

# CUT AND CORPORATISM IN BRAZIL

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## Abstract

The CUT(Unified Workers Central)currently main national trade union in Brazil was founded in August 1983, based in the defense of freedom and autonomy to fight against legacy of corporatism, established since the 1930's. It is true that the union was partially successful, however that was not enough to provide a totally positive balance regarding the overcoming of this model in the country. The objective of this paper is to prove how CUT's action during the period contributed to make increasingly complex the relationships between trade union and the State. During first stage of its course, action was characterized by the capacity to triumph over state corporatism; then, starting in the 1990's,by earning a place in social participation, CUT added a neo-corporatism profile in its relationship with the State; and during Lula's government, recognition of central unions favored the appearance of elements of pluralism in competition among them, mediated by the State. Throughout CUT unionism course, different ways of relating with the State constituted not a succession, but a mix among them.

## Keywords

Corporatism; CUT unionism; State

## Introduction

The Unified Workers Central- CUT, main and largest Brazilian trade union completed 30 years in 2013. The union emerged carrying the flag of liberty and trade union autonomy against a legacy of corporatism that marked Brazilian trade union movement history since the 1930's. Over this period, CUT was partially successful, however that was not enough to provide a totally positive balance regarding the overcoming of corporatism in the country. What is current situation of corporatism issue in Brazil? What changes have been processed and what challenges still remain? These are some of the issues that will be tackled in this paper.

The text is divided in four sections.

First section will start with a brief presentation of conceptual debate on corporatism and pluralism, without trying to explore full complexity of this subject.

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Three following sections will go by a period of CUT's history from the perspective of its relationships with the State.

In first of these three there is a short account of the 1980's, stressing that original CUT's project was guided by the challenge of overcoming a legacy of state corporatism left by Getúlio Vargas in the decade of 1930, and expressed through the official union structure imposing limits to an autonomous union action.

Following section will cover a second stage of CUT's track, peculiar in the 1990's. In spite of not having categorically solved it spending matter regarding State corporatism, CUT - through its fight together with other segments of the grass-root movement, achieved direct representation on account of society participation by sharing management of public policies and social control. Therefore a new kind of relationship with the State was consolidated, based in neo-corporate elements. From trade union point of view, CUT broadens in this context its spheres of action, naming representatives for these parastatal representation spaces.

As from Lula's government, CUT's track began in 2003 a third moment. The failure of a union reform project debated in the National Employment Forum of 2003 to 2006 was compensated by measures that in spite of not being able to end Vargas legacy, at least introduced elements of pluralism by stirring up competition among central unions in order to increase representativeness at the same time that paradoxically consolidated joint mobilizations revolving around common objectives such as - for example, reducing working week to 40 hours, with no loss of weekly pay.

This paper aims to show that along this period union relationship with the State became more complex, at the beginning more strictly characterized under State corporatism parameters, and as time went on assuming new neo-corporatism and pluralism elements, constituting not a succession, but a mix among them.

Such transformations were not a result of a unidirectional State action on union movement to improve control and cross-class collaboration. Neither was only determined by exclusive will and action of union movement, particularly CUT. This current result is, to our understanding, the outcome of a dialectic relationship where conflicts and contradictions among implied subjects based in new "thesis" expressing continuation and changes in the Brazilian union structure order became ground for future union structure transformations.

In contrast to other interpretations regarding union movements in the recent period, we are not trying to analyze CUT's course by emphasizing its organization difficulties to face corporate union structure legacy order or even evaluate its political strategy during Lula and Dilma's government, to discuss if (or how much) she became a sellout ("pelega" in Portuguese) or officialist, in the sense of having a pro-government behavior ("chapa branca" in Portuguese).

The approach in this paper will be recognize that current Brazilian union

planning context could not have been reached without the action of CUT, regarding its successes in many fights as well as difficulties and defeats in several others. In the final considerations, we take the risk of forecasting the future of Brazilian unionism corporatism.

## 1. Pluralism, state corporatism and neo-corporatism: setup for current Brazilian union model

Corporatism is a controversial issue in sociology, often assumed as an ideological

trend defending certain ways of social organization; in other situations, is considered an explanation regarding most diverse contemporary societies. When used in research, in different contexts, corporatism allows a polysemy about its meaning and at the same time opens possibilities to show a useful typology to be compared among countries.

Lines of interpretation used in corporatism become more complex when compared to the concept of pluralism. For many authors, both appear as diametrically opposed, showing different ways of relationship among the State, groups of interest and social classes. While for others, corporatism and pluralism are complementary, and may have – many times, an almost synonymous meaning.

We will try to place general lines of this debate, by first identifying their both historical origins, relating them with types of intermediation among groups of interest and Brazilian union issues, particularly in last decades; from the foundation of CUT in 1983 until the present day.

In the later Middle Age, corporations were an obstacle to the free-market logic, at that time taking its first steps in a transition to a new capitalist order, since they strongly regulated economic relationships in a non competitive way, restricted the professional exercise and demarcated social relations between masters and apprentices. The accelerated process of urbanization and industrialization that began during second half of the eighteenth century with the Industrial Revolution would end with birth of capitalist society.

Marx characterized this passage of history in the Communist Manifesto of 1848 resumed in the famous phrase “*all that is solid melts into air*”, showing that any previous order promptly shaded before the advancing of industrial society and emergence of bourgeoisie and proletariat as basic classes. To address increasing social conflict widespread all over Europe, Marx and Engels proposed creating a society without State and class antagonism, based in the development of dialectical historical materialism.

In a divergent direction, Durkheim identified in that historic moment an state of anomie where hitherto prevailing mechanic solidarity broke up – social relationships based in moral values strengthening interpersonal bonds of reciprocity, allowing social cohesion –giving rise to an organic solidarity, product of a social division of labor in a more complex society.

In this new historical context, corporatism returned not any longer as guilds masters or artisans, but as a doctrine opposed to classic liberal thinking, after realizing that individuals, left to their own in capitalist market relationships, are at the mercy of exploitation and vices corroding moral values of the society. Its origin dates back to the catholic social doctrine. Encyclical *Rerum novarum* of Leo XIII in 1891 stated that “for the solution of worker’s question, much could contribute capitalists and workers themselves, with institutions ordered to offer timely help to the needed and approach the two classes between them”. (Ludovico Incisa, 1986:288)

We can see that catholic social doctrine expressed in the traditional corporatist conception of society the premise of denial of conflict and the search of social harmony among classes. It is worth mentioning that, although starting from a conservative thinking and even restorer of old pre-capitalist order, corporatism was an initiative that arose within the society.

But the course of corporatism will set up with the arrival of fascism in Italy, through dictator Benito Mussolini, in the decades of 1920 and 1930. Under the aegis of a totalitarian state assuming guardianship over the society, emerged institutions that regulated relationships among classes. Unions, until then instruments of organization and workers fight became subdued to a legislation and institutional structure taking from them the sense of social conflict, becoming an arm of the State oriented to conciliate antagonistic interests.

Incisa states that:

While traditional corporatism is essentially pluralistic and tends to disseminate power, fascist corporatism is monoist [...]it strives to diminish unity, that dynamic unity being ambition of the system, the whole productive complex. In traditional corporatism, corporations contrast with the State; in fascist corporatism, corporations are subordinate to the State, they become bodies of the State. (Incisa, 1986:289)

Corporatist doctrine, associated to the dirigisme of an authoritarian State expanded during that period into several countries, and arrived to Brazil during Vargas government. Official union structure instituted by the newly created Ministry of Labor, Industry and Commerce in 1931, inspired in the Charter of Labour (*Carta del Lavoro* in Italian), is the most complete example of State corporatism among us.

In spite of sympathy being collected all over Europe by social and political corporatist conception, sociology thought at that time that main explanatory thesis for the relationship between State and society would continue being pluralism.

Prevailing view within society’s pluralist interpretation was based in the work of Tocqueville regarding democracy in United States:

America is the only country in the world where it was taken highest benefit from association and where it was applied that powerful means of action and

greater variety of situations[...]Americans of all ages, conditions and trends, constantly associate... In France, where ahead of a new initiative you will find the government, or in England a Lord, you can be sure that in United States you will find an association. (Tocqueville *apud* Bobbio, 1986)

Bobbio explains that pluralism:

It is a conception proposing as model a society composed of several groups or centers of power, even in conflict with each other, which are given the function of limiting, controlling and contrast, to the point of eliminating the dominant center of power historically identified with the State.(Bobbio, 1986:928)

According to the logical pluralism, different groups of societies declare their particular interests, allying or opposing with each other to widen their capacity to develop political pressure in a system looking like free competition market. Dynamics of interaction among groups may explain all. In this scheme, the State should have to grant legitimacy of competition and respect to the rules of the game. (Araújo and Tápias, 1991:4)

Here it should be noted two remarks about pluralism. First one is that it must not associate groups of interest to social classes, because an individual may associate to different groups, but not to different classes. A society divided in groups will try to solve their conflicts through adjustments among them, while in the conflict of classes this is not possible. Second remark is that although it refers to a certain apology of the American social and political system, pluralist theory does not harmonize with classic liberalism, because in its own essence strength lies not in the individual alone, but the individual associated too theirs that would create groups of interest in the society.

