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TIME REGULATION, TRAINING, AND COLLECTIVE ACTION: TOPICS FOR A CONTEMPORARY TRADE UNION DEBATE

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Time Regulation, Training, and Collective Action: Topics for a Contemporary Trade Union Debate*

Introduction

The contemporary view of the evolution of trade unionism is clearly marked by the intensification of transnational interactions. Among other designations, these are known as globalisation or transnationalisation, being synonymous with the restructuring of economies, the liberalisation of financial markets, or even the vigour of multinational corporations. Along with this 'outside-in' influence, another reference has also marked the progress of Portuguese trade unionism in the last few decades as well as the views of trade union leaders concerning social changes. By that I mean the deficit in internal cohesion within trade union organisations which, being exerted 'from inside out', influences trade union responses in a context of globalisation and might even restrict the scope of their results.

Based on some works by Hyman (1997; 1998) in which the author discusses a number of themes of current interest for trade unions such as *flexibility*, *security* and *opportunity*, in this paper I will try to illustrate the difficulties which are associated with the discussion and application of those themes through trade union intervention, with examples from both the Portuguese and the European context.

In spite of the fact that Portuguese trade unionism has generally failed to keep pace with the main historical events and debates which have marked

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trade union actuation in the most developed countries of Europe (Santos, 1995a; Costa, 1997; 1998) both in such matters as the collective mobilisation of workers and in terms of the institutionalisation of the social dialogue or even the flexibilisation of wage relations (Regini, 1992), the interest in (re) discussing these themes is also shared by Portuguese trade unionists at a time when the fragmentation of identity which involves the industrial world is being confirmed by a quick progress towards the 'end of wage exception' (Copans, 1997: 37). In fact, the choice of alternatives before the workers in *a global society* is evidently more and more limited and unidirectional. That is proven by the fact that the 'employment' option is acquiring a fundamental significance, while the 'salary increase plus employment' option progressively takes on a secondary position. The logic of social pacts in the nineties shows a clear tendency in that direction. It reveals a readier capacity on the part of trade unions for accepting wage moderation policies in exchange for both the Government and the employers` promise to preserve employment levels and create new jobs (Pochet and Fajertag, 1997: 11-13).

The European Renault strike (March 1997) was a revealing example of that. The strike was considered by the media in general as the first 'eurostrike' in History, mobilising around 100,000 workers. In its background was the controversy generated around the decision to close down the Renault plant in Vilvoorde, Belgium, and the resultant dismissal of its 3,100 workers. But the Belgians were not the only ones to demonstrate, for hundreds of coaches carried thousands of factory workers to Brussels, especially French ones, for they too felt the threat of impending unemployment given the possibility of the closing down of Renault`s manufacturing units which employed 2,700 people at the time.

Following Hyman`s line of thought (1997: 529; 1998: 145), I believe that any project which envisions the creation of a new model of solidarity should be based on a renewed emphasis of the idea that there are differences and limitations at the level of the labour sphere. The recognition of the diversity of interests must take place at three different levels: among the members of one union; between unions within national labour movements; and between workers

in different countries. However, that recognition of limitations must not be taken with resignation. That is why the themes of flexibility, security and opportunity which I comment upon in this paper and which I associate with *time regulation*, with *training* and with *collective action* should be used primarily as mechanisms for the enhancement and the (re)affirmation of labour's identity. The topicality of these themes does not make true novelties of them, for the aspirations they include may well date back to those aspirations which materialised the essence of trade-unionism – representing social groups, social regulation, organising solidarity within the represented group, fighting for more social justice (Rosanvallon, 1988: 22-23). The 'novelty' of those themes thus resides in the relational foci of social dialogue and participation which potentiates them and accompany them, and as I shall endeavour to show, they constitute a test to the evolution of Portuguese trade unionism, still occasionally made to waver between a preference for what is novel and a resistance to change.

