

# The union transition: recognition of collective work

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Received: 5/12/2017

Accepted: 12/02/2018

## ABSTRACT

The purpose of this text is to revivify the intervention of the workers and trade union movement during the democratic transition in Spain, taking into account both their role in mobilisation (the great strikes of 1976–79) and their proactive dimension (the construction of a new model of industrial relations between 1980 and 1986), which were often ignored by both the dominant and alternative narratives of that historical period. To this end, we reconstructed the main phases of the process these groups were involved in, analysing their most relevant characteristics. We also look at the strategic debates that occurred within the trade union movement, its organisational evolution, and the social and institutional impact of its interventions during the transition, and call into question some of the most frequently used clichés used to refer to this movement since then.

**Keywords:** trade unions, economic crisis, political change, reform/rupture, strikes.

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**Suggested citation:** DBeneyto, P. J. (2018). The union transition: Recognition of collective work. *Debats. Journal on Culture, Power and Society*, 3, 99-117. DOI: <http://doi.org/10.28939/iam.debats-en.2018-8>

## FORTY YEARS ON: A NARRATIVE IN DISPUTE

After decades of broad narrative consensus on the transition, which presented the passage from dictatorship to democracy in Spain as a ‘success story’, the fractures accumulated in the last period of crisis (economic, social, political, and territorial) have generated revisionist currents and discursive constructions that not only challenge the majority’s narrative about the transition, but that also attempt to retrospectively delegitimise that historical process, thus projecting the problems and frustrations of the present onto the past (Pradera, 2014). Before

these latter [narratives emerged], other reliable<sup>1</sup> historical and sociological investigative work had already dismantled the more complacent versions of the transition that uncritically emphasised its reformist and institutional dimensions (Tusell,

1 In addition to the specific studies about the trade union sphere that are referenced in the corresponding section of this article, there is a broad general bibliography on the transition, among which I would like to highlight the pioneering work of Maravall (1981) to the most recent work by Juliá (2017), as well as work by Preston (1986), Tuñón (1991), Pérez (1993), and Soto (2005a).

2007) and which sometimes presented it as the natural continuation of a supposed “modernising process” of Francoism (Payne, 2006) or as a result of an alleged palace design led by the king and managed by a minority (Powell, 2007). Likewise, they had also highlighted the decisive intervention of civil society (Quirosa-Cheyrouze, 2011) and, especially, of the labour and union movements (Sartorius and Sabio, 2007).

As unsustainable as these complacent versions are, in my opinion they are hypercritical populist-matrix readings that disparagingly qualify the constitutional system resulting from the transition as ‘the regime of ‘78’: the product of a simple “transaction between elites” which created a low-quality democracy.<sup>2</sup> In fact, it is paradoxical that [these aforementioned assertions] reinforce the discourse of those who unsuccessfully tried to impose a ‘continuist’ model, but ignore—or completely disregard—the memory and the history of so many anonymous figures that contributed to democratic change.

Thus, the thesis that we hold here defines and vindicates the transition as a choral work (Tomás and Valiente, 1996), which was not designed by any obscure lawyer nor did it turn out to be the exclusive work of the few, but rather, the work and hopes of many who fought against the ‘reformist continuism’, forced the limits of the reform, and fought for the rupture with the—yes—Francoist regime. They contributed to the configuration of a new democratic system, perfectly comparable to those of the European environment that, with its successes and errors, and limits and contradictions, made the longest and best possible

stage for freedom and progress in Spain; a collective conquest of society in which, now as then, change and transformation was possible (Saz, 2011).

Within this framework, the research I present here updates and expands upon work I completed in the middle of the transition period (Beneyto and Picó, 1982) and which focuses on analysing the participation of the trade union movement in the struggle against the dictatorship and the conquest of democracy, its organisational reconstruction, mobilisation strategies, and convergence with the political opposition; all factors that had to be decisive in order to disrupt continuist manoeuvres, allow liberties to flourish, and to develop a new labour-relations system.

This reference period has also been the subject of controversy among historians and sociologists because, although there is agreement that the political transition began with the death of the dictator, with antecedents that can be traced back to long before (Juliá, 2017), there was very little to establish its end, which some set in 1978 (with the constitutional referendum) others place in 1981, after the defeat of the attempted coup d’état, and some even put it in 1982 (with the electoral victory of the *Partido Socialista Obrero Español* [PSOE; the Spanish Socialist Workers’ Party]). In my opinion, study of the union transition forces us to extend this period well into the 1980s, because the normative codification—the *Ley Orgánica de Libertad Sindical* (LOLS; the Organic Law of Freedom of Association)—and the practice of labour relations (social consensus and industrial restructuring) were more difficult and took longer than the reforms in the political sphere.

That said, in the next section we will analyse the process of the reconstruction of the labour movement, both at the national level and at the regional level in València, to try to identify the main constitutive guidelines and strategic debates, so that the impact of these interventions on the central phase of the transition and in the configuration of the new labour-relations system can be subsequently evaluated.

2 One of the first critical reviews of that process was that published by Morán (1991), part of whose proposals have recently been recovered (with an obvious loss of argumentative capacity, literary quality, and corrosive force) by some leaders of the *Podemos* (‘We Can’) [political party], for whom the transition was “that phenomenon by which the system of power established by the victors of the [Spanish] Civil War was transformed without altering too much of its fundamental determinants” (Iglesias, 2014, p. 104) or, more simply, “a Transition full of lies that could only build a democracy full of lies” (Monedero, 2017, p. 292).

## RECONSTRUCTION OF THE WORKERS' MOVEMENT

Proper contextualisation of any study on the historical evolution of the working class and the trade union movement in Spain, requires previous mention of the impact that the defeat of the Second Republic and implementation of a forty-year long dictatorship would have. During this time, the Franco regime deployed a powerful apparatus of repression and control of workers within the economic, labour, and political spheres,<sup>3</sup> which dismantled their resistance and delayed their organic reconstruction, despite specific and heroic episodes of protest such as that in May 1947 in Vizcaya, the Barcelona tram boycott in 1951, or the Euskalduna strike in 1953.<sup>4</sup>

After two decades of dictatorship, during which the country was plunged into a long night of political repression, social exploitation, and productive delay (Fontana, 1986; Cazorla, 2016), the Franco regime was forced to take a liberalising turn in its economic strategy (the Stabilisation Plan of 1959) and in labour management (the *Ley de Convenios Colectivos* of 1958—the Collective Agreements Act). Without renouncing the original authoritarianism, both these rule changes allowed the failure of the autarkic model to be overcome and helped to promote a new phase of productive development that implied, among other changes, the introduction of some elements of neoclassical business policy. These collided with the unitarist theorising of Falangist verticalism<sup>5</sup> and opened the way to a timid bilateralism in terms of labour relations (Baylos and Moreno, 2017). This bilateralism would soon be skilfully used by the foundational nuclei of

the new labour movement: because collective bargaining was opening up a previously non-existent gap that made conflict possible, and union elections allowed the accumulation of organisational resources.

