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**Trade union responses to
globalization: Spain**

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Abbreviations

AES:	Economic and Social Agreement (1984)
AMI:	Interconfederal Framework Agreement (1980)
AN:	High Court
ANPE:	National Association of Middle School Teachers
ASEC:	Interprofessional Agreement for the Extrajudicial Settlement of Disputes
CCOO:	Trade Union Confederation of Workers Commissions (majority)
CEMSATSE:	Spanish Confederation of Doctors/Union of Male Nurses
CEOE:	Spanish Confederation of Employers Organizations
CES:	Economic and Social Council
CIG:	Galician Interunion Confederation
CGT:	General Confederation of Labour
CNT:	National Confederation of Labour
CSIF:	Independent Trade Union Confederation of Public Servants
CSUT:	Unitary Trade Union Confederation of Workers
ELA-STV:	Solidarity Confederation of Basque Workers (majority in the Basque Country)
ET:	1980 Workers Statute, amended in 1994, 1997 and 1998
ETT:	Temporary Employment Enterprises
FORCEM:	Foundation for Further Training
INEM:	National Employment Institute
LOLS:	Fundamental Law on Freedom of Association (11/1985)
LPF:	Law on Representation and Participation of Public Servants (9/1987)
PRECO:	Interconfederal Agreement for the Extrajudicial Settlement of Disputes
PSV:	Social Housing Promotion (UGT Cooperative)
RASEC:	ASEC Regulations
RDLRT:	Royal Decree-Law on Labour Relations (1/1977)
SIMA:	Interconfederal Mediation and Arbitration Service
SMR:	Most Representative Trade Union (for the whole of Spain, UGT and CCOO)
SOC:	Trade Union of Rural Workers
SSE:	Enterprise Trade Union Department
SU:	Unitary Trade Union
Sa.:	Ruling
TRLPL:	Revised Text on Labour Procedure (2/1995)
TS:	Supreme Court
TSJ:	Autonomous Community Higher Court of Justice
UGT:	General Workers Union Trade Union Confederation (majority)
UPA:	Union of Small Farmers (UGT Federation)
USO:	Workers Trade Union
WCL:	World Confederation of Labour

Introduction

1. The autonomous regions

Spain has 17 regions with broad administrative and legislative powers, including regional parliaments. In relation to employment contracts legislative competence is granted exclusively to the State. In other areas, however, the regions show ever-increasing differences in terms of the social services and assistance they provide, as reflected in the social allowances paid to very poor people and in employment benefits for groups experiencing particular integration difficulties.

Since the beginning of the 1980s, when the 17 autonomous regions came into operation, the Basque nationalist trade unions have supported the “autonomous framework of labour relations”, whose first significant achievement was the Interconfederal Agreement for the Extrajudicial Settlement of Disputes (PRECO, 1984). PRECO provides for collective disputes within the Basque country, and it has served as a model for similar agreements in the other regions of Spain and at national level (ASEC, 1996).

2. The dual industrial relations model

In many cases, State laws have formed a dual trade union model which is characteristic of the Spanish system. This two-part structure is evident in the existence of enterprise committees (as opposed to trade unions), selected by the whole of a company’s workforce, similar to those in France or Germany. Trade unions only began to emerge at the end of the military dictatorship (1936-1976), and their role remains minimal. The enterprise committees have broad powers to provide information and to act (they can call strikes and negotiate agreements).

A second manifestation of the dual approach is to be found in trade union division between the two large confederations; the General Workers Union (UGT) and the Workers Commissions (CCOO) which are rivals in many fields, although they conduct joint actions.

They are considered the most representative organizations at the State level, in addition to the two majority Basque confederations (ELA-STV and LAB) and the Galician Interunion Confederation (CIG). There are also other minority trade union confederations, which do not have the participatory privileges of the majority groups, for example the Workers Trade Union (USO), the General Labour Confederation (CGT) or the Independent Public Servants Union Confederation (CSIF). By contrast, the Spanish Confederation of Employers Organizations (CEOE) represents virtually all employers, since it has finally incorporated the powerful Basque (CONFEBASK) and Catalan (National Labour Promotion) employers’ organizations. Despite the power of the CEOE, a confederation of small and medium-sized enterprises (CEPYME) does offer different alternatives.

A fourth feature of the dual approach is the effectiveness of collective instruments. On the one hand, collective agreements benefit non-affiliated workers. The majority trade unions in negotiating units subscribe to highly collective agreements, thereby indirectly weakening trade unionism. On the other hand, there are also enterprise agreements of various categories, with very few formalities and general effect, and limited-application agreements which are negotiated by trade unions without a majority in a negotiating unit; these apply only to members of signatory trade unions.

3. Development of industrial relations and trade unionism since the death of General Franco (1975-1994)

The disintegration of the ideology which sustained Francoism in the first few years after his death left politicians powerless in the face of workers' attempts to return to democratic freedoms,

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especially the right of association. The leader of the "vertical trade union", who was appointed by Franco and who held ministerial office in the government of the dictatorship, was soon defenceless against criticisms made by clandestine workers' organizations. In 1965, when groups of Communist, Catholic and anarchist workers set up the Barcelona Workers' Commission, they held the inaugural meeting at the headquarters of the (vertical) trade union. The report of the meeting stated, with a degree of ingenuousness:¹

The trade union did not allow us to meet on "its premises" (which in reality should be ours since they have been paid for with our union dues). A few days later, we repeated the attempt but we were again refused entry. Finally, we managed to meet but not in the trade union as we had wished.

Since the death of General Franco, three political parties have assumed power. The first was the Democratic Centre Union, which remained in power until 1982. During its term in office, the Constitution (1978) was published, as was the Workers Statute (ET) (1980), a labour code which still exists, although it has been amended.

Centrist period. During the first seven years after Franco's death, industrial relations were marked by the adaptation of all players to the new rules of democracy. This was not too difficult since the dictatorship had undergone slow changes since the mid-1970s and trade unions had maintained a semi-clandestine existence within enterprises for years. They had very strong collective bargaining power and a high strike rate (N.B. strikes were illegal until 1977). A large number of trade unions were registered during this period, the majority of which have subsequently disappeared as a result of legislation. Part of the labour movement initially attempted to organize itself as a working-class trade union movement open to all, but in 1978 it became purely a trade union,² encompassing the Confederal Congress of Workers Commission. Courts of law still retained certain reminiscences of the past, such as the prevalence of enterprise committees over trade unions, whose governing rules, set out in an ordinary law of 1977, remained fairly obscure. The committees had been promoted during the dictatorship and already had a consolidated position. The government reached a number of broad consultation agreements with the trade unions and the majority employers' confederation, which defined the broad lines for political and legislative labour activity, with the support of the social partners. There was great organizational chaos among trade unions during this period, manifested in the distribution by the UGT in 1977 of over one million members' books, although the Union had only 4,160 paid-up members³ and some 400,000 non-paid up members. In 1983 the Union acknowledged that its average membership⁴ stood at 262, 472.

Socialist period. Between 1982 and 1996 the Socialist Party was in government, a 14-year period during which the democratic system of industrial relations was consolidated. The Constitutional Court, set up in 1981, handed down numerous rulings on the substance of freedom of association. As a result of these rulings, the prevalence of trade unions over enterprise committees was affirmed. The Fundamental Law on Freedom of Association was passed in 1985, empowering the most representative trade unions, notably through their participation in the governing bodies of public agencies of an economic and social nature (National Employment Institute, National Social Security Institute, Universities, Social Guarantee Fund and so on), and in generalized collective bargaining. The title of most representative trade union was granted in elections for staff representatives, reaching 10 per cent throughout the country, or even 15 per cent and a minimum of 1500 in an autonomous community. In 1984, a major consultation agreement was reached between

¹ Molinero, Tebar and Ysàs, "Workers Commissions of Catalonia: From sociopolitical movement to trade union confederation", in VVAA (D.Ruiz, coord.), *History of Workers Commissions (1958-1988)*, Madrid 1994, p.80.

² See Soto Carmona, "Workers Commissions as part of the democratic transition and consolidation. From the Barcelona Assembly to the 14-D general strike (1976-1988)", see also VVAA (D.Ruiz, coord.), *History of Workers Commissions*, op. cit., pp.451ff.

³ Administrative Secretariat Report prior to the Extraordinary Congress of July 1977.

⁴ UGT Confederal Organization Secretariat, *Membership figures and trade union election data, Thirty-Seventh Confederal Congress*, Madrid 1998, p.21.

the government and the sister confederation of the UGT, the Economic and Social Agreement, which unfortunately soured relations with the Workers Commissions. The government's response to rapidly rising unemployment was to promote short-term contracts. This did not satisfy the UGT, which began to distance itself from the Socialist Party and to move closer to the CCOO. A major general strike was called on 14 December 1988 by various trade unions to protest against the government's employment policy, specifically the Youth Employment Plan. The strike was an overwhelming success and marked an upturn in union action at the two major confederations.

Days not worked in Spain as a result of strikes⁵

1988	11,641,000
1989	3,685,000
1990	2,443,000
1991	4,421,000
1992	6,246,000
1993	2,012,000
1994	6,254,000
1995	1,443,000
1996	1,553,000
1997	1,790,000
1998	1,263,000

Joint action between the UGT and CCOO from that time onwards took the form of joint declarations, further general strikes called in 1992 and 1994 (with less success), and the signing of interunion agreements on topics such as the appointment of prevention delegates for occupational health and safety committees (March 1996 Agreement). This solidarity has generated a certain amount of animosity on the part of minority and nationalist trade unions.

In 1984 the autonomous community of the Basque Country, which came into existence in 1981, provided an important indication of what the autonomous model of industrial relations would mean with the passing of time. By virtue of the pre-eminence of Basque nationalist trade unionism in the form of ELA-STV, the Agreement on the Extrajudicial Settlement of Labour Disputes was signed; this Agreement gave rise to a series of attempts designed to remove the Basque Country from State labour bodies. The Labour Relations Council and the Economic and Social Council were set up just as agreements were signed on strikes in essential services.

Conservative period. In 1996, the moderate conservative *Partido Popular* (People's Party) came to power. The conservative government has learned from the mistakes made by the Socialist Party during the long period of consolidation. One of its first measures was to modify its employment policy, with a move to subsidizing fixed-term contracts for workers instead of temporary contracts. A fixed-term employment promotion contract grants employers important economic and legal concessions since, in addition to established subsidies, the unlawful dismissal of workers with that type of contract does not require the normal compensation of 45 days' salary for each year of service but only of 33 days per year. The government also put in place a solid policy of consultation with trade unions and employers, in the form of numerous agreements. Above all, it sought consensus with trade unions, in the Agreement on Part-Time Contracts (1998), which was not signed by employers, or in the Agreement on Increasing Minimum Pensions (September 1999). In the middle of an election campaign the government managed to obtain trade union support for its agreement to increase minimum pensions by an equal amount throughout the country. The Socialist Party and other groups sought to increase these pensions in the autonomous communities where they were in power.

⁵ ETUC, *European Industrial Relations Observatory* 19 (1999), p.2.

4. The labour reforms of 1994 and 1997-1998

The past decade has seen two distinct phases in Spanish industrial relations. During the first phase, the government carried out far-reaching reform, in response to proposals made by international financial analysts (IMF and so on) to introduce greater flexibility in standard-setting. The reform was introduced by the government, acting without the agreement of the social partners, in the form of Laws Nos.10, 11 and 14 of 1994. The government fell in the 1996 elections. The new government sought consensus with trade unions and employers so that labour reforms were carried out in a more uniform fashion between 1997 and 1998, through negotiated laws. We shall examine the numerous agreements in the sections of this report which deal with working conditions and in the chapter on the institutional activity of trade unions (Section IV).

5. The country's negative records

Within the European Union Spain has the highest percentage of unemployed people, the highest number of temporary workers and the highest rate of industrial accidents.

Unemployment. From 22 per cent at the end of the 1980s, unemployment currently stands at 15 per cent of the economically active population, a figure far in excess of other EU countries, and higher than in Central and Eastern Europe (unemployment in Poland was 10.4 per cent in 1998 and in the Czech Republic, 8 per cent).⁶ The true figures for Spain are probably lower than those published, for two reasons. First, Spain has an active informal economy, representing around 20 per cent of the country's activity, especially in small enterprises. Unofficial employment involves retirees, the disabled, the unemployed and other persons receiving a pension of some kind. Second, the offers of subsidized employment are intended for unemployed persons registered with the Employment Offices, which means that even those who are not unemployed are entered in the unemployment registers. In addition, part-time work has not yet developed in Spain, even though the 1998 agreements and related legislation show a move in that direction. Women and young people have excessively low activity indices. The employment curve for women workers declines dramatically from about the age of 25 when their first child is born until the age of 40. This has negative consequences, not only in terms of unemployment figures, but also in relation to the professional career and vocational training of women.

Temporary contracts. In the past few years, the measures agreed by all the social partners have caused the number of short-term contracts to decline from 37 to 33 per cent. At the same time, efforts have been made to promote part-time employment.

Industrial accidents. This is the only statistic that has not yet decreased, despite legislation adopted since 1995 in accordance with EU laws. The number of industrial accidents increased at an average rate of 10 per cent in the years 1997, 1998 and 1999. The figures indicate more than one thousand fatalities per year and three deaths each day in the country's enterprises.

I. Union membership campaigns

a) Changes in union membership

Spain and the Netherlands are the only two OECD countries where trade union membership has risen since 1985.⁷ The precarious means, the scarcity of leaders, the small number of members, as well as resounding failures on the part of trade union bodies (in housing cooperatives, travel agencies and banks) have exacerbated the decline of an ideology which served as a unifying link between members and unions until the 1980s. The UGT represents only 6.78 per cent of the working

⁶ World Economy Research Institute, *Poland International Economic Report, 1998/99*, Warsaw 1999, pp. 99 and 215.

