

# Inter-American Symposium on Emerging Frameworks for Labor-Management Cooperation

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Views from Latin America,  
the Caribbean, the United  
States, and Canada

U.S. Department of Labor  
Bureau of International Labor Affairs  
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the Caribbean, the United  
States, and Canada

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Robert B. Reich, Secretary

Bureau of International Labor Affairs  
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1993

A report on the proceedings of the  
Inter-American Symposium: "Emerging  
Frameworks for Labor-Management  
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## Introduction

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**E**conomic restructuring and other measures taken in response to the fast changing global economy have brought about a major political and economic transformation throughout Latin America, the Caribbean, and North America. Daily, new and complex economic forces are reshaping the modern workplace and recasting the traditional roles and relationships of employers and employees.

Gaining a better understanding of this new era of labor-management relations, in order to develop new approaches to improving cooperation between the two sides, was the aim of the **Inter-American Symposium on Emerging Frameworks for Labor-Management Cooperation in Latin America and the Caribbean**, held in Santo Domingo, Dominican Republic, from February 9-11, 1993. Sponsored by the United States Agency for International Development, the United States Department of Labor, and the International Labor Organization (ILO), the symposium was the first region-wide meeting on labor-management relations since the ILO sponsored a similar event in Montevideo, Uruguay, more than thirty years ago.

Over 135 participants from Central and South America, the Caribbean, the United States, and Canada attended the symposium. Tripartite delegations from twenty five countries were invited, as were labor relations experts from the ILO's offices in Geneva, Washington, and the Caribbean; the Inter-American Development Bank; academic institutions; the AFL-CIO/American Institute for Free Labor Development (AIFLD); private businesses; and non-governmental organizations.

The Symposium provided a unique opportunity for representatives from all of these organizations to examine current and future labor-management cooper-

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ation strategies in the hemisphere and to exchange views and ideas on how new frameworks and policies might be developed.

In each of five featured workshops, panelists identified and analyzed current industrial relations issues, legal and nonlegal obstacles to progressive relations, the relationship between the workshop topic and the global and regional economy, changes in technology, structural adjustment, changes in workplace attitudes, and the relationship between a tripartite system of industrial relations and democratization.

Participants also assessed the impact on labor-management relations of the ongoing process of political democratization and the reorientation of national economies based on free-market principles. They evaluated the specific roles of governments, management, and labor with a view toward determining what efforts are possible in fashioning cooperative models of labor relations appropriate to countries at different levels of economic and social development. And, finally, they specified the strategies that they thought governments, businesses, and labor could implement to facilitate economic growth, raise living standards, protect worker rights, and otherwise meet the challenges of today's regional and global marketplaces.

## Key Findings

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### Overview

Participants at the symposium came from all sectors of the contemporary labor scene—workers, trade union officials, businessmen, officials of national governments and international organizations, academicians, labor lawyers, and representatives of trade associations; and from four geographical areas—South, Central, and North America, and the Caribbean. As might be expected of a diverse group, whose perspectives have been shaped by very different historical experiences, cultures, traditions, and political and economic systems, an extraordinarily varied and distinct set of views on the future of labor-management relations was presented.

Despite this diversity, several common themes emerged. Most—though not all—participants were of the view that greater labor-management cooperation would not only benefit both employers and employees, but would contribute enormously to improving competitiveness and productivity in Latin America and the Caribbean. And, despite considerable debate about who is to blame for the often poor state of labor-management relations, most of those attending the symposium appeared to agree that the creation of a new framework for addressing workplace relations is a high regional priority.

To be sure, not all participants shared these views. Some questioned the very premise on which the symposium was based, arguing that better labor-management cooperation would subvert a relationship in which the best interests of all are served by the dynamic tension of a traditional adversarial relationship. Several trade union representatives voiced skepticism about the desirability of experimental or innovative industrial relations schemes, which they fear are little more than elaborate disguises for new, more tightly controlled systems of management. Still

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others argued that no amount of harmony and good will between employers and employees would have a positive effect on the major economic problems of the region, such as external debt, low productivity, and sluggish growth rates.

With these dissenting views in mind, the following summarizes what, for the most part, emerged as the general view of those who participated.

**Attitudes and Perspectives**

▶ Throughout the region, a large gap exists between the interests, views, and perspectives of workers and employers. Still, both sides agreed that greater cooperation and a greater sense of common purpose can enhance global competitiveness, and that it has become essential for labor and management to actively pursue joint strategies for advancing their common interests. Given the intensity of regional and global competition, failure to work out common approaches effectively means that neither party will realize its goals or fulfill its functions over the longer term.