Corporatism gains significance in sociological interpretation of modern societies from seminal work of Philippe C. Schmitter, who used the word to create an explanatory concept about the relationship state – society, being it alternative to pluralist conception, predominant in bibliography up to the years 1970.

The structuralist approach defines corporatism as a structure of representation of interests and/or of linking between State and civil society. Breaking radically with main premises of the other two lines of corporatism: political – culturalistic and societalist, structuralists emphasize the role of the State, structural and extra-political factors and elements of discontinuity explaining emergence of corporatist requirements[...]it was established a certain consensus among an expressive group of authors regarding the use of the word “corporatism” as a typical ideal category to describe systems of representation of interests that differ from pluralism insofar as they constitute non-competitive units, officially enacted and supervised by the State. (Araújo e Tápias, 1991:9)

Critics to theoretical formulations, typical of so called “pluralist” authors, stated by other authors leading - in some manner – with the subject of corporatism made this dispute to be often referred as a debate between “pluralists” and “corporativists”. Pluralism associated to democratic and anti-state inspiration, is seen by critical authors as an ideological propaganda of the American system. Nevertheless, on the other side corporatism is traditionally associated no less to fascism, thus making the so called “corporativists” twisting into *neo*-corporatism, “social” corporatism opposed to “State” etc.

When comparing pluralism and corporatism, Schmitter states:

In sum, both pluralists and corporativists recognize, accept and try to overcome the increasing structural differentiation and diversity of interests of modern society, but they propose opposed political remedies and differing images of the institutional model that will assume such modern system of representation of interests. Pluralists, they suggest a spontaneous formation, a numerical proliferation, a horizontal extension and a competitive interaction, while corporativists defend a controlled emergence, a quantitative limitation, a vertical stratification and complementary interdependence. Pluralists place their faith in the changing balance of forces mechanically intersecting; corporativists make use of a functional adjustment of an interdependent organically whole [...] I sense that these two contrasting syndromes - however not being diametrically opposed- do not exhaust, much less, possible alternative systems of modern representation of interests. (Schmitter, 1979:27)

Boschi and Diniz also question polarization, stating that:

Between a pluralist social order based in the pressure of organized interests of groups or social classes and a corporative state order not deeply controlled.... In this sense, it is a matter of describing each one of these perspectives, proposing an alternative approach able to perform complementarity between these two mentioned formats, therefore exploring the possibility that aspects of the logic of one of these models be contained in the other. (Boschi and Diniz, 1991:12)

If, on the one hand there is a bibliography showing possibilities of analytical convergence between pluralism and corporatism, even acknowledging difference between both of them, on the other hand study of cases on corporatism identified a quite diversified range in relationships between State and Society under corporative aegis.

From the work of Schmitter it was developed a first differentiation through sub-categories such as “state corporatism” and “social corporatism”, also named “neo-corporatism”. To follow, let’s see the analysis:

Mihail Manoilescu, the most original and encouraging theoretician of corporatism, contributed with a key distinction between these different sub-types.

He named one *pure corporatism*, where legitimacy and functioning of the State depended basically or exclusively of the activity of singular representative corporations, not competitive and hierarchically ordered. In contrast, he named the second one *subordinate corporatism*, where similarly structured corporations were created and maintained by auxiliary bodies, independent from the State, whose legitimacy and effective functioning had other bases [1936:92]. ... For our purposes, we can call the first *social corporatism*, autonomous and penetrating, and the second, *state corporatism*, dependent and penetrated. (Schmitter, 1979:34)

And Araújo and Tápias add:

State corporatism is defined as the one where representations of large social interests are subordinated to State authority, when they are not created by it. State corporatism is monoist, pursuing unity of multiple present interests. One of its defining traits is the identification between State and society, or suppression of demarcation between what is public and private. (...) Societary or liberal corporatism, differently from the State one, was born almost spontaneously from civil society dynamics, preserving fundamental autonomy of collective players involved in it... In this system coercion plays a rather marginal role: emphasis is played on exchange, on negotiation and in reciprocal adaptation. (Araújo and Tápias, 1991:10)

Following this line of interpretation, State corporatism would be associated to Latin-American political systems; while social corporatism or neo-corporatism was the basis of western European *Welfare State* system.

Now specifically focusing Latin-American experiences, State corporatism showed to be fruitful but insufficient to explain differences between found cases. Thus, political scientist Alfred C. Stepan contributed with a theoretical breakthrough to corporativists' analysis by verifying need of adding them the relationship between types of State corporative policies and different types of civil societies (Stepan, 1980:72).

In this respect,

The author will characterize two sub-types of state corporatism: the *inclusive* and the *exclusive*. In the first one, the state elite tries to shape a new pattern of relationships State/society through the political and economic incorporation of significant sectors of the working class, mainly on account of distributive and symbolic welfare policies. In the second one, the attempt to establish a new balance between State and society is strongly based in a repressive policy and the use of corporatist structures to demobilize and subjugate a previously, organized and active working class. (Araújo and Tápias, 1991:12)

According to bibliography, these proposed types regarding public policies of corporative states will refer to different regimes of States, one with a “populist” character, associated to inclusive policies; and other “bureaucratic-authoritarian”, identified with exclusive policies.

Based in this referential, Leôncio Martins Rodrigues states in his analysis that Brazil lived a period of inclusive corporatism between 1930 and 1945; and other of exclusive corporatism between 1964 and 1978 (Rodrigues, 1990:59).

Ruth and David Collier proposed another subdivision present in the debate on state corporatism. They added the notion of *incentives* and *constraints*:

*Incentives* are provisions used to structure the representation of interests giving advantages to union bodies receiving them, such as official recognition, monopoly of representation, compulsory membership and subsidies. Through these incentives, the elite controlling the State seeks support from workers’ organizations, its cooperation with the State, and acceptance of constraint by them imposed. *Constraints* are arrangements directly focused to control workers’ organizations and its leaderships. These authors understand corporatism as a combination between these two types of provisions. (Araújo and Tápias, 1991:13)

Collier and Collier combine this notion of incentives and constraints to inclusive and exclusive political forms. Thus, inclusive policies would proportionally have more incentives than constraints, in search of union’s support; whereas unlike an exclusive state corporatism would have a greater burden of constraints than incentives, in search of repression and a stricter monitoring over unions.

Interpretive streams included the concept of state corporatism served, directly or indirectly, as references to present research on Brazilian unionism.

In many years it prevailed - among historians and social scientists, the interpretation that corporatist union model had been imposed to the union movement only by force.

This is not entirely wrong, since we cannot forget repression suffered by unionism after 1935, during Getulio Vargas’ authoritarian corporatist regime from 1937 to 1945, known as *Estado Novo* and military dictatorship of 1964 to 1985. However we also clarify that other interpretations might be possible.

Studies have pointed that Brazil’s trade union structure, at the same time than replaced previous free unionism, many times through violence, imprisonment and extradition of union leaders and activists, paradoxically also brought an increased stability in union organization of categories facing employers’ intransigence, and also put pressure on government, as at the beginning of the 1960’s.

Leôncio Martins Rodrigues shares this analysis and stresses that stability arising from corporatist system to unionism at the beginning of the twentieth

century was one of the factors that allowed permanence in Brazilian society<sup>2</sup>. Martins Rodrigues considers an analytical mistake seeing corporatism as a synonym of fascism, even if the Consolidation of Labour Laws (CLT) was inspired in Mussolini's Charter of Labour (*Carta del Lavoro*). For Martins Rodrigues, "at that time corporatism was *in the air* and inspired several political streams" (Rodrigues, 1990:52). Notwithstanding significant political and ideological differences regarding the path toward nation-building, socialists, union leaders, Getulio Vargas followers, progressive intellectuals, Brazilian tenentist movement participants, and integralists among others, all they were inspired in corporatist ideals corporatist as an instrument of modernization of the country to overcome the delay represented by oligarchy elites commanding coffee farms and government of the First Republic to its shape.

Brazilian corporatist ideal, according to these scholars, represented a process of modernization in nation-building, even if having an authoritarian bias, since facilitated insertion of social groups – the workers – into the political field with legitimacy and rights recognized, although protected, without autonomy vis-a-vis the State.

Boito Jr. offers a quite different interpretation about corporatist union structure. He considers absolutely redundant the statement that unions are subordinated or protected by the State, since that is exactly the nature of corporatist structure.

