

University of Lund
School of social work
SOL 061
Comparative Social Policy
Semester of spring 2004

Restricted possibilities of
unionization
within the *maquila* industry
of El Salvador

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Abstract

The research for this study, concerning trade unions within the *maquila* industry, has been carried out during a three months period in the Central American country of El Salvador. Fieldwork and research has been financed by the MFS (Minor Field Study) scholarship of SIDA.

Research questions used throughout the field study have focused on the possibility of unionization and the role and position of trade unions within the *maquila* industry in El Salvador. The study has mainly been made through the perspective of people who is working to improve the organizational situation for workers within *maquilas* in El Salvador.

The information is mainly based on semi-structured interviews of members of trade unions and non-governmental organizations involved. Other investigative reports and studies are also used in order to give a wider perspective of the issue.

The results have shown that the possibilities of unionization are limited due to a variety of reasons. For example, prevailing anti-union practices among owners of the *maquilas*, inadequate implementation of laws in favor of the workers, corrupt relations and a weak and fearful workforce. It is widely believed that the current role of trade unions has failed to address the objectives of the workers within the *maquila* industry in an adequate and democratic fashion. The important institutional representation of trade unions in El Salvador is referred to as null, when only government-allied organizations are allowed to be included in the established Salvadorian tripartite corporative forum.

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Foreword

Between December 2003 and February 2004, I went to El Salvador in order to carry out the research presented in this study. My stay in El Salvador consisted in so much more than just the research and I wish I could also share memories and impressions of the friends I made, the culture and the nature. Sadly it is not possible. My research work in El Salvador was completed satisfactorily, even if, at that time, I could not foresee myself completing the paper on time.

Many Salvadorians were surprised, when I told them that I found their country interesting to do research in. They became even more surprised when I told them I was there on behalf of a scholarship received from the authorities of Sweden. They found it hard to believe that a state department would give support to such things. I remember how happy I was when I was accepted for the MFS- scholarship in September last year. Now, in addition to the new perspective of my Salvadorian friends, I see it as even more fantastic. I really wish all students, Salvadorian, Swedish or other nationalities, had the opportunity to do the same thing. This research could never have been completed without the economical support from *SIDA and the MFS- Scholarship*, and I am therefore extremely grateful to them.

I also like to thank the *Main responsible at the School of social work* at the University of Lund for deciding to give me the scholarship, despite a rather confused application. Many thanks also go to my Swedish mentor *Lars Harrysson* at the above institution for his support and inspiration before the journey and the constructive criticism he gave me throughout the completion of the task.

In El Salvador I especially thank my two main contacts of the organization CEAL (Center for Labor studies and Support) *Gilberto García* and *Oscar Bolanos* for helping me with interviews and information, but also for including me in their activities and work. I also want to address thanks to all my *interviewees* who took their time to share their opinions and experiences with me. I also dedicate gratitude to my Salvadorian housemother *Ana Maria Acevedo* who always helped me in her own special way with all kinds of practical concerns.

Many people helped me to complete this paper. Thanks to *Karina, Victoria and Dene*, parts of the study have been proofread in English. Finally, a great thanks to *Erica*, who with her critical eye read and helped me correct misunderstandings, and also to my dear *Daniel* who put up with me this stressful year throughout the application, preparation, separation and realization of this work.

Jenny Eriksson, Lund, 24th of May 2004

Abbreviations

- CAFTA – The Central America Free Trade Agreement
- CEAL – Centro de Estudios Laborales y Apoyo Laboral, Center for Labor studies and Support
- CEL - Comisión Ejecutiva Hidroeléctrica del Rio Lempa, Executive Hydroelectric Commission of the Rio Lempa
- CST – Corte Suprema de Trabajo, High Labor Council
- FENASTRAS - Federación Nacional Sindical de Trabajadores Salvadoreños, National Union Federation of Salvadorian Workers
- FESTRASPEs - Federación Sindical de Trabajadores de los Servicios Públicos, Trade Union Federation of Workers within the Public Services
- ITGLWF – The International Textile, Garment and Leather Workers’ Federation
- FMLN - Farabundo Martí de Liberación Nacional, National Liberation Farabundo Marti Front
- GNP - Gross National Product
- ICFTU – International Confederation of Free Trade Unions
- ILO – International Labour Organization
- ISSS - Instituto Salvadoreño del Seguro Social, Salvadorian Institute for Social Security
- Las MELIDAS – Asociación movimiento de mujeres “Melida Anaya Montes”, Association of the women movement “Melida Anaya Montes”)
- LO-TCO - Landsorganisationen–Tjänstemännens Centralorganisation, The Swedish Trade Union Confederation- The Swedish Confederation of Professional Employees
- MFS - Minor Field Study
- SIDA - Styrelsen för Internationellt Utvecklingssamarbete, Swedish Development of Cooperation
- SITEAIES - Sindicato de Trabajadores por Establecimiento del Aeropuerto Internacional El Salvador, The El Salvadorian International Airport Workers’ Union
- STISS – Sindicato de trabajadores del instituto Salvadoreña de la Seguridad Social, Trade Union of workers at the Salvadorian Institute for Social Security
- STIT - Sindicato de Trabajadores de Industrias Textiles, Trade Union for Workers within the textile Industry
- TNC – Transnational Corporations or Transnational Companies
- UNTS - Union Nacional de Trabajadores Salvadoreños, National Salvadoran workers Unity
- UN - The United Nations
- US – The United States (of America)

Explanation of important words

Maquila

The Spanish name for the English word sweatshop. It is a factory owned by a company contracted by another, most often a transnational corporation. The contracting company decides all the quantity of production, along with its characteristics and destiny (Zamosa Rivas, 1998). The company managing the *maquila* is obligated to follow the requirements of the contracting company. The production within *maquilas* is most often concentrated on finishing products of imported raw material designed by the contracting company. The final product is then commercialized in other countries, often, as in the case of El Salvador, in the US (*The United States*). *Maquilas* are often located inside so called Free Trade Zones, where corporations' benefit from certain tax relief (Andrade, Orozco and Samayoa Portillo, 2003).

Production in *maquilas* is, in El Salvador, almost exclusively dedicated to the clothing industry (Andrade, Orozco and Samayoa Portillo, 2003). Therefore, in this study, *maquila* is always referred to as a factory where clothing (incl. Shoes) constitutes the main part of production.

Free Trade Zone

An area with beneficial taxation and custom laws, which differ from those used by the rest of the country, employed for export by National or International companies (Zamosa Rivas, 1998). The main administration for all Free Trade Zones in the country is the Salvadorian Government.

Transnational Corporation

Profit-seeking entities based on international production and worldwide distribution systems. Transnational Corporations seek cheap markets and resources with global possibilities. Newly industrial countries and developing economies are competing with one another to offer additional investment incentives to the Transnational Corporations (Mehmet, Mendes and Sinding, 1999).

Trade Union

An “organized association of employees engaged in a particular type of work, formed to protect their interests, to improve conditions of work, etc.” (Hornby, 1989, pg. 1359).

Unionization

“Organization [of people] into a trade union” (Hornby, 1989, pg. 1396).

Blacklisting

When employers refuse “to hire individuals identified on a blacklist as actual or suspected trade union members or supporters” (Human Rights Watch, 2003, Pg. 12).

1. Introduction

1.1 Lack of freedom within labor relations

The first time I went to El Salvador, now more than two and a half years ago, I expected to find a country completely different to Sweden. I thought that I would have to change my daily life completely, in order to adapt during the four-month period I planned to stay there. Due to culture differences, I thought I would not make any Salvadorian friends, and would therefore be very lonely. I soon learnt however, that the differences between our "developed" country in the north and this "developing" country in the south were not at all as huge as I originally thought. In fact, what I realized was that the needs, aspirations and daily problems of Salvadorian people were stunningly similar to ours.

As my understanding of Spanish improved I began to submerge myself into Salvadorian life and culture. What I began to realize was that aside from the similarities between the people and their aspirations, a big difference did indeed exist, but that it was instead laying in the economics and politics of the two societies. The largest difference that struck me was the great inequality of possibilities and opportunities. The Salvadorian poverty consists not only of not having daily food or begging in the street, but also of being unable to get out of your situation and of not being free. I think this lack of freedom is something that we in the "developed" world will never be able to fully understand.

I especially found this lack of freedom or this feeling of restriction evident within one area of society: in the field of labor. I met many people suffering in bad labor relations, working under harsh conditions during twelve hours a day with a daily salary of five US-dollars. As the existing rights for the worker are poor and commonly abused, people are unable to improve their work situation. Furthermore, due to the workers' dependency on their meager salary and the necessity they have to feed and provide for their family, the possibility of resigning from work is somewhat daunting and impossible. This cycle has created a dead-end situation in which the worker has no say and no power at all.

1.2 A formulation of the issue and problem

Why labor is an important area to study is described with the words of Perez Sainz (1999) in his "From the Finca to the Maquila. Labor and capitalist development in Central America":

"The world of labor (...) constitutes the main link between the economy and society. The labor market thus constitutes the most effective mechanism for expressing the inequalities, generated by accumulative factors, present in households and their respective impoverishment" (Pg. 5).

Work constitutes the main part of almost all people's lives. It is occupation, livelihood and survival. Work obviously therefore is of great importance within society. It is important especially in the aspect that labor heavily influences individuals, families, economies, social systems and cultures. It has been showed, though, that these relations within labor certainly differ between countries in the world. Many people work within unsatisfactorily conditions and relations. It is, due to these reasons, of great importance doing research within the field of labor.

There have been many initiatives to improve conditions for workers around the world. The establishment of general agreements with minimal requirements for all included countries to follow is one type of initiative. One of these initiative is the well-known codification made by the UN (*United Nations*) organ of ILO (*International Labor Organization*). The Conventions concern issues as discrimination, forced labor, child labor and right to organize (www.ilo.org). Also to be mentioned in the group of initiative taken to protect workers is the article 23 of the Universal Declaration of Human Rights. This article declares the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment (www.un.org).

Despite established Conventions concerning the protection of workers and other initiatives taken to improve labor conditions, millions of people are still, as stated earlier, suffering within bad labor conditions. The initiatives taken up to now have not been enough. One important element, within the struggle for improvement of labor conditions and relations, is the trade union movement. In Sweden, and many other countries, the trade unions have been pivotal in helping to improve the situations for workers and to strengthen justice in labor relations within society. One argument is also that trade unions do not only improve labor conditions through their work, but also help to improve the social standard in society. Without the work of the trade unions, the high level of welfare that we have had in Sweden for a long time certainly would not have been reached. Norby Johansen, for example, points out, in the article "Welfare State Regression in Scandinavia? The Development of Scandinavian Welfare States from 1970 to 1980" that "the Scandinavian [welfare] model is inextricably linked with the strength of the Social-Democratic parties and the trade union movement" (Pg 129). Perhaps also trade unions in "developing countries" as El Salvador could play a role in terms of creating change for the working population, and then in turn, improve the welfare-conditions of society. Today only 5,6 % of the Salvadorian working population is member of a union (Human Rights Watch, 2003). In Sweden, the majority of the workforce (ca 80 %) is unionized.

My study will concentrate on the conditions for and role of trade unions in the country, where I aimed to do my research: El Salvador. Due to a focus on the role of trade unions I have chosen to use the so-called (Swedish) Corporatist model as a basis for analyze.

It would be a shortage, in the discussion of labor conditions and relations, not to mention the present internationalization process of the world, thus it highly affect the position of work. Internationalization is mainly based on integration in the world economy in form of global financial markets and a facilitating of trade through deregulation. A political aspect of internationalization is the demolition of nation-states. In the new economical integration, nation-states stand, for example, powerless of how to direct the behavior of so called TNCs (*Transnational corporations*), which dominate the hierarchy of the market. The internationalization process also, in many ways, affects labor. The tendency within the process of internationalization is to reinforce "labor market flexibility", where labor is seen as a part of the competitive sphere of the market. Related to this are new forms of production techniques, based on cost-minimizing strategies. The market-ruled economy creates a race-to-the-bottom, in terms of governmental strategies to lower workers' wages and allow low production costs without concern for working conditions, in order to attract foreign investment. Included in the consequence of that is a decreased job security for the workers (Mehmet, Mendes and Sinding, 1999).

