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**TRADE UNIONS AND  
INDUSTRIAL RELATIONS IN  
SPAIN (1975 - 94):  
FROM OLD TO NEW  
PRACTICES**

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# **TRADE UNIONS AND INDUSTRIAL RELATIONS IN SPAIN (1975-94)**

**Manuel Perez Yruela**

## ***Abstract***

*This paper represents an attempt to understand the evolution of the industrial relations system in Spain, and the roles unions have played in it. It is divided into four parts: The first gives a broad outline of the structure of the union movement, its organisational characteristics and its main strategies. The second analyses the history of the relationships between employers' organisations, trade unions and the state. It concentrates especially on the history of social pacts, which constitute a very important aspect of industrial relations practices during this period. The third section examines the history of industrial relations legislation, and its reception by the unions. In the final part, some conclusions are put forward.*

## **I. Introduction**

The title of the paper, "Trade Unions and Industrial Relations in Spain (1975-94)", seeks to indicate its intention to explain the evolution of the industrial relations system in Spain and the role unions have played in it. To understand this process, it must be said in advance that although the most important reforms of the industrial relations system have been passed very recently, just last year, but the first steps in this direction were taken almost ten years ago.

From the outset of Spanish negotiations with the European Community, in the early 80`s, it was clear that the Spanish economy had to solve many problems in order to converge with other countries, mainly the larger ones. One of these problems was the rigidity of the industrial relations system, which was seen as an obstacle to improving economic results. Nevertheless, this problem could not be tackled directly at the time because of political difficulties. It must be remembered that from 1975 to 1984, the Spanish situation was dominated by the problems of the political transition from dictatorship to democracy. This included a number of problems, the most important among them being the consolidation of political parties, trade unions and employers' organisations, and the consolidation of the political institutions and practices of a modern democracy.

It took many years to solve these problems took many years and all were subordinated to the solution of the political ones. The reason why the industrial relations system was handled very cautiously, in those years is because the recognition of trade unions was more important than the reform of the labour market.

With the economic boom that Spain enjoyed from 1985 to 1990, it was thought that our convergence with Europe was not going to be problematic. However, since the start of the recession in 1991 we have been confronted with a much harsher reality. If we do not make serious efforts, it will be difficult to comply with the convergence criteria, namely:

	<b>Criteria</b>	<b>Spain</b>
<b>Inflation</b>	3.4	4.7
<b>Interest Rate</b>	9.5	10.2
<b>Public Deficit</b>	3.0	5.5*
<b>Public Debt</b>	60.0	55.0

\*(7.0 IN 1993)

This situation has forced the government to take appropriate measures to reduce the gap between the requirements and the actual situation. One of these has been to reform the industrial relations system. It is also making drastic cuts in the state budget in order to reduce the deficit. In 1994 the government cut some 500.000 million pesetas and it has announced a similar cut for 1995.

It is in this context that the changes in the industrial relations system must be understood. Nevertheless, to facilitate the comprehension of all the problems connected with it, I have introduced in the paper other issues related to the trade union movement and the recent history of industrial relations.

The paper is divided into four parts. In the first part, I will draw a broad picture of the structure of the union movement, its organizational characteristics and its

main strategies. In the second, I will analyse the history of the relationships between employers' organizations, the trade unions and the State, that is to say, the history of social pacts, which constitute a very important aspect of industrial relations practices during this period. In the third, I will explain the evolution of the industrial relations legislation and how it has been received by the unions. In the fourth and last part, I will put forward some conclusions.

## **II. The Trade Union Movement**

The Trade Union movement in Spain is dominated mainly by two organizations: the UGT (Workers' General Union) CCOO (Workers' Commissions), two organizations that have since 1975 (the final year of the Franco dictatorship), come to represent the majority of the working class. Since the start of the transition, the two unions have between them obtained more than 75% of the workers' representatives elected in the whole country. Besides these two main unions there are also other less important unions (regional unions, enterprise-unions), I will refer here only to the first two.

I should like to mention some of the most relevant historical aspects of these two organizations. The UGT was created at the end of the XIX century in the context of the incipient uprising of the Spanish working class. From its birth, the UGT has maintained a close and traditional relationship with the PSOE (the Spanish Socialist Workers Party), founded by the same group of militants. During Francoism the UGT, due to repression, was reduced to a group of leaders in exile with no power to act as a trade union movement within the country.

Nevertheless, during the 60`s, UGT recruited some groups of new members who on an underground basis started acting within the workers social movements. The UGT trade union leaders in exile did not return to Spain until 1972. In the last years of Franco`s regime UGT started to rebuild its organization and introduce itself into the work places. In doing so, UGT rejected and opposed the strategy of collaborating, using or taking advantage of the existing union structure set up by Francoism in the 40`s.

CCOO was born during the final years of the Franco period. Its origin is associated with the evolution of the industrial relations legislation of Francoism and with the reactions of workers to it. From 1947, the "Jurados de Empresa" (company or enterprise committees) were established as the "sui generis" form of workers representation with little freedom to act independently, because they were under the control of the Ministry for Union Organization and Action. The Law of Collective Bargaining, passed in 1958, made it possible to negotiate on general wage agreements at shop level. In order to organize workers' participation in this new collective bargaining scheme, workers had to create a new form of representation. They created the shop-floor workers' committees ("comités de base") in work places. These committees were dissolved after each negotiating exercise. Their existence was not legally recognized, but the authorities permitted them to act in order to facilitate collective bargaining. From 1962, these "committees" had a more stable and organized base. Furthermore, at the beginning they were made up of members of UGT, those groups of new members mentioned above, members of a new Catholic trade union (USO), and the Communist Party. The Communist Party members were in favour of infiltrating the "Jurados de Empresa" in opposition to the other members who

preferred to create an alternative organizational structure. The PCE members managed to gain control of these "committees", which became the proto-organization of CCOO. Although it was declared illegal in 1968, it was able to maintain and increase its influence during the final years of the dictatorship, expanding its activities to wherever collective bargaining was possible, mainly large industries. To adapt to the repressive conditions of those times it adopted a type of semi-assembly organization with a small stable party machine. It developed as a radical socio-political movement including all branches from the left: from Social Christians to pro-Communists, and even today, though to a lesser extent, it maintains its aim to be more than just a trade union. CCOO finally decided to convert itself into a trade union in 1976. In contrast to this, UGT represents a more institutionalized model.

