995-2002. During the first PT administration, the economy grew at an average rate of 4.1%, gross fixed capital formation rose 9.9% annually (more than double GDP), and the rate on return of investments reached 19% in 2008 (Mercadante, 2013).

After stabilizing the financial market and increasing the central bank's reserves, the government abandoned the conservative direction of its economic policy in 2006 and turned to a neo-developmental model by which economic growth revolved around income distribution policies. While sustaining the key macroeconomic variables (budget and trade surpluses and high interest rates to attract capital inflows), the policy of the PT government now turned to increasing the level of internal demand through rises in the minimum wage, social transfers and credit facilities for consumption and investment, the latter involving preferential interest rates for industry, agriculture and housing (Brunet et al. 2016).

Lula's government built a strong internal market that helped the country to confront the worldwide crisis of 2008 successfully. Activity was redirected to the internal market to make up for the weakness of international trade. However, the credit crunch and the fall in world trade had a negative impact on the GDP's rate of growth, which stood at only 0.2% in 2009. Nevertheless, it had climbed to 7% by 2010, pointing to the speed of Brazil's recovery.

Industrial policy was another pillar of the model. The aim was to modernize the sector's technology and stimulate increased production and export competitiveness (Mercadante, 2013). While the investment rate was not sufficient to sustain a development process on solid foundations, the increase in tax revenues did create the conditions to implement far-reaching social policies. A third of the entire population benefited from income transfer programmes aimed at lower-income sectors and from food security and social welfare programmes.

In Argentina, investment plummeted 36.1%, consumption fell 12.7% and imports nearly halved in the face of profound political instability and the financial "corralito" (the freezing of individuals' bank accounts) put in place by the government to stop massive capital flight. The devaluation enacted by the provisional Duhalde government (2002-2003) fuelled higher exports and an influx of foreign currencies from trade. Against a backdrop of frozen wages and inflation triggered by devaluation, there was an accelerated erosion of purchasing power among the popular sectors and workers on fixed incomes. However, price increases on consumer goods and a high exchange rate, which drove up the price of imports, began to return some areas of local production to competitiveness (Levy & Valenzuela, 2007).

Duhalde's provisional government stepped up its policy to raise additional revenue by imposing a withholding tax on the export of crude oil and oilseed crops. In addition, inflation itself (which liquidated the state's fiscal debts) and taxes on cheques and fuel were key instruments to close the fiscal gap (Rapoport, 2005). The subsequent elimination of the "corralito", together with wage hikes for sectors with fewer resources and a modest fall in unemployment, kickstarted a recovery in consumer spending (Levy & Valenzuela, 2007).

As the macroeconomic variables were stabilizing, the Kirchner government took office in 2003. The new government's first policy of structural transformation was to renegotiate the tranche of external debt then in default (Damill et al. 2007). Meanwhile, production and employment were boosted by an expanding market for commodity exports and steady internal demand. The result was sustained economic growth until 2008.

Unlike Argentina and Brazil, where the governments that came to power were more sympathetic to a neo-developmental and post-neoliberal logic and more receptive to the demands of the trade unions and social movements, Mexico was confronted with the erosion of the PRI's political regime. After holding office for eighty years, the PRI finally had to step aside in 2000 to make way for the triumphant National Action Party (PAN). Nonetheless, the PAN continued to follow a neoliberal direction for the economy and society. The PAN government sought to promote a "second wave" of structural reforms (Covarrubias, 2009), which included opening up the energy sector to private investment, fiscal reform and labour reform. Because of a lack of political support, however, the reforms failed. Under the administration of Fox (2001-2006), GDP grew at an average annual rate of 2.3%, which was lower than the 3.5% average for the preceding five-year period, but in a context of falling real wages and rising unemployment (Ramales, 2010).

During the PAN's hegemony (2000-2012), the political system underwent change and the PRI was reduced to a force that represented only a third of the electorate. The PAN and the PRD represent the other two-thirds, roughly. In this respect, the PRI's return to power in 2012 was plagued by political weakness from the outset. The Peña Nieto government was forced to agree to a "Pact for Mexico" with the PRD and PAN in order to implement a series of political and economic reforms. As a consequence, a sector of the PRD opposed to the agreements with the PRI broke off to form the more critical left-wing National Regeneration Movement (Morena).

Employment situation during the post-neoliberal experience in Brazil and Argentina

In Brazil, rapid economic growth during the two Lula governments generated nearly 19 million new formal jobs, a 26% increase in registered employment. The labour market was highly flexible because employers had a great deal of freedom in the hiring and firing of employees. Unemployment in Brazil rose to 5.5% in 2012, 7.6% in 2015 and 8.2% in 2016¹⁴. The greater number of registered workers under PT governments meant greater coverage for the labour laws and larger contributions to the social security system. While 61% of workers contributed to social security in 2003, the percentage climbed to 73% in 2012 (IBGE, 2012a).

In the period 2003-2012, average income from wages rose 27% from an equivalent of 454 euros to 578 euros. In 2005, the federal government responded to demands from the national labour confederations by setting up the Quadripartite Commission to bolster the minimum wage. From 2003 to 2010, the minimum wage rose 53.6% in real terms. The increase in the minimum wage was one of the chief drivers of an unprecedented rise in social mobility. The impact was also felt in other job categories, where the wage floor was pushed up because of pressure from hikes in the minimum wage. This, in turn, drove up wage demands as a whole, leading to real increases in wages over and above the rate of inflation in 93% of all job categories (Henrique, 2013). This process reinforced the role of the internal market as a key driver of the economy.

At the same time, labour informality fell thanks to economic growth, the greater effectiveness of the Ministry of Labour's oversight activities and the policies of provisional inclusion. Gender differences, however, persisted under PT governments. Women earned roughly 17% less than men (Ministry of Labour and Employment, 2012). Women also worked in higher proportions than men in reproductive tasks, self-consumption and unpaid labour. Between 2000 and 2010, however, the proportion of women in professional jobs rose 54%, pointing to a positive trend in gender-related equality of opportunity (Ministry of Labour and Employment, 2012).

Rising employment and wages led to the growth of a new social segment, with an income level that put it at the centre of the social pyramid. This segment has seen the strongest growth in the last ten years of PT governments and it represents 52% of the population. Internally, however, it is heterogeneous (formalized workers, people with small businesses, public employees, professionals with low incomes, etc.). Some analysts define the segment as a new working class (Natanson, 2015). By contrast, the sub-proletariat is made up of precarious workers who get by in the informal economy.

¹⁴ See <<http://www.datosmacro.com/paro>>.

Between 2002 and 2011, the proportion of workers in the informal economy fell from 43% to 32%. In 2012, according to estimates, the informal economy represented 17% of GDP (Brunet et al. 2016), and these figures have held steady through 2016.

In political terms, the PT's grassroots movement is known as "Lulism". Lulism reflects a transformation of the party's traditional electorate of trade-union members and the progressive urban middle classes into an electorate made up of Brazil's poorest sectors. In other words, Lulism marks a crossroads where the partisan left meets the impoverished masses. Lulism, however, lost its hegemony. As a consequence, impeachment proceedings in 2016 successfully ousted Dilma Rousseff from power and ushered in a conservative coalition government, whose first measures targeted the dismantling of the PT government's social and labour advancements.

In Argentina, the centrepiece of Kirchner's "nationalist-developmental" project was jobs recovery. From the outset, his government implemented labour policies that increased the economic resources available to wage-earners and pensioners (Godio, 2006) and promoted collective bargaining between trade unions and employers, reviving the political importance of the workers' movement.

Trade-union activity gained strength from the creation of new trade unions in companies where there had been a "trade-union void" and/or from the formation of bodies of delegates that negotiated with companies without separating from their larger trade union, thus enhancing the centrality of the unions and confederations in sectors or branches of activity (Godio, 2008).

At the same time, labour disputes resurfaced in 2003, a phenomenon defined by the following characteristics: 1) the focus was on private-sector workers, reversing the previous trend of state workers being predominant in protests; 2) protests in response to public policy decisions declined and disputes over wages and working conditions increased; 3) strikes of an economic nature predominated over political strikes. The reappearance of this type of strife in the post-crisis period points to the emergence of what some call a fledgling "segmented neo-corporatism" (Etchemendy & Collier, 2007). Under the Kirchner model, six million jobs were created. While some of these appeared in the informal and precarious labour market, a significant portion were registered jobs covered by collective agreements. The ensuing situation breathed new life into the organized workers' movement.

Today's trade unionism has greater autonomy from the state and from party politics than it did in the preceding period of neoliberalism. For some years, it has ceased to be the backbone of Peronism (Martuccelli & Svampa, 1997). Among grassroots workers, however, a Peronist trade-union identity still persists. This identity is not a purely symbolic construction, but is underpinned by social and labour institutions and

practices built up during past historical struggles, such as the right to work, collective bargaining and the welfare system (Godio, 2006).

What the first stage of the Kirchnerist post-neoliberal model lacked was an element of social policy to reduce the inequalities within the working class, which is “segmented” because of the vast size of the informal sector. In 2007, the informal sector accounted for 40% of the working class and 60% of all wage-earners.

According to the Ministry of Labour, 650 trade unions were created from 2003 to 2014 and the level of trade unionism climbed to 40% of all registered workers, an unprecedented number for the continent. The vast majority of the new organizations do not have the endorsement of the law on trade-union associations and operate in a grey area in which legitimization of their actions is predicated on representation of their membership base. The growth in the number of trade unions had its correlate in the formation of new federations, a higher level of organization that is not, however, free of the obstacles and pitfalls encountered by grassroots trade unions in obtaining state recognition.

The revival of trade-union mobilization re-established its leaders as interlocutors with the government and employer associations, brought back sector-wide collective bargaining, enhanced the trade unions’ institutional prerogatives and their ability to mobilize, and renewed their abilities to achieve wage increases.

Traditional trade unionism, which was dominant within the Peronist PJ party in earlier periods, has faced growing marginalization because of new party leaders, who have turned Peronism from a grassroots trade-union party into an apparatus based on territorial patronage (Martuccelli & Svampa, 1997).

The dynamics of the labour market and the economy began to undergo complete transformation with the change of government. The political agenda of Macri’s new centre-right regime appears to put first the interests of international finance capital and foreign companies, particularly those linked to energy production. The government also aims to modify the structure of the state by transferring regulatory power over the economy to the concentrated private sector, undercutting workers’ share of revenue (CIFRA, 2016). In keeping with the tradition of Latin American neoliberal governments, however, institutions have not yet been changed dramatically, although their power of enforcement has been weakened.

Labour relations in Brazil

The constitution of 1988 updated the labour laws that govern collective bargaining, wages, the right to strike and the regulation of trade unions. Within the corporatist model, the structure of trade unions is hierarchical: national confederations, provincial federations and municipal trade unions. Under the regulations, each jurisdiction must

have only one trade union per industry, which has the monopoly on representation in the sector. The Ministry of Labour makes the decision about which trade union represents the workers in each municipality. A municipal trade union is also entitled to retain the union dues that are directly deducted from all workers. This structure goes by the name of “union unity”. Unlike in Mexico, however, the Brazilian constitution of 1988 freed unions from state control over disputes, budgets, elections, expenditure, etc. For this reason, it has been called “mild corporatism” (Cardoso & Gindin, 2009).

The legislation governing labour relations, both individually and collectively, is called the Consolidation of Labour Laws (CLT), which unifies all of the country’s labour laws. Labour legislation is substantially uniform across the entire territory, although each federal state can set its own minimum wage within its borders.

Since 2004, the competencies of the labour courts have been expanded and they now have jurisdiction over a broader range of matters, including issues arising from services rendered by self-employed workers.

Setting up a trade union still depends to some extent on the government’s goodwill. The Department of Labour and Employment can exercise its prerogative to give access to union membership rolls or not. Also, the legislative branch issues laws and regulations whose stated aim is to protect workers, resulting in highly detailed and protective legislation. In addition, the judicial branch plays an essential role through the labour courts, which are required to rule on disputes relating to compliance with labour laws and on controversies relating to individual and collective employment contracts. The judiciary also regulates conflict resolution and arbitration in collective bargaining processes (Eurofound, 2014c).

Traditionally, collective bargaining in Brazil has focused on wages. Most non-wage issues have a limited amount of regulation. Only strong unions in sectors like banking, oil, chemicals and metallurgy have reached agreements to regulate a variety of non-wage issues (Eurofound, 2014c). In legal terms, the outcomes of collective bargaining extend to all workers and companies in a particular industry. However, workers without contracts (informal workers) are not covered by collective agreements in their category.

Only local trade unions are entitled to collective bargaining, but bargaining is safeguarded only beyond the company level and the process is limited to the annual renewal of collective agreements. Higher-level bodies such as federations and confederations, however, play an important role as pressure groups, particularly at the federal level. Workers’ representatives at the company level can only foster direct discussions with their employer. They have no right to negotiate working conditions formally as a group. For their part, civil servants can enter into collective bargaining through their trade unions and they have a recognized right to strike.

Of the public authorities that intervene in labour relations, first mention should go to the Ministry of Labour and Employment, which drafts public employment policies. The ministry conducts labour inspections and oversees working conditions. It also has responsibility for the official registration of employees in all trade unions. In this respect, it has the power to decide which trade unions can take part in collective bargaining and can therefore collect the union tax, which is an important source of trade-union funding.