Some industries get affected more than others in the internationalized world. An industry strongly affected by the new global economy is the textile. The production within the textile industry demands many workers and the costs for wages constitute main part of the company's expenditure. Therefore, big textile companies choose to move their production to economical free trade zones in countries with low wages (Industrifacket, 2002). Due to the earlier mentioned factor of race-to-the-bottom, the workers (mostly women) in the factories inside these free trade zones suffer from bad working conditions and, as mentioned, low wages. In El Salvador there are around 230, so called, *maquilas* (the textile factories), with approximately 85 000 people employed within them (USAID, 2001). My second focus for this study will therefore concern the Salvadorian *maquila* industry.

Companies and authorities, especially in many of the Free Trade Zones in the world, heavily oppress trade union activities, so also in the case of El Salvador (Industrifacket, 2002). By returning to earlier discussion about how the influences of trade unions have been pivotal in improving labor conditions, one can see the importance of trade union activity, if it was allowed, in order to strengthen the weak, abused and poor labor force within the *maquilas*. The question concerning what has to be done, in order to improve labor relations and strengthen the today weak position of trade unions in the highly internationalized textile industry of El Salvador, therefore become important. This study will obviously not set about this grand issue, but I will return to it in the final part of discussion.

The focuses I have described in this initial part will have to be made narrowed in order to be researched. The following noted objectives and research questions will therefore constitute my study hereafter. I will, though, return to themes discussed in the end of the study.

1.3 Main objective and research questions

The main objective with this study is to explore the role and position of trade unions within the *maquila* industry in El Salvador and how the possibility of unionization, in the same industry, can be explained.

Research questions that I have focused on throughout the study are:

- How can the possibility of unionization within the *maquila* industry in El Salvador, be explained?
- How can a trade union membership influence a worker's situation within the *maquila* industry in El Salvador?
- In what ways can the role and position of trade unions within the *maquila* industry in El Salvador be explained?

A further research question, used more as a focus for discussion and reflection is:

- How can the possibility of unionization, within the *maquila* industry in El Salvador, be improved?

2. Inquiry and method

2.1 Research perspectives and contacts during fieldwork

Inquiries and contacts led me to the Salvadorian non-governmental organization of CEAL (*Center for Labor studies and support*). CEAL is working with various labor groups and trade unions. One of the organization's main issues is to encourage workers in *maquilas* to unionize. Through my intention of having a trade union member's perspective in the interviews, my main contacts in CEAL, Gilberto Garcia and Oscar Bolanos, put me in contact with the trade union STIT (*Trade union for workers within the Textile Industry*). I have used this trade union as a reference throughout the study. Discussed aspects in the analysis are often exemplified with experiences of STIT. Persons interviewed from the non-government organizations CEAL, DIGNAS and MELIDAS (*Association of the women movement "Melida Anaya Montes"*) gave references to this trade union as being the only one functioning satisfactorily within the *maquila* industry in El Salvador. This study also includes a perspective of experts working in the non-government organizations that I have mentioned above. They are all organizations that, through their work, support the workers within the Salvadorian *maquila* industry. I have chosen the non-government organizations DIGNAS and MELIDAS because they are the two biggest and renowned organizations in the country working to improve the situation for women working in the *maquilas*.

Using an organization heavily involved in the research-subject, as the main contact, could easily cause problems of neutrality and loyalty. As a foreigner in a relatively unknown country I am in many ways in the hands of those who help me, especially in the sense of whom I decide to interview or keep in contact with. I have been conscious about this problem during my fieldwork and research.

This study could be described as seeking to answer the above stated research questions through a perspective from people who all, albeit in slightly different ways, are working to improve the organizational situation for workers within *maquilas*.

2.2 Political statements

Research should always be as free from values as possible. However, it is rarely possible to have an absolutely value free study. Robson (2002) in "Real World Research" states that "the actual choice of a research project and the kind of research questions asked involves value judgments" (Pg. 72). Every researcher makes a statement just by choosing a certain topic to study. It is important to accept this and work thereafter. This study certainly deals with subjective issues and the answers will therefore also be political and subjective. The answers are based on ideology and ideas from the correspondents in the interviews or reports written by experts on the subject.

While the answers are based on the values of the interviewees, the angle of the objective, research questions and perspective instead shows that I have certain values. I think it is important to make them explicit by discussing them.

I had personal theories and prejudgments before starting out my research that can affect the results. I have been conscious of this throughout my work and I have now decided to share parts of my opinion to avoid suspicion or misunderstanding. One of my political standpoints, worth of sharing, in case it will show through in the study, is that I view trade unions as being important as protectors and representatives for workers within society. I also declare, for example, through the last stated research question of the study, that the possibilities of the workers to unionize can be improved. That does not obviously have to imply that the actual possibilities for the workers to unionize are few. I therefore found it important to include the research question concerning the current possibility of unionization, in order to discover what needs to be improved. My prejudgments might also have been influential while carrying out the research and completing the study. They have evolved through what I have heard, read and imagined before I went to El Salvador. I imagined the working conditions and the situation of trade unions in the factories as being bad. I also thought trade union leaders were opposed by company owners, employers and government and that they were struggling in a climate of constantly abused rights. Another prejudgment I had was my consideration on trade unions as having internal problems with corruption. These themes are all touched upon in the study though it was not shown to far from accuracy.

I have to admit that the perspective of this study appears to be somewhat narrow and one-sided. Perhaps I should have made the study a bit broader to also include the “other parts” of the labor market. For example, interviewed actors like company owners, known “corrupt” trade union leaders and representatives from the government. The people interviewed do attack these other actors and they should therefore be able to defend themselves. I have used other reports that touch on the same subject, in which the other actors are being interviewed, in order to broaden the analysis. But still, my perspectives and objectives of the study do not allow inclusion of people who is too disapproval to trade union activities. I wouldn't say, though, that all company owners and government representatives are against trade union work. However, that approach is not included in this study.

2.3 Design of the study

For this study I found it most appropriate to use, what Robson (2002) calls, a flexible design strategy. This method is traditionally referred to as qualitative studies. Robson (2002) further explains three different types of traditional flexible design research strategies as case studies, ethnographic studies and grounded theory studies. This study is a case study, which Robson defines as: “Development of detailed, intensive knowledge about a

single “case”, or of a small number of related “cases”” (pg. 89). Typical features of this type of design are that the focus lies on a “case”, a situation or a group of interest, that is being studied within their context and that the collection of information can consist of various techniques, including for example observation, interviews or documentary analysis. A case study is also empirical in the sense that it relies on the collection of evidence about the actual situation (Robson, 2002). My study is not solemnly built on a case. A case is more used as an example, which demonstrates the experiences of the trade union STIT. I would therefore rather say that a small case is included within a larger study about unionization within *maquilas* in El Salvador.

In a flexible study the details of the design and approach are not predefined, instead they emerge during the data collection and analysis. The work of this study emerged through the interest for, and a vague idea of, the subject; unionization within *maquilas*. During the preceding of the study, objective and research questions changed due to findings that led me in new directions. For example one of my principles ideas was to study how the daily work of a Salvadorian trade union could be. I soon change this when I learnt that there are hardly any trade unions functioning satisfactorily within *maquilas* in El Salvador. Therefore I changed my objectives to focus more on the development and possibilities of unionization.

The most important part of any research is the validity of the study. That is if the study is being accurate, correct and true. The validity of a qualitative or a flexible study will always be more fragile than in a quantitative fixed study (Robson, 2002). I think it is dangerous not to be aware of problems that can cause invalid results. One important part to think about is the interpretation of the data collected. It is very easy as a researcher to conform the interpretations from answers in an interview to what the researcher expects or wants the person being interviewed to answer. By being conscious of my prejudgments about the studied subject, it has become easier for me to sort out the “real truth” and therefore also better understand the perspective of the person being interviewed. Other things I have tried to be aware of are reactions due to my ideological point of view and personal feelings in general. How I feel or believe with regards to a certain question can easily affect neutrality during the interviews and also during the interpretation of the answers. Another, more obvious way to make the results trustworthy was to use a tape recorder during all my interviews. A video camera would have pushed me even closer to an accurate picture of reality but, due to the risk of being robbed, I decided not to bring one to the interviews. A last important aspect to reduce misunderstandings or untruths during interviews has been my opportunity to observe informal chats with the people involved. I have been visiting the factory where the members of STIT are working and also taking part in actions initiated by CEAL. I think this contributes to a more unbiased and therefore accurate understanding of the results. I will return to this further into the study. To keep track of what I have been experienced I have kept a diary throughout my fieldwork. Robson (2002) calls this an

“audit trail”, with which the researcher keeps a full record of the activities during the field study.

2.4 Choice of data collection

I decided that the most accurate way to approach this study was to use interviews as the primary source of information. On numerous occasions I also made a lot of useful observations in order to put information gained through interviews into a more comprehensive understanding. Finally, I have also studied a wide range of literature concerning the issue in order to provide a richer and profound picture of the actual situation.

2.4.1 Interviews

Using interviews as main type of research method gives the researcher more insight into reality than by using only secondary sources. There is, however, also a lot of indescribable information within meetings and conversations, impossible to translate in to words. Therefore, visual and audio documentary method will always be the ultimate method for giving the most accurate picture of reality.

Interviews and observations both run the risk of bias. Using a tape recorder during interview makes it easier to avoid it. I think that I would not have been able to complete this study without the assistance of a tape recorder. Not only due to avoiding problems with bias or the fact that it provides a permanent record (Robson, 2002), but also due to my problems of understanding the Spanish language. I soon realized that my previous ten months in Spanish-speaking countries had helped me to improve my language skills to a certain extent, but not to the extent of completing academic research without problems of understanding. Even though my understanding improved during the time of research, I cannot avoid the fact that my confidence in producing a more accurate study would have been stronger if Spanish had been my mother tongue. Although, I have not at all had problems of communicating myself, I just wanted to highlight the problems of doing research in a third language. Doing the interviews on my own is however preferable to using an interpreter, where a lot of information can get lost or change.

There is also another aspect of interpretation that is not of understanding the language, but of understanding culture. Mikkelsen (1995) writes in “Methods for development work and research: guide for practitioners” that “there are lots of similar contradictions in interpreting cultural phenomena” and that “they vary from different signals of body language to basic norms of power and gender relations, social cooperation, seniority, etc.” (Pg. 255). Cultural norms that differ between societies do affect the field study situation and it is important to consider these while carrying out the research in another country than your own (Mikkelsen, 1995). Having a foreigner investigating, instead of a native, will definitely

affect the choice of what to study and also the results. There are both positive and negative aspects to this. It was, however, a definite advantage for me having lived in El Salvador before. Through this previous experience I learnt a lot about how the society functioned and about the necessary invisible codes that exist within the culture. I think this can only improve the qualities of the study.

I have chosen to use a method of interviews described as semi-structured interviews. They are qualitative research interviews with predetermined questions but with the flexibility of changing them during or in between interviews. Qualitative interviews are good to use when the study focuses on the meaning of a particular phenomena that all the participants relate to (Robson, 2002).

I have transcribed all the interviews in full from the tape recordings. For my analysis I have taken into account everything of relevance said by the interviewees. Obviously I have, in my analysis, given a greater importance and focus to the themes that have been answered similarly by more than one person. I have put a great effort into making all possible opinions visible. I have also, after receiving a certain response from one interviewee, discussed same issue with the next person being interviewed. For example me asking: “What do you think could help strengthen the position of trade unions in El Salvador?” and then the person for example answers: “I think we would gain more strength through cooperation with and support from international trade unions.” Then I would ask the next person interviewed about their opinion concerning the first person’s opinion on the same question. I have however, in this second occasion, taken into account the possibility that they might have been influenced by a leading question. Finally, I have chosen to use a lot of quotations from the interviews in order to give an as accurate picture as possible. They are all noted with the English translation. My translation is not literal; instead I have done it with a concentration of making the purpose of the sentence visible.

