

BRAZILIAN TRADE UNION TRENDS IN THE 21ST CENTURY - READINGS AND INTERPRETATIONS IN THE LIGHT OF DEBATES ON TRADE UNION MOVEMENT IN THE PERIOD 2003-2015

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Abstract

This paper presents some reflections about Brazilian trade union trends in the 21st century and is divided into two parts. The first part describes an account pointing trends in the day-to-day works of trade unions in the period 2003 to 2015. In these combined trade union practices, two interpretative aspects are highlighted and explained: (i) the institutional role of trade unionism and what strategies suggest regarding labor regulation plan and public policies, and (ii) forms of trade union struggles, including multiple identities and sociocultural conditions pointing to Brazilian political and ideological trade unionism diversity. The second part accounts for a short discussion on changes in Brazilian trade unionism structure over the past few years, based on analysis of data of the National Registry System of Union Entities (CNES) managed by the Ministry of Labor and Employment (MTE) which implements trade unionism institutional mechanisms. Our objective is addressing recently used theoretical and methodological issues to discuss about workers' organization and representation, and define interpretative lines which will elucidate importance of trade unions in contemporaneity.

Key words

Strikes, collective bargaining, trade union structure, participation, trade unions.

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Introduction

The 2000s witnessed main changes in Brazilian society over time of Workers Party (PT) government, which lasted fourteen years in the Republic Presidency. During this period, a promising horizon was shaped by a government forged in Brazilian union struggles history, coinciding with an economic growth dynamics oriented by redistributive social policies which provided improvement in living conditions and welfare for the working class. On this respect, literature regarding trade unionism emphasized enlarging of participation of unions and social movements through innovative practices and adoption of a social agenda interconnected with public policies (POGREBINSCH; SANTOS, 2011; ARAÚJO; OLIVEIRA, 2014) and advances in collective bargaining with showcasing results of real wage increases for most of professional categories (AMORIM, 2015). Another highlight were *paredistas* mobilizations (a strike movement where leaders are not identified or stay behind the wall) due to their frequency and large number of supporters (DIEESE, 2015).

Thus, we can see that in broad outlines trade union actions over last years happened at the same time than main government policies' developments, allowing accommodation of different interests and, to a certain extent, diametrically opposed to decision-making processes involving working relations. From building of a common agenda for workers, the rhetoric about effectiveness of union actions to grant protection through labor legislation, caused dissonance. The roots of it are foremost in contradictions pointed out to Workers Party's government, to whom it is charged responsibility of an agenda of reforms opposite to workers interests. This fact brought discontentment to one part of Brazilian union organizations, those which supported Workers Party's government. On one side, some of the analysis highlighted a process of Brazilian trade unionism reconfiguration indicating changes in the composition of unions, from where appeared new organizations whose leadership started to oppose ideologically CUT and the Workers Party (GALVÃO; MARCELINO; TROPPIA, 2015). On the other side, successful experiences of a unique moment in trade unionism history currently faces very difficult challenges to overcome, given the retrograde steps regarding rights social and labor rights, showing a flexible vision of working relations in prejudice to previous workers achievements (RAMALHO; RODRIGUES, 2015).

Difficulties of organization and mobilization will remain in the horizon of workers struggles, in the midst of contradictions inherent to relation capital-work, because of the end of a cycle of achievements lived by Brazilian working class. Unhappily, this cycle was substituted by a wave of reforms and disarticulation of relationship between trade unions and State, which developed institutional arrangements of bipartite and tripartite composition, in an attempt to redefine a sphere of activity through dialogue. Therefore and to reflect on the

union actions pattern built from years 2000s, we will perform a bibliographical review of most recent events in trade unionism and working relations which achieved successful results (even if under permanent parliamentary threat, considering recent approval of labor and work reform and outsourcing law, among other initiatives aiming to erode constitutional rights). These results have been achieved through strategies used by governments, entrepreneurs, trade unions and countless social movements along last decades of the Brazilian democratic period.

We have structured present paper into two parts to develop some reflections on Brazilian trade union trends in the 21st century. In the first one we will account a description of readings performed with the task of pointing trade union trends in the period in question, and when possible quoting debate issues regarding global discussion. In the effort made to identify interpretative lines elucidating importance of trade unions in contemporaneity, we will highlight: 1) the institutional dimension suggesting strategies to regulate labor and public policies, mentioning resources used in collective bargaining processes and participation in instances developed by the government, and 2) the size of trade union struggles, including multiple identities and sociological and cultural conditions, pointing to a political and ideological diversity of Brazilian trade unionism. In other words, differences and peculiarities in strategies and mobilization forms and the working class organization, plus the potential aggregator of these struggles.

The second part of this paper will introduce a descriptive framework of trade union aspects, with the aim of pointing out modifications occurred over last years in the Brazilian trade union structure, from the analysis of data of the National Registry System of Unions (CNES) managed by the Ministry of Labor and Employment (MTE) which implements institutional mechanisms of trade unionism. From this point of view, we will map the characteristics pointing to renew trade union structure (LADOSKY, 2015; CARDOSO, 2013) of Brazilian labor relations profile, addressing theoretical and methodological issues present in current discussion on workers' organization and representation.

Trade unionism participation in the institutionalized field

In the context of Brazilian social and economic shape changes in last years, trade unionism assumed an institutional importance never before experienced in its history. The space of limelight, mainly influenced by Lula's government actions (2003-2006 and 2007-2010), provided a long-lasting and effective relationship between trade unions and government bodies, encouraged by the proximity of Unique Workers' Central (CUT) with the Workers Party (PT) government, given the strong identifying among their members. Also the

approval of Law 11.648/2008, which formally recognized trade union federations, triggering the organization of several other entities of this nature which were incorporated to the trade union structure was important in this juncture. From the expansion of public policies platforms, particularly those dedicated to economic, work, employment and income development agenda, a new pattern of relations was promoted among the State, trade unions and political parties, with the aid of institutional discussion mechanisms, under the perspective of a *social agreement*. This practice validated different interests in the political representation structure designed by bipartite/tripartite negotiation spaces, from a strategic vision on national development.