The beginning of the developmental cycle coincided with a series of profound sociodemographic changes in the world of work, including the first generation that had not participated in the war, significant migratory flows from the countryside into the city, new demands for wages, and access to housing and consumer goods, etc. This same generation would then become the protagonist of a new labour conflict starting in the 1960s and whose symbolic beginning we can situate in the strikes of 1962 in Asturias and in the solidarity movement that they convened.<sup>6</sup>

This context, in which we can situate the emergence of a new assembly-like unionism with flexible structures in the work centres, instrumental strategies, unitary orientation, and sociopolitical projection, is known generically as the 'movement of the workers' commissions' (Ruiz, 1993). This movement would soon reach a wide audience through the use (from 1966) of representative instances of the base of official corporatism (links and business juries) and its articulation with this clandestine organisation itself, especially after the ruling of the Supreme Court that declared the *Comisiones Obreras* (CCOO; Workers' Commissions) [trade unions] illegal in February 1967.

This entrust strategy, rejected by the traditional unions such as the *Unión General de Trabajadores* (UGT; the General Union of Workers) and the *Confederación Nacional del Trabajo* (CNT; the National Confederation of Labour), would allow the CCOO and, to a lesser extent, the *Unión Sindical Obrera* (USO; the Workers' Trade Union), to develop extensive networks of coordination and participation in collective bargaining and social mobilisation, combining labour demands with more

3 Among others, the work of Babiano (1995), Domènech (2011), Domínguez (1987), Fishman (1996), Molinero and Ysàs (1998), and Sartorius (1975) can be consulted. For the Valencian area, refer to the studies of Sanz (1976) and Picó (1977).

4 See, respectively, the investigation published by Lorenzo (1988), Fanés (1977), and Garmendia (1996).

5 The *Ley de Bases de la Organización Sindical Española* (OSE; the Law of Bases of the Spanish Trade Union Organisation), promulgated in December 1940, established the compulsory and joint grouping of employers and workers and conferred the management of all the resulting bodies upon the Falange. A decree in 1953 would subsequently regulate the election of company juries as "an ideal instrument of constructive collaboration [...] in favour of social harmony and increased production".

6 Regarding that important strike movement, the studies and historical investigations of Vega (2002) and the most recent journalistic reconstruction by M. Reverte (2008) stand out. In addition, the first manifesto of solidarity with the miners, signed by one hundred intellectuals and politicians, can be consulted in Juliá (2013).

or less explicit political demands. This generated a cycle of increasing numbers of protests until the end of the dictatorship, driven by trade unionists attached to different currents on the left and by significant participation by Christian groups (Dominguez, 1985; Berzal, 2007) and worker-priests (Corrales, 2008).

According to official data, between 1963 and 1973, an average of 786 strikes were recorded, in which 232,800 workers participated and amounting to a total of 681,500 unworked days per year (Luque, 2013, p. 180). In spite of the restrictions imposed by the dictatorship, this wave of strikes was characterised by the appearance of new actors (elected representatives, workers' commissions, etc.), sectors (along with the traditional construction and industry sectors, banking professionals, teachers, public health workers, and others also participated) and new forms of action (assemblies, convergences, etc.) linked to the negotiation of collective agreements.

In addition, the growing participation of female workers in these processes—who progressively contributed to overcoming their previous invisibility and subsidiarity in workers' struggles (Babiano, 2007)—was especially significant. They took a leading role in strikes by feminised sectors (e.g., textiles, sanitation, ceramics, cleaning, etc.) and in the renewal of traditional trade union culture into which that they tried to incorporate, with some difficulty and resistance, feminist values and demands (Varo, 2006; Verdugo, 2012).

Evaluation of the impact of these strikes has been the object of an interesting historiographical debate, whether aimed at the previous increasingly politicised strategies (Maravall, 1970) or on their *ex post facto* consequences (Soto, 1998). Therefore, although most of these conflicts were mainly focused on labour demands, in fact their practice and expansion constituted a challenge to the regime and questioned its legitimacy, highlighting its anti-worker and repressive character. This was dramatically demonstrated in the construction industry strikes in Granada in July 1970, and the shipbuilding industry strikes in Ferrol in March 1972, in which several workers were killed. Repression of the trade union movement and democratic opposition had

been institutionalised since 1963 with the creation of the *Tribunal de Orden Público* (TOP; the Public Order Court) which, in its thirteen years of activity, initiated a total of 22,600 procedures that affected 53,500 people (Del Águila, 2001). Many of these procedures were directed at the Valencian Autonomous Community (Fuertes and Gómez, 2011), where several CCOO centres had operated since its foundation in 1966 (Beneyto et al., 1991), and especially affected large companies (Altos Hornos del Mediterráneo, the shipyards of the *Unión Naval de Levante* [UNL; the Naval Union de Levante], Elcano, Macosa, and Segarra, among others) and industrial sectors (e.g., metal, wood, textiles, etc.).

In parallel and complementary to the police and judicial repression, another type of corporate suppression was exercised over the workers' elected representatives, because approximately ten percent of them were dismissed or laid off each year.<sup>7</sup> The February 1972 detentions of the USO Secretariat and of the CCOO General Coordinator in June 1972,<sup>8</sup> represent the most critical point in a cycle of repression that had begun two years before with the 'state of exception' declared due to the Burgos trial which practically decapitated the two main trade union organisations of the time. Together with the impact of the economic crisis that would erupt the following year,<sup>9</sup> this caused a relative

7 According to the official OSE data, cited by Gómez (1975, p. 18), between October 1971 and December 1972, 23,525 trade union representatives ceased their activities because their contract was terminated (usually due to dismissal), voluntary resignation (disagreements with the *Sindicato Vertical* [the OSE, also known as the Vertical Labour Union] chain of command), or for dispossession.

8 In both cases, ten union leaders were prosecuted by the TOP with the prosecutor requesting 122 and 162 years in prison, respectively. While in the trial of the USO unionists did not go ahead, that of CCOO trade unionists was held on 20 December 1973—the same day that ETA murdered Admiral Carrero Blanco—and had huge international repercussions. See Babiano (2013).