He argues with several other Brazilian unionism scholars, such as Werneck Vianna, José Álvaro Moisés, Maria Hermínia Tavares, John Humphrey, among others. He states:

These authors and these union streams show some obstacles than the structure opposes to workers organization and fight. But they have a wrong conception of these obstacles. Main mistake is not understanding that *such obstacles are irremovable*. It is true that a State union does not work identically in any conjuncture and whatever sector of working classes is considered. But unlike what these authors say, possible variations of union practice are limited in State unions. *What this structure does not accept is precisely the conversion of the official union, from being an instrument for the controlling of workers into its opposite, which is workers controlling the union. State union is always and contrary to what happens with other types of unionism, where an institution cushions class conflicts.* (BOITO Jr, 1991: 15 and 16 – italics belong to Ladosky, author of the paper)

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<sup>2</sup> Martins Rodrigues includes other factors in corporate unionism persistence throughout Brazil's history. Among them, a change in workers class composition, with a relative reduction of Italian immigrants, used to anarchist unrest and an increase of rural migrants, displacing to cities to get jobs in industries emerging from import substitution model, without having previous organization experience, becoming subordinate to colonels oligarchy. Other factors would be ethnic composition of "rising business class" composed of Italian immigrants, Jewish people, Turkish and other nationalities, letting to traditional oligarchic families' main State posts at the Civil Service. The author states that all social groups won with the implementation of corporatist system – the traditional oligarchy, successful immigrants in industry and trade, middle strata, union leaders, etc – in a way that nobody of them had the intention of disassemble the system, considering its advantages. (Rodrigues, 1990)

Boito Jr. continues on another excerpt:

Brazilian unionism studies, although use and abuse of the term structure, do not conceive official union apparatus as a structure in the strong sense of the word. Instead, they conceive it as a body provided with unrestricted malleability that depending on the conjuncture and circumstances, may perform antagonistic functions, corresponding to interests of the bourgeoisie, or on the contrary, becoming an efficient instrument to organize the proletariat and other working classes. (Boito Jr., 1991:13)

In summary, bibliography regarding corporatism does not have a univocal sense, since searches create relationships State – society and incorporate groups of interest by the State, according to empirical analyzed cases. Once again here we mention Schmitter for whom the concept of corporatism is an ideal type, in Weberian sense.

Regarding Brazilian case, a collection of studies from several authors - every each one focused in specific interests, shows that corporatist formation among us was developed amid paradoxes and contradictions. In a certain way, they hindered a more autonomous union organization process, but allowed capacity and organization stability to other unions that could not hold firm, if it wasn't through a corporate legislation. It tried to stifle voices of political union streams acting since the beginning of the twentieth century, assuming words and legitimacy to speak directly to the working class at the same time than enrolled São Paulo's entrepreneurialism opposition to the corporate project, since it predicted symmetry and equality among employers and workers unions. In the economic field became one of the impeller vectors of industrialization and modernization of the country, but also looked after the interests of further behind landowners' oligarchies. According to Vanda Ribeiro Costa, "the Consolidation of Labour Laws (CLT), more than enforcing workers' rights, expresses an agreement between bourgeoisie and the State regarding limits for exercising these rights from a political point of view". (Costa, 1991:115-116)

Finally, corporatism between us combined a character simultaneously *inclusive* and *exclusive* (Stepan), and at the same time based in *incentives*, without having on hand *constraint* mechanisms (Collier e Collier) to contain more autonomous trade union action.

## 2. The "CUT – Movement" and a heritage of state corporatism

The contradiction between granting benefits to union organizations, although keeping an strict control over its action is one of the factors that, in our view, favors permanence of corporatist union structure over the past seventy years of our history, vigorously surviving to any kind of political regime changes, and also substantial changes in the Brazilian society, such as the intense

industrialization and urbanization process lived in the period. The opposition to corporatist system of labour relationships and union organization could never propose in fact a systemic change project, but only partial changes to make it possible maintaining already existing benefits and only remove unwanted aspects.

CUT obviously reflects that Brazilian unionism path. Particularly during the first stage of its history, going from the foundation in 1983 until end of decade of 1980 and beginning of the 1990's. This is a period characterized by a conflictive stance, named CUT – movement.

CUT's origin, as well as the Workers' Party (PT) goes back to the politics of opening period of the military regime, during transition to re-democratization in Brazil, from the end of years 1970, in the wake of big strikes of the so called "new unionism" in metal industries of Sao Paulo's greater ABC region, when Lula was heading the union.

Social movements, which should be watching from a distance the slow, gradual and safe transition run by the military government, came to light demanding rights, citizenship and political participation with autonomy. In certain situations it was not possible to do a rigid distinction between the demands of popular and union movements, because many times it was the same group of activists acting in multiple insertions: in the neighborhood, at the church, at the working place or in at the trade union offices. Examples of this broad combination of efforts in fights were the campaign against cost of living increase and several strikes between 1979 and 1983, when solidary groups giving support to "movimentos paredistas" - a strike movement where leaders are not identified or stay behind the wall-walking along neighborhood streets collecting foods for strikers and explaining the reason of the movement.

Joint actions during that period resulted in the creation of National articulation of popular and trade union movements (ANAMPOS) important movement in CUT foundation.

During Constituent National Assembly validity, popular and trade union movements once again went hand in hand by collecting signatures for popular amendments regarding such issues as health, housing, rights of children and adolescents, among so many others. Result of this set of actions in the long term was the conquest of the "Citizen constitution" enacted in 1988, where are provided direct democracy spaces regulated by laws in the following years. They created several types of Councils, consolidating a vision of social control over the State.

In more active union sectors, the movement criticized in an energetic manner leaders then commanding trade union system. They tried to organize actions through the basis and mobilize workers to go into the fight. It is not by accident that during decade of 1980, Brazil became the country with most strikes in the world, by any measurement parameter.

Eduardo Noronha states that "at the end of 1980's, volume of strikes in

Brazil was among highest in the world, being worth mentioning that one decade before they were almost nonexistent". (Noronha, 1994:323) Data collected by the author shows a true explosion of strike movements in the period, unprecedented in the history of the country, with a growth rate of around 1,800 percent in number of strikes for the period during 1978 to 1988. Total year number of strikes increased by 60 times: non worked days jumped from 1.8 million hours to 132 million hours. (Noronha,1994:326). This, without mentioning general strikes called by the CUT<sup>3</sup>.

Radicalization of social struggle promoted by CUT followers created a confrontation position against government, employers and old union leaders belonging to corporate union structure.

Political organization strategy outlined by CUT in that moment could be summarized by the proposal of strengthening union oppositions and conquer union bodies' management through the vote, in a way to promote implosion of corporate structure from within the apparatus, to innovate political practices and implementation of political-ideological conception expressed in its documents: "classist; autonomous regarding political parties and State; independent regarding employers and governments; and socialist".

Victory of slate with CUT flag in union elections would happen in spite of maintenance of corporative union structure main pillars: a union unicity, the union tax, and the normative power of Labour justice, among others. These elements, despite leaders' message and Congress resolutions, came to be seen as incentive mechanisms, more than constraints to union action.

Over the years, we can see that these incentive elements explain partial success of CUT's strategy. CUT grew enormously, becoming largest Brazilian union central, after conquering management of countless unions over the decade. In that context, official corporate union structure was displaced by action of the robust CUT unionism<sup>4</sup>political force: a historical position stopping fights, to sustain material and political conditions actions within the specific context of the 1980's.

CUT's crowd mobilization during the Constituent, together with other movements, granted not only social advances in public policies, but also a series of new rights for workers through the article 7 of Federal Constitution. However, in terms of union structure, article 8 of the new Constitution maintained fundamental pillars of corporatism, such as union tax (stressed by paragraph IV through compulsory confederate contribution), union unicity (paragraph II) and normative power of Labour Justice.

Resolution of the Second National CUT Congress – 2nd CONCUR (1986)

<sup>3</sup> Throughout its history, CUT called workers to participate in five general strikes: July 21, 1983, December 12 1986, August 20, 1987, March 14 and 15, 1989 and last one May 22 and 23, 1991. (ANTUNES, 1991:21-22). It must be stressed that flags raised in each general strike were not strictly related to work or wages, but as a general rule, they claimed for "a radical agrarian reform to be controlled by workers" and "default on external debt" as class demands.

<sup>4</sup> It is important to stress that Brazilian union movement also lived moments of intense agitation and mobilization in defense of workers' rights, doing an important number of strikes in other periods before 1964. Similar as in the 1980's, during years 1945 to 1964 contradictions and ambiguities coexisted between a corporatist restrictive union organization order and a bravest action.

– regarding a union structure proposal had no influence in the debate of Constituent or in the changes there processed about corporate union legislation. Other proposals coming from the Executive regarding changes on union legislation were also quickly rejected by CUT.

For Maria Hermínia Tavares of Almeida

[a] Convention of 1987 was brought to light by Almir Pazzianotto, Ministry of Labour during Sarney government as a hidden threat from the government to unions. That was a way of putting pressure on unionism, scarcely willing to accept moderation and reluctant to collaborate with the government to stop uncontrolled increase in prices. (Almeida, 1992:144)

Using Collier and Collier categories, incentives foreseen by Constitution of 1988 substituted some mechanisms of constraint, remaining untouched main corporatist pillars.

