Representation and mediation in the labor world in Latin America: actors, resources and strategies

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Introduction

• The discussion about the crisis of union representation took place in the 90s in Anglo-American countries
• Today, there is a declining global tendency of trade union’s power and a sharp decline in union density rate and strikes
• A transition towards a new model of unionism (still small and embryonic)
• The final balance: union representation remains as the main source of workers’ representation
The case of Mexico, Central America and Chile

• The lost the political prominence and weakness of unions
• There are more opportunities for the emergence of new labor rights defenders (mainly NGOs)
• Why? The way those countries joined the global economy
• Relevance of this issue in Latin America
Objectives

• **Argument:** despite the fact that in the past, trade unions had a monopoly on the formal representation of workers’ interests, this kind of mediation has gradually lost its strength in a context of neoliberalism and the global economy. In order to survive it has had to renew its resources of power, capabilities and strategies.

• **The theoretical framework:** Pitkin’s model of political representation (1967) and Schmitter’s (1992) distinction between representation and mediation in the arena of work.
The meaning of representation (Pitkin)

• “A making present again” (…) “The making present *in some sense* of something which is nevertheless not present literally or in fact” (Pitkin, 1985:8)

• Three interpretative models (Sartori, 1992):
  1. mandate or delegation, to obey instructions (legal)
  2. representativeness or likeness, does not depend on the will of the people (sociology)
  3. Responsiveness - implies to act in the best interest of the represented workers
5 dimensions of Representation (Pitkin)

Formalistic views of representation
D1. Authorization view: "occurs whenever one person is authorized to act in place of others" (p.42) “the crucial criterion becomes elections” (p.43)
D2. Accountability view: “a representative is someone who is to be held to account, who will have to answer to another for what he does” (p.55)

Descriptive representation
D3:”in which a person or thing stands for others by being sufficiently like them”(p.80) “ (Representativeness)

Symbolic representation
D4:”to say that a symbol represents is to suggest a precise correspondence, a simple reference o substitution, and perhaps the existence of a whole series of further correspondences of which this one is but a single instance”(p.98)

Political representation
D5: “acting in the interest of the represented, in a manner responsive to them”

The ideal of Representation: to fulfill all the dimensions at the same time
The difference between Representation and Mediation (*Schmitter*)

- **Corporativism**: a system of interest representation
- **Mediation** does not imply necessarily representation, it is only one of the organization’s activities. Its main function is the articulation between interests within an *institutionalized framework for creating public policies*.
- **Representation**: is more restricted and specific, means a loyal and accurate transmission of demands and preferences of the represented workers. It is the main function of the representative.
Representation

• A faithful and accurate transmission of the demands and preferences of those represented, a statistical meaning (resemblance) and the main function of the representative

• Implies a substantive and descriptive dimension of representation of Pitkin’s model.

• Suggests a more restricted and specific idea than mediation
What is the present situation?

- **Weakening** of formal (traditional) union representation
- Union corporativism: representation is not entirely accomplished
- Formal dimension of representation (elections) does not guarantee other dimensions of representation
- “Employer protection contracts” lead to the inversion of the representation role (ie, sweetheart contracts)
- New actors (NGOs for labor human rights) that mediate between workers and employers (satisfy the formal representation)
DIVERSITY AND INNOVATION CONCERNING REPRESENTATION AND MEDIATION IN THE LABOR WORLD
Unions and NGO’s supporting labor human rights

• Unions: have to accomplish the formal dimension of representation
• NGO’s: do not represent workers but mediate to defend human labor rights or to support unions. Fundamental role when unions do not or can not represent.

“We seek to provide technical training and to open spaces of dialogue with government and companies to persuade them, with legal actions or public policies. The key position in mediation with the government is supporting the union, without harming the union’s interest” [Guillermo Correa, ENSC Colombia]

“Our work as an organization consists of promoting and defending workers rights, and to mediate between major brands of clothing and workers” [Linda Yanz, RSM Canada]
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<th><strong>Representation</strong></th>
<th><strong>Mediation</strong></th>
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| **character** | - Formal (authorization) by election (direct or indirect) and recognized by the authority and law  
- Compulsory accountability  
- Its command is mandatory  
| - Informal (absence of authorization)  
- More space for autonomy  
- Lack of specific mandate  
- Its command is not compulsory  
- Under the rule of civil law or international norms |
| **Resources of power** | - Institutionalized: collective bargaining, strike, union shop clauses, being a member of the Congress  
- Material: workers dues  
| - Not institutionalized: media, public image, international prestige  
Material: private funds (donors or Foundations) and public funds (Governments and International Organizations)  
- Global: density of networks to which they belong to |
| **Capabilities** | - Collective bargaining and mandatory agreements  
- Strike as a source of power  
- Coordination with other Unions  
| - Present complaints  
- Transnational mobilization  
- Lobbying  
- Knowledge  
- Training union leaders  
- Formation of new labor agendas |
| **Strategies** | - Defensive vs Proactive strategy  
- Combative vs Cooperative strategy:  
- Strategic alliances with NGO’s and Labor Movements  
| More innovation:  
- Local and transnational campaigns (Nike, Zara)  
- Cross-border alliances |
| **Actors** | Trade Unions  
| NGO’s supporting Labor Human Rights |
A proposal of typology in the arena of work

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<tr>
<th>Type and Examples</th>
<th>The Ideal of Representation</th>
<th>Formal and substantive Representation</th>
<th>Bad (adverse) representation</th>
<th>To simulate Representation</th>
<th>Substantive Intermediation (NGO)</th>
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</thead>
<tbody>
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TYPE 1. The ideal of Representation

- Union democracy, with direct worker participation or through representatives
- Deliberation, with an intense and vibrant political participation (dissident groups)
- Descriptive representation, with similar standard of living
- Substantive representation: reduced for future workers due to restructuration
- Accountability of unions leaders
- Symbolic representation (identity)
TYPE 2. Formal and substantive representation

• Microcorporativism arrangements under the economic model of import substitution (before 80s)
• Unions that control strategic public enterprises (CFE, IMSS, PEMEX, SNTE)
• Control of labour conflicts, strikes, governability
• Leaders obtain advantages for their members (substantive representation)
TYPE 3. Bad (adverse) representation

• Takes place in the adverse contexts of neoliberalism and globalization, under an open economy model (after 80s)

• Absence of innovation and huge distance between the interest of leaders and workers

• Leaders obtain privileges and in return, they support public and private policies that are unfavorable for the workers interests
TYPE 4. Simulated representation

• Unions created by employers, or otherwise artificial, with protection contracts that favour employers’ interest.
• Actions to block the emergence of real unions
• Repression of independent unionism
• They accomplish with a formal (legal) simulation of representation
TYPE 5. Mediation takes the place of union representation or supports it

- The advocacy of labor human rights is made by NGO’s who take the place of, or reinforce, the union’s activity
- Mainly when there is an adverse institutional context
- Includes the solidarity-led strategy: a combined pressure of national and international activism over certain cross-border companies (Nike) and local governments (Bensusán y Tilly, 2010)
Conclusions

• The inadequacy of the previous sources of power to defend labor rights

• The emergence of new actors, replacing, supporting, sharing and sometimes coming into conflict with traditional union representation

• The lack of effective worker representation signifies a serious setback in terms of citizenship rights and a danger for the future of capitalism and democracy.