A look at their historical origins reveals the most important differences and conflicts between the two unions, which have largely hindered the process of unification. The first relevant difference or conflict relates to the important question of union pluralism. During the early years of the political transition, 1975-78, CCOO defended the need to create a single trade union to substitute the official Francoist trade union. Their leaders believed they could gain control of this new organization. This belief was based on the qualities of the union's most important leaders. They were a group of politically recognised activists who were legitimised as a result of their efforts in bringing about democracy and fighting dictatorship in Spain. They put forward the proposal to hold a "Constituent Union Congress" to create this single union. This proposal was rejected by the UGT and other small unions. CCOO made other attempts in the same direction that also failed. Despite the failure of the organic unity project, during its first congress,

CCOO continued to press for joint action, as a step towards trade union unification. In contrast, during the first congress of UGT, emphasis was placed on the need for plural trade unionism that represented the various interests and ideologies of the Spanish workers. UGT agreed to unity of action only under certain circumstances. These disagreements were the causes of confrontations between unions, that existed until 1988. From that year onwards they agreed to develop a specific plan of joint action that is still in progress.

The second significant difference concerns the model of organizational structure to be set up at plant or enterprise level for the representation of workers interests. UGT and CCOO have been involved in heated disputes about this.

The Workers' Statute passed in 1980 incorporated a legal development that regulated the representation of workers in industry. This regulation was completed in 1985, when the Law of Trade Union Freedom (LOLS) was passed. It established two levels of representation of workers' interests in industry or work centres: first, the Enterprise Committee, elected by all the workers whether members of a union or not; second, the Trade Union Section, which represents the members of a union within a given industry. CCOO has always maintained that the Enterprise Committee should be the only legitimate body of workers representation within industries. UGT has defended the position that the Union Section is the most appropriate structure to represent and negotiate the workers interests. Although differences over this have lessened considerably, it still lends itself to producing different points of view concerning trade union strategies.

The third difference relates to the electoral processes for workers' representatives. Elections have been held in 1980, 1982, 1986, 1990 and 1994/95. These processes are regulated by both the Workers' Statute Law and the Trade Union Freedom Law. The latter established the conditions for unions to obtain the statute of "most representative". This means to obtain legally recognized negotiating power at sectorial, regional and national level and other prerogatives. The statute of "most representative union" is assigned to those unions which get more than 10 percent of elected delegates at national level or 15 percent at regional level for those acting only as regional unions. Moreover, the number of representatives of a union in different counselling bodies of state organs (Social Security, INEM, etc.) and the funds they can receive from the state budget, are assigned to each one on the basis of the number of delegates each has obtained in the elections. Therefore, the fights to win the largest number of delegates are very intense, frequently appealing to the labour legislature in order to solve conflicts between the two trade unions on electoral results.

### ***II.1. Organizational Structure***

Broadly speaking, both trade unions share the same type of organization and structure, which reflects their regional and sectorial level of organisation.

## Confederal Executive Committee

Territorial Structure	Sectorial Structure	Top Decision Making Bodies
Local Union	Trade Union Section	Confederal Congress
Country/Provincial Union	(enterprise)	Confederal Committee
Regional Union	Country/Provincial	Executive Commission
	federation (“)	
	Regional Federation	

In this organizational structure, common to both trade unions, there are some differences that need to be mentioned. The different regional organisations of the CCOO have greater independence and their own legal identity. The most relevant example is the CCOO of Catalonia(CONC). This decentralization of CCOO has some effects that interfere with union action. Since 1988, following the agreement for united action, the Basque section of the CCOO, has had different criteria to those of UGT of that region and, on its own account, has followed a policy of united action with the nationalist trade union ELA-STV. The organic structure of UGT is more centralized. The centralization-decentralization issue continually crops up in trade union arguments at a time when the different Spanish regions are becoming more and more autonomous. It is not a closed matter. It is already acquiring renewed importance, especially with the changes in the structure of industry which require new forms of sectorial organization, and with the ending of process of the transfer of powers to the regions.

## *II.2. Membership*

Traditionally, it has been difficult to know exactly the number of workers affiliated to each trade union and, for quite some time, the figures the trade unions have published have not inspired confidence. These have always been considered exaggerated when compared with the figures obtained from results of research on these matters.

A number of reasons have mitigated against the possibility of increasing information on the number of members: the refusal of enterprises, until recently, to deduct the union subscription from pay; the fears of temporary workers to declare their support; the unions' shortage of technical and human resources to carry out this type of task.

Despite this, in recent years, the UGT has increased the publication of its data and currently claims to have eight hundred thousand paying members, of which for the moment we can only know their regional and branch allocation. CCOO is even less equipped in respect of human resources than the UGT to provide data and to draw up information. In addition, co-ordination of data is difficult due to greater decentralization and autonomy within the CCOO.

To illustrate some of the most relevant characteristics of trade union affiliation in Spain, I will use the results of an opinion poll relating to class structure, class consciousness and social mobility, carried out in 1990. According to this survey the affiliation rate is 14% of potential members, and the "union density" rate is 12 % of salaried workers. These rates are among the lowest in Europe. It attributed

a similar number of supporters to the UGT and the CCOO: around 800.000 members each. The salient features of the supporters of the two trade unions are as follows:

- a) In general, both trade unions have the greatest amount of support in the larger centres and in the industrial sector.
- b) The UGT however, has a larger number of female supporters, administrative employees and services sector employees (hotels, commerce, transport, security, industrial services).
- c) In terms of the professional categories, UGT also has the largest proportion of support among medium level management and white collar workers in general. The UGT also has more support from part-time workers than the CCOO. CCOO however, has obtained the greatest amount of support from the public sector, from the traditional industrial sectors and among qualified blue collar workers.

According to this survey the two variables with greater influence on the rate of affiliation are seniority and size of enterprise. Affiliation is higher for those who have held their posts for longer time, mainly more than ten years, and for those working in enterprises with more than 250 employees. As regards to sex differences, women account for some 25 % of affiliation and men for 75 %.