Boito Jr. criticizes that as follows,

In many fundamental aspects, CUT is integrated to union structure. Its effective actions in some cases and its omission in others contradict statements of principles in defense of union freedom. Nevertheless, CUT's relationship with union structure is not free of contradictions. We could, maybe, talk of a 'conflictive integration' among CUT leaderships and State unionism. (Boito Jr., 1991:76)

As a result, a resolution document of CUT's Fifth National Plenary in 1992 states:

We, CUT, by virtue of our historical heritage, had to opt by transforming the official structure, and not by building a parallel structure, from rank and file unions [...] Therefore, basic pillars of the model persisted and we could not overcome all the limits imposed to union practice, and so trend to corporatism and bureaucratization of unions remains. Currently, in most of cases there are no mechanisms granting base control over unions, union boards do not maintain direct contact channels with workers at their working places and therefore there is a gap among leaders and workers' reality, limiting means of putting pressure, make mobilizations and union negotiations. (CUT,1992)

### **3. Neo-corporatism and expansion of "CUT – Institution" agenda**

In the previous section, this paper outlined a general overview of CUT's first historical phase, named "CUT – Movement".

Between the end of years 1980 and over decade of 1990's, CUT reached a turning point in its course. For various reasons that will be briefly addressed, CUT began giving priority to its institutional capacity of representation and negotiation in name of the working class.

The CUT Third National Congress- Third CONCUR, held in 1988 in Belo Horizonte, state of Minas Gerais, was a landmark into the transition of "CUT – movement" to "CUT – Institution".

Some changes had already been signaled since 1986 at the Second CONCUR, and according to Giannotti and Neto:

Since 1986 there were proposals for changes, all in the same direction: greater internal structuration, greater management power and lower importance of bases. As a matter of fact, since CUT did not totally break with the old structure, it allowed creation of a hybrid, ambivalent union practice. Gradually union apparatus strength began arising and this caused a gradual process of bureaucratization and reduction of the initial democratic effort.

CUT Third Congress, held at Belo Horizonte in 1988 – was mainly dedicated to discussions regarding CUT restructuring, as a union body[...]the objective of most of management was clear: approve a change in bylaws to allow implementing a new CUT's vision. A trade union of representation and negotiation, more than a fighting trade union of mobilization and organization for the great mass of workers. [...]CUT chose to get close to European trade union centrals model. (Giannotti and Neto, 1993:42)

It is worth noting that such strategy does not persist but is based and related to real policy dynamics, developed by facts happening in history.

So a growing number of affiliated unions accumulated over decade of 1980, and the increasing political weight they started having on union oppositions, led CUT institutional strengthening to develop a stronger emphasis, from then legitimating it *not only* because of its mobilizing power, but mainly because its formal representativeness and achievements in collective negotiations.

The responsibility of becoming a management (and not anymore a movement majorly composed by union oppositions) and the chance to achieve concrete results through agreements and collective work conventions drove unions to a strategic change. Therefore, proposal of a national collective convention turned into one of main CUT battle flags.

That strategic change is related with a serious shock CUT suffered due to the reflux in mobilizations at the beginning of the 1990's, because of recession caused by the economic policy of government Collor. To this we must add creation of Trade Union Force (Força Sindical) in 1991, with a political-ideological proposal coinciding to the government at the time. This was the first time when CUT faced a worthy opposing central union in union's dispute.

Another factor was the creation of a set of Councils of Public Policies, fruit of a victory during constituent period regulated by the National Congress. Besides representation in the world of work, CUT also took the stand of defending more general interests of the class, increasing the scope of its action.

In sum, external factors (economic crisis, new political context in the

country and in the union movement) and internal (CUT's change of strategy) explain the end of CUT-movement and the beginning of a new period in CUT's course; the "CUT- union central", or "CUT-institution", lasting over the years 1990's.

CUT's symbolic passage of this transition happened during the short period of Itamar Franco's government, when CUT participated in sectoral chambers, an instrument of tripartite negotiation in several economic sectors, acting in productive chains to boost sales and production, and maintain employment. This decision meant a more active participation in the negotiation of a new Brazilian industrial policy model, in an opposite direction of unstructurization that began during Collor government.

CUT participation in sectoral chambers clearly shows an inflection in its political position regarding previous period anterior of bigger confrontation. Internal political debate hold that CUT should "stop being a CUT always saying no; and become a CUT saying yes"; and should have to affirm its political project of a new society and stop being merely reactive. Such initiative was short-lived because electoral win of Fernando Henrique Cardoso to the government in 1994 stopped the initiative.

Another aspect of "CUT – institution" is related to the democratization process of Brazilian society over the years 1980, resulting in the attainment of social movements in the Constitution of 1988, allowing an advance of the society over the State, giving us if not exactly a neo-corporatist model like in Europe, at least bigger spaces of negotiation bipartite and tripartite, where social movements, and specially CUT, channeled not only its demands, but also the right to exercise social control over the State through several Councils of public policies.

Caution is very important when making approximations between the experience of participation in councils and European neo-corporatist experience, and take into account due necessary adaptations.

Historically, neo-corporatism was associated to macro-economic level agreements implying commitment between capital and work. To grant this, two institutional conditions must be performed to develop such agreements and strengthen a neo-corporatist understanding: 1) a highly concentrated and centralized representation of interests, to develop more easily arrangements and neo-corporatist structures; and 2) participation of political parties linked to working class in the government, or in coalitions with these parties. However these elements were ignored during Brazilian experience of years 1990.<sup>5</sup>

Which elements of this analysis focused in European experience make sense regarding Brazil issues? What adaptations are needed to make neo-cor-

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<sup>5</sup> One of initiatives undertaken by CUT was addressed to build centralized representation structures as important condition to carry out articulation of a national collective contract strategy. This in a way to provide greater organicity and representation to CUT centralization and concentration structures. However such proposals were not approved when asked in debate at the 7th CONCUR in 2000. This issue generated controversy among CUT internal currents at the time of National Labour Forum (FNT) between 2003 and 2006, during Lula's government, when it was debated a legislation encouraging collective negotiation through national contracts. Second precondition signaled by authors – presence of worker's base parties in the government – became a reality when Lula took office.

poratism social concept have a meaning among us?

Such questions deserve an in-depth study that does not fit in this paper. However I take the risk of saying that neo-corporatist society model is in dispute in the Brazilian society since democratic transition, competing with free market neoliberal ideal, and that in this dispute, the model got some achievements. I do not see in Brazil a classic European style neo-corporatist arrangement, such as the social-democrat agreement. However some of its elements are among us, for example, society's spaces of participation in most diverse public policies councils embodied in article 1 of Federal Constitution of 1988; and that CUT sees a strategic space in the dispute for society's hegemony.

CUT outlined its political strategy within a neo-corporatist scope, through the notion of union-citizen or CUT-citizen, from 4th and 5th CONCUR, respectively in 1991 and 1994. (Véras, 2002; Ferraz, 2003)

These authors consider notion of CUT-citizen as being related to three spheres: fight for the defense of rights; institutional participation, allied to the effort of influencing on public policies; and execution of public policies, by developing cooperative projects and offering services. (Véras, 2002: 419)

Such strategy has suffered tough critics from internal current policies coming from a CUT's area "more to the left" and also from academic studies.

The common thread among opponents to CUT-citizen concept, considering different approaches, must be resumed by the critic to a propositional attitude adopted by CUT, expressing a prospect of conciliation of classes between capital and work, as it is the case of participation of sectoral chambers; where working class is diluted in a more aseptic notion of citizens by participating in tripartite spaces with the government and others social actors, or even the conscious CUT mainstream to neo-liberal ideas.<sup>6</sup>

The point of view of this paper diverges from one coming of analysis, as it is understood that participation in spaces of negotiation does not eliminate intrinsically confrontational nature of class relationships, and furthermore according to a basic and practical primary notion consecrated by common sense: politics is the physical space we occupy. Therefore, in each space of representation where class interests may be subject to debate, being workers or citizens, the union must be present and support defense of those interests. Nevertheless, to our understanding this does not mean giving up interests, nor promote reconciliation with capital, or surrender to cooptation or adhesion to

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<sup>6</sup> Boito Jr. (1999) attacks CUT's Union Articulation current, by classifying it as adhering to neo-liberalism. However, at the end of the book he eases the criticism and analyzes reasons leading to the propositional and participation strategy; the neo-liberal offensive; an adverse context of capital international restructuring; high unemployment rate in the period, scaring workers; class fragmentation through job instability, resulting in different types of hiring; creation of a competitive opposing current such as Trade Union Force, among others (Boito Jr., 1999: 202-208). Disagreement regarding author's analysis is only related to his statement that Union Articulation social bases are biggest CUT unions, and because of this, suffered a heavier impact from neo-liberalism and had to fight against this offensive, while more leftist CUT currents being of smaller unions, would be less hit by the neo-liberal wave. And therefore, being more incisive in face of neo-liberalism. This Boito's classification is only partially verified, since Union Articulation is also majority in currents considered minor by the author, such as rural sector and public employees in general. Besides we do not see a so direct relationship between characterization of social-economic sector and level of reactivity against neo-liberalism.

neo-liberalism, but on the contrary, it means expand union actions to more than one space of fight under a classist perspective. Refusing to participate of such spaces would be surrendering to the classist role and leave class fate exclusively to capital rules, without being there even to protest.