9 The first shock of the so-called oil crisis caused spectacular increases in inflation (the Consumer Price Index rose by almost 60% between 1973 and 1976, while the Spanish peseta devalued by 21%) and in the unemployment rate (which increased by 71.1% in the same period), while the political and economic decision-makers in this terminal-phase regimen failed to take appropriate measures to correct this situation. All this extended the severity and duration of this cycle of recession in Spain.

stagnation of workers' protests. From then on, a new trade union movement was laboriously reconstituted from the grassroots up, in which labour offices played a fundamental role by acting as legal advisors and providing spaces for meetings and coordination.<sup>10</sup>

At the end of 1975, the living political agony of the dictatorship<sup>11</sup> coincided with (and was aggravated by) the economic crisis, the opposition's growing convergence, and strengthening of workers' organisations after the important triumph of the 'democratic candidacies' at the last Vertical Union<sup>12</sup> elections and its interventions in the negotiation of thousands of collective agreements (Beneyto and Picó, 1982, p. 12–22). This generated a notable increase in labour unrest (García, 2008) and turned the union movement into a key factor in the transition to democracy.

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## DIALECTIC REFORM AND RUPTURE

That 'hot winter' witnessed an authentic "gale of strikes" (Sartorius and Sabio, 2007, p. 73) that would continue with some oscillations during the middle years of the transition (Table 1), in which the volume of conflict increased by almost tenfold. The start of cycles of protests was delayed in Spain compared to its main neighbouring countries (May 1968 in France, the *autunno*

*caldo* ['hot autumn'] of 1969 in Italy) and they were also significantly different: while the institutionalisation of labour relations in the central European countries had isolated the political social conflict (Crouch and Pizzorno, 1991), in Spain the opposite was true. Thus, the conditions of the Spanish dictatorship conferred political content to the workers' mobilisations, so that they had a strong expressive component (Luque, 2013, p. 188) and credited their consolidation as a relevant political and economic social actor in a crisis context.

It was, precisely, the social pressure "from below" (Moliner, 2011), exercised by the neighbourhood, student, professional, and especially, the workers' movements, which was decisive in first disrupting the continuist manoeuvres, later in accelerating the reforms, and finally, in forcing the rupture with Francoism. In relation to these manoeuvres, the Arias government project intended to illuminate a supposed 'Spanish democracy' by reforming the fundamental laws of Francoism; an attempt undertaken in the political sphere, with the association law promoted by Fraga and, in trade unions with a 'top-down' reform of the OSE proposed by Martín Villa, all this with the stated aim of making the recognition of a certain pluralism of "professional organisations of entrepreneurs and workers" compatible with the maintenance and control of Vertical structures (Soto, 2011).

However, both attempts continued to fail, because of the internal contradictions of the post-Francoist apparatus (Juliá, 2017, p. 348–356) and the external opposition of the democratic forces<sup>13</sup>, especially that of labour unionism, which in the first months of 1976 maintained a process of "almost permanent mobilisation" (Alonso and Reinares, 1993, p. 24). But in many cases, the collective actions of the latter

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10 For a review of the history, protagonists, activities, and documents of the network of labour offices, the exhaustive research (1,600 pages, in two volumes) coordinated by José Gómez Alén and Rubén Vega (Gómez and Vega, 2010) should be consulted.

11 The last years of the Franco regime have been very well explained in works such as Ysàs (2004) and Soto (2005b).

12 In the first round (June 1975) around 350,000 trade union representatives and workers' council members were elected, among which the candidacies promoted by the CCOO archived very good results, as accredited on the front page of a weekly economic newspaper at the time ("*Ha ganado el equipo colorao*"—roughly translated as 'The coloured team wins', [in reference to the red traditionally representative of the socialist trade union movement], in *Doblón*, 38, dated 5 July 1975). These results would be confirmed in the second round (October of the same year), where second-degree sectoral representations (unions of workers and technicians)—used as a platform for coordinating collective bargaining and social protest—were formed.

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13 The Democratic Junta of Spain, promoted by the Partido Comunista de España (PCE; the Communist Party of Spain) and Tierno Galván's Partido Socialista Popular (PSP; the Popular Socialist Party), had been formally presented in Paris on 20 July 1974. From then it incorporated numerous independent and small organisations and increasingly cultivated its activism. The following year (11 June 1975) the Democratic Convergence Platform was constituted and was promoted by the PSOE and Christian Democratic organisations.



were violently repressed, such as in the footwear strikes in Elda (Alicante) and the metal-workers' strikes in Vitoria (the Basque Country), where police intervention caused several deaths. These facts increased popular rejection to the government of Arias Navarro, that would end with his resignation on 1 July of the same year.

A process of inflection in the rhythms of political and union transition then began because, while the new government of Suarez recovered the reform initiative, in the workplace, in fact, the break accelerated. In addition, the class unions—which remained formally illegal—managed to impose their presence and interventions, both in terms of organisation<sup>14</sup> and in social<sup>15</sup> and political dialogue,<sup>16</sup> and thereby it blocked the Verticalist attempts to promote a kind of UCD-union, until October 1976, when they achieved the definitive dissolution of the old OSE.

Thus, in this first phase of the transition, the trade union movement demonstrated a strong ability for social mobilisation, within its scope, anticipating the rupture with the past and also contributing to accelerating changes in the political scene, in a process that was not contradiction-free. The worsening economic crisis (the year would end with inflation of 19 % and a sharp increase in unemployment) and the restrictive measures

imposed by the government (wage freezes and less-costly dismissals) turned collective bargaining into the key stage for social conflict, in the absence or weakness of other forms of welfare-state redistribution, and with the consequent rise in labour unrest. During this period, unitary structures were also tested, including the *Coordinadora de Organizaciones Sindicales* (COS; the Trade Unions Coordinator), which was formally constituted on 22 July 1976 (and comprised the CCOO, UGT, and USO), with the aim of articulating worker protests and representing the trade union movement in the bodies of the democratic opposition.<sup>17</sup> However, it would be short-lived because of the strategic differences between its members, who struggled to develop their respective autonomous projects.

The general strike called by the COS for 12 November contributed, on the one hand, to strengthening trade union positions in labour relations (breaking the salary caps), but on the other, it was unable to block the Suárez government's political project (his law for political reform was widely approved in the referendum the following 15 December). This situation showed the limits of the traditional strategy of resistance and exposed the need for a new model of proactive alternatives that combined pressure and negotiation. From then on, the issue was the subject of important debates and natural tensions—which in many cases would last for years—on union unity and plurality, labour trade unionism, and sociopolitical unionism, social movement autonomy or subordination to partisan strategies, assembly movements, or an organised union, etc., whose progressive decanting would contribute to shaping the structure and strategy of Spain's current unionism.

14 The UGT held its 30th Conference in Madrid, between 15 and 18 April 1976, and the CCOO held its constituent General Assembly on 11 July [the same year] in Barcelona. The records of both meetings can be consulted in UGT documentation (1996) and in Moreno (2011).