Time regulation

The tendency to contextualise discussions on the subject of time regulation within the framework theme of flexibility is a common procedure. This concept simultaneously connotes something which is desirable and a price we have to pay, therefore making it difficult to try and assign a specific meaning to a concept which involves such multiple connotations. On the one hand, it means 'the elimination of rigidity: thus, two factors which normally contribute to create it are deregulation and the limitation of government interference; many have also included the reduction of the tax load upon both companies and individuals' (Dahrendorf, 1996: 23). On the other hand, however, it reveals the weakening of the ties which influence the labour market: 'a readier acceptance of dismissal, the possibility of wage raising and dropping, the expansion of part-time and short-term employment, a more frequent change of job, of company or of place' (Dahrendorf, 1996: 23-24). Independently of the typologies or dimensions of flexibility (which are outside the scope of this paper), 'time management' can at present be considered as a decisive factor in the labour world, both concerning claim strategies generated around the

reduction in working time at different levels (day, week, year, or entire active life) and in terms of the articulation between employment, leisure activities, and family life.

Where a co-ordination of activities between professional life and family life is at stake, one would expect, for example, that flexibility would result in the increase of female integration in the entrepreneurial milieu, bearing in mind how women have the habit of performing several tasks simultaneously as well as of managing working time and non-working time, or even help others in their family needs. However, companies tend to understand flexibility as meaning 'an extension of the day's work, sometimes including unpaid supplementary work, and a total availability on the part of the workers to satisfy the demands of 'production', and, most particularly, the 'precarisation' of employment' (Ferreira, 1998: 15). In Germany, for instance, there are companies which exclusively hire married men whose wives have no jobs outside the home. Any woman between the ages of 20 and 30 is looked upon by employers as a 'potential mother, which, according to many employers, means a worker with low-productivity, high-absenteeism, lack of interest, of commitment and flexibility in her job' (Ferreira, 1988: 16). The pressure upon women workers to avoid becoming pregnant during their work contracts is in fact common practice in Portugal, and that can also be explained by the fact that Portuguese legislation forbids the dismissal of pregnant women.

Guiding workers towards more flexible forms of time regulation should therefore entail a deeper integration of the working class. In the Portuguese case, both the interpretation and the enforcement of Law 21/96 of 23 July, which established the reduction of normal working time in excess of forty hours per week (known as the '40 hours Law') certainly was not the best example of that, because it generated misunderstandings and interpretations which did not satisfy the unions affiliated to the main union structures, but it nevertheless did not encourage them to take joint actions against certain infringements of the Law on the part of employers. This lack of syntony regarding flexibility[1] – clearly evident already when the Short Term Social Conciliation Agreement was

signed (in January 1996) which created the conditions for the enforcement of the aforementioned Law – is still a fact. On the one hand, UGT (the Workers General Union), interested in promoting positive flexibility and in enhancing adaptability as a fundamental tool for competitiveness, which results, amongst other things, in a clear acceptance of functional multivalence (UGT, 1995: 34; 1996: 42; Proença, 1998: 35-37). On the other hand, CGTP (the General Confederation of Portuguese Workers), suspicious of multivalence and regarding flexibility as something which, besides being practised at the expense of the deregulation and 'precarisation' of employment, '[is] not the answer which liberalism advertises' (Silva, 1998: 26). And in the near future, the same will probably also be true regarding the implementation of a number of legislative projects included in the 'labour package' the discussion of which started in July 1998 between the government and the social partners. Among those related to forms of 'time management' and which generated animosity among the social partners the following should be emphasised: the flexibilisation of the retirement age; the holiday regime; part-time employment; revision of short-term employment; organisation of working time; simplification of administrative procedures in working time organisation; temporary employment.

Therefore, when time regulation is discussed and problematised, it is fundamental to ensure a logic of union organisation which can promote dynamism and trust among the workers clearly aiming at the conjunction of efforts directed at external confrontation (with capital). That is a basic condition for avoiding the ambiguities perpetuated by flexibility, both at the level of concept interpretation, as well as in terms of concrete practices.