2.4.2 The Interviewees

This part will describe the persons being interviewed together with the organization they represent. I will do it in order from whom I interviewed first. I choose to do this to give the reader a chance to form an opinion of the persons from who I have collected my main information to the study. I think it is especially important in this study, which is highly subjective and based on the opinions of the people being interviewed. All the interviewees gave their permission to print their full name in the study. Further in the study, the information taken from interviews will be referred to with interview, surname, organization and date.

Interview 15/12 2003: *Gilberto Garcia (Coordinator in CEAL and board member in the new factory JUST GARMENTS) and Oscar Bolanos (Trade union member CEL (Executive Hydroelectric Commission of the Rio Lempa) and coordinator CEAL) and Dagberto*

Ramirez (Trade union coordinator FESTRASPEs (Trade Union Federation of Workers within the Public Services)).

The association of CEAL was established in 2001 by trade union leaders from various sectors (*textile inclusive*) together with representatives from women organizations and professionals. Main issues of the association are to improve the situation for trade unions in El Salvador, inform international organizations about violations in terms of labor rights, and arrange cooperation with international non-governmental organizations and to support the unionization among immigrants in the US.

Interview 18/1 2004: *Maria Luis Panameno (Coordinator for the trade union STIT) and Maria Dayri Hernandez (Coordinator for STIT).*

Luis Panameno and Dayri Hernandez have been coordinators for STIT since the initial phase. They have been working in the textile industry and *maquilas* approximately ten years. STIT (*360 members*) is the only trade union within the *maquila* industry in El Salvador that has got a collective bargaining contract with an employer.

Interview 19/1 2004: *Nora Hernandez (Representative for Las DIGNAS).*

Las DIGNAS is a women organization established in 1990. The organization is divided in four different programs. *Hernandez* works with Las DIGNAS' program for economical justice of women. This program focus on women's labor rights, consequences of CAFTA (*Central American Free Trade Agreement*), rights concerning public services and also strengthening women's position within the sphere of technical engineering. Las DIGNAS contribution concerning the *maquila* industry is mainly to support the women in judicial processes against employers.

Interview 29/1 2004: *Marlene Lopez (lawyer, representative for Las MELIDAS).*

The women organization of Las MELIDAS was established in 1992 and started to work with the women in *maquilas* in 1996. The organization has created a group of women, who all work in different *maquilas*. The representatives are being educated in labor rights so that they can support other women at their workplaces. Las MELIDAS also give private consultation to women who carry preoccupations concerning their judicial procedures in terms of labor.

2.4.3 Observation

I have, as mentioned earlier, been participating in the daily work of both the organization CEAL and the trade union STIT. I have through observation learnt a lot about how they work and act. Language difficulties and time restrictions have reduced validity of the information gained through observation. I have therefore decided not to exemplify or mention my observational experiences directly in the study.

I have instead used my observational information as a “supporting or supplementary method to collect data that may complement or set in perspective data obtained by other means. Suppose that the main effort in a particular study is devoted to a series of interviews; observation might then be used to validate or corroborate the messages obtained in the interviews” (Robson, 2002, pg. 312). My observational time constitutes a good insight to the issue. It also gave me a deeper understanding of the problems the organizations and trade unions are dealing with. There is a great point of having me as a researcher actually seeing things with my own eyes in order to get another view of the truth, beside the views gained through literature and interviews. The observational information therefore can be said to confirm the real truth. One of my wishes during the field study was to visit various *maquilas* and Free Trade Zones. This was shown as impossible, when unauthorized people without permission not are allowed entrance.

One disadvantage with observational methods that Robson (2002) mentions is the possibility that the researcher, while observing, affects the situation so much that it destroys the accurate picture of reality. On one occasion, when I was visiting the new factory ‘Just Garments’, I took a photo, and a lady who during this moment was chatting with the neighboring woman asked me if I could retake it. She wanted to show that she was working in the photo. This illustrates the point that the researcher can influence the behavior of the subject simply by being present. I have been conscious about this phenomenon while carrying out my research, even if it is rather hard to do anything about.

2.4.4 Literature

I have used literature as a source of data collection in order to give richer information to my study, and also in order to verify the information gained through interviews. The literature I have used consists of both Salvadorian and international studies and reports touching the subject. The literature mainly contains of academic studies done by professionals and investigative reports done by non-government organizations. In the part “El Salvador” (Pg. 20-21), literature of less academic characteristics has been used. I am especially referring to the official document “Länder I fickformat”, which only give a short introduction to the country. This document can be seen as questionable in terms of valuable as source, but, due to that the part in which this document has been used does not touch upon important writings concerning the objectives of the study, I have seen it as satisfactorily to use.

2.5 Insight into the rest of the study

I will with this part give a short introduction to the rest of the study. In next part, following this, I will start to touch upon the issue of the study. First, a necessary part of background information is presented in order to increase the comprehension of the following parts of analysis. In the background-section, an introduction is made of the corporatist model, which I have been used in the analysis of the trade union role further into the study. Also

part of the same section is a short description made about El Salvador. The last parts of the background section is giving necessary information concerning the issues of the study, starting with a historical review of the Salvadorian trade union movement and finishing with a introduction to the *maquila* industry, free trade zones and working conditions within *maquilas*.

The following two sections deal with the objectives of the study. The part concerning unionization is divided into seven smaller chapters. These chapters discuss various aspects to possibilities of unionization, improvement of possibilities of unionization and also how a trade union membership can influence a worker's situation. The whole part starts with a case of the trade union STIT, where almost all later discussed aspects are exemplified by real experiences of this trade union. The next part of the study, concerning the trade union role and position, is divided into three different sections discussing the position and role of trade unions within society, the substance of the trade union role and finally the importance of a trade union role. Within the first section of this last part, the earlier mentioned corporatist model is applied to the discussion in order to compare and relate to.

A summary of conclusions, related to the research questions, is placed in the end, following a part with discussion and reflections in which a connection is made with the part "A formulation to the issue and problem" and also to the discussional research question concerning improvements of unionization. The last pages of the study is dedicated to references.

3. Background to the study

In this part of the study a short introduction to El Salvador is included, in order to give the reader a picture of the country in which the research is carried out. Following parts are meant to constitute background information to the actual theme for the study; beginning with an account of the trade union movement in El Salvador and ending with describing current conditions and development of the *maquila* industry in El Salvador. Firstly however, an introduction of the (Swedish) corporatist model is made, which later will constitute a base in the analysis concerning the trade union role. It is of importance to understand the fundamental principles of the model in order to adapt it to the discussion.

3.1 Corporatism as a basis for the analysis

I have, in the study, chosen to use the corporatist (Swedish) model as theoretical framework when analyzing the trade union's role in El Salvador. The corporatist model will to possible extent constitute basis for argumentation and analysis in the area where it can be used; the role of Salvadorian trade unions. I will in this part describe the model's development, main principles, importance and why it is applicable when studying this theme.

The political corporatist model was first developed and used as policy within the Swedish labor-market sphere in the beginning of the 20th century. The intention was to develop an institutional model with the principle of corporate representation in decision-making. The model was to include trade unions and employers' associations together with state representatives in a tripartite cooperation where labor-market issues and policies were to be discussed. The institutional forum was established to create agreements based on understanding in a period of history in Sweden marked by tough antagonism between classes. The meaning was to give the dominated classes considerable influence of both the political formulation and implementation. The corporatist model was later successfully adapted and further developed in the 1940s to all labor-market policy organisms in Sweden, and it also became an inspiration for other countries to adapt similar models (Rothstein and Bergström, 1999). This model also, through the cooperation between different groups of society, was the base to an increased welfare standard in Sweden.

One argument that supports the importance of a using of the corporatist model is that the tripartite cooperation, with all organizational parties represented, creates greater reliance within the masses towards decided policies. Another argument is that the model also helps legitimizing the decisions within the represented groups. It means that for example a worker more easily can accept a new policy when he/she knows that a trade union has been included in the decision-making. But, to strengthen the legitimacy of decisions it is important that all parts within the corporation carry equal responsibility. Another advantage with the model is the capacity of using valuable and differed knowledge from all groups included while deciding policies within complex areas. There is also a point of including

the interest groups in the decision-process so that they, when the decision is made, can inform the concerned groups about what was the idea with the policy (Rothstein and Bergström, 1999).

The decision-process within corporatist models can also be connected with a way of viewing democracy from a different perspective. It is not meant to see, through this form called deliberative democracy, the decision-process as a struggle between different groups with already strong preferences, where then the majority decides which one to follow. The intention of deliberative democracy is instead to make, for all, a good and constructive decision, together through dialogue. Deliberative democracy only functions when the groups are able to listen to each other's opinions, and change stands, before taking up a definite position. This form of democracy is more based on harmony, than conflict (Rothstein and Bergström, 1999).

The corporatist model is not used the same way as earlier in Sweden (Rothstein and Bergström, 1999). Despite that, I have chosen to use the model as a basis for analysis further in this study. Main reason for choosing this model as a basis was to be able to compare with and have something to relate to while discussing the role of trade unions in El Salvador. Trade unions have always, through the use of this model, been given a strong position and specific role as representative of workers in society. It is therefore, when discussing the role of trade unions in *maquilas* in El Salvador interesting to study their position in relation to this model. By doing this, the role of trade unions will be easier to place within a context and easier to interpret accurately.

Certainly, other models and theories related to trade unionism could be used, and maybe also be more appropriate to use, instead of the Swedish corporatist example mentioned in this section. The thought though, was to use a model, established in Sweden, which is one of the most developed welfare states in the world and see if it could be possible to compare with El Salvador, a country constituted of a much lower welfare standard. The corporatist model was also used due to its simplicity. It is easy to get a grip of, and it therefore contributes to an easy comprehension of the more complex context of which the analysis is made. The fact that the model is Swedish, as same as the origin of this academically study, together with the comparison, made in the introduction part of the study, to the history of Sweden also contribute to the choice of a corporatist model as base.

Even though there are many circumstances in the *maquila* industry and in El Salvador that differ from Sweden, the using of a model as a platform while analyzing is always preferable to not using one at all. There will, though, also be shown in the part of the study where the model is used, that the application of the corporatist model definitely depends on aspects concerning politics and society as a whole.

3.2 El Salvador

El Salvador, neighboring to Guatemala and Honduras, is the smallest (21 041 sq km) but most densely populated (314,6 persons per sq km) country in Central America (Europa Publications, 2003). The capital, San Salvador, is located, on the edge of the higher and more temperate regions, but still not far from the tropical low lands of the Pacific coast (Länder i fickformat, 2002). El Salvador is situated in a relatively unstable geographical area with active volcanoes, regular earthquakes and tropical storms.

The Spaniards colonized El Salvador in the sixteenth century after victory from an unusual rough confrontation with the Indian population, *the Pipils*. The country thereafter did not become an independent republic from Spain until 1841. The most evident sign of the colonization period is that the official and most commonly spoken language is Spanish (Länder i fickformat, 2002). An uneven distribution of agricultural land ($\frac{3}{4}$ of the land was owned by 2% of the population) led in the 1930's to a peasant uprising. The uprising was violently suppressed by the governmental army and up to 30 000 people, mostly Amerindians, were killed (Europa Publications, 2003). This massacre has been argued as being the greatest physical extermination of indigenous persons carried out in Central America during the twentieth century (Perez Sainz, 1999).