⁷ World Employment Report 1997-1998, p.69.

population⁸ and it struggles to reach 15 per cent of paid-up members, a figure well below that of most EU countries, ahead only of France. On the other hand, the membership crisis relates not only to trade unions, since the figures are lower still in political parties and religious organizations. However, it is certain that trade union membership is increasing, slowly but surely. What might be the cause of such a phenomenon in Spain?

During the first few years of democracy at the end of the 1970s, there was organizational chaos among the trade unions as they emerged from their secret existence. This continued until the union confederation managed to consolidate their administration. In reality, the increase in union membership did not begin in 1985; it began in 1976, notwithstanding the fact that figures up to the mid-1980s are unreliable. It should be recalled that in 1977 the majority trade union counted 4,100 new paid-up members and, at the same time, the enormous figure of 400,000 members, which was alleged to have fallen to 260,000 a few years later. It is quite probable that the unions which had to assume the dangerous struggle for democracy, and confront the forces of law and order in numerous street demonstrations, acquired a political connotation which did not appeal to the average worker. Gradually, the specific trade-union tasks of negotiating agreements and defending workers in enterprises began to bear fruit, and membership began to increase. This occurred at the same time as the “trade union parabola” (Accornero)⁹ i.e. the secularisation of union objectives and strategies as a consequence of the failure to see them as organizations dedicated to their members and to taking care of the overall interests of the working class.

b) Employment, working conditions and social security

1. As regards employment, trade union claims have revolved around three main issues: stable employment; the preservation or adaptation of jobs in danger; and mediation in employment.

Stable employment. Trade unions have conducted a broad-based campaign to reconvert the Spanish legal system which, since the 1970s, had considered that the best way of combating unemployment was to share out work by making jobs available on a temporary basis. Consequently, the principle of casual work in relation to temporary employment had been abandoned and numerous contract procedures had been introduced, including so-called “employment promotion” (up to three years’ duration, and with compensation at the end of the contract) and the “new activity launch” (up to three years’ duration). Thus, Spain has the highest number of temporary employees in Europe, 32.58 per cent of all workers.¹⁰ Temporary work is common among young people. Employment training contracts, in their two forms for training and graduate work experience, were used fraudulently, since young apprentices had few hours of actual training and, in practice, unqualified job seekers were taken on, so as to obtain the benefits granted by the State in the form of subsidies and allowances on social security contributions.

The broad labour reform of 1994 made the social partners responsible for phasing out temporary contracts by means of various clauses granted in collective agreements, such as fixing the maximum duration of temporary contracts whose legal limit of six months could be extended if a sectoral collective agreement provided for this. However, certain agreements, especially those at provincial level, used such authorization as a bargaining tool and accepted periods of up to five years. On the other hand, in order to improve the job prospects of the long-term unemployed, Law No.10/1994 authorized lower social security contributions and less protection (protection was not provided against unemployment and common risks) for part-time contracts of less than 12 hours per week or 48 hours per month, together with training contracts (whose protection did not include compensation for unemployment and temporary incapacity). At the same time, the government responded to strong pressure from international financial organizations, primarily the International

⁸ UGT Confederal Organization Secretariat, *Membership figures*, p.9. In March 1998, this represented a total of 674,314 members.

⁹ Accornero, *La parabola del sindacato. Ascesa e declino di una cultura (The trade union parabola. Decline and fall of a culture)*, Bologna 1992.

¹⁰ INE, Survey of the Economically Active Population, first quarter of 1999, see Diario El País of 20 May 1999.

Monetary Fund, and made it possible for enterprises to reduce staff through mass or multiple redundancies. This very important aspect of the reform linked so-called "collective" redundancies with those of small groups of workers, through a simple legal operation based on European Union legislation. With apparent innocence, the revised text of Article 52 of the ET stated that collective redundancies could be made in accordance with the individual and not the collective procedure if they involved fewer than ten workers in enterprises which employed fewer than one hundred, less than ten per cent in enterprises with between 100 and 300 workers, or fewer than thirty workers in enterprises with 300 or more. The change incorporated four very favourable aspects for employers: first, redundancies need not be discussed with enterprise committees; second, the justification consisted simply of a negative economic situation affecting an enterprise or an improved guarantee of future viability for the enterprise; third, the obligation to reassign a worker to other areas of an enterprise and the preferential right to reintegration disappeared; finally, the change allowed the simultaneous dismissal of large numbers of workers. Article 52 meant that around 80 per cent of Spanish enterprises, which are small and have a maximum of ten workers,¹¹ could make virtually the whole of their staff redundant by using this new system which lay outside union control. As a result, mass redundancies increased. The distinction between three levels of enterprise according to the workforce was also used to make substantial changes, and avoid trade union control.

The trade unions reacted immediately. The government had introduced the reform without reaching an agreement with the unions and the general tone was restrictive in terms of workers' rights. However it must be recognized that from this time onwards the decline in employment was halted and the situation began to improve rapidly. Within the broad union campaign against reform, emphasis should be placed on the procedures which offered less protection and security, i.e. the "worthless contracts", which became popular.

In April 1997, the Interconfederal Agreement for Employment Stability, signed by the CEOE, CCOO and UGT, proposed a comprehensive reform of the most harmful aspects of the 1994 legislation, which the government adopted as its own through Decree-Laws Nos.8/1997 and 9/1997, both issued in that year.¹² The progress was as follows:

- (i) The most heavily criticized procedures were abolished, i.e. "employment promotion" and "new activity launches", and the cuts in part-time employment and training began. As a result, temporary contracts continued to be used only where strictly necessary.
- (ii) The requirements for training and apprenticeship contracts, especially the qualifications demanded, were made more severe.
- (iii) The creation of information and monitoring procedures in relation to redundancies was entrusted to collective bargaining (Art. 85.2 of the ET).
- (iv) A new procedure was created, "for the promotion of indefinite contracts". This was designed for workers with temporary contracts and for disadvantaged groups of unemployed (young people, long-term unemployed, and those over the age of 45). The new procedure offered the major incentive of reduced social security contributions for non-labour related risks (of between 40 and 60 per cent), in addition to tax benefits. By contrast, the termination for non-disciplinary reasons of such contracts gave rise to intermediate compensation where courts declared such termination to be unlawful. Compensation was not the 45 days' wages for each year of seniority as was previously the case, but 33 days per year. This type of contract has been widely used since it was introduced, but it has not been the cause of the substantial reduction in temporary contracts.

The above agreement also referred to the need to reform part-time contracts, so as to promote employment and remedy the problems caused. However, these contracts were the subject of a specific Inter-confederation Agreement concluded on 13 November 1998, following which the government issued Royal Decree-Law No.15/1998 on 27 November. Royal Decree-Law No. 15

¹¹ Central Enterprise Directory (DIRCE), 1996 Statistical Results.

¹² Converted by parliament into Laws Nos. 63 and 64, both issued on 26 December 1997.

made part-time work subject to the principles of equal treatment, proportionality and free choice, in the sense that a worker contracted on a full-time basis cannot be dismissed for refusing to transfer to part-time work. Part-timers have the same rights as full-time workers, except where it is necessary to apply the principle of proportional rights. Reference should be made to the improvement of a contractual procedure designed to allow unemployed people to be recruited on a part-time basis to fill the post of a middle-aged worker willing to share the job. This “relief contract” was restricted by regulations in force up to that time, according to which labour could be divided only on a fifty-fifty basis, and only if the middle-aged worker in question was three years from retirement. Once the regulation had been negotiated, job-sharing was at a level agreed by both parties – although the middle-aged worker had to retain at least 30 per cent of the previous working day.

Employment preservation. Employers failed in their attempts to reduce compensation for unlawful dismissal, considered to be the highest in Europe at 45 days’ wages for each year of seniority, with a maximum of 42 monthly salaries. Confederations of employers have repeated the allegations of international organizations that Spain was suffering from a high degree of inflexibility in employment, which should be corrected through legislative reform. It was pointed out that the high level of unemployment was due to the employers’ fears that they would be unable to dismiss workers if this proved necessary. The Catalan Employers Confederation devised a contract of indefinite duration not subject to compensation, but the government did not enact this proposed law in the face of resistance. The current prosperous economic situation has prevented employers from insisting more strongly, since they are using the opportunities for mass redundancies mentioned above in order to reduce staff numbers.

A further union tactic in defence of jobs in crisis is applied at the level of the autonomous communities. During the 1980s and 1990s, there was a proliferation of Employment and Industrial Development Agreements; in various autonomous communities, such agreements were signed by the regional government, trade unions and employers’ organizations, with a view to rationalizing regional public investments in creating employment. Perhaps the most notable of these agreements was the control granted to trade unions and employers over the communities’ investment. Partly as a result of trade union influence, certain communities have introduced very strong incentives for enterprises wishing to move into their region. Others act when an enterprise is threatening to close, by granting subsidies or seeking a way of refloating the business. Thus, autonomous governments support employee buy-outs. The workers form cooperatives or labour societies with the financial and/or technical support of their government, or they set up an independent organization, usually called a “Promotion Institute” or “Industrial Development Company”, which helps to buy shares in enterprises, but does not acquire them directly. In the light of experience these organizations have undergone certain changes in the interests of profitability, to avoid becoming hospitals for dying enterprises.

Finally, Spanish legislation obliges employers to negotiate with workers’ representatives regarding collective redundancies for economic, technological, organizational or production reasons. This has meant that compensation for workers made redundant for these reasons has been greatly increased so as to be acceptable to trade unions. The law establishes a second phase in cases where agreement cannot be reached, which is that of administrative authorization, a concept not envisaged in Council Directive 75/129/EEC. Despite the provision, employers’ requests are not endorsed where trade union support does not exist, so that in practice the authorization is no more than a procedure which offers little or no benefit. As a result, employers have requested the abolition of the authorization, but have succeeded only in achieving a change in legislation such that no action on the part of an administration is considered positive (Article 51.6 of the ET).

The number of privatisations in Spain has greatly increased over the past 20 years or more. A variety of methods are used, ranging from direct sale to public share offerings, tenders, auctions and immediate sales. Almost all the numerous national enterprises have been put up for sale and, since 1996, have been subject to the *Programme for Modernization of the Public Sector* as well as being under the control of the Privatisation Advisory Council. Fourteen enterprises were sold in 1998, for

a total value of 2.16 billion pesetas.¹³ Trade unions oppose privatisation but, in face of the inevitable, they are trying to minimize the effect on workers. They demand high levels of compensation or the conversion of redundancies into early retirement, which they normally manage to achieve. The current process of public asset conversion includes the hospitals, which are under strong pressure to become public foundations.¹⁴

As a result of the 1994 reform the National Employment Institute monopolizes employment mediation and authorizes the activity of temporary employment enterprises (ETTs) by means of a regulation which is half-way between the French and German models. Trade union efforts are designed to make use of the possibilities for setting up union employment offices and of strictly controlling the activity of ETTs.

Trade union employment offices resort to the provisions of Law No.10/1994 and Royal Decree No.735/1995 relating to non-profit job agencies. These are subject to the principle of equal treatment for all job seekers and sole remuneration for expenditure incurred. Trade union employment offices had a long tradition in Spain, especially in the construction industries and hotels, where the public unions existing under Franco had a temporary employment office distinct from that of the INEM; however, during the 1990s, a number of union leaders from the agricultural sector were sent to prison for practices contrary to the principle of freedom of association, whereby the unions obliged job seekers to join in order to obtain employment. Following the 1994 reform, trade union employment offices are merely obliged to obtain approval from the INEM and respect the principles referred to above. Not only have trade unions established "private" employment offices but also the Catholic Church, the municipal authorities and a number of other organizations have imitated them. The experience does not appear to have achieved very much overall. Since 1994, subsidies have been granted by the INEM (Orders of 9 March 1994 and 10 October 1995).

In addition to trade union employment offices, another experience has been extended within major public services on the initiative of trade unions. These are labour exchanges for temporary employment. Virtually all important services have a labour exchange, managed by a joint administrative committee and the union, which enrolls people who have passed the examinations for admission to the public services but who have not been offered a job. The labour exchange calls on these people for temporary jobs, replacing fixed-term workers who are ill or on leave. A broad range of administrative services have such exchanges, although these have not appeared in large enterprises, as they have in the United States.

Article 28 of the Constitution enshrines positive and *negative* freedom of association. "Union shop" and "closed shop" clauses are strictly forbidden, as are "maintenance of membership", "preferential hiring" and so on. Only the "check-off" and "service fee" clauses are expressly authorized by the law, although the latter is subject to a worker's agreement by the Constitutional Court, which means that it is not viable.

Trade union fears in relation to employment enterprises (ETTs) are based on the enormous developments which have occurred in a very short space of time.¹⁵ There are also fears relating to the ETTs' critical working conditions which they initially imposed on workers on assignment, as a result of collective agreements negotiated with the few fixed-termed staff employed in their offices. A negative impression may perhaps be observed as ETT management appears to have promoted or even been the cause of the large number of temporary contracts in Spain. In reality, ETTs organize and practice the rotation of available jobs but appear to "live" on the short-term system and are therefore considered by trade unions, perhaps somewhat unjustly, to be parasites. Trade union efforts have been directed towards eliminating the abuses committed by ETTs against workers on assignment, in the sense of:

- (i) comparing the wages of workers on assignment with those of the regular employees of the enterprise;

¹³ CES, *Spain 1998*, Madrid 1999, p.137.

¹⁴ See also the comments below in II.d)2.