Training

Time regulation as it has just been described obviously cannot be considered independently of the question of training, which shall be addressed in this section. The reason is that the regulation of working time(s) can be directed to the maximisation of training. According to Lehndorff's view (1998:

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[1] Not only flexibility as regards time regulation (the different working times) but also flexibility in work

616), training is one of the strategical issues to be considered in future working time reductions, as can be seen in the following correlation: 'The more production and services are knowledge-based, the greater the danger that working time reductions will fail because of the lack of trained staff'.

When he points out the dangers of 'the invisible and coercive hand of financial capital', Hyman (1997: 525; 1998: 140) is really calling our attention to the fact that insecurity is 'safer', because it is realistic, as an end of the century key-word. The very notion of stability which is conveyed by security and is applied to those who have a job (even if only precariously) does not efface the instability of those who are structurally kept outside the system, such as the unemployed[2] (both short-term and long-term), migrant workers, ethnic minorities, people with disabilities, etc.

The attempt to overcome the obstacles which arise out of that view of precariousness has opened the door, especially at the level of European political discourse, to the concept of "employability", consecrated in the Extraordinary Summit on Employment, held in Luxembourg, in November 1997. According to this concept, given the need to ensure secure employment in certain companies or sectors, it is desirable to meet the conditions for controlling the vulnerability of the labour market itself, namely through the attainment of higher patterns of qualification and training during the working life. Thence would a higher capacity for anticipation, and therefore, a higher level of security be achieved. As Michel Hansenne claims, a higher level of labour qualification can increase competitiveness, improve the human capital, stimulate economic growth and improve employment prospects (Hansenne, 1998: v-vi).[3] Without that 'vital link to be established between qualification and employment, i.e. employability, the passage to the knowledge society will be a source of new and deep inequalities between people, regions, and countries' (Rodrigues, 1997). In Portugal, for instance, the deficit of both educational and

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organisation (multivalence).

2 See, for instance, the movement of the unemployed workers in France, in January 1998. This was a movement of strong dispute regarding the actors who, from within the system, are invested with lobbying capacities. The unions appear as the main target but, besides being directed at them, criticism was also directed at political parties, employers' organisations as well as all social organisations with lobbying capacities.

professional qualifications is enormous when compared to the European average, for '65 percent of the employed population in Portugal do not have basic schooling, the percentage being only of 27 percent in the European average' (Rodrigues, 1977). Other data issued by the Ministry of Labour and Social Welfare do confirm that Portugal 'is the European partner with the highest proportion of employment within the low schooling level: 75.4% of the total. As for the medium schooling level, in 1996, Portugal also had the lowest proportion among all the Member-States: 12.5%'(MTS, 1998a: 16).

This is the framework within which one must understand the creation of planned European strategies for employment with the aim of implementing the commitments signed by the States in the Luxembourg Employment Summit as well as activate the guidelines on employment. Those guidelines were based upon the enhancement of employability, the development of entrepreneurial spirit, an incentive to both companies and workers' capacity for adaptation and the reinforcement of equality of opportunities policies, and have been transposed into Portuguese reality via the creation of a National Employment Plan (PNE, implemented in July 1998), which aimed precisely at improving the level(s) and quality of employment. Among its strategical objectives there can be counted: the promotion of an adequate transition into active life for the young; the promotion of the social-professional integration of the unemployed in parallel with the fight against both long-term unemployment and exclusion; the improvement of the basic level of qualification as well as the professional qualifications of the active population in a life-long training perspective; finally, the preventive management and follow up of the sectoral restructuring processes (MTS, 1998a; Rodrigues, 1998: 21). Notwithstanding the fact that the Portuguese government considered themselves as one of the European governments which has fought more actively for the implementation of its PNE, the first reaction of the Portuguese union confederations towards it was nevertheless one of strong suspicion. UGT complained that the project was very reductional in terms of the pilot areas it covered as well as in terms of the human, technical, and financial resources involved (*Público*, 8/04/98). CGTP's

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3 On the centrality of this concept, see for example the most recent ILO report on world employment, the

position was even more critical, viewing the PNE as 'a set of benefits for both enterprises and capital disguised under the mask of job creation', as well as a way of imposing upon the workers the acceptance of 'economic options which generate employment precariousness and labour deregulation, instead of labour advancement and effective labour rights' (CGTP, 1998a).[4]