▶ New cooperative and participatory mechanisms must be established and traditional approaches abandoned. Many obstacles stand in the way of better relations: steadfast adherence to traditional adversarial postures, rather than respect and understanding for the basic needs of the other; a lack of trust; poor communications between the two sides; and little or no information sharing.

▶ The role of government remains controversial. In Latin America, labor unions tend to view governments as being overly influenced by the business community; in the Caribbean, by contrast, employers

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view governments as having a too strong pro-union bias.

▶ Cooperative labor-management principles should be woven into the fabric of national policies and on-going practices in the workplace. Failure to do so will lead only to further deterioration in labor-management relations and a further decline in the region's competitiveness and standard of living. A consensus appears to exist that these issues should be placed high on national agendas, and further discussion among management, labor and government representatives at all levels should be encouraged.

### **Collective Bargaining**

▶ Collective bargaining in Latin America is generally adversarial, ritualistic, and erratic. When employed, it tends, more often than not, to be used by both labor and management to realize narrow, particular interests rather than broad objectives such as how labor and management can enhance the long term viability and success of their firms.

▶ Achieving higher productivity, innovations in the workplace, and greater global competitiveness in the coming decade requires that collective bargaining activities become more regular and more flexible, that the parties involved establish long-term consultative mechanisms, and that problem-solving systems be based on the interests of the parties rather than on "fixed positions."

▶ Labor-management cooperation, to succeed, must be based on recognition of the institutional integrity of both unions and management; mutual support for freedom to act and make decisions; and

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on the creation of agreed upon principles of interaction and involvement (or "collaborative bargaining principles") rather than formal rules to govern in unforeseen circumstances.

### **Labor Legislation**

▶ Outdated labor codes must be updated and modified. Symposium participants found current labor legislation inadequate in promoting the principles they believe should govern labor-management relations. Labor and management must jointly review labor law and its administration. Better mutual understanding by both sides of each other's interests is vital in drawing up new codes.

▶ Labor laws must permit freedom of association and the right to bargain collectively.

▶ Labor laws must be harmonized on a regional and subregional basis.

### **Plant- and Factory-Level Innovations**

▶ Greater emphasis must be placed on work innovations at the company and plant level, particularly those which focus on the attitudes, needs, and views of workers.

▶ Trust is a vital ingredient of labor-management cooperation. It is indispensable in ensuring the institutional integrity of both unions and management.

▶ Productive communication between labor and management helps both sides develop a joint perspective and joint sense of mission. Better information sharing by all parties would also result in better-informed decisions.

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▶ Select experiences in Latin America and other regions indicates that training of both labor and management in communications and joint problem solving results in increased cooperation. Management-sponsored training strongly signals workers that the organization truly values their involvement and participation; training of managers results in fewer disputes and higher productivity.

#### **Toward the Future**

Several key principles were identified that can serve as foundations for the development of future cooperative labor-management strategies in the region:

▶ Governments must consider experiences in other regions of the world and encourage greater experimentation with new forms of labor-management relations in Latin America and the Caribbean.

▶ Management must accept the legitimacy of unions and allow for more worker and union participation in the workplace.

▶ Unions and workers must work with management to improve the economic performance of enterprises in ways that serve not only their interests, but also those of the company and society as a whole.

## Workshop 1: New Trends in Labor Relations

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The symposium's opening session featured a far-reaching discussion of how economic globalization has influenced labor-management relations and the manner in which management, labor, and government must operate if they are to compete and survive in the emerging world economy. Several related issues were also addressed: the role of technological change and workers' attitudes toward these changes; the impact of free market policies; labor relations in the public service; and privatization.

The most significant trends noted by panelists were:

- ▶ Obvious conflicts exist between the unbridled operation of the free market and the interests and needs of workers. While the market has increasingly been recognized in Latin America as the best engine of economic growth, most countries have little experience in developing a concomitant system for social development.

- ▶ Latin America is arriving late on the world scene. Economic growth has been hampered by: a persistent failure to anticipate key changes in the world economy; a traditional sense that government alone is expected to take care of all problems; and a failure to change legislation and processes that are long out of date. Countries in other regions of the world have been quicker to alter their economies by reducing tariffs, nurturing foreign investment, opening up foreign markets for their products, implementing new technologies in their workplaces, and changing work conditions to meet the needs of ever more flexible and mobile workforces.