¹⁵ According to the INE, *op. cit.*, 98,700 people were hired by these ETTs in 1998.

- (ii) delegating to the staff representatives of a user enterprise the task of satisfying the demands and protecting the interests of workers on assignment;
- (iii) preventing occupational risks, as it has been demonstrated that temporary workers (not only those organized by ETTs) suffer a far higher number of industrial accidents than fixed-term staff.

Trade unions have currently set a new objective in relation to ETTs. They want a system of permanent hiring of workers on assignment, a concept which ETTs do not use since they prefer to call on unemployed people on in their list only for the period required to carry out a particular task.

2. As regards working conditions, trade union action has focused not only on collective bargaining, but also on major inter-confederation agreements with the government and the autonomous communities. Although trade unions have preferred to satisfy demands in relation to working hours, the prevention of occupational hazards, and vocational training, important successes have been achieved. Aspects of vocational training are analysed below.

- (i) The maximum legal number of working hours in Spain is fixed at 40 per week, which equates to a total of 1826.27 hours per year. However, collective bargaining has established an average of 38.5 hours per week, while employers are seeking to annualise working hours with a view to rationalizing a great deal of time which was wasted when working hours were still calculated in weekly terms. Above all, so-called “bridges” and hours lost for various reasons have been under constant attack from employers. A clear example is the controversy surrounding the reduction in time off for voting during political elections. Employers managed to reduce this to half a day for the 1996 general elections. Probably the most significant advance has been made by trade unions at the regional level, despite the fact that autonomous communities do not have legislative competence in relation to labour matters. Since they do have executive powers, virtually all of them have tested a particular type of initiative through regional consultation in relation to working hours and the allocation of working time. Probably the best example is that of Decree No.232/1996, issued on 1 October by the autonomous community of the Basque Country. The Decree establishes reductions in social security contributions for enterprises which are designed to promote:

- replacement contracts,
- unavoidable absence;
- voluntary absence;
- absence to care for children;
- legal custody;
- reserved positions for disabled people;
- maternity or adoption;
- provision of military or social service;
- reduction of working hours to care for the elderly;
- reduction of working hours for vocational training and enhancement;
- reduction of working hours for voluntary social service;
- training leave;
- unpaid leave;
- conversion of extra hours and bonuses into free time;
- non-performance of extra hours;
- reduction of working hours;
- adaptation of working hours.

As may be seen, subjects relating to working hours are envisaged from the point of view of job creation, but the Basque Decree undoubtedly encourages greater freedom for workers in the allocation of their working hours.

A comment may be made on the attitude of trade unions to the setting of the maximum legal number of working hours at 35 per week. The developments in France have had an enormous impact on Spanish public opinion and strong positions have been adopted on both sides. While the CEOE (employers' confederation) has made clear its opposition to the legal imposition of a 35-hour working week, it does accept the possibility that this may be negotiated in collective agreements; after an initial period of indecision, trade unions have adopted the opposite stance and Izquierda Unida (United Left) Party has adopted the 35-hour week as a political rallying cry. Currently, the trade unions are in favour of the 35-hour week, while the government is much more cautious. In certain municipalities and autonomous communities, however, trade unions have concluded agreements on the 35-hour week. In many cases, these are being challenged by the government, which maintains that the State has sole competence to legislate on the subject of working hours.

- (ii) Occupational safety has become a top priority for trade unions in the past few years as Spain has the highest rate of industrial accidents in Europe. Trade unions focused initially on creating an appropriate framework for standard-setting. This was requested by the European Union, since the regulations in force dated from 1971. Negotiations between the government, trade unions and employers were delayed for several years by failure to agree on certain clauses of the draft law. The most contentious question was the appointment of workers' representatives as prevention delegates. These were to have supervisory and monitoring functions which might extend to stopping production in case of serious and imminent risk. Employers insisted that such functions should be carried out by the unit representatives. Law No.31/1995 enacted the employers' position and, partly as a result, the number of industrial accidents has increased instead of decreasing, since unit representatives see prevention as an excessively costly, complex and dangerous burden. Numerous detailed regulations on specific risks, prevention services and activity sectors have been published but the level of awareness among employers and workers remains limited.

Trade unions have continued their efforts in regard to occupational safety supported by EU Directives. As a result of pressure from trade unions and from the EU, rules and regulations have been adopted on:

- health and safety in the public administration (Royal Decree No.1488/1998, issued on 10 July). This was preceded by an agreement between the public administration and various trade unions which was concluded in June 1998;
- health and safety in military establishments (Royal Decree No.1932/1998, issued on 11 September). This was drawn up after consultation with trade union organizations;
- health and safety for workers in temporary employment enterprises (RD No.216/1999). This was the result of a sustained trade union campaign against working conditions in these enterprises.

The National Occupational Health and Safety Commission comprises 17 members from the public administration, an equal number from the autonomous communities, one member from each of the African autonomous cities of Ceuta and Melilla, and 19 members from the most representative trade union organizations (RD No.1879/1996, issued on 2 August). The Labour Foundation for the Prevention of Occupational Risk, with a similar membership, has been attached to the Commission since April 1999. The Foundation is particularly concerned with small enterprises.

The Plan of Action on Industrial Accidents, approved in October 1998, is one of the Commission's most important achievements. The Plan envisages the following broad types of measure:

- instilling a prevention culture and supporting preventive action in workplaces;
- organizing prevention training;
- promoting preventive action;
- strengthening research, analysis and study;
- pressing for the enforcement of prevention standards;

- strengthening supervision, monitoring and imposing penalties;
- encouraging cooperation between public administration and the autonomous communities.

3. In relation to social security, trade union activity has been designed to soften the planned reform contained in the so-called “Toledo Agreements” and to improve coverage against certain risks, mainly those of unemployment and retirement.

- (i) The Toledo Agreements were concluded on 6 April 1995 between all the political parties represented in parliament, with the objective of rationalizing the Spanish social security system. To reflect the consensus reached by all the social partners the Agreement on Consolidation and Rationalization of the Social Security System was concluded between the government, the CCOO and UGT trade union confederations. Law No.24/1997, of the same name, issued on 15 July, was based on this Agreement, together with its Regulations of 31 October (Royal Decree No. 1647/1997). The new laws do not transform the Spanish system into the “Chilean” model of capitalization, but maintain the principle of intergenerational distribution, despite a worrying decrease in the birth-rate (Spain has the lowest birth-rate in the world) and the extension of life expectancy among the retired population. Thus, the period for calculating the retirement pension is reduced and survivors’ pensions are improved. Clarification is finally provided regarding the financing of the various services. Health and other non-contributory benefits are now financed exclusively from tax revenues. Contributory pensions are revalued automatically according to the consumer price index. Owing to arrangements for early and special retirement, the average retirement age in Spain was 61: Law No.241/1997 allows the government to reduce social security contributions and tax benefits to workers who remain in employment beyond the age of 65.¹⁶ Such measures must be the subject of prior consultation with trade union organizations, but these have not yet been introduced.
- (ii) Unemployment is another major problem in Spain. At the end of 1998, 2,963,400 people were out of work – more than one million of them for over two years. Nevertheless, unemployment rates had been falling since 1994 (a decrease of 8.8 per cent in 1997).¹⁷ At the beginning of 1999¹⁸ unemployment stood at 16.97 per cent of the economically active population. We have already mentioned trade union efforts at employment creation and mediation. Trade union action has been directed to increase social security benefits for the unemployed since only 49.5 per cent of job seekers receive insurance benefits. This is because the period required to obtain the minimum benefit has been raised to 360 days’ contributions to qualify for the minimum 120 days’ coverage. Unemployed people who have not paid these minimum contributions may receive an unemployment subsidy, which consists not of a percentage of the last salary received (as in the contributory benefit), but 75 per cent of the minimum wage. A total of 1,240,000 people received unemployment benefits in 1997, of which 530,000 were contributory allowances and 517,000 non-contributory subsidies. Since 1993 the rate of coverage has decreased by 17.7 per cent.¹⁹ The UGT and CCOO trade unions published a document on 25 February 1998, entitled *Proposals for the development of the employment plan, according to the guidelines issued at the Luxembourg Summit*. The unions requested negotiations with the government to improve the rate of coverage and to broaden family protection for its unemployed workers. Negotiations have not yet taken place. In the autonomous communities of Andalusia and Extremadura, the difficulties of the agricultural sector and the importance of maintaining stable employment have led to a special system of subsidies and employment plans for casual workers. These are managed by provincial committees on which trade unions are represented. The agricultural subsidy and

¹⁶ Incorporated as Supplementary Provision 26 to the General Law on Social Security, text reworded by Royal Decree-Law No.1/1994.

¹⁷ Economic and Social Council, *Spain, an Economic and Social Overview*, 60 (1999), p.3.

¹⁸ INE, *Survey of the Economically Active Population* for the first quarter of 1999, see *El País*, 20 May 1999.

¹⁹ CES, *Spain 1997*, Madrid 1998, p.331.

rural employment plan for Andalucía and Extremadura has been subject to strong criticism from other autonomous communities, especially regarding abuses in the granting of benefits and the highly political nature of patronage. After the 1996 elections, a new system was introduced in the form of the Agreement for Agricultural Employment and Social Protection, signed by the Minister of Labour and the UGT and CCOO trade union confederations on 4 November 1996. The Agreement came into effect on 1 January 1997 (Law No.1/1997, issued on 7 March,²⁰ and Royal Decree No.5/1997, issued on 10 January). The subsidy was fixed at 75 per cent of the minimum wage for a duration of 180 days (or 300 days for those over the age of 52).

- (iii) Retirement. In Spain the state pension requires a minimum of 15 years' contributions, which entitles the retiring worker to 50 per cent of the average salary over the past 15 years. Thirty-five years contributions are required for a pension equal to the average salary. The trade unions are interested in negotiating collective agreements to improve on these public benefits, although the spread of such agreements has not been due only to trade union interest. Retirement has also been one aspect of employment policy used in collective bargaining to encourage the recruitment of younger workers. A number of approaches are used: rewarding early retirement, paying an enterprise an allowance equivalent to the retirement pension during the time remaining until the minimum retirement age (normally 65) is reached, providing a supplementary pension for the whole of the retirement period, or imposing compulsory retirement provided that a worker is entitled to the pension and that an employment promotion measure is applied. Trade unions have not generally emphasized measures designed to encourage people to retire. In recent years collective agreements have sometimes reduced or abolished the supplements paid to enterprise retirees, and courts have accepted the validity of such cuts. This means that retirees are covered by a collective agreement.

The Law on Pension Plans and Funds (No.8/1997) authorizes enterprise pension funds provided they are managed by an external body with a supervisory committee comprising representatives of the promoters, participants and beneficiaries. The development of the plans referred to within collective bargaining appears to have accelerated and the number of participants has increased from 81,400 in 1990 to 292,100 in 1997. The Law provides for individual pension funds and associated funds, and within the latter category "associations, trade unions or collectives" may promote a fund for their members. Data submitted by the Association of Collective Investment Institutions and Pension Funds indicate that associated funds have developed more quickly than employment funds, rising from 16,000 participants in 1990 to 76,500 in 1997.

c) Vocational training, human resources development and labour mobility of union members

Employers and workers have always contributed to vocational training. In 1999, contributions stood at 0.7 per cent of salaries.²¹ The Economic and Social Agreement concluded between the government, CEOE and UGT in 1984, established the General Vocational Training Council, representing all players. The Council came into existence on 7 January 1986 under Law No.1/1986. The next important date was 16 December 1992, when the First National Further Training Agreement was signed between the CEOE, CEPYME, CCOO and UGT, together with the Tripartite Agreement on Further Training of Employed Workers, concluded between the same organizations and the government. The following year, the Council drew up the First National Vocational Training Programme, which defined and coordinated the three existing sub-systems of vocational

²⁰ The Agreement recognizes a number of fictitious contributions which reduce the requirement of 35 days' contributions. This Law follows other similar rules and regulations which, since 1993, have recognized assimilation as a result of droughts and poor harvests.

²¹ Law No.49/1998, issued on 30 December, on the General State Budget for 1999, Article 91.2.3.

training: *regulated* training for students, *further* training for employed workers and *occupational* training for the unemployed. The Vocational Training Programme is coordinated on a tripartite basis, through the General Vocational Training Council or the National Tripartite Commission for Monitoring the Further Training Agreement. Management is entrusted to joint employer-union bodies such as the Foundation for Further Training (FORCEM).

1. "*Regulated*" vocational training. Trade unions are not closely involved in the "regulated" training given in vocational training institutes, although the Basic Agreement on Vocational Training Policy should be mentioned. Workers' organizations are particularly concerned with training contracts, vocational training, "occupational" training and other forms of practical training.

Training contracts are of two types. The first apply to young people between 16 and 20 who are working in enterprises, with theoretical training for at least 15 per cent of the working day. The second type allow for graduates from institutions of higher education to gain practical experience, with remuneration of at least 60 per cent (for contracts of up to one year's duration) of the normal salary. Trade union efforts have been directed at eliminating abuses by employers, by limiting the number of apprentices in relation to the size of the workforce, by requiring the employer to issue a certificate at the end of a contract, and by public financial support and supervision under the General Vocational Training Council. With respect to the second type of training contract, abuses have also been overcome by restricting the qualifications, and determining the posts suitable for the type of training that may be involved.