Also playing an important role are the labour courts, because the law does not allow the trade unions to represent the interests of workers in the workplace. In addition, the law permits companies to dismiss employees without just cause as long as they pay compensation and give advance notice to the worker. The absence of trade unions and the possibilities of dismissal are the mechanisms used to impose discipline and discourage the appearance of labour disputes in workplaces. As a result, workers hold off voicing their complaints until their employment relationship comes to an end, and only if they are dismissed do they bring their grievances to court.

In Brazil, the trade unions represent every worker in a geographical area (“territorial constituency”), whether or not the worker is a member. Official recognition is only granted to a single representative trade union for each category of workers. As Brazil can be divided into a large number of territorial constituencies, this state of affairs means that many trade unions can be created. In 1988, there were approximately 4,000 trade unions and today there are over 15,000 (Eurofound, 2014c). An additional factor that contributes to the creation of trade unions is the existence of the “trade-union tax” to finance the organizations. This encourages groups of workers to form their own trade unions.

Even so, membership numbers have fallen. According to research conducted by the IBGE (2012b), approximately 17% of the working population, or 16 million workers, were members of a trade union in 2011. The Unified Workers’ Central (CUT) is the national labour confederation with the largest number of members. Others include the General Confederation (CGT), the Força Sindical, the Nova Central Sindical dos Trabalhadores, the Central Geral dos Trabalhadores do Brasil, the Uniao Geral dos Trabalhadores, and the Uniao Sindical dos Trabalhadores.

Employer organizations have an organizational design and represent their interests much like workers’ organizations. They have the same bargaining rights and obey the principle of one organization for each job category.

Employer associations are organized by economic sectors, which are defined by the Ministry of Labour and Employment on the basis of similar characteristics. A key example of this type of institution is the National Confederation of Industry (CNI), which is made up of 27 federations bringing together more than 1,250 trade unions

and 350,000 companies across the entirety of Brazil (Eurofound, 2014c). These associations are large bureaucratic structures with powerful lobbying in the National Congress and in local and regional politics.

As for collective bargaining, it is mandatory and must be carried out once a year. Wages and other employment issues are negotiated and the outcomes of bargaining are expanded to all workers for the whole year. Most trade unions cannot organize in workplaces. To the contrary, they organize outside companies, either at factory gates or shop doors. Employers distrust the power that organized workers can exercise within companies. Workers in a company can instigate a bargaining process without a trade union to represent them, but the representative municipal institution must receive notification and then sign the resulting agreement.

The state sets the minimum wage by law. The minimum wage then serves as a floor in negotiations and other wages are determined through the bargaining process. In practice, the minimum wage is paid only to some unskilled and migrant rural workers (Eurofound, 2014c). As for wage changes over time, the mobilization of the trade unions and the PT government's receptiveness to their demands resulted, in 2004, in the minimum wage being pegged to the inflation rate plus a percentage increase of 8.2% and the workday was cut to a maximum of 40 hours a week. In 2011, under the government of Dilma Rousseff, the minimum wage started to be regulated by presidential decree. The move won social and political support through negotiations between the national labour confederations, Congress and the office of the president. As a result of the country's economic performance and its distribution policies and despite the international financial crisis, the earnings of formal workers have gone up 5.6% over the past decade (Ministry of Labour and Employment, 2012).

The number of strikes and labour disputes has increased over the years. The grievances of the trade unions have focused on wage increases and, to a lesser extent, on working conditions. Even so, strikes were fewer in number under PT governments than they were in the first phase of Brazil's democracy, spanning from the mid-eighties through the nineties. In 1989, for instance, there were 1,962 recorded strikes, while there were only 554 in 2011 (DIEESE, 2012a). However, the situation appears to have reversed course with the new conservative government, which is pursuing a more adversarial policy against the PT's social and electoral base. Thus, a total of 2,093 strikes were recorded in 2016 (DIEESE, 2017).

In the first semester of 2017, the conservative government of Brazil drew on the support of Congress and the business establishment to set out a labour reform that worsens working conditions, lowers the costs of hiring and firing, and gives legal priority to company-wide accords over sector-wide agreements. Specifically, under the new law, company-wide accords will take precedence over sector-wide agreements

on subjects related to holiday allocations and the intensification of working patterns. Also, the working day increases to 12 hours a day (with 36 hours of rest a week) and the maximum hours for part-time work go up from 25 to 30 a week.

The law also provides for committees made up of “non-union” representatives to negotiate working conditions with each company. In other words, trade-union involvement will no longer be mandatory. As for dismissals, redundancy payments are now decoupled from a worker’s wages. In the case of job-related legal action against their company, workers will now have free access to the courts only if they earn less than 600 dollars a month.

Companies are entitled to set wages on an hourly or daily basis and they can notify workers of their working hours with a minimum of three days’ advance notice. A further measure that increases job insecurity is the creation of the concept of the exclusive self-employed worker, who can perform services for a single employer without any permanent employment relationship or acquired rights. Also, outsourcing strategies can be employed to perform even the core activities of a firm.

Despite the rise in the number of strikes, the national confederations are not unanimous in their stances on the reform. The CUT is diametrically opposed, while the Força Sindical and the UGT have opened a space for negotiation, offering their backing for the reform in exchange for being able to collect dues from workers¹⁵ regardless of membership status.

Labour relations in Argentina

In the nineteen-eighties and early nineties, the predominant agreements were sectoral, covering branches of activity. Until the late eighties, collective bargaining was largely a centralized undertaking in which large trade unions in the various economic sectors engaged with the corresponding employer associations. This model reflected the paradigm of bargaining that had arisen under Peronism (Novick & Trajtemberg, 2000).

With the neoliberal phase of the nineties, bargaining at the company level took off as a trend. The dynamic shifted from successive rounds of tripartite negotiations convened by the state to bipartite negotiations. Also, there were significant changes in the subjects addressed in bargaining. The work process and the organizational dimension of the company became more important at the expense of wages, the regulation of job categories, licences and additional payments (Novick, 2001). The change in trend becomes evident in the first phase of Kirchnerism. Wage increases were granted through government decrees, which urged companies to pay lump sums.

¹⁵ The Supreme Court prohibited the collection of dues from unaffiliated workers.

From 2006, however, registered workers began to recover their income levels and obtain wage hikes through joint committees called “*paritarias*” (Duarte, 2013).

To keep agreements up to date, collective bargaining takes place annually through these joint committees, which are special institutions of long standing in the country. Committee membership consists of trade-union representatives and employers and they work to update various aspects of employment, especially wage levels, working conditions, timetables, etc. The joint committees are also bodies that can tackle conflict resolution and modify collective agreements. Any resolution that emerges from committee is then reflected in the respective sector-wide collective agreement, which is certified by the Ministry of Labour, the body that takes formal responsibility for agreements and acts as a conciliator.

The government contributes to the standardization of workers’ income by setting a “wage guideline”. The wage guideline is a benchmark for wage increases that must be taken into account in negotiations. It is based on the increases obtained by the trade unions with the largest membership or on the increases agreed by the state in the public sector or in the joint committee for teachers (which is usually the first to be signed each year because bargaining occurs before the start of classes), and it serves as a baseline for weaker sectors in their own bargaining (Alejo & Casanova, 2015).

In the joint committees, monopoly trade unions, employer associations and the government forge an agreement on sectoral wages in line with inflation targets and a general minimum wage across the entire economy. As a result, bargaining is centralized. At the decentralized level, agreements are negotiated between trade union and company. The trade union must have legal status and it can be national, but the agreement is negotiated by its representatives in the company. At the intermediate level, the trade union negotiates with representatives of a business sector. At the centralized level, they are umbrella agreements between federations of workers and employers, with the state giving guidance and/or acting as a mediator.

Until 2004, 80% of all agreements were at company level. In 2004, however, the Kirchner government brought back tripartitism as the primary tool in collective bargaining (Godio, 2008). From that point onwards, increases in the minimum wage, which had remained stagnant for ten years, became subject again to bargaining. Also, a new labour reform received approval. The reform introduced the principle whereby the most beneficial agreement for workers took precedence whenever a company-wide agreement overlapped with a sector-wide agreement. The reform also limited employer discretion in the use of the probation period and brought back the principle of “ultra-activity” for large companies, while maintaining the principle of loss of validity for expired agreements in the case of SMEs.

Since the reform, it appears that an intermediate centralization is gradually replacing the decentralizing logic of the preceding neoliberal period. While company-wide agreements have not ceased to grow in the post-neoliberal phase and they continue to be more numerous than sector-wide agreements, the number of workers covered by sector-wide agreements far exceeds those covered by company-wide agreements (Duarte, 2013).

As for social partners, the operation of trade unions is regulated by the Trade Unions Act (*Ley de Asociaciones Sindicales*) of 1988. Workers are entitled to form trade unions freely and without the need for prior state authorization. However, only trade unions that have been granted legal status are authorized to carry out the full range of trade-union activities, such as taking part in collective bargaining, defending and representing the individual and collective interests of workers before the state, enjoying protection for their representatives both within and outside companies, participating in planning and oversight institutions, monitoring compliance with labour and social security regulations, and administering their own social works (Senén González, 2001). In recent years, however, legal and political movements have raised questions in this regard. They argue for greater trade-union freedom in line with the agreements signed by the country with the ILO¹⁶.

The growth of industrial activities under Kirchnerism strengthened the trade unions. This was because rising employment increased trade-union membership and bolstered the unions' bargaining power in the joint committees. Another important phenomenon is the growth of trade-union delegate committees at the grassroots level operating within companies and competing with the more bureaucratic organizations to represent workers (Murillo, 2013). The entire Kirchnerist phase was marked by new trade-union experiences that developed outside traditional workers' organizations. New structures were forged to enable the creation of trade unions and associations. Formally, however, the new bodies did not have access to legal status, which is the key to union unity. At the end of Cristina Fernández's term in government, there were more than two thousand organizations operating under these conditions and they would continue doing so in the first year-and-a-half of the new government.

Between 2008 and 2013, however, Argentina's judiciary issued a number of rulings that are in line with the country's ILO commitments on trade-union freedom and call into question the principle of union unity based on one union per branch of activity. A ruling in 2008 found that it is not necessary to be a member of a union with legal status to be a trade-union delegate. In 2013, another ruling challenged the monopoly on trade-union representation. It declared unconstitutional an article of

¹⁶ It should be recalled that the legal status of trade unions is a key aspect of the neo-corporatist model that promotes the existence of unitary trade unions and impedes the survival of alternative bodies.

the Trade Unions Act that grants exclusive rights to trade unions with legal status to represent the individual and collective interests of workers before the state.

Despite these changes, however, the traditional model of interlocking power relations between the trade unions and the political system remains in effect. This fabric reinforces the status quo because the political forces that seek to compete for and/or wield power in the country need the support of the trade-union structure insofar as the latter is central to managing social tensions and labour disputes. Also, the state has not proven to have a genuine willingness to change the scenario. This is apparent from the fact that the rulings of the Supreme Court of Justice do not have the force of a general law, though they do act as an incentive to modify the entire trade-union framework legally. At the same time, the traditional trade unions argue that setting up new organizations will lead to an atomization of the workers' movement, weakening the bargaining position of trade unions. So far, however, union unity can still be seen to hold onto trade-union power, though it does not guarantee the unity of workers before their employers (Anigstein, 2013).

For their part, employers have a variety of forums for representation and they negotiate labour relations at several levels: company, branch or sector, and/or region. The fragmentation of employer representation allows for greater versatility in bargaining (Dossi, 2011). The lowest level is the company, where local management negotiates with workers. The next level includes business chambers, company groups, associations and federations, which negotiate agreements by sector, branch of activity or region for specific groups of companies. The highest level comprises major employer associations (e.g., Unión Industrial Argentina, Asociación Empresaria Argentina, Sociedad Rural Argentina, Cámara Argentina de Comercio), which negotiate nationally by sector.

The state, through the Ministry of Labour, is the party responsible for approving agreements administratively and thereby lending them legal force. The state also plays a key role through its power to give legal recognition to majority trade unions, enabling them legally to sign labour agreements. Specifically, the Ministry of Labour appoints individuals from among its own corps of civil servants to preside over each joint committee. Their function is to take on the role of conciliator during negotiations and to ratify the agreements that are reached. Though the state's participation is customary, however, it is not mandatory. In some situations, the Ministry of Labour can be requested by the parties to withdraw from the bargaining process, though ratification of the resulting agreement is still required. This is because the Ministry of Labour, ultimately, is the authority that must implement agreements. The effective role fulfilled by the state varies depending on the political conditions, the economic situation and

the political orientation and preferences of the government, because such negotiations are part of the government's incomes policy, which involves price and wage controls.

Turning to the number of collective agreements, the annual average in the nineteen-nineties was 176, while the same figure in the post-neoliberal period was 922. In fact, the trend was upward throughout the period, with state-ratified agreements totalling 1,760 in 2012 (Duarte, 2013). In addition, the agreements in effect during the period of convertibility represented expired, but active agreements because of the application of "ultra-activity", while the agreements in effect during the Kirchnerist period remained so because they were renewed annually through joint committees. The same practice of periodic renewal continues to be followed under the new centre-right government of President Macri. Wage adjustments have proved fundamental in light of high inflation and the loss of purchasing power that this entails.

As for the coverage of collective agreements, a significant quantitative jump occurred. While nearly 2.8 million registered private-sector workers were covered in 2002, the total had climbed by 86% to 5.1 million by 2011. In percentage terms, 38% of all workers were covered by agreements in 2003, while 50% were covered in 2010 (Persia, 2011) and the figure remained similar through 2016. The growth in coverage basically occurred until 2008 and then held steady thereafter, reflecting certain limits on the ability of the political and economic process to pierce through the floor of the informal economy (where estimates put nearly 30% of all wage-earners). In addition, a portion of registered workers are not covered by any agreement and do not reap the benefits. As a result, some earn wages below the levels agreed by the trade unions, exacerbating the heterogeneity of the labour market and producing registered workers who are below the poverty line and who together with informal workers make up a broader cluster of segments faced with job insecurity.