However, recent developments showed that negotiation procedures included several situations demanding trade union movement to tighten links between them and entrepreneurial interests. An important example of this: sector chambers of the automotive industry seeking convergence of interests with trade unions, entrepreneurs and the State, through strategically signed agreements, as a way of facing economic instability of the beginning of decade of 1990, which affected the performance of automotive companies in terms of production and employment rate. This experience opened a period of “neo-corporate” style agreements in Brazil, imbued with the European method of settlement of labor disputes, which has as exponent Steel Workers’ Union in the ABC region (SMABC) and CUT (MARTIN, 1996).

The reflection on trade unions performance during this hard juncture, where the uncertainty on the future of working relations is result of barriers created by contemporary capitalism, drove to the crisis of trade unionism in Western countries from 1970, when it was observed the complex nature of social and economic dynamics, after the decline of Fordist labor matrix, and as expression of the coming of globalization. Since then, approaches around trade unionism recovery searched looking for an answer to the dilemmas raised in the world of labor, which placed in the center of sociological analyses the heterogeneous profile of working class, result of a process of economic restructuring and flexibilization of productive relationships, where new technologies played a crucial role in reproducing skilled workforce and its regulation (ANTUNES, 2009).

The revitalization of trade unionism and social movements is a relevant issue in debates and surveys which seek to identify innovations in political strategies of policies of social actors to overcome capital pitfalls, in a way to assume a purposeful role amid neoliberal ideology. In the assessment of Graciela Bensusán (2000), the way how Brazilian trade unionism movement faced economic crisis of decade of 1990 made the country to approach to a social trade unionism, including an “*economic strategy combining a strong criticism to the economic model as a whole with negotiating and participating positions in measures and specific policies, directly affecting the parties they represent (social, income, tax policies and others)*” (BENSUSAN, 2017, p. 18).

In this period, trade unionism faced challenges to act against difficulties

undertaken by productive restructuring due to technological innovations, deregulation of working rights and labor market flexibilization, which incorporated several types of contracts and gave rise to *concept of non-classical labor*, by Enrique de la Garza Toledo (2013). For this sociologist, *"the concept of non-classical labor must be considered as a broaden concept, both at the level of recovery and at the level of the work process"* (TOLEDO, 2013, p. 319). Such perspective considers elements of non-salaried labor which escape from formal regulation, being a considerable part of occupations out the structure of social protection and labor. This fact grants collective agreements coverage, union membership and social security, but on the other side it also implies in changes in worker's identity changes, and interactions arising from undeclared work, sub-contracting and types of employment positions not corresponding to the traditional model of professional categories, which shaped Brazilian trade unions.

Besides, range of areas opened by changes arising from the world of labor, compelled trade unions to create acting strategies to celebrate new alliances and build a political power from the role of "unions, coalitions, social movements and related organizations, policies and workplaces, reorientation of strategic innovations strategic and renewal of solidarity" (TURNER, 2004, p. 5).

In a compared perspective, the relationship between trade unionism, social movements and State is present in several Latin American countries in the years 2000. *"The political scenario of progressive governments gained new meanings around trade union actions from the rising of leaderships into the presidency of republics which had a strong identification with grassroots classes in ten South American countries"*⁴ (LEVITSKY; ROBERTS, 2011, p. 2). In spite of severe consequences of political, economic and institutional internal crises boosted by global economic recession, which drove Southern cone countries governments, of traditional left or center left to the current turning point⁵, these local experiences represented an exceptional political moment for Latin-American democracy at the beginning of the 21st century.

Brazil and Argentina are examples of countries which developed policies based in the intersection of political parties, State and trade union. María Benetti and Esteban Iglesias (2014) state that similarities seen on both countries, in the context of governments whose basis was made by labor parties, showed the constitution of *"trade union groups and social movements"* *"which rebuilt identity connections, legitimizing political spaces through instruments of*

4 In 1998, Hugo Chávez was elected President of Venezuela by the Partido Socialista Unido da Venezuela (PSUV); In 2000, Ricardo Lagos from Partido Socialista do Chile (PS) became president of Chile; Two years later, Luiz Inácio Lula da Silva do PT was elected president of Brazil; Néstor Kirchner from the traditional center-left Partido Justicialista was elected President of Argentina in 2003; In Uruguay, Tabaré Vázquez was elected president with support of the Frente Amplio in 2004; Evo Morales from Movimiento para el Socialismo (MAS) was the first native president in the history of Bolivia, in 2005; Daniel Ortega, member of the Frente Sandinista de Liberación Nacional (FSLN), became president of Nicaragua in 2006; In Ecuador, Rafael Correa was elected by the Alianza País in 2006. Fernando Lugo from Alianza Patriótica para el Cambio was elected president of Paraguay in 2008; In El Salvador, Mauricio Funes from the Frente Farabundo Martí de Liberación Nacional became president in 2009. Elected presidents of Venezuela, Brazil, Bolivia and Ecuador were re-elected (LEVITSKY; ROBERTS, 2011, p. 2).

5 In Brazil, president Dilma Rousseff was suspended from her position in May 2016 through an impeachment process, whose verdict published in August 2016 was based in the indictment of crime of non-compliance. The process which led to arbitrarily discharge from office has roots in a parliamentary coup articulation. For a deepest analysis of this complex moment which characterized bases of an institutional coup, see: NOBRE (2016).

popular participation popular within the institutional scope" (BENETTI; IGLESIAS, 2014, p. 415). In the Brazilian case, proximity between CUT and PT and political alliances within the scope of labor relationships was emphasized, mainly through dialogues, negotiations and conciliation between different political force and social actors. In the Argentinean case, what prevailed was the idea of "transversality", which included an effort of approach between the *Partido Justicialista* and large sectors of society in search of recognition and support to the political project in dispute. In the meantime, the authors observed *'that the conformation of institutional spaces had greater emphasis in the policy used by Lula in Brazil (2003-2010) than the one of Christina Kirchner (2007-2015) in Argentina, which opted by offering governmental positions in exchange of political support'* (BENETTI; IGLESIAS, 2014, p.429).

