"UNION STRATEGIES TO ADJUSTMENT: THE SPANISH CASE"

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I. Introduction

Beginning in the 1970s, unions in many advanced industrialized countries have been forced to revisit their traditional strategies. Analysts concur that these strategy adjustments present a response to changes in the macroeconomic environment, the global economy, and the productive process. In many countries, bargaining has been decentralized to allow for greater flexibility, and the "decline of corporatism" has been widely discussed. Yet some differences exist across countries. Spain, for example, has witnessed a recentralization of bargaining processes since the mid-1990s, following a first phase of social pacts lasting until the mid-1980s and a second period of decentralization. I argue that to explain the variation across countries, and especially the case of Spain, it is important to look beyond economic factors and to also include changes in the political structure. Union strategies, then, are not just subject to economic constraints, but also to constraints posed by the changing political structures, processes, and alliances.

Labor relations and the role of the unions are undergoing profound changes in many advanced industrialized democracies. The reorganization of production, a more closely connected international economy, and the increasing political and economic integration of the European Union have gone hand in hand with a decreased role of the unions, the end of neocorporatism, and declining union affiliation in many West European countries. Unions, it seems, are in a defensive position where they were once

strong, and face the need to profoundly reevaluate their strategies to remain an integral part of the economic and political relations of Western democracies.

The economic framework during much of the post-war period was characterized by an economic model inspired by Keynesianism, which relied on an active role of the government in ironing out cyclical downturns of the macroeconomy, the development of a welfare state, and a broad social consensus – including unions and employers – about the desirability of these principles. Despite national variation in the extent of "neocorporatist" bargaining, unions, employers, and the state institutionalized coordinated economic policy planning in tripartite negotiations in many Western European countries.[1] In addition, industrial production was driven by Fordist mass production with clearly defined and specialized job assignments for industrial workers (Pontusson 1992:25). Unions could rely on skilled or semi-skilled workers with steady jobs in growing economies as the basis of their membership and their organizational strength. Unions' participation in economic policy planning and making assured their influence beyond the workplace, especially when leftist parties were in government (see, Pontusson 1992; Regini 1987; Sabel 1987; or Turner 1991).

What first appeared to be a cyclical economic downturn in the 1970s soon turned into a structural crisis in post-war capitalism. The 1980s witnessed the end of the post-war consensus in many countries, a shift to governments – conservative and leftist alike – that emphasized neoliberal economic adjustment over countercyclical Keynesian policies and decentralized bargaining over corporatist interest mediation, accompanied by rising

[1] Of the many definitions of (neo)corporatism, I use here Pontusson's (1992:23) definition as "a situation in which (a) the interests of wage earners, employers, and other producer groups are represented by a relatively small number of organizations, and (b) the leaders of these organizations are involved in the

unemployment, and, in many cases, shrinking union affiliation. In addition, industrial production was reorganized to meet the demands for more flexibility from an increasingly globalized market. This flexibilization of the productive process resulted in a flexibilization of employment relations and work organization.

In the 1980s, then, unions in Western Europe were confronted with a very different model, both with respect to macro-economic policy making and the organization of production in the workplace. In many countries, the traditional sources of union strength were considerably altered, if not weakened. While this is true for most countries in Western Europe, significant variation exists with respect to union adjustment to this new environment in different countries (see Hamann 1998). This is true both for the central issues that unions are concerned with as for the strategies they have adopted. Numerous studies have quoted the preexisting institutions, especially labor relations, and union practices to account for these differences (see, for example, Blyton and Martinez Lucio 1995; Thelen 1993; King and Rothstein 1993).

However, it is not just the changed economic context that required unions to devise new responses. In addition, alterations in the political framework also necessitated new or revised union strategies. Many issues concerning the reorganization of labor are not decided within the workplace or within specific sectors only, but are subject to national-level legislation. To the extent that unions interact with political parties and the government to obtain results deemed beneficial to their constituency, explanations of union adjustment to the changing context must also account for changes in the political context. That is, if changing union strategies are to be explained, it is necessary to also

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formulation and implementation of government policy on a more or less permanent basis, interacting with each other as well as with government officials."

look at their relationship to political parties, changing alliances, policy-making processes, and changing points of access to policy-making bodies.

Analyzing the case of the major Spanish unions, I will demonstrate how evolving union strategies can be better explained if unions are positioned within the political system as well as in the economic and industrial relations system. The Spanish case displays a number of apparent paradoxes. For example, social concertation that included the major unions was prevalent under a center-right government during the transition to democracy, but was soon abolished after the Socialist Party's resounding electoral victory in 1982. Yet, when the conservative PP (Popular Party) under José María Aznar was elected in 1996, a series of issues were negotiated at the top level, including a major reform of the labor market, with the participation of the unions. These peak-level negotiations come at a time when scholars are widely discussing the decentralization of bargaining and the decline of concertation and corporatism. Furthermore, union opposition to the government culminated not only during the rule of the Socialist Party under Prime Minister Felipe González with the nationwide general strike in December 1988, but this was also a period of rapid economic growth, rising real wages (the first time since the early 1980s) and decreasing unemployment.

To explain these paradoxes, I first outline the major strategies unions have pursued since the transition to democracy by examining three distinctive phases of bargaining – a first one centered around peak-level pacts, a second one where no national-level pacts were concluded, and the third period, during which peak-level negotiations were resumed. In addition to a general description of these phases, I will analyze some crucial labor relations bills in detail to be able to link them to the specifics

of the political process. The ensuing explanation includes factors relating to the political, economic, and industrial relations factors. I do not claim, then, that European integration or other factors related to changes in production or the global and national economy are not important in explaining the changing patterns of the bargaining process. Obviously, these factors are major determinants for union strategies. Instead, I argue that the specific responses of Spanish unions become clearer once the political context is included, too.