The unevenly distribution of land was also one of the main factors to the twelve yearlong civil war between 1980 and 1992. The Roman Catholic Church together with peasant, trade union and political organizations were the main actors responsible for an uprising dominated by a focus of social and economical injustice and a will to change the long political dominance of undemocratic leaders (Isaksson, 1993; Europa Publications 2003). In the beginning of the 1980s the conflict between the new guerilla-formation FMLN (*National Liberation Farabundo Marti Front*) and the US - supported governmental army was intensified and war broke loose. During the war, more than 80 000 people were killed, and more than 500 000 persons fled the country, among them many civilians. After the end of the cold war era and after active UN involvement the war finally came to reach an end. The peace agreement between the government and the guerilla (*FMLN*) was signed in January 1992 (The Europe World Yearbook, 2003, Isaksson, 1993). The political right wing party ARENA has thereafter been governing the country, and do it, although in a lot weaker position, still. In the Salvadorian parliament today there is an equal balance between FMLN and ARENA (SIDA's Semi Annual Report, 2003).

Even though the political situation in El Salvador is relatively stable today, there is still a lot to be done to improve the social and economical situation. Half of the Salvadorian population find themselves living below the national poverty line (SIDA's Semi Annual Report, 2003). Poor households are often dependent on remittances from family members who have migrated to, for example, the US. The remittances actually constitute the greatest part of the country's total GNP (Europa Publications, 2003). The income distribution is, as

well as the land distribution, still low and a small elite owns almost everything. Since 2001 the country's official currency is US-dollar (Länder i fickformat, 2001).

The striking of two big earthquakes in 2001 made the situation in El Salvador even worse by causing human devastation and leaving more than one million of Salvadorians with destroyed houses. Violence and high crime rate (ca 17 persons are killed every day) are other problems the society constantly deals with. Main responsible for the increased violence and criminal acts are so-called *maras*, gangs with young members often deported from big cities in the US. A new temporary law permits to put gang members, who have not been charged for crime, in prison. Corruption and incompetence make the reliance on the judicial (and political) system low (Länder i fickformat, 2002).

3.3 A retrospect of the trade union movement in El Salvador

This part will constitute as background for the discussion of the trade union role placed further in to the study. There will also be shown in that discussion how historical aspects, brought up within this part, certainly influence the current role of trade unions.

The first real trade unions, with influences of anarchist and communist principles, appeared in El Salvador during the early 1920s. These trade unions most often accomplished strikes to improve wages and working day issues. This initial labor movement was, as well as the indigenous peasant movement, heavily suppressed during the earlier mentioned bloodshed in 1932. Due to this, El Salvador's labor movement would come to require years to recover (Perez Sainz, 1999).

In the onset of the Cold War, in the late 1940s, the US started to influence trade unionism in El Salvador. The thought was to support the establishment of governmental-orientated unions with a different non-traditional communism policy, in order to prevent communism ideas from evolve. The amount of members of trade unions increased during the 1960s and reached in the mid 1970s to include 64,186 in 127 different organizations. One third of the organizations were united under the governmental non-communism federation, and the rest belonged to traditional communism (Perez Sainz, 1999). Perez Sainz (1999) though, points out that "Despite the growth, trade unionism's influence on the world of work in Central America was very limited" (Pg 62). Around 5 % of the working population was at that time unionized in El Salvador (Perez Sainz, 1999).

As earlier mentioned, trade unions came to be, in the seventies, together with other social groups, a major force within the creation of the popular movement and the pre-war uprising. Most commonly used instruments of action were at this time strikes and demonstrations. The Salvadorian state responded trade union threat with hostility and suppression. Due to this, the worker organizations selected a more revolutionary leftist alternative and thereof helped to create the guerilla movement. During the civil war, trade

unions were seen as political fractions and not as organizational representation of workers. Trade unions' contribution to the peace process was of value in the sense that the cooperation between various formations of guerilla-alleged and more democratic trade unions and other peasant organizations formed the organism UNTS (*National Salvadoran Workers Unity*) where new ways of expressing political demands emerged together with a dialogue in favor of peace (Perez Sainz, 1999). The UNTS played an important role within the negotiations for the peace agreement 1992. It was also established, in the agreement, that a tripartite forum representing the government, workers organizations and employers was found to discuss social, economic and labor policies (www.lotcobistand.org; Europa Publications, 2003).

The new political and confrontational prevalent role of trade unions during the war created a new look upon trade unions within society. Many of the trade unions that were politically strong during the war lost, in peacetime, capacity, mainly due to a new "needless" position. It was hard for trade unions to return from being a revolutionary political fraction to become a traditional worker's organization. After the war, trade unions' role had to be reconstructed in order to fit the new society in peace. This was not successfully done and the trade unions lost adherents (Perez Sainz 1999).

Not only is the problematic role of trade unions due to a changed position. The harsh environments in which trade unions operate also help create a weaker trade union movement. Trade unions within all sectors in society are strongly worked against. Two examples will illustrate this: In 2001, the trade union SITEAIES (*The El Salvadorian International Airport workers' Union*) got 154 members dismissed during a military takeover at the airport. The government, with the official support by the US, claimed that the action was taken to increase security at the airport after the 11 of September-attack. This was declared without any explanation why only trade union members were subjects for dismissals. Next example is from 2002, when various members of the health union STISS (*Trade Union of workers at the Salvadorian Institute for Social Security*) were dismissed. The trade union leader also received death threats against him and his family. The public sector trade unions have been initiating many demonstrations and strikes against the government's privatization of public services. Therefore these unions are seen as threats against future work and strategy of the government (www.icftu.org; ICFTU, 2002).

Dismissals or sabotages against trade unions in El Salvador are widely reported. Worst conditions for trade unions though, are reported from free trade zones and *maquilas*. Since 1993 many intentions have been made to unionize the workers within the *maquilas*. The majority of these intentions have failed in their original phases and only a few reached a level where they, during a short period of time, got recognized (Interview, García, CEAL, 15/12-03).

3.4 The industrialized and economically liberal El Salvador

El Salvador's economy has during a long period of history been dominated by agriculture and the exportation of coffee (Länder i fickformat, 2002). During the last decades, though, the country has met stagnation within this sector (Europa Publications, 2003). The decrease of agricultural exportation, together with the government's conscious politics to concentrate on the export-industrial sector, have turned El Salvador to be one of the most industrialized countries in Central America with the US as most important trade partner (Länder i fickformat, 2002).

The relation with the US has, in many ways, and for a long time, dominated the politics of El Salvador. During the war, the US economically supported the Salvadorian government's effort to prevent the guerilla from gaining political power (Isaksson, 1993). The financial assistance, though, also helped to keep the Salvadorian economy, which was burdened with a decreasing GNP (Gross National Product) and high unemployment and underemployment during this period, on its feet. Today, El Salvador is still economical dependent on the US, in terms of industry, aid and political relations (Europa Publications, 2003).

After the war, the government started to deregulate and reduce the state's role within economy and ownership. The privatization process has been prioritized by the government ever since and today El Salvador has the most liberal economy in Latin America. The country is also actively leading the process of more economical regional integration, both with Central America, Caribbean and the US (Europa Publications, 2003).

3.4.1 Free Trade Zones and *maquilas* in El Salvador

The new industrialization in Central America and El Salvador is characterized by a focus on exportation, which in turn is characterized by a new special regulation framework of benefits (tax exemptions and exchange benefits) and production of assembling imported goods. Free trade zones and *maquilas* are phenomena directly connected to these characteristics. Even if the first Free Trade Zone in El Salvador was set up, due to new legislation, already in 1974, the new industry did not become a pervasive force until after the war (Perez Sainz, 1999). Attained peace, together with the government's strategy to attract foreign investment by adopting new structural adjustment programs with beneficial regulations, helped to increase the number of international firms in El Salvador (Europa Publications, 2003; Perez Sainz, 1999). Only between 1992 and 1994 the amount of firms operating within Free Trade Zones was doubled and employed more than 19 700 people (Perez Sainz, 1999). Today the amount of people working within around 230 *maquilas* is 85 000. El Salvador is the eight largest exporter in the world of textile to the US and the *maquila* industry today accounts for 53 % of El Salvador's total export (USAID, 2001). Most firms managing *maquilas* in El Salvador are of North American, Asian or Salvadorian

origin. The reason why a high amount of Asian companies have located their production in Central America is to avoid American importation quotes and more easily have access to the US - market (Bickham Méndez and Köpke, 1998).

3.5 Working conditions within the *maquilas*

This part of the study describes current working conditions within *maquilas*. Due to that this part does not concerns the conditions of trade unions, it is found more accurate to place within this background section instead of within the part of results and analysis. Information and quotations of the interviews are, despite this, included in order to give a more vivid picture of the conditions.

Women constitute major part (83,6% in 1997) of the labor force within *maquilas*. Most of them are between 21 - 26 years old and singled parents (Instituto Universitario de Ópion Publica, 1997).

A first phenomenon concerning working conditions within *maquilas* is the lack of work stability. An average length for a person to work within the *maquila* is between 1 - 4 years. Only 20 % of the labor force stays longer than 5 years. The tendency is to recruit as young workers as possible, without legal contracts. Not many of the workers are more than thirty years old (Zamosa Rivas, 1998). This has to be exemplified with the explanation of Lopéz (Las MELIDAS):

“When the women turn 35 they become a workforce able to throw away. At this age, they do not produce equally as earlier. The majority by then have problems with their hands, back and respiration and therefore become expensive to pay for to the ISSS (*The Salvadorian Institute of Social Security*)” (Interview, 29/01-04).

Another aspect of conditions is that of working day. There is a widespread practice of employers in *maquilas* to force overtime work without extra payment (Zamosa Rivas, 1998, Perez Sainz, 1999). In many cases, where the payment is set by the piece, the work force is rapidly exhausted. This can be an explanation to why there is a high level of rotation and an unusual young labor force (Perez Sainz, 1999). The salaries for *maquila* workers in Central America are in general higher than in for example Asian countries, but still they do not pass an hourly payment of US\$0,50. This also has to be related to the fact that around 80 % of the workers within *maquilas* has got more than two other persons dependent economically on their salary (Zamosa Rivas, 1998, Perez Sainz, 1999). Luis Panameno (STIT) described the workers in *maquilas* as being situated in a locked-up position with nothing else to do but stay working:

“Knowing that I alone have three children in my house to feed. It is not easy, I better work one’s hardest” (Interview, 18/1-04).

In order to receive social security benefits in El Salvador, the employer has to pay a certain amount to the ISSS. The worker then receives a certification that gives access to hospitals, consultation, controls throughout pregnancy etc. One complaint from workers within *maquilas* is made toward employers who avoid paying this fee. The workers then have to turn to expensive private hospitals in order to receive care. Relating this to the low income, one can easily see the difficulties of the workers to do that. To this circumstance can also be added the, by the company, initiation of regular pregnancy tests taken by employers. The employer then dismisses the pregnant workers in order to avoid paying the three months obligatory parental leave. There is also a wide spread practice among employers to avoid paying the obligatory final year bonus to the workers (Zamosa Rivas, 1998).

Physical and psychological abuses from managers also occur within *maquilas*. Almost half of the work force has in one or more occasions been subject for bad treatment or threats of dismissals. Workers at Korean companies most frequent present complains of both psychological, and more rarely, physical, abuse (Zamosa Rivas, 1998).

Another common practice among employers is to, when they see “too many problems burden”, “close their factories and flee without fulfilling their legal obligations to the workers” (Human Rights Watch, 2003, Pg. 30). The companies’ most common excuse is to claim that they have become bankrupt (Interview, Lopéz, Las MELIDAS, 29/1-04). García (CEAL) also asserted in interview that:

“It is a widespread practice among companies to close the factory and reopen it with a new name in another Free Trade Zone or country. They do it in order to avoid paying the workers their final year bonuses, social security fees and sometimes even salaries” (15/12-03).

Above these complaints, there are also concerns made regarding the actual physical environment within the *maquilas*. Such as inadequate halls, bad ventilation, lack of fresh water and dining-halls etc.

García (CEAL) mentioned in interview (15/12-03), that it exists around three *maquilas* in El Salvador where the over-all working conditions could be accepted. The fact that only a small group of people is allowed entrance to Free Trade Zones and *maquilas*, rarely strengthen a view of the factories as being workplaces with a well-accepted working climate. Garcia (CEAL) has, for example, been accepted entrance to Free Trade Zones at two occasions during his ten year long involvement in the issue (Interview, 15/12-03).