2. *Further vocational training* has been the subject of sustained trade union action, insofar as all sectors in Spain are aware of the outdated technologies and organizational procedures used in enterprises. Since all the social partners wished to encourage the vocational training and updating of workers, the government had no difficulty in entrusting joint bodies with the management of considerable funds stemming from employers' contributions for further vocational training. The Second National Further Training Agreement (in force until 31 December 2000, subject to extension) governs the different schemes: training plans for enterprises with more than 100 workers, group training plans, intersectoral training plans and individual periods of leave for training. Financing is granted by the corresponding Joint State Commission or Joint Regional Commission, as the case may be. Employers are involved in drawing up the plans, together with workers' representatives for enterprise plans, or trade unions – in the negotiation of collective agreements on training. An important example of such an agreement would be the First State Further Training Agreement for the State Port Sector, signed on 20 January 1998. The basic principle is to administer autonomously, from within the region, the occupational training funds intended for/generated by it.

3. *The occupational training* provided for unemployed people with funding from the National Employment Institute (INEM) has less trade union participation. It is a public service which is delegated partly to private centres and which takes three different forms. Under the National Training and Professional Integration Plan numerous courses are provided by trade union organizations, which may not receive any kind of payment from participants, although the costs are covered by INEM. Certain autonomous communities have assumed managerial powers in relation to occupational training, while others complement state subsidies with regional funding.

4. *Other forms of practical training* are the Workshop Schools and Vocational Training Programmes, which prepare young people under the age of 25 to work as artisans or in restoring the historical and artistic heritage. Such occupations have developed considerably in the past few years, but trade unions have little influence here, despite their presence on INEM collegiate bodies which select trainees and grant subsidies. These programmes consist of an initial theoretical course followed by a practical phase. Recent regulations have linked these courses to training courses.²²

²² Order of 6 October 1998.

d) Organizing new union members

1. Leaders and managers

Class-based trade unions encounter difficulties in integrating new members into their ranks, not only since technical staff, professionals and managers do not identify with claims to equality, but because they themselves find it difficult to consider new members as class-based workers, given the managerial roles which they play in enterprises. For these reasons technical staff, professionals and managers set up their own organizations with separate strategies, generally at sectoral level. Examples are: the Free Trade Union of Medical Practitioners, the Spanish Trade Union of Airline Pilots, and other less well-known but equally powerful organizations such as the Spanish Trade Union of Aircraft Engineers or the Spanish Trade Union of Train Drivers. Such unions bring together virtually all professional workers and have a high capacity for generating disputes, calling strikes which paralyse the whole department or company where they are employed. Their demands usually attract a low level of support. General trade unions realize that, despite initial resistance, workers have gradually joined forces and become aware of their rights, so that more than 15 per cent of the economically active population have established federations of the type described above.

There is some bias against them and in one case the union was admitted to a confederation and was allowed to voice its opinion but not to vote.

Technical staff, professionals and managers in the public administration have a higher than average level of union membership – for example around 50 per cent of judges and prosecutors belong to a union – although in certain cases, constitutional limitations²³ prevent them from forming part of the usual trade union organizations.

2. Women workers

Although trade union statutes proclaim the fight against all forms of discrimination to be a basic objective of trade union action, we have encountered only one confederation which goes beyond a general declaration when it states that one of its tasks is to “provide special protection for the claims of women and young people, avoiding any form of discrimination based on sex or age.”²⁴ The situation of working women in Spain is still a long way from the level of equality proposed by international instruments and Section 14 of the Constitution itself. Laws have been passed to combat the most acute forms of discrimination in employment and sexual harassment.²⁵ In addition, the principle of equal remuneration for work of equal value is expressly recognized (Article 28 of the ET). The Constitutional Court has condemned both direct and indirect forms of discrimination,²⁶ has judged affirmative action to be valid (with some reservation), and has considered for some time that the dismissal of pregnant women constitutes discrimination.²⁷ Collective bargaining no longer deals with direct discrimination, although there are still a few cases of indirect or statistical discrimination, since the Constitutional Court also condemned it at the beginning of the 1990s. Currently indirect discrimination consists in lower rates of pay for certain activities employing a majority of women, and preference to activities described in male terms by agreements, such as those relating to fisheries and the oil industry. Moreover, affirmative action has become more common in collective bargaining, although few agreements include such clauses. Thus, certain agreements have established equality commissions, reduced or flexible working

²³ Section 129 of the Spanish Constitution: judges, magistrates and prosecutors may not be members of political parties or trade unions, for which reason they form associations governed by their respective laws and which, in practice, function as authentic trade unions making claims.

²⁴ UGT, Confederal Statutes, Article 4.1.2a.

²⁵ “Verbal or physical offences of a sexual nature”, Article 4.2e of the ET.

²⁶ Constitutional Court Ruling No.145/1991, issued on 1 July, on “work of equal value”.

²⁷ Constitutional Court Rulings Nos.94/1984 and 166/1988.

hours, training or retraining for women, and changes of task during pregnancy (maternity leave, suspension of contract, three-year leave and so on), the latter measures being the most common.²⁸

However, in small enterprises, which represent around 90 per cent of the total number, it is very difficult to prosecute a discriminatory employer or harasser. There are two reasons for this; first, women workers have temporary contracts or no contracts at all; second, trade unions have very few members in such enterprises. To reach these areas it is necessary to promote the election of a unit representative, who is usually the only trade union member. Nevertheless, in sectors where discrimination is more serious, such as agriculture or commerce, the discriminatory culture affects even workers' representatives who do not pay much attention to exclusively female problems.

With respect to child care and parental leave, the Workers' Statute recognizes the right of women to 16 weeks paid maternity leave, to the time necessary for ante-natal examinations and preparation for childbirth, a reduction of half an hour in working time for baby feeding which may be taken by either the father or mother, and a reduction in working hours with a proportionate decrease in wages for caring for children under the age of six (Article 37 of the ET). A request may also be made for a maximum period of three years leave for child care, with preferential readmission to a vacant post of the same or a similar category, although during the first year of leave women workers are entitled to return to their own jobs. At the time of going to press, parliament has recently approved a law designed to reconcile work and family life. This provides paid leave for pregnant women in a situation of risk, a reduction in working hours to care for incapacitated family members or leave of up to one year for the same reason, together with improvements in maternity or adoption leave.

Initiatives on training and hours for working mothers must be sought in collective agreements, since legislation merely alludes to the right to attend vocational training courses arranged by employers for their workforce as a whole (Article 46.3 of the ET). The 1995 Law on the Prevention of Occupational Risk established that a pregnant woman worker should enjoy close monitoring of occupational risks and, if necessary her working conditions or hours should be modified to avoid any danger. This includes, where necessary, night-time or shift work. Where a particular occupation may have a negative effect on the health of a woman worker or the foetus, the woman may be switched to another occupation in the same group, on the same salary, until such time as the danger disappears (Article 26).

The representation of women in trade union management is still very low, although all the executives have one or two women. The general report of the CCOO approved by the Sixth Congress in 1996 recognized that: "For several years, the objective of women being represented in governing authorities in proportion to their membership is one held by our union, but we must consider the advances made to be insufficient... This presence, as a minimum figure proportional to the number of women in each area, must become a reality."²⁹ It appears that trade unionism does not attract a sufficient number of women, and does not promote them to managerial posts.

The majority of female representatives are in the 20 to 39 age bracket (78 per cent of the total number), while the majority of male representatives are between the ages of 30 and 49 (72 per cent of the total). Discrimination in leadership is therefore to be found among the older age groups which correspond to the higher managerial levels. In fact, throughout their history Spanish trade unions have not appointed a single female Secretary-General, and this is unlikely to change in the immediate future. A study carried out by the UGT in 1996 pointed out that the majority of trade union organizers (members dedicated to recruiting new members and unit representatives for trade unions) are male.

3. *Temporary workers*

²⁸ Quesada Segura, *op. cit.*, pp.71ff.

²⁹ CCOO, *Approved documents, Sixth Confederal Congress*, Madrid 1996, p.154.

Very few temporary workers join trade unions, although they make up more than one-third of the economically active population. We have seen that the 1997 reform was designed to strengthen temporary contracts and to avoid their use without good reason. Nevertheless temporary workers usually find themselves in the secondary employment market with poorly paid jobs in uncompetitive enterprises. Legislation establishes the principle of equality of treatment for temporary workers in relation to fixed-term staff and the Constitutional Court has repeatedly declared the practices and collective agreements which exclude this group from improvements granted to other staff to be discriminatory. The Court has recognized, however, the possibility of establishing seniority in connection with additional pensions and other similar benefits. The abuse of temporary workers does not appear to have been halted, either by trade unions or by judges. Spanish employers continue to use short-term employment as an all-purpose measure, which weakens union membership and workers' organizational capacity and resistance. It also allows for rotation which, in the opinion of employers, stimulates output. For that reason, each year the courts deal with a large number of cases in which workers denounce end-to-end contracts and temporary contracts in violation of the law, to which judges respond with readily adopted positions. In some cases they declare the contracts null and void, so that workers must be considered fixed-term staff. Others rule that if the last contract in a particular series was valid, the whole series is confirmed although it may infringe the law.

One aspect of this subject relates to temporary employees in the public administration. During the 1980s, there was rapid decentralization of public employees from the state level down to the autonomous communities, which assumed powers and hired staff in an unpredictable manner. There were cases of partisan or nationalistic favouritism, which were concentrated among temporary employees. These people did not need to offer proof of the merit and capacity required by the Constitution for admission to fixed posts. At the end of the decade, the temporary employees of autonomous communities numbered tens of thousands. This situation gave rise to a variety of processes designed to provide stability for staff, by means of not very demanding tests, and with extra points for years of experience in respective administrations. At the beginning of the 1990s, many of these public employees had acquired more than ten years' service in the administration and, at the beginning of 2000, some reached 15 years' seniority. Their demands increased in this context, and were supported by trade unions, which negotiated simple or direct stabilization agreements for such employees.

Social security for temporary workers is based on public protection. Moving from one workplace to another is of little significance, since workers continue to pay their contributions in each enterprise in order to qualify for benefit. Other schemes also exist, although they are not well developed. The government has reformed the Private Insurance Law No.30/1995 so as to guarantee the rights of beneficiaries in enterprises which declare bankruptcy. It is still too early to evaluate the results of this amendment.

4. Informal sector, agriculture and home workers

There is very little to be said about trade unions trying to recruit members in the work collectives cited, apart from pointing out that there are very few or no actual members in such collectives, and that these organizations make little effort to attract them. To cite one example, in the report of the Sixth CCOO Congress (1996) the Specific Action Sectors and Collectives were defined for the purposes of increasing union membership and, in the list of sectors, none of those indicated appeared; a detailed analysis is provided below of some of those sectors, i.e. temporary and unemployed workers, specialists and managers, women, independent workers and immigrants. Lastly, there was an analysis of the problem of trade union membership among young people and retirees. No reference was made to the three groups mentioned here. By way of comparison, it should be said that the Federation of UGT Earth Workers had 25,000 members in 1996, out of a

total of 296,600 workers in the sector as a whole:³⁰ this is the Federation with the fewest members after that of retirees and pensioners. Nevertheless, it should be pointed out that the figure has increased in the past few years, from 12,000 members in 1981, and that alongside it there is the Union of Small Farmers (UPA: self-employed workers and small employers, now incorporated in the State Union of Self-Employed Workers) with a further 23,788 members.

II. Structure and financing of trade unions

a) Organizational structure of trade unions

Spanish trade unions are organized according to two criteria, vertical and horizontal.

1. *The vertical line* is the most important, embracing workers in the sector to which the union belongs (agriculture, iron and steel, banking and construction). The basic units of organization are union departments within enterprises which, under the 1985 Law, are entitled to meet, collect funds, and publicize their activities. In enterprises with more than 250 workers they are entitled to a shared site for meetings and a notice board (the most representative trade unions); one or more union delegates are paid for their time (trade unions are represented on an enterprise committee). Local and provincial organizations, as well as regional and national federations, have been set up. The most important federations are those representing workers in the public services and metallurgy.

2. *The horizontal line* consists of branch unions at various levels, forming a mutual assistance link which has common services and acts as a negotiating partner with employers and political authorities at this level. Thus, local and provincial unions, as well as regional and national confederations, serve to unify all trade unions belonging to the same central office in a given geographical area. The national confederation serves as a reference point for a particular union trend, be it socialist, anarcho-unionist or any other. There has been a significant weakening of ideological links since the collapse of the Berlin Wall, which has allowed joint action by the UGT and CCOO. We might now refer to progressive, conservative or centre trade union offices. The UGT, CCOO, CGT and the nationalist LAB and CIG are progressive; the CSIF, which is the main union organization for public servants, and the APM, which is the main "professional association of judges" are conservative; while centre trade unions include the USO and the majority Basque union, ELA-STV.

3. *Representative bodies.* Union organizations normally have three representative bodies. The Congress (or assembly) is the basic organ, having discretion in the appointment of lower-level bodies, the approval of action lines and the budget, and also the power to set up specific authorities such as that dealing with disputes. Above the assembly is the General Council, which is the inter-congressional body that sets general policy and controls lower-level organizations. In addition, the Executive Committee meets once a week or once a month, and coordinates the implementation of agreements adopted by the higher authorities. The Executive Committee is being merged into the permanent secretariat, which brings together the full-time secretaries, in particular, the Secretary-General who has broad powers. In some trade unions, these powers are set out in the form of a long annex to the statutes. Each trade union also has other specific bodies, which normally relate to an internal disputes commission (UGT, CCOO, CGT), although some prefer to continue to settle disputes by means of higher authorities (ELA-STV). Trade union departments are present in all union regulations as the expression of a union in an enterprise, although they are not necessarily mentioned in the statutes as organs of that particular union.