To strengthen once again this thesis, we also observe that such tripartite spaces were society achievements, result of intense struggle during the 1980's. This generated a social control advance over the State by building public elaboration spaces of public policies, and also by compelling State and employers to sit together to discuss such issues as investments, labour, projects of economic (regional or national) development etc, with workers' participation. These issues usually discussed within private areas or as "exclusive" State prerogatives based in privatization logic, became another resistance factor when known in tripartite forums and conferences. These attacks to workers' rights and other social protection laws, caused CUT fight to defend social rights and universalization of public policies conquered in Constitution of 1988 in opposition to single thought. Unionists were evaluated by conservative press and government of maharajas, hobos, Jurassic, stupid, outdated, and oldies.

Conquest of such spaces of participation and proposition was not originated from a State co-optation movement or from capital over work in a neo-liberal context, but on the contrary is the result of class organization, of work developed by individuals who came into play from the years 1980, and started during the constituent period by a formal claim of these spaces.

Therefore, these elements of neo-corporatist agreement verified in Brazil from the years 1990 were a conquest of social struggle and another element of resistance to neo-liberal hegemony.

This said, we must not neglect limits and CUT-citizen strategy problems, since as Vêras (2002) states, this offers opportunities, but also includes risks.

The limit of this concept formulated by CUT is the own limit of public policies advises institutionalism. Since it is a quite recent experience in Brazilian society, advance obtained from the Constitution of 1988 is still very contrasting with State practices (be it at Union, States or municipalities levels), still too marked by practice of obtaining votes through political favors, by patrimonialism and other characteristics of a society historically authoritarian where public sphere always served private interests and made of politicians in general – city councilors, deputies, mayors, etc. – becoming creditors of the population due to rendered services "favors": street asphaltting, setting of day care centers, obtaining public school places, health centers, ambulances, etc. Due to this, deliberative attribution given to many types of councils did not become effective because resistance to traditional way of making politics being is still too strong in the society.

If in the society as a whole some neo-corporatists agreements were signed, in union legislation state corporatism structures remained the same. CUT drawn up a systemic proposal to change official union structure – the Democratic Labour Relationships System (SDRT) – to meet labour relationships mo-

dernization needs, in a context of intense world or work transformation through technological innovations, organization of work and production showing inadequacy of old union legislation to face such changes. Based in these premises, governments Collor and FHC<sup>7</sup> opposed to union reform initiatives.

During this period, CUT tried to consolidate its vertical structure of representation by branches of economic activity through the creation of own federations and confederations and /or membership of official federations / confederations structures. This led CUT to become a hybrid organization, mixing its own strategy of organization with official union structure bodies, such as unions.

#### **4. The failure of Lula's government union reform and joining pluralism in union struggle**

When Lula took Office in 2003, CUT entered the third phase of its history. During 2002 campaign, Lula submitted a proposal to create a tripartite body, the National Labour Forum (FNT) to debate about need of changes in Brazilian union and labour legislation. Strategy adopted by government was first modifying union legislation to allow entities having higher power of representation and in a second stage redefine labour law aspects.

Lula's victory and the perspective of achieve its historical project – implementation of liberty and union autonomy by ratifying ILO Convention 87 – got CUT excited to participate at National Labour Forum called by the President.

However, more than making feasible a historical Project, CUT's participation in union reform was guided by a precise diagnose on Brazilian union movement after enactment of Constitution of 1988. CUT diagnose was based in same premise elaborated by minister Berzoini in his speech about reasons regarding Union Relationships draft bill:

...the constitutional text reflects stage of union struggle and working relationships dynamics during national re-democratization period. Nevertheless the attempt of conciliating union's freedom and unicity proved being contradictory caused cracks that atomized union entities and allowed emergence of "fictitious unions".

The significant increase of union entities in last year's, making them to exceed 18,000, was more the result of fragmentation of previously existing entities than from an advance of union organization, in a process that is weakening representation of workers and employers, a trend that validity of unicity could not hamper. It is true that many union as entities have a broad representativeness

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7 Andréia Galvão (2007) mentions three union reform initiatives held along FHC government: first one is Project of Law # 390/95 (PL 390), keeping union unicity. However, according to the author, it opened a breach for deeper changes, since did not establish procedures for resolving union representation conflicts. Second initiative was referred by Edward Amadeo, then Minister of Labour, when he revoked almost all articles of chapters I and II of title V of CLT, dealing with union institution and union legal framework, respectively. Third and last law alteration initiative was Proposal of Constitutional Amendment 623/98, addressed to attack union organizations by immediate dismantling of all corporatist structure. It was shared by such scholars as José Pastore, with positions exactly opposed to those of CUT.

and capacity of acting, but this contrasts with proliferation of shrinking unions being less representative, just reiterating need of overcoming current system, since years ago criticized due to its low representativeness and reduced subjection to social control. [...] Union reform priority does not arise from strictly political motivations, but from understanding that redefinition of collective working relationships system must be the dynamic center of any effort to democratize working relationships, preceding review of other concepts regulating Brazil labour.

Instead of being inspired in a preconceived doctrinaire model, current draft bill considered present Brazilian unionism reality, the dynamics of collective working relationships and desire for change of own social actors, without losing sight to the need of incorporating principles enshrined by international and supranational laws". (FNT, 2005: 13-14)

Therefore, the reason of union reform was not only the outstanding debt inherited from President Getúlio Vargas, but also need to regulate matters after the Constitution of 1988, who developed such a hybrid situation between end of government intervention and guarantees of old corporatism that culminated with the crushing/fragmentation of union organization and consequent weakening of union representativeness in the country.

For the Ministry of Labour and CUT, union reform would undo situation created by Constitution of 1988, to Grant two main union legislation issues: higher *representativeness* of union entities and strengthening of social dialogue through an incentive mechanism for the *collective negotiation*. From these two points, other questions would surge: organization of working places, regulation of the strike law, inhibiting anti-union practices, conflict *autocomposição* (a particular way of resolving conflicts, meaning end of Labour Justice normative power), ratification of ILO Conventions 151 and 158, etc.

Union reform failed despite importance of National Labour Forum (FNT) discussions and debate on corporatism and possible democratization of Brazilian working relationships. Consensus built at FNT was too fragile, and this stopped at National Congress the Proposal 369 of Constitutional Amendment (PEC) and draft bill of Union Reform Law (ALRS). Several segments of the union movement, ideologically at "left" and "right" of CUT, clearly showed its opposition. In the same way, political currents within CUT also opposed against the reform. And among those officially defending the proposal, such as the Union Articulation current, there was also much resistance of many of its leaders.

The opinion of delegates at the 9th CONCUR in 2006 shows a cautious position regarding possible changes in Brazilian union structure<sup>8</sup>. And it is worth adding that this opinion goes through all CUT internal political currents, including Union Articulation. Regardless of such resistances, once it became

<sup>8</sup> *Who they are and what they think men and women delegates* at the Ninth CONCUR is a publication stating the idea that a union reform, for delegates, should grant an organizational strengthening and union negotiation power; pushing into the background current structure aspects that, despite also being a State intervention, are not necessarily seen as "harm". The end of union tax and union unicity were less marked issues when asking priorities to be included in union reform. (Ladosky 2009: 269 – 270)

clear to all parties involved that a more global union reform would not prevail at the Congress, a B plan surged, and it was named “sliced” union reform. This is, instead of a main change, substituting a corporatist logic by another one based in union freedom and autonomy or something near this, some ad hoc minor changes but quite significant were processed and significantly modified trade union scene. They were: legal recognition of union centrals, and end of union unicuity through ordinance 186 of Ministry of Labour. These two measures must be in an articulated and complementary way, but let’s see first what each one of them means in itself.

Union centrals were recognized as union entities following the approval of Law # 11.648/08. The agreement signed among centrals during draft bill procedural steps was that as long as Union Tax<sup>9</sup> would exist, a part of it (10 percent corresponding to the Ministry of Labour - MTE) would be assigned to the centrals in proportion to their size, which would be verified by MTE through such data as number of unionized workers and number of unions affiliated to the centrals.

From that agreement, base unions began to identify which Federation, Confederation and Central would receive its share of union contribution. Although CUT is officially against collection of compulsory union contribution from all workers, because of the “sliced” union reformist was created a tough dispute among union centrals to get an increasing share of total union contribution amount. Paradoxically, since CUT had made an effort to make union entities become official at MTE, and encourage the greatest possible quantity of unions inform CUT and its vertical structure (federation and confederation) to cash their part of union contribution resources.

Within this context, we have seen unthinkable alliances until quite recently. The National Chemical Confederation (CNQ), a CUT organic confederation, made an alliance with the National secretariat of chemical workers at the Trade Union Force, and together they founded the National Confederation of Chemical Workers (CNTQ) in November 22, 2007<sup>10</sup> (a few months later after edition of Ordinance 186) based in a group of federations of each union central, and in a strategy of two union centrals to undermine National Confederation of Industry Workers (CNTI) representation, considering that its president, José Calixto Ramos was most prominent leader opposing to any initiative of union reform, and guarantor of the foundation of the New Workers Union Central (NCST).