II. From concertation to concertation? Union Strategies in Spain.

Descriptions and analyses of Spanish unions during the Franco period, the transition to democracy, and the early years of the new democracy are abundant. Suffice it here to say that Spanish unions entered the new democracy in 1977 without a history of democratic interest mediation and participation in democratic policy making. Nonetheless, the union system soon stabilized and was dominated by the UGT (General Workers Union), closely linked to the Socialist Party PSOE, and the CC.OO. (Workers Commissions), associated with the Communist Party PCE. In the 1970s and 1980s, then, Spanish unions were confronted with multiple tasks: they had to (re)organize at the end of the dictatorship, they had to gain democratic legitimacy and support the emerging democracy, and they attempted to defend workers' interests in times of profound political change during a severe economic crisis. Following the PSOE's market-oriented economic course after the party's electoral victory in 1982, they also had to fend against the adverse effects of structural adjustment policies on workers, especially rising unemployment (from 16% in 1982 to 24% in 1994), which preceded Spain's entry into

the European Union, EU (then European Community) in 1986 (see, for example, Hamann forthcoming; Share 1989; Smith 1998).

At the same time, the effects of the globalization of the economy that necessitated national adjustments in production affected Spain in a manner similar to other countries in Western Europe. While in other countries, the reorganization of work within the workplace or the restructuring of the collective bargaining process were at the forefront of the issues addressed in response to the changing economic circumstances, in Spain, the main issues first concerned the establishment of an industrial relations framework at the beginning of the new democracy and subsequently, changes in the structure of the labor market, especially the flexibilization of contracts. Obviously, the definition of an industrial relations framework was a pressing need once democracy was re-established in Spain. During the 1990s, the reform of the labor market gained prominence due to several factors. First, the persistently high level of Spanish unemployment focused public debate as well as governmental legislation on attempts to create employment through a restructuring of the labor market. Second, many authors have argued that the rigidities in the labor market inherited from the Franco regime were at least partly responsible for the high unemployment rates and consequently had to change. Attempting to influence the modifications or abolition of these ordinances thus necessitated some degree of legislative impact on part of the unions since this issue was not subject to bargaining with employers alone.[2] The progressive reform of the labor market has thus been one of the most contentious issues between the unions, employers, and the government (see Recio and Roca for more on this).

The policy-making process as it relates to the inclusion or exclusion of unions in the process of formulating policies can roughly be divided into three periods. First, a series of national-level pacts between one or both of the major unions, employers, and sometimes the government have been interpreted as an extension of the "politics of consensus" that characterized the Spanish transition to democracy (see Hamann 1997) or as the equivalent to the neocorporatist practices of other Western European countries – ironically, it emerged in Spain just at the time as it was beginning to be dismantled in Spain's European neighbors (see, for example, Encarnación 1997; Pérez-Díaz 1994). Second, the period until the mid-1990s was marked by the absence of broad top-level negotiations; instead, unions staged three general strikes against the government. Negotiations were limited to bilateral, issue-specific encounters between the unions and the government. Third, national-level bargaining resurfaced in the mid-1990s.

Union Strategies before 1987: National-level Bargaining

Starting in 1979, a series of pacts was concluded that were signed by at least one of the major unions, the employer confederation CEOE, and sometimes the government (see Zaragoza 1990). With the exception of 1984, some form of concertation took place every year until 1986 either by negotiating new pacts or by extending existing ones. Whether these pacts are understood as a form of neocorporatism (e.g. Encarnación 1997) or as "temporary adjustment measures" (Heywood 1999:105) is of less importance here than the fact that economic interest group and, at times, the government, participated in

[2] As Recio and Roca (1998:146) conclude, "The objective of making labour conditions more flexible has been at the centre of different legislative measures which have introduced significant changes in the Spanish labour system."

peak-level interest mediation outside of parliamentary procedures.[3] The pacts addressed wage issues as well as various issues related to labor relations and employment.

[Table 1 about here]

At the same time, the relations between unions and ideologically proximate political parties were very close. The socialist UGT and the PSOE were linked by a common history (the UGT was founded in 1888 by the PSOE), organizational overlap (PSOE members were required to also affiliate with the UGT), and leadership overlap (for example, UGT leaders ran for and were elected to parliamentary seats on PSOE tickets). Even though the CC.OO. emerged out of bargaining committees within firms only in the 1960s (see Amsden 1972), it became soon dominated by the PCE, and during and after the transition to democracy relations between the two organizations remained close. Leftist parties also voiced union concerns in the legislature. The industrial relations framework that was set up emphasized competition between union confederations (see Hamann 1997, 1998), and alliances were formed along ideological lines – the UGT and the PSOE on the socialist side, CC.OO. and the PCE on the communist side.

The case of the Workers' Statute illustrates well how unions used existing points of access to policy making both within and outside of the legislative process. Article 35.2. of the Constitution calls for labor relations to be regulated by a Workers' Statute ("the law shall establish a Workers' Statute"). Once the Statute was passed in March 1980, it occupied a central position in Spanish labor legislation and has been called the "workers' constitution."[4] It regulates three aspects of labor relations: the individual employment relationship, rights of collective representation, and collective bargaining

[3] Some of these pacts were later passed by parliament and thus gained legislative status.

rights. The Workers' Statute was the first major piece of labor legislation to be passed under the 1978 Constitution and was extremely contentious.

In 1979, the government commissioned the Institute of Social Studies to draft a Workers' Statute. The Council of Ministers approved this proposal and presented it to the legislature in early June 1979. The Minister of Labor declared that it "had not been submitted for prior negotiation with the social and economic partners since this might have cast doubt on the fact that it was the Government's sole responsibility to define the framework of labour relations" (quoted in Sagardoy Bengoechea 1981:217-218). But while the initial proposal was drafted without consulting unions or employers, the Minister of Labor opened the debate for the subsequent parliamentary discussion and explained that "the Government would have no objection to incorporating into the Bill, after they had been examined, any suggestions which workers and employers might put forward, by mutual agreement, through their respective organisations" (quoted in Sagardoy Bengoechea 1981:218). During the various legislative stages, 803 amendments were introduced and 172 were accepted. In total, 381 ballots were cast before the text was finally passed in March 1980 (Sagardoy Bengoechea 1981:219). The Statute was thus one of the lengthiest legislative projects in the history of democratic Spain and was surpassed only by the Constitution itself with respect to the number of proposed changes.

At the same time, the PCE independently elaborated a draft of a workers' statute, which the government vetoed.[5] The UGT, in contrast, accepted the offer presented by the

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[4] See Felipe González' 1979 speech in parliament for a critique of this notion. Cortes Generales, *Diario de Sesiones*, debate #51 (11 December 1979:3430).