4. Possibilities of unionization within the *maquila* industry of El Salvador

“The trade union movement in Central America faces the challenges of productive restructuring” and “the rise of new activities such as the *maquila* industry, with its new labor force that has little trade union experience and strong management opposition to union organization, (...) have left the labor movement embedded in a defensive position” (Perez Sainz, 1999, Pg. 109-110).

This following part of the study will discuss the possibilities of unionization within the *maquila* industry in El Salvador. Alternatives to how possibilities of the unionization within *maquilas* may be improved are also being discussed, with the interviews as a base. First a case is presented in order to exemplify many of the aspects that later are being discussed.

4.1 The Trade Union for Workers within the Textile Industry (STIT)

“We decided to create a union after years of working in *maquilas* looking for a decent and fair work without finding one” (Interview, Luis Panameno, STIT, 18/1-04).

The Taiwanese relatively small TNC (*Trans National Corporation*) named Tainan was operating in the Free Trade Zone of San Bartolo and employed around 1200 workers. In late 2000 a group of workers started a unionization campaign in the factory’s production plant TS2 (STIT, 2003). The decision to start organizing was made due to a long period of bad treatment of the workers by supervisors and managers. Mentioned violations of the workers were physical abuse (hitting fingers with scissors, throwing the textiles in the face of a worker, shouts and threats), obligatory overtime work and insufficient salaries. Dairy Hernandez (STIT) mentioned violations against pregnant women as a main reason for unionization. In a temporary clinic inside the factory women were asked for pregnancy tests. If a woman turned out to be pregnant, a medical treatment was given to take away the fetus. The employer forced the pregnant workers at Tainan to abortion (Interview,18/1-04).

The small group responsible for the unionization had to affiliate members during non-working hours in order of not being discovered by the managers. They could not discuss anything within the factory walls (Interview, Luis Panameno, STIT, 18/1-04). The goal of the affiliation was to reach the legal limit of 51% of the workforce, in order to establish a trade union and also to negotiate with Tainan through a collective labor contract. None of the factories operating in San Bartolo had, or have, collective labor contracted workers (Worker Rights Consortium, 2003).

In July 2001 the group had unionized more than half of the work force within the production plant and had therefore reached the legal status as trade union. In April 2002, the new trade union STIT presented a collective bargaining request to the company. They

did that despite earlier anti-union actions taken by the managers, such as illegal suspensions and dismissals of the trade union members and coordinators (Human Rights Watch, 2003; www.icftu.org; STIT, 2003). Not more than one week after the request was made, the *maquila* closed down and fired all workers, with the explanation of shortage of orders. STIT presented evidence and claimed the company for lying, saying that the reason for closure was the trade union activity.

“The company’s choice of closing the factory and leaving the Free Trade Zone, at the same time as we had received a permission from the Ministry of Labor to negotiate, was illegal” (Interview, Luis Panameno, STIT, 18/1-04).

Shortly after the closure of the *maquila*, STIT initiated, together with international non-governmental organizations, trade unions, student groups and workers from the US, Taiwan and El Salvador, to pressure, both Tainan and the contracting US based TNCs (*GAP, Dress Barn, Foot locker etc.*), to re-open the factory again. One example of pressure was the accomplishment of sympathy strikes by people working for the same company in Tainan and Cambodia. The whole campaign was so strong that Tainan did not manage to get the machinery (sewing) out of the country “illegally” as planned (STIT, 2003; Interview, Dayri Hernandez, STIT, 2004). In November 2002, after months of discussions, all parts (*Tainan, GAP and STIT*) with help of international pressure, reached an agreement to reopen, but in the shape of a new factory. The new *maquila* was named Just Garments and followed a collective bargaining contract (Human Rights Watch, 2003; STIT, 2003). Luis Panameno and Dayri Hernandez (STIT) repeatedly mentioned in the interview (18/01-04) that without international support, no solution would have been reached:

“We have survived thanks to the international help from our trade union brothers and sisters from other countries” (Interview, Dayri Hernandez, STIT, 18/1-04).

The government did not support STIT in the conflict with Tainan, despite the fact that illegal actions were taken by the Asian company. On the contrary, the Ministry of Labor “repeatedly failed to enforce labor law on behalf of Tainan workers, including by refusing to rule on matters within its jurisdiction, failing to enforce inspection orders, and temporarily granting the employer’s request to withhold illegally workers’ wages” (Human Rights Watch, 2003, Pg. 67).

Today, more than one year after the agreement was reached, a new factory Just Garment is operating with workers’ representatives from STIT and CEAL included in the administration of the company (Human Rights Watch, 2003). It is the first time in El Salvador that a *maquila* re-opens after an anti-union closure (Interview, Garcia, CEAL, 15/12-03). The working atmosphere in the new factory is described as different from earlier, mainly due to a lack of abuses, but also due to a shared feeling of commitment among the workers (Interview, Luis Panameno, STIT, 18/1-04). Garcia (CEAL) mentioned the new factory as:

“A company with a totally new conception, which, if it succeeds, will constitute a model for inspiration, not only for the workers, but also for the whole trade union movement” (Interview 15/12-03).

The period between the closure of Tainan and the reopening was not easy passed for the unionized workers. When the factory shut down, the workers stood without work and salary. Many of the STIT members therefore applied for work in other factories inside the same free trade zone, but without success. None of the other companies wanted to employ them. The *maquila*, owned by the company of Primo, did, for example, not employ former workers of the Tainan plant TS2, despite a lack of other persons with adequate experience among the applicants. One of the STIT members was applying for work the same day as twelve others. All the other applicants got employed except her. In some occasions, though, STIT members were employed but fired within a week. Only 1/7 of the trade union members found work after the closure. The coordinators of STIT were not even allowed entrance to the Free Trade Zone during the first two months period after the closure. These experiences strengthen suspicions concerning the existence and using of a blacklist of trade union members within Free Trade Zones (Worker Rights Consortium, 2003).

STIT has in present time around 300 members and is the only trade union operating with a signed bargaining contract operating within *maquilas*. For Luis Panameno and Dayri Hernandez (STIT) it is just a beginning and the struggle will always continue.

”We will not feel satisfied with only a few persons unionized. We are the only trade union within the textile industry and we therefore have to make sure that it grows “ (Interview, Dayri Hernandez, STIT, 18/01-04).

One major part of the work of STIT is to convince the workers one by one that the vision of STIT, to support workers and improve conditions, differ from other governmental allied trade unions. Dayri Hernandez (STIT) also underlines the importance of teaching the workers in labor rights so that they know how to claim them (Interview, 18/1-04). In order to gain more members, the trade union visits workers in their home, distributes pamphlets of information outside Free Trade Zones and also arranges meetings (Interview, Luis Panameno, STIT, 18/01-04).

4.2 Inadequate implementation of current weak legislation

El Salvador has still not ratified the Conventions number 87, “Freedom of Association and Protection of the Right to organize” and number 98, “Right to Organize and Collective Bargaining”, of ILO's Declaration of Fundamental Principles and Rights at Work. Though, The Constitution of El Salvador and The National Labor Code recognize the right of workers in the private sector to establish trade unions, to voluntary collective bargaining and to strike. Same legislation also protects trade union coordinators from being dismissed

in the process of organizing or after the establishment of a trade union (ILO, 2003). Though, to be legally registered and to be able to strike, trade unions must follow complex procedures.

The National Labor Code does not require the reinstatement of illegally sacked workers (*often trade union members*), the only requirement is that employers give the worker a severance payment equal to a thirty days salary. This amount of money is fairly enough as punishment to preventing it from happen. It is very easy for employers to circumvent legislation and maintain anti-union discrimination, especially in the Free Trade Zones (Human Rights Watch, 2003; www.icftu.org). Human Rights Watch points out in their report (2003) that “employers have come to see labor rights standards as optional, treating violations as something that can be cured, if need be, with these small payments, a cost of doing business” (Pg. 2).

“In El Salvador, there is an institutional weakness with a Labor Inspectorate incapable of fulfilling even the smallest tasks.” And “the problem with this country is that laws in favor of the workers never are enforced” (Interview, Garcia, CEAL, 15/12-03).

Labor laws may be weak, but the legal procedures would definitely work more satisfactorily for workers and trade unions if the laws were implemented correctly or if the will to obey the laws was stronger from politicians and employers than it is. The Ministry of Labor (*major Salvadorian instance dealing with labor compliance*) do lack of political will to enforce existing laws and uphold workers’ human rights. The labor inspectors have a routine to fail while doing legally mandated inspections within *maquilas* and Free Trade Zones. This by doing visits without worker participation, denying to make results from visits official, not sanction abusive employers and refusing to rule on matters within its jurisdiction (Human Rights Watch, 2003). Also, workers within *maquilas* report that labor inspectors periodically also receive money “under the table” from managers of the companies (National Labor Committee, 2001). Human Rights Watch’s report (2003) reveals that “the Ministry of Labor’s General Directorate for Labor ignores employer anti-union conduct and impedes union registration, delaying and, in some cases, preventing union formation, even though it is charged with facilitating the establishment of workers’ organizations” (Pg. 3).

Due to the existence of a political culture in El Salvador of not bothering TNCs, the *maquila* industry is, “well protected” from, for example, complaints and charges. Sometimes even, the employers get direct assistance and support from the Ministry of Labor in matters concerning trade union prevention (Human Rights Watch, 2003). It does not exist a will among employers to apply current legislation. In fact, the laws are more or less unimportant as long as the companies and employers do not want to implement them, and do not necessarily have to do that (Perez Sainz, 1999).

Workers' complaints towards employers that do not get treated satisfactorily by the Ministry of Labor are handed over to labor courts and thereafter to the Supreme Courts for relieves. These proceedings though, last at least one and a half year and require burdensome procedures for the worker. They must, for example, present a minimum of two witnesses to support their cases, and other workers are often reluctant to testify out of fear of reprisals from the company and employer. Also, if a judgement is rendered in the workers favor, enforcement of it is elusive, and, in some cases, the manager of the accused corporation does not appear to labor courts due to disappearance, often out of the country (Human Rights Watch, 2003).

The problematic situation with current labor legislation and the inadequate implementation of it has resulted in a low possibility for trade union activity and also heightened job insecurity for the workers. Trade unions within the *maquila* industry constantly work in an adverse wind with no national support from courts, authorities or employers. Due to this, most of the trade unions fail already in the initial phase of organizing and are not permitted to last long (Interview, Garcia, CEAL, 15/12-03).

4.3 Corrupted trade unions

One problem, which certainly can be related to the authorities' inadequate implementation of laws, is corruption. The earlier mentioned unwillingness of politicians to sanction TNCs and employers is manifested by a corrupt system of relations. Similar relations between employers, government and an organization operating within *maquilas* called FENASTRAS (*National Union Federation of Salvadorian Workers*) are also manifested. This federation, registered as a trade union, is working side by side with government and company owners (Góchez Sevilla and Garcia Duenas, 2002; Interview, Lopéz, Las MELIDAS, 29/01-04; Interview, Luis Panameno, STIT, 18/01-04). Due to the powerful position during the war, FENASTRAS came to be included in the tripartite corporatism with the Ministry of Labor and employers. Lopéz (Las MELIDAS) asserts that it was during this period of collaboration that the organization started to develop a corrupted manner (Interview, 29/01-04).

It is asserted that the coordinators of FENASTRAS select a few workers from various *maquilas* to be included in the federation as representatives. The selected workers get paid, through FENASTRAS, by mentioning workers who often complain or intend to unionize etc. The knowledge gets passed to managers so that they know which worker to dismiss or sanction (Interview, Luis Panameno, STIT, 18/01-04; Interview, Lopéz, Las MELIDAS, 29/01-04). Representatives of FENASTRAS often appear in the media delivering the words of the government or sign whatever the government wants them to sign (Interview, Bolanos, CEAL, 15/12-03).