15 On 11 and 12 May 1976, a conference organised by Euroforum was held in Barcelona, with the participation of qualified business representatives who, while marginalising the still-surviving corporate structures, recognised the legitimacy of the new class unions and anticipated the processes of social agreement that would develop in the following years. See Euroforum (1976).

16 Between August and October 1976, representatives of the UGT, USO, CCOO, and *Eusko Langileen Alkartasuna-Solidaridad de los Trabajadores Vascos* (ELA-STV; the Basque Workers' Solidarity [trade union]) held a round of talks with the then Minister of Trade Union Relations, Enrique de la Mata, who raised their respective demands for legalisation and labour-relations reform (Ruiz, 1993, p. 452; Sartorius and Sabio, 2007, p. 112).

17 On 26 March 1976, the *Plataforma de Coordinación Democrática* (the Democratic Convergence; [popularly known as Platajunta]) was set up as a result of the merger between the previous union incarnations, and whose permanent commission would include representatives of the CCOO and UGT. In València, this participation was even more relevant because it comprised both the resulting coordinator (the *Taula de Forces Polítiques i Sindicals del País Valencià* [TFPSPV; Table of Political and Trade Union Forces of the Valencian Country] created on 15 April of the same year) and the slogan central to its campaigns ("Freedom, amnesty, statute of autonomy, and labour union[ism]").

**Tabla 1. Conflictividad laboral en España (1975-1980)**

YEAR	TOTAL SALARIED	EMPLOYEES STRIKES	PARTICIPANTS	DAYS NOT WORKED
1975	8.810.900	2.807	504.200	1.915.200
1976	8.834.100	3.662	2.556.700	12.593.100
1977	8.900.000	1.194	2.955.600	16.641.700
1978	8.721.000	1.128	3.863.800	11.550.900
1979	8.555.200	2.680	5.713.200	18.966.900
1980	8.265.100	2.103	2.287.000	13.578.200

FUENTE: Ministerio de Trabajo

Meanwhile, in the political sphere—as Vázquez Montalbán defined it—the existence of a “correlation of weaknesses” (Vázquez Montalbán, 2003) between the forces of the regime and those of the opposition was confirmed, and none of the parties present were in any condition to impose all of their ideas upon their adversaries. Thus, a path was made for a progressive “rupture metamorphosis” (Juliá, 2017, p. 356) that, by overcoming some maximalisms, proposed the beginning of formal negotiations with the Suárez government, around the central objectives of a democratic transition (political and union freedom, general amnesty, and a call for elections). This especially difficult context was characterised by the destabilising manoeuvres in which the Francoist bunker and an out-of-control terrorism seemed to coincide.

In that sense, the well-known ‘Seven Days of January 1977’, during which the *Grupos de Resistencia Antifascista Primero de Octubre* (GRAPO; the First of October Anti-Fascist Resistance Groups) killed three policemen and kidnapped a general and the president of the Council of State, while police repression caused the death of two protesters, and a right-wing commando linked to the top-down bureaucracy murdered five CCOO labour lawyers, was especially dramatic.<sup>18</sup> The multitudinous

burial of Atocha’s lawyers constituted the greatest and best demonstration of the labour and union movement’s commitment in the struggle for freedom, legitimised their intervention, and decisively contributed to accelerating the processes of change. In fact, in the following three months parties and unions were legalised, political prisoners were freed, numerous exiles returned, and the first democratic elections in 41 years were convened. An authentic constituent process was breaking through, which both symbolically and in reality, represented a clear break with the past (Saz, 2011, p. 39).

In the trade union sphere, the changes were concentrated throughout the month of April. First, Law 19/1977, the *Ley de Asociaciones Sindicales* (LAS; Law of Trade Union Associations), which liquidated four decades of Verticalism and recognised workers and business’ rights to create their respective organisations, was published in the *Boletín Oficial del Estado* (BOE; the Official State Gazette). Next, the main conventions of the [United Nations] International Labour Organisation (ILO) were ratified. Finally, on 28 April, the CCOO, UGT, and other small organisations were officially registered and legalised.

It was, however, a precarious situation, both in conjunctural terms (three days after the legalisation of the unions, the demonstration they had convened on 1 May was harshly repressed), and above all, structurally in terms of political uncertainty, aggravation of

18 The work by M. Reverte and Martínez (2016) is an excellent reconstruction of that episode, which had already been the object of a cinematic recreation (*Siete días de enero*) with a script by Gregorio Morán and directed in 1978 by Juan Antonio Bardem.

the economic crisis, and an anachronistic labour-relations framework. Thus, the “foundational anomaly” (Beneyto, 2008) of the Spanish trade union movement was set up, and it began its trajectory in the most difficult circumstances and delayed its convergence with the intervention patterns of its European counterparts. However, these had been consolidated during the previous three decades in a more propitious framework, characterised by systems of Fordist production, Keynesian economics, and welfare-state development.

Despite the great expectations generated, the development of the new unions would soon be limited by various factors, both endogenous (fragility of their organisational structures and framing) and exogenous (aggravation of the economic crisis), which would affect their organisational and interventional ability. Regarding its evolution, the initial ‘affiliative boom’ meant that the corresponding [membership] rates were medium-high, at least in some sectors and industrial regions (Pérez, 1981). In the subsequent two years a downward trend was registered, which stabilised at the beginning of the 1980s, at around one million members, equivalent to 13 % of wage earners (Jordana, 1996).

On the other hand, the spectacular increase in the number of company closures, bankruptcy filings, and dismissals in the absence of adequate legal regulation and social coverage, provoked as much conflict in the protests as they did impotence in the proposals, and placed the unions in socially defensive and politically subsidiary positions; especially after the first democratic elections of June 1977, which inaugurated a new cycle of parliamentary consensus and institutional development. The first major agreement at the Constitutional Courts was the Amnesty Law 46/1977, of 15 October, which extended, in general terms and including its labour dimension, the partial decree of July of the previous year. It was approved by all the groups in the Chamber, except *Alianza Popular* (People’s Alliance), and was greeted with excitement by, among others, the leader of the CCOO, for whom it represented

“the most democratic and consistent way of closing a tragic past of civil wars and opening the way to peace and freedom”.<sup>19</sup>

Similar party consensus was reached in the so-called Moncloa Pacts (on 27 October 1977) which, politically, laid the foundations of the future Constitution, and socioeconomically,<sup>20</sup> tried to confront a crisis that already had alarming indicators (a 44 % inflation rate, 11,000 million [US] dollars of external deficit, and a huge increase in unemployment). These pacts proposed measures for sanitation, austerity, taxation, structural reforms (for Social Security, pensions, and unemployment coverage), and income policy (changes in wage indexation). It was a political pact (along the lines of the ‘historic promise’ proposed a few years earlier in Italy by the General Secretary of the Italian Communist Party, Enrico Berlinguer, in which the unions did not participate for reasons attributable both to a “certain party subordination” (Miguélez, 1991, p. 213) and its representative indeterminacy (the first union elections were not held until a few months later). Despite this, they provided critical support, but not without difficulty and contradiction.