[5] The government justified the veto by citing Article 134 of the Constitution, which grants the government the right to veto bills that require an extension of the budget. The PCE claimed, though, that the governmental veto was unconstitutional because the 1979 budget had not been passed yet. *El País* (23 May 1979:15; 24 May 1979:61).

Ministry of Labor and entered negotiations with the CEOE, the organization representing the interests of large employers,[6] to draft a joint proposal that the government could incorporate into the bill. The negotiations resulted in the Basic Interconfederal Agreement (ABI), in July 1979 between the UGT and CEOE. The government presented its original proposal in parliament and the bill was then amended during the legislative path – the subcommittee, the standing committee for labor, the plenary session in parliament, the Senate, and the plenum again for a final vote.

The subcommittee played only a subordinate role in the consideration of the Workers' Statute while the committee on labor issues and the subsequent debate in the plenary session proved to be the crucial arenas for discussing and changing the government draft.[7] The discussion in the committee also illustrates how the dynamics between unions and leftist parties had an impact on legislative outcomes. Whereas PSOE proposals, based on UGT suggestions, were discussed and frequently accepted, the CC.OO. proposals represented by the PCE were regularly voted down. Marcelino Camacho, CC.OO. Secretary General, who was also member of the PCE executive and PCE spokesperson in the committee, repeatedly complained that the PCE had been sidelined and isolated in the discussion due to the pact between UGT and the employers' organization, which was reflected in cooperation and agreements between the Socialist Party and the UCD (*El País* 11 November 1979). Frequently, a UCD-PSOE coalition

[6] Small and medium employers had a separate organization, CEPYME.
[7] The committee consisted of 14 conservative deputies (UCD and CD), 10 PSOE members, two communists, and one each from the Socialist Party of Andalucia (PSA) and the Mixed group.

approved PSOE amendments (which emerged out of the ABI between UGT and CEOE), while the committee did not approve any PCE amendment.[8]

The PCE considered its political isolation in the committee as grave enough to consider withdrawal from the body. The party leadership finally accepted the decision made by Santiago Carrillo, the PCE secretary general, to not boycott the committee work. Carrillo argued that the fragile democracy was still in need of consensus and cooperation, and that a PCE withdrawal could pose a serious threat to democracy, as the danger of "*involución*" (reaction, backlash) on the part of the extreme right still persisted (*El País* 11 Nov. 1979).

The debate in the committee showed a lack of consensus not only among the different parties but also within the parties, most notably the UCD, but also the PCE (*El País* 11 November 1979). In the UCD, divisions went so far that the chair of the committee (UCD) and the party's spokesperson in the committee voted differently on an amendment the PSOE had presented.[9] Divisions within the PCE were most visible in the discussions between Marcelino Camacho and Santiago Carrillo, the party leader, who was not a committee member. As leader of the CC.OO., Camacho considered it his most important task to represent workers' interests in the debate, interests that sometimes clashed with the preferences of the party leadership emphasizing moderation. CC.OO., on the other hand, had emerged as the strongest union in the 1978 union election and refused to make concessions that appeared unacceptable to them in designing the new industrial relations framework.

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[8] The only exception was when the committee voted in favor of a PCE amendment that had formed part of the alternative project the party had presented. The article (referring to workers' protection with respect to geographical mobility) was voted on out of context of the PCE proposal, and Marcelino Camacho opposed the vote. *El País* (6 Nov. 1979).

The UCD was able to paper over its internal conflicts in the committee, and started negotiations with PSOE committee members in private meetings outside the committee. Nicolas Redondo, UGT secretary general and PSOE deputy, participated in these meetings together with the Minister of Labor, Rafael Calvo Ortega. These negotiations resulted in pacts between the Socialist Party and the UCD that included proposals emerging out of the prior UGT-CEOE agreement.

The coalitions that had formed in the committee phase changed once the bill was passed on to the plenum. The PCE suddenly attempted to reach deals with the Socialists as well as with the UCD. How can this change in PCE tactics be explained? The parliamentary roles of Camacho and Carrillo are crucial in accounting for the switch. Camacho, who headed the PCE delegation in the committee, opposed compromises on what he considered fundamental union legislation. In the plenary session, though, Carrillo headed the PCE delegation. He was an old PCE militant and leader and had no formal ties to the union. He was more concerned with portraying a moderate image of the PCE and with avoiding political marginalization.

The PCE's new cooperation with the UCD and the PSOE appeared to pay off: for the first time in the course of the bill, parliament passed some Communist amendments (*El País* 14 Dec. 1979, 15 Dec. 1979). Yet the PCE was soon sidelined again. Negotiations with the UCD broke down over the issue of restrictions on firing workers, and relations with the PSOE became frosty once more over the issues of workers' collective rights on the firm level and the role of the union sections in collective bargaining on the plant level (*El País* 19 Dec. 1979, 20 Dec. 1979, 21 Dec. 1979).

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[9] *El País* (31 Oct. 1979). Party discipline is generally very high in every stage of the legislative process.

When parliament passed the final draft of the Workers' Statute, neither the UGT nor CC.OO. expressed complete satisfaction with its contents.[10] Yet, compared to CC.OO., UGT emerged as the overall winner of the debate. The Communist Party had failed to change the law along the lines of CC.OO. proposals. Both PCE and PSOE explicitly contended that they were representing the interests of their ideologically proximate unions. The presence of prominent union leaders as committee members – in their function as party deputies – thus proved an important tool for the unions in influencing legislation.

The degree of union success in influencing the Workers' Statute, then, has to be explained by looking at four factors. First, the distribution of seats in the committee and the parliament as a whole limited the extent to which the political parties close to the unions could press for changes in the law. Thus, the parliamentary strength of the Communist Party was in general insufficient to get CC.OO. amendments adopted, while the PSOE could effectively influence the bill due to its parliamentary significance as the largest opposition party. Second, the links between unions and parties merit closer assessment. Conflicts between CC.OO. and PCE leadership accounted for inconsistent strategies in the different stages of the parliamentary debate. The Socialist Party, though, fully adopted the UGT proposals. Third, the internal structure of political parties has to be taken into account. The PSOE was an internally cohesive and disciplined party with a strong party leadership, while the PCE was internally divided. Finally, the stage of democratization limited union strategies. The PCE was careful to portray a moderate image, and union leaders were reticent to rely on a strategy of confrontation out of fear of a backlash from the extreme right. Clearly, the UGT benefited from its close ties to the

[10] Interviews with UGT and CC.OO. leaders, Madrid, fall 1991 and 1992.