FENASTRAS, or other corrupted governmental allied trade unions, not only destroy the work climate and reliance inside the factory, they also destroy the view of trade unions among workers. By viewing a trade union as corrupt and allied with managers and authorities, few workers choose this form of organization when struggling for better conditions. Trade unions are viewed as bringing more fear than support to the workers of the *maquilas*. Like Lopéz (Las MELIDAS) explained in interview (29/01-04):

”When you tell the women that they ought to form trade unions they answer: ‘To become like FENASTRAS, no thanks.’”

Bickham Mendez and Köpke (1998) also mention that trade unions lately have come to focus more on their own political interests than of preoccupations for the conditions of the workers. The example with FENASTRAS certainly shows how corruption is evident and also a major problem within trade unionism in El Salvador.

4.4 Blacklisting, threats and dismissals as common practice

A report by USAID (2001) asserted that the unusual low representation of trade unions in the Free Trade Zones in El Salvador has to do with the prevailing anti-union practice of managers of the *maquilas*. Perez Sainz (1999) also noted that there is a widespread hostility on the part of the employers regarding trade unions and other forms of labor organizations within the *maquila* industry. Earlier mentioned FENASTRAS is, of course, not at all, affected by these anti-union practices. The most common anti-union practices are the employers’ way of blacklisting, threatening and dismissing trade union coordinators and members.

The earlier example, concerning the blacklisting of STIT members within the Free Trade Zone of San Bartolo, is not at all a rare case. It is a widespread form of trade union discrimination, reported from various Free Trade Zones and *maquilas* in El Salvador. The report made by USAID (2001), for example, critically noted that one of the most significant anti-union policies is the use of a blacklist among *maquila* managers. Workers, interviewed in the report, also confirm that persons included in a blacklist hardly are considered for reemployment within *maquilas*. When a trade union is established, an application with all the members’ names has to be handed in to the Ministry of Labor. Many believe that this application could be a source from where the blacklist is created.

Dismissals of trade union members is another, by managers used, form of anti-union conduct within *maquilas*. The dismissals are officially made with other reasons than trade union activity in order to avoid legal sanctions. Dismissals can even be made without official reasons, since it is legal for the employer to suspend a worker while maintaining to pay the salary. This is an effective method for eliminating trade union activity, as it prevents trade union coordinators from entering the work place and interacting with other workers (Human Rights Watch, 2003).

It is also common that supervisors threat workers with dismissal if they attempt to form or join a trade union (USAID, 2001). In some occasions, workers, before employment, have to sign an (illegal) form preventing the worker from getting involved in trade union activity. As in the case with a manager of the *maquila* owning company of Confecciones Ninos, who threatened the workers in an unionization process to sign documents stating that they did not attend the trade union's meeting. If the document were not followed, the workers would get fired without severance payment. Also, by the same company, a trade union coordinator received threatening telephone calls ordering to renounce the trade union membership (Human Rights Watch's 2003).

4.5 Workers' fear

“Everyone wants to change the situation but they are all afraid to unionize, first due to the oppression by employers, second due to bad experinces of corrupt trade unions and third due to a uncertainty of what the unionization will give them” (Interview, Garcia, CEAL, 15/12-03).

Employers' anti-union practices within free trade zones have not only limited the amount of trade unions, it has also has resulted in a fear among the workers to unionize.

“The workers who initiate the unionization process are the first ones to become dismissed. Thereof a huge fear among the workers” (Interview, Bolanos, CEAL, 15/12-03).

The workers know that they, when initiating unionization, meet reprisals as threats or as in most cases, dismissals. Most of the workers are so dependent on their small income at work that they do not dare face the risk of being dismissed (Interview, Garcia, CEAL, 15/12-03).

Another reason for the workers to fear unionization has to do with the already discussed problem with corrupted trade unions. With only having FENASTRAS as a trade union referent, low trustworthiness influence workers not to unionize. This theme will be further discussed in the section of the trade union role.

García (CEAL) mentioned the aspect of an uncertainty among the workers if the unionization really would lead somewhere. This is also due to lacking experiences of organizing or complaining (Interview, 15/12-03). García further explained that it does exist a glow inside this group of workers but that it has to be lightened in order to burn. That there is strength to struggle, but it is rather weak.

”We have always said that the first important battle concerns the mentality of the workers” (Interview, García, CEAL, 15/12-03).

In order to increase unionization within *maquilas* first thing that has to be done is to convince the workers that it is worth to struggle. García (CEAL) asserted that the case of STIT and the new factory Just Garments is very important in the aspect of showing the workers that there do exist successful unionization (Interview, 15/12-03). The importance of increasing the amount of trade union members, in order to improve the situation, urges a need for change of mentality among workers. Dayri Hernandez (STIT) expressed great hope to the workers that they would understand the importance of unionization instead of fearing it (Interview, 18/01-04).

4.6 The ethical responsibility of Trans National Corporations

As earlier described, there is a common practice of corporations to close down their *maquila* when “too many problems burden” and to reopen in another place with another name. As with the company Tainan, in the above stated example, many companies also shut down their business when unionization among the workers within the factory is prevailing. The problem with “fled” companies is that they are very hard to locate, especially TNCs with origin from other countries than El Salvador (Human Rights Watch’s 2003).

To avoid these types of action and other abuses, more ethical responsibility has been laid on the contracting TNC, through the establishment of so called Codes of conducts. These ethical rules have been created mainly through international consumer and non-governmental organizations that claim the TNCs share of responsibility, due to the fact that they are receiving the greatest part of the financial profit. The TNCs can, due to many different intermediaries in production, easily get away without bearing responsibility for how their workers get treated by contracted companies’ supervisors on the factory floor. A, by the TNC, signed Code of conducts’ validity include everyone throughout all stages of production. Almost always included in these Codes of conducts is the right to unionization and collective bargaining (Koepke, Molina and Quinteros, 2000).

To ensure that the Codes of conducts are followed, a worked out system of control has to be guaranteed. Otherwise the risk is evident that the companies sign the Codes of conduct in order to leave an impression of being ethically good towards consumers, while, at the same time, maintaining bad working conditions. The system of control, managed through an apparatus of inspectors, is questioned (Koepke, Molina and Quinteros, 2000). Garcia (Interview, CEAL, 15/12-03) sees very critical on the Codes of conducts due to the risk of having a new “legislation” to hide behind without following. Many of the international inspectors who make controls by visiting the *maquilas* hardly speak to the workers on the floor. In the example of Tainan, five of the TNCs producing clothes through that *maquila* had signed international Codes of conduct with reference to workers’ right to freedom of association. Despite this, Tainan heavily violated these rights (Human Rights Watch’s 2003). García (CEAL), further asserts that the Codes of conduct would, with a well

functioning system of control, help to improve possibilities to unionization within *maquilas* (Interview, 15/12-03).

4.7 The importance of international cooperation and consumer-pressure

It has already been discussed that the pressure from consumer organizations helped deepening, though in a questionable way, the TNCs engagement in ethical questions of working condition. It has also been stated in the above example with the trade union STIT, that the support from international non-government organizations and trade unions was an irreplaceable contribution to success.

All interviewees pointed out international support as an absolute factor for achieving a successful unionization within the *maquila* industry in El Salvador. Luis Panameno (STIT) asserted that due to the fact that trade unions do not have anywhere to turn to for help in El Salvador, with a Ministry of Labor failing to protect workers' rights and with a government only supporting the employers, they have to turn to other countries. The knowledge of having international eyes laid on their situation also creates an important psychological support of not feeling isolated (Interview, 18/01-04). Dayri Hernandez underlined that as long as STIT has the support of international non-governmental organizations and trade unions, their struggle for better conditions will continue (Interview, STIT, 18/01-04). The most common strategy for international non-governmental organizations is to demonstrate and draw attention through media. International trade unions most often accomplish sympathy strikes as strategies.

All interviewees agreed that consumer pressure constitute one of the most important aspects when it comes to increase possibilities of unionization and improving working conditions in the internationalized industry of textile. The consumer pressure is useful since it affects the TNCs and their production economically. It is obvious that without the consumers, there would not be any production. García did not recognize anywhere in the world where there has been a success for trade unions within the textile industry without pressure from international trade unions and, especially consumer organizations (Interview, CEAL, 15/03-03).

An example, related to the earlier mentioned case of STIT and Tainan, will here be demonstrated to show how a consumer organization can pressure a TNC to new agreements with labor organizations. Consumer organizations, in form of student groups within American universities, put pressure on the clothing marketer and company of Lands' End, which is monitoring the earlier mentioned factory of Primo in San Bartolo, where members of STIT were denied employment through a black list. The pressure, consisting of not renewing contracts for university clothing, has now lead to an agreement between Lands' End, Fair Labor Association and Worker Rights Consortium, which forces Lands' End to contribute with provision of machinery, cloth and technical assistance to the new Just

Garments factory. This can be seen as Lands' End's way of making amends to the trade union members of STIT (Stein, *Wisconsin State Journal*, 2004).

4.8 New free trade agreement can change the situation

In Salvadorian, as well as American politics, the current debate today is about the new free trade agreement (CAFTA) between five Central American countries and the US. CAFTA's main principles are to extend the Salvadorian liberalization process already in place together with promoting an economical integration with the US. New (de) regulation in CAFTA includes a free market and trade with the US by getting rid of exportation quotas. Concerning the textile industry, the new agreement would help preparing the country with strength for the new international competition that will be a reality 2005 when the global textile quota system is eliminated (www.ustr.gov; Becker, 2004). Negotiations between the US and El Salvador about CAFTA are in their final phase and is due to be finished within this year.

The agreement, though, is said to carry many shortages. Experts claim that CAFTA promises more trade for El Salvador with the US, but that concern only is made to the fundamental rights of businesses and not to the rights of labor (Becker, 2004). The finalized version of CAFTA does not include adequate workers' rights protections. Included in the agreement is, for example, a recommendation for the CAFTA parties to "strive to ensure" that domestic labor laws recognize and protect international labor standards. But, the countries do not face any meaningful consequences (fines or sanctions) for violating these standards (Human Rights Watch, 2003; Human Rights Watch, 2004).

The new agreement affects the textile industry, in the aspect that a creation of a free trade zone between El Salvador and the US further facilitate the inversion of US companies that want to place their production in Salvadorian *maquilas*. The inversion, in turn, will increase the amount of Salvadorian job opportunities.

It is important to include the discussion about CAFTA in this study, on the one hand due to that the agreement will come to affect the situation for workers within the *maquila* industry, and on the other because it could, if changes were made, help to strengthen the situation for trade unions in the *maquilas*. Human Rights Watch (2003) asserts that CAFTA certainly provides an opportunity to "pressure El Salvador to fulfill its international law obligations by amending its legislation to meet these standards" (Pg. 92) and that El Salvador's current inadequate enforcement of existing laws, also could be improved through a pressure within the agreement. These pressures would consist of not letting involved countries fully enjoy benefits until their labor laws were effectively changed and enforced. A transitional mechanism would be established to control that this take place (Human Rights Watch, 2003). Through this, labor laws in El Salvador concerning right to organization and

protection of trade union members would have to be fully implemented. There are no plans of changing the agreement in favor of these suggestions within current negotiations.

All interviewees in the study are strongly opposed to CAFTA, proponing that it would only generate more violations of the right of workers. Hernandez believes that there might be an increase of *maquilas* and employment, but certainly with no favor for the workers (Interview, DIGNAS, 19/01-04). Ramirez (FESTRASPE) pointed out that the intentions of the government concerning CAFTA only is of economical interest and to improve the relations with American corporations. Ramirez also mentioned the labor flexibility and deregulation that will be applicable due to the liberalization plan of CAFTA. Consequences of that, such as decrease of long term-contracted workforce, will create an even harder situation for workers to unionize (Interview, 15/12-03). Due to flexibility and only a few long-contracted workers, formation of trade unions will be harder to carry through.

Lopez (Interview, Las MELIDAS, 29/01-04) sees the increase of *maquilas* as partly positive, in terms of work opportunities for women, but the question is to what costs and to what premises. Therefore has the slogan of MELIDAS, during actions against CAFTA, been:

“Work yes certainly, but with dignity!”