In addition to its undoubted contribution to economic stabilisation and democratic consolidation (Gutiérrez, 2001), the Moncloa Pacts led to a change in trade union strategy that, by overcoming the defensive inertia and old cries of a ‘final struggle’—a fossil from the time of the underground—subsequently oriented itself

19 The words of Marcelino Camacho, representing the Communist Parliamentary Group, were: “We want to end an era; we want to open another [...]. We, precisely [...] who have suffered so much, have buried our dead and our grudges. We are determined to march forward in this path of freedom, in this way of peace and progress [...] for me, to explain our vote in favour of amnesty, when labour amnesty is understood as forming part of it, is a triple honour. He [...] is an old Trade Union Workers’ movement activist, a man imprisoned, persecuted, and fired many times and for many years, and, in addition, doing it without resentment [...] this proposal will undoubtedly be, for me, the best memory I will have from all of my life in this Parliament. [...] If democracy should not stop at the factory gates, then neither should amnesty. [...] the labour amnesty will be the first concrete fact in the direction set out in the Moncloa agreements. [...] Political and labour amnesty is a national necessity [...]. Our duty and our honour [...] requires a unanimous vote of the entire House.” (Camacho, 1977, p. 959–961).

20 See Fuentes (1990), Trullén (1993), and Cabrera (2011).



towards the reinforcement of its contractual power and social representation. However, the change in strategy represented by the position of the trade union movement with respect to the Moncloa Pacts (and later also the Constitution) was repeatedly challenged by its more radical elements which insisted on labelling it as impaired and as ‘a demobiliser’, ignoring (when not despising), both the magnitude of the attempt and the difficulty of the times in which it was developed. The union elections and collective agreements of the following year would be responsible for disrupting such disqualifications, insofar as the first of these processes clarified the representativeness of one or another, while the second demonstrated the capacity for dialogue and mobilisation of the unions already accredited as being in the majority.

Provisionally regulated by Royal Decree-Law 3.149 (which excluded very small companies and the public sector), the first free trade-union elections were held between 16 January and 26 February 1978, with the participation of almost four million workers who elected 191,041 delegates (Table 2). This distribution confirmed the CCOO and the UGT as the most representative organisations,

and recorded the weakening of the USO after the split it had suffered a few months earlier,<sup>21</sup> and placed the least-supported options as the most radical:<sup>22</sup> both the historical ones such as the *Confederación Nacional del Trabajo* (CNT; the National Confederation of Labour) and the more recent and ephemeral ones such as the *Confederación de Sindicatos Unitarios de Trabajadores* (CSUT; the Confederation of Workers Unitarian Trade Unions) and the *Sindicato Unitario* (SU; the Unitary Union).

21 In October 1977, the General Secretary (José María Zufiaur) and eleven members of the USO executive headed a unification movement with the UGT, with high participation among the organisation’s members (Martínez, 1979; Prados et al. 1977). Two and a half years later, in March 1980, there would be a second split, that of the self-managed socialist current, which would be integrated into CCOO. Paradoxically, both splits contributed to developing the culture of autonomous unionism in the two majority organisations.

22 In general, the work of Roca (1994) can be consulted. Regarding the structure and evolution of minority unions, see Beneyto (1989). The CSUT and the SU were constituted at the end of 1976 as minority divisions of the CCOO, promoted by two Maoist groups (the *Partido de Trabajo de España* [PTE; the Party of Labour of Spain] and the *Organización Revolucionaria de los Trabajadores* [ORT; Workers’ Revolutionary Organisation]) whose participation declined in the three subsequent years. For information about the CNT, see the article by Rivera (1999).

**Table 2. Trade union elections, 1978**

	TOTAL SPAIN		VALENCIAN AUTONOMOUS COMMUNITY	
	Nº	%	Nº	%
<b>Companies</b>	73.575	---	8.589	---
<b>Workers</b>	3.821.069	---	398.043	---
<b>Delegates elected</b>	193.112	100	22.956	100
<b>CCOO</b>	66.540	34,5	9.779	42,5
<b>UGT</b>	41.897	21,7	6.019	26,2
<b>USE</b>	7.203	3,7	1.583	6,8
<b>CSUT</b>	5.583	2,9	295	1,2
<b>SU</b>	3.164	1,6	175	0,7
<b>ELA-STV</b>	1.929	0,9	---	---
<b>CNT</b>	413	0,2	---	---
<b>Others</b>	7.661	3,9	558	2,4
<b>Not affiliated</b>	23.565	12,2	2.068	9,0
<b>Affiliation not stated</b>	35.157	16,3	2.479	10,8

SOURCE: Ministry of Labour

For its part, the collective bargaining of 1978 and 1979 took place in an extraordinarily complicated context, characterised by the worsening economic recession (the second oil crisis), which resulted in a sustained increase in unemployment—which lasted until the end of 1985 (Graph 1), the absence of adequate legislation until 1980 with the arrival of the Workers’ Statute, and the government setting salary ceilings based on the anti-inflationary objectives established in the Moncloa Pacts. However, the intervention of the unions, which had just started to fully exercise their functions of representation and intermediation of workers’ interests,<sup>23</sup> managed to create a broad pressure