PSOE and its parliamentary strength. The socialist union engaged in negotiations with the employers' organization CEOE outside of the parliamentary arena, initiating the first of a series of negotiated peak-level pacts. The CC.OO. joined the UGT in these pacts in the ANE (National Employment Agreement, 1982) and the AI (Interconfederal Agreement, 1983), but not in the AES (Economic and Social Agreement, 1985, 1986).

Union Strategies 1987-1995: The Absence of Concertation

The years following 1987, the first year since 1979 without a national pact, marked the beginning of a new policy-making phase. This year also signaled a change in the relationship between the UGT and the PSOE. Having begun the implementation of a broad industrial restructuring program with the goal of overcoming the economic crisis and making the Spanish economy more competitive before entering the EU in 1986, union opposition to the government's economic adjustment policies mounted. The resignation of prominent UGT leaders, among them the Secretary General Nicolas Redondo, from their parliamentary seats over a proposed pension reform in 1987, illustrated the growing distance between the two socialist organizations. In response to the mounting opposition to the PSOE, the UGT and the CC.OO. began to coordinate their goals and strategies, and jointly protested against the government's social and economic policies, in particular a new plan to decrease youth unemployment, in the nationwide general strike of December 14, 1988. Felipe González called early elections for 1989, and for the first time, the UGT did not provide electoral support for the PSOE.

While relations between the government and the unions soured, no new social pacts were concluded, and all attempts to negotiate new agreements between the unions,

employers, and the government failed. Instead, the unions entered bilateral negotiations with the government on specific issues, especially regarding social welfare policies and labor relations in the public sector (Espina 1999:380). An agreement between the unions and the government was also reached on the unions' right to monitor new contracts, against the opposition of the CEOE (Rhodes 1997:116). No agreements (either bilateral or trilateral) were reached during the recession of 1993-1994. The attempt to negotiate a "Social Pact for Employment" failed in November 1993, and consequently, the labor market reform of 1994 was passed and implemented unilaterally by the government (Aguar, Casademunt, and Molins 1999:60; Rhodes 1997). The unions called another general strike against the reform in January of 1994, which, however, in contrast to the 1988 strike, had little political impact (Espina 1999:383).

Instead of relying on ideologically proximate parties to represent union interests, the major unions emphasized their autonomy from political parties and began to coordinate their goals and strategies. They issued joint policy declarations and proposals (for example the Propuesta Sindical Prioritaria in 1989, or the Iniciativa para el Progreso, 1991) and emphasized their functional separation from the parties and mutual collaboration instead of confrontation, while deemphasizing competition. Thus, the unions pushed for a change in the workplace elections for works committees to downplay competition in 1994 (see Hamann 1998:437). In addition to a shift in strategy from concertation and cooperation with political parties, then, this period also indicated a shift in alliances.

An interesting case study is the Strike Law, which illustrates some of the factors that can account for the failure of concertation. However, the Strike Law is also

somewhat atypical in that negotiations did actually take place, yet the law was never passed.

Similar to the Workers' Statute, the Constitution provides for a Strike Law. Article 28.2 grants the right to strike but also states that laws should regulate strike activity. However, it took the government 14 years to finally take on the project and submit a law to parliament to regulate strike activity. The negotiation of the Strike Law was a long and drawn-out project – the period during which amendments could be submitted was extended nine times – but in the end, the bill was never submitted to the legislature for the final reading. The bill was also important in that it showed that despite the firm leadership of Felipe González, different opinions existed within the PSOE and came to the forefront in the debate of the Strike Law.

Preliminary discussions between the PSOE government and the unions regarding a strike law broke down in early 1992, when the relations between the unions and the government had reached an all-time low. The Council of Ministers approved a strike bill to be proposed to Congress on May 14, 1992, that had been designed without consultation with the unions and with only minimal input from the employers. Days earlier the unions had announced a general strike for May 28, and the relations between the government and the unions were particularly tense. Congress approved the bill in the first reading with 306 out of 350 votes in favor. The government also announced that it was open to consult with non-parliamentary groups on amendments, and that the negotiations would have to be conducted through the party groups in parliament.

The submission of the bill was followed by intense negotiations between the UGT, CC.OO., and various levels of the Socialist Party and government. On the part of

the government, the Minister of Labor was involved in the negotiations; on part of the PSOE apparatus, some of the left-leaning leaders took part in the dialogue,[11] and for the socialist parliamentary group, the parliamentary group leader Noval and the designated spokesperson for the law, Barrionuevo, took part in the negotiations. The unions, for their part, consulted with and received advice from some of the most prominent labor lawyers in the country on how to draft an improved bill (interview with CC.OO. leader, fall 1992, Madrid).

In order to grant the negotiating parties sufficient time to find a consensus draft that could then be presented to Congress as an amendment, the Socialist party group in parliament requested an extension of the amendments period (ordinarily two weeks) nine times. After months of negotiations, UGT, CC.OO., and the Labor Minister formally agreed on an alternative draft on 9 November 1992, which the Socialist parliamentary party group presented to parliament the following day. The amendments were discussed and approved in the respective committee and subcommittee with support from parties other than just the PSOE (see extensive reports in *El País* during this time period). On 19 February 1993, parliament approved the revised draft in its plenary session without any modifications to the renegotiated bill.

While this stage would normally signal the end of the substantive discussion of a bill, a heated discussion continued in the case of the strike law.[12] After the unions and some sectors of the PSOE had reached the consensus in November 1992, various members of the Socialist government, especially Economics Minister Carlos Solchaga, publicly criticized some aspects of the bill as "socially alarming" and called for further

[11] Txiki Benegas, Secretary of Organization and "number three" in the party, and Francisco Fernando Marugán (the PSOE leader responsible for economics and finance) represented the Socialist Party.

changes. When Congress approved the negotiated draft, deputies of the Popular Party had suggested that more changes be made in the Senate. The Senate rarely makes substantive changes to bills, but in this case it seemed that a real possibility existed. Solchaga also publicly suggested this possibility, while other high-ranking PSOE members expressed continued support for the new bill. During this discussion, the bill was sent to the Senate, which approved it with only two minor, "non-substantial" amendments.