5. Complex trade union role and position

This last section of the study is divided into three different parts. The first part discusses the role and position of trade unions in the *maquila* industry with a focus on the relations within the Salvadorian society. As a base for the analysis is the corporative model used, which was described in the beginning of this paper. The second part deals with the actual substance of the current trade union role, which has been seen as in need of a change. Last part is included due to the perspective of the study, which is based on the view of seeing trade unions as essential within society. It is therefore crucial, in this part, to discuss why a role of trade unions, at all, is important.

5.1 A nonfunctional corporatism

In 1994, a tripartite forum CST (*High labor Council*) was, in accordance with the peace agreement, established in El Salvador. The CST was initiated as a “Consultative Organ of the Executive Branch, with the goal of institutionalizing dialogue and promoting economic and social reconciliation among the political authorities and the organizations of employers and workers” (Human Rights Watch, 2003, Pg. 85). This organ could be seen as following a corporatist model with the tripartite representation as base. In the organ were trade unions, which had been politically strong during the conflict, to be included. A trade union that has been a part of the organ since its initial phase is the above ill reputed FENASTRAS.

Strong criticism towards CST has been opposed by non-participating labor organizations claiming the organ for being leavened by corruption. Main reason for the accusations is that only by the government selected trade unions are to be included in the forum. The non-participating labor organizations claim that the CST “is a nonfunctional entity [that] serves to support the government...[and] really not an organization that serves to defend the interests of the workers” (Human Rights Watch, 2003, pg. 85). Lopez (interview, Las MELIDAS, 29/01-04) also asserted that it is a shame to only have FENASTRAS as representative for trade unions of the *maquila* industry in the tripartite forum, especially due to that they have become very corrupt and governmental allied. By occupying that important institutional trade union role established in the Constitution, they have all the power. A consequence of this will be that it undermines the power of the trade unions’ institutional role in society. Like the situation is of the CST today, the workers’ representation can, in the organ, be referred to as null.

It can therefore be said that a corporatism does not exist in El Salvador at all. Hadenius asserts, in the article “*Korruption: konsekvenser för utveckling – strategier för reformer*” (1999) that corruption negatively affects democracy, especially in the aspect of capacity to cooperate. Further asserted is that corruption is harming the socioeconomic development, undermining the legitimacy of the system and creating distrust among members in the

society. Relating these aspects of corruption to the corporatist model and deliberative democracy, one can easily see how corruption aggravates a realization of collaboration on corporatist basis.

The historical aspect of the Salvadorian trade union role as being confrontation oriented also has to be added to why a realization of the corporatist cooperation is difficult. Perez Sainz (1999) discusses the prevailing trade union movement's role as, now and earlier, being confrontational in most of the Central American countries. There has, due to this, never existed a culture of consensus between different powerful entities within the society. The traditional Salvadorian trade union role has certainly been concentrated on opposition. Also, trade unionism came to reach its strongest position during the war, when the role was more political and combative (Perez Sainz, 1999). The using of a consensus oriented deliberative democracy in decision-making urges the included parties to be in harmony with each other. This might become problematic in the Salvadorian situation, which is more influenced by opposition and confrontation. This aspect does not give strength to the hopes of a well functioning corporatist model in El Salvador.

The situation in the *maquilas* today, with bad working conditions and repressive attitudes among managers, has filled the workers with feelings of anger. Worker's bad experiences have created an anger that makes the possibility to negotiate and collaborate peacefully with the opposed managers and government representatives harder (Interview, Hernandez, DIGNAS, 19/01-04). Hernandez does assert that trade unions should work "along" the companies, but that it is hard to make real, due to a profound feeling of working "against".

The bad climate for cooperation though, is not only due to the workers, but also to the prevailing culture of business in El Salvador, built on a manner of feudalism and non-democratic methods in decision-making. The businessman (*the owner*) is the one that solemnly always decide (Interview, Hernandez, DIGNAS, 19/01-04). Luis Panameno (Interview, STIT, 18/01-04) also asserted the impossibility of corporatism due to the ideology of the government. All interviewees emphasized that a new leftist government certainly would raise hope for a better situation for trade unionism in El Salvador. These three aspects; workers' hatred, strong ideological difference between trade unions and government and managers' unwillingness to a more democratic form of decision-making all negatively affect the realization of a corporatist model in El Salvador.

5.2 New strategies to change an outmoded trade union role

"No one knows the exact role of trade unions in El Salvador" (Interview, Hernandez, DIGNAS, 19/1-04).

Widely discussed, among the interviewees, has been the substance of the trade union role as being outmoded and disorientated, especially in the aspect of fitting the (women) workers within the *maquila* industry. The importance of increasing the ambition among workers has

earlier been discussed as a main factor for unionization. Lack of ambition among workers can therefore be related to that trade unions are, not only seen upon as, but also, being short of valuable substance. Bickham Mendez and Köpke (1998) suggest that the lack of workers' ambition to unionize just has to do with the traditional objectives of trade unions and that they often do not correspond with the problems or objectives of the workers. Hernandez and Lopéz also pointed out an inherent system of machismo in these types of traditional organizations. The trade unions are carrying preoccupations without a perspective of gender and therefore not concern for the same matters as the women working in the *maquilas*. The traditional organizations also use a very top-down managing strategy to direct their work and aims (Interview, DIGNAS, 19/01-04; Interview, Las MELIDAS, 29/01-04). Luis Panameno (STIT) did for example explain the internal organization of FENASTRAS as being very top-down managed with a few responsible telling the rest of the members what to do, who to be included etc. (Interview, 18/01-04). By using this undemocratic strategy of projecting the trade union work one can understand why the objectives of the workers not have been sufficiently met.

“Here, no one knows how to create trade unionism without a political party”
(Interview, Hernandez, DIGNAS, 19/1-04).

Since the end of the war, trade unions have, as mentioned several times, had problems to return, from being a political organization, to become a workers organization. This also helps contributing to trade unions' indistinct and vague role. Hernandez (DIGNAS) asserted that the trade unions, due to this, have problems of finding strategies of how to protect labor rights or improving conditions for the workers (Interview, 19/1-04).

Another reason to why the role of the trade union within the *maquila* industry yet not has been satisfactorily filled or structured has to do with the fact that it has not been permitted to evolve. When there is no acceptance of trade unions to exist within society it is hard to work out new strategies. Hernandez (DIGNAS) asserted that if the workers never are given the opportunity to organize, the possibility of experimenting is being lost. By testing various organizational strategies the workers will learn and reflect upon the issue of finding which one is the best. This has not been permitted in El Salvador. Also, new knowledge of how to organize is important, in order to find successful strategies for the trade unions in El Salvador (Interview, 19/1-04).

Garcia (CEAL) also underline the importance of a new platform for the trade unions, with new objectives based on the problems of the workers in the sector (Interview, 15/12-03). Hernandez (DIGNAS) asserted that the new strategies for trade unions have to be built on a perspective “from below”, from the workers themselves. The strategies have to evolve through democratic methods where all involved express their demands. She further asserted that it might not be in the form of a trade union, more like a women or labor organization. The problem with isolated women organizations is the possibility of creating a competitive environment between them and the trade unions. A competitive environment between

interest groups would not be desirable where unity is necessary if the workers want to gain power in relations to employers and authorities (Interview, 19/01-04).

Relating this discussion about new strategies of the trade union role to the conception of STIT, one can see that this trade union is based more on democracy and a perspective “from below”. Especially in the sense that workers themselves created STIT and that the trade union therefore is involved in objectives and issues of the members.

5.3 The importance of a trade union membership

It has, up to now, been a focus on constrains and problems concerning the issues in the study. Therefore, the study will now be finished through the turning toward a more positive direction. By being a member of a trade union, one not only face negative reprisals. An example that demonstrates a more positive influence of membership is the case of STIT. Though the success is rather fresh for the members of STIT, they had, when research was carried out, yet not been able to reflect upon positive consequences of being organized. Therefore only a few aspects are to be discussed.

One important aspect of membership, already mentioned, is the feeling of commitment among the workers within the trade union. Through the new alliance, the members feel an important psychological solidarity and strength, instead of being isolated within their situation (Interview, Dayri Hernandez, STIT, 18/01-04).

Luis Panameno (STIT) also mentioned an increased security at work as a positive consequence due to membership of trade unions. Of course this has to be related to the situation for STIT today, when they partly are managing a *maquila* themselves. As we have seen in the study, a membership of a trade union can instead lead to the opposite; an increased job insecurity. A membership only creates a stable work situation in case structures of relations between trade unions and company are satisfactorily established (Interview, Luis Panameno, 18/01-04).

A third positive influence for members of trade unions is an increased knowledge of labor laws and rights, though a wide spread policy of organization and trade unions is to teach members within this concerns. By learning and understanding that the laws actually protect them, they can easier claim them and bring an action against employers. This also gives a positive affect, so that other workers and trade union members get influences to do same thing. When the amount of complaints increases, the authorities feel more pressured to start processes against employers (Interview, Lopéz, Las MELIDAS, 29/01-04; Interview, Hernandez, DIGNAS, 19/01-04).

“Earlier, the women did not think they could do anything in order to improve their conditions, but now, due to the fact that the authorities start to react to their complains,

they realize it is possible and worth doing” (Interview, Lopéz, Las MELIDAS, 29/01-04).

The perspective of this study declared a common shared view of seeing trade unions as important within the field of labor and society. This final part will bring in the interviewees’ opinions to the discussion of why a trade union role is important.

“We know that unionization would be the ideal way of organizing the women in the *maquilas*. Only together can they struggle for their rights or demand better conditions at work” (Lopéz, Las MELIDAS, 29/01-04).

The first opinion, stated above, concerning the actual importance of a collective and solitarian struggle, is strongly related to the very fundamental principals of trade unionism. Garcia (CEAL) also adds that trade unions constitute important impediments to democracy in the sense of workers influences on their situation and on the society as a whole (Interview, 15/12-03). Lopéz (Las MELIDAS) asserts the importance of trade unions, due to that they, globally seen, already have a powerful institutional establishment within society:

“Trade unions are important, because they are well known and have an established institutional role within society. Therefore, they constitute the most powerful organizational force of workers” (Interview, 29/01-04).

The experiences of the trade union STIT has been focus of attention and examples drawn from them have been illustrating discussed issues of the study. For Dayri Hernandez (STIT) the only way of organizing and improving working conditions within *maquilas* in El Salvador is unionization (Interview, 18/01-04). García (CEAL) also admit the importance of unionization but admit that certain aspects have to be taken to account before deciding to go through with it. In the case of STIT, all of these mentioned aspects were fulfilled. This study will therefore end with the quotation demonstrating these aspects:

“First it is necessary to develop a structure for the trade union’s organizational work based on the problems of the workers. Thereafter it is important to choose the factory, which has got most possibilities for success. Concerns are taken to who the owner of the *maquila* is, what TNCs are involved and also the ambition and mentality of the workers. By combining these factors together with strong international pressure, a success within unionization may be reached” (Interview, García, CEAL, 15/12-03).

6. Summary of conclusions

Workers possibilities of unionization within the *maquila* industry in El Salvador can be explained as restricted. This despite that it is legal within the private sector to establish trade unions, to collective bargaining and to strike. The Salvadorian legislation is weak and easy for employers to circumvent. The unwillingness among authorities to implement laws in favor of the workers certainly does not make the possibilities to increase. The Salvadorian Ministry of Labor ignores employers' anti-union conduct, consciously prevents trade union formation and sometimes even direct assists and supports anti-union strategies. Companies and employers do not want to implement the existing laws in favor for trade unions, and do not necessarily have to do it.

Another aspect of restricted possibilities of unionization is employers' prevailing anti-union practices. Blacklisting, a "list" of trade union members' name that circulates among *maquila* managers in El Salvador in order to prevent them from being re-employed after dismissal or a factory closure, is one of these practices. Other anti-union practices are dismissals or threats of dismissal due to trade union membership or initiating to unionization. Sometimes also, managers of *maquilas* decide to close down the factory, move to another place or country and reopen in another name, only in order to avoid an initiation of unionization among the workers.