The social influence of trade unions is wider than can be expected from the level of affiliation. Some facts account for this. The participation of workers in union elections for representatives goes up to nearly 75 % and the majority of them support with their votes the candidacies either of UGT or CCOO. At the same

time, according to this survey, 30% of workers declared that they had participated in strikes or similar actions called out by unions. This means that despite the low level of affiliation, the capacity of unions to mobilize the working population is not as low. This apparent contradiction can be understood if the concept of "sympathy" or "sympathy towards union" is introduced into the analysis. The survey shows that around 30 % of workers were union sympathisers, though they were not affiliated. The variable that most influences sympathy is "ideology". More than 50 % of interviewees who identified themselves with leftist political positions, were union sympathisers. Moreover, sympathy is the variable that has most influence in the mobilization of workers, even more than affiliation.

To finish this point I will mention the reasons that have been put forward to explain this situation of low affiliation: 1) the small size of Spanish enterprises (in 1992, the percentage of workers in enterprises with less than 50 employees was almost 40 %; in those with less than 6, where representatives cannot be elected was 21 %); 2) the existing high level of unemployment and temporary workers and the fear of job loss; 3) the increasing diversification of the working population and the difficulties that unions face to cope with this heterogeneity, due to their highly centralized organizational model and to old-fashioned culture; 4) the fact that non-members of the unions cannot be excluded, due to legal reasons, from the benefits that unions get through collective bargaining or other actions, (the well known problem of the free-rider) 5) the small number and type of services that unions offer to their members; 6) the relative lack of experience workers still have of unionism after dictatorship.

### **III. Corporatist Practices and Social Pacts**

To understand why corporatist practices have been so important in the industrial relation system in recent years we have to go back to the beginning of the political transition and consider some of the features that surrounded it. During the political transition the unions had to deal with four key factors: the weakness of their organizations; the political recognition that the Spanish Constitution formally conferred on them; a severe economic crisis; a new democratic system that needed to be consolidated. At the same time they had to face the problem of strengthening their organizations, to gain, in practice, the political recognition they had formally received and they also had to help solve the economic crisis and aid the consolidation of democracy. Following what we know today about the conditions under which concertation develops and the results produced by this practice, the situation just described can be considered as a paradigmatic example of situations that can be solved through the process of negotiation and co-operation. The development of social concertation during these years, is therefore not surprising.

The situation at the time forced the unions, to some extent, to follow a highly centralized action strategy directed mainly towards political exchange with government and employers' organizations through institutional pacts. Almost all their energies were directed towards this strategy and they were therefore unable to strengthen their position on the shop-floor in order to solve particular problems and to organize and get the support of workers at enterprise level. This has, to some extent, moved the unions away from the workers, a problem that has not yet been completely solved. For these reasons it is today generally admitted that

unions play more of a public and general representational role than a role as organizers and representatives of particular problems at shop-floor level. Whatever the problems that the participation in this process of social concertation have caused to unions, it has certainly contributed to a peaceful and reasonably ordered outcome of the transition.

When we study in detail the specific agreements that were signed and their interruption from 1986 onwards, it would seem that despite the continuation of the conditions that made them possible, it can be said that the social pacts in Spain have up till now been problematic. There are a number of reasons for this, the most important being:

- a) The dictatorship and the long term social effects of the Spanish Civil War, did not favour the negotiating attitudes and interclass collaboration, between the different social actors who had been protagonists of social agreement. The history of the Spanish working class during this century is one of clashes and conflicts. They lacked trust in both the state and certain industrial managers, especially those from big industry. For that reason, at the same time that unions were involved in corporatist practices they were also suspicious and had doubts about the appropriate balance between collaboration and defence of the workers' interests. This contradiction did not prevent the presence of social concertation, but it can partly explain the progress and set backs that arose in the social pacts.
- b) The lack of tradition in implementing social pacts, was accompanied by a lack of experience and knowledge of the proceedings, contents and guarantees that this type of agreement requires. The same applies for the

benefits gained by realising the objectives which were pursued by the parties involved. Such a lack of experience produced uncertainty about the best way to participate in the concertation process.

- c) Social concertation needs, in general, the existence of centralized organizations and, mainly, a large ability to co-ordinate its bases both by the trade unions and entrepreneur associations. The latter were not present at the beginning of the political transition. This situation of organizational weakness, which characterised the early trade unions and employers' organizations influenced social agreements. In various agreements, especially in the first ones, one of the most important objectives they worked towards was the consolidation of their organizations through mutual recognition.
- d) From 1976 up to the early eighties, the most important political national objective was the consolidation of democracy, and the attempts to avoid social conflicts, which led to regressive initiatives contrary to the consolidation of the incipient democracy. This influenced the drawing up of certain social pacts, which as is seen later, had almost exclusively political objectives, that is to say, the most urgent problems of the transition.
- e) Social pacts were also conditioned by the need to tackle the economic problems in the context of Spain's entry into the European Community. This need was most seriously taken into account by the Socialist Party, after it won the elections in 1982 by a large majority. It assumed the responsibility of the modernization process and the integration of Spanish society into Europe, changing from its original radical positions to a more moderate centre-left one. This evolution obliged them to uphold national interests over interests of small groups or social classes. In addition, in order to actively defend the market economy they had to introduce a rigid economic policy. This was

intended to reduce inflation, public spending and the public deficit, as well as improve competitiveness with wage cost restraints. Finally, the PSOE also wanted to develop the welfare state and maintain it in such a way that would avoid insurmountable contradictions arising with the former macroeconomic objectives. The socialist party tried to legitimise and get support for these policies through social pacts.

Let me describe very briefly the contents of the most important social pacts. The Moncloa Pacts (1977) were an agreement of a predominantly political nature. They were only signed by the political parties not trade unions and the agreements were concerned with the most urgent political problems. Nevertheless, they did include the specification to calculate salary increases on the basis of expected inflation and not on the basis of past inflation, which was very important for the renewal of the economy. They also included a cautious promotion of labour and unemployment security, as part of the social security reform.