While it seemed that the last hurdle for the strike bill to become law had thus been overcome, reality turned out different. Before the bill was back on the agenda for final parliamentary approval, Prime Minister González called early elections for June 1993. The PSOE returned to office after the election; however, the party now formed a minority government and had to rely on the support of other parties, especially the conservative Catalan party Convergence and Union (CiU) to pass bills. CiU did not support the strike bill, and the bill was never submitted to the legislature for its final reading.

Policy making since the mid-1990s: The return to concertation?

Just when political scientists were widely discussing the decline of neocorporatism, the mid-1990s in Spain witnessed a return of top-level bargaining. However, contrary to the broad social pacts negotiated in the 1980s, the new agreements addressed clearly defined issues. The Toledo Pacts detailed a plan for a reform of the pension system and were signed with the conservative PP government of José María Aznar, elected in 1996. The original text had been drafted by a parliamentary

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[12] This section relies heavily on coverage of the bill in *El País*.

subcommittee in 1994 and was passed in the Congreso in April 1995. However, once Aznar's PP had been elected in 1996, the major unions – UGT and CC.OO. – were invited to discuss the party pact. Consequently, the government and the two unions signed the "Agreement on the Consolidation and Rationalization of the Social Security System" in October of 1996, which was passed into law in July of 1997 (Alarcón Caracuel 1998:21-22). Other negotiated tripartite Agreements included the agreement on the Regulation of Services for the Prevention of Work-Related Risks, an Agreement on Social Protection and Pensions, and a Rural Employment Plan as well as a Basic Agreement on the Politics of Professional Training and the Second Plan for Continuing Training, and the Tripartite Agreement on Worker Safety and Health. These agreements preceded a second round of major labor market reforms in 1997, in which the employers' organization CEOE and the major unions participated, backed by the government (Espina 1999:388). This negotiated agreement provides a stark contrast to the 1994 reforms, which were passed without negotiation with and against the vociferous opposition of the unions. In addition, national-level collective bargaining, including wage bargaining, has covered an increasing number of workers, while lower-level bargaining, though conducted in more firms, has covered fewer workers.[13]

III. The Policy-Making Process in Spain

These changes in bargaining patterns, and consequently, union strategies are shaped, I argue, by the changing political and economic constraints of the Spanish

[13] In 1984, for instance, 67% of all collective contracts were negotiated on the firm level, covering 17% of all workers; in 1996, 72% were negotiated on the firm level, but only 12% of all workers were covered by

democratic system. That is, while the major institutions have remained stable over time, changing political factors have affected unions' access to policy-making bodies, which in turn has influenced the strategies unions have adopted. Spanish union strategies have proven so flexible over the last 20 years not only due to the changing economic environment, but also due to changes in the political context in which unions operate, specifically alliance structures, relations to political parties, the stage of democratization, and the autonomy of the executive.

Legislatures in liberal democratic regimes have been characterized by their actual importance in and influence on the policy-making process (Polsby 1975; Mezey 1990 (1979); Maurer 1994). These accounts classify countries as having "highly" or "modified transformative" vs. "modified arena" or "arena" legislatures (Polsby 1975:296), or legislatures with "strong," "modest," or "little or none" decision-making power (Mezey 1990 (1975)). These classifications suggest that it is the institutional characteristics of a country that determine the power of the legislature with respect to other political actors, especially the executive. However, factors other than these formal rules – such as seat distribution in parliaments, political crises, and power of interest groups – have an impact on how the legislature functions and affect the way policies are passed. These other factors can change over time even while formal institutions remain stable. If the distribution of power among the different actors involved in the legislative process changes over time, the relative influence of these actors in the policy-making process also changes. Consequently, political actors can be expected to change their strategies in their efforts to influence policies. In order to understand the changing strategies of Spanish

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these contracts, while the number of workers covered by higher-level contracts increased from 83% to 88% in the same period of time (Miguélez and Rebollo 1999:333-334; see also Hamann 1998).

unions, it is crucial to look at the legislative process since many of the central issues in adjusting the labor market and labor relations have been passed as legislative acts.

The Spanish policy-making process has been characterized as one "in which the state enjoys a high degree of power concentration" where "power is concentrated rather than diffused, reflected in the key role of the core executive in the policy process" (Heywood 1999:103-105). Yet, the dominance of the executive has undergone some modification over time.

Parliament is the formal policy-making arena in Spain, but deputies' votes are subject to a variety of influences. For example, it is mostly the executive that is responsible for introducing the vast majority of new bills. The role of the executive is strengthened by several institutional factors. For one, the proportional representation electoral law is modified by district size, the d'Hondt system of seat allocation, and a 3% (district level) minimum vote to prevent extreme party fragmentation, resulting in a high disproportionality index and advantages in seat allocation for large parties (see Montero, Llera, and Torcal 1992). The Prime Minister has the official title of "President of the Government" and has considerable autonomy since only the Prime Minister is invested. A constructive vote of no-confidence makes the replacement of the Prime Minister by the opposition more difficulty than a simple vote of confidence.

What determines the autonomy of the main actors involved in the legislative process? Studies of the role of Prime Ministers have primarily focused on the personality of the individual office holder to explain within-country variation (King 1994, Jones 1991, Rose 1991). As the formal power of the office tends to be stable over time, personality appears as one crucial variable to explain the actual impact of an officeholder.

However, personality cannot fully explain variation in the power of the prime minister for an individual office holder over time. The type of government, whether single-party majority or coalition, is a further constraint on the power of the Prime Minister. Finally, internal party discipline and cohesion is another factor that can influence the prime minister's actual power (Rose 1991). The impact of legislatures, in turn, hinges on the size of the dominant parliamentary group, the degree of centralization and hierarchy of the legislative parties, and the degree to which "the composition of legislative majorities on successive specific issues" is "fixed and assured" (Polsby 1975:292). If the executive is strong, interest groups are likely to use strategies different from those employed with weak executives.