³⁰ UGT, *Organizational situation*, pp.40 and 64; UGT, *Membership figures and trade union elections (Thirty-Seventh Confederal Congress 1998)*, p.21 cyclostyled.

b) Benefits of organizing new workers

It goes without saying that the financial benefits resulting from an increase in membership are due to a rise in the level of contributions. We must remember, however, that the contributions do not match union expenses, so that the deficit increases as membership goes up. At the end of this chapter, we shall see how trade unions deal with this situation by means of subsidies and other external income, but for now we will simply point out that the contribution made by members is insufficient. Nevertheless, under certain conditions a larger number of members may mean a reduction in expenditure. This occurs through voluntary (unpaid) work carried out by union members in relation to administration and management tasks, which are very important in the majority of confederations. There are usually two types of volunteer worker in trade union offices.

Firstly, there are paid-up union members, a very large group of activists, who are paid by employers rather than by workers' organizations. These people are union representatives elected within enterprises by the whole workforce; they are paid by employers for the representative tasks they carry out in the same way as for normal work. The total number of representatives is around 230,000 throughout the country, with the largest number in public services (about 40,000) and the smallest group in agriculture (around 5,000).³¹ Since legislation provides a broad interpretation of the concept of representative tasks, the elected members in question may leave an enterprise and devote all or part of their surplus representation hours to assisting trade unions. Moreover, the accumulation of credit hours exists in relation to one or more representatives; this is of interest to employers since the number of representatives released from production work is therefore reduced.

Secondly, there are pensioners, above all retirees, but also disabled persons who belong to trade unions (possibly the Retirees and Pensioners Federation). They receive social security pensions which are not commensurate with the work for which remuneration is given, for which reason some of them devote their leisure time to the trade union. A large number of enterprises in crisis have dispensed with older workers by means of a chain system of benefits, by virtue of which a worker may in practice retire at the age of 50 (unemployment benefit for two years, followed by a retirement allowance at the age of 52, which is maintained until early retirement at 60 or ordinary retirement at 65), so that the trade union receives free assistance from experienced workers.

c) Mergers and alliances

Interconfederation. Mergers or alliances between federations have always been a feature of Spanish industrial relations. Examples include sustained alliances such as those of the UGT and CNT during the 1930s, or those that currently exist between the CCOO and UGT or, in the Basque Country, between ELA and LAB: these are joint action agreements which do not affect the organizational independence of each trade union. As a more immediate measure there are election-based coalitions during the periods when unit representatives are selected, such as those between the Union of Doctors (CEM) and the Union of Male Nurses (SATSE). Mergers occur between small trade unions when they decide to become part of a larger-scale union.

The process of merger and coordination between sectoral federations has been under way for several years in the two majority union organizations as a means of saving money. Thus, the last CCOO Confederal Congress in 1996 approved the following changes to the structure of sectoral federations:

- abolishing the Performance, Culture and Sports Federation;
- replacing the Metals Federation with the Mining and Metals Federation;
- replacing the Paper, Graphic Arts and Social Communication Federation with the Paper, Graphic Arts, Communication and Performance Federation;
- replacing the Textiles and Leather Workers Federation with the Textile, Chemicals and Related Industries Federation.

³¹ UGT, *Organizational situation*, p.109.

Federations responsible for multiple areas were maintained in their own right. There are 20 State federations, of which 12 were formed following expansion during the 1970s. In the 1980s they repeated the operation, in order to generate greater savings. Thus, in 1982 the Chemical Industries and Energy Industries Federations merged to form the Federation of Chemical and Energy Industries (FETIQUE); the Federation of Public Administration, Hygiene and Post Office Union, which was integrated into the Communications Federation, merged to form the Federation of Public Services (FSP), the most important in the confederation; and the three Federations of Information and Graphic Arts, Various Occupations and Performance merged as the Federation of Communication, Performance and Various Occupations (CEOV). Despite this trend, around 1985 the Federation of Earth Workers was to segregate independent workers in what is still known as the Union of Small Farmers (UPA).

The greater “economy” displayed by the UGT did not respond only to a desire for management rationalization. The UGT suffered a heavy blow to its basic principles as a service union with the collapse of some of the enterprises that it had set up to cater for members’ needs, especially housing and travel. Other reasons were that the number of unit representatives obtained was less than for the CCOO, with broad competence being retained despite the joint action undertaken; to make matters worse, its leaders moved *en masse* to occupy the political posts which the electoral victory of its sister party, the Socialists, had helped it to achieve consistently between 1982 and 1996. This trade union was therefore “decimated” for many different reasons.

The accelerated process of mergers gave rise to an additional problem which the Congresses attempted to resolve: the delimitation of trade union powers and the distribution of industrial territory in order to avoid “demarcation disputes” following such profound transformations. The process appears to have been resolved without major disputes, although this may have been the result of tensions being diverted to a higher level, as described below.

In the second half of the 1990s, the phenomenon of strategic mergers began to arise, where two or more federations joined together to combine their efforts in Congresses and influence the election of the executive and Secretary-General. Faced with the advance of the public service federations, the industrial federations reacted with mergers such as that between the iron and steel industry and the wood, construction and related industries within the UGT. Such processes may destabilize the entire confederation since they involve struggles in which the figure of the Secretary-General and the stability of the executive committee may be damaged. Thus, the CCOO, the other confederation, approved a number of principles during its 1996 Congress, which are included in paragraph 12 of the general report and can be summed up as follows.

- (i) Mergers must be initiated from the top down, by means of dialogue between managers and members of the organizations concerned.
- (ii) Mergers must involve sectors related by the activity to which they are devoted.
- (iii) Final decisions are taken by the Confederation Council by means of qualified voting.
- (iv) The possibility of temporary sectoral groupings exists where the relevant federations have not been established or there is weakness.
- (v) The Confederation Council must define the objectives for the merger of federations, develop criteria and define periods for internal discussion.

In each confederation all the federations from a single geographical area are linked within the geographical union (local, provincial and regional). In addition to serving as negotiating partners with the employers’ and political authorities of the respective area, the functions of the federation are to provide joint services to branch federations and to coordinate joint activity.

International bodies. Membership of the European Union facilitates important international connections: the UGT, ELA and CCOO belong to the European Trade Union Confederation (ETUC), while ELA and USO belong to the World Confederation of Labour. Majority Spanish trade unions participate in joint sectoral committees sponsored by the European Commission, as well as in consultative committees of various kinds such as those dealing with free movement and social security for immigrant workers. ETUC has set up important substructures, which periodically bring together trade union lawyers from the European Union in order to debate

strategies and legislation.³² Another international connection was established by the European enterprise committees created by Council Directive 94/45/EC: around 1,500 large multinational enterprises form these committees, on which workers from all factories in the European Union are represented, for the purposes of receiving information at least once a year on the progress made by a particular enterprise. Although the number of large Spanish multinationals obliged to set up such committees is extremely small, around 20, Spanish trade unions participate in a large number of committees set up by foreign multinationals present in Spain, which are mostly North American, Japanese and German.

Sub-regional international connections have also been set up to coordinate union activities in border regions. Linking committees exist between trade unions in Andalucía (southern Spain) and in the Algarve (southern Portugal). There are also inter-regional union councils such as those of the Eastern Pyrenees between Catalonia and Provence, which was formed in 1983. Its activities are rare and consist of annual debates/meetings, the aims of which vary widely.

d) Global production chains and enterprise networks

1. *Enterprise groups.* The increase in the number of enterprise groups has produced a negotiated reaction among trade unions. The most important unions have defended the creation of group enterprise committees, a possibility not envisaged by Spanish legislation, but to which the few rules and regulations relating to interunion enterprise committees tend to apply. In the agreements of enterprise groups or public bodies there is a tendency to improve the working time remunerated for unit representatives. A wide variety of formulae have been adopted, ranging from the “pool” of hours to be distributed at their own convenience, and including the designation of additional representatives. Thus, the National Agreement on Security Enterprises (March 1998) grants 1809 paid hours a year to trade unions that have 60 staff representatives in the enterprise or group of enterprises concerned. However, as far back as 1986 an Agreement on Public Enterprise Participation was signed with the UGT, for the appointment of union representatives to the administration councils of state enterprises with more than a thousand employees or, alternatively, the establishment of joint information and monitoring committees. The next significant step was taken in 1993 with the Agreement for Metal Sector Enterprises in the INI-TENEO Group, which produced a settlement procedure for disputes relating to changes in labour relations, with the possibility of arbitration in extreme cases. Finally, as of 1997, an experiment began for the renewal of collective action in group enterprises at the national level. For example the Group Framework Agreements offered interesting methods of negotiation and participation between different players in complex enterprises, whereby union activities were conducted at the optimum level within those enterprises.

2. *Enterprise extension.* In the past few years the externalisation of workers has been widely observed in its various forms such as outsourcing, downsizing, subcontracting, temporary employment enterprises and so on. Spanish trade unions appear to have reacted strongly only in the latter case, by negotiating a national agreement for temporary employment enterprises (ETTs) where comparable wages were paid for the year 2000 to workers on assignment and those of the user enterprise.³³ Subsequently unions promoted the reform of legislation so that greater attention is devoted to risk prevention. Legislation establishes a guarantee mechanism for collective bargaining in ETTs, whereby if no unit representatives exist, the most representative unions may negotiate enterprise agreements. This seems to have had no effect so far since the ETTs have preferred to negotiate a national agreement of general application.³⁴ In addition, a reform dating from December

³² The last meeting was held in Helsinki in June 1999.

³³ The subject of comparable wages is now before parliament in the form of a draft law at an advanced stage of discussion and which will be applied before the year 2000, although the majority party is unwilling to take it further.

³⁴ The Second ETT State Collective Agreement (Spanish Official Gazette of 3 March 1997) has been signed by the UGT and CCOO trade unions, together with the GEESTA, ACETT and UETT employers' associations.

1997 makes unit representatives in user enterprises responsible for protecting the interests of workers on assignment.

3. *Networks of small and medium-sized enterprises* are virtually unknown in Spain. Trade union action is directed to groups of enterprises which are not in fact enterprise networks but single enterprises with a network arrangement. In such cases, collective bargaining requires the election of a unit representative in establishments too small for ET recognition, or the election of a unit representative for the group of small establishments within a particular geographical area such as a province.

e) Financial viability of trade unions

Since the activities of trade unions are out of proportion to the size of their membership, expenses cannot be met solely by the ordinary income they receive. Effective techniques have certainly been introduced to improve financial management, but such measures have appeared in response to problems with services provided for the members, such as housing cooperatives, banks or travel agencies. The situation was clearly described in a document produced by the 1997 Congress, which admitted that the current situation is absolutely unsustainable. There are organizations in the Confederation that are costing us tens of millions of pesetas in wages, while there are colleagues who could be paid up free of charge at the head of their organization. We are literally throwing away tens of thousands of trade union hours, some of which we are not even using and others because they are devoted to tasks which have nothing to do with the union. We either put a stop to this once and for all – and some kind of resolution will have to be adopted on this subject at the next ordinary Confederal Congress – or we will have an explosion.³⁵

1. *Procedures for making the best possible use of ordinary income.* We have already mentioned that enterprises pay “union hours”, i.e. the working time of unit representatives who perform administrative or managerial tasks at the organizations’ headquarters. Another procedure we have mentioned consists in merging federations and strengthening the local structures to offer joint services to the federations.

In addition the Confederations have set up supervisory bodies such as the Administrative and Financial Supervision Commissions of the CCOO. However, the unions recognize that such bodies are scarcely functioning as yet. The Congresses have proposed a rationalization which would have to be adapted to the different local and branch organizations.³⁶ An important factor is to ensure that all membership subscriptions are collected by means of a check-off system which legally requires the workers’ consent. Employers do not obstruct the check-off system, as it may be useful for them to know which employees are union members. The participation of union representatives in meetings of economic and social bodies also represents a source of “ordinary” income. The state budgets for 1998 included 725 million pesetas to cover “economic compensation for the participation of trade unions, public servants’ and employers’ organizations in consultative bodies”.³⁷ The transfer of buildings to trade unions may also be considered normal, for example the return of property seized at the beginning of the Franco dictatorship (historical trade union heritage) or the “inheritance” of the corporate Francoist organization (accumulated trade union heritage). This source of income is particularly relevant to the UGT, CCOO, ELA and CNT-CGT. Monetary compensation and the transfer of housing mean that these trade unions make significant savings which may be valued at thousands of millions of pesetas.³⁸

2. *Extraordinary income.* Extraordinary income takes the form of subsidies from the State and the majority of autonomous communities, as well as from municipalities and delegations. It is virtually impossible to calculate the value of this income, so we will simply quote a number of

³⁵ UGT of Andalucía. Conclusions of the Congress, Seville, 1997.

³⁶ CCOO, Documents approved by the Sixth Congress, paragraph 11.3.

³⁷ Chapter 19.01.311.A.

³⁸ Thus, in 1985 the UGT received 4000 million and CGT 1000. The UGT has presented evidence documenting housing blocks belonging to it, the return of or compensation for which would generate a total of 56,000 million.

conclusions from a UGT Congress held in 1997: “It is not true that the UGT operates by means of contributions from the general state budgets, from training or employment programmes. The union currently receives an income of between eight and nine thousand million pesetas in members’ contributions, which are a fundamental source of support for all its activities”.³⁹ The state budgets for 1998 envisaged 1.666 million pesetas for trade union organizations “to carry out training and other activities within its purview”. The allocations made by autonomous communities are more modest: thus, in 1998 the total was 16 million pesetas in Catalonia and in Extremadura it amounted to 27 million pesetas in 1999.⁴⁰

3. *A number of regional social consultation agreements and training activities* authorize trade unions and employers’ associations to provide specific courses, which implies financial support for training.