The Basic Agreement on Collective Bargaining (1979) together with other inter-confederal agreements that were signed merely between the CCOO and representatives of small and medium sized enterprises, included almost exclusively aspects concerned with items to be included in the agenda of negotiations between employers and employees, mainly about productivity or absenteeism.

## Social Pacts

Denomination	Date Signed	Application	Signatories
Moncloa Pacts	X / 1977	1978	Government Political parties.
Basic Agreement On Collective Bargaining	II / 1979	---	COPYME, UGT, CCOO.
Basic Inter-Confederal Agreement (ABI)	VII / 1979	---	CEOE & UGT.
Inter-Confederal Agreement (AMI)	I / 1980	1980 / 81	CEOE / UGT & USO
National Agreement On Employment (ANE)	VI / 1981	1981 / 82	GOV., CEOE, CCOO & UGT
Inter-Confederal Agreement (AI)	II / 1983	1983	CEOE, CEPYME, CCOO, UGT
Economic And Social Agreement (AES)	X / 1984	1985 / 86	GOV., CEOE CEPYME, UGT

The Inter-confederal Basic Agreement (ABI) signed between the Employers' Confederation (CEOE) and the UGT (1979), followed the same ideas as the one mentioned in the last paragraph, but with a different employers' spokesperson and with a larger range of issues. Through this agreement both organizations mutually recognized each other and the employers recognized the rights of the trade unions to act in the workplace. The most important aspect of this agreement was, however, the suggestions it made to the government on the future of the Workers' Statute. It recommended that negotiation should be based on the autonomy of acting parties. Negotiation, furthermore, should consider the

agreement's effectiveness to be valid for all workers and employers, when signed by "sufficiently" represented organizations. Finally, it also suggested increasing centralization of the collective bargaining structure in order to simplify and rationalize the negotiation process. All this was included in the law that was passed in 1980. If Moncloa Pacts were mainly a political agreement, this one could qualify as a political-professional pact. The ABI was an agreement which consolidated the trade unions' position on a "top-down" basis. At the same time, the case of the ABI is a good example of the attempts made to influence the government in the context of corporatist practices.

The other agreements were signed once the Confederation of Small and Medium Enterprises (CEPYME) was incorporated into the CEOE. Thus, they had a higher level of centralization. In these pacts, for the first time, almost entirely professional aspects were introduced. Nevertheless, in two of them, the National Agreement on Employment (ANE) and the Economic and Social Agreement (AES), other issues were included. In all agreements limits are fixed on wage increases (AMI, 1980: 13 -16%; ANE, 1981: 9 - 11%; AI, 1983: 9.5 - 12.5%; AES, 1985/86: 5.5-7.5%). They foresee revision clauses when inflation rates exceed the fixed limits. They also concern other aspects which generally refer to the amount of overtime, the working day hours, recognition of trade union rights, the improvement of unemployment social benefits, the promotion of employment through aid and new hiring regulations. The ANE also includes a series of special measures concerning the promotion of employment. The AES concerns fiscal policy, public investment, professional training and trade union and employers participation in the management of certain public administration agencies.

One of the most relevant facts to explain the stopping of social pacts after 1986 is the widening gap between the PSOE and UGT. Traditionally they maintained fraternal relations, each one sharing within its own field the same political project. The UGT has participated in all social pacts that have been realised between 1979 and 1984. From 1986, when the legal validity of the AES agreement was finally concluded, problems arose about the signing of other pacts. This was due to the fact that the Government's political priorities coincided less and less with the demands of the UGT. Whereas the PSOE has tried, in the last few years, to guarantee a favourable evolution of the economy, controlling social spending and wages, the UGT has tried, in particular from 1986 when the economy recovered, to devote more financial resources to social expenditure to prevent it from being reduced to lower levels than those already achieved. The unions had tried to argue for further social expenditure on the grounds that the economic boom from 1986-1990 had not resolved unemployment and in fact there was now greater instability for those employed because of temporary contracts. The government has attempted on various occasions since then to return, without success, to social pacts. To explain this failure, the government has accused the trade unions of not understanding the demands of the "general interests" and maintaining policies of corporatist defence in the interest of merely sectors or groups. This difference in opinion has meant that the UGT has veered more towards the CCOO position, with whom, from 1988, it initiated a program of joint action.

For its part, CCOO has traditionally maintained a major link with the Spanish Communist Party. Therefore it has also shared criticisms of the government's economic policy. For this reason and very probably due to trade union strategy

against the other main union, it has been more reluctant to sign social pacts. Therefore CCOO is less inclined to sign agreements which could limit the workers benefits, obtained through free negotiation with their employers, not bound by constraints derived from central agreements. CCOO reconsidered this attitude on two occasions, in the 1981 and 1983 pacts. Finally, with the UGT refusing to return and sign agreements since 1986, the position of both trade unions has been the same for first time since the beginning of the political transition. Moreover, this also explains why both unions called for two general strikes in 1988 and 1992 respectively, as evidence of the confrontation between the government and trade unions.

The failure of the centralized negotiation processes at the highest level among the government, employers organizations and trade unions has not prevented concertation at sectorial level being pursued, both in the public and in the private sector. Since 1986, specific agreements on concrete matters have prevailed. This means that corporatism has not disappeared completely, despite the absence of centralized negotiations.

## **IV. Labour Market and Evolution of Industrial Relations Legislation**

The changes in industrial relations and social security or social protection legislation can be seen as a step by step trend in the deregulation of the traditional rigidity of the Spanish labour market. At the same time it has objectives of contributing to solve other endemic problems of the Spanish economy (lack of capital and undercapitalization of enterprises, out-dated technology, inflation, public deficit and public debt) and other problems derived from the internationalization of the economy and the inevitable needs to reduce protectionism, increase productivity and competitiveness and create the conditions for maintaining and attracting foreign investments. In this process of change, governments, but mainly the socialist government in the last twelve years, has tried to balance the measures required to tackle these problems and the measures required to set up and maintain the welfare state and the protection of workers.

The legislation passed in recent years to regulate (or rather deregulate) the industrial relations system in Spain has the technical characteristics of being formed of quite a large number of legal acts. I think this is due to the necessity of short term adjustments in order to keep and re-establish the balance I referred to.