The formal rules of the legislative process are specified in various documents, such as the Constitution and the rules and regulations of parliament. However, the few existing studies of the Spanish policy-making process show that the role of parliament has changed over time. For example, the opposition was considerably more successful in getting bills passed during the UCD government than during the first two Socialist legislatures (Maurer 1994). Other indicators also show that the role of the opposition as well as the role of the executive's parliamentary party groups has varied. These actors were most successful in exerting influence on legislative bills under the UCD governments. The Socialist governments were relatively intransigent to modifications of their policy agenda from either opposition parties or deputies from their own party, especially between 1982 and 1986 (Maurer 1994). Likewise, the Prime Minister was in a much weaker position during the UCD rule. The stage of democratization, the strength of the government, and unions' allies (especially their ties to political parties) were

influential in determining the strategies unions pursued. Since these factors sometimes overlap in the Spanish case, it is difficult to disentangle their relative influence, but taken together, they provide an explanation based on political factors to complement the influence of economic factors in accounting for changing union strategies.

Policy making during the consolidation phase: Bargaining and Compromise

The Spanish transition to democracy and the subsequent consolidation period have been widely characterized as a "pacted transition" driven by elite compromises (see Hamann 1997). Yet, the government as a political actor was in a relatively weak position due to two main reasons. First, even though the election results returned the UCD as the largest parliamentary party with 48% of the seats, Suárez had to form a minority government. He thus depended on other parties to pass legislation. The second source of instability lay in the UCD's internal fragmentation. Shortly before the 1977 election, Suárez had formed the UCD as an electoral coalition of 14 parties. Factionalism within the party, which had never been united by a coherent ideology or party program, resulted in Suárez' resignation in early 1981. His successor, Leopoldo Calvo Sotelo, was generally regarded as a weak Prime Minister. The political weakness of both Prime Ministers and their need to balance different party factions in order to buttress their own position is illustrated by the number of cabinet reshuffles. During Suárez' term in office from 1979 to early 1981, three cabinet reshuffles took place; Calvo Sotelo initiated two cabinet reshuffles during his less than two years as Prime Minister (Heywood 1991:102). A further reason for the government to seek a broad support coalition inside and outside of parliament was the persistent threat of coup attempts, which materialized with General

Tejero's seizing parliament in February of 1981.[14] The consolidation period, then, was marked by minority governments, internal fragmentation of the governing party, and an unstable political context in which democracy was not yet fully grounded.

Consequently, policy making in this period was driven by negotiations and compromise both within and outside of parliament. The government was isolated from its deputies in parliament as well as from the party organization and membership, and ministers had to fight for support from the various UCD factions in parliament to pass bills (Capo Giol et al. 1990:108). Conspiracies from within the party against the prime minister found expression in party leaders' discussions of how to remove Suárez from office, and Suárez himself minimized discussion with the UCD parliamentary group in order to avoid open confrontation (Heywood 1991:102; Capo Giol et al. 1990:108). Power over legislation was thus diffused among the UCD government, the UCD parliamentary group, and opposition parties. This diffusion of power gave parliament a central role in policy making, and opposition groups had several opportunities to influence and change bills as they moved through the legislative process. In addition, broad social pacts were a way in which the government sought to stabilize the fragile political and economic situation.

How did this policy-making process affect the ways in which unions could influence legislation? With the emphasis on parliament as the central debating and decision-making arena, unions' ties to leftist political parties, and, in particular, to their deputies in parliament – especially leading figures of the parliamentary groups – provided indirect and sometimes even direct access to crucial stages in the legislative process. As

[14] The February, 1981, coup attempt was preceded by a number of other plots to overthrow the government,

unions had strong ties to and overlapping interests and leadership with opposition parties, the structure of the decision-making process with its multiple debating and decision points proved to be a valuable asset for influencing legislation. This is particularly true given the UCD government's need to build coalitions in these different parliamentary arenas and to also produce broad social consensus outside of parliament. The emergence of social pacts and peak-level bargaining can thus be interpreted as an effort to promote stability when the government was weak, democracy was still not consolidated, and an economic crisis led to both rising inflation and unemployment rates. While both unions attempted to utilize the same general strategy – influence legislation through opposition parties – the UGT was more successful than the CC.OO. as the Socialist Party had more weight in the parliamentary arena than the Communist Party and suffered less from internal divisions. In addition, the UGT was willing to engage in peak-level negotiations with the CEOE and was thus able to influence important labor issues outside the legislative arena. The CC.OO. joined this strategy and signed pacts in 1982 and 1983.

The breakdown of negotiation (1986-1995)

Several reasons can be cited to account for the breakdown of concertation after 1986. For one, unions charged the government with not having complied with the provisions negotiated in the pacts, especially the creation of new jobs (Estivill and de la Hoz 1991; Recio and Roca 1998:149). The government, for its part, did not depend on either union support or broad social pacts. The PSOE had a solid majority in parliament prior to 1989, and after the failed coup attempt in 1981 and the subsequent peaceful change in government, democracy was generally considered consolidated. At the same

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the most famous of which was the *Operación Galaxia*. Preston (1990a:ch.8).

time, the Socialist government implemented a series of measures aimed at alleviating the economic crisis and at increasing the efficiency and the competitiveness of the Spanish economy (see Bermeo 1994; Smith 1998; Holman 1996; Hamann forthcoming). This was considered especially necessary and urgent given Spain's approaching entry into the European Community in 1986. While union opposition especially to the rising unemployment as a consequence of the industrial restructuring mounted, they were ineffective in changing the course of the government's macroeconomic and industrial policy. The unions succeeded in delaying some policies and receiving generous compensation for workers laid off in the process of industrial restructuring, but were nonetheless unable to modify the overall economic course of the government (Smith 1998). Given the divergent policy preferences of unions and the party, UGT leaders, for their part, considered that the government did not pay sufficient attention to union demands (interviews with UGT leaders, fall 1991 and 1992). The government, on the other hand, thought that union demands were excessive and would jeopardize the government's efforts to increase the efficiency of the economy. As an ex-minister of Labor expressed it, the PSOE "preferred to make policies with the support of the unions, but we can just as well do it without them" (interview, fall 1991). The unions overcame their ideological distance and emphasized cooperation and a joint front against the government as they perceived that they were not in a position to influence policies through negotiations within the PSOE or broad social pacts. To understand why the strategies unions had used until the early 1980s were modified, it is useful to look more closely at the dynamics within the Socialist government and party.