Collective bargaining was made stronger under the Kirchnerist government, which ushered in a post-neoliberal period of relationships between the state, society and economy. Wage negotiations were conducted freely between the affected parties, but within parameters approved by the government (the "wage guideline") that served as a baseline at the time of bargaining. In all other respects, the parties negotiated the remaining contents freely. Because of the state's role as a guiding force, the bargaining process could be described as tripartite. The subsequent neoliberal government of President Macri has followed the same model. So far, however, a change in political orientation has translated into a government proposal that the wage guideline be pegged at below the rate of inflation in order to reduce labour costs for companies and for the state itself, given that the guideline also applies to public employees.

The real limitations of this approach to managing labour relations stem from the fact that nearly a third of the workforce is in a situation of informality and therefore does

not reap the benefits of collective agreements (Duarte, 2013). There is also increasing segmentation and job instability among registered workers as a result of employer policies to downsize through subcontracting and outsourcing, and a lack of business representation is observable for SMEs in general and for SMEs linked to regional economies in particular. One way to offset this difficulty, particularly for medium-sized companies, is to negotiate company-wide agreements for their own workforces. This approach accounts in part for the high number of agreements signed at the company level, while another portion of such company-wide agreements is negotiated by large companies that choose not to follow sectoral agreements (Duarte, 2013).

Labour relations in Mexico

In the case of Mexican labour relations, corporatist practices have continued under different regimes of capital accumulation. The result is on-going political control over the workforce. The same corporatist state apparatus that was functional under the regime of import-substitution industrialization was also instrumentalized to bolster the bargaining power of the business sector at the expense of workers and trade unions in an economy open to international capital (Cardoso & Gindin, 2009). Under the neoliberal model, the previous trade-union framework continued to operate as a mechanism to control workers. At the same time, the PAN government pursued a strategy of confrontation against the demands of self-employed workers. For instance, the government's representatives on the conciliation and arbitration boards, which handle labour disputes, always vote in line with employer demands.

Labour legislation imposes rigid regulations on hiring, dismissal costs, the length of the working day and the definition of overtime. Legal protection against dismissal is high and if a worker has more than twenty years of service, he or she can only be fired on very serious grounds. Economic reasons are only accepted in highly exceptional situations (Fujii, 2009). However, the degree of compliance with these regulations is low, especially in smaller companies.

Despite the extensive regulation of formal employment, there is a high level of *de facto* flexibility. This is because a significant portion of the labour market operates outside the regulations, in conditions of informality. Unlike the relatively upward trends that can be observed in Brazil and Argentina since the mid-2000s under neo-developmental governments, 46% of all wage-earners in Mexico (based on 2007 figures) did not have a written employment contract. This state of affairs makes it easier for companies to pursue layoff strategies. Also, 17% of workers who do have a written employment contract are temporary employees. As a consequence, a high proportion of workers face precarious and unstable conditions (Fujii, 2009).

Another factor in Mexico's labour instability is subcontracting. Subcontracting processes weaken workers' bargaining power. Labour legislation does not regulate the practice of subcontracting, which is widespread in the "maquila" industry. The drive for flexibility benefits from labour market segmentation, productivity gaps between sectors, the high relative weight of the informal economy, the low enforcement power and weakness of labour inspection authorities and the weak bargaining power of the trade unions.

The World Bank, however, has put pressure on Mexico to overhaul its social security system (through private pension schemes), eliminate dismissal costs, abolish wage increases and training based on years of employment, remove restrictions on temporary employment and restructure the minimum wage system (Cardoso & Gindin, 2009).

Along these lines, the underlying rationale for the labour reform of 2012 was a "pact for competitiveness" (Belmont et al. 2012). Broadly, the reform promotes decentralized production and subcontracting, setting forth a model that combines production flexibility, the individualization of labour relations, and increasingly precarious employment (De la Garza, 2007). It also promotes the fragmentation of working hours and the relaxation of employer contributions. However, the flexibility measures have not been coupled with measures to shore up employment or wages. Competitiveness and flexibility, which the labour reform has increased, rely on corporatist structures and practices. At the same time, these practices draw on a discourse of political neutrality based on individual performance and evaluation indicators (Belmont et al. 2014).

As for social partners, registered trade unions have a monopoly on labour-union representation in their respective regions. In 2016, there were over three thousand registered trade unions. The four national labour confederations are the Confederation of Mexican Workers, the Revolutionary Confederation of Workers and Peasants, the Regional Confederation of Mexican Workers, and the Federation of Public Service Workers' Trade Unions. All four are allies of the PRI. The trade-union structure has three typical features: state-recognized unions hold a monopoly on union representation in their respective region, they oversee compliance with agreements, and they are entitled to take part in national and local conciliation and arbitration courts. Exclusion clauses limit trade-union pluralism by preventing the formation of alternative unions with legal recognition that could engage in collective bargaining agreements. The limitations on trade-union freedom are evident in the state's registration procedures for trade unions, whereby the administrative authorities block applications to create a new union if the union's leadership is not seen as politically reliable by the government.

Organizationally, the trade unions have a pyramidal structure. Trade-union confederations are members of the Congress of Labour (CT), which brings together affiliated trade unions that can negotiate collective agreements, have exclusion clauses to protect them from union competition and take part in tripartite institutions such as the labour courts and the various conciliation and arbitration committees. The CT is the chief labour organization in the country, because it has a majority of union membership and because of its political and institutional resources, which give it a privileged relationship to the state. By contrast, the Frente Sindical Mexicano has taken a more independent stance relative to the state, but has lost some capacity for collective action.

At the end of the twentieth century, the National Workers' Union (UNT) was formed as an alternative to the dominant Congress of Labour. Both organizations, however, were pulled into the labour bureaucracy amid a disintegrating political system in order to improve cooperation between the state and capital and to curb the more militant trade-union opposition (Cardoso & Gindin, 2009). At the top, therefore, the structure has an umbrella organization (CT) that contains the vast majority of trade unions and oversees collective agreements. At the same time, the base of the structure contains highly fragmented organizations that have a very limited presence in companies.

In the case of employers, their practices are regulated by the Federal Labour Act. This is the context in which the Mexican Employers' Association Coparmex was created in 1929. Because most collective agreements are negotiated at the company level, however, Coparmex does not play a central role in labour relations today.

The state acts in two ways. First, it ensures a monopoly on labour-union representation in collective bargaining. Second, it administers labour justice and manages labour disputes. As agreements have only limited coverage of the working population because of the extent of informality and subcontracting, the state plays a key role in the governance of the labour market by means of legislation and redistributive policies.

Most strikes are driven by trade unions in the commerce, manufacturing and construction sectors. Public-sector strikes are rare (Cardoso & Gindin, 2009). The vast majority of actions are merely strike calls, which constitute a very widespread strategy adopted to initiate collective bargaining. Of the called strikes, only a minority (less than 3%) result in actual strikes. This situation visibly demonstrates that social control over the working class continues to be a relative success thanks to corporatist practices and the discipline exerted through mechanisms of increasing labour precariousness and computerization.

Against this corporatist backdrop, collective bargaining is predominantly conducted at the company level. In addition, sectoral agreements are possible, as are contracts that take the form of law, known as “contratos ley”.

The trade union with the greatest representation is the one that is entitled to bargain and sign a collective agreement. Whether or not an agreement is then extended to other companies and workers is a prerogative of the state. If the state takes the view that the agreement is appropriate for the entire industry, it can broaden the agreement’s scope of application. At the same time, if the representative trade union loses its membership majority, the state can terminate the agreement through the Board of Conciliation and Arbitration.

There are also “employer protection contracts”, whose aim is to protect companies from the appearance of new trade unions with their own demands. These contracts are a legally valid instrument in the labour courts and they are also signed by the pro-business trade unions. The use of these contracts is especially notable in the “maquila” sector, call centres, and so on.

Collective bargaining in the public sector is regulated nationally by the Federal Law on State Workers (LFTSE). While public-sector negotiations are not conducted by social partners as they are in the private sector, the public-sector trade unions do have a presence on the specific committees that set wages and bonuses.

Concluding remarks

While labour relations are formally rigid in the analysed countries, they are highly flexible in practice, especially in Brazil and Mexico. For this reason, we again take up the category of “flexible corporatism” first put forward by Bensusán (1992). In Brazil, the approach is known as “mild corporatism”, while “segmented corporatism” is the term used in Argentina. Both formulations, however, refer to the same type of phenomenon.

The coverage of agreements in the three countries is limited with respect to the total working population. Informality and outsourcing are widespread. As a result, the state plays a central role in the governance of the labour market through legislation and redistributive policies. This role also reflects the state’s interest in exerting political control over trade unions and in strengthening the stability of trade-union leaders approved by the state. In Argentina, state control takes the form of legal recognition of specific trade unions. In Brazil, the tool is union unity. In Mexico, the state has exclusion clauses. Among the three countries, Mexico poses the most regulated model, while Argentina has the highest level of autonomy.

The state plays two roles in labour relations within the three countries. First, it ensures the monopoly on trade-union representation in collective bargaining. This role sustains corporatism. Second, it administers labour justice and manages labour

conflicts through the labour court system. In this way, the state's role is central to the governance of the labour market.

While labour legislation appears relatively stable in Latin America, however, the levels of enforcement have varied in different periods. In phases marked by a neoliberal hegemony, labour flexibility has been imposed in major countries (Mexico and Argentina), thanks to the business sector ignoring institutionalized norms (Murillo, 2005). Neoliberal governments may not have transformed institutions dramatically, but they did weaken their powers of enforcement. For instance, Murillo, Schrank & Ronconi (2011) have found that the number of labour inspectors fell in Argentina during the neoliberal phase at the end of the eighties and throughout the nineties. In the post-neoliberal phase in Argentina and Brazil, however, previously dormant and relatively unused institutions re-emerged thanks to a combination of social and judicial activism (Gaurri & Brinks, 2008) and support from the executive branch.

Chapter 7. Industrial relations in East Asia

This chapter discusses the two largest, most populated and economically important countries in East Asia: China in the northeast and India in the southeast. According to Sofia (2006:109), these two countries “represent the new nations that participate fully in the new international scenario, influencing it both economically and politically”. A few data serve to establish why it is important to focus on the economies of these two countries. According to Bustelo (2007), the joint population of India and China is equivalent to two fifths of the world’s population. In 2005, the share of Gross World Product for these countries was 27.3%, higher than that of both the EU (21%) and the United States (20.1%). As both these countries receive huge amounts of foreign capital (in the form of Foreign Direct Investment, FDI) and are huge consumers of energy and other natural resources, it is logical that the above author should ask whether these countries are more likely to cooperate or to compete with each other. A significant proportion of the governance of globalization in the short and medium term is decided in these countries. Silva (2013:162) speaks of a third global transformation that is led by China and India (among other countries). This transformation, which has been described as “the rise of the others”, is interpreted as the prevalence of “other poles or centres of power that, while not defying US military dominance, make it clear that they disagree with the influence of the United States on global economics and politics”.

In Castanyer’s opinion (2006:139), in the early 1980s “Indian and Chinese living standards were similar. Now [2006] average living standards in China almost double those in India”. Though we are unable to speak of commercial or economic conformation, it is obvious that something has occurred. The fact that China specializes in hardware and India specializes in software may deepen the international division of labour, increase the internal and external markets of these countries, and generate strong growth in their bilateral trade. The main sources of conflict between the two countries today are more historical than economic and include the Sino-Indian war of

1962, the Indian nuclear weapons tests of 1998, Indian criticism of Chinese support for Pakistan, and Chinese criticism of improvements in Indian-US relations. This is evident if we consider China and India's need to attract FDI. Bustelo (2007:89-95) reports a distinction in the investments obtained by these countries. China, for example, receives contributions mainly from other Northeast Asian countries while India receives contributions from a "group comprising the USA, Germany, France, the United Kingdom and The Netherlands, [which] accounts for 32% of FDI received by India but only 12% of those received by China". There are also differences in the sectors that receive these investments since India receives them in services while China receives them in manufacturing. Finally, the figures also differ: "In 2005 China received 72,406 million dollars while India received only 6,598 million dollars".

Both economies have nevertheless openly chosen to launch themselves onto the world trade stage, where both have succeeded in becoming major players. This strategy has obliged both countries to implement numerous complex programmes aimed at transforming their respective obsolete economies: in China's case because of its communist past and in India's because of its process of decolonization. Because of these transformations, their respective industrial relations systems now share certain important characteristics. According to Vanderberg (2007), these include pressure to grant greater flexibility to both national and overseas companies, a relaxation in employment protection laws, and the transfer of security provision from companies to society (though this is expected to be officially financed and organized by public authorities). Other basic features include the need to extend collective bargaining as a preliminary step towards tripartite consultations and therefore the need to improve union affiliation and independence.

The system of labour relations in China

Contemporary China is undergoing two fundamental transitions which, as García-Tapia (2005:41) points out, contain "disparities and contradictions". Pareja (2007:160) describes these as the "transition from a traditional to a modern society and the transition from a Stalinist-Maoist communist society to a market-oriented socialist society". Both transitions are equally important for the equilibrium of Asia and the world. In reference to labour relations, the author suggests that the road China is taking towards modernity is the European capitalism model. This process has been described by Wang Hui (2003:144) as the "consolidation of the capitalist system and liberal democracy as models for economic and political modernization".