However, that critical perspective does not mean that union leaders are not alert regarding the need to adopt educational programmes or training courses during the whole of the workers active life[5] in articulation with employers' strategies. *Intelligence* is one of the elements which can sustain the unions` organisational structure (Hyman, 1997: 519; 1998: 134), because the more specialised knowledge, education and information they possess and are able to share, the more likely they will be to recuperate power in that area[6]. However, notwithstanding the institutional devices or the uniformity objectives which may be associated with 'employability', the problem which I believe is not really solved whenever this concept is invoked and which may well increase trade union dissatisfaction is that of knowing to what extent will the number of the aforementioned outsiders decrease. At the Luxembourg Summit, the governments of the EU 15 have decided that, within six months after they become unemployed, young workers will be given the possibility of benefiting from labour or professional training courses, or even a new job. Nevertheless, for the older workers, the time span is longer – about one year –, which means that the integration focus may be more reduced.

As far as young people are concerned, for instance, it would be advisable that, not only trade unionists but also those with political and employment responsibilities, took previous experiences of support allocation to youth employment into consideration. In fact, a recent study by the Ministry of

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subtitle of which is precisely 'employability and globalisation, the crucial role of training'.

4 In the words of the CGTP co-ordinator, the PNE symbolises the 'continuation of a politics which will generate more unemployment, with bankruptcy and the closing down of companies', CGTP being therefore unable to 'assent to any plan which is not explicitly guided by the reduction in working time' (*Público*, 7 April 1998 issue).

5 Both the UGT and the CGTP have in the last few years been paying an extra amount of attention to training/qualification (UGT, 1995: 10-14; 1996: 15-25; Proença, 1998: 35; CGTP, 1996: 40-43; 1998b: 3-5; Silva, 1998: 26).

6 In a register which I see as very close to this, Santos (1995b: 417) mentions professional training as one of the characteristic epistemological forms of the 'space of production'. On the other hand, Visser

Labour and Social Welfare showed that, of the total number of incentives granted to companies which, in 1997, employed workers below 30 years of age in order to promote youth employment, in practice only 30% of it really did have that specific result. Of the 110 million *contos* (1 conto = 1,000 escudos) "subtracted" from Social Security[7] between 1986 and 1996, 30% of those who were covered ended up with no job contracts and, among those who were able to find jobs, only one out of five is earning more than 100,000 escudos a month. That being so, we have to conclude that although those measures might have positive effects in terms of the social integration of young people, only one third of the companies increased the number of employees (MTS, 1998b). Thus, the situation of outsiders such as the long- term unemployed should be given extra attention[8].

However, besides age, gender can surely be considered a structural sign of social exclusion if male-female unbalance in many sectors of production is not corrected, as I pointed out when discussing the issue of time regulation. To fight against gender discrimination, to articulate professional life and family life, and to facilitate reintegration in active life are three elements which the EU Member-States must persistently take into account so as to promote improvements in the labour market (Commission européenne, 1997: 9)[9].

On the other hand, it should still be remembered that, even if it is a correct strategy, the defence of qualification is far from erasing de-qualification, for the latter has been able to reproduce and perpetuate its own losses, thereby confirming the structural nature of exclusion. Invoking the French case, Fitoussi and Rosanvallon go as far as stating that, as an effect of globalisation, there has been an intensification of 'the consequences of the tendency towards de-qualification of unqualified labour. The unemployment rate of qualified labour in

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(1995: 54-55) associates the 'economic power' of trade unions to the investment made by their members in qualification patterns.

7 Public resources were transferred to the private sector in the creation of employment through Social Security tax exemption or reduction.

8 The drawing of a PSD bill aiming at the autonomous set up of unemployed workers associations through a 'Carta dos Direitos e Deveres dos Trabalhadores Desempregados' (Unemployed Workers' Bill of Rights and Duties) can be a sign that there is some attention and concerned being paid to the "problem group" (*Diário de Notícias*, 26 November 1998 issue). It should therefore also constitute a challenge to trade unionism as well as a test to the efficacy of its actuation when what is specifically at stake is a deepening of solidarity beyond the "employee" condition.