The PSOE's majority in parliament between 1982 and 1993 minimized the need to build coalitions or to seek broad consensus with opposition parties. The hierarchical organization of the Socialist Party reduced the power of existing factions and concentrated leadership in the hands of Felipe González. While opposition parties played an important role in the legislative process of the first years of democratic governance, they had only a limited policy-making role in parliament after 1982 due to the government's majority status. This autonomy of the governing party to pass legislation also limited the potential points of access for unions and their opportunities to influence policies once policy preferences between unions and the government diverged.

During Socialist rule until 1993, within parliament and the Socialist party, power was concentrated in the hands of the Prime Minister and PSOE secretary general, Felipe González, and few opportunities existed within parliament or the party to change governmental policy proposals. During the democratic transition and consolidation periods, parliament had been the prime arena for political debate and decision making. With the Socialist victory in 1982, though, and lasting until the early 1990s, the emphasis on parliamentary debate, concessions, and consensus that had prevailed under the UCD government changed drastically even though formal parliamentary rules and procedures remained largely unchanged. At the same time, the PSOE became more autonomous and had to rely less on support by labor unions. During this period, the unions adopted new strategies. They lost the effective representation in parliament they had enjoyed previously (through their leaders being elected on party tickets or through indirect representation of their interests by powerful parliamentary parties). Instead, they largely

overcame their ideological rivalries, coordinated their goals and strategies, and negotiated individual issues with the government.

González was a crucial actor not only in defining governmental policies, but also in making party decisions. He occupied the double position of Prime Minister and secretary general of the PSOE; thus, he had considerable influence on the intraparty politics of the governing party. As one PSOE deputy described it, even though the party (Federal Committee and Federal Executive Committee) decides on the party's electoral platform and long-term policy stands, no policy was passed without the consent of the party secretary general.[15]

During the 1980s, González was supported by Alfonso Guerra, deputy prime minister and vice secretary general of the party.[16] Guerra also headed the committee that finalized electoral lists (the Spanish electoral law provides for a system of closed party lists), thus giving him considerable power to eliminate political dissenters while rewarding loyalists. He represented a moderate leftist position in the party and government, but even though he and his followers in the party and the parliamentary group acted as a filter for issues and opinions reaching González, it was the Prime Minister and not the party executive or parliamentary group that made important decisions (Gillespie 1993:84, 94). For most of the 1980s, party leadership and government formed a cohesive team, both headed and represented by González and Guerra. As one deputy and member of the PSOE executive committee explained,

[15] Interview with PSOE deputy, fall 1991, Madrid.

[16] Guerra resigned from the post of vice prime minister under pressure in 1991. He had been linked to a political scandal his brother was implicated in. At the same time, his removal from the government

Unions could thus no longer rely on one of the strategies they had used during the previous years, their connections to leftist political parties as their mouthpiece and allies. As policy preferences between the Socialist Party and union clashed over the PSOE's economic policy course, the unions – and especially the UGT – became more autonomous. CC.OO. had already become more independent from the Communist Party in the early 1980s, and the PCE's internal and electoral problems meant that it was not in a position to battle successfully for union interests.

In 1982, 13 UGT leaders gained parliamentary seats on PSOE electoral lists, among them UGT Secretary General Redondo, who explained that the "direct representation of workers in the Cortes is very important." (*Cambio 16* #577, 20.12.1982:70). Five years later, he resigned together several other UGT leaders, thereby questioning the strategy of worker representation through union deputies in parliament.

The standing orders of parliament also provide for party discipline and thus strengthen the leadership of the parliamentary party, the "group." The groups are designed to constitute the core bodies of parliament; for example, amendments or bills designed by individual deputies have to be passed through the groups. However, in reality the role of the groups as well as that of individual deputies is greatly reduced. The socialist group was itself hierarchically organized, which further diminished the power of deputies to introduce policies. According to provisions concerning the role of the parliamentary groups, the government should discuss each bill with its parliamentary group before it is officially introduced in parliament, to get initial feedback and make sure there are no serious objections from within the parliamentary party group. However, the Socialist government used this practice less and less during its first term in office,

thus reducing the role of the deputies and party group (López Garrido 1985:240). About 90% of all Socialist legislative proposals were initiated by the government, and only 10% emerged from the parliamentary group. Even those 10% were only introduced after the government had consented to the proposal.[19] In case disagreements over amendments persisted, it was up to the Prime Minister or the deputy Prime Minister to make a final decision.[20] Individual deputies thus faced considerable obstacles when attempting to introduce amendments, and some resigned in frustration over the lack of impact they had on the legislative process.[21] Individual deputies and the parliamentary party group hence have the least amount of autonomy compared to the party and the government.[22]

How did this concentration of power in the executive affect unions? Various options through which unions could potentially influence policies were excluded. For example, working within the Socialist parliamentary party group appeared as a strategy with little promise since deputies or the group had little authority or autonomy. Likewise, there was little point in relying on opposition parties to successfully press for union demands. The United Left (IU), a leftist electoral coalition formed before the 1986 elections, which includes the Communist Party, did not have a sufficient number of seats to affect policy making significantly. Unions' potential points of access to parliamentary decision making was thus limited, and unions tried to design new strategies. These included cooperation and coordination between the two major unions and increased autonomy from leftist political parties. Functional differentiation thus largely replaced ideological differentiation. From the perspective of the unions, social pacts were

[19] Interview with PSOE deputy, Madrid, fall 1991.
[20] During the first years of the Socialist rule, this was the case in about 5% of proposed bills (López Garrido 1985:240-241).
[21] Interviews with PSOE deputies, fall 1991 and 1992, Madrid.

ineffective and not beneficial to union interests; from the perspective of the government, they were ineffective in streamlining the economy and unnecessary since the government was able to pass policies without having to rely on allies.

The failed attempt to pass the strike law illustrates how the dynamics of policy making can change as the political context changes while the formal rules guiding the policy-making process remain stable. The status of the government, splits within the governing party, and the relationship among unions as well as between unions and political parties can influence the policy-making process and bargaining structures. The law was controversial, not just with respect to different parties, but also with respect to different factions within the governing party. It was one of the few laws where the government was split and the party organization did not officially back the Prime Minister and General Secretary of the PSOE, Felipe González, who had implicitly sided with his Economics Minister Solchaga and left the possibility open that the bill be amended in the Senate. The law was also unusual in that the text was discussed with social interlocutors after the government had submitted the bill to parliament. Finally, the law was interesting in that it was the first time that the government and the unions had agreed on a major bill since their formerly friendly relationship had broken down in the late 1980s; yet, it still was unsuccessful.

