Spanish unions, “left” parties facilitate anti-worker reform of collective bargaining

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According to an Internet survey carried out by *La Vanguardia*, 78 percent of Spaniards oppose the reform of collective bargaining laws agreed last week by the Spanish Congress.

The reform’s passage followed the pattern set over the last year by the reforms of the labour laws and of pensions, and the “social pact” agreement.

First, the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) government calls together the “social partners”—the main trade unions, the Communist Party-aligned Workers Commissions (Comisiones Obreras, CC.OO) and the General Union of Workers (Union General de los Trabajadores, U.G.T), and the main business organisation, the Spanish Confederation of Employers’ Organisations (Confederación Española de Organizaciones Empresariales, CEOE)—to negotiate. All agree that Spain is in a crisis and something needs to be done. The unions then agree to the cuts demanded, as long as the employers also make “sacrifices”.

Second, after a period of extended haggling, the government sets a deadline. If, by that date, there is no agreement, it acts unilaterally and publishes a draft law—claiming, of course, that it has taken into account the proposals of the trade unions and the CEOE. Both these organisations blame each other for failing to agree and then express their discontent with the draft law. The trade unions proclaim that they are an “attack on workers’ rights”, while the CEOE complains that the measures do not go far enough.

The third stage occurs after the deadline passes: the government then imposes a law, thanks to the direct support or abstention of the right-wing nationalist parties of the Catalan Convergence and Union party (Convèrgencia I Unió, CiU) and the Basque Nationalist Party (Partido Nacionalista Vasco, PNV). Meanwhile, the right-wing Popular Party (PP) votes against the law for not being harsh enough.

Thus, for four months, the main trade unions and the CEOE negotiated over reforms of the collective bargaining laws. When the deadline finally arrived and there was no agreement, the government duly intervened. On June 10, the Council of Ministers agreed on the draft reform, and on June 22, Congress voted 169 in favour and 159 against. The only votes in favour came from PSOE deputies. The 20 abstentions from the CiU and PNV allowed the law to pass.

In Spain, collective bargaining can be national, sectoral—i.e., within industries like metallurgy, mining, the hotel industry, etc.—regional, or within an individual firm. But up to 70 percent of workers currently have their terms and conditions determined by agreements at national level.

The reforms are aimed at “increasing competition”—i.e., introducing a downward spiral of lower wages and increased flexibility, by breaking up national agreements and devolving collective bargaining down to company level.

Most importantly, a new law of mediation to resolve labour disputes virtually ends the right to strike.

The reforms give greater importance to joint commissions between trade unions and employers to monitor and resolve disputes. They are a means for the further strengthening of the unions as arms of management.

A failure to reach a new agreement within the time established by the law will mean a dispute will have to be submitted to a binding arbitration process by a third party. The time limit when such negotiations are mandatory is an extraordinary 8 months to reach agreements that then last two years, and 14 months for agreements that last longer. Currently, expired contracts are valid indefinitely, until they are replaced by a new one—termed the “ultraactividad”.

From now on, the agreements reached between the unions and the employers in a business will take precedence over those at regional or national level, and they will be able to modify basic questions such as salaries, working hours, methods of recruitment and measures that benefit family life.

The reforms also include an "escape clause" that allows businesses that claim they are going through "changes or through difficult situations" to transfer workers to other sites and modify working hours, duties and salaries. Five percent of a worker's annual working hours may be redistributed in line with the production needs of the company. Thus, workers who previously might have faced dismissal will now have the "option" of accepting lower salaries and worse conditions.

Both the reforms and the actions of the PSOE government have been defended by Ignacio Fernández Toxo, CC.OO general secretary and recently elected president of the European Trade Union Confederation (ETUC). Toxo declared that the intervention of the government "had a justification" after the negotiations and that the draft proposed by the government was "a compilation of what had been the basis for an agreement". "Sincerely, I think that elements are there [in the draft], at least it does not affect the ultraactividad," Toxo added.

Toxo says the PSOE is simply bowing to "blackmail" from the employers rather than actively carrying out the dictates of the bourgeoisie. He warned that the government's loss of support, shown by the PSOE's recent disastrous regional election results, was "putting a blue carpet as a gateway to let the right wing into Moncloa [the prime minister's residence]."

"It is time that the PSOE put a fist on the table," he added.

In response to the reforms, the CCOO says it will "develop throughout the month of July a comprehensive campaign to explain the contents of the agreement" and that it "did not rule out any action."

The unions have launched a petition to collect 1 million signatures in order to present a legislative "initiative" to Congress demanding it guarantee "stable employment with rights of workers". This petition, which is not binding under the Spanish Constitution, is supposed to put pressure on the PSOE.

Speaking at a recent ETUC function, Toxo was asked by a reporter, "What concrete policies can you offer to workers to get us out of this crisis?" He said it was to combine "the adoption of collective negotiation to try to combine moderate wage growth with the defence of jobs" with "strategies to improve the competitiveness of countries and the productivity of each enterprise"—the very argument utilised to justify the attack on workers' rights.

ETUC General Secretary Bernadette Segol explained, "We're not opposed to government measures to balance their books, but we are opposed to adjustments falling solely on wage-earners and workers."

This is the nub of the unions' cynical complaints—they are delivering their side of the bargain in betraying their members, but the employers are not. The fact is the employers have made it clear that they are determined not to make any "sacrifices" and, emboldened by the unions' collaboration, are demanding that governments impose the full weight of the crisis on the working class through ever greater austerity measures. Spanish employers are already calling the recent reforms "minor" and demanding more.

The unions are not the "representatives of the working class," as they are routinely described by the media and the government. On the contrary, formally they only organise 15 percent of the workforce. This position is then used in order to police their own members on behalf of government and corporate management, while they sign off on measures that impact negatively on the entire working class and help suppress social and political opposition.

For this service, they are granted heavy subsidies by the state and the regional governments. In 2009 alone, the CC.OO and UGT received €96 million each.

The unions even benefit from each redundancy they agree to. According to *El Economista*, "The economic crisis has become a very important source of finance for the main trade union. Through their legal consultants, they receive a percentage of the compensation that each worker receives for being forcefully sacked through an Expediente de Regulacion de Empleo (ERE) [regulations allowing companies to suspend workers]. According to data to which El Economista had access, the CC.OO and UGT can gain from 5 to 10 percent of each redundancy payment."