

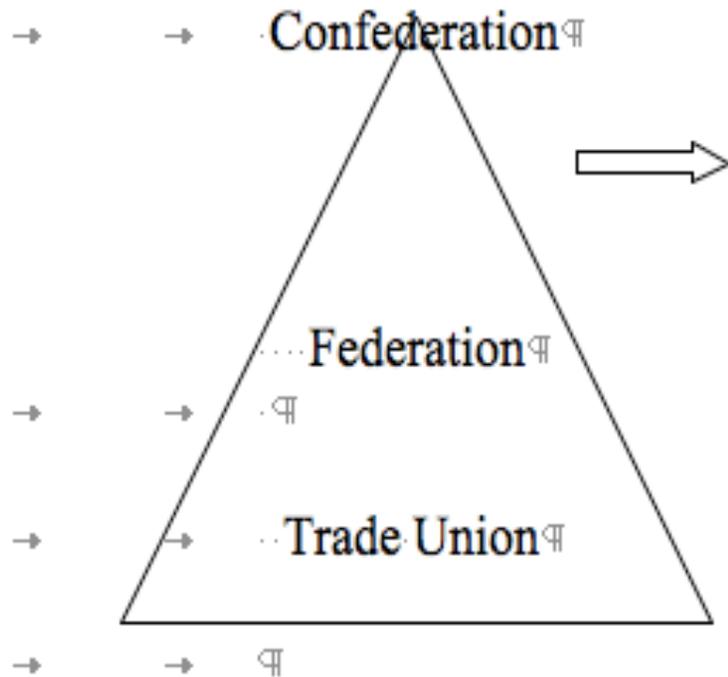
The Freedom of Association in Brazil:
Where Did It Come From, What Did
it Change, and Where Will It Lead?

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Is Freedom of Association protected in Brazil?

- (i) mandatory representation by a single, legally recognized, union (*unicity* rule);
- (ii) the organization of unions around occupational categories;
- (iii) compulsory dues payment.

How unicidade works:



Representation Constraint: only one trade union, one federation and one confederation for economic and occupational category.

Territorial Constraint: only one trade union per municipal district; only one federation per state; only one confederation at the national level.

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Labor relations system characterized by:

- No election for the representative trade union
- lack of dialogue,
- reciprocal distrust,
- promotion of individual court conflicts,
- presence of intermediary actors (lawyers, judges, labor inspectors) replacing the trade unions in their natural functions,
- limited space for collective bargain.

Why the Brazilian system has not changed?

Reform trap: situation in which an earlier reform creates an interest group that will resist changes or improvements of the system down the road, blocking future reforms.

Trade unions themselves are the main beneficiaries of the system, and they are the ones creating most obstacles to reforms.

Even though there were windows of opportunities to changes, the trade union reform did not happen.

Is it possible to reform the trade union system
in Brazil?

How any possible reform to guarantee freedom of association could be implemented in the system?

- Demand Side of Reforms: groups that could be potentially requesting changes.
- Encite workers who are not engaged in the trade union system to actively pursue a better system of representation
- Role of Outsiders (For ex. ILO) &
- Role of Insiders: promote collective bargain & labour courts

Supply Side of Reforms

- Supply Side of Reforms: the potentially willingness to promote reforms
- Avoid appointing people who are connected to trade unions for the government
- Design a reform considering the Brazilian context and limits

Piecemeal Reforms

- To implement reforms during “normal times” through gradual changes
- Corporatist system cannot be replaced immediately by a freedom of association system: transitional period
- No “one size fits all” trade union model concerning freedom of association: experimentation and trial and error.