Our interest in this context begins in the last few decades of the twentieth century since this period explains the profound transformations that have been undertaken in a country that has been "a socialist state since 1949 with a single party (the Communist

Party) in power” (García-Tapia, 2005:42). This transformation was initiated in 1978 by Deng Xiaoping (García-Tapia, 2005) and his Economic Reform and Open-Door Policy (foreign policy, 2017), which was based on a series of modernizations. In 2000 the policy was further developed by Jiang Zemin, who established the principle that the Party represented the most advanced productive forces, the most advanced culture, and the fundamental interests of a large part of the Chinese population. Since 2004, significant progress has been made to improve wages and working conditions in China (King-Chi and Nadvi, 2014). However, in light of the multitude of labour conflicts reported by regular publications such as the China Labour Bulletin, this progress is not sufficient for the workers of this great world power. The epicentre of these conflicts can be found in 2009, when 30,000 appears a reasonable estimate for the number of collective labour disputes held, and in 2010, when the number of individual and collective labour disputes processed by arbitration or legal institutions remained extremely high at over a million cases and numerous large-scale strikes and collective suicides took place (Friedman, 2013). Indeed, a strike held at Honda came to the attention of the international community. In the opinion of Zhu et al. (2011:150), this strike was different because “the workers demanded very high wages and the right to elect union leaders democratically”.

In light of this situation, it is important to explain the complexity of China’s labour relations system. To do so, in this section we will describe the country’s economic and employment structure in order to dispel a commonly held view that considers China as a manufacturing country whose power stems from a “disciplined and qualified workforce whose wages are relatively low (King-Chi and Nadvi, 2014: 559) and an economy that is based on “imports processed as exports (usually by companies with foreign capital)” (see Fernández Stenbridge (2003:53)). This economic structure helps us to understand why the country’s productive system continues to harm the environment but does not explain the reality behind the employment system. This becomes apparent when we encounter a complex ambiguity when trying to identify Chinese workers: in employment issues, should they be considered agents of predatory capitalism who are ultimately responsible for closing many European companies in every industrial sector or should they be offered our solidarity because of their precarious working conditions and low wages? As Silver (2003) appears to suggest, we should also bear in mind that the future of the industrial workers’ movement organized along Marxist criteria is currently writing new chapters in its long history in China.

Macroeconomic Data

The People's Republic of China is a communist state though its system was defined in 1979 by Deng Xiao Ping as "market socialism". According to a definition offered by Santander Trade, China is a communist, centralized state that is totally administered by the Communist Party of China (CPC), has a large national bureaucracy that takes care of everything, and is subject to an authoritarian structure and ideology. Evidence of this is the fact that the executive branch is overseen by the State Affairs Council (SAC) led by the Premier. Below the Council are government commissions, ministries, and agencies with ministerial rank. Most important decisions, however, are taken by the Political Bureau of the Communist Party of China. The legislative power is unicameral (the National People's Congress, or NPC), which is made up of roughly 3,000 members representing 23 provinces, five regions and four autonomous municipalities. The NPC includes a delegation of the People's Liberation Army. Membership eligibility is controlled by the CPC, which also supervises the appointment of the leaders and senior officials of the administrative constituencies (Folch, 2003).

China is the second most powerful economy in the world. In terms of demographic size, however, it competes strongly with India. Its unquestioned economic position is based on its export activity and its role as "the epicentre of world manufacturing industry" (King-Chi and Nadvi, 2014:559). This position is sustained by its huge coal reserves whose habitual use by the Chinese population creates enormous pollution problems in many cities. The global economic slowdown and the decline in trade have interrupted China's growth rate, thus highlighting "the limits of a growth essentially based on exports". In 2015 growth in China slowed to its lowest level for 25 years (below 7%). The following year was also one of economic slowdown, as is illustrated by the pressure felt in regions such as the northeast, which depend on heavy industry, public enterprises and mining. The debt incurred by state companies represents 145% of GDP. Consumption remains weak and the fall in the value of the yuan against the dollar implies a flight of capital.

At the end of 2013 President Xi Jinping, who came to power in the same year, succeeded in getting the Central Committee of the Communist Party of China (CCCPC) to approve a sweeping reforms programme, due to be implemented until 2020, that aims to reconcile the enormous differences between urban life and rural life, urban areas on the Chinese coastline and those in the interior and the west of the country, and urban middle classes and those left behind by growth. Although poverty has declined considerably in China, it still affects almost 10% of the population (over 120 million people), who subsist on less than \$1 a day. This point was also raised by Fernández Stemberge (2003:62), who claimed: "Clearly, one of the main challenges facing China is the need to strengthen its social protection system (as was illustrated by

the SARS crisis)”, which the author links to the reform of state-owned companies and, by implication, to the reform of housing policy, education and the healthcare system.

Economically speaking, China is a highly diversified country though it is dominated by the manufacturing and agricultural industries, for which plans for modernization and greater productivity exist. While the primary sector employs roughly a third of the working population, it contributes 9% to GDP. This apparent contradiction is explained by the fact that only 15% of Chinese land area is arable. Nevertheless, it is one of the largest producers and consumers of agricultural products; for example, it is the world’s largest producer of cereals, rice, cotton, potatoes and tea. With regard to livestock, its ovine, swine and marine productions are among the highest in the world. China’s secondary sector is dominated by its energy resources, and especially by its enormous reserves of coal. It is also a world leader in the production of minerals such as tin, iron, gold, phosphates, zinc and titanium. This situation ensures China’s atypical position in international trade, which involves “exporting labour-intensive products” and “importing raw materials and capital”, while other developing countries conduct “inter-industry trade (mutual trade with similar patterns of production)” (Fernández Stemberidge, 2003:54).

China also possesses significant oil (it is the world’s fifth largest oil producer) and gas reserves. However, China is fundamentally recognized for its highly competitive manufacturing industry and its exports, though over half its exports are manufactured by companies financed with foreign capital. Construction and exports contribute almost 50% to Chinese GDP. The state sector still contributes roughly 40% to the country’s GDP. Finally, the tertiary sector contributes just over 50% to GDP and employs roughly 40% of the Chinese working population.

China since the proclamation of the Republic

The People’s Republic of China was proclaimed on 1st October, 1949, following Mao Zedong’s victory over the nationalist forces of the Kuomintang. Our interest in this paper begins in the 1970s when a series of actions was undertaken to eliminate one of the inheritances of the Maoist regime – the rigid social protection of workers, a policy described by Fernández Stemberidge (2002:102, note 7) as follows: “Mao Zedong embarked on an economic policy based on the prevention of unemployment, establishing the work unit (*danwei*) and the iron rice bowl (*fanwan*) and ensuring the urban population’s right to employment”. This guaranteed that the basic needs of urban workers (housing, education, and healthcare) would be met. The specific aim was to ensure lifetime employment for a large number of workers (mainly in the towns) through the actions of state-owned enterprises (SOE), regardless of the skills levels of the workers involved or other matters. Inevitable staff surpluses led to the

establishment of an institutional salary that rarely took into account productivity. The concept was therefore created of the poorly paid worker who was nonetheless protected by public companies that guaranteed a basic salary for life plus numerous social benefits, including a state pension. This is the main reason why it took Social Security, which is accepted as the norm in European countries, so much time to emerge.

Lemoine (2007) has pointed out that this system peaked after 1978 when the period of “socialist modernization” began. This was when the Chinese Communist Party began the process to de-Maoize its economy. This transition towards a market system also implied opening the door to Chinese exports (Chan and Nadvi, 2014) and laid the foundations for the growth in heavy industry (steel, chemical and energy). At the same time, a timid opening up to international markets also took place that was accompanied by the search for finance from foreign direct investments. According to Fernández Stemberidge (2002:113), however, the aim was “not so much to acquire new products and stimulate employment creation as to gain knowledge about the distribution and utilization of capital”. To appreciate the importance of the international perspective, we should remember Golden (2003:7), who stated that: “The only foreign influence that is well-received by the Chinese Government is direct investment from the *huaqiao* (overseas Chinese) (...). The investment behaviour of the *huaqiao* has less to do with the national borders of the countries in which they live than with their common identity with their country of origin”.

Between 1980 and the end of 1990 a transformation in labour relations took place worldwide. Profound transformations were also observed in China, with new labour relations introduced as a result of market-oriented reforms, new legislative frameworks (ILO, 2009), and a change in mentality. The mid-1980s saw the reformation of the labour contract. Pareja (2007:165) identified a new motto: “To get rich is glorious!”, made popular in 1992. In his opinion, “the market became the driving force behind the modernization of the economy”. Fernández Stemberidge (2002:102) believes this was when the labour market experienced a “process of maturity’, mainly in urban areas, though it remained stagnant. In these new times, public companies were allowed to keep some of their profits (as long as they were reinvested in the company or offered as bonuses to the workers). The possibility of accumulating capital gains was linked to the withdrawal of public financial support, which meant that companies had to turn to the banking market to satisfy their financial needs. This led to the birth of a “two-tier’ banking system: the macro-system (the Central Bank/the People’s Bank of China); and the micro-system (banks such as the Agricultural Bank, the Industrial and Commercial Bank, the Bank of China and the Bank of Construction specializing in specific economic sectors), which was liberalized in 1986 (Lemoine, 2007).

At the same time, it became easier to dismiss workers thanks to the introduction of certain financial cost-benefit criteria. According to Fernández Stemberge (2002:112), this implied abandoning social policies since social security was guaranteed by the work unit. In this way, “if workers are dismissed, they lose this coverage”. This was despite the fact that the logic of the employment structure, which was clearly inspired by the Maoist tradition, implied that there was no “separation of interests between workers and companies” (ILO, 2009), i.e. collective conflicts did not exist. The Chinese leader Xiaoping opted to combat social conflicts. From 1982 strikes were banned: “any action that disrupts the social order is illegal under article 158 of the Penal Code” (King-Chi and Nadvi, 2014:565). Pareja (2007:164) described how “in the 1990s, both economic reform and non-reform of the political system were consolidated”. The collapse of Soviet communism (after the fall of the Berlin Wall in 1989) was exploited by the Chinese Communist Party to consolidate the transformations it had been committed to undertaking since the late 1970s. This led to a further opening up (1984–1988) and the introduction of the so-called “system of contractual liability”, by which state companies were granted greater freedoms for contractual issues and dismissals (Fernández Stemberge, 2002).

In the 1990s a large-scale restructuring of state-owned enterprises took place. This had a huge negative impact on employment as “during the 1990s some 30 million employees of state-owned companies were laid off”. This implies that the Chinese government was gradually abdicating its authority in labour relations and offering it “to the business owners”. An unexpected result was a rapid expansion in the economies of the private sector, which encouraged rural migrant workers (a key component of the workforce thanks to their mobility) to integrate into new market-based labour relations (ILO, 2009). These reforms should be understood in the context of the new phase of the Chinese economy, known as the “socialist market economy” and launched in 1992 by the then Chinese leader Xiaoping, which led to a deluge of legislation. Also in 1992, the Trade Unions Act was passed (later amended in 2001), which called for the creation of a single union. In 1994, the banking and tax systems were reformed and a new Company Law came into force with the aim of creating a modern business system. The Labour Law, which governs the rights of workers in China, was also passed. In 1995, a consultation and collective bargaining system was established under the 1994 Labour Code (Wu and Sun, 2014:667). And at the turn of the century, China regained control of prices to help in its struggle against inflation.

The 21st century began with China’s entry into the World Trade Organization (2002), which had two immediate effects on its economy. On one hand, the rate of foreign direct investment (FDI) increased and in 2003 China overtook the United States to become “the country with the most FDI inflows”. On the other hand, tariff

reductions benefited light manufacturing (electronics and toys), “which led to rapid economic growth and greater employment opportunities” (King-Chi and Nadvi, 2014). On 8th November, 2002, at the 16th Congress of the CCCPC, Hu Jintao was named leader. However, apart from this generational change in personnel, the big news was that for the first time in its history the CCCPC agreed to allow the admission of so-called “capitalists’ (entrepreneurs). This was “a very important step in the political, economic and social trajectory of the China of today” because it led to two unique events: “political regeneration and [the fact that] entrepreneurs were recognized as guarantors of social stability because of their contribution to reducing unemployment” (Fernández Stenbridge, 2003:51-52). This highlights the fact that unemployment gravely concerned leaders who at the time were eliminating state enterprises and privatizing jobs that had once been guaranteed.

The year 2004 was a new key date in the construction of the Chinese labour relations system for two reasons. Firstly, China’s entry into the WTO had reinforced its commitment to outsourcing. In the same year, according to Diaz (2006:3), “the roughly 20% growth in the world economy was due to the impetus provided by China’s jump to third place in the ranking of international trade”. According to the World Bank (2009), the percentage of Chinese GDP represented by the exportation of goods and services in 2007 was 42%, compared with 23% in 2003, and the increase in employment opportunities appears to stem from this increment. Secondly, the Central Committee of the Communist Party of China produced a document that focused on the need to improve the lives of agricultural workers. To this aim it was proposed that food production should be stabilized, farmers’ incomes should be increased, and village infrastructures should be developed because farmworkers were considered an important source of productive labour who deserved to enjoy both basic civic rights and the protection of the State. These measures enabled China to curb the migration that put pressure on employment in the most industrialized cities and to direct jobs to new industrial zones closer to the workers’ places of origin.