Due to the oppressed climate for the workers, many fear to unionize. Most of the workers are so dependent on their salaries that they dare not to face the risk of being dismissed. Few of the workers within *maquilas* carry experiences of organizing or complaining and they therefore also doubt if unionization would lead somewhere. Fear among the workers also is related to corruption among government-allied trade unions, in the aspect that bad reputation of these corrupt organizations influences the view of trade unions in a negative way.

There are also certain positive aspects due to trade union membership, above these mentioned negative influences. One positive aspect is the feeling of commitment, solidarity and strength among unionized workers. Unionized workers also get taught in labor laws and rights so that they can initiate legal complaints and procedures against employers. A last aspect, job security, is only being concerned as positive if the trade union's relation with employers is satisfactorily established.

One of the things that have to be done in order to improve possibilities of unionization is to convince the workers within *maquilas* that it is worth struggling in organizational ways. Workers' mentality, influenced by low ambition and fear, has to be change in order to accomplish unionization.

Another factor important to include in order getting a unionization process succeeded in El Salvador, is the increased cooperation with international non-governmental organizations and trade unions. The most common strategy to improve situation for workers and trade unions worldwide is demonstrations and a drawing attention through media. International trade unions' most common strategies in order to support are to accomplish sympathy strikes. Even of greater importance is the pressure from consumer-groups, though it affects TNCs economically.

It was also consumer organization that urged on the establishment of rules, so-called Codes of Conduct, concerning ethical responsibility of the TNCs. The rules protect the rights of workers and trade unions throughout the whole production line. A system of control also has been worked out in order to avoid companies signing a Code of Conduct, only to leave an impression of being ethically good while still maintaining bad working conditions. The system of control though, has been called in question due to a lacking quality of the apparatus of inspectors making controls in the *maquilas*. A well-functioned Code of Conduct, though, would help to increase possibilities to unionization.

Last focus of the study has been the role and position of the trade union role within the *maquila* industry in El Salvador. I have in this discussion included the use of the corporatist model in order to comprehend relations within a context. The corporatist (Swedish) model is built on a tripartite collaboration between employers, authorities and trade unions. The thought is to involve all parts equally in discussion and decision-making concerning labor issues. The model has to be, in order to function satisfactorily, based on deliberative democracy, harmony and consensus. In El Salvador, a tripartite forum, including representatives of government, employers and trade unions, was established after the war. Due to concerned aspects, this forum has not been functioning in favor of the workers.

First aspect concerning the failure of the forum has to do with an inclusion of only corrupted and government allied trade unions. This undermines the whole institutional role of trade unions in El Salvador when there is no involvement of non-corrupted trade unions in the organ. Also to include is a historical aspect of trade unions in El Salvador as being confrontation oriented. During the war, trade unions were referred to as combative political parties on the left. Crucial points of the corporatist model, such as harmony and consensus between entities in society, therefore never have been prevalent in El Salvador.

Three more aspects; workers' hatred due to bad experiences of employers, strong ideological difference between trade unions and government and managers' unwillingness to more democratic influences in decision-making, also help to negatively affect the realization of a corporatist model in El Salvador.

Leaving the role and position of trade unions within society and ending with the substance of the trade union role. The trade unions are being seen as carrying a outmoded role, which

does not correspond with the problems or objectives of the workers within the *maquila* industry in El Salvador. The traditional trade union role is built on machismo, top-down management and undemocratic strategies. It has also been hard for trade unions to change from being a political fraction to an isolated worker organization. Many still lack of strategies for how to protect labor rights of the workers or improve working conditions. Trade unions urge for new strategies, based on the objectives of the workers and built on democratically organization methods “from below”. An explanation to why new strategies yet have not been worked out is the low permission of trade union activity within the *maquila* industry. If there is no opportunity to organize, the possibility of experimenting in order to find new strategies is being lost.

One good example though, of a well-functioned trade union within the *maquila* industry, with new democratic strategies based on the members’ objectives, is the newly established trade union of STIT.

7. Discussion and reflections

The 21 of March this year the presidential elections were held in El Salvador. I have consciously not been focusing of that event in my study, even though my stay, research and interviews certainly have been permeated by this event. Aspects concerning the wish, among the interviewees, for a governmental change has shortly being brought up in the part “Non functional corporatism”. I thought I would, in this final part further, include this political aspect in to the discussion of the trade union position and role.

The political will and climate is, as my study has shown, of great importance for the position of trade unions within society. The fact that state authorities are the main responsible for implementation of the labor laws, a government in favor of the workers therefore constitutes an advantage for trade union activity. I think that the ideological position of the government constitutes an important starting-point of whether or not possibilities of unionization can be improved. As with the case of El Salvador, one therefore has to consider the importance with a change within the political atmosphere. All interviewees asserted, as mentioned earlier, that improvements concerning the conditions of trade unions could more easily be achieved if the socialistic party of FMLN, instead of today’s leading conservative ARENA, won the elections.

“A governmental change would at least guarantee that the political representatives and authorities carry another vision, other ideas and, also a commitment with the people instead of with the employers” (Interview, Lopéz, Las MELIDAS, 29/01-04).

I had the opportunity to interview (16/12-03) Calixhio Mehia Hernandez who is representative for the oppositional FMLN in the Salvadorian Parliament. I have chosen not to include the information gained through that interview in the ordinary study. This due to the difficulty of how to handle and interpret answers received by politicians, though they tend to answer questions with a rather modified colored by ideology. But, in this final part of discussion, his opinions are worth making visible. Mehia Hernandez’ opinions strengthen already made assumptions, that a better climate for trade unions would be created if FMLN governs El Salvador instead of ARENA.

Mehia Hernandez (FMLN) asserted that if FMLN would win the elections, the political climate would change in favor of the workers instead of as it is now, in favor of the TNCs. That would be followed by a reinforcement of the implementation of laws in favor of the workers. He further asserted that FMLN, in contrast to ARENA, is carrying a vision of a society where workers’ representation in form of trade unions is a naturally element next to authorities (Interview, 16/12-03).

I would also like to connect this discussion with the arguments brought up in the initial part of this study where a comparison was made with the position and role of the Swedish trade unionism. In that part it was asserted that Swedish trade unions contributed to the creation

of a well-developed Swedish welfare. In Sweden, the ideological harmony between the trade unions and the dominant party of Swedish Social-Democrats was one of the main factors to why the trade unions were allowed to grow strong. It was also asserted that they together improved welfare standards and society as a whole. By comparing this, one may assert that a political party in favor of the workers must be governing in order to improve working conditions and welfare. Mehia Hernandez (FMLN) agreed that Scandinavian pattern would be worth striving for, even if the society of El Salvador has long way left to go (Interview, 16/12-03). García (CEAL) also asserted the importance of a political change in El Salvador, especially in the sense of that the Salvadorian society is being close to social-economical collapse, due to the neo-liberalization movement that has been prevailing the last 15 years. He meant that in order to start the engine of a workers' revolution the need of another political climate is vital. Before that, no comparison could be made with Scandinavia or its history of labor movement and welfare (Interview, 15/12-03).

One aspect not to be forgotten, which certainly affects the climate and development for trade unions is, as mentioned earlier, corruption. As long as corruption destroys democratic relations within politics it does not matter which party governs. The battle against corruption has to be won first in order to create possibilities of change or to reach an improvement for trade union's relations within the political society.

The fact that ARENA, and not FMLN, won the presidential elections in El Salvador in March leaves us in ignorance of how it would have been changed. I have to assert that a change of government would not either have been passed unproblematic. Social and labor conditions in El Salvador might actually have become worsened with a socialist party governing El Salvador. Especially concerning El Salvador's position within an internationalized context, where nation-states are, as mentioned in the initial part of the study, placed in a powerless position related to international political and economical trends. El Salvador, with FMLN governing, would in that case constitute a small island in a neo-liberalistic ocean. By seeing, as mentioned in the study, El Salvador as dependent on the relation with the US, which is the leading neo-liberalist country in the world, one could easily predict a worsened scenario. What would happen to the economy of El Salvador then? The country's economy is heavily dependent on foreign investments, as the *maquilas*. With other labor and economy policies in El Salvador, the foreign investors most probably would choose another more "friendly" country. Mehmet, Mendes and Sinding (1999) also assert in "Toward a fair global labour market" that "MNCs (*Multi National Corporations*) may not be interesting in investing in capital-poor countries unless they can avoid unions and labour standards. (...) Threats by some investors that they will move elsewhere if labour standards are improved, further supports the concerns that high labour standards are linked to negative investment patterns" (Pg. 142).

With these arguments I would like to initiate a final part of discussion concerning that of trade unions position in a new internationalized context. Within the new market-based neo-

liberal trend, where TNCs seek to maximize their profits, trade unions are being seen as, not only a threat to damage their powerful position, but also to make production more expensive. In this prevailing political atmosphere in the world, with profit seeking economies and deregulation, the trade union movement is facing a future risk of being forced to dissolution and debilitation. Henk (1995), for example, asserts in the article “The erosion of trade unions” in “Globalization and third world trade unions: challenge of rapid economic change” that “with the emergence of a global economy and world-wide capital markets, the international labour movement has been weakened significantly” (Pg. 3). Trade unions are made weaker, despite a, today is, an increasing job insecurity, a growing need for a worker mobility and solidarity. Henk (1995) further asserts in the article “Challenges facing trade unions”, that “it is hard to see how a long-term future can be secured without a complete redesigning of objectives, institutions, membership and capabilities founded in these new economic and social realities” (Pg. 239).

I would now like to return once more to my study, and to the discussion concerning the trade union’s role and position within the *maquila* industry. This industry is, as stated before, completely influenced by the internationalization process. Therefore, discussing corporatism (with the earlier mentioned model as basis) within an internationalized industry as the *maquila*, the actors included will not be the traditional national ones. The employers are most often transnational and grand-scaled; governments in turn are often connected in to regional blocs by agreements. What will then happen with small national trade unions consisted by members from one or two factories? Henk (1995) comments this as a problem:

“As larger trading blocs are likely to be formed in all continents, it goes without saying that it will become increasingly difficult for national trade unions to build effective strength in negotiations” (Pg. 16).

It is obvious that trade unions, especially within the *maquila* industry, also have to evolve a new international cooperated role and adapt new strategies in order to keep up with neo-liberal and other global trends. The interviewees in the study have underlined the importance of international solidarity and support among trade unions in order to reach improvements. It is also certain that a success would not have been reached for the Salvadorian trade union STIT if it had not been for the international solidarity among various workers’ organizations. A similar aspect has also been discussed by Bickham Mendez and Köpke (1998). They assert that:

“The solidarity among workers should cross borders with same easiness as the corporations transfer their production.” (Pg. 10).

A summarize of the last discussion part will, in this last section, be presented: In order to strengthen trade union activity a political climate in favor of workers has to exist. Cooperation between a more socialistic party and trade unions could, with comparison to Sweden, improve worker’s condition and improve welfare standards. That is not the current

situation with El Salvador, where conservative right-winged ARENA still govern. Even if the socialistic party of FMLN would have govern the country, various problems, such as corruption and neo-liberal influences, certainly would have appeared to prevent development of social welfare or improvements of conditions for workers. The neo-liberal trend is part of a prevailing internationalization of the world. In this new world, small leftist economies and nations rapidly become outclassed and left without foreign investment. Also, in the same internationalized neo-liberal world, of which the *maquila* industry is a part, the TNCs are the ones possessing the power. Trade unions are not included in their calculations of maximum profit seeking, whereas they contribute to a decreasing of income. Due to this, the trade union movement is becoming debilitated in a period, of job insecurity and low wages, where it is needed the most. The only possible solution for trade unions is to further the initiation of cooperation among worker organizations around the world, and through new global strategies struggle for improved corporative relations and better working conditions.

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