Following the tumultuous years of the collapse of trade union services the current financial situation of unions is not clear. It is clear that they have survived and it can no longer be said that they are bankrupt. Membership dues are the main source of trade union funds, but they are still overdependent on government and an income from employers. In 1995 the largest union, the UGT, collected dues from 654,000 members. It is worrying that the situation has not improved although new members join the union every day. However, it is also true that there are lows and that at the moment there are more lows than highs, which means a very intense rotation in membership, currently in a negative direction.⁴¹

III. Regional and global action

a) Trade unions as guarantors of minimum labour standards at the regional level

The role of Spanish trade unions at regional level within Europe may be characterized as enthusiastic in terms of words but short on action. The country has undergone an intense development process since the beginning of political democratisation in 1975 which justifies to a certain degree the absence of front-line positions. The geographical situation of the country as a peninsula tends to make contacts with other European countries more difficult. In the statements put out by unions there is a clear awareness of international solidarity, as may be observed in one of the resolutions approved at the Sixth CCOO Congress in 1996. “International trade unionism must as a matter of course impose social clauses in all international trade agreements and also in those relating to regional integration or inter-regional associations. These clauses must provide explicit guarantees of the exercise of freedom of association and must be based, as a minimum, on observance of the recommendations and standards of the International Labour Organization”.

We have already noted that Spanish trade union confederations are members of international bodies. While the UGT continues to be a member of ICFTU, the ELA is a member of WCL. Both are members of ETUC; CCOO has been forced to shift its position with the fall of the communist regime in many countries and the World Trade Union Federation; for years it sought admission to ETUC, which was finally granted in 1991 despite a certain reluctance on the part of the Spanish confederations that were already members. It was admitted to ICFTU⁴² in 1998. Virtually all its member federations already belonged to the International Professional Secretariats of ICFTU, and participated in activities and negotiations. Perhaps for that reason, reference should be made to the UGT, whose Thirty-Seventh Congress in 1998 noted the need to “grant the ETUC a sufficient

³⁹ *Trade Union and Membership Growth*, p.37.

⁴⁰ Order of 31 March 1999, Spanish Official Gazette of 13 April 1999.

⁴¹ *Trade Union and Membership Growth*, p.38.

⁴² Approved by the Sixth Confederal Congress, 1996. *Documents approved by the Sixth Congress*, paragraph 5, p.71.

mandate and representation, on behalf of national confederations, so that linking agreements may be formalized at the European level and to provide it with the capacity for mobilization, thereby transferring powers to European Trade Union Federations.” The same Congress also demanded more effective ETUC participation in the standard-adoption and decision-making processes by EU institutions, “and, where necessary, before the Community’s courts of justice.”⁴³

Progress in setting regional minimum labour standards has been spectacular within the European Union, not so much in quantitative as in qualitative terms. Only in the 1990s did national confederations manage to obtain the capacity to negotiate European collective agreements with European employers’ confederations. In 1992, the social partners agreed and the member countries stipulated in an Additional Protocol to the Treaty of Maastricht that European collective agreements could be strengthened by Community standards and even that they could replace such standards before they were laid down, two possibilities which have been incorporated into the Treaty of Amsterdam. The second possibility has been influential in changing the attitude of UNICE to European collective bargaining, even though the employers’ confederation does not yet have the authority to negotiate at this level. The fact that the European Union has on various occasions communicated to them its intention to legislate on certain labour matters has helped to overcome resistance and encourage negotiation with ETUC. Various European interconfederal agreements have already been signed – most recently on 14 January 2000 between the ETUC, CEEP and UNICE on fixed-term contracts. On 29 September 1998, two European sectoral agreements on the regulation of working hours were signed in the railway and maritime transport sectors. The Federation of Transport Unions signed on behalf of trade unions in both cases, and co-signatories were the Community of European Railways and the European Community of Shipowners Associations. The coordination agreements examined below are also of a sectoral nature.

b) Regional trade union coordination

The lack of coordination between Spanish trade unions in relation to European matters goes to such an extreme that they do not even coordinate their presence in the international bodies in which they participate. As a result, the statements made at union Congresses remain at the mercy of chance alliances.

The beginnings of trade union coordination exist in the European region, but have not yet reached Spain, partly owing to its geographical situation, partly because of the problems of consolidation, and partly because of a third reason which will be examined below. Despite the lack of formal progress there is sporadic and occasional coordination between Spanish trade unions and those of other European countries. We may mention the strikes in the railways and road transport sectors in recent years, and the solidarity strikes by Renault factories in Spain to support the reopening of the factory in Vilvoorde (Belgium) in April 1997. These strikes took place at a time when it was said that the closure in question would probably benefit the Spanish factories.

The Ninth Congress of the European Trade Union Confederation (1999) adopted a resolution for the Europeanisation of industrial relations which proposed to:

- (i) conclude with employers’ organizations a new Framework Agreement on independent collective bargaining at European level;
- (ii) promote a coordinated strategy for European negotiation, led by the European industrial federations;
- (iii) prepare a charter for the mutual recognition of membership between trade unions belonging to the ETUC;
- (iv) support the European industrial federations in their efforts to increase the number of European enterprise committees.

At sectoral level, the first industrial federation to coordinate its national trade unions was the European Federation of Building and Woodworkers which approved the *Declaration of Principles*

⁴³ *Resolutions*, p.82.

on *Collective Bargaining of the European Construction Unions* in 1999. Noting the broad differences between countries (for example, the number of working hours varies from 36 to 45), the Declaration proposes that coordinated negotiations should begin with working time, which should not exceed 1750 hours per year. The Declaration proposes the following steps:

- (i) exchange of information;
- (ii) exchange of policy experts;
- (iii) creation of an information pool on agreements and working conditions;
- (iv) drawing up of a Best Practice List, for use in negotiation with employers.

c) Common union foundations for regional and global coordination

Spain's geographical situation is very different from that of the countries which signed the Doorn agreement (1998) which originated in a Belgian government initiative of 1996. In that year wage negotiations between unions and employers failed, and the government fixed the wages of Belgian workers *according to the average of those existing in France, Germany and Holland*. This indicates the degree of uniformity achieved in geographical, economic and even cultural terms of the four countries concerned. This is not the case for Spain and the bordering countries. Relations with Portugal are beginning to emerge from an old mistrust which has led to mutual ignorance of the national legislation of both countries. The union contacts undertaken so far, such as those between Andalucia and the Algarve, are very slight, and do not even extend to a commission to study similarities and differences. Unemployment is very low in Portugal whereas in Spain it is very high; the system of collective bargaining is different, as are working conditions. For example, the average wage in 1996 was 711 ecus per month in Portugal against 1794 in Spain.⁴⁴ On the northern border, France belongs to the group of advanced countries, and although there are contacts with the CGT and CFDT, coordination between the confederations has not been attempted. Nevertheless, on many occasions French trade unions have supported dispute actions that have had repercussions for employment in Spain, without consideration to international aspects. Working conditions are also different, and the average wage in France is 2146 ecus. Finally, Italy has many points of contact with Spain and the national trade unions hold meetings, although there is still something of a divide on the subject of joint action.

d) Action outside the European Union

1. *Latin America*. The presence of Spanish trade unions outside the EU is more limited than within the Union; however, a few instances of low-level coordination may be highlighted, especially in Latin America. This activity is connected with the possibility of Spanish enterprises entering the markets of these countries. The major Spanish banks are investing heavily in most Latin American countries,⁴⁵ as are national companies in energy and telecommunications. Spanish trade unions have collaborated with those of the host countries representing these enterprises and have helped to organize and coordinate inter-state initiatives. In the services sector for example, where links are established, there has been little action so far: a few meetings have been held and a number of documents drafted. UGT helped to set up the Iberoamerican Interunion Group of Telefónica in 1997, with representatives from Argentina, Brazil, Chile, Mexico and Peru, where Spanish Telefónica has subsidiaries. Workers' commissions have promoted meetings in the banking sector involving the trade unions of Latin American countries. Other activities offer support for democratic unionism in certain countries, either in relation to authoritarian powers, or to trade union options favoured by the public authorities. Thus, we may refer to support for the establishment of

⁴⁴ EUROSTAT (European Commission), *1997 Yearbook*, Luxembourg 1997, p.134.

⁴⁵ Information supplied by Ms. Rueda Catry of the ILO and by the Secretariats for International Relations of the CCOO and UGT.

an Interamerican Trade Union Confederation, similar to ETUC, which could take the place of ORIT. Advice is given to the Colombian CUT on the subjects of peace and training for unionists. Efforts are made to support the consolidation of the Argentinean Workers Union incorporated in the FREPASO, in its fight to break the CGT monopoly. In simple terms, this is a follow-up to the trade union movement in Cuba and Mexico with a view to possible future development. At times, sectoral federations play an important role, albeit at the level of technical support. Examples are the work of the CCOO Teachers Federation with its opposite numbers in Latin America on the issues of equality for women, further training and pensions. In all these cases, the foundations and NGOs linked to Spanish trade unions act in parallel.

2. **North Africa.** The second priority for Spanish trade unions outside the European Union is North Africa, especially Algeria and Morocco. Relations with North African trade unions are in their infancy, at the level of initial contacts. A good demonstration of this is the creation in Helsinki, during the Congress of the European Trade Union Confederation (June 1999) of a Mediterranean Forum including Italian and French unions, and the Workers Union of Arabic-speaking North Africa. A seminar on democratisation is currently being prepared with Algeria and there are one or two sectoral contacts, such as in the agriculture sector on the subject of migrations.

3. **European multinational enterprise committees remain to be developed,** with a view to linking enterprise representatives from different countries, not only in Europe. Spain has no more than 30 such multinationals, a tiny figure compared to the total of 1480 which are obliged to set up these committees, and which includes representatives from non-European countries. Despite the limited number of MNEs in Spain, the contact and coordination may be important, especially in the protection of workers' rights in the face of speculative movements or asocial investors.

IV. Trade union action in relation to institutions

a) Negotiation at the highest level

Since 1980, when the Workers Statute was approved, the legislative authorities have attempted to focus Spanish industrial relations on the most representative trade unions. The collective agreements negotiated with these unions are particularly effective as they apply to all workers and employers in the area under consideration. An important series of tripartite agreements was also implemented between 1980 and 1984. However, progress came to a halt when the Economic and Social Agreement (AES) was signed by only one of the trade union confederations in 1984. For about ten years, there was complete silence on the subject of consultation at the highest level, while consultation at sectoral and regional level became popular. A strong wave of negotiation began between confederates—without the public authorities. This trend was evidenced by the National Further Training Agreement of 1992. Following the division over the AES, a bitter struggle between the two majority union federations endangered the system of industrial relations and generated mistrust of government aims. Unions also suffered a drain on their resources resulting from agreements with the public authorities and employers' organizations. A strategy was developed whereby the social partners reach bilateral agreements at the highest possible level and the government incorporates their provisions as a high-level standard, in the form of a Decree-Law or Decree. Certain framework agreements began to be signed at the highest level in 1996, such as that relating to the extra-judicial settlement of disputes. Since 1997, high-level negotiating activity has intensified with the signing of three important agreements between the UGT, CCOO, CEOE and CEPYME on 28 April 1997 relating to employment stability, collective bargaining and negotiations. The agreements include a number of standard-related suggestions which the government adopted through Decree-Laws Nos.8/1997 and 9/1997, on the promotion of permanent contracts.

The Interconfederation Agreement on Collective Bargaining is an attempt to rationalize the negotiating structures and units in a country which has an excessive number of intermediate level agreements, notably provincial ones. The different topics are divided into two levels, with an indication of the aspects which must be negotiated at each level. Thus, in relation to working hours:

a national collective agreement at branch level should fix the actual maximum number of working hours at the rate agreed by the parties, together with the criteria for their allocation in the corresponding sector, and transfer to lower levels the establishment of agreements or stipulations relating to the irregular or other allocation of working hours, rest periods, holidays, assumptions regarding special hours and so on, as well as other provisions particular to lower negotiating levels, in order to adapt the use and administration of the number of hours actually worked.

The Interconfederation Agreement on the Filling of Vacancies, valid for five years, is designed for 23 sectors where there is no national agreement, since an obsolete ordinance from the dictatorship era is still in force. The Agreement has been applied since 1998 to sectors which have not managed to negotiate a national agreement; it governs fundamental issues such as professional bodies, workers' promotion, wage structures and disciplinary systems.

Obstacles frequently arise in extending agreements to sectors with negotiating difficulties. The extension of agreements of general application does not refer to union members within the same sector but to a different sector or distinct geographical area: for example, the agreement relating to large and small offices in the province of Granada refers to the same sector in the province of Seville.

b) Sectoral collective agreements

1. The structure of collective bargaining suffers from the excessive number of agreements in force; in 1998, there were 3654 agreements affecting seven and a half million workers; 1861 of those were new and 1793 were still valid. Furthermore, there were 2785 employers' agreements which affected 828,000 workers, while at sectoral level there were only 869 agreements but they affected no less than 6,600,000 workers.⁴⁶ However, the figures are misleading, because sectoral agreements have numerous variants – national, regional, interprovincial, area and local. The most predominant by far are provincial agreements, because agreements were not permitted at national level during the dictatorship of General Franco. In simplified terms, the arrangement is as follows:⁴⁷

Workers affected by enterprise agreements	9.73 per cent
Workers affected by provincial agreements	53.11 per cent
Workers affected by national agreements	31.12 per cent

2. As a result of the 1997 Interprofessional Agreement the number of national agreements has increased, many of which have nothing to do with the sectors listed in the Agreement. Moreover, the trend towards enterprise agreements has been halted and there are now fewer of them, affecting fewer workers.⁴⁸ The central role played by majority confederations in the negotiation of all these agreements is perfectly clear, since more than 95 per cent of workers are represented by the CCOO and/or UGT. In 1998, the union membership of labour delegates on negotiating panels was as follows:⁴⁹

CCOO members:	38 per cent
UGT members:	37 per cent
Members of other trade unions:	15 per cent
Independent:	10 per cent

⁴⁶ UGT, *1998 Assessment of collective bargaining*, p.3.