Trade unionism involvement in negotiations with the employers with permanent support of the State, allowed on one side to diversify balance of power between capital and labor, but at the same time showed imbalance of influence in the definition of terms of that negotiation, since the working class, punished by unemployment was weakest side of this relationship. In the 2000s, with the possibility of claiming working rights in an extended participation field, trade unionism developed important tools which they institutionally legitimated.

Not without good reason, the two main entities which got engaged in tripartite negotiation practices in sector chamber (SMABC and CUT), also had an important role in next coming years when *social dialogue* entered the scene to build consensus of workers' trade unions and employers about economic development and changes in trade unions and labor laws within the Executive Power scope. In economic terms, the Economic and Social Development Council (CDES)⁶, also known as the "big council", had a vision oriented to growth "with social inclusion, work and income distribution" (CDES, 2003, p. 19) from keeping maintenance of an institutional space of interlocution between sectors of the organized society. With regard to trade unions, it was emphasized the task of "accommodate and lead new social demands, incorporating in their agendas wide-ranging mobilizations, striving to comply more with the excluded crowds than with members socially included of their base" (CDES, 2003, p. 21).

The National Labor Forum (FNT) held in 2003, focused framework of changes in the world of labor, and need of updating Brazilian trade union and labor relationships model. Discussions held in State Labor Conferences, rounds of debates, workshops, seminars and plenary sessions, occurred in all the units of the Federation and relied on massive collaboration of thousands of specialists and actors involved with these issues. Proposals were embodied in the preliminary draft of constitutional amendment presented by the Ministry

⁶ The establishment of the Council was amended by Decree 4.744, of June 16, 2003 which determined a total number of 90 members, and changed to 92 during Dilma Rousseff's government. The decree 8.887 of October 24, 2016 updated the composition of the Council, which went to 96 members and had its 45th plenary session held in November 2016, at the Palácio do Planalto, in Brasília <http://www.cdes.gov.br/>

of Labor and Employment (MTE) to the Presidency of the Republic in 2005, preserving principles of freedom and trade union autonomy, according to the explanatory statement, reproduced below:

a) the strengthening of trade union representation, workers and employers, at all levels and scope of representation; b) the establishment of criteria of representativeness, trade union organization and internal democracy; c) the definition of efficient guarantees to protect trade union freedom and prevention of anti-trade union conducts; d) the promotion of collective bargaining as main dialogue procedure between workers and employers; and) the extinction of any appeal of para-fiscal nature to provide funding for union entities and the creation of a collective bargaining tax; f) promote the adoption of voluntary arbitration of labor conflicts, without prejudice to access the Judiciary; g) the recognition of good faith as basis for social dialogue and collective bargaining; h) democratization of public policies management in the area of labor relationships through stimulus to social dialogue; i) discipline to exercise the right to strike within the context of an extended union legislation, inducing to collective bargaining; j) have adequate procedural mechanisms oriented to act efficiently in the area of material rights, collective actions and Labor Justice jurisdictional vocation; and, k) definition of clear rules of transition allowing pre-existing trade union entities to adapt to new rules (NLF-MTE, 2004).

Establishing tripartite forums was seen as institutional strategy, despite difficulties to implement the social pact, based on government bodies commitment to establish dialogue with different sectors of the society, to regulate not only trade union relationships dimension, but also to meet other demands from multifocal diagnoses on social problems through extending participation. The survey of Thamy Pogrebinschi and Fabiano Santos (2011) on national conferences of public policies held between 1998 and 2009 showed positive effects regarding process of democratization of social participation mechanisms in institutionalized spaces, where majority performance of lawmakers elected by popular vote, was adjusted to civil society demands ("NGOs, social movements, workers' trade unions, entrepreneurial entities and other professional entities, or not") to be included on the agenda, following the precepts of participation, deliberation and representation (POGREBINSCHI; SANTOS, 2011, p. 262).

These mediations at the heart of the State power during Lula's two periods of government, had an important role in the legislative dynamics to influence decision-making of all participants, most of them affiliated to PT and other political parties identified with the basis of left-wing policy, including trade unions. They were held in national conferences, focused in different is-

sues which allowed forms of direct participation with practical effects on the society. Such argumentation is supported in the analysis on issues and guidelines deliberated in conferences. They included health, minorities, environment, State, economy and development, education, culture, social assistance sports, human rights human, which were well received in the legislative propositions. According to the authors, 2,629 projects of law and 179 proposed constitutional amendments resulted from conferences guidelines, equivalent to 26pct of total legislative production of the National Congress. (POGREBINSCHI; SANTOS, 2011, p. 287).

Five years after the National Labor Forum, the State gave legal status to trade union federations, from law 11.648/2008, as provided by hierarchical Brazilian trade union structure legal system, entitled to have four levels of representation: trade union, federation, confederation and central union. The criteria for distribution of union funding resources led to the emergence of new central unions, and also to define which of the currently thirteen registered at the Ministry of Labor and Employment would have the right to advisory in forums of participation, depending on the criteria of representativeness. (LADOSKY, 2015).