Following table of Ministry of Labour and Employment (MTE) detailing central unions representativeness (mentioned by number of affiliated unions

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9 Union contribution, stated through article 578 and following of Consolidation of Labour Laws, better known as union tax, coming from one working day deducted from workers, going to trade union structure, is divided as follows: 60 percent % of the collected tax remain at the union; 15 percent goes to federations; 5 percent to confederations; 10 percent remains with centrals, proportionally to number of workers represented by affiliated unions and other 10% percent remains with MTE.

10 National Confederation of Chemical Workers - CNTQ, then headed by Antonio Silvan Oliveira, now officially represents chemical workers within the country. On December 10, 2007, Luiz Antonio Medeiros, Secretary of Labour of the Ministry of Labour, delivered a letter confirming CNTQ official recognition, at the Regional Superintendence of Labour of the state of São Paulo - SRTE/SP. (<http://www.cntq.org.br/>).

and workers joining trade unions) shows that CUT is biggest union central<sup>11</sup>.

<b>Brazilian Union Centrals Representativeness – 2013 (base year 2012)</b>				
<b>UNION CENTRAL</b>	<b>Unions</b>	<b>% Unions</b>	<b>Affiliates</b>	<b>% Affiliates</b>
CTB Brazilian Workers Central	624	6,21	695.038	9,18
CUT	2.169	21,58	2.694.757	35,60
Trade Union Force	1.680	16,72	1.046.145	13,82
NCST New Workers Union Central	1.039	10,34	611.371	8,08
UGT General Workers Union	1.044	10,39	848.880	11,21
No membership declared / Not registered Centrals	2.648	26,35	994.726	13,14

Source: Ministry of Labour and Employment

Data of above table shows very interesting information: the quantity of entities not affiliated to any union central, exceeding CUT in absolute value and in percentage.

Another fact is that between 2008 and 2013, number of entities asking to be recognized as union centrals - by Ministry of Labour's established criterion - increased, including some of them being in the leftist ideological spectrum such as CONLUTAS, born from a splitting of CUT, because it radically opposed to union reform changes<sup>12</sup>.

Other corporatist union system item incorporated into the regime of freedom and union autonomy was end of union unicity<sup>13</sup>, through Ordinance 186, published by Carlos Lupi, Minister of Labour Carlos Lupi in 10/04/2008, establishing procedures for union registration.

According to the analysis of Inter-Union Department of Parliamentary Advice (DIAP), "Ordinance 186 brought necessary adaptations to union registering administrative procedures and statutory changes, establishing clear requirements to an effective and concrete proof of representativeness and territorial base, by

11 It was Law 11.648 that recognized union centrals, establishing a criterion of representativeness, and demanding one hundred unions to be affiliated within the five regions of the country, being twenty unions affiliated in each one of at least three Brazilian regions; union affiliation in, at least, five economic activities sectors; and affiliation of unions representing at least 7 percent of the total of workers joining a trade union, in the national territory. Besides CUT, following unions are recognized as union centrals: CTB, Trade union Force, NCST and UGT. Deputies withdrew from the text allowing union centrals to include union membership levels of affiliation to fulfill relative requirement to these 7% percent, but made a concession by approving that "within two years counted from date of publishing this future law, that index of 7percent will be reduced to 5 percent". (CUT, 2007)

12 Besides CONLUTAS, the Ministry of Labour also has registered other entities such as CBBDT – Brazilian Democratic Workers Central; CENASP – National Union Central of General Professionals; CGTB; CSP – Union Central of Professionals, and UST – Workers Trade Union. Any of them is recognized as union centrals, since don't fulfill requirements established by law 11.648.

13 Article 2 of the Ordinance states procedures for register and statutory amendments of union entities, it is trade unions, federations and confederations. However, most immediate effect of the Ordinance was among higher degree entities, federations and confederations. Only recently the Ordinance has shown its efficacy also for unions, by stimulating creation of new trade unions. In an interview with researchers, a CUT advisor stated that already existing movement of fragmenting union bases keeps going on. The news is, he confirmed, that now it arrived to higher degree entities..

adopting a particular way of resolving endless conflicts, to protect categories at the margin of its own evolution, because of interminable discussions about who really is its union representative". (Gherardi, 2008)

It is not the case of stating that the Ordinance broke up with union unicity, but it allows recognizing a State federation of a particular branch created by CUT (of chemical workers, for example), even if there is already a federation in the same State, affiliated or not to other union central. The logic path would be that a CUT federation would exclusively represent workers of the union base affiliated to CUT; and other federation would be exclusive representative of workers from unions not affiliated to CUT, in this example. In this way, union unicity logic would be preserved, and at the same time it would be allowed recognizing more than one union entity.

This is, no doubt, the great news regarding Ordinance 186: end of unicity in the superior structure. This measure allows recently legalized union centrals, by a criteria defined through this Ordinance, build and legalize its federations and confederations.

The effect of Ordinance 186 articulates with previously mentioned measure of transferring union tax to entities mentioned by base unions. So, unions affiliated to CUT send a percentage of union tax collected in its base to a CUT federation / CUT confederation; and unions affiliated to Trade Union Force send a percentage of its union tax to Trade Union Force federation / Trade Union Force confederation/ Trade Union Force, and so on.

In an official document,

CUT immediately said was in favor of Ordinance 186 and also stressed its intransigent position in defense of ILO Convention 87 [...] To conclude, we want to stress that Ordinance 186 does not have same role in union organization than ILO Convention 87, since keeps union unicity and also has main role in the State regarding union organization. However comes closer from project CUT defends. (CUT, 2008)

In a Trade Union Force workshop, held in May 2008, Quintino Severo, CUT general secretary at the time, stated that "dispute for bases is fierce and will be even more when Ordinance 186 is better understood". To confirm this, one year after Severo's analysis, the Ministry of Labour received a large number of forms of entry asking union recognizing. The general secretary states that "insistent fight for the end of tax and charges will hamper Brazilian entities' fragmentation". But at the same time "it is necessary to launch a broad and consistent movement to affiliate more unions to CUT and intensify dispute through elections". These were two of the conclusions of Union Organization Workshop, sponsored by CUT. (CUT, 2008).

Lastly, and still regarding "sliced" union reform, creation of Working Relationships Council (CRT) – an instance of tripartite representation comprising

the Ministry of Labour, employers' entities and union centrals legally recognized – and Bipartite Chamber Government – Workers became permanent institutional spaces of dialogue on working and trade union issues. Criteria of representativeness, ways of measuring and specific questions regarding rural union representation and public servants were discussed in its meetings. The State, represented by the Ministry of Labour discussed issues acting more as mediator and regulating competition among different union centrals, strictly without being a controller.

It is also worth stressing that dynamics arising from union relationships after arrival of the Law recognizing union centrals and an eventual dispute among them, also thought about a broader space of cooperation in forums of representation and a joint action of unit claims (Carvalho, 2013) such as - for example, reduction of working week into 40 hours without any loss in wage and the end of welfare factor.

We see these partial changes in union legislation taken during government Lula as a possible alternative against failure of systemic union reform, contributing as another element to Brazilian union structure, that therefore would come closer to pluralist model with several disperse power centers, trying to enlarge union representativeness legally recognized by the Ministry of Labour.

## Final Considerations

The objective of this paper is to demonstrate that Brazilian union movement actions, particularly CUT, is promoting changes in official union structure inherited from Vargas. It is not a radical change, since there are many contradictions matching advances and backward movements facing a project of union freedom and autonomy.

CUT, after three decades of existence is still embroiled in state corporatism nets, enjoying incentives that current legislation grants, but at the same time tied to constraints of acting against unions.

However CUT achieved success by conquering, after a long struggle, neo-corporatist spaces of collective bargaining within the country. It is true that many political union currents and several academic papers criticize CUT work in institutional spaces; nevertheless our research shows this CUT intervention is legitimate, and does not contradict its classist objective which is the defense of the working class. On the contrary, it was a space of resistance during Brazilian neoliberal hegemonic period, avoiding even bigger losses.

And also, government Lula and Dilma allowed CUT seeing the chance to promote its political-organizational Project of union freedom and autonomy, but in face of consensus difficulties with employers and other as union centrals, and also internally with CUT's own majority current, a partial change was achieved, adding some elements of pluralism to state corporatism and neo-

-corporatism.

Regarding issues mentioned at the beginning of this paper, we tried to show that there were changes processed within Brazilian union structure, fruit of CUT union action over the 30 years of its existence. The inclusion of neo-corporatist and pluralist elements to the official union structure of state corporatism are proof that during this period, CUT action was part of a strengthening of democracy in the Brazilian society, although there is still a long way to be taken in this road.

We think that corporatist union structure is not, as some authors stress, something intrinsically and naturally oriented to class collaboration, but an structure carrying contradictions and ambiguities, that may, depending on conjuncture as it was during the 1980's, act as stimulus for the union struggle. Its contradictory and ambiguous character allows also making hard the union movement organized action. Although having many continuity structural elements, the Brazilian corporative union structure of the 1930's is quite different from structure of this first decade of 21st century, precisely because union movement and particularly CUT with its action, was successful in transforming it, however without its definitive substitution.