⁴⁷ CCOO Union Action Confederation Secretariat, *Collective Bargaining in 1998*, Madrid 1999, p.20.

⁴⁸ CCOO, *ibidem*, p.20.

⁴⁹ CCOO, *ibidem*, p.23.

The relationship between agreements on the one hand, and laws and employment contracts on the other, is governed by the principle of the most favourable standard. This means that an agreement is usually applied instead of a law because the agreement imposes a standard higher than that guaranteed by law. Thus, the Decree on Minimum Wages, which is issued annually by the government, basically concerns workers not covered by an agreement, since these usually exceed the minimum set by Decree.

3. It is possible to gauge the impact of the 1997 Interconfederal Agreements, notably that relating to stability in employment. The number of temporary employment contracts has decreased by only 1.1 per cent and remains twenty points above the European average; there are still sectors with an excessive number of temporary workers, such as the construction industry, where 62 per cent of workers have contracts of this type. There has also been an increase of 3 per cent in temporary contracts in the public sector, above all in the local corporations and autonomous communities.⁵⁰ The Agreement on Textiles and Clothing closes off certain issues while leaving others for future negotiation. The new collective instrument imposes a maximum of 13.5 months for short-term contracts and defers the possibility of converting temporary contracts into permanent ones.

4. Overtime and the reduction of working hours. Employers show no interest in limiting or reducing working hours, for which reason no agreement has been negotiated in that regard. Article 35.1 of the ET stipulates that collective agreements or individual contracts shall fix overtime rates; failing that, it shall be understood that extra hours will be compensated in the form of time off in the following four months. In fact collective agreements invariably determine overtime rates. The 1997 agreements urged a period of tripartite consultation on the reduction of overtime, but this has not yet taken place.

5. Agreements pay close attention to occupational hazards. However, the profuse collective agreements and state regulations appear to be counterproductive, since between 1996 and 1998 the number of accidents increased by 22 per cent, to a level almost three times that in the rest of Europe, which the trade unions characterize as “scandalous”.⁵¹

6. In the 1998 agreements working time presents a paradox which is difficult to understand. The number of working hours increased slightly in relation to the previous year, a trend which has been under way since 1996. Thus, in 1998 the annual total was 1769.5 hours, or 38.75 hours per week. Eighteen per cent of agreements reduce working time, double the 1995 figure. A total of 369 agreements establish a 35-hour week, above all in the public administration (especially municipalities) and public education, affecting a total of 340,000 workers.⁵² In 1999, agreements offered an annual average of 1763.88 hours, returning to the reductionist trend which had been interrupted in the past few years.⁵³

7. The employers' strategy in increasing the number of hours has consisted in raising wages as the most logical approach. The booming economy enabled employers to increase wages faster than the rate of inflation between 1996 and 1998, making up for the lost purchasing power of 1994 and 1995. Productivity outstripped wages from 1992 to 1996 and equalled them in 1997, but the level fell behind in 1998. Unions attributed this to intensive employment creation.

As regards collective bargaining per se, the 1997 Agreement has had a relative impact. Successes include the Agreement on the Structure of Collective Bargaining for the Metal Industry, which affects 800,000 workers. The criteria for the allocation of subjects suggested by the 1997 Agreement are put into practice: topics reserved solely for state negotiation, subjects for state negotiation with possible further development at lower levels, and topics reserved for the lower

⁵⁰ Union Review No.184/1999, p.24.

⁵¹ Union Review No.184/1999, p.22.

⁵² CCOO, *Collective Bargaining in 1998*, p.40.

⁵³ UGT Confederal Union Action Secretariat, *Quantitative Advance in Collective Bargaining. 1999*, Third Ordinary Confederal Committee, May 1999, p.7.

levels.⁵⁴ There are a number of less important state agreements which have interesting implications for possible restructuring and rationalization of collective bargaining.

c) Intersectoral coordination of agreements

1. Coordination between agreements is usually vertical, i.e. between agreements which are superimposed on each other, given their large numbers at different levels. Both the ET and collective agreements establish criteria for selecting an applicable agreement when two or more coincide. Thus, Article 84 establishes the general rule that the oldest agreement shall prevail, although the 1994 reform established criteria for applying the most specific agreement.

2. However, disputes occur between sectors on the regulation of labour relations, and mechanisms to settle such disputes include the lateral coordination of agreements. It is possible to distinguish two types of mechanism: basic and programmatic.

(i) Basic criteria emanate from both public and private bodies.

- Basic criteria emanating from private bodies include those devised by trade unions themselves. Perhaps owing to the minor importance of trade unions in Spain, the vast majority of workers are grouped in sectoral federations and there is no specific committee empowered to settle “demarcation disputes” between unions or federations belonging to the same confederation. Such problems are resolved on an ad hoc basis by a joint commission of the federations involved or a Commission for the Delimitation of Union Borders. In cases where disputes persist, the issue is passed to the Executive Commission or even the Confederation Committee and, in extreme cases, the Congress. Federation statutes normally define very broad areas which overlap with other parts of the same organization; certain confederations have therefore approved definitions which clarify the negotiating powers of each sectoral federation. However, the struggle between federations appears to be continuing, and one confederation has resorted to the definitions given in the National Classification of Economic Activities (CNAE), which the government drew up for economic and fiscal purposes.⁵⁵
- Public bodies include a large number of official institutions such as the General Vocational Training Council or the National Occupational Health and Safety Commission, to take two examples at random. They also include the trade unions themselves as well as employers’ organizations. Constant debate takes place between the social partners in these organizations, with the indirect result that numerous problems relating to jurisdiction or coordination are resolved. One public agency has the specific task of “offering advisory and consultation services to the parties to collective labour negotiations with a view to the establishment and determination of the areas of operation of the agreements” of a tripartite nature.⁵⁶ This is the National Consultative Commission for Collective Agreements (CCNCC), a tripartite body which conducts quite intensive studies on the collective agreements applicable to a particular sub-sector or enterprise. Thus, for example Record No.540 of 1996 refers to consultation based on the collective agreement applicable to the “the wholesale commercialisation of fish” in the province of Vizcaya; the matter was dealt with in a plenary session on 26 November 1996, where it was laid down that the activity is covered by the “Collective Agreement for the Food Trade in the province of Vizcaya”, BOP of 1 February 1995.⁵⁷

⁵⁴ ETUC, *European Industrial Relations Observatory* 9/1998, p.1.

⁵⁵ The Thirty-Seventh UGT Congress (1998) appointed a working group comprising all the federations with a view to determining union borders from the CNAE referred to. Since an agreement was not reached by the group, the differences of opinion will be resolved by the Confederal Executive Commission in the summer of 2000.

⁵⁶ ET, final provision 2a.

⁵⁷ CCNCC, *The new function of collective bargaining and interconfederal employment agreements*, Madrid 1998, p.340.

- (ii) Programmatic criteria are those referred to in union programme statements, or future projections. Every year the two majority confederations release a joint statement on collective bargaining, and the CEOE employers' confederation responds. The introduction to the 1999 statement by the CCOO and UGT makes employment the central element on which the whole of collective bargaining must continue to be based. The statement has five sections which lay down guidelines for trade unions and affiliated federations:
- improving the quality of employment by strengthening job stability;
 - moving towards the 35-hour week;
 - improving the purchasing power of wages;
 - improving working conditions;
 - strengthening collective bargaining.
- The final section makes the following suggestions:
- (i) establishing new levels of bargaining with government;
 - (ii) rationalizing and updating operational areas, especially in relation to outsourcing production;
 - (iii) extending bargaining to all enterprises of a similar type;
 - (iv) extending the coverage of agreements by including groups subject to individual labour relations;
 - (v) enriching the content of bargaining by including the subjects recommended by the Interconfederate Agreement on Collective Bargaining.

d) *Legal instruments relating to employment, unemployment, redundancy and social security*

Legislation establishes minimum standards similar to those in the other countries of the European Union. We will limit ourselves here to describing the most important features.

1. With regard to employment stability the most important guarantee mechanism consists of the need to justify temporary contracts. Acceptable reasons are limited to: a special task or service; an excess number of orders in an enterprise (maximum duration six months, which may be extended by collective agreements to thirteen and a half months); or the replacement of workers temporarily absent. Training contracts for apprentices and graduates may also be considered temporary; both have a maximum duration. The 1997 Interconfederate Agreement on Employment Stability introduces incentives for employers who convert temporary into permanent contracts, and collective bargaining has also emphasized such conversions.

2. Legislation provides two different forms of protection against unemployment. Generous coverage is offered to those who have paid contributions for a certain number of months. The benefit is 70 per cent of average remuneration for the previous six months, during the first six months of unemployment, and 60 per cent for the remainder of the period of unemployment covered (Article 211 of the General Social Security Law No.1/1994). Following the contributory benefit, an unemployed person may continue to receive protection in the form of unemployment allowance, or non-contributory benefit. This is granted only to specific groups for particular reasons, such as those who have emigrated and returned home, those who have served a prison sentence, those who have recovered from total incapacity, those who have paid contributions for at least six months, or have family responsibilities. The benefit amounts to 75 per cent of the guaranteed minimum wage for a period ranging between three and 30 months. For workers over the age of 52 who qualify for retirement benefit this is extended until they reach retirement age (Article 216 of the above Law). We should point out that there is a high threshold for the receipt of unemployment benefit (one year of previous contributions), which surely explains why only half of all unemployed people receive benefits.

3. Employers cannot dismiss workers without good reason. The justification for terminating a contract must be of an "objective" (economic) or disciplinary nature. In the first case, compensation must be paid, consisting of 20 days' wages for each year of seniority in the

enterprise, up to a maximum of 12 monthly payments. In discipline-related cases, compensation is not paid. Where dismissal is considered unlawful by the courts, compensation consists of 45 days' wages for each year of seniority up to a maximum of 42 monthly payments. "Permanent employment promotion contracts" (including those relating to the conversion of temporary into permanent contracts) give rise to 33 days' compensation per year up to a maximum of 24 months where the dismissal was not justified.

4. The law establishes a fairly comprehensive system of social security protection, covering the contingencies recognized by Regulation (EEC) No. 1408/71 and the European Code of Social Security (1964). Nevertheless, it has been noted that, family allowances leave much to be desired⁵⁸ and non-contributory benefits are "still in their infancy", as pointed out by the group of experts drawing up the *Report on Social Protection in Europe* for the European Union. Pensions account for the most unwieldy portion of the budget, at 9,184 billion pesetas in 1999.⁵⁹ Once again, the Achilles heel of social security coverage lies in the high threshold of contributions required to qualify for certain benefits: at least 15 years for a retirement pension. Health protection is universal and non-contributory, since the State assumes the overall cost (4,392 billion pesetas, 5 per cent of GDP), through taxation.

e) Union participation in active employment policies and other economic and social policies through dialogue with employers and public authorities

1. We have already stated that in 1997 and 1998, the government agreed numerous aspects of its economic policy with trade unions and employers' associations, and that the State Ordinance frequently gives legal form to the context of Interconfederal Agreements concluded previously. The Interconfederal Agreements place horizontal obligations on the government in relation to economic policies of wide-ranging importance.

2. In terms of the influence exerted by unions and employers on state policies, the level of social consultation may be considered as intermediate in Spain. The situation is not the same as in Italy, where parliament approves the enactment of Interconfederal Agreements into law. Nor is it the same as in the European Union where the Treaty of Rome, following the Amsterdam reform, envisages the possibility of supporting European-level agreements with new laws, so that the legislative process may come to a halt when European confederations decide to regulate a labour issue. Neither is the Spanish situation the same as in the United Kingdom with its adversarial model typical of the English-speaking countries.

3. One area where consultation does not appear to be working properly relates to active employment policies. The Employment Plan of the Kingdom of Spain entails the systematic adoption of employment policies driven by EU Directives. Although these Directives encourage consultation with trade unions and employers, the Spanish government has not yet provided any information on the number of jobs created, or on the effectiveness of the Plan. Spain devotes only 0.5 per cent of GDP to active employment policies, while the EU average is 1.1 per cent.

V. Social alliances

1. Characteristics and objectives of allied organizations

Spanish trade unions have been aware from a very early date of the social needs of Spanish workers, and have cooperated with groups devoted to specific types of assistance. Thus, the

⁵⁸ Vives Caballero, "The European Code of Social Security: Comments on its content and ratification by Spain", *Labour Relations* 1995/1, pp.1367ff.

⁵⁹ CCOO Confederal Technical Office, *Spanish economic situation and 1999 State Budgets*, Madrid 1999, p.80.

women's secretariats of trade unions maintain cordial relations with progressive women's federations and participate in joint action. Similarly, they cooperate with disabled people's associations, with the Federation of the Deaf, and with a long list of other non-governmental organizations (NGOs). Minority trade unions maintain closer links with such organizations, since they are aware of their weak membership in relation to other unions and their Congresses reflect the importance of such contacts. For example, in paragraph 6 of its Twelfth Congress the General Confederation of Labour debated the strategy to be followed with other social organizations. As a number of NGOs are subsidized by official bodies, this trade union cooperates only with authentically independent and local organizations, which have sufficient guarantees of autonomy. Moreover, community networks, designed to disseminate and expand the activities of citizens' groups, provide a focus for collaboration with bodies which lack commercial ambitions or are of a sectoral nature.