This policy, which can be summarized as large-scale economic transformations that were both urban (export-oriented manufacturing) and rural (improvements in socioeconomic conditions introduced by the new state policy) (King-Chi and Nadvi, 2014) led to the creation of a new, totally undesired, phenomenon. Since 2003 there has been a clear labour shortage in the most industrialized regions (e.g. the Pearl River Delta) because the policies designed to protect rural workers led to a “shortage in the number of rural workers (*mingong huang*) who were willing to move to urban areas for work. This is in marked contrast to the “waves of peasant workers’ (*mingong chao*) who moved to urban areas in the early 1990s” (King-Chi, 2014:567). This labour shortage put a huge strain on wages and led to the need to increase them in order to

attract workers. However, the important role played by social unrest in achieving wage increases should also be recognized because “since 2004 labour shortages and workers’ protests have led to considerable wage increases and better working conditions in export-oriented regions such as the Pearl River Delta” (King-Chi, 2014:560).

These wage increases were achieved following a series of semi-organized strikes in the Pearl River Delta (Chan, 2010 and 2014). The Chinese government did not wait long to respond. After 2004, “attempts were made to create a collective bargaining mechanism in the workplace via ministerial regulations sanctioned by the Office of Work and Social Security” but these proved unsuccessful because “only a few companies followed their instructions”. However, something was in motion because in 2005 “the All-China Federation of Trade Unions (ACFTU) began to unionize the Chinese Fortune 500 companies. Immediately, trade unions were established at Wal-Mart and many other foreign companies. Many people are aware, however, that these are unions on paper only and that the collective agreements they have signed with the companies are no more than a formality” (Sio-ieng, 2012:87). The wave of reforms continued between 2007 and 2010 when concerted attempts were made to reduce the number of collective conflicts.

The true importance of this period lies in the enactment of four new laws – the first three in 2007 and the fourth in 2010. The Employment Promotion Act sought to provide territorial (cantonal) governments with guidelines for managing employment agencies and facilitating vocational training. The Labour Disputes Mediation and Arbitration Act was a further commitment to eliminating collective disputes by simplifying the procedures for mediation and arbitration and reducing their costs. The Labour Contract Law sought to introduce a degree of legal certainty to employer-employee relations by establishing written contracts outlining the procedures on notices of dismissal and the legal consequences of failing to comply with them. The Social Security Law sought to provide basic social protection for the whole population. The aims of these laws were clear: “Two of them (the Labour Contract Act and the Labour Disputes Mediation and Arbitration Act) were designed to regulate relations in the workplace and limit the number of labour disputes. The other two (the Employment Promotion Act and the Social Security Law) were designed to address labour market problems of a more general nature” (King-Chi and Nadvi, 2014:570).

Despite these efforts at reform, labour unrest reached a historic milestone in 2010 when two separate manifestations of the Chinese workers’ power of protest took place. The first was a spate of suicides at Foxconn (a manufacturer of electronic products) and the second was a wave of strikes led by workers at Honda. These conflicts raise two fundamental issues that need to be resolved in current Chinese labour relations. The first of these is the need to legislate collective (bargaining) agreements

(since Chinese law is currently individual in nature) and to direct any collective action towards mediation and the law courts. The second is the need to democratize official trade unionism from within. It is interesting to note that two of the demands made by the striking workers were the chance to elect their trade union representatives and the legalization of the hitherto outlawed unofficial unions. One ray of light was the support received from the Chinese official trade union in 2014 by workers at a Wal-Mart store in the city of Changde when the workers protested against how they were being managed.

Actors in the field of labour relations

Workers' rights are mainly covered by the Labour Law (1994), which was supplemented by the Unions Act of 1992 (amended in 2001), the Labour Contract Act of 2008 (amended in 2013), the Labour Disputes Mediation and Arbitration Act, and the Employment Promotion Act of 2008, to which Wu and Sun (2014:667) added "various ministerial regulations and policies, including the 2004 directive on collective agreements". Alongside these legal guarantees is a series of other guarantees present in our rule-of-law-based societies that, though also present in China, require clarification. For clarification we refer to the 2008 report drafted by Javier Doz (Secretary of International Trade Union Action of the Spanish trade union CCOO) after he had visited China. The basic contingencies of social security, including health insurance, are covered by collective insurance schemes that complement each other, though in some cases they are complemented via individual insurance policies. These collective insurance measures are underwritten by companies in the following areas: health, occupational accidents, unemployment, pensions and maternity. They are financed both by employees through 20% of their gross salary and employers through 40–50% of gross income (although caps do exist). Some collective agreements usually improve their level of healthcare provision by including a second medical insurance policy and offering workers the chance to supplement their group pension plans with pension insurance and individual savings schemes.

Viewed from the outside, the labour relations system appears to be a perfect equilateral triangle whose vertices are each occupied by a single institution: the single party (CPC), the single trade union (ACFTU), and the sectorial associations led by the China Business Confederation/China Business Leaders Association (along with the Chambers of Commerce). However, viewed from the inside we find numerous conflicts among the workforce, such as those identified by Ma (2011:172): "urban workers versus rural migrants; employees of state-owned companies versus those of other types of company; and administrative and intellectual staff versus manual labourers". Another conflict is that between legal trade unions and those formed

informally by company employees. What may also be surprising is that a communist country allows business organizations and, especially, that the State itself rejects collective disputes, preferring to recognize and encourage individual resolutions via the law courts.

Any understanding of this system of labour relations must begin with the State since, according to King-Chi and Nadvi (2014:564-565), “it has had an increasing presence via employment legislation, i.e. via binding regulations”. However, because of the enormous size of its territory and its complex administration, the administration has delegated the application of legislative procedures to the provincial and local governments, leading to unequal levels of compliance. A basic question is the direction the State has given to this legislation since it relates to individual rights and can therefore not address the growing problem of conflict due to collective interests. Moreover, any commitment to tripartite consultations must be accompanied by a suitable collective bargaining process, which has been hampered since 1994 by the fact that independent trade unions are not authorized and that most company trade unions depend on management structures. According to Wu and Sun (2014:669 and 671), although the State’s role in collective bargaining is that of a third party, i.e. “providing the institutional and regulatory framework and helping to mediate or arbitrate in labour disputes”, in practice the government also participates directly to promote and expand collective consultations, which is known as the quota management system, and to extend the number of collective agreements, which between 2014 and 2016, established “a collective consultation coverage of above 80% for companies with the presence of a trade union and a coverage of 90% for companies with over 100 employees with a trade union presence”.

With regard to business organizations, Fernández Stemberidge (2002:101) asserts that after the 15th Congress of the Chinese Communist Party (September 1997), the transformation of the business system was accelerated via a state company reform process under the slogan: “Retaining the large ones and privatizing the small ones (*zhuada, fangxiao*)”. As this author reminds us, at the 16th Congress held five years later (2002), on November 8 “the “capitalists’ (business owners) were explicitly admitted for the first time as members of the CCCPC”, thus recognizing them as “guarantors of social stability because of their contribution to reducing unemployment” (2003:52) and complying with the commitment to the WTO, of which it has been a member since 2002.

This reflects strong support since in Ma’s opinion (2011:167) Chinese employers “enjoy a much freer environment compared to the strict control to which workers’ associations are subjected (...)”. There are basically two types of urban companies. Public companies are responsible to the government, specifically to the State-owned

Assets Supervision and Administration Commission, which “must safeguard the value of the assets of its companies, under the supervision of the central government, and ensure their adjustment and restructuring” (ICEX, Spanish Institute for Foreign Trade). It is therefore in the private sector that we find comparable organizations to European employers’ associations. Also according to Ma (2011), there are three types of organizations: official ones, which are sectoral; semi-official ones, operating by the name of Chambers of Commerce and affiliated to the All-China Federation of Industry and Commerce (ACFIC); and fully autonomous ones, such as the Civil Chambers of Commerce. We begin below with the first type of organization.

The main organization of this type is the China Enterprise Confederation/China Enterprise Directors Association (CEC/CEDA), which according to Ma (2011) is a direct descendant of the communist political regime. For this reason the National Tripartite Conference on the Coordination of Labour Relations recognizes CEC-CEDA as the sole employer representative, thus enabling it to participate as the sole representative of Chinese enterprises in international organizations such as the International Labour Organization (ILO) and the International Organization of Employers (IOE). According to the CEC-CEDA website (cec-ceda.org), the organization was founded in March 1979 “during the time when China was introducing reforms and opening up”. It is defined as “a national, social, economic and functioning organization as a bridge and link between government and enterprise”. Its real strength stems from its number of affiliated companies (roughly 550,000, including “most of the top 500 enterprises in China covering various industrial sectors in almost all of the provinces, cities and autonomous regions throughout the country”).

In the last few years another business association, the All-China Federation of Industry and Commerce, an organization of local private companies (*Gongshanglian*) has become increasingly active. Along with the CEC-CEDA, this association currently participates in several tripartite bodies at the provincial level. Founded in 1953 under the leadership of the Communist Party of China, it is also known as the China Federation of Industry and Commerce (Pacifac). On its website it is defined as “a chamber of commerce oriented toward the business circle and with the enterprises and personages of the non-public economy as its main entity”.

Finally, we discuss the All-China Federation of Industry and Commerce (ACFIC). According to Ma (2011:168), although the origins of ACFIC date back to the former Federation of Industry and Commerce, which was linked to the Central Committee of the Communist Party, it was officially founded in 1953. The above author defines ACFIC as “an organization of the masses and a civilian chamber of commerce with the characteristics of a “united front’ run by the Communist Party, and a participant in the Chinese People’s Political Consultative Conference”. Its main

function is to become a “channel for the CCCPC and the government, serving as a liaison with stakeholders in the non-public economy and a government assistant in the administration and services of the non-public economy”. By late 2014 it had “3,969,667 million members nationwide, which is an increase of 341,213 (9.4%) with respect to 2013” (Ma, 2011:168).

Chinese trade unionism has undergone numerous transformations. Zhu et al. (2011:143) reports “a gradual decline from 1993 to 1999, a rapid increase from 1999 to 2002, and a period of growth and consolidation since 2003”. All these transformations have been experienced by a single trade union – the All-China Federation of Trade Unions (ACFTU), which represents all Chinese workers. Closely allied to the CCCPC, ACFTU has been defined by Sio-ieng (2010:86) as an “official union led by the party in power”, which, in the words of Zhu et al. (2011:140), has led to “a robust union system dominated by the State”. As Doz (2008:51) explains, this makes ACFTU “the largest trade union organization in the world in terms of union membership”.

Its singular structure requires that lower-level unions that wish to be recognized (which includes company unions) must be affiliated to it. For this reason, Ma (2011:169) calls “those sections of the ACFTU that are constituted in the workplaces” the base unions. In reality, ACTFU is a vertical-type union based on the absence of collective disputes. Its leaders therefore concern themselves with management issues while the leaders of unions in state-owned enterprises are involved in party organization in the workplace (Yoon, 2009). ACFTU was founded on 1st May, 1925. According to its website it is “a mass organization formed by the Chinese working class on a voluntary basis. ACFTU headquarters are located in Beijing”. It has a broad presence, consisting of 31 provincial trade union federations, 10 national industrial trade unions, and 1,324 million trade unions in companies and institutions. Membership currently “stands at 69.94 million (61.78 million of whom (36.4%) are women and 40.98 million of whom (24.1%) are migrant workers. The affiliation rate is 73.6%”. This trade union has 543,000 million full-time cadres as well as 4,568 million cadres who work part-time.

We conclude this paragraph by pointing out that something is occurring within the Chinese trade union system. Friedman (2013:19) asserts that one of the main contemporary union struggles is the workers’ demand “to claim their right to elect their own trade union representatives. This does not mean demanding independent unions that are unattached to the official central authority (...) since this would undoubtedly provoke violent State repression”. In the same vein, King-Chi and Nadvi (2014:563) assert that “independent trade unions are not legally authorized in China”. Finally, during a 2015 visit Boix (2015:17) described the new concerns among official trade unionism in China as union membership and, especially, “collective bargaining, which, along with social dialogue and tripartism with employers and the government, it considers to be its core activity”.

Collective bargaining

Collective bargaining in China is currently under intense pressure. Wu and Sun (2014:677) assert that “in the last twenty years tensions between labour and capital have intensified in China, and this has led to a sharp increase in labour disputes”. Friedman (2014:21) claims that this situation “presents a real challenge to the export development model based on the wage suppression that has characterized the political economy of south-eastern coastal regions for over two decades”. In this context the main instrument used by the Government and ACFTU is collective bargaining.

In China, collective bargaining and its consultancy system is a difficult model to reconcile with our own industrial concepts (Wu and Sum, 2014:665). Moreover, this model depends more on quotas (horizontal extension) than on effective negotiations. The features of the model are framed within the contexts of politics, economics and trade unions. With regard to politics, since (socialist) employment legislation is based on the absence of class conflict and rejects any notion of collective bargaining, there is no legal authorization for employers or trade unions to accept collective bargaining. This implies focusing on the protection of individual rights and out-of-court resolutions (such as the Labour Disputes Mediation and Arbitration Act). However, wheels are in motion in this regard. Sio-ieng (2012:88) reports that “since the individualized legal approach cannot respond adequately to workers’ demands, many resort to collective actions such as strikes or roadblocks to defend their interests”. With regard to economics, the commitment to outsourcing has come to a sudden halt since the beginning of the global crisis in 2008, when many companies (most of which were located in China’s economic hub, the Pearl River Delta) closed down. This has led to a strategic change in the country’s economic direction with the development of “a consumption-based economy”. This change has made it possible to foster the introduction of collective bargaining as an instrument to help “reduce social unrest and maintain political stability” (Sio-ieng, 2012:87). With regard to trade unions, Shen and Benson (2008:273) point out that “the Chinese system of collective bargaining is different from the western one in that no independent workers’ organization exists”, though they also admit that “the indications are that Chinese unions are gaining greater autonomy”.