France went up from 2.5 percent in 1970 to 3.5 percent in 1980 and to 6 percent in 1993, the peak of recession. However, during the same period, the unemployment rate of unqualified labour went up respectively from 3 percent to 9 percent and finally to 20 percent' (Fitoussi and Rosanvallon, 1997: 84).

Trying to find a connection between employment and qualification constitutes a fundamental challenge for the labour world. In the Portuguese case, in spite of the foci of resistance, union leaders should have a fundamental role to play in the process for only thus will they be able to transform the theme of 'security' into something which, using Giddens (1989) terminology, can be more than a mere 'discursive consciousness'.

Collective action

In the last few pages, while mostly considering the way how union organisations regard both time regulation and qualification, I was also introducing the theme of 'collective action' [10]. Richard Hyman prefers to speak about opportunity and by it he means objectives of career progression and professional mobility, only possible in the context of a collective structure of opportunities. As I see it, collective action constitutes a fundamental condition for the success of time regulation and training and it will be the all the more feasible if it is strengthened by the setting up of an "organised group" genuinely oriented towards collective action.

I consider it indispensable that the choice between different alternatives be more than a mere individual project and that a true structure of opportunities be created upon the basis of a collective project capable of challenging both employers and market forces. Collective action should be synonymous with the maximisation of resources and the minimisation of losses. In the context of union action, however, an emphasis on the former has not allowed to compensate for the latter, which means that the affirmation of a collective trade union project frequently collides with competition among workers. One of the

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9 For an analysis of the challenges and difficulties appertaining to this equality of opportunities policy, see Amâncio (1998: 136-141).

10 This expression is the central theme of Mancur Olson's classical *The Logic of Collective Action* (1965) in which the author tries to explain the conditions favouring the consolidation of organised groups with lobbying capacity.

historical conquests of the trade union movement was exactly the reduction of competitiveness among workers in the national spaces through the promotion of understanding and conciliation among trade union forces. The corollary of national agreements would be the reinforcement of transnational solidarity among workers. The aforementioned European Renault strike was an example of an opportunity to make collective labour actions work. Nonetheless, competition between countries does sometimes overcome solidarity among trade unions, for 'the international competitiveness of a country is necessarily exerted in detriment of other countries' (Ruzza, 1996: 123), which means that employment growth in one country meant employment losses in other countries.[11]

A key factor if economic globalisation, this 'wave of competitiveness' is not alien to the trade unions' *modus vivendi* and it may even be incorporated by them into their mutual relationships. Although similar problems may occur in other national spaces, Portuguese reality is a good example of internal confrontation. The difficulty of articulation of trade union practices between UGT and CGTP dates back from the end of the seventies, when the former was created, and the party allegiances of both trade union confederations, their dissonant ideological projects or even their differences in terms of social composition (Lima, 1991: 913-914) configured different types of trade unionism – negotiation *versus* participation.[12]

It is also certain that in some cases trade unions do form links of solidarity, but countries take back an important part, or even all of their expression. Notwithstanding the signs of European trade union dispute, agreements on access to the textile market were signed between the EU and India, Pakistan and Turkey in 1996. Those agreements gave added competitiveness to products of such countries as Portugal through resource to a low wage labour with very limited social and trade union rights. It could be read in a document issued by a Portuguese textile union that 'the hypocrisy of

11 On this, see also Santos (1998: 12; 29) and Costa (1997: 234; 251; 255).

12 This trade union cohesion deficit felt between the most important trade union structures is apparent in the permanent accusations they have exchanged for more than twenty years (ISE, 1988: 54; 58; CGTP, 1998c: 56-57) and which the press insistently reports. On this subject, see Lima and Naumann (1997: 157; 170; 172; 174), Costa (1997: 177-185; 223-237) or Rosa (1998), amongst others.