In total, there were six established Brazilian central unions: CUT (1983); Força Sindical (1991); Central Geral dos Trabalhadores (CGT-1989); Social Democracia Sindical (SDS-1997); Central Autônoma dos Trabalhadores (CAT-1995); and the Central Geral dos Trabalhadores do Brasil (CGTB-1986). Shortly before the official recognition, in a movement of mergers and scissions, the group of central unions was constituted by the União Geral dos Trabalhadores (UGT-2007) result of junction with CGT, SDS and CAT; the Nova Central Sindical of Trabalhadores (NCST-2005) formed by federations and confederations; Central dos Sindicatos Brasileiros (CSB-2008); União Sindical dos Trabalhadores (UST-2006). Left trade union sectors marked their differences in a social scenario burdened by contradictions due to the point of view of executing a political program which led to rupture with dominant classes, and at the same time drove to search of a coincidence of interests in a same social basis. The political trends acting within CUT decided to break ties with this central, and therefore created new ones: the CSP-Conlutas (2004); the Intersindical (2006); and Central dos Trabalhadores e Trabalhadoras do Brasil (CTB-2007). Recently, it was founded the Central Pública (2015), a Central Brasileira Democrática dos Trabalhadores (CBDT-2014) and a Central Unificada dos Profissionais Servidores Públicos do Brasil (2009) (GALVÃO; MARCELINO; TROPIA, 2015). Thus, most of new central unions were created between 2004 and 2008, as per the table here below, summing up the results of a benchmarking performed for the year 2016.

TABLE 1 – Main features of Brazilian central unions, according to Benchmarking (2016)

Central Union	Year of foundation	Number of affiliated trade unions	Percentage of affiliated trade unions	Number of affiliated workers	Percentage of affiliated workers
Trade union federations which reached index of representativeness					
CUT - Central Unica dos Trabalhadores	1983	2.319	21,22%	3.878.261	30,40%
UGT - União Geral dos Trabalhadores	2007	1.277	11,69%	1.440.121	11,29%
CTB - Central dos Trabalhadores e Trabalhadoras do Brasil	2007	744	6,81%	1.286.313	10,08%
FS - Força Sindical	1991	1.615	14,78%	1.285.348	10,08%
CSB - Central dos Sindicatos Brasileiros	2008	597	5,46%	1.039.902	8,15%
NCST - Nova Central Sindical dos Trabalhadores	2005	1.136	10,40%	950.240	7,45%
Trade union federations which <i>did not</i> reach index of representativeness					
CONLUTAS	2004	105	0,96%	286.732	2,25%
CGTB - Central Geral dos Trabalhadores do Brasil	1986	217	1,99%	239.844	1,88%
CBDT - Central Brasileira Democrática dos Trabalhadores	2014	94	0,86%	85.299	0,67%
PÚBLICA	2015	21	0,19%	16.580	0,13%
UST - União Sindical dos Trabalhadores Central	2006	6	0,05%	791	0,01%
Unificada dos Profissionais Servidores Públicos do Brasil	2009	3	0,03%	875	0,01%
INTERSINDICAL	2006	1	0,01%	1.739	0,01%

Source: Ministry of Labor and Employment (Trade union federations benchmarking consultation), 2016. Available at: <http://trabalho.gov.br/central-sindical/consulta-of-afereicao-das-centrais-sindicais>. Table developed by the authors.

In spite of efforts to build proposals legitimated by social actors on trade union relationships, achievement of the envisaged reform in 2003 was only partial. As Ângela Maria Carneiro Araújo and Roberto Veras of Oliveira (2014) observed, different opinions held by entrepreneurial and union representations led government to conflicting positions, divided in “historical commitments of Workers Party core and unionism, and commitments of the program they had built with the allied base”. While entrepreneurs kept supporting labor rights flexibilization, based in the old argument of labor cost, trade union federations noticed the worsening of working conditions in view of employment dynamics and its regulation backgrounded in flexible capitalism. (ARAÚJO; OLIVEIRA, 2014, p.10).

Another sharp aspect of Workers Party government social content initiatives was the reduction of inequalities. The greater access to social rights,

combined with paid salaries and pension rights coverage, brought an increase of formal jobs. Álvaro Comin (2015) states that social advances observed in the decade of 2000 were foreseen from labor market dynamics together with other factors which contributed to a change in Brazilian social profile. The drop in birth rates, the decline in early school leaving by children and young people, the higher participation of women in labor market and formal jobs for rural workers are among reasons to changes in occupational structure, with higher inclusion of workers into the group of those with pension rights coverage and union membership. However, such performance of social indicators did not mean deeper alterations in Brazilian structural social inequalities, which is “still too distant from labor and social rights universalization, without which we can hardly talk about a structural decrease of social inequalities in a broader sense” (COMIN, 2015, p. 387).

After 2004, recovering of economic growth based in macroeconomic policies (floating rate of exchange, inflation targets and primary surplus) favored by global investments in emerging countries, new formal jobs, raising of the minimum wage, subdued inflation and rising income, was not followed by the updating of legal rules to adequate labor legislation “for a better structuration of hired work given new trends in product organization” (BALTAR; KREIN, 2013, p. 284). This set of guarantees did not lead to a successful path which could grant better working conditions for most of workers. On the contrary, entrepreneur started to develop systematic efforts to change labor legislation, and thus undermining working guarantees and encouraging “not only precarization, but the intrinsic precariousness of capitalism surging in new occupations and reconfiguring old ones, recovering old procedures alongside of other considered modern” (MARTINS; LIMA, 2016, p. 100).

Once depicted this brief theoretical view of main changes lived by union organizations along last years under the auspices of a higher workers’ political and social participation in our country, we will go to the second part of this paper. It will draft from analyzed indicators quantitative and qualitative aspects helping us to understand institutional mechanisms which define main Brazilian trade union structure characteristics in recent decades, from an analysis of collective bargaining and *paredistas* movements, thus allowing a more profound understanding of the complexity and heterogeneity of working relationships in Brazil, and as well the evolution along the recent period.