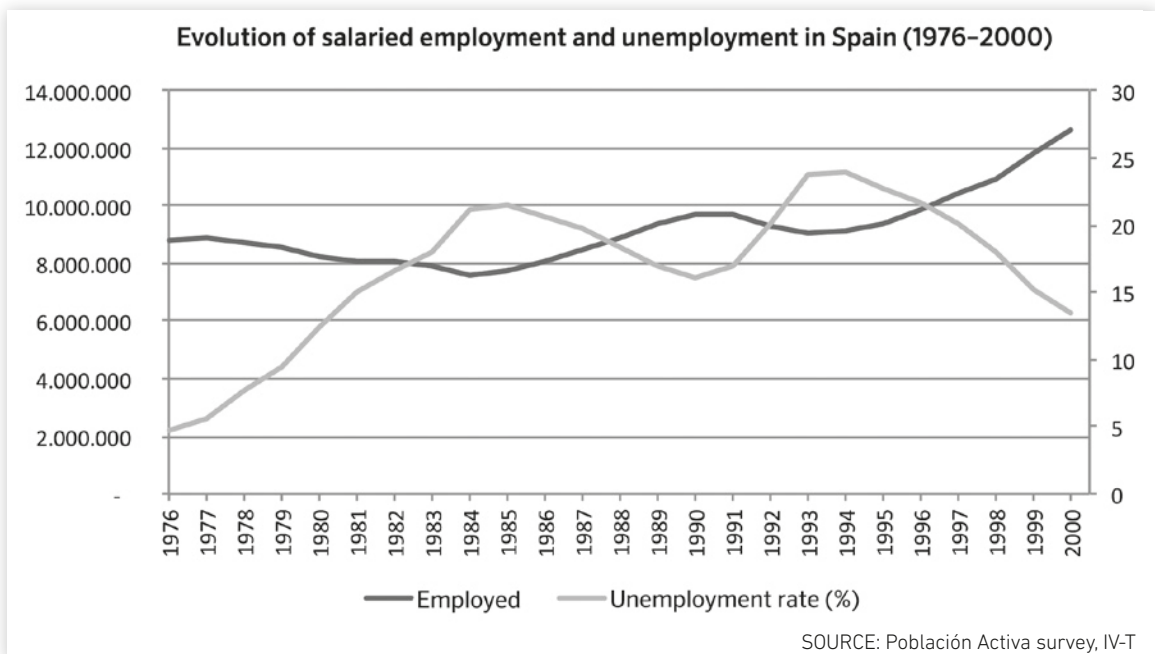
and negotiation movement. This movement achieved significant wage increases<sup>24</sup> and social improvements (a reduction in working hours, control of overtime, vacations, etc.) after having staged the highest levels of strike conflicts ever registered. In practice, this activity denies the accusations of betrayal and selling-out that were made at the time, and that are repeated even now in such a recurrent and uncritical way.

However, the permanent recourse to conflict and protest was hardly sustainable for these still weak unions, which needed to transform themselves so that their contractual power lay both inside and outside their work centres. This was essential for their representatives (including works councils, trade union sections, sectoral federations, and general confederations) to be equipped

23 According to data from the Ministry of Labour, in 1978, collective agreements were renewed for a total of 4,479,562 workers, with an average wage increase of 20.6% (García and Ferrer, 1979). In the following exercise 3,866,431 workers were affected by collective bargaining and the wage bill increased by 13.05% in business agreements and 14.60% in sectoral agreements, according to data from the Institute of Social Studies at the Ministry of Labour, published by Fernández (1980). At the end of this first adjustment period, inflation had fallen by more than ten percentage points, from 26.4% at the end of 1977 to 15.7% in 1979.

24 “The union bureaucracies acted as tactical allies of capital [sic] through the systematic work of destruction of any autonomous and anti-capitalist mobilisation” (Quintana, 2002, p. 197). “Civil liberties and a representative regime were conquered at the cost of the liquidation of a vast cycle of social mobilisation” (Rodríguez, 2015, p. 23).

Figure 1



with real powers in matters of representation and dialogue (e.g., the right to information, consultation, participation, and negotiation). Therefore, in the search for such objectives, from then on, the majority unions deployed partially-opposed strategies that ended up deteriorating their unitary relations for years. While the CCOO chose to reinforce its horizontal structures and base dynamics (such as company committees and sectoral agreements), the UGT opted to strengthen the vertical and centralised dimension of labour relations (e.g., union sections, framework agreements) in coherence with their respective union models.<sup>25</sup>

The debates around the Bill of Trade Union Action in companies, which represented an attempt—which was eventually frustrated—to extend the constituent process underway at the institutional level to the labour sphere, already showed the existence of different models, while at the same time it was the object of a harsh campaign by the *Confederación Española de Organizaciones Empresariales* (CEOE; Spanish Confederation of Employers' Organisations) which called it collectivist. This eventually led to its withdrawal by the government itself, in June 1978, which lengthened the period of regulatory transition in the area of labour law.

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## TOWARDS A NEW SYSTEM OF INDUSTRIAL RELATIONS

Subsequently, with the approval of the Constitution, which was widely endorsed in December 1978, the cycle of consensus inaugurated by the Moncloa Pacts was closed and a new phase marked by strategic readjustments of the main political and social factors started with the general elections starting in March 1979 and new models of agreement, respectively. The large unions had given their support to a constitutional text that recognised them as an essential pillar of the social state (Article 7) and enshrined the right to association and strike (Article 28), collective bargaining and labour dispute (Article 37), workers' rights to

participation in companies and institutions (Article 129) and in economic planning (Article 131.2), all of which constituted a clear break with the principles of classical liberalism and the authoritarianism of the dictatorship.

By applying the provisions of Article 35.2 of the Constitution, the parliamentary processing of the Estatuto de los Trabajadores (ET; the workers' statute) started in June 1979, and the signing of the Acuerdo Básico Interconfederal (ABI; Basic Inter-confederal Agreement) by the UGT and the CEOE on 10 July of the same year constituted the legal and social origin of the new labour-relations system based on corporatist agreement developed during the following decade. However, this process was not exempt from problems and contradictions that caused the rupture of the union front. Based on their different cultures, the CCOO and UGT implemented the strategies of the political forces that influenced them at the time (the PCE and PSOE, respectively), so that, while the CCOO advocated tripartite negotiations that would give prominence to the party, the UGT opted for a bilateral union–employer model that would not interfere in the socialist strategy as an alternative for government.

The ABI established, for the first time, mutual recognition between union and business organisations and their ability to establish agreements that were generally effective: criteria that would later be incorporated into the ET in a process of parliamentary discussion, in what constituted the first example of 'negotiated legislation', even though this was done by related parties and the scope of how labour relations were defined was changed from a political (the Moncloa Pacts) to a labour framework and was implemented by legitimate social agents.

Months later (on 5 January 1980), employers and the 'socialist union' signed the *Acuerdo Marco Interconfederal* (AMI; Inter-confederal Framework Agreement) as a practical demonstration of agreement on the declaration of principles set out in the ABI, and this subsequently became the procedural paradigm of the social agreement. Regarding its substantive

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<sup>25</sup> For the case of the CCOO, see Baylos and Moreno (2017, p. 75–93) and with respect to the UGT, the text of Redero (2011) can be consulted.

content, the AMI established the regulatory criteria for union representatives to be able to intervene in collective bargaining (unions had to represent at least 10 % of the delegates elected in the corresponding area).<sup>26</sup> This would later be enshrined in legislation (Article 87 of the ET), which also included guidelines on wages, hours, productivity, and absenteeism, among other items. The CCOO's refusal to sign the AMI has been described as one of its biggest mistakes (Estefanía and Serrano, 1988, p. 33) because not only did the CCOO not succeed in preventing its application in subsequent collective bargaining, but it also caused it to become temporarily isolated and to progressively lose its former electoral hegemony in favour of the UGT. This resulted in a tie in the 1980 elections and [UGT] wins in those that took place between 1982 and 1994 (Graph 2). From then onwards, the results of both these organisations were inverted.