This paper has a pessimistic view regarding terms of prediction: we do not see in the short / medium term a great outlook on changes in union structure in favor of union freedom and autonomy as defended by CUT in its origin, unless a new balance of power could invade the conjuncture, and be able to modify the dynamics of working relationships, generating a need of searching a new union model, like it happened in the 1980's, when strikes began in *ABC paulista* (metropolitan areas near São Paulo).

Institutional actions of consolidated negotiation were important. However and particularly during Lula and Dilma governments, popular demonstrations of June 2013 showed, in our opinion, how the whole of union centrals including CUT as the biggest among them, are far away from popular demands, and without dialogue with the new working class<sup>14</sup>. This separation is result of being "tied up" to a corporatist logic of complacency imbuing the union movement and its leaders, even when contradictorily union centrals propose such actions as National day for Struggle and crowding National Congress galleries in defense of a working class petition<sup>15</sup>. But what we see are weak mobiliza-

<sup>14</sup> Several authors agree regarding upward mobility becoming possible because of adopted policies from 2003, during Lula and Dilma's government. Differences arise when interpreting such phenomenon, going from the affirmation of "C" class (Marcelo Neri, 2010), of a new middle class (Lamounier e Souza, 2010), of a new configuration of the working class (Pochmann, 2012), fighters (Souza, 2010) or precariat (Braga, 2012). Relationship within this scope is debated between upward mobility phenomenon and mass street demonstrations in several Brazilian cities during June and July 2013, and predominant political and ideological trends in this sector of population, and what would be the place of unionism and let's say other traditional classist organizations in motivating a collective action.

<sup>15</sup> In March 6, 2013, CUT – together with other union centrals, organized the Seventh Working Class March, from where arose a permanent negotiation guideline with government, including following issues: reduction of working time, end of welfare factor, not acceptance of draft bill 4330 (regarding outsourcing regulation), ratification of ILO Convention 158 (on unjustified dismissal), regulation of ILO Convention 151 (collective negotiation in public sector), among others. To exert pressure in the mobilization, many demonstrations were convoked all over 2013, and they were named National Day of Mobilization or National Day of Struggle. They occurred March 18, 2013; July 11, 2013; August 6 and 30, 2013, and there was also a call to occupy the National Congress in August 13 and 14, 2013. (Ladosky, Mario Henrique; Ramalho, José Ricardo; Rodrigues, Iram Jácome, 2014)

tions, with little capacity of modifying the balance of power to allow advancing in the referred guideline. Up to now, nothing shows winds of change in this scenery.

## Bibliography

ALMEIDA, Maria Hermínia Tavares of. Crise econômica e organização de interesses: estratégias do sindicalismo brasileiro nos anos 80. Habilitation thesis, Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo, São Paulo, 1992

ALVES, Giovanni. "Do "Novo Sindicalismo" à "Concertação Social": ascensão (e crise) do Sindicalismo no Brasil (1978-1998)". *Revista de Sociologia e Política*, Curitiba, 15, p. 111-124, nov. 2000

ANTUNES, Ricardo. *O Novo Sindicalismo*. São Paulo: Editorial Brasil Urgente, 1991

\_\_\_\_\_. Uma esquerda fora do lugar. O Governo Lula e os descaminhos do PT; Armazém do Ipê; 2006.

ARAÚJO, Ângela e TÁPIAS, Jorge. "Corporativismo e Neo-corporativismo: exame de duas trajetórias" *Boletim Informativo e Bibliográfico de Ciências Sociais*. Rio de Janeiro: Relume Dumará, nº. 32, 1991.

ARAÚJO, Angela. *A construção do consentimento: corporativismo e trabalhadores nos anos trinta*. São Paulo: Scritta, 1998

\_\_\_\_\_. (org.) *Do corporativismo ao neoliberalismo. O estado e trabalhadores no Brasil e na Inglaterra* São Paulo: Boitempo, 2002.

BOBBIO, Norberto. "Pluralismo"; in Bobbio, Matteucci e Pasquino (eds.), *Dicionário de Política*, (2ª ed.) Brasília, Ed. Universidade de Brasília, 1986.

BOITO Jr., Armando (org.). *O Sindicalismo Brasileiro nos anos 80*. São Paulo, Paz e Terra, 1991a.

\_\_\_\_\_. *O Sindicalismo de Estado no Brasil. Uma análise crítica da estrutura sindical*. São Paulo: Hucitec, 1991b.

\_\_\_\_\_. "De volta para o novo corporativismo: a trajetória política do sindicalismo brasileiro". *São Paulo em Perspectiva*, 8 (3), 1994, pp. 23-28.

\_\_\_\_\_. *Política neoliberal e sindicalismo no Brasil*. São Paulo: Xamã, 1999

\_\_\_\_\_. "Neoliberalismo e corporativismo de estado no Brasil" In: ARAÚJO, Angela. (org.) *Do corporativismo ao neoliberalismo. Estado e trabalhadores no Brasil e na Inglaterra* São Paulo: Boitempo, 2002.

BOSCHI, Renato; DINIZ, Eli. "O Corporativismo na construção do espaço público" In: BOSCHI, Renato. *Corporativismo e Desigualdade*. Rio de Janeiro: Rio Fundo Editora, 1991

BRAGA, Ruy. *A Política do precariado: do populismo à hegemonia lulista*. São Paulo: Boitempo; USP, Programa de Pós-graduação em Sociologia, 2012

CARDOSO, Adalberto Moreira. *Sindicatos, Trabalhadores e a Coqueluche Neoliberal: A era Vargas acabou?* Rio de Janeiro, Editora Fundação Getúlio Vargas, 1999.

- \_\_\_\_\_. A Década neoliberal e a crise dos Sindicatos no Brasil. São Paulo: Boitempo, 2003.
- CARVALHO, Guilherme. A representação da CUT nos governos Lula (2003 – 2010). Doctoral thesis, Faculdade de Ciências, Letras e Artes, Universidade Estadual Paulista (UNESP – Araraquara), 2012.
- CARVALHO, Fernanda Forte de. Os Dilemas da CUT no início do Século XXI: rumo a uma nova institucionalização sindical? Doctoral thesis, Faculdade de Economia da Universidade de Coimbra, 2013.
- CONCEIÇÃO, Jefferson José da; RAMALHO, José Ricardo; RODRIGUES, Iram Jácome. “Mercado de trabalho e ação sindical: novos dados, novas questões”. Revista de Direito do trabalho. São Paulo: Editora Revista dos Tribunais, ano 34, nº 130, abr.-junho 2008
- COSTA, Vanda Maria Ribeiro. “Origens do Corporativismo no Brasil”. In: BOSCHI, Renato. Corporativismo e Desigualdade. Rio de Janeiro: Rio Fundo Editora, 1991
- COSTA, Helio da; LADOSKY, Mario Henrique. “Entre a integração e a resistência: um breve retrospecto da trajetória do sindicalismo no Brasil” In: ESCOLA SINDICAL SÃO PAULO, Debates e Reflexões. São Paulo: Escola Sindical São Paulo – CUT, nº 12, 2003.
- CUT. Resoluções da 5ª Plenária Nacional. São Paulo: CUT, 1992
- \_\_\_\_\_. Sistema Democrático de Relações do Trabalho: uma proposta para a adoção da ética, da transparência e da democracia nas relações de trabalho. InformaCut, nº 250 (2ª ed.). São Paulo: CUT, 1992b
- \_\_\_\_\_. O que mudar na estrutura sindical e nas relações de trabalho? Propostas em discussão na CUT sobre Reforma da Constituição e Transição da Estrutura Sindical. São Paulo: CUT, 1995.
- \_\_\_\_\_. Resoluções do 8º CONCUR. São Paulo: CUT, 2003a
- \_\_\_\_\_. A reforma sindical que o Brasil precisa. São Paulo: SNO, Jornal Especial, novembro 2003b
- \_\_\_\_\_. Resoluções da 11ª Plenária Nacional. São Paulo: CUT, 2005
- \_\_\_\_\_. Estratégia e Organização da CUT: Construindo o Futuro. São Paulo: SNO e SNF, 2006a
- \_\_\_\_\_. Resolução do 9º CONCUR. São Paulo: CUT, 2006b
- \_\_\_\_\_. Quem são e o que pensam as delegadas e delegados do 9º CONCUR. São Paulo: Escola Sindical São Paulo-CUT; CESIT; Friedrich Ebert Stiftung, 2006c.
- FILGUEIRAS, Luiz; PINTO, Eduardo Costa. “Governo Lula: Contradições e impasses da política econômica”, 2003 [on line]. [http://www.nec.ufba.br/artigos/Artigos/Congressos\\_e\\_Eventos/2004-IX\\_ENCONTRO\\_DE\\_ECONOMIA\\_POLITICA\\_-\\_Governo\\_Lula\\_-\\_Contradições\\_e\\_Impasses\\_da\\_Política\\_Econômica.pdf](http://www.nec.ufba.br/artigos/Artigos/Congressos_e_Eventos/2004-IX_ENCONTRO_DE_ECONOMIA_POLITICA_-_Governo_Lula_-_Contradições_e_Impasses_da_Política_Econômica.pdf)
- FORTE, Fernanda. FÓRUM NACIONAL DO TRABALHO (FNT). Regimento Interno do FNT. Brasília: MTE, SRT, 2003 [on line] [http://www.mte.gov.br/fnt/Regimento\\_Interno\\_do\\_Forum\\_Nacional\\_do\\_Trabalho.pdf](http://www.mte.gov.br/fnt/Regimento_Interno_do_Forum_Nacional_do_Trabalho.pdf)