Collective bargaining and challenges on the scene

Between 2007 and 2015, the Mediator System (MTE) registered 386,692 documents related to collective bargaining processes between bosses and workers. The great volume of collective hiring carried out in last years strengthened the practice of negotiations as a resource to achieve certain advances

through an overarching work of entrepreneurs and trade unions. Such practice was widespread in the majority of economic activities and had positive and lasting effects, especially on the remuneration aspect. For Wilson Amorim (2015), the novelty observed in collective bargaining signed in the years 2000 was trade unions' performance, which achieved higher autonomy face the rebalancing of forces which tended to obtain real gains, particularly between 2005 and 2013 when rate of agreements with clauses of increase above inflation exceeded 70pct of total negotiations performed in the historical series supported by yearly reports of the Trade Union Information System (SAIS-DIEESE). In general, positive data reflected the economic growth dynamics which boosted the amount of salaries changes higher than the National Consumer Price Index (INPC-IBGE).

The results of salary increases showed certain strength, allowing reaching a high number of agreements, around 90pct, exceeding inflation. In spite of different arguments and strategies used in negotiation rounds, the most important fact is that real increase meant a new basis for salaries, grounded in trade unions bargaining power. (AMORIM, 2015, p. 51).

It must be noted that this scenario of wage increases was not connected with the definition of parameters discussing labor illnesses. According to a research based in the System for Monitoring Collective Bargaining (SACC-DIEESE), clauses traditionally related to health and working conditions (*Salary Accretion for Unhealthy and Hazardous Work Conditions* ; Internal Commission for Accident Prevention (Cipa); sickness benefit; Personal protective equipment (EPIs); Collective protective equipment (EPCs); and uniforms, those regarding effects on the subjectivity of the worker, damaging his physical, mental and emotional integrity (new technologies at the workplace; working intensity; work pattern; organizational psychological harassment; sexual harassment; physical violence; stress; chemical dependency), did not present advances in addition to the already consolidated guarantees. With few exceptions in negotiations which pointed to a certain concern regarding workers' health, trying to inhibit main causes which led to illnesses on some professional categories, most of negotiated guarantees did not effectively interfere on workspace routines to grant an improved quality of life at work (DIEESE, 2015, p. 77).

The multiple specificities which characterize the experience of working in contemporary society suggest new fronts to expand approaches and pre-conceived strategies. Within this insight, trade union action represents a dimension of social struggle coinciding with new ways of mobilization and negotiation to overcome workers' participation barriers, since capitalist flexible standard competition contributed to diffuse interactions, more oriented into individual than collective paths, depending on instabilities which characterize Brazilian labor market (rolling, intermittent, informal, outsourced), due to a contemporary entrepreneurial management creating a rarefied vision of trade union's actions, acting opposite to working class achievements through a speech of trade unions ineffectiveness. In words of Alexandre Colombo, a me-

talworker at Ford - the carmaker, which lived the experience of *politicization of negotiations*, being a trade union leader of the SMABC

(...) in this process of negotiation, it is harder for us to politicize workers. Sometimes they come back, sometimes not, but he doesn't know why he gets what he gets, why he's got the participation in the earnings and results (PLR), or wage campaign, or why he got a real increase or a better quality job. There is also this thing of beating up in the factory, and this has to change, he has to adapt to a new relationship with the company. When you are a *radical*, you don't pay attention to this. If the factory shuts, you don't give a damn. You go there and fight. When you show them the bad side of things, they must adequate to this situation. They must understand that we want Ford, Volkswagen, Mercedes Benz and another companies coming here. The *radical* way of acting is good, you like it because you get fire in the belly, and you are with anger. People get politicized, they get closer. The negotiation process is different, it is more difficult to put workers together, to explain what is happening (COLOMBO, 2016, p. 178).

The double character of trade union actions (to negotiate and to clash) here above described, is the core of mobilization, motivated by different demands arising from the plant floor. In the face of current retrogression, reflected in the critical situation of labor rights being dismantled, and where trade unionism has been trapped, one of the fundamental roles to be performed by trade union entities, is to develop mechanisms of communication with the working class, in order to be able to overcome the corporative structure which made possible its institutional strengthening in the years 2000.

***Paredistas* mobilizations and the struggle to confirm labor rights**

In the last years, direct collective confrontation strategy was widely used by trade unionism, and this emphasized the characteristic of conflict in labor relationships and the impetus of trade unions organizations to go on strikes in many and many professional categories widespread all over Brazil. The renewal of *paredistas* mobilizations sustained in actions of greater independence and dynamism so as to counterbalance the setbacks on labor conditions and guarantees, was observed from 2008, when it was detected in the historical Dieese system of strike monitoring (SAG-DIEESE) series, a consecutive increase of annual number of strikes and other forms of protest organized by workers. Strikes held in 2012 represented an increase of around 60pct in regard to previous year data. Since then, the increase of strike has truly been surprising in every

new yearly published account⁷. The wave of strikes which characterized the dynamics of collective action in this period drove to a situation of economic and financial crisis which was globally experienced, pointing to an insurgency of social conflicts with a cut of classes motivated by the new pattern of capitalist accumulation, imposing long term austere policies, and serious setbacks in social and labor rights.

In a comparative analysis supplied by Alexander Gallas and Jörg Nowak (2016), the general picture of strikes performed in countries of advanced and emerging economies reflects a trend of systematic attacks against working class rights in each checked country. In the European context, strikes in Portugal, Spain and Greece protesting against restructuring of rights were the most intense. France, during winter of 2010, was shaken by crowds in demonstrations against changes on the retirement system. In Germany, massive strikes occurred in the railway sector, post services and care area. In United States, protests claiming for collective bargaining rights increase in minimum wage in the retail area and in the *fast food* industry highlighted in 2011 had resonance all over the country. In the Middle East, strikes in several sectors were influenced by demonstrations which characterized the Arab spring 2014. The miner's strike and Marikana shooting massacre, were episodes that marked the wave of strikes occurred in South Africa between 2012-2014. India's automotive industry, the apparel industry in Cambodia, strikes triggered by construction workers in Brazil, and wildcat strikes in Turkey, called media attention and also of local governments, having an impact on the political and economic context (GALLAS; NOWAK, 2016, p. 12).