The reemergence of peak-level negotiation after the mid-1990s

While the attempted negotiations of previous labor market reforms had resulted in failure and unilateral government decisions, met by vociferous union opposition, the

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[22] Interview with PSOE deputy, fall 1991, Madrid.

issue remained nonetheless crucial. First steps to deregulate the labor market had been undertaken in the mid-1980s without noticeable long-term effects on the Spanish employment situation, though. Except for a short period in the late 1980s, the unemployment situation deteriorated. In addition, the flexibilization of contracts, aimed at decreasing the rigidity of the labor market by reducing employment and dismissal costs for employers through the introduction of temporary jobs, resulted in one third of all employed Spaniards having temporary employment, sometimes as short as one month. In 1994, only 2% of all new contracts were permanent contracts (EIU 1995[3]:19). Nonetheless, the overall employment situation did not improve until the mid-1990s. Further reforms of the labor market were thus seen as imperative. When the new labor market reforms were discussed in 1997, the unions took an active part in the negotiations, and the reforms were passed with the consent of the unions.

This renewed peak-level negotiation process of the labor market has been mirrored by other issues, such as the pension reforms (Toledo Pacts). What explains the revitalization of top-level negotiations? One reason is the differentiation of industrial relations from the political system. During the Franco dictatorship, industrial actors were by definition political actors, and unions' goals were political as much as economic – free collective bargaining and democratic rights for workers and unions. The overarching goal of introducing and stabilizing democracy during the transition and consolidation period continued to emphasize the political role of the unions. However, by the 1990s, the industrial relations system was well differentiated from the political system narrowly defined (see Espina 1999). This differentiation allowed for a renewal of the peak level negotiations; after the 1988 general strike it became obvious that a broad criticism with

the social and economic policies of the government was consistent with electoral support for that same government. When the 1994 general strike had next to no political consequences, mobilization as a strategy to influence economic policies became a strategy the effectiveness of which was questioned (Espina 1999).

However, in accounting for the changes in the union strategies, another important factor has to do with the industrial relations system. Union affiliation in Spain has been low since the initial surge of the transition period and have been around 15-20% in the 1990s. Yet, the unions receive most of their support not from affiliation rates, but from the results of the elections for representatives to the works committees, the so-called union elections. While the UGT and CC.OO. have been dominant since the transition to democracy, they lost considerable support (6.5%) to independents and company representatives in the 1994-95 elections, especially in companies with over 250 employees. In addition, the UGT, after having won all union elections since 1982, came in second after CC.OO. This presented a clear signal to the unions that workers did no longer approve of the strategy of confrontation and instead preferred negotiations (Espina 1999: 386-387). The changes in internal organization and leadership in both unions responded to these outcomes, and the unions and employers' organization signed the Agreement on Extrajudicial Resolutions of Labor Conflicts in January 1996 (Espina 1999:387). From the mid-1990s onwards, then, a "recentralization" of collective bargaining can be observed.

At the same time, Spain has had minority governments since 1993 (PSOE 1993-1996; PP since 1996), which might also account for the government's renewed willingness to include unions in the policy-making process through extra-parliamentary

peak-level negotiations. This willingness may also be prompted by the economic and financial integration of the EU, which may necessitate a more coordinated and centralized economic policy-making process, relying on the cooperation of both unions and employers for both developing and implementing effective economic adjustment.

Conclusion

The pressures of the changes in the global economy are similar in many West European countries. Yet, the strategies that unions have adopted in response to these pressure are distinct. In this paper, I have argued that it is not just changes in the economy and the pressures of European integration that can explain the strategies of Spanish unions. These factors may provide the motivation for unions to search for new patterns to influence policies and protect the interests of their constituencies. Yet, an explanation of the specifics of this adjustment process has to be located in the larger political context and the policy-making process.

In Spain, these factors have specifically to do with the relative strength of the executive, the industrial relations framework (which is at time itself subject to renegotiations), relations between leftist parties and unions, and the stage of democratization. While the institutional factors ruling the political process (electoral laws, regulation of parliamentary procedures, the formal powers of the executive) have remained stable, there has nonetheless been considerable variation in the way these factors have affected unions and their capacity to influence policies. Unions have responded to these variations by adjusting their strategies. During the consolidation period, they worked closely with and through leftist parties and parliament; in addition,

unions engaged in peak-level negotiations with employers and the government. This pattern broke down once the PSOE was in government and implemented its economic adjustment program while forming a majority government in a consolidated democracy. In response, unions emphasized their autonomy from political parties, coordinated their strategies and actions, and pursued a strategy of confrontation with the Socialist government. The mid-1990s saw yet another turn toward renewed centralization of bargaining and peak-level negotiations, but these were somewhat different from the earlier series of broad social pacts. The new agreements are more specifically concerned with certain issues. Moreover, tripartite information exchange and consultation has been institutionalized with the establishment of the Economic and Social Council (CES) in 1993, where the government, the unions, and employers are represented.

The main point of this paper, then, is not whether the changing economy has profound effects on unions or whether unions respond to these changes. Instead, I have argued that the country-specific responses can best be understood if union strategies are understood as a function not just of economic changes, but also of the changing political context. Together, these factors can better explain whey Spain is experiencing a revival of national-level bargaining when bargaining is becoming more decentralized in other countries.

Table 1:
Social Pacts

Year	Pact	Signatories	Major Issues
1977	Moncloa Pacts	parliamentary parties	wages, inflation, political reform
1978	no agreement		
1979	ABI	UGT, CEOE	industrial relations system
1980-81	AMI	UGT, CEOE, USO	wages, workweek, collective contracts, union presence in firms
1982	ANE	government, CEOE, UGT, CC.OO.	wages, union rights, job creation, pensions
1983	AI	CEOE, CEPYME, UGT, CC.OO.	wages, workweek, job creation
1984	no agreement		
1985-86	AES	government, CEOE, CEPYME, UGT	wages, job creation, pensions

sources: Comisiones Obreras (1989:especially 150-151); García Delgado y Serrano Sanz (1992:294-295); Gutiérrez (1990:124)

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