In the period up to the approval by referendum of the Spanish Constitution, an important law was the law of April 1977, which recognized the freedom of association and, consequently, served to legalize trade unions and employers

associations. In the same year, the decree concerning Labour Relations, which controlled collective conflicts, the right to strike, lock outs and the right to collective bargaining was passed. This decree made it possible for the first time to introduce some measures to make the labour market more flexible. Up to the appearance of this decree the labour market was characterized by the existence of almost exclusively fixed contracts. The decree introduced some modest measures to allow individual and group dismissal in order to allow enterprises to adapt their labour force sizes to economic exigencies. It also limited state intervention, and gave more freedom for collective bargaining, as the way to regulate labour relations and working conditions in different sectors.

In 1980 two laws were passed. The first one, the Law of Workers Statute already mentioned, introduced the basic norms to regulate temporary contracts. Three types of temporary contracts were considered: practice contracts, training contracts and contracts limited to the duration of task or service to be carried out. Part time contracts and part time retirement were also included. This opened the door to the elimination of one of the more important restraints of the labour market. The conditions of these types of contracts have changed slightly between then and now, as we will see later on. In the same year the Basic Law for Employment was passed. This law emphasized the measures that would contribute to increase the level of employment. It introduced, among other measures, economic incentives for employers who hired workers through unlimited or temporary contracts, especially for those below 25 or over 45 years.

A Decree was passed in 1981 establishing a framework for industrial restructuring processes. It also attempted to regulate employment through early

retirement and voluntary retirement, mainly in those sectors or groups of enterprises affected by that process. The application of this decree has produced inconsistent benefits, due to the lack of an industrial policy. This situation forced the state agency that administers this program to apply it according to the needs of each different company, but in the end most of the subsidies went to the companies where there were more difficult labour relations problems. This form of policy application in the final instance did not promote the restructuring of the whole industrial sector. Nevertheless, this has been one of the most valuable services that the trade unions have given to their most emblematic supporters, especially when it is taken into account that the loss of jobs in other types of enterprises did not have this level of protection.

In 1985, a law promoted by the Socialist Government was passed to reform the Social Security. It tightened up conditions for claiming a pension. This law pushed CCOO to call a general strike, yet it was not endorsed by UGT. Nevertheless, the UGT General Secretary, Member of Parliament for the Socialist Party together with the UGT's Organization Secretary voted against the law. Two years later both resigned as MPs.

From 1985 onwards other specific measures were adopted to promote job contracts, such as long term contracts for workers less than 26 years old, and for those that changed from temporary to fixed contracts. At the same time they increased the economic incentives for employers who created new jobs. Furthermore, the National Plan for Training and Professional Insertion was modified in 1986 in order to adapt it to the European Economic Community directives.

In 1988 the Socialist Government presented the project of the Plan for Youth Employment. The objective was to improve work opportunities for the young through new types of temporary employment (professional insertion contract). This project generated the strongest opposition from the trade unions. This opposition coincided, especially from 1986 onwards, with the second Socialist victory in the general elections, the widening gap between the UGT and the PSOE and Spain's entry into the EEC. As a result, trade unions made important decisions about united action. The Plan for Youth Employment ignored the trade unions' petition for significant change in socio-economic policy. This asked for compensation for workers with wage restraints in the years (1986 -1990) of economic recovery. This subsequently produced a strong division between the trade unions and the government which ended in the call for a general strike on 14th December 1988. This was carried out successfully. After the general strike, some of the demands of the trade unions were partially fulfilled: the widening of the unemployment benefits coverage, the creation of a new type of pension for people who did not meet the conditions of the 1985 law and the approval of the Law of Trade Union Control on contracts.

From 1993 onwards, the government tackled the problems of the crisis through new labour market reforms, as well as salary restrictions, as the main instruments to improve Spanish economic competitiveness. In this new labour market reform one of the most relevant aspects is that concerning the increase in the flexibility of the conditions to leave work. That is to say, by means of reducing dismissal costs and eliminating administrative procedures in the case of collective dismissal. The number of days that a worker has to have been working and

paying fees to the social security system in order to have the right to a certain period of unemployment protection has been increased. The general maximum period of unemployment protection has not been changed: it is 24 months. Of course, there are some exceptions according to age or special circumstances.

Modifications in the conditions of temporary contracts, have been also approved. As far as short term placement contracts are concerned, the maximum duration has been reduced from three to two years and the minimum salary has been reduced by 40 % for the first year and 25 % for the second. The former training contracts have been substituted by apprenticeship contracts. For these, the duration has been established at three years maximum and the minimum salary is 30, 20 and 10 % less each year, than the normal salary for a similar job. The number of these contracts is limited by law, depending on the size of the enterprise. The number of working hours required to formalize a part time contract has been reduced from 25 to 12 hours. Concerning wage reduction, in the state budget no provision was made for increases for public sector workers for 2 consecutive years (1993 y 94). In relation to geographical mobility of workers, more flexible norms have been approved which allow employers to decide upon this kind of mobility without previous permission of the labour authority when it affects less than 10 % of the total number of workers. Employers can also decide without permission of the labour authority to change some of the basic working conditions at individual level, if there are sufficient economic, technical or production reasons, which they are obliged to communicate to the workers in advance. The worker can resign his contract if he is damaged by these changes and have the right to receive an indemnification equivalent to 20 days of salary per year previously worked. When these changes

affect more than 10 % of the total number of workers, the employer is obliged to negotiate the situation with the workers representative. Both in individual and collective changes of this nature, if workers do not agree with them they can appeal to labour courts. These changes can be decided on the followings aspects:

- 1) daily or weekly working hours distribution, without exceeding at the end of the year of a fixed number of working hours. Uneven distribution can be compensated with extra free time, also within certain limits;
- 2) compensation for over-time working hours either with extra salary, equal to normal working hours, or extra free time, without exceeding 80 hours per worker and year;
- 3) decisions regarding shift working, not being always obliged to pay extra salary for it;
- 4) decisions regarding professional classifications, salary structures and performance and productivity measurements.

All this things are not regulated any more by legal norms and become part of those matters that can be included in the collective bargaining agenda. Other changes are that private employment agencies can be authorized if they act on a non-profit basis and fit other restrictions. The existence of private companies devoted to supplying temporary workers to other enterprises has also been authorized.