In this aspect, both in global and local perspective, strikes are a fundamental instrument of trade union action, to counter entrepreneurial threats and expresses labor precarious conditions, object of permanent workers' claims. Ruy Braga and Marco Aurélio Santana (2015) assess that partial loss of working rights, is a true fact in several nations: "the current deepening of global labor precarization, is based in increase of exploitation rate of the working force, especially in view of social rights plundering" (BRAGA; SANTANA, 2015, p. 536). In Brazilian context, authors highlight role of a precarious group of young workers, specifically those working at call centers, and they also mention how trade unionism began to deal with new political demands, leading to a sense of approximation of actions, to achieve a coincidence with trade union organizational forms and trade union federations. Chances of interaction between call center workers, submitted to precarious work and without access to major public policies and trade unions, constituted a potential framework to renovation trade union guidelines, by including features of "gender, race, age and sexual orientation" in campaigns and actions, with emphasis on adherence of this sector in *paredistas* movements. (BRAGA; SANTANA, 2015).

⁷ The assessment of strikes had its historical series monitoring hampered in 2014 and 2015. The lack of information for this short period depends on data from the system of strike monitoring, which has not yet been concluded due to the high volume of mobilizations occurred. However, we may state, based in news already compiled that amount of strikes followed the growth trend observed from 2008.

In the context of energy infrastructure investment through Brazilian Growth Acceleration Program (PAC) strikes held in working sites of hydroelectric plants of Jirau and Santo Antonio, in Roraima, workers submitted to degrading living and working conditions, gained notoriety by the undertaken struggles. A field research made by José Alves (2014) highlighted Jirau's workers strikes between 2011 and 2012, motivated by lack of transport and transferring problems for going home visiting their families, which occurred every 120 days, not payment of overtime hours, irregular supply of food and drinkable water, coercion exerted by administrators to hamper voluntary dismissal, low salaries, abusive target policies and increase in working hours. This noxious scenario, together with complaints of "moral harassment, aggressions, irregular working conditions and even cases of labor analogous to slavery", created a situation of over-exploitation of workers, practiced by several contractors. (ALVES, 2014, p. 399).

Regarding number of strikes, between 2003 and 2013 occurred 6,437, this being a little more than 481,000 not worked hours within the country. In 2016 occurred 2,093 strikes of both public and private sector worker, being 65.5pct of them of indefinite duration. Public sector strikes represented 52.6pct of the total, and 74pct of not worked hours; 81.1 pct of strikes were by category, related to workers of specific economic activities. In the private sector, there were 986 strikes and 36,000 not worked hours. The services sector was main one, with 70pct of the total. Private sector strikes were mostly held from one specific company.

In general, main demands of strikers were related to labor rights unfulfillment. In 2013, while late payment claims represented 18.3pct of total of strikes, and salary readjustment was main claim, present in 36pct of total of strikes, in 2016 we may see a reversal of the order of workers demanding priorities. Main claims now were related to late payments, exceeding the strikes claiming for salary readjustment, showing that objective of strikes went more on the side of demanding fulfillments of rights, a characteristic of defensive strikes, not propositional, which fought for advances in salary conditions. (DIEESE, 2017).

TABLE 2 – Main striker’s demands - Brazil 2016 and 2013

Demand	Strikes 2016 (2.093)		Strikes 2013 (2.050)	
	Number	Percentage	Number	Percentage
Late payments	805	38,5	375	18,3
Salary readjustment	632	30,2	738	36,0
Food quality	387	18,5	549	26,8
Working conditions	344	16,4	430	21,0
Late payment of year-end bonus(1)	212	10,1	-	-
PCS – Career and wage plan	192	9,2	394	19,2

Source: DIEESE's System of strike monitoring (SAG-DIEESE). Table developed by the authors. Remark: The sum of the installments may exceed the total. The reason is because same strike may include several and different motivations.

Note: (1) Late payment of year-end bonus was not among main striker’s demands of year 2013.

One of the reasons explaining increase in number of strikes in Brazil is related, in first place, with optimistic mood introduced by economic growth situation and formal jobs, which contributed to obtain better results in collective bargaining and favored workers organized actions and, in second place, with strikers initiative observed in professional categories associated to precarious jobs (guards, construction workers, cleaning and servicing workers, services and sales workers) and workers not having a *paredista* tradition such as metalworkers, bank and chemical employees. Outcome of 2016 strikes point to a hard situation for workers, in a setback movement of social and labor rights social, mainly affecting temporary workers, submitted to temporary contracts, outsourced and illegal (without working registry) making them to be permanently threaten by unemployment (DIEESE, 2017).

Trade union aspects, based in the analysis of the National Registry System of Union Entities (CNES) and Mediation System (MTE)

The collective bargaining was a mechanism instituted by the State and is responsible for establishing the dynamics between society’s corporative interests, focused in regulating labor relationships, based in territorial coverage rules and a framework based in economic category. As already discussed in the first part of the paper, collective bargaining acquired new frameworks in the years 2000 as an effective union confederation strategy to achieve advances and strengthen trade unions institutional role. The number and percentage of Brazilian union confederations which, since 2007, registered negotiated documents in Mediation System, per group – employers or workers and type of entity - confederation, federation or trade union, shows that 58.6pct no matter which group or type, at least registered one collective instrument.