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► Both labor and management must take each other's interest into consideration if they are to make progress. Businesses, as well as governments, must give far greater consideration to workers' concerns such as benefits, job security, and working conditions. Workers, in turn, must deal with matters such as training, modifying work rules, sharing information, and streamlining operations. All parties must be far more flexible than they have been in the past.

► The slow pace with which many countries of Latin America and the Caribbean are adapting to the world's new economic circumstances has resulted not only in limited growth but, in some instances, negative growth. This erosion has caused increased friction between labor and management as unions seek to retain advances long struggled for, while businesses seek to cut costs to become more competitive. As a consequence, great stress is placed on government as well as on the very institution of democracy. This has had an inevitable dampening effect on social progress.

► There was widespread sentiment that modernization, privatization, and restructuring strategies can be implemented more effectively at the plant/factory level than through governmental policy. Such moves, though, must be made in a more balanced manner and must take into account the interests of both sides. Most participants agreed that new innovations in labor-management relations, if commonly agreed upon, could play a major role in stimulating economic and social development.

## Workshop 2: Collective Bargaining: New Ideas and Prospects for Reform

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Most experts agreed that while collective bargaining is an integral component of labor-management relations, its future application in Latin America is dependent on how it adjusts to reflect new policy trends in the global environment such as structural adjustment and related economic policies. In Workshop 2 experts discussed the future of collective bargaining in Latin America and how its use might facilitate improved labor-management relations. The discussion made it evident that the role of collective bargaining varies considerably throughout the hemisphere.

- ▶ Collective bargaining has yet to take root in Central or South America, where labor unions historically have been weak and the use of collective bargaining has been sporadic. This may in large part be due to the lack of an enduring balance of power between labor and management, which would ensure the ongoing use of collective bargaining.

- ▶ Many South and Central American participants expressed the view that collective bargaining was neither a relevant concern nor a high priority issue that they were seeking to institute in the near future. Several argued that both labor and business would be better served by direct action toward increasing output, making more use of new technology, and creating more jobs.

- ▶ Participants from the English-speaking countries of the Caribbean, by contrast, overwhelmingly viewed collective bargaining as a fundamental pillar of the relationship between labor and management. Caribbean speakers also emphasized that collective

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bargaining is critical to democratization and to structural adjustment efforts based on free-market principles.

- ▶ All participants agreed that collective bargaining, as an institution, was clearly lacking and that its future is dependent on achieving an equilibrium between employees and employers.

- ▶ Improvements in both the process and the outcomes of collective bargaining would help engender more positive attitudes that would lead to more cooperative relationships. The process of collective bargaining negotiations must be shortened (collective bargaining agreements often take three times longer to negotiate than in developed countries) and contracts must specify the essential interests of both labor and management. Longer-term contracts must adapt to changing economic conditions by becoming less rigid and prescriptive, but must still guarantee the rights and benefits of workers.

### Workshop 3: The Role of Legislation in the Development Process

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Workshop 3 featured a discussion of evolving labor codes in Latin America and their effect on worker rights and labor standards as defined by ILO Conventions and Recommendations. Most of the speakers in this workshop spoke to the questions of how labor legislation can contribute to the modernization of labor markets; whether attempts to modify legislation would bring about significant changes in the relationship between labor and management; the role of legislation in regional economic integration schemes; and the extent to which deregulation efforts have contributed to the growth of employment. Their assessments follow.

- ▶ There are widely divergent views on the importance of passing new labor legislation, as well as differing points of view on the degree to which such legislation would improve or hinder economic progress.
- ▶ Many speakers argued that rigid and inflexible labor codes currently in effect, many of which were written early in the twentieth century, impede social and economic modernization, obstruct the implementation of new technology, and fail to respond to changing worker attitudes. One panelist contended that the failure to change these codes carries a central responsibility for what he termed "the modern crisis of Latin America."
- ▶ Proponents of new legislation argued that it is vital for national governments to develop labor legislation that promotes equity and equality, while eliminating obstacles to economic development, if Latin America is to develop a modern labor market that is

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able to compete in the global economy, spur long term national and regional growth, and encourage social development.

▶ While there was general agreement that labor codes must be made more flexible in order to adapt to new circumstances, it was clear that the term "flexibility" held different meanings for different people. To labor representatives, flexibility means greater freedom to organize, develop job training programs, and participate more in the development of national labor policy. Business representatives, by contrast, tend to view flexibility in terms of streamlining operations, eliminating redundancy, and reducing what they regard as unnecessary costs.