However, Spanish trade unions appear to be most involved in international cooperation, and large unions have specific organizations responsible for that. In the case of the UGT, for example, the Trade Union Institute for Development Cooperation, ISCOD, is a specialized instrument for the development of union policy as regards development cooperation; UGT devotes 0.7 per cent of members' contributions to this type of activity and operates at national level through campaigns to raise awareness of the problems of developing countries; at international level, it acts through projects and programmes designed to empower grassroots organizations in these countries.⁶⁰ The organizations in question are described in the management report presented by the Confederation's executive commission to the Third Ordinary Confederal Committee in May 1999:

During the year in question we have assumed responsibility for committing our Confederation to human and trade union rights in cases where they have been violated. We have urged the government to take a prominent position in international forums, and in bilateral relations with other governments responsible, directly or indirectly, for such forms of aggression. Together with the ICFTU and organizations protecting human rights, we have conducted denunciation campaigns, especially against events occurring in Algeria, Colombia, Equatorial Guinea, Guatemala and Turkey. In terms of solidarity, we retain our commitment to the Saharai people in its fight for a referendum to determine its future in a just manner.⁶¹

As regards the CCOO, its "Serafin Aliaga" Peace and Solidarity Foundation channels all initiatives and cooperation programmes to supporting class-based and democratic organizations in developing countries.⁶² This appears to be much more limited than the aims of ISCOD, but it plays a unifying role as regards initiatives which, at one time, were very disparate.

Spanish trade unions are active in relation to European alliances, primarily through the European Trade Union Confederation. There is collaboration with Citizens' Europe and Solidarity International, the European Forum of Disabled People, the European Union Migrants' Forum, the Platform of European Social NGOs, the European Anti-Poverty Network (EAPN), the coalition of groups involved in the fight against poverty and social exclusion in the European Union and finally, the European Women's Lobby. Collaboration is not very intensive, but it exists and it does include individual instances of active cooperation. Spanish trade unions also show a keen interest in ecology, the environment and organizations devoted to its protection, as reflected in trade union publications on clean production.⁶³

2. Actions undertaken

⁶⁰ UGT, Resolutions of the Thirty-Seventh Confederal Congress, 1998, p.66.

⁶¹ UGT, *Third Ordinary Confederal Committee*, Madrid 27 May 1999, p.16 of the cyclostyled text. On page 20ff. of the report cited there is a more exhaustive explanation of the activities of ISCOD.

⁶² CCOO, Approved Documents of the Sixth Confederal Congress 1996, p.177.

⁶³ Blount E., "Prevention of pollution and clean industrial production", in Riechmann and Fernández de Buey, *Working without destroying. Workers, trade unions and the environment*, Madrid 1998, pp.167ff.

The major union organizations have established secretariats responsible for social action, women and the environment. On rare occasions, these secretariats are entrusted by the Congresses with objectives to be achieved. The only possible exception is the CGT which, at its Thirteenth Congress in 1996 stated: "In each secretariat of each state body a work programme must be prepared [for coordination of social participation], comprising a team statement, sectoral studies and the inter-related content of the work of all secretariats". The following institutional aims were cited: in the Department of Social Services facilitating information and access to the social resources to which all citizens have access; conducting studies and making complaints, organizing social-problem awareness campaigns; proposing participation programmes for specific groups such as minors, women, young people and prisoners; participating in the prevention of drug addiction; and tackling the problem of AIDS. In the Immigrants Welfare Department, it is necessary to "update the situation and provide specific measures promoting awareness and changes to the law in favour of immigrants' rights. Denunciation of the Law on Aliens should also continue"; it is important to establish the effect of allocated funds, and move from criticism to legislation. In the Labour Orientation Department, information should be provided for occupational training, the search for employment and self-employment; study and monitoring of temporary employment and public enterprises, as well as of INEM. In the Department for the Orientation and Study of Occupational Health and the Environment, information should be supplied on waste recycling; environmental irregularities and pollution of municipal rubbish dumps, purification plants and incinerators should be denounced; and studies promoting the use of alternative forms of energy to electricity should be conducted.

Despite the goodwill shown by trade unions in relation to these subjects, the results achieved so far are rather modest. Consumers' associations and NGOs in Spain have small-scale infrastructures, and trade unions have to devote most of their time to labour issues.

3. *Methods and sustainability of such alliances*

Four approaches to working with other types of social agency may be distinguished according to different trade unions. In increasing order of importance they are:

- (i) communication
- (ii) coordination
- (iii) collaboration
- (iv) cooperation

Communication takes place between trade unions and social organizations but the methods depend on the people and places concerned, without no real cohesion. Thus, activities in 1998 were divided between managing cooperation projects for ACP countries and participating in the organization of North-South forums. Others related to vocational training, participating as organizers in the Global March against Child Labour, and sending food to hurricane victims. Apart from a number of link-up committees, the alliances mentioned above lack mechanisms to sustain and extend their work over a period of time.

VI. *Trade unions and public opinion*

As regards public opinion in relation to trade unions, only one serious survey exists. This was carried out by the Largo Caballero Foundation in 1989, in the form of an opinion poll conducted in

an enterprise with 66,411 UGT union delegates and 700,000 members of the same organization.⁶⁴ The conclusions drawn from the study are summarized below.

The survey attempted to discover why more workers do not join a union (Spain has one of the lowest rates of membership in Europe, behind France and Switzerland.) The responses are divided into two groups, according to whether the motive is attributed to workers themselves or to trade unions. The three most important reasons which are attributed to unions (in order of importance) are:

- (i) Trade unions negotiate on behalf of all workers, irrespective of whether they are members. Collective bargaining in Spain is of a general nature and, if unions and employers hold the representative majority, which is usually the case with the UGT and CCOO, the agreement is applied to all workers and employers, including non-members. Attempts to limit agreements to members have been very rare and the courts have considered them to be discriminatory on a number of occasions.
- (ii) The protection offered by unions is neither effective nor sufficient.
- (iii) Unions are strongly politicised.

The reasons attributed to individual workers are as follows:

- (i) reluctance or apathy;
- (ii) individualism;
- (iii) fear of reprisals;
- (iv) lack of interest in improving conditions;
- (v) selfishness.

These data are from a survey of members from only one trade union.⁶⁵ Another survey of non-members gives a different picture:

- (i) unrepresentative trade unions;
- (ii) agreements are signed on the fringes of the workforce;
- (iii) subordination to the government or parties;
- (iv) class consciousness;
- (v) tending towards disputes, non-constructive;
- (vi) membership offers no benefits;
- (vii) they are in deadlock;
- (viii) they are dull and obscure;
- (ix) there is no structure or service;
- (x) they are not realistic.

As the above report states, non-members feel that unionism is not essential and, if this attitude becomes more common, it will become true. The belief that unions are pointless is becoming more common as fixed-term workers tend to feel protected by the enterprise for which they work and lose interest in unions, while the unemployed become alienated from unions and vice versa. However, short-term and temporary workers could join in large numbers if their fears were allayed.⁶⁶

1. Trade unions and women

⁶⁴ *Profile, attitudes and demands of UGT delegates and members*, Madrid 1989, cyclostyled.

⁶⁵ UGT, *Profile, attitudes and demands ...op. cit., pp.170 and 171.*

⁶⁶ UGT, *Profile ...op. cit., pp.371ff.*

It has not been possible to find any surveys on the subject of trade unions and women. We can only mention again the resolutions of union Congresses on the need for greater female participation. Unions continue to have a minority of women in their ranks, and few women leaders. The accusation of machismo, however, does not appear to have spread, nor does it appear to be a common opinion among women workers. Furthermore, union duties are frequently carried out by women members in enterprises where the workforce is predominantly female, but there are other sectors where the number of men and women is more equal, such as the health services.

2. Trade unions and young workers

There are few reliable surveys on the attitudes of young workers who are not union members. A survey carried out among large enterprises in Madrid, of employees under the age of 30 with average or higher qualifications, found that they considered unions irrelevant in that they were for manual workers. For them, individualism serves the cause of achievement and promotion, and is held in higher esteem, while unionism stirs up opposition. Consequently, unionism is seen as unrepresentative of the will of workers: "In the case of my enterprise", says one respondent, "the workers' collective does not feel that it is represented at all by the unions and, moreover, their image of a union representative is of someone who has sold out to employers."⁶⁷ The view of employers also varies since, above all, they cease to be negotiating partners, but are seen as new weapons in their domination of workers, more subtle and seeking more the identification of employees with an enterprise. A novel term has begun to be used by young people, that of "self-exploitation." "The simple fact of having a fixed-term contract" – says one – "leads to exploitation, and even I would say to self-exploitation. I believe that we do more than we are asked and we are already asked to do more than we should be".

3. Changing styles and qualities of trade union leaders

Ninety per cent of union leaders are men and ten per cent are women, between the ages of 30 and 39 (40 per cent of leaders) and between 40 and 49 (31 per cent). Eighty-eight per cent of male leaders are married, as opposed to 61 per cent of female leaders; one-third of women union leaders are single, and 4 per cent are divorced. The majority have only a school-leaving certificate (38 per cent), 11 per cent have no education, 9 per cent have average or higher education. These figures relate to the end of the 1980s, and they have certainly changed completely, as education and training for workers is spreading fast.

Forty-one per cent of UGT delegates are in workplaces with between 6 and 30 employees. However, the next largest trade union, the CCOO, prevails in large enterprises.⁶⁸ Union leaders generally have seniority, more than 15 years service for 29 per cent of delegates and around 15 years for 30 per cent. No less than 93 per cent of delegates have a fixed-term contract, as opposed to 5 per cent with temporary contracts ("discontinuous fixed-term contracts"), and 2 per cent are casual workers. The fear of redundancy is strong, and some of the workers who stand for election as representatives in crisis enterprises do so in order to protect their job, as under Spanish law delegates are the last to be dismissed in the case of collective redundancies.

Finally, 55 per cent of leaders are skilled workers, 7 per cent are technicians and 10 per cent are unskilled workers. Their rewards are on the whole modest, although it should be pointed out that they generally own their homes (71 per cent, as opposed to 16 per cent who rent

⁶⁷ Vargas M., "Values and attitudes of UGT delegates and young wage-earners in Madrid towards trade unions", see UGT, *Profile ...op. cit.*, pp. 405-409.

⁶⁸ Thus, in the 1990 enterprise staff representative elections the CCOO gained two points more than the UGT in enterprises of between 101 and 250 workers, and two points more in those with between 251 and 500 workers; the CCOO was also more widely represented, albeit by fewer points, in larger-scale enterprises: Ministry of Labour, *1990 Union Elections*, Vol.I, Madrid 1992, p.207. According to this publication, the UGT has 41.7 per cent of delegates and the CCOO 36.5 per cent in enterprises with between 6 and 30 workers.

accommodation, and 7 per cent who have a second home). Seventy-three per cent consider themselves to be middle class and 26 per cent working class.

VII. The future of trade unions in Spain

It is appropriate here to summarize the changes which are taking place in regard to labour and union matters. Spain is experiencing a strong process of globalisation, above all as a result of membership in the European Union. The country is affected more and more by decisions adopted in Brussels, for which reason the European trade union option is tending to increase in popularity. The process of mediation appears to have been fully assimilated by the trade unions, since the Federation of Public Services is the most numerous in the UGT and CCOO. By contrast, post-modernism with its effects on small enterprises, enterprise networks, independent work and teleworking appears to be a major challenge which has not yet been met by the country's unions. Many people share the opinion that trade unionism is the product of large manufacturing areas, giving rise to solidarity among manual workers, although the world of today, which is ever freer and more diverse, will see the end of such organizations. In our opinion, the fragmented market is only an optical illusion of a moment of transition, since it immediately gave rise to enterprise groups and networks designed to coordinate the activities of employers in large areas. One example may be the computer industry where only a few huge concerns remain, which share the world market and manufacture goods with the cooperation of hundreds of small specialized industries. In these new areas, workers require a kind of computerized and informed unionism, with international cohesion, in order to protect themselves in the new varied types of employment. Employers adopt both contractual (groups) and associated (networks) forms, and cannot easily be located by their negotiating partners, so that collective bargaining must surely be modified. It is necessary to penetrate changing employer structures, as well as collegiate decision-making bodies, probably with the assistance of legislation being introduced on this subject in the European Union.

What has been the response of unions to these changes? The change had to be adopted at the same time as the move to a democratic society was taking place in Spain. Given the small number of managers, who were poorly trained and also exhausted by the daily task of establishing trade unions on a membership basis, the so-called transition showed a strong trade union influence in all its aspects. Workers' organizations did not renounce their right to express an opinion and mediate on the major economic and social issues affecting their members, following the example of other countries.

The challenges faced by Spanish trade unionism in the past few decades include both common and specific elements in relation to challenges in other countries. The brake on the market economy system disappeared with the collapse of communism in 1989 and the empire of power and rivalry is taking possession of the labour market more strongly than ever. There is only weak opposition from socialist and social democrat political parties, which share in the so-called unique or politically correct way of thinking. In the circumstances, the function of trade unions to perfect the ideal of freedom, equality and fraternity, is being strengthened in enterprises and must also be exercised in other areas, in conjunction with the organizations concerned. The defence of democracy, solidarity, human rights and freedom must be conducted on three levels: in enterprises, in national society and in the international arena. It is essential to support Third World countries so that the philosophy of the market does not pit workers from developed countries against those from developing countries.

The particular challenges of Spanish trade unionism are not really a question of fighting the reductionist trends in pensions or privatisation. These problems are common to all European countries. Possibly the most significant problem lies in the tendency of autonomous communities to break up, leading to the creation of an independent industrial relations framework, to which we have repeatedly referred. Evading the centrifugal impulse through some kind of regional link and coordinating individual experience without impeding common action is a challenge which Spanish trade unions are not yet prepared to meet.