In spite of register of collective work agreements in the System be com-

pulsory since 2009, it is widely known by people interested in Brazilian collective bargaining that not all celebrated contracts have been registered. Nevertheless, it is a remarkable initiative of the Ministry of Labor and Employment (MLE), considering effort of making a systematic supervision of trade union action results, mainly classified by base data. This aspect grants broadening trade unionism institutionalized process scope, together with other initiatives observed in the period, related to unionism organization, such as recognition of trade union centers, registration of trade unions and discussions within Working Relationships Council (CRT) of table of categories. For Mario Ladosky (2015), "such items express recent format of State intervention in trade union organizations, matching State corporatism models, neocorporatism and pluralism" (LADOSKY, 2015, p. 116). According to the author, Brazilian contemporary unionism structure lives with organization forms combining corporatism elements of Vargas period (Getulio Vargas, Brazil's president from 1943 to 1945) which were: category and uniqueness referred criteria, and compulsory union dues, with innovations in the area of State intervention, which began mediating relationships constituted in complex institutional environment, being recognized by union federations, and discussions on the table of categories and trade union registering. These elements legitimate union federation's representativeness, object of conflicts on developing new Brazilian trade unions, which were mediated with support of MLE, based in tripartite dialogue. In the author's words: "This State logic of action, is currently counterbalanced with neo-corporative and pluralist elements" (LADOSKY, 2015, p. 136).

We believe that collective instruments data behavior in Mediation system must be analyzed, and associated with Brazilian union entities records. This information is an important element to analyze political, social and economic situation, and shows rates of adhesion of professional and economic categories to the system⁸.

When studying by groups (employers and workers) we see higher rate of employer's entities with register (65pct) than workers (55.7pct). In relation to types of entities (confederation, federation or trade union), rate of trade unions and employers federations which registered collective instruments in the Mediation system, is quite similar – 65pct and 65.9pct respectively – while only 23.1pct of employers confederations registered documents. Among workers entities, higher rate goes to federations (67.2pct) followed by trade unions (55.3pct) and confederations (50pct).

⁸ These analyses are based on reports corresponding to product 1 of the second year of objective 5 – Working relationships profile analysis, part of the agreement "Development of instruments and updating of indicators to support management of employment, labor and income public policies", signed between the Inter-union Department of Statistics and Socio-economic Studies (DIEESE) and the Ministry of Labor, concluded in July 2017.

Table 3 – Trade union entities with and without register of collective instruments in Mediation system, classified by group and type of entity

Group / Type	With instrument		Without instrument		Total	
	Number of	Percentage	Number of	Percentage	Number of	Percentage
Employers	3.479	65,0	1.877	35,0	5.356	100,0
Confederation	3	23,1	10	76,9	13	100,0
Federation	114	65,9	59	34,1	173	100,0
Trade union	3.362	65,0	1.808	35,0	5.170	100,0
Workers	6.521	55,7	5.177	44,3	11.698	100,0
Confederation	17	50,0	17	50,0	34	100,0
Federation	274	67,2	134	32,8	408	100,0
Trade union	6.230	55,3	5.026	44,7	11.256	100,0
Total	10.000	58,6	7.054	41,4	17.054	100,0

Source: MLE - National Registry of Union Entities and Mediator (CNES).

Elaboration: DIEESE.

Remark: a) CNES and Mediator are from February, 2, 2017.

b) Only considered union entities, with a CNES register in use.

Percentage of union entities registering collective instruments in the Mediation system varies greatly, depending on the class. The classes with higher rate are: a) within employers groups: the employers, with 84.3pct, and b) within workers group: the workers, with 88.7pct, and differentiate categories, with 72.8pct. This shows high degree of adhesion of these entities to the system, besides showing its importance. On the other side, some classes, for different reasons, showed low rates of participation in the Mediation system. This is the case of independent and rural workers entities (in both employers and workers groups); liberal professionals (mainly in employers groups) and civil servants (belonging to workers group). Independent workers representative entities are a group apart, since they act in the name of professionals not having employment contracts and perform their craftsmanship without any contract bonds. Independent workers are not employees, and in spite of the fact of being able to hire workers, they are not a company. This is the reason why they hardly could celebrate collective working contracts, and therefore justify low incidence of instruments duly registered in the Mediation system. Collective bargaining is not regulated among civil servants. Therefore, they don't have granted, amidst other things, the base date for salary negotiations, which implies regular negotiation of working conditions and remuneration. Public servants don't even have a collective bargaining legal instrument. The existence of collective instruments for public servants in Mediation system is an innovation implemented by some of the trade unions representing them.

Low participation of liberal professionals entities may be credited to the fact that a significant part of their represented is already included by collective instruments negotiated by union entities, representing workers and employers of the companies where they work, with no need of their direct representatives to participate in collective labor agreements negotiations.

To finish, for rural workers two hypotheses deserve attention. First one states that collective category bargaining mainly happens within scope of fe-

derations, and trade unions have to assist their represented in other issues related with working relationships, such as termination of contracts, assessment of agreements and assistance to workers. The hypothesis is confirmed by the fact that all rural federations registered collective instruments in Mediation system. The second hypothesis is that trade unions, although negotiate, do not deposit their collective instruments in the system, which may occur due to difficulties to access internet in some regions of the country, or even lack of skills to use Mediation.

Large numbers of union entities registered at CNES – particularly those having the prerogative of collective labor agreements – register collective instruments in the system. If we only consider employees and employers entities representing together almost half of Brazilian union entities, the rate of participation in Mediation exceeds 80pct. If on one hand we cannot state that all collective labor agreements held within the country are registered in the system, on the other hand we can say that large amount of union entities which really or potentially negotiate agreements and collective labor agreements, they do register these instruments in Mediation system.

Table 4 – Union entities with and without register of collective instruments in Mediation system, by group and type of entity

Type	With instrument		Without instrument		Total	
	Number of	Percentage	Number of	Percentage	Number of	Percentage
Employers	3.479	65,0	1.877	35,0	5.356	100,0
Employers	2.881	84,3	538	15,7	3.419	100,0
Rural	489	29,9	1.147	70,1	1.636	100,0
Liberal Professionals	7	29,2	17	70,8	24	100,0
Independent	17	11,0	138	89,0	155	100,0
Other ⁽¹⁾	85	69,7	37	30,3	122	100,0
Workers	6.521	55,7	5.177	44,3	11.695	100,0
Workers	4.491	88,7	572	11,3	5.063	100,0
Differentiated categ.	476	72,8	178	27,2	654	100,0
Freelance workers	71	51,4	67	48,6	138	100,0
Liberal prof.	232	46,5	267	53,5	499	100,0
Rural	966	32,8	1.977	67,2	2.943	100,0
Independent	41	15,4	225	84,6	266	100,0
Public servants	230	10,9	1.881	89,1	2.111	100,0
Other ⁽²⁾	14	58,3	10	41,7	24	100,0
Total	10.000	58,6	7.054	41,4	17.054	100,0

Source: MLE - National Registry System of Union Entities (CNES).