The following data are illustrative here: in 2012 “over 2.2 million collective agreements covering roughly 5.8 million companies and 267 million workers were signed”. These data would appear to adhere to a government strategy to quantitatively expand coverage since, according to Wu and Sun (2012:666 and 679), its objective is to achieve a certain number (quota) of employment agreements. However, collective bargaining in China has a significant legal presence since “a framework for “collective consultation’ has existed since 1994” (King-Chi and Nadvi, 2014:565). Nevertheless,

the rigidity of the bargaining system continues to weigh heavily. The Observatory on Labour in Globalization describes the situation as follows: “Although efforts have been made to promote collective wage consultation systems, the right to collective bargaining is severely restricted and many Chinese workers are not covered by collective bargaining agreements”. The ILO has quantified the coverage of collective bargaining in China as 32.6% in 2011 and 39.25% by 2012, the latest year for which data are available. Moreover, it has highlighted the lack of trade union pluralism: “independent trade unions are not authorized, and most company unions depend on management structures [...] [so] tripartism and the system of consultancy and collective agreements cannot function without effective trade unions representing workers’ interests” (King-Chi and Nadvi, 2014:565). Not surprisingly, therefore, Deng and Li (2012:186) believe that workers in certain companies should create “their own trade unions that could then influence wage settlements”.

Collective bargaining in China can be developed on three levels: the workplace, the sectoral level, and the regional level. According to Wu and Sun (2014:668), collective bargaining normally begins in companies with the participation of managers and trade unions. At the sectoral or regional level, “the relevant trade union federation and the company’s representative in the sector or region concerned participate”. For an agreement to be considered regional, its scope must extend to companies from different sectors. On the other hand, if the agreement covers companies from just one sector, it is considered sectoral. The most effective consultations to date have been regional, though for just one sector.

Currently, collective consultations are usually conducted annually. According to this process, the union begins by presenting a proposal based on the opinions of the workers about working conditions, management issues or the working environment. The proposal is then presented to the employer (or the employer’s representatives) in order to begin negotiations. If no agreement is reached, the proposal or the part of the proposal that is agreed upon is recorded in a collective agreement that is signed by both parties. As Wu and Sun (2014:669) point out, it is important to bear in mind that “while the ACFTU and its members are obliged to represent the workers, initiate collective consultations, and sign collective agreements, employers have no legal obligation to respond to the trade union’s invitation”. This implies that the trade unions are forced to resort to applying political pressure via their relations with the administration. In general, collective bargaining agreements usually reproduce provisions on minimum wages and other issues pertaining to the applicable regional collective agreement. Therefore, according to Sio-ieng (2012:88): “they allow workers to negotiate only certain issues (e.g. wages, working hours and social benefits) with their employers”. We should also bear in mind that these negotiations can only be

conducted by the official trade union via its representatives in the company concerned. This introduces the element of excessive control over the results of the negotiation since many trade union delegates are appointed by the companies themselves or by the higher-level trade union, which is why “workers are not allowed to elect their own representatives to negotiate on their behalf”.

In addition to this form of negotiation, we must also discuss those carried out by the State. In 2004 a series of wage recommendations were established whose guidelines are followed by regional governments. According to Deng and Li (2012:172), however, “although national legislation on minimum wages exists (...), it has never been firmly applied”. The legislation states that “the minimum wage must be at least 40 per cent of the average local wage”. In reality, however, “the minimum wage is generally only between 20 and 35 percent of the average local wage, which is barely enough to cover housing, transport and food costs” (clb.org). The true minimum wage is therefore established by regional governments. This illustrates that there is a close link between one form of negotiation and the pressure that is exerted by workers through collective disputes (strikes): “collective bargaining legislation is associated with the waves of worker resistance registered in China, especially in the south of the country, in the last few decades” (Sio-ieng, 2012:87).

The national system of labour relations in India

In Sofia’s opinion (2006:109-11), India and China represent “new nations that participate fully in the new international scenario, influencing it both economically and politically”. Moreover, in terms of the number of voters (roughly 600 million), India is “the largest democracy in the world” and the “second largest consumer market in the world after China”. India became a British colony in 1876 when it was conquered from the Afghan kings, who ruled a vaster territory than Afghanistan occupies today. Its relationship with the British Crown began at least as early as the seventeenth century with the presence of the East Indian Company, which established its dominance by uniting routine commercial activities with direct tax collection on behalf of the British government. This dominance lasted until 1947 when a group of Indian students from English universities led by Mahatma Gandhi achieved independence for India at the expense of losing a large part of its territory, namely the Dominion of Pakistan (which was later divided between Pakistan and Bangladesh) and part of the province of Punjab.

In Castanyer’s opinion (2006:142), British dominance conditioned India’s growth and development for several reasons: capitalism was introduced without the acute existing imbalances being redressed; the “traditional Indian craft industry was destroyed by the removal of protective tariffs”; and “the cultivation of indigenous

produce was replaced by that of “traditional’ products such as tea, jute, cotton and indigo, which led to widespread famine among the population due to a lack of basic foodstuffs”. Moreover, land ownership was concentrated in the hands of a minority and the construction of the railroad in 1850 provided a significant boost to British industry and economy.

India is now a federal republic that defines itself as an “open society’ in which tolerance, social equality (the abolition of castes), respect before the law for freedom of expression and freedom of the individual, non-violence, and respect for human beings of different cultures and different religions are core values of the 1950 Constitution. However, the large number of workers in the so-called informal economy (Chatterjee and Kanbur, 2015) and their low wages (Raniy Belser, 2012) have created a difficult situation. As Luther (2017:302) reports, the “social reality has one of the worst records in wealth equality and socio-economic indicators, even if compared to the other BRICS¹⁷”. The labour relations system, the main feature of which, paradoxically, is that it is one of the few countries “where official authorization is still needed to lay off workers, has contributed to this situation. Both Sri Lanka and India realize that the laws should be changed but it is difficult for them to find a solution that is acceptable to the trade unions” (Vanderberg, 2010:52). This interesting position reflects the struggle between the tradition of employment protection and globalization in a country that, as Kucera and Roncolato (2011:2) remind us, in 1991 initiated business reforms that “were some of the most sweeping ever attempted in a developing country”.

Macroeconomic Data

The Indian economy has withstood the world economic slowdown better than other members of the BRICS group and in particular has managed to take advantage of the low oil prices of recent years (Santander Trade). This strategy led Sofia (2006:131) to ponder whether India will even overshadow China to become Asia’s new industrial engine in the not-too-distant future. The reduction in India’s energy expenditure has enabled it to boost its public spending, leading to dynamic economic growth (7.5% of GDP). However, India’s leaders, with Prime Minister Modi at the helm, have increasingly been criticized for their authoritarian style of government with hues of Hindu nationalism. This has had consequences for the Indian economy, which slowed down in 2016, though it is expected to pick up again in 2017 thanks to an upturn in consumption. Actions included the 2016 imposition of a single federal VAT (which replaced a multitude of taxes), though its implementation proved complicated. At the same time, to reduce the size of the informal economy, Modi decided, without prior

¹⁷ Silva (2013) asserts that this acronym, which refers to Brazil, Russia, India, China and South Africa, was coined in 2001 by Jim O’Neill in a report on the global economy entitled *The World Needs Better Economic BRICs*.

warning, to demonetize some of the banknotes in circulation. This decision led to a currency shortage that affected supply and consumption, causing huge chaos. The budget for 2017, which is intended to promote growth while reducing the public deficit, remains market-friendly.

India's main problem is that it is still a poor country: per capita income is low, roughly 25% of the population still live below the poverty line, and social inequalities are huge. According to Rani and Belser (2012:258), "the benefits of economic growth have not been equitably distributed, having increased for workers with higher education but remained surprisingly low for those with only primary education". This is reflected in the fact that half the children under five suffer malnutrition. Unemployment affects approximately 7% of the working population but there are large differences between the genders and between people who live in the cities and those who live in rural areas. Palriwala and Neetha (2010:568) point out that "the official rate of female economic activity has largely remained low (below 29 percent in 2004-2005), though we should also bear in mind that much of the work done by women goes unrecorded". According to Castanyer (2006:141), "68.8% of workers (180,580,000) are employed in the public sector while 31.2% (80,421,000) are employed in the private sector". India's economic structure is characterized by its enormous primary sector, which represents 17% of GDP and employs almost half of the country's working population. India is the fourth largest fishing and agricultural producer in the world, mainly producing wheat, millet, rice, maize, sugar cane, tea, potato and cotton. It is also the world's second largest producer of cattle and the third largest producer of sheep.

The secondary sector contributes almost a third of its GDP and employs a fifth of the working population. This sector is characterized by a dependence on coal (it is the world's third largest coal producer) and the importance of its textile industry. We should remember that India is the tenth most industrialized country in the world (Pasquale (2006))¹⁸. The chemical industry is the second largest industrial sector. Finally, the service sector is the most dynamic sector of the Indian economy, contributing to 53% of GDP and employing over a quarter of the workforce. The rapid growth in the software industry has boosted the export of services and modernized the Indian economy. A 2007 report by CCOO (the Spanish trade union, *Comisiones Obreras*) highlighted "the importance of India's international outsourcing of information technology services aided by its number of English speakers". As Pasquale (2006:119) points out, the service sector is also boosted by the entertainments industry: "Bollywood, a paraphrase of Hollywood, is the largest activity industry in the world, producing over 1,000 films a year and even surpassing its giant American counterpart".

18 In 2106 it became the seventh major economic power, above countries such as Italy, Brazil and Russia. Data available at: <<http://www.actividadeseconomicas.org>>.

As far as gender discrimination in the workplace is concerned, India is a textbook country. The 2007 CCOO report stated that Indian women, who are employed in every sector and all types of jobs, make up 34% of the country's official workforce. Roughly 90% of the agricultural workforce and 50% of the construction workforce are also women (women even take their children to work). In the services sector the figure is 18% and in manufacturing it is 28%. Despite the legislation on wage equality that was passed 30 years ago, wage discrimination is absolute, since women's wages are clearly inferior to men's. In the cashew industry, for example, a woman earns 79% of a man's wage, while the figures for other industries are as follows: the tobacco industry, 47%; the silk and textile industry: 62%; the press, 49%; the footwear industry, 53%; fertilizers, 41%; pharmaceuticals, 60%; and glass, 43%. Behind these figures, Boix and Garrido (2016) have identified a common system of labour exploitation: "the contractual system known as "Sumangali" (a Tamil expression meaning "happily married woman"), which is used essentially by producers of cotton thread and fabrics and involves the brutal exploitation of over 125,000 girls, adolescents and young women aged from 12 to 20".

India, from independence to today

India has a long and complex history. Our starting point, however, is 1947 when it gained independence from Great Britain (Pasquale, 2006). In 1950, just three years after independence, India passed its Constitution, which placed particular emphasis on respect for a wide range of rights, including the freedom of expression, individual liberty and, especially, cultural and religious freedom.

As a sovereign country India had to select a model of growth, for which there were two radically opposed options. Traditionalists, led by Gandhi (who was assassinated in 1948), aimed to avoid Fordist-type industrialization by investing in agriculture and traditional activities and, as we shall see later, rejecting the British legacy. Modernizers, led by Gandhi's mentoree, Nehru, on the other hand, were committed to developing large-scale industry and education based on science and technology (two core elements for the development of the country) in order to catch up with the great European democracies. Though the modernizers came out on top they faced a serious obstacle: a shortage of economic and energy resources. During the 1970s and 1980s, therefore, huge sums were allocated to the industrial sector.

As Pasquale (2006:122) points out, several institutions were set up to supervise these policies. The most illustrative example of these is perhaps the Council of Scientific and Industrial Research (CSIR), whose aim was to satisfy the needs of the industrial sector. Numerous ministries, including those for Nuclear Energy, Space Research, and Defence, as well as an extensive university system, were also created to

meet several well-defined challenges. However, two major feats were also achieved that caught people's attention in the early decades. One of these was the "Green Revolution" – the introduction of a variety of high-yielding rice (dwarf rice), which was intended to combat famine (along with other foodstuffs) and made India the world's largest rice-exporting country. The second was the space race and the launch of its first self-manufactured satellite in 1971.

In the opinion of Castanyer (2006), the problems began in the 1980s. In 1980 India's prime minister, Indira Gandhi, requested a loan from the International Monetary Fund (IMF) to import a large number of goods and accelerate the country's growth (industry substitution by importation). However, accepting this loan also implied agreeing to several IMF directives, including shifting towards a liberal economy and modernizing Indian industry in order to increase competitiveness. According to Pasquale (2006), it was then that the interventionist model suffered a crisis: liberalism was imposed as the main option, as it was in most of the Western world, and so India's economic policy underwent a further transformation. Along similar lines, Kucera and Roncolato (2011:2) point out that the liberal Indian trade reforms, which began "in the mid-1980s and accelerated after the 1990-1991 balance of payments crisis", constituted "one of the most profound trade liberalizations ever attempted in a developing country".