\_\_\_\_\_. Reforma Sindical: relatório final. Brasília: MTE, SRT, 2004

\_\_\_\_\_. Reforma Sindical: Proposta of Emenda à Constitution – PEC 369/05 e Anteprojeto of Lei. Brasília: MTE, SRT, 2005

\_\_\_\_\_. Reforma Sindical: Proposta alternativa of regulamentação do art. 8º da CF, até aprovação da PEC 369/05. Brasília: MTE, SRT, 2006

GALVÃO, Andréia. **“Reforma sindical: as polêmicas por detrás de um falso consenso”**. Revista PUC Viva. nº 23, janeiro a março de 2005. [on line] [http://www.apropucsp.org.br/revista/r23\\_r03.htm](http://www.apropucsp.org.br/revista/r23_r03.htm)

\_\_\_\_\_. Neoliberalismo e reforma trabalhista no Brasil. Rio de Janeiro: Co-edição, Revan, FAPESP, 2007

GHERARDI, Hélio Stefani. “Parecer à Portaria 186, do MTE Registro Sindical” [on line] Brasília: DIAP, 2008. <http://diap.ps5.com.br/file/1774.doc>

HORN, Carlos Henrique. “Reflexões sobre consenso e dissenso na reforma sindical” GT26 – Trabalho e sindicatos na sociedade contemporânea, XXIX Encontro Anual da ANPOCS, 2005

INCISA, Ludovico. (1986), “Corporativismo”; in Bobbio, Matteucci e Pasquino (eds.), Dicionário of Política. (2ª ed.) Brasília, Ed. Universidade de Brasília

KLEIN, Cristian. “Philippe Schmitter: O Brasil não precisa mais do corporativismo” Jornal Valor Econômico . Disponível em <http://poliarquiaufrgs.blogspot.com.br/2011/03/philippe-schmitter-o-Brazil-nao-precisa.html>. Acesso em 7 abril 2013.

KREIN, José Dari; TEIXEIRA, Marilane. “A reforma sindical e trabalhista em tempos de crise do emprego e a proposta da CUT para um sistema democrático de relações de trabalho” In: ESCOLA SINDICAL SÃO PAULO, Debates e Reflexões. São Paulo: Escola Sindical São Paulo – CUT, nº 12, 2003.

LACERDA, Ângela. “Severino prepara ataque à reforma sindical de Lula” O Estadode São Paulo. São Paulo, 23/04/2005, pp. A4

LADOSKY, Mario Henrique. Movimento Sindical e Estratégia Corporativista: a trajetória e os impasses da CUT no Rio de Janeiro Master’s Dissertation, Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio de Janeiro, 1995.

\_\_\_\_\_. “A CUT no Governo Lula: da defesa da “liberdade e autonomia” à reforma sindical inconclusa” Doctoral thesis, Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo, 2009.

LADOSKY, Mario Henrique; MELLI, Ana Paula. “O que está em jogo na reforma sindical” In: ESCOLA SINDICAL SÃO PAULO, Debates e Reflexões. São Paulo: Escola Sindical São Paulo – CUT, nº 12, 2003.

LADOSKY, Mario Henrique; RAMALHO, Jose Ricardo; RODRIGUES, Iram Jácome. A questão trabalhista e os desafios da ação sindical nos anos 2000. Trabalho apresentado no V Simpósio Internacional Trabalho, Relações de Trabalho, Educação e Identidade – V SITRE. Belo Horizonte, maio 2014.

LAMOUNIER, Bolivar; SOUZA, Amaury de. A classe média Brasileira. Ambições, valores e projetos de sociedade. Rio de Janeiro: Elsevier, 2010.

- LULA, 2003. Discurso de posse do presidente. O Estado de S. Paulo. São Paulo, 1o/01/2003.
- MELLEIRO, Waldeli; RADERMACHER, Reiner. "El sindicalismo bajo el gobierno de Lula". Nueva Sociedad. Buenos Aires: Friedrich Ebert Stiftung, nº 211, 2007
- NERI, Marcelo. A nova classe média, o lado brilhante dos pobres. Rio de Janeiro: FGV, CPS, 28 set. 2010, (versão 3.0), p. 13, consultado em: cps.fgv.br, 26 jun. 2012.
- NORONHA, Eduardo. "A expansão das greves na década de 80", in BOITO Jr., Armando, O sindicalismo brasileiro nos Anos 80, São Paulo: Paz e Terra, 1991.
- OLIVEIRA, Francisco of. "Corporativismo: conceito ou emplastro" Democracia Viva, nº 3, julho 1998.
- PANITCH, Leo. "El desarrollo del corporativismo en las democracias liberales" In: SCHMITTER, Phillipe; LEHMBRUCH, Gerhard. Neo-corporativismo I. Más allá Del estado y el mercado. Ciudad de México: Alianza Editorial, 1992a
- PALOCCHI, Antonio. Sobre formigas e cigarras. Rio de Janeiro: Objetiva, 2007
- PASTORE, José. 1999. A Reforma Constitucional Trabalhista in [http://www.josepastore.com.br/artigos/rt/rt\\_100.htm](http://www.josepastore.com.br/artigos/rt/rt_100.htm)
- POCHMANN, Marcio. Nova classe média? O trabalho na base da pirâmide social Brasileira. São Paulo: Editora Boitempo Editorial, 2012.
- REIS, Bruno P. W. "Corporativismo, Pluralismo e Conflito Distributivo no Brasil" Revista Dados, 1995. Disponível em <http://pt.scribd.com/doc/30833174/Corporatism-Pluralismo-e-Conflict-Distributivo-no-Brazil>. Acesso em 7 abril 2013
- RODRIGUES, Iram Jácome. Sindicalismo e Política. A trajetória da CUT. São Paulo: Scritta, 1997.
- \_\_\_\_\_. (org.) O novo sindicalismo vinte anos depois. Petrópolis: Vozes / São Paulo: EDUC e UNITRABALHO, 1999
- RODRIGUES, Leôncio Martins. CUT: Os Militantes e a Ideologia, São Paulo: Paz e Terra, 1990.
- \_\_\_\_\_. "As tendências políticas na formação das Centrais Sindicais" in BOITO Jr. (org.), O Sindicalismo brasileiro nos Anos 80, São Paulo: Paz e Terra, 1991.
- \_\_\_\_\_. O Destino do Sindicalismo. São Paulo: EDUSP, 1999.
- SADER, Eder. Quando Novos Personagens Entraram em Cena, Rio de Janeiro, Paz e Terra, 1988.
- SCHMITTER, Phillipe. "¿Continúa el siglo del corporativismo?" In: SCHMITTER, Phillipe; LEHMBRUCH, Gerhard. Neo-corporativismo I. Más allá del estado y el mercado. Ciudad de México: Alianza Editorial, 1992a
- \_\_\_\_\_. "Modos de Intermediación de intereses y modelos de cambio social en Europa occidental" In: SCHMITTER, Phillipe; LEHMBRUCH, Gerhard. Neo-corporativismo I. Más allá del estado y el mercado. Ciudad de México: Alianza Editorial, 1992a

\_\_\_\_\_. "A dónde ha ido la teoría del neo-corporativismo y hacia dónde puede ir su práctica. Reflexiones" In: SCHMITTER, Phillipe; STREECK, Wolfgang; LEHMBRUCH, Gerhard. Neo-corporativismo II. Más allá del estado y el mercado. Ciudad de México: Alianza Editorial, 1985

SOUZA, Jessé et alli. Os batalhadores brasileiros: nova classe média ou nova classe trabalhadora. Belo Horizonte: UFMG, 2010.

SOUZA, Paulo Donizetti de. "Governo em disputa". Revista do Brasil. São Paulo, nº27, agosto de 2008

SOUZA MARTINS, Heloisa Helena of. O estado e a burocratização do sindicato no Brasil. São Paulo: Hucitec, 1989.

WATERMAN, Peter. "The New Social Unionism: A new union model for a new world order" In: MUNCK, Ronaldo; WATERMAN, Peter. Labour Worldwide in the Era of Globalization: alternative union models in the new world order. London: Macmillan Press, 1999.

WEFFORT, Francisco. "Participação e Conflito Industrial: Contagem e Osasco 1968", Cadernos CEBRAP, nº 5, São Paulo: CEBRAP, 1972.

WERNECK VIANNA, Luiz. Liberalismo e Sindicatos no Brasil. Rio de Janeiro: Paz e Terra, 1976.

ZANETTI, Lorenzo. O "Novo" no Sindicalismo brasileiro: característica, impasses e desafios, Master's dissertation presented at the Instituto de Estudos Avançados em Educação da Fundação Getúlio Vargas, mimeographed, 1993.