One of the results of this labour market reform has been a recovery of the employment level during 1994. At the end of the year the Spanish economy had created around 150.000 more jobs than had been lost during the year. Unemployment has increased slightly during the year due to the increase in active population (from 22.7 to 23.8 %). The other has been a very high increase in the number of temporary contracts. In 1993 around 35 % of all contracts were temporary contracts. In the same year 76 % of the registered contracts were temporary contracts, 14 % were part-time contracts, 5 % unlimited contracts and

5 % of other modalities. It seems to many observers that the mere introduction of temporary contracts and other deregulations are not enough to increase the level of employment.

## **V. Conclusions**

Due to the low level of affiliation, unions cannot rely on the fees they get from their members to maintain their organizations and activities. For that, they depend on the funds the state assigns and transfers to them. This shortage of resources seriously affects their capacity to set up and develop the needed organizational structures and practices to overcome the problem of affiliation and other problems they have to solve. Among them, it must be said that their organizational culture does not adapt well to the segmentation and new demands of the working class.

Social pacts, through the control of wage increases, contributed towards ending the economic crisis until 1986. They have also contributed to the consolidation of the trade unions, through which they have already obtained political recognition and influence. Finally they have helped to strengthen democracy, through peaceful solutions of conflicts.

The unions have undertaken through social pacts, to participate in many watchdog and advisory boards or commissions set up by government for social and labour matters. Some times they have been unable to fulfil these tasks effectively, due to their scarcity of human resources. Their efforts to meet these

obligations at national level have meant that they have not been able to devote enough time to increasing their influence among workers and to solving their problems at enterprise level. This has in a certain way, weakened trade unions. This contradiction also explains part of the ambivalence with which the trade unions see concertation today, having experienced and evaluated the effects of their participation in the social pacts.

Since 1993, following the last elections in which the Socialist party lost its absolute majority, the trade unions have had a more favourable attitude towards beginning again social dialogue. This is due to the serious economic crisis that Spain is going through at the present time. Nevertheless, it has not been possible to sign other general social pacts. The government tried to negotiate with unions the labour market reform I have described in the last point, but the unions rejected it. Despite this, in concrete situations such as the recent dispute in the airlines company IBERIA, unions have negotiated and accepted very severe wages restrictions and jobs losses. So, it can be said that unions are not in the position of radically opposing anything if the proposal seems reasonable.

Perhaps the biggest contradiction of the trade unions in relation to social pacts is linked with their global effects on the country's economy and the stability of profits gained. Since 1980, , despite some fluctuation, social pacts have maintained the purchasing power of wage earners. They have improved unemployment protection, social loans and other public services, such as education and health. From 1986, the Spanish economy experienced a dramatic improvement which lasted until 1990. Nevertheless, the traditional structural problems of the Spanish economy and its increasing integration into the

international economy, has made the solving of several of Spain's problems very difficult. In particular, the ability of the Spanish economy to generate employment. All these factors have worsened with the current period of recession. Therefore it is understandable that the government, responsible for the modernization project and the integration of the Spanish economy into European and international markets, within a scheme that respects the current market demands for competitiveness and flexibility, wanted to maintain a problematic balance between public deficit, social expenditure and the regulation of the labour market. The trade unions are also asking what is the use of collaborating in this program, if they do not get anything out of it.

Considering the experiences up till now concerning social pacts and the contradiction between, on the one hand, the conditions required for the recovery of the economy, and, on the other, the demands to improve social policy and social spending, it seems probable that social concertation in Spain will prove difficult to retrieve in the current unstable conditions. When these problems hit Europe in the 1980's, centralized negotiation almost disappeared. It became unstable and more decentralized. It would not be surprising if a similar situation were to occur in Spain. It is very probable that this would not affect concertation at intermediate or sectorial levels, as was formerly described, because this form of concertation seems more stable and is more in agreement with corporative tendencies of contemporary developed democracies.

The Spanish welfare state is still a long way behind other countries. In 1991 Spain devoted 21,74 % of its GDP to social protection. The average in the European Community was 26,03 %. Thus it is not surprising that social pressures

to increase social spending exist and that the trade unions echo these pressures. The question which must be asked is how much social spending and how much deregulation of the industrial relations system is acceptable to Spanish society, taking into consideration its level of development or the present economic prospects. Or if it would have been possible or even if it is possible to adopt a different economic and social policy. The actions so far have not produced the right solution. When the trade unions talk of a change in economic and social policy as a condition to entering into a new concertation process, they are making legitimate demands. Nevertheless, they have not sufficiently secured alternative options which take into account the real restrictions. For the moment, the government thinks that the reform just made in social security and the labour market is enough to secure economic recovery. The other party that supports the Socialist Party in Parliament, the Catalanian nationalistic party, thinks that one more step forward in the deregulation of "Spanish old practices" related to labour market is needed. Therefore agreement is not simple. The debate on this point has not yet been closed.

## Appendix      **Some Data About Industrial Structure, Unions Results and Labour Market**

### *AI. Industrial structure: the size of enterprises*

Here we will present the enterprise structure from a limited point of view, only taking into account the distribution of centres and the number of workers relative to the size of the workplace and how this has developed throughout the decade. Due to the lack of an industrial census, we will use the data from the census of the Social Security Contribution Centres.

**Table 1      Size of enterprise by number of workers**

<b>Year</b>	<b>Centres</b>	<b>Workers</b>	<b>Average Size</b>
1980	659.356	7.459.339	11.3
1982	626.255	6.285.877	10.0
1986	709.885	6.588.822	9.3
1990	941.001	8.545.000	9.1

Source: Registro de Centros de Cotización a la Seguridad Social

These figures show that not only the average size of the Spanish enterprise is particularly small, but also that the tendency of a decrease in size has continued throughout the period. In 1980, 43% of workers who pay contributions to social security worked in centres of less than 50 workers. In 1990 the proportion fell to 53%. Therefore, we find in Spain a high density of small sized enterprises,

mainly characterized by a link between ownership and control, low market quotas and limited relations between each other.