This strategy had a significant impact in the 1990s, when corruption and the loss of state control over the economy became manifest and the law of the market began to gain the upper hand over the economic planning inherited from the era of independence. Castanyer (2006:145) asserts that India's debt was the main reason for this profound transformation because although both the IMF and the World Bank saved the country from its foreign payments crisis under Rajiv Gandhi in 1991, their demands quickly became apparent: India was forced to "cut the foreign and fiscal deficit and lower the rate of inflation" and to facilitate "the liberalization of imports and the lowering of tariffs, especially on consumer goods". This led to the massive entry of "multinational corporations such as Enron, Coca-Cola, Unilever, Procter & Gamble, and Gillette to the detriment of domestic firms", the privatization of public sector companies, the deregulation of the financial sector, and other issues. Perhaps the best-known consequences of these decisions were the 50% devaluation of the rupee and its commercial convertibility through, for example, the creation of duty-free zones. In the midst of this transformation, a 2007 report by the Spanish trade union *Comisiones Obreras* (CCOO) stated that "in the 1990s the Indian government decided to promote its technology industry. In Bangalore (Karnataka state), zones such as Electronic City were established that were intended to become niches for national and international high-tech firms".

Silva (2013:164) also highlighted India's debt as the main reason for the change in direction undertaken by its diplomacy, since it was forced to adapt "to the new situation caused by the fall of the Berlin wall". This meant switching from its non-alignment position to one with a certain political pragmatism in which international cooperation acquired "a new dimension, and a kind of economic diplomacy or external trade policy became more defined". Silva (2013) highlighted another important element from the 1990s that relates to India's political borders. To increase its rate of growth, the country required closer ties with its neighbours, though its conflict with Pakistan was never beyond the horizon. India developed closer political and commercial relationships with Asian countries such as Indonesia, Singapore, Japan, South Korea and Malaysia. After years of protectionism and large-scale industrial investments, especially for the production of chemical fertilizers, agricultural machinery and hydraulic systems, India opened itself up to the rest of the Western world. Examples of this development were the numerous joint ventures it entered with North American and European companies in the pharmaceuticals, chemicals, food and other industries. As a consequence of its socialist-leaning past, it also developed industrial projects (especially in heavy industry) with the USSR. For this reason, Kucera and Roncolato (2011:2) assert that India (and South Africa) "are worthy of study because of the rapid pace of their liberalization of trade and because they occupy prominent positions in debates on the influence exerted by trade liberalization on economic development". In the 1990s the strategies employed by the business community to increase profits were concealed. Siggel (2019:112) identified these as externalization: "In the manufacturing industries the degree of subcontracting increased from 10.7% in 1989-1990 to 12.3% in 1994-1995, which represents an increase in real value of 13.2%".

At the start of the twenty-first century, liberalization accelerated a highly specific image of globalization that is described by CCOO (2007) as "a strategy based on the industrial relocation and internationalization of ownership by multinational corporations". In India, this situation has led to "undeniable economic growth but not to real social development". Naturally, protests were not long to follow. Reflecting this situation was a speech given in 2001 by the Indian Finance Minister, Yaswant Sinha, on the Labour Disputes Act (passed in 1947) in which he stated that the Act's scope of application should be cut by reducing the number of companies to which it should be applied (from those with 100 legally contracted workers to those with over 1,000 contracted workers) (Roychowdhury, 2014:517-518). India's macroeconomic results appear to have accompanied its economy. In 2007 CCOO reported outstanding growth since 2003, mainly based on strong expansion in the services sector and, to a lesser extent, in the industrial sector (27% of GDP), while the primary sector has been unstable. Downsides are the inequality and poverty in the so-called informal sector.

According to Siggel (2010:104), “there is usually more poverty in the informal sector than in the formal sector since this mainly affects the unemployed, who survive by working irregularly, almost always for insufficient remuneration”.

The course of liberalization was under way. Castanyer (2006:144) points out that a new milestone was reached in 2004 when “numerous first-order Indian public companies (such as CMC) began to be privatized” in sectors such as information technology and natural gas. These privatizations aimed to “cut the public deficit, which in 2003 rose to 10% of GDP” by taking advantage of the “impetus that the Indian stock market had experienced throughout 2003”. This situation was reinforced by an intelligent diplomatic strategy. In the first decade of the twenty-first century, India established significantly closer ties with Africa and Latin America while maintaining its relationships with Europe, Russia and China, and consolidating those with the United States.

In the second decade, its membership of the BRICS group of countries has gained special importance. Nevertheless, major social protest has taken place, such as that which occurred in February 2001 when “thousands of people demonstrated in New Delhi against high food prices (Rani and Belser (2012:242)). These protests coincided with price increases for fuel and fertilizers, which in turn led to higher agricultural costs and forced many people to ask for loans that they were later unable to repay”. According to Rosas (2011), membership of the BRICS group ought to present India with the opportunity to improve its image after the 2008 crisis. Membership should also provide India with a platform from which to boost its foreign policy agenda by becoming a permanent member of the UN Security Council, reforming the Bretton Woods system, trading in agriculture and services in the WTO, or strengthening its negotiating capacity in other forums. The BRICS association is therefore one of several initiatives that enable India to project its interests abroad via spaces being vacated by a US hegemony it does not directly confront or question. As Roychowdhury (2014:517-518) asserts, “the Government wishes to undertake labour reforms”. If it has failed to do so, it is basically “because of resistance and reaction against trade unions” that demonstrate their strong opposition to the deregulation of hiring and firing procedures. Employers’ groups argue that the State should “withdraw completely from labour relations, allowing the social partners to resolve all conflicts through negotiations and bilateral agreements”. According to a 2016 CCOO report, the textile industry accounts for 5% of India’s GDP, 14% of its industrial production and 13% of its exports. It employs roughly 40 million workers from the country’s working population of 480 million (50% directly and 50% indirectly, including cotton harvesting). In India there are some 3,000 spinning mills, almost 2,000 of which are in the State of Tamil Nadu.

Actors in the field of labour relations and collective bargaining in India

The main federal labour standards in India, according to the International Labour Organization (ILO), are (in chronological order): the Trade Unions Act (1926), which was most recently modified in 2001; the Industrial Disputes Act (1947), which was amended in 2010 and which establishes the right to strike; the Factories Act (1948), which is similar to our work codes and was reformed in 1996; and the Contract Labour Act of 1970, which came into force in 1971. These basic laws have been widely questioned since the 1980s. Chatterjee and Kanbur (2015:423) assert that “in this country there is a common argument that the business register, the employment legislation and the multitude of regulations are suffocating companies, undermining their efficiency and growth, and hindering economic progress”.

One of the most important current laws is the Factories Act of 1948. This state regulation seeks to exert some form of control over the business landscape existing at any given moment. It establishes that all manufacturing companies with at least 10 employees (20 employees for companies that do not use electricity) must be officially registered. Evidence shows that it is practically impossible to exercise exhaustive control over all these companies. Chatterjee and Kanbur (2015) have therefore established the following categories: A (compliant companies), B (offending companies), C (elusive companies) and D (unaffected companies). This classification enables surveys to be conducted to determine the percentage of employees working in each type of company. The authors estimated the following percentages: “Companies in category A represent 0.8 percent of all companies and 24.8 percent of total employment in the manufacturing industry. Companies in categories B, C and D (the informal sector) account for 75.2% of employment in the manufacturing industry. Offending companies account for 1.5% while elusive companies account for 0.4%. The vast majority of companies (97.3%) are found in category D (unaffected)”. According to the above authors, single employers are mainly found in category B (offending), while limited and other companies are mainly found in category A (compliant). Companies with a low level of compliance are found in important sectors of the Indian economy such as clothing, food and furniture.

Such a situation makes it necessary to study the main business organizations in India. Sankaran and Madhav (2011:14) identified “three main employers’ associations: The All India Organisation of Employers (AIOE), founded by FICCI (the Federation of Indian Chambers of Commerce and Industry); the Employers Federation of India (EFI), founded by the Associated Chambers of Commerce and Industry of India (ASSOCHAM); and the Standing Conference of Public Enterprises (SCOPE). These three organizations have loosely federated to form the Council of Indian Employers (CIE)”. According to AIOE’s own website, “The All India Organisation of Employers (AIOE), an allied body of the Federation of Indian Chambers of Commerce and

Industry (FICCI), is the oldest and apex national employers' organisation of India. It is the platform for Indian Employers to raise their voice in formulating labour and social policies to promote business, trade and economy in the country". Its objectives and practices include: "the development of Industry, Trade and Commerce patronizing collective bargaining, negotiation and social dialogues between the three social partners i.e. Government, Industry and Trade Unions". The website of the EFI states that "the Federation represents the employers' concerns and views at various tripartite fora of the Ministry of Labour, such as Standing Labour Committee, Indian Labour Conference and other industry committees and sub-committees at state and national levels. The Federation is a key constituent of the Council of Indian Employers (CIE), along with the All India Organizations of Employers (AIOE) and Standing Conference of Public Enterprise (SCOPE). The Federation represents Indian employers at the international level as a member of the Confederation of Asia-Pacific Employers (CAPE) and the International Organization of Employers (IOE)".

Also to be taken into account is the Confederation of Indian Industry (IIC), which, according to its own definition, "works to create and sustain an environment conducive to the development of India, partnering industry, Government, and civil society through advisory and consultative processes". Founded in 1895, it is now the leading business association in India. It has over 8,500 members from both the private and public sectors, including SMEs and multinational corporations, and the indirect affiliation of over 200,000 companies from roughly 250 national and regional sectoral bodies. In addition, it maintains 67 offices (including 9 Centres of Excellence in India) and 11 overseas offices, in Australia, Bahrain, China, Egypt, France, Germany, Iran, Singapore, South Africa, the United Kingdom and the United States, as well as institutional associations with 344 partner organizations in 129 countries. The IIC serves as a reference point for Indian industry and the international business community. Another major association is the Indian Chamber of Commerce and Industry (IMC). The website of the IMC states that it "is a legendary organization which has relentlessly pursued the agenda of identifying opportunities, addressing critical issues and driving Indian businesses with the single minded focus of sustainable growth". It was set up in 1907 to represent Indian businesses in the wake of the "Swadeshi Movement". Its headquarters are in Mumbai but it also maintains a strong presence in Delhi. It has over 3,000 members spanning a wide cross-section of the business community.

Trade union associations in India have two notable characteristics. First, they are wage organizations with strong ties to various political parties, though independent trade unions are increasing every day. Second, as was demonstrated in the strike of 2nd September, 2016, in which over ten trade union organizations took part (industriall-union, 2016), a multitude of local and company trade unions exists. Along the same

lines, Bix and Garrido (2016:6) note that “there are some 80 sectoral trade unions, the vast majority of which are linked to political organizations”. Despite this myriad of associations, most trade unions are affiliated with large state federations. For this reason we will concentrate on those federations. Sankaran and Madhav (2011:14) describe the various types of wage organizations: “Unions in India are usually craft unions (focusing on a single occupation, e.g. journalists unions), industry-level unions, and labour unions (which permit all workers irrespective of the industry they are employed in to be members). There are also state and national level federations. Central unions are unions operating at the national level with unions affiliated across the country”. The 2007 CCOO report affirms that the two organizations recognized as state trade unions are: the Centre for Indian Trade Unions (CITU) and the Indian National Trade Union Congress (INTUC).

CITU was formed in Calcutta in 1970. Today it is believed to be the largest trade union confederation in India. It was founded from an initiative that sought, along with other initiatives, to create a trade union front (under the name of UCTU, the United Council of Trade Unions) linked to the Indian Communist (Marxist) Party. It has a monthly English-language publication, *The working class*, which, according to its own sources, is “associated with eleven industry-wise federations operating in India”. Moreover, it “has effective organisational presence in all the major industrial and service sectors in the country through different organisational structure apart from the federations noted above. The major sectors may be identified as coal, electricity, steel, heavy engineering, construction, electronics, oil and natural gas production, refining and marketing, petrochemicals, fertilisers, pharmaceuticals, rail, road, air and water transport, port and docks, telecommunications, textiles, financial and other service sectors, plantations, etc.” Finally, “some of the Federations working in public sector undertakings have recognized status in bipartite wage negotiations committees”. The second major federation, INTUC, which is linked to the Indian Congress Party, is said to have been inspired by Gandhi. Founded in 1947, it formed part of the Indian independence movement. It currently has six million members. In May 2003 it was opposed to the general strike led by left-wing trade unions. We should also take into account *Hindu Mazdoor Sabha* (HMS), which was founded in 1948. It is closely linked to the Janata Dal (Socialist) Party and has 16 federations with a membership ranging from one million in 1996 to five million (according to ICFTU) in 2002 and four million (according to HMS) in 2003.

Collective bargaining in India is enshrined in Article 19(c) of the Constitution of India, which guarantees the fundamental right to freedom of association. Coverage is very low, however: it currently applies to only 7% of the population and this figure is even lower in the informal sector. Sankaran and Madhav (2011:20-23) state that

“the collective agreements we have focused on cover the following sectors: plantations, aviation, telecom, banks, heavy engineering, power, coal and beedi”. These occur “at multiple levels in the country – plant level, industry level, sectoral-cum-regional level (cotton, jute, engineering, tea) and national level (banks, coal, ports and docks). Within the formal sector, there are several statutory bipartite workplace institutions that promote social dialogue for better industrial relations”. Despite this widespread presence, collective bargaining takes place mainly and almost exclusively in the company between the company union and the employer. However, employers have no legal obligation to recognize a trade union or to engage in collective bargaining. According to the 2007 CCOO report, sectoral agreements are never signed even though such agreements are not prohibited by any central legislation. For example, in the case of national public energy companies, the negotiations are held at the national level by the National Federation of the relevant branch. If the company is regional or local, the negotiations are held by the regional Federation. Regional structures negotiate, autonomously, the minimum wage in most Indian states.