▶ Several speakers argued that changes in labor law, or labor-management relations as defined by law, would be less effective in solving core economic problems than changes in attitudes, better training, greater organization on the part of workers, more active intervention by the government in enforcement, or through the negotiation of plant- and factory-level agreements between labor and management.

▶ Much discussion focused on the Dominican Republic's new (1990) labor code, often regarded as a model of "macro-social bargaining" between labor, business, and government. The code was praised by some as a landmark statute worthy of emulation, but several labor leaders criticized the code, contending that it was insufficiently far-reaching. Also discussed were the efforts by CARICOM countries to harmonize labor and social legislation to preclude unfair competitive advantages.

## **Workshop 4: Innovative Labor- Management Strategies Applied at the Company/Plant Level**

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**T**his workshop featured panelists from within and outside of Latin America with direct experience in innovative labor-management relations experiments at the company/ plant level. Through presentations that focused on specific case studies, panelists examined: the circumstances that caused them to consider innovation; the method in which labor-management cooperation was initiated; the barriers to creative strategies for successful relations; the dynamics of cooperation between labor and management; and why particular experiments have succeeded while others have failed to meet expectations.

Five cases were examined as illustrations: Cantree Plywood of Canada; General Motors do Brasil; Empresa Electrica of Guatemala; SAGRIN, a pharmaceutical company in Uruguay; and Johnson and Johnson's suture manufacturing facility in New Mexico. In four of the five cases the processes of innovation were sufficiently comparable to suggest a model path toward better labor-management relations.

- ▶ All of the companies examined had altered their approaches to labor relations as a result of increasing local and global economic competition posing a clear and present danger to their livelihood. Greater worker participation and other innovations were seen as steps that might boost competitiveness and productivity.

- ▶ Both labor and management recognized that, despite the traditional hostility, future profits, job security, and wages depended on their ability to collaborate in solving their common problems. This recognition was followed by the direct involvement of all relevant parties, top to bottom, in the planning of

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strategies designed to achieve viable and acceptable solutions.

▶ Initial experiences in joint problem solving and other cooperative activities led to further attitudinal and structural changes affecting the entire relationship. Advances in productivity and quality invariably followed.

▶ Improved communications between labor and management at the plant level created greater mutual respect and, ultimately, an ongoing dialogue that helped both sides better understand each others' problems and concerns. The sharing of information and ideas, through frank presentations by management and unions of their fundamental interests, created a more positive and more trusting environment in which the parties were able to make the changes needed to make their operations more successful and profitable.

▶ There was general agreement that new and innovative projects in labor-management relations should consider the following principles:

- Efforts should be made to assure workers of long term employment security;
- Workers and union representatives should participate in strategic management decisions that affect the competitiveness of enterprises and industries, such as decisions affecting productivity, product quality, and quality of service; and

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- New forms of compensation should be developed that allow workers to share the gains that result from improved productivity and profitability.

## Workshop 5: Labor-Management Cooperation in Latin America

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In Workshop 5 panelists and audience members were asked to summarize and articulate the significant ideas and concepts presented over the course of the symposium.

- ▶ Many important changes have taken place throughout the Latin American region: most countries today are working within a fragile democratic framework; most countries have accepted the basic right of workers to organize and strike; union leaders are no longer being imprisoned for their activities; talk of class struggle has disappeared with the end of the Cold War, along with the strident ideological tone in which labor-management relations had been discussed in the past; and the need for structural adjustment is generally accepted, though discussion of how it should be accomplished remains contentious.

- ▶ There is a need for new legal frameworks that include the right to organize, establish minimum standards, and institutionalize collective bargaining. Developing such frameworks, however, remains difficult. One particularly difficult example is the question of whether small and medium firms, which have generated considerable growth in the region, should be "burdened" by compliance with labor laws and collective bargaining agreements. The institution of a dual system that would exempt such firms would seriously dilute international standards and would not be looked upon favorably by the ILO.

- ▶ Worker participation should be built around existing unions and should include profit-sharing.

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▶ Improvements made at the plant/factory level are not unique to any one culture. Significant improvements can be made by using experienced outside facilitators to help labor and management bring about these changes by providing access to proven methods and by insuring continued assistance in implementing changes to guard against reversion to adversarial relations.

▶ Major advances still need to be made in the area of education, for both employers and employees. Employees need more basic education and in-plant training; employers, greater training in human resources development and management.

▶ Reform must be taken up within the guidelines suggested by ILO conventions. The ILO must not be allowed to weaken in the post-cold war era.

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