**Table 2 Percentage distribution of the size of centres and the workforce.**

No. of Workers	Centres		Workers	
	1982	1990	1982	1990
<b>1-5</b>	73.8	61.5	14.6	16.4
<b>6-30</b>	20.6	18.3	25.2	28.8
<b>31-49</b>	2.2	8.4	1.6	8.4
<b>50-100</b>	1.4	9.7	1.0	9.3
<b>101-500</b>	1.0	20.8	0.7	18.9
<b>501-1000</b>	0.1	6.9	0.0	12.0
<b>1000 +</b>	0.1	14.5	0.0	12.0
	(100)	(100)	(100)	(100)

Source: Encuesta de Población Activa

Recently, The Work Force Survey started to publish the distribution of wage earner employees by the size of the establishment in which they work. The situation in 1992 (IV quarterly) was as follows.

**Table 3**      **Number of workers by size of establishment**

<b>Size</b>	<b>Workers</b>
0 - 5	13.8
5 - 10	7.0
11 - 9	7.9
20 - 49	9.7
50+	34.7
Nc but - 10	6.7
Nc but + 10	15.7

Source: Encuesta de Población Activa

### ***AII. Sectoral Distribution***

The trend in the fall in the number of workers, that is also common to the rest of Europe, has been far more rapid in Spain and has coincided with a change in sectorial distribution: the drop in the industrial working population as much in absolute as in relative terms.

**Table 4**      **Distribution of jobs by sectors. 1981 and 1989**

	<b>1981</b>	<b>1989</b>
<b>Agriculture</b>	7.6	5.5
<b>Industrial, mining</b>	34.5	28.9
<b>Construction</b>	10.0	10.1
<b>Commerce, Hotel, Trade</b>	13.1	15.3
<b>Transport, Communication</b>	6.5	5.8
<b>Financial Institutions</b>	4.5	6.1
<b>Social Services and Personnel</b>	23.9	28.3

Source: Encuesta de Población Activa

As can be seen, the participation of industrial workers among the total number of wage earners has dropped 5.6 points in percentage, in favour of a higher participation of workers in the service sectors.

The loss of industrial employment started to increase in the early eighties due to, among other things, the internationalization of the Spanish economy and the lack of competitiveness of Spanish products, as in the case of mining and steel works. The automobile sector followed a different course. The public enterprises of this sector were sold to foreign companies (German or Italian: SEAT to Volkswagen and Pegaso to Fiat).

The textile and footwear industry also suffered important structural changes. The outcome of its reconversion, involving a significant loss in employment, has produced new forms of work organization and production: very small enterprises with intense use of the workforce and with a close relationship with the black economy.

A process of productive decentralization has also occurred in Spanish enterprises. This has led to, what some authors describe as "industrial tertiarization". That is to say, the decrease in the number of manual workers as compared with administration work and the movement of certain activities that were carried out within the enterprise to an auxiliary company. Again there is another limitation for trade union action: the workers of the service industry are more reluctant to join, and also the workers are split among different workplaces and this increases the number of negotiation centres.

In the service sector employment has increased, following two different paths which encourage the process of segmentation of the labour market: on one side employment has increased considerably between 1986 and 1989 in commerce/hotel industry and in construction, two sectors that are particularly sensitive to the behaviour of the economic cycle. On the other hand and at the same time, there has been a growth of public employment that has responded to the growth in education, health and social benefits. In this sector, unlike the former, the trade unions have had found it easier to establish themselves and the number of supporters has grown. Yet the danger is the reproduction of the characteristic schemes of large enterprises, where more emphasis has been placed on the importance of internal labour markets. Currently however, due to the state financial crisis, for two consecutive years, wage increases of public employees and job vacancies have been practically frozen. Internal flexible measures (geographical and functional mobility) also are going to be adopted.

### *AIII. Union elections*

The Spanish electoral regulations only allow the election of worker representatives in enterprises with 6 or more workers. There are two different procedures according to the number of workers in an industry. First, "Personnel Delegates" can be elected up to a maximum number of three, in enterprises with less than 50 workers. Second, the "Enterprise Committee," formed with up to a maximum of 75 representatives who can be elected in enterprises with more than 50 workers. Another important limitation until 1987, has been that Public Administration workers could not elect their own representatives.

*The Evolution of the Representation Coverage according to size of enterprise*

**Table 5 Work Centres by size of enterprise, 1980 - 1990 (percentage) Percentage.**

Size	Participating Centres/Existing Centres			
	1980	1982	1986	1990
<b>6-50</b>	22 .0	18 .7	35 .4	41 .6
<b>51-100</b>	47 .3	81 .6	66 .5	70 .5
<b>101-500</b>		95 .7	77 .7	78 .0
<b>500+</b>	45 .7	91 .9	100 .0	100.0

Source: Unions Representative Elections Records  
 \* for 1980, the participation of the section is 51-500.

The growing number of work centres that participate in the electoral process has resulted in the number of workers who have been able to elect their representatives between 1980 and 1990 increasing by 136.6%. The representation covered in 1982 29% and in 1990 58.4% of all workers (taking into account that those who were employed in enterprises of five or less workers, did not have the option to elect representatives. The number of workers in this position has increased between 1982 and 1990 by 54%.)

The results in the electoral process, for the two trade unions that we are concerned with in this analysis, have been as follows:

**Table 6 Percentage of delegates elected in two main unions(\*)**

	1980	1982	1986	1990
<b>CCOO</b>	31 .7	34 .5	33 .8	37 .2
<b>UGT</b>	31 .6	39 .9	39 .6	42 .2

Source: Unions Representatives Elections Records  
 (\*) The results of the Public Administration are not included.

Between 1980 and 1990, CCOO increased the number of its elected delegates by 149.2%, and the number of UGT increased by 183.7%. These increases in the number of elected representatives were due to the increase in the representation coverage mentioned before.

Broadly speaking we can say that the UGT has obtained its best results in small enterprises with less than 50 workers. In these establishments, the number of votes necessary to elect a representative is far less. CCOO has in general obtained its best results in bigger enterprises, where on the other hand, it has had a greater leadership ability than that of the socialist trade union. It is in the larger enterprises where the unions can win the political as opposed to numerical victory in the elections. Thus, this advantage for CCOO in the larger enterprises, was particularly important in the electoral process of 1986, in which the UGT lost the elections in various important enterprises. This marked the beginning of the loss of support for this trade union to the Socialist Party which, in the same year obtained for the second time an absolute majority in the National Parliament.