The rules for recognizing a trade union as a representative in collective bargaining are simple. According to the ILO, in order to establish a trade union prior authorization or approval from the authorities is in theory required, as is a minimum number of members who, according to the reform of the 2001 Trade Union Act, must represent a minimum of 100 workers or 10% of the workforce. Trade unions are aiming to increase their affiliation among workers in the informal sector since, in the opinion of Sankaran and Madhav (2011:20), “in the informal sector, where unionization is rather weak, autonomous groups have emerged to build dialogue on behalf of workers. The modes of dialogue in the informal sector can range from traditional forms of negotiation with employers, where such employment relationships exist, to lobbying the government for suitable policy formulation and minimum wage protections for the workers in the sector”.

Chapter 8. Final remarks: democracy threatened by financial logic

In some respects, globalization has brought about a form of “pure capitalism” (Husson, 2009b) in all its Anglo-Saxon, Asian and illiberal forms hegemonized by the global financial bourgeoisie. This bourgeoisie has given rise to a neo-Taylorist apparatus of social reproduction of the work force based on biopolitical mechanisms that make up a fabric of fluid productive networks, involving the flexibilization and precarization of the work force, which dismantle the stable occupations of the previous historical age (Albarracín, 2003; Berardi, 2007; Mason, 2017). These mechanisms have made employment and salaries the main adjustment variable because of the weakness of the workers and their unions, the lack of success of the political projects that protected them and the public regulatory authorities.

Financial logic makes it possible to deconstruct this globalization in terms of the strategic places where the processes of accumulation occur and their interconnections. These strategic places include free economic zones, offshore banking centres, illegal economic networks and, at a much more complex level, global cities (Urry, 2017). This phenomenon gives rise to a series of specific geographies of globalization. What is more, “geographies are changing and in some cases they have undergone significant transformations, particularly after 1980. More recently, these geographies have incorporated the digital space” (Sassen, 2015: 137-138) and creative cities (Florida, 2009), as hubs of current capitalism that combine business logic and creative logic. The first brings competitiveness; the second, innovation. The enormous power of the markets and global companies (Sassen, 2007) has transformed and shaped the social and economic reality of regions and cities, and destabilized the legal and institutional confidence that was the basis of the framework of coexistence of modern and national citizenship (Alonso & Fernández Rodríguez, 2013).

This destabilization is theorized as a process, the effect of which is a second modernization, comparable to liquid modernity (Bauman, 2002, 2017a). These are euphemisms for what amounts to little more than an adaptation to the rules of the new commercial, global and digitalized order, which has led to society moving from the confines of the nation state to a more planetary scale that is subject to market rationale. All over the world “mesogovernments are assuming the prerogatives of the nation states and the systems of governance, where the boundaries between public authorities, private authorities and civil society are increasingly blurred.” These systems of government are grounded “on the principle of interdependence and dialogue between institutional actors, between actors from civil society and between different sorts of actor” (Delfour, 2007: 16–17).

At the same time, capitalist states and regions are linked to global financial capital in different ways and are exposed to its effects in different degrees (Engelen & Konings, 2010; Crouch et al. 2009). However, despite this, nation states are still a key part in the mechanism of global financial accumulation because the central institutions that channel financial accumulation are based on the mechanisms of public debt. The continual renewal of government bonds implies the renewal of the social relations that sustain this mechanism of domination. The markets act on the assumption that the debt mechanism will continue to function (Toussaint, 2014). Dardot & Laval (2013) claim that just as business managers have become subordinate to shareholders, nation states are now under the control of the international financial community, organizations of experts and rating agencies. Even so, they still play a key role in financial accumulation.

The financial dimension became progressively more prominent from the 1980s to the onset of the 2008 global crisis (Fernández Duran, 2011; Barreiro, 2017) when “collective action (whether political, scientific or technical) is no longer understood in terms of experiment but rather of emergency, as a last resort, a remedy or rescue.” In some way, rescue is the only reward: “before political transformation (in other words, a future), is social emergency. Politics as civic rescue puts itself before politics as a collective project based on social change” (Garcés, 2017).

The current political management of capitalism “governs” unemployment (Walters, 2000; Sundarajan, 2017) using the strategy, on the one hand, of “materially obliging the most vulnerable strata to increasingly compete with one another for access to the few jobs available” (Briales, 2017:80), and, on the other, of obliging individuals to engage in the “active” search for employment through the positivity of entrepreneurship, to become active “businessmen”, active “worker-entrepreneurs” (Laval & Dardot, 2013). It has “the burden of deepening debt relations” and is “one of the central mechanisms of neoliberal disciplining (Briales, 2017: 86). This mechanism is the result of the financialization of the economy and managed to break the delicate

nexus between productivity and real gains at a national level that was constructed by social Keynesianism in the post-war period. The breaking of this nexus explains what the leaders of the new nationalisms or new authoritarian populisms have in common: “the recognition that none of them can truly control their national economies, which are hostages to foreign investors, global agreements, transnational finance, mobile labour and capital in general” (Appadurai, 2017: 41). This break “is not so much the beginning of a new economic era as the conclusion of the strategy chosen by the Western elites to get over the crisis of capital accumulation in the 1970s” (Rendueles, 2017:269), and it has given rise to a new economic interdependence, which has accentuated the inherent tendency of capital to conquer and change the planet into a market (Marx, 1976). This explains both the promises of the new populisms “to purify the national culture as the way towards world political power” (Appadurai, 2017: 41) and the new trends in labour relations which transform multinational corporations into transnational corporations and then into global corporations (Rendueles, 2016a; Sundarajan, 2017), which, with the high-speed recombination of production factors, have modified the geography of capital and have made “its movements and its national profile difficult to pin down” (Appadurai, 2007:43). This process accentuates the importance of the new authoritarian states, particularly the United States of America, in creating and pacifying markets which can provide profitability. Friedman (2006: 63) clearly illustrated this reality several years ago: “For globalization to work, America can’t be afraid to act like the almighty superpower that it is... The hidden hand of the market will never work without the hidden fist. McDonald’s cannot flourish without McDonnell Douglas, the designer of the F-15. The hidden fist that keeps the world safe for Silicon Valley’s technology is the army, the air force, the navy and marine corps of the United States.”

In response to this process, Snyder (2017: 38) argues that the driving force behind the new extreme right-wing nationalisms is the “resentment we feel when we contemplate others” and responds to such basic instincts that it can be encapsulated in resounding, well-rounded slogans such as Trump’s “Make America great again” or Marine Le Pen’s “Remettre la France en ordre” (Soler, 2017: 16). These basic, oracular slogans are constructed to be believed in and no proof is required, so the new *mainstream* is “if nothing is true, then everything is entertainment” and this is worth more than the truth. So, entertainment, post-truth, concludes Snyder (2017:77), “is pre-Fascism”, which emerges in the context of online societies in which the capitalist logic of competition is so fierce that it seems to be a war, even with religious elements (Cohen, 2013). This sort of capitalism is essentially “a return to classical capitalism, a supposed free market golden age, to the good old Manchesterian times. Business as usual after the Keynesian interlude” (Rendueles, 2016a:184).

This neo-Manchesterian capitalism is dominated by the culture of entrepreneurship, of individualization/psychologization, of the precarization of labour relations and the resulting differentiation in living conditions and class positions (Muñoz-Rodríguez & Santos, 2017). It is a culture that uses flexible organizational practices and discourses that emphasize commitment, autonomy, responsibility, interesting work and release from traditional bureaucratic ties to make organizational lives potentially unliveable (Revilla, 2016). In this respect, its logic is “not only exploitation and alienation, as in classical capitalism. It is large-scale social destruction” (Rendueles, 2016b: 200) and “hyperindividualistic zombiism” (García Ferrer, 2017).

The historical hegemony of this global capitalism has managed to impose itself because of its coercive and cultural force, which includes mechanisms “by which the elites normalize and regulate the life of society, validate certain traditions and censor others, normalize certain relational forms; that is, the forms in which social issues are regulated by symbolic means” (Rowan, 2010: 68). Hegemony, then, is “the part of the politics of culture that cannot be seen on the surface” (Rowan, 2016: 73). In this framework, Grosfoguel (2014: 384) conceives neo-liberal globalization as a Euro-North American capitalist, modern patriarchal, colonial world system in which other forms of democratic otherness are rejected a priori. Hence, the Western liberal form of democracy is the only legitimate and accepted one as long as it does not threaten Western hegemonic interests.

Democracy needs to be reconceptualized if it is to be decolonized from its Western liberal form (that is to say, from its racialized and capitalist form) (Grosfoguel, 2006a, 2006b). One example of how this form of democracy manipulates power in the Western countries is the instrumentalization of the discourse on security, the aim of which “is not to prevent terrorist attacks or other forms of public disorder; rather its function is really subsequent control and intervention.” This shows that “democracy is limited as it has at its disposal the state of exception and the search for security as the only paradigm of governance and the only objective” (Agamben, 2012: 28). In this regard, there is a process of dedemocratization and emergence of illiberal states organized around financial accumulation.

In response to this situation, in a terrain of attempts at social and political contestation, Latin-American populist, progressive and post neo-liberal governments in the first decade and a half of the 21st century, implemented a wide-ranging set of policies which led to a relative, though moderate, recovery of state sovereignty. We are referring to the cases of Brazil and Argentina analyzed in this book as well as other experiences from countries that identify with Bolivarian ideals. In our opinion, although these populist experiences¹⁹ maintained and reproduced a wide variety of

¹⁹ In this case we use Laclau's concept of “populism” (2005).

neo-liberal mechanisms they are the cases that have most called into question the logic of financial accumulation if they are compared with the other experiences and regions analysed in this book. This recovery of state sovereignty was a necessary condition for a process of socio-economic transformations, with varying degrees of success, which led to some improvement in the distribution of income for the working classes, and a relative empowerment of their social and political organizations. Nevertheless, the Latin-American political forces that are fighting to recover the neo-liberal model in its entirety have reorganized and accumulated renewed political capital, which shows the complexity of the mechanisms of cultural and political domination.

Other areas of the planet are also experiencing political developments in areas that are far removed from state-organized institutionality and conventional political representation. Despite the relative demobilisation of the public space, various rhizomatic, non-hierarchical and largely unconnected counter-movements are emerging all over the world. The Zapatista uprising on 1 January 1994 symbolically marked the beginning of the contestation to the then triumphant neo-liberalism (Antentas & Vivas, 2009). Within this generic, rhizomatic movement, the various counter-hegemonic alternatives propose projects for extending democracy and the community.

However, regressive counter-hegemonic movements are also emerging. They emphasize traditions, their own patriotic symbols and idiosyncratic features, and they are associated with the far-right wing, nationalism, xenophobia, religious integristism and/or reactionary populism (Rendueles, 2017; Junger, 2017; Haas, 2017; Molinari, 2017). Many of these political movements take active part in institutional representation, and are gradually making their presence felt in parliament, the executive and the networks that make up civil society (della Porta, 2017; Gómez, 2017).

The onset of the crisis in 2008 opened up a more complex scenario for those forces that democratically resisted globalization. So far, the management of the crisis has created a sort of "Consolidation State" (Streeck, 2014), particularly in Europe, after the financial system had been bailed out with public funds. But the levels of society that are least visible in state policies are devising organizational, local and global experiences, with agendas that range from the struggle against social and sexual discrimination and poverty; the ecological crisis; the banishment of peasants and indigenous peoples from their historic homelands because of the demands of mining and hydraulic megaprojects; urban and rural violence; family, small-business and state debt as a form of social and political control; the criminalization of social protest, etc. (Santos, 2014). These emancipating counter-movements respond to logics that are external to institutions and are "directly impregnated in the bodies of the women and men who live in a particular society" (Rowan, 2010: 67).

At the same time, the relative institutional defencelessness of the vast majority of workers (stable and precarious employees, the self-employed, etc.) seems to be prompting the unions to resort, albeit tentatively, to old instruments of resistance such as strike funds and to attempt to enter into labour agreements other than institutionalized collective agreements in which the most representative unions take part.

In an attempt to respond to the needs of the relatively stable wage earners, and also the hordes of the precariously employed, the atypical employees, informal workers, the self employed, farm workers and other simultaneous social identities such as women, the young, immigrants, indigenous people, etc. there are a range of initiatives to set up “transnational coordinations between social organizations and movements such as the World Social Forum, the Global Assembly of Social Movements, the *Cumbre de los Pueblos*, (the Indigenous Peoples’ Summit), the *Via Campesina* (the Peasants’ Way), the World March of Women, the World Indigenous Movement in conjunction with transnational defence networks on specific issues of resistance to hegemonic globalization” (Santos, 2014: 27). In this respect, the possibilities of emancipation, according to Rancière (2010: 386–387), “begin with the possibility of setting up ways of saying, ways of seeing and ways of being that break away from those that are imposed by the dominant system.” The emphasis on the forces of creativity and production, people’s power to do in contrast to their powerover (Holloway, 2011), the biopolitical practices of resistance (Hardt & Negri, 2004), and also the coordination of social demands around popular representations are the human creative power on which rest the political expectations of the radical counter-hegemonic, democratic and popular social movements in opposition to the threats of democratic involution that capitalist accumulation at the beginning of the 21st century seems to require.

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Capitalism in its modern form has become universal and has a presence in practically every country in the world, including those which once called themselves Communist. This book studies its effects on different labor markets, from those linked to highly tertiary economies (EU-27, USA and Japan, to the most productive economies, such as China, and on to economic models that are in full transition from secondary to tertiary economies, as is the case in several Latin American countries.