Elaboration: DIEESE. Remark: 1) Economic officer, Not applied and without Information.

2) Professional officer, Employees and freelance, Employees and independent and without Information.

Remark: a) CNES and Mediator data is from February, 2, 2017.

b) Only considered union entities, with a CNES register in use.

As can be seen, a fairly proportion of instruments registered in Mediation (83.3pct of total) refer to collective contracts directly negotiated with companies. Only 16.7pct are contracts signed at the level of the category. These data suggests that in Brazil, collective bargaining is preferably held within the companies, and not in the category. When we encompass level of collective instruments signed by each union entity, we observe that most of them negotiate by company or category (61.9pct). Entities exclusively negotiating with com-

panies correspond to 22.4pct of total, and those exclusively negotiating with employers union entities (therefore, by category) represent 15.7pct.

Among employees' union entities, which are the largest joint group of workers entities, 71.3pct registered instruments by company and category; 15.4pct exclusively registered instruments by company; and 13.3pct exclusively deposited instruments by category.

The prevalence of cases of union entities negotiating within the scope of companies and categories is also observed among entities of differentiate categories (59.2pct) and liberal professionals (53.4pct). Among rural entities, although representing the largest group, cases of agreements within the environment of companies and categories account for 38.5pct of total, besides a significant 33pct which exclusively registered instruments by companies. Regarding civil servants entities, almost all of them exclusively registered instruments by companies, with the public body contracting party⁹.

These data reveal that, in spite of instruments by company being the most frequent in the Mediation, it doesn't exclude negotiating instruments by category. Or in other words, an important part of collective agreements registered in Mediation are complementary to collective conventions. In first place, because most of union entities signing collective agreements, also sign collective labor conventions. As it is known, conventions include professional and economic categories; while agreements include companies. Since theoretically conventions are more in depth, they involve the agreements.

And in second place, because conventions tend to reflect wider issues than the agreements, regarding issues discussed. Many agreements deal about detailed negotiations, such as working hours, gratuities, subsidies and extra aids, which could be assumed as complementary – additions or adaptations for particular situations – to general terms of the collective conventions collective.

Final Considerations

In the years 2000, Brazilian trade unionism Brazilian developed multiple strategies to face difficulties of representation, organization and mobilization arising from the context of crisis which characterized the decade of 1990. It was in these times when a more heterogeneous, flexible, precarious worker's profile, with an increasingly individualistic and fragmented perception of union activities, started to prevail in labor market. Nevertheless, even with economic development based in a speech of work and employment protection, union actions remained fragile in front of a flexibilization of labor prevailing in different economic sectors. Although the institutionalized participation context could manage to consolidate alternative negotiation mechanisms through social actors developing public policies which sought to minimize a framework

⁹ In general, municipal city halls.

of instability and threat to jobs, increasingly reactive union positions express the challenges to represent workers interests, generating an important outcome during the analyzed period (2003 and 2015) however, too little to reverse the old losses situation through a reduction of social inequalities.

In this paper we have described how trade unions' performance in collective bargaining consolidated a normative practice which was reflected on most professional categories. The initiatives which contributed to updating union organizations - with roots supported by corporative structures, modified State's arbitrary intervention character. The State began acting in neo-corporative structure, formatted by incorporating union federations to the official structure and based in elements which demonstrate union pluralism. (LADOSKY, 2015). The Mediation System includes a broad set of information allowing performing most diverse studies on working relationships within the country. This embodies such issues as Mediation coverage on collective bargaining held all over the country: general features of entities registering agreements in the system; complementarity among registered collective instruments, distinction between collective instruments of base date, and specific (thematic) collective instruments plus negotiating table notions.

Brazilian strike actions also showed intensity of collective mobilizations which represented strong clashes between working class and entrepreneurs. Therefore, trade unionism established an acting area, based in performance within their institutional venues, but also in working places where conflict is permanently occurring.

According to Adalberto Cardoso (2013), trade unionism crisis, in the way as conceived by literature would have been decharacterized, and this can be seen in good performance of strikes indicators, collective bargaining and number of union affiliations, which in absolute terms is considered high. In search of answers to gaps of a broader political project, which could be led by trade unions, the author analyzed Brazilian hired labor historical journey under State's interference, granting social inclusion through employment relationship established by Brazilian consolidation of labor laws (CLT). Cardoso's study proposes search of link between trade unionism and its roots around the 1930's, when current union model was created. The author states that "Brazilian utopia, the real utopia, lived by successive generations, was and keeps being the utopia of employment governed by State rules, vehicle of precarious ontological safety and fragile socioeconomic safety, but still better than alternative available options" (CARDOSO, 2013, p. 136).

Readings on trade unionism in the 21st century grade main dilemmas arising from a government whose roots were interwoven with history of Brazilian workforce, opening possibilities of new interpretations of collective action forms with cuts on social classes. Iram Jácome Rodrigues and José Ricardo Ramalho (2015) state that trade unionism in the 21st century must find another plan of action to deal with threats to their rights. The union movement must still face many obstacles to maintain its basis, in terms of numerical representative-

ness and in its intrinsic role, define its existence as class entity:

In this context, such issues as solidarity, identity and representation will have to assume new meanings and, even, be reshaped to allow union actions continuing to perform their role of democratization of working relationships, improvement of living and working conditions for broad sections of population and fighting for a more fair and egalitarian society, among other aspects. (RODRIGUES; RAMALHO, 2015, p. 40)

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