CCOO, despite its supremacy in large businesses, faced the poor results it obtained in 1986 in the smaller enterprises. In 1990, it obtained an important number of delegates in small enterprises. This prevented the gap widening between the results of CCOO and the UGT. Together with different results that depend on the size of the enterprise, there are the different sectors to consider. In general terms, CCOO has obtained a larger number of delegates in the industrial sectors (mining, chemical, industry of metal conversion, textiles, food). On the

other hand, results have been more favourable for the UGT in the service sectors (banks, security, sales and offices, transport, etc.)

#### ***AIV. Employment and unemployment***

The level of unemployment and temporary contracts are other variables which are used to explain the trade union weaknesses, while they contribute to the increase in different interests among the working class. The first that highlights the Spanish case is the low level of activity and the high level of unemployment and temporary work.

**Table 7      Participation rates, employment, unemployment and wage earners. Percentages. 1980 and 1992.**

	<b>Total</b>		<b>Men</b>		<b>Women</b>	
	<b>1980</b>	<b>1992</b>	<b>1980</b>	<b>1992</b>	<b>1980</b>	<b>1992</b>
<b>Level of activity</b>	48.5	48.9	71.7	63.3	27.2	36.7
<b>Level of employment</b>	87.6	80.0	82.3	83.9	85.8	73.3
<b>Level of unemployment</b>	12.4	20.0	17.7	16.1	14.1	26.7
<b>Level of wage earners</b>	69.3	73.3	71.8	73.3	62.9	73.7
<b>Level of temporary employment</b>	15.6	33.0	14.4	30.4	18.4	38.2

Source: Encuesta de Población Activa

Between 1980 and 1992, the level of unemployment in Spain has increased by eight percent and has affected in particular the female workforce, where the level of unemployment has practically doubled in this period. It must be taken into account, nevertheless, that this growth has been parallel to the increase in the level of female activity in the work force

There has also been an increase in the growth of wage earners in the working population, especially in the female workforce. The level of female wage earners has gone from 62.9% in 1980 to 73.7% in 1992. Furthermore, this way of entering into employment through a freelance contract has been fundamental to obtaining a contract of limited time. This type of contract has doubled in only five years.

The presence of women in the labour market and the rapidity of their incorporation in Spain, is a new limitation on the action of traditional trade unions, not only because they introduce a concept of a certain type of employment, but also because their introduction has been mostly in the service sector, in which there is a greater density of smaller sized enterprises and a larger proportion of temporary work. In 1992, in enterprises with less than five workers, 40% of wage earners had temporary contracts, 36.4% were in the same situation in enterprises with five to ten workers, 35.1% in those with eleven to nineteen, 28.7% in those with twenty to forty and a 18.8% in those with fifty or more workers.

#### ***AV. Distribution of jobs by occupation***

Earlier we mentioned the major difficulties that the service sector poses for trade union action. Yet also the trade unions have a large affiliation from the manual qualified industrial workers and have had greater difficulty winning the support of technicians and white collar workers in general. The evolution of the distribution of workers gives us a view of precisely which type of occupation has grown throughout recent years.

**Table 8**      **Distribution of employment by sectors (percentages)**

<b>Occupation</b>	<b>1980</b>	<b>1992</b>
<b>Professionals/ technicians</b>	6.7	11.7
<b>Directors (public and private)</b>	1.6	2.0
<b>Administrative personnel</b>	10.4	13.4
<b>Traders and sellers</b>	10.3	11.3
<b>Service work ( security, hotels, domestic)</b>	12.3	14.3
<b>Agricultural workers</b>	19.1	9.9
<b>Labourer not agrarian</b>	38.7	36.6
<b>Others</b>	1.0	0.8

Source: Encuesta de Población Activa

#### ***AVI. Conflicts and collective bargaining***

The evolution of the workforce resolved itself with a growth in unemployment, temporary contracts and sectorial and occupational changes. The evolution of the basic outlines of the trade union strategies and participation can also be deduced, in objective terms, not so much from an analysis of their ideological discourse, but rather from the evolution of industrial conflicts and collective bargaining.

**Table 9 Indicators of conflict: 1980, 1990, 1993.**

	<b>No. of strikes</b>	<b>No. of strikers</b>	<b>No. of days lost</b>	<b>Days lost every 100 wage earners</b>
<b>1980</b>	1 365	1.170.100	6.177.500	788
<b>1990</b>	1 231	864.000	2.442.800	263
<b>1993</b>	1 131	997.200	2.012.700	

Source: Anuario de Estadísticas Laborales.

The fall in disputes is evident throughout the decade. According to these figures it appears that the trade unions accepted and applied their corresponding dispatch of the transition "treaty", that is to say the demobilization of the working class for the improvement of economic conditions.

The collective bargaining coverage, for its part, has dropped between 1982 and 1989. During this time, the wage earning population grew by 17.6% and the population covered by collective agreements by 11.7%. In the first years, 82.4% of all wage earners were covered and in 1989, 78.8%. The predominant collective agreement has been the sectorial within the province range. Enterprise coverage has maintained its proportion throughout, covering the same in 1982 as in 1989, i.e. 15% of the wage earning population. In general the increase in wage agreements in company treaties, has been lower than other agreements.

Wage restraint, another of the most persistent demands throughout the agreements, from management and employers, has also been imposed so that all salaried wages, as a percentage of the GNP, have dropped from 57% in 1980 to

51.7% in 1990, whereas productivity has grown (taking 100 as the base; the apparent productivity, GNP/work) in 1970, this has grown from 151.3 in 1980 to 183.7 in 1989.

It does not appear therefore that wage restraint will be the only effective measure to guarantee employment and the competitiveness of the Spanish economy, that has, on the other hand, a great dependency on imports: in 1980 the relationship between imports and the GNP was 21.4% and in 1990 32.6%. Regarding exports, the participation in the GNP was 16.9% in 1980 and 22.3% in 1989.

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