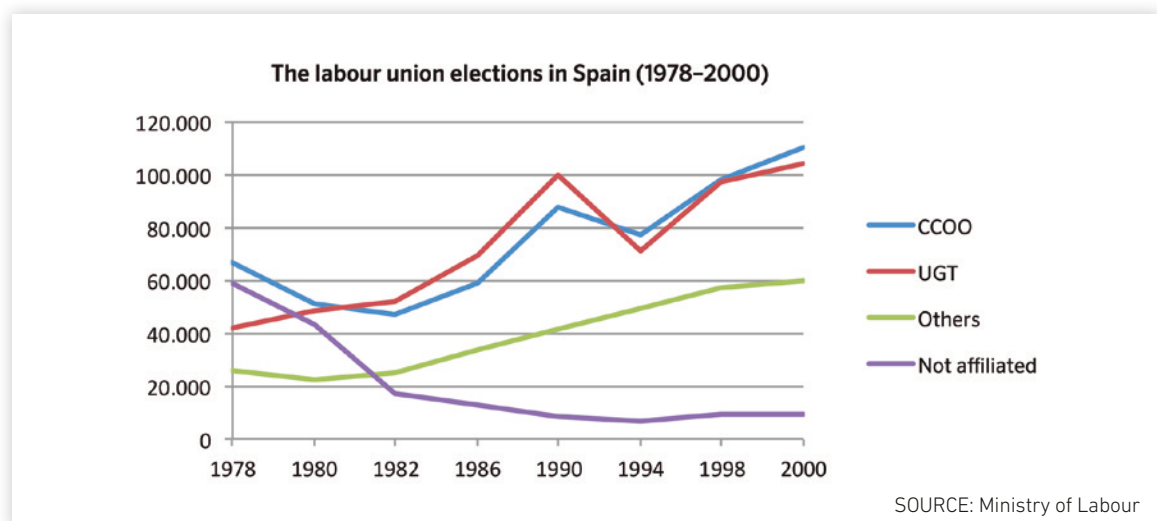
26 During the 1980s, around 3,700 agreements were negotiated per year, for a total of 890,000 companies and approximately 6,300,000 workers. Union representation in the negotiating commissions reflected the results of their successive elections, and according to Ministry of Labour data, the CCOO and UGT combined had an ample absolute majority of 73%: *Estadísticas de Convenios Colectivos* ('Collective Agreements Statistics'; 1980–1990).

On the other hand, the *Acuerdo Nacional de Empleo* (ANE; the National Employment Agreement), signed in June 1981, was the first tripartite agreement between the government, employers, and trade unions (the latter including the CCOO) as an expression of democratic cohesion after the attempted coup d'état of 23 February 1981 (commonly known as '23-F'). It regulated the institutional participation of social agents and measures to promote employment, social security reform, etc., which were regularly renewed in the corporatist pacts<sup>27</sup> in the following years—already under the socialist government—of recession until the model was exhausted from [about] 1987. Hence, a sustained recovery caused the unions to change strategy from a defensive to a protective position, which demanded a 'social change' that would guarantee better distribution of growth.

This sequence seems to confirm, for the Spanish case, the hypothesis that during times of economic crisis workers prefer unions with a strategy of

27 For more about the content and development the social agreement of the 1980s, evaluations can be consulted, among others, in the following publications: Pérez and Giner (1988), *Ministerio de Trabajo y Asuntos Sociales* ('Ministry of Labour and Social Affairs'; 1997), Ojeda (1990), Roca (1993), Solans (1995), Zaragoza (1988) and Solé (1987).

Gráfica 2



negotiation—rather than one of confrontation (Golthorpe, 1991)—which would allow them to maintain their current work, even at the expense of postponing other demands. This translates into the significant changes subsequently seen in strike activity (Table 3), which decreased in the initial years of agreement (1980–1983), picked up when this agreement failed during the hardest phase of industrial restructuring (1984),<sup>28</sup> decreased again with the application of the *Acuerdo Económico y Social* (AES; Economic and Social Agreement; 1985–1986) and, finally trended upwards to reach its highest level in 1988, with the Spanish general strike on 14 December, generally referred to simply as ‘14-D’ (Gálvez, 2017). Complementing the processes of normative regulation (the 1980 *Estatuto de los Trabajadores* [Workers’ Statute] and 1985 *Ley Orgánica de Libertad Sindical* [Organic Law of Freedom of Association]) and institutional development (social agreement, collective negotiation, etc.), during these key years in the construction of the

new labour-relations model, union autonomy was consolidated and the unity of action among its most representative organisations was finally recovered.

As regards union autonomy, it was the CCOO who, two years after its secretary general resigned as a communist deputy, established a strict regime of incompatibilities with its leaders with respect to positions of party representation (Article 22 of the Statutes, approved at its 3rd Conference, in 1983). This decisively contributed to the legitimisation of its organisational strategy and saved it from the self-destructive dynamics the PCE was then suffering from, which would see the latter slide inevitably towards positions that were as radical as they were marginal. In the case of the UGT, breaking its natural and strategic dependence on the ‘socialist family’ would take longer to formalise. After the first crisis, [the UGT’s] opposition to the question of social security reform, raised by the PSOE government in 1985, resulted in the resignation of Nicolás Redondo as a deputy (October 1987), reaching maximum tension on the eve of 14-D, until the party itself finally accepted it, and in so eliminating double membership, at its 32nd conference.

28 To understand the union intervention in the process of industrial restructuring, consult the article by Marín (2006).

**Table 3. Labour conflict in Spain (1981–1990)**

YEAR	TOTAL SALARIED	EMPLOYEES STRIKES	PARTICIPANTS	DAYS NOT WORKED
1981	8.093.100	1.993	1.944.900	9.320.000
1982	8.070.000	1.810	1.058.900	7.229.400
1983	7.946.200	1.451	1.483.600	9.796.600
1984	7.593.700	1.498	2.242.200	15.259.100
1985	7.721.600	1.092	1.511.200	8.022.600
1986	8.102.300	914	857.900	6.349.500
1987	8.511.000	1.497	1.881.200	10.246.100
1988	8.916.800	1.193	6.692.200	14.565.200
1989	9.366.800	1.047	1.382.100	7.383.200
1990	9.734.000	1.231	1.723.200	5.002.400