"Brussels" and of politicians who talk about solidarity is clearly exposed when one sees that, in practice, the objective of their policies is to favour wealthier countries and the great transnational economic groups, sacrificing the weaker, to exploit 'slave' and child labour which, in the case of Pakistan, means millions of people who work practically no payment at all and which has recently been legally prosecuted for the practice of social dumping" (FESETE; 1996: 34). According to a leader of that organisation whom I interviewed, the sign that competition among countries is stronger than solidarity among unions is clearly evident in the fact that 'there is a group of countries that like to play safe because they have other interests, namely exporting other goods to Pakistan, to India and Turkey. Everybody for instance says that these new deals of opening up textiles to those countries has to do with the need to export community telecommunications to them (...). The Swedish, as well as other Northern countries and Germany want to sell their telecommunication materials and those countries said "All right! But if you want to sell telecommunications here we want to sell our textiles in Europe!"'[13]

On other occasions, however, when the countries 'let them', it seems that trade unions are the ones who do not want or do not use the opportunity to maximise consensus, absorbing the same operating logic of the countries. This aspect conjures up the French truck drivers route blockade, in late 1996, on strike for better wages and an earlier retirement age. Here, where it was not only the interests of some countries which were at stake, but also, and essentially, national trade union claims, these crossed national borders, a fact which, however, was not synonymous with the creation of transnational links of solidarity, that is, an efficient collective action. One of the Portuguese drivers caught in the French blockade said: 'We agree with the French truck drivers strike. We wish we themselves had better wages and retirement at 55. But in Portugal, with all the unemployment, one must be careful. Now the French should let us go over' (*Público*, 26/11/96). In the face of this nonconformist attitude, the French truck drivers went so far as accusing the Portuguese truck drivers of having a weak behaviour, which took the form of an absence of class

13 FESETE leader, interview, August 1996.

consciousness and of renouncing the right to strike. In a similar road blocking by Spanish truck drivers some months later, threats and aggressions were directed at other truck drivers who tried to break the strike. That type of behaviour is in practice a mere forced action of trade union solidarity.

Those and other examples emphasise the contradictory nature of globalisation itself, because, if on the one hand the constitution of strategies of unity is reactively stimulated, on the other hand, it promotes the hindrances which generate conflict among different sectors of the international labour movement and the working classes (Ruzza, 1996: 125). The automobile sector makes us aware of the undeniable social impact of Renault, a company founded by Louis Renault in 1898. However, and differently from what happened with Belgium workers in Vilvoorde, in 1998, French trade unions failed to promote concrete solidarity actions in defence of the Portuguese Renault workers, both at the time when the redundancy of 600 workers of the Portuguese Renault plant in Setúbal was announced (even though there was a promise of subsequently re-integrating them in other units of the automobile sector) and in the *ex post facto* period. To bear witness to this is also a form of objecting to it because it exposes the existence of some foci of trade union resistance to real collective action.

Therefore, to avoid collective action becoming a lost opportunity it is fundamental for social antagonism policies associated to trade union action to be directed towards the exterior and not the interior of the working class, and that means that overcoming internal rivalries (of a national ambit) is a *sine qua non* condition for the construction of external labour solidarity and an important tool for the fostering of both professional conditions and class dignity.

Conclusion

These themes cannot be overlooked by the general trade union movement, even if, as I suggested, they reveal perplexities and contradictions which have weakened the undoubtedly legitimate aspirations towards the organisation and renovation of trade union activities.

This brief analysis of time regulation, training and collective action seems to evince that the evolution of trade unionism in Portugal has been confronted with a double tension: an exogenous one, that is, induced by the globalisation of the economy and which discursively leads unions to promote counter-hegemonic practices of globalisation, and endogenous, that is, generated by the difficulties in promoting the 'management' of national 'differences' and which amounted to repetitive trade union practices of incompatibility, lack of commitment and denouncement. This facile predisposition to contest or to stimulate lack of trust certainly weakens trade unionism's organisational logic thereby debilitating the capacity for labour protest and claims concerning time regulation and training. If the risk of reproducing, at different levels of regulation, the *inter* and *intra* trade union models of participation and social dialogue which exist at the national scale, is maintained amongst us, I would consider it more adequate to say that the "new" competencies of trade unionism are being built upon "old" relationships.

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