SOURCE: Ministry of Labour



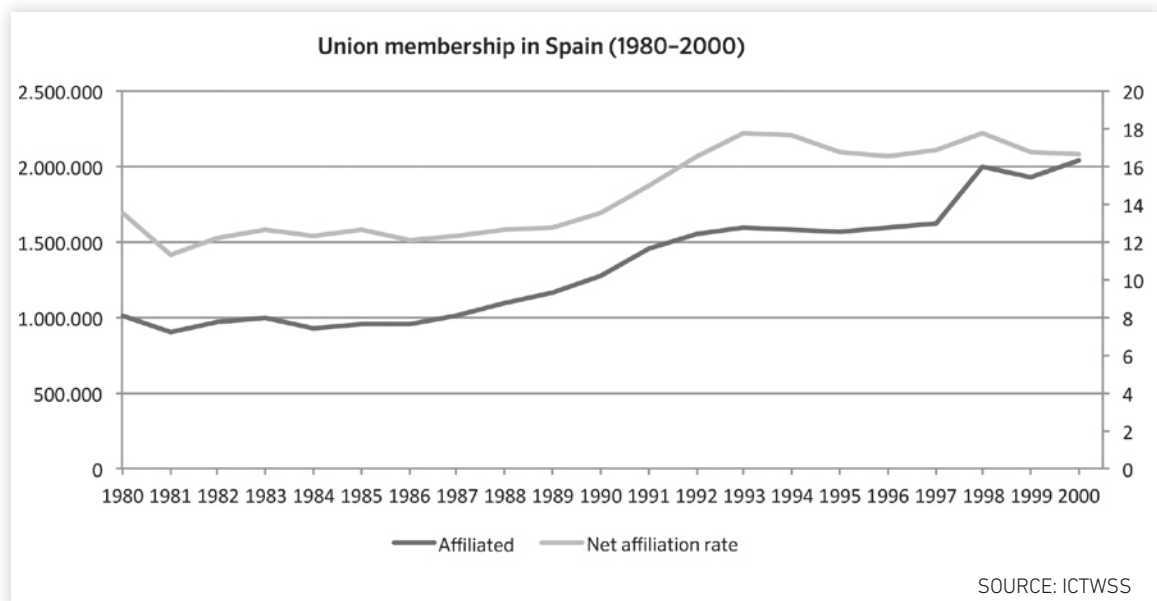
It was precisely the opposition of the autonomous unions to measures aimed at making the labour market more flexible, promoted by the Felipe González government, that once again facilitated the unitary confluence between the CCOO and the UGT, an alliance which, after decisively contributing to the success of 14-D, has remained to this day. That great general strike was followed by nine million workers, and its participation greatly exceeded the scope of its members' places of work because it paralysed the economic and social activity of the whole country in an impressive exercise of civic protest, while also projecting a powerful image—just as symbolic as real—of the capacity of collective response to the impositions of public power. Impositions that ignored union proposals of social change, which were both necessary and possible, in a context in which the economic recovery had consolidated and which witnessed an obscene exhibition of the wealth of a few before the demands of the majority.

14-D also represented the normalisation of social conflict and the legitimacy of the unions as institutional representatives of work, as well as their capacity to give a voice to the labour and

citizenship movements and their demands. In this context, the *Propuesta Sindical Prioritaria* (Priority Trade Union Proposal) was subsequently promoted in the negotiations with the 1989–1990 government, as a result of which, among other important agreements that were clearly social-democratic in content, the laws on non-contributory pensions, universalisation of healthcare, guaranteed access to professional training, and improvement of the coverage of unemployment benefits were passed. Thus, the cycle of 'trade union transition', initiated first in the struggle against the dictatorship and then developed in the process of democratic consolidation and normative and institutional regulation of labour relations in convergence with existing standards in the European Union, finally came to an end (Beneyto, 2008).

The evolution of memberships is a clear indicator of this process (Graph 3), which remained very low (at around one million registered memberships between all the unions) during the first phase, in which the unions mainly responded to ideological-identity incentives and defensive strategies. This would even

**Gráfica 3**



slightly decrease compared to the first membership records, but would be followed by successive calls for union elections that, as we have seen, expanded trade unionism's area of influence and potential for interventions. This led analysts to define the Spanish dual model as a "unionism of voters" with "more audience than presence" (Rojo, 1990), and placed it in an intermediate zone between an 'informal movement' and a 'formal organisation' (Martínez, 2002), which reduced the effectiveness of their recruitment and affiliate loyalty plans.

From 1986 to 1987, the mechanisms of union membership started to change from the previous ideological-identity model to one with a more instrumental and pragmatic logic; meanwhile, material and sociability incentives, derived from the growing capacity to defend collective interests through social agreement and to expand the coverage and content of collective bargaining and social mobilisation, were simultaneously developing. All of which resulted in a sustained expansion in memberships, both in quantitative terms—memberships exceeded two million at the end of the 1990s—and in their qualitative composition, because it evolved from its initial Fordist homogeneity (males with few qualifications, manual jobs in industry, and with low salaries) to more heterogeneous profiles which were representative of new occupational structures (Beneyto et al., 2016) and similar to those of modern European unionism (Bernaciak et al., 2015).

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## A FINAL REFLECTION

Thus, the long cycle of the transition was completed, during which—as [I] believe we have demonstrated [here]—the workers' organisations played a key role, both in the defence and promotion of workers' socioeconomic interests and in the conquest of democracy and the configuration of a labour-relations system compatible with those of the European environment. This allows us to challenge the elitist and/or delegitimising narrative of this transition process.

Spanish trade unionism has since consolidated its representativeness and capacity for dialogue, in a process not exempt from difficulties, as a 'social actor' (aggregation and representation and the defence of workers' interests, etc.) and as an 'equality factor', acting first on the distribution of income (wages, working conditions, labour market regulation, etc.) through collective bargaining, as well as on the mechanisms of subsequent redistribution (fiscal policy, social benefits, the welfare state, etc.) through social pressure and institutional participation.

The latest crisis has put the 'social question', the growing inequality and the social fracture that a neoliberal ideological discourse tries to present as having been overcome by business owners and the middle classes, at the centre of the debate. Similarly, and paradoxically, the conflict has gradually re-materialised and has incorporated other protest repertoires, making possible a transition towards the necessary convergence of all who claim the dignity of work and citizenship. This transition links the struggle around the old demands of the workers' movement (decent work with rights) with the defence of civil demands raised by the new social movements (education, health, housing, gender equality, and democratic quality, etc.).

Consequently, [I] believe that one of the key vectors in the strategy for equity and against increasing inequality, which a macroeconomic recovery seems to consecrate as inevitable, is to reinforce and develop the associative resources (including direct affiliation, electoral representation, and institutional recognition) and the social intervention (such as collective bargaining, conflict pressure, and strategic alliances) of class unionism. In addition, both structural restrictions (e.g., unemployment, precariousness, and productive change) and ideological offensives (such as unsympathetic individualism and de-legitimation of the collective), as well as corporatist temptations and the fragmentation of social struggles, must be addressed, articulating a powerful movement that defends the centrality of work and the dignity of workers.

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