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Break up to get back together

The impact of unionisation through innovative service provision on union membership and industrial relations

COUNTRY REPORT SPAIN

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**BreakBack – Break up to get back together.
The impact of unionisation through innovative service provision on union membership and industrial relations**

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A UNION STRATEGY THROUGH SERVICES PROVISION TO:

ENHANCE MEMBERSHIP

REVITALIZE ACTION

THE PURPOSE:

- HOW UNIONS RESPOND TO INDIVIDUALISATION
- EVALUATING IMPACT OF SERVICES ON MEMBERSHIP



FOCUS

breakback

RELAUNCH
AN INCLUSIVE
SOCIAL DIALOGUE

BREAK BACK HAS
3 MAIN
AIMS



GOALS

1. TO ASSESS WHICH
STRATEGIES TRADE
UNIONS ADOPT TO
OVERCOME WORKERS
DISAFFECTION

2. TO COLLECT
AND DESCRIBE
THE VARIETY OF SERVICES
PROVIDED IN 5 EU
MEMBER STATES

3. TO EVALUATE THE
EFFECTIVENESS OF
THESE MEMBERSHIP
REVITALIZATION
STRATEGIES

EVALUATE WHETHER
THE PROVISION OF SERVICES
LEADS TO A UNION
MEMBERSHIP INCREASE!

THE HYPOTHESIS:

TRADE UNIONS
ARE EXPERIMENTING
A "CUSTOMISATION"
OF THEIR ACTIVITIES



First part

The National Industrial Relations System

Industrial relations in Spain exhibit three distinctive features. First, a fragmented and weak trade union movement from an associational point of view. Second, a pervasive role of the state and regulations (Molina 2014). Finally, a collective bargaining system with high coverage levels due to the automatic extension of collective agreements and the predominance of sector level negotiations.

The trade union movement that emerged during the transition to democracy in Spain is an attenuated duopoly of two large national confederations (UGT – Unión General de Trabajadores and CCOO – Comisiones Obreras), with two smaller national confederations (Unión Sindical Obrera – USO and Confederación General del Trabajo – CGT) along with some professional and/or regional confederations. CCOO was close to the Communist Party (PCE) in the transition to democracy, whilst UGT maintained close links with the PSOE. Both confederations account for 70% of elected representatives in works' councils and define themselves as class trade unions, therefore covering all sectors of the economy. Representativeness is defined according to elected members in work councils and not union membership. The automatic erga omnes extension of collective agreements is an important element to explain the relatively low trade union density in Spain, of around

15-20% of the workforce. The specific socio-political and institutional context during the early years of the transition, determined the most important power resources of trade unions in Spain. As pointed out by Jordana (1996) the rapid increase in trade union membership and workers' mobilization in the early months of the transition was rapidly brought under control by the two largest union confederations, CCOO and UGT. In exchange for their role in channelling workers' discontent through negotiation and institutional participation, they were granted a strong institutional role and a detailed legal regulation of collective bargaining. By contrast, on other traditionally important power resources indicators, the position of Spanish trade unions is weakening. This includes associational power resources, due to the low membership levels, or organizational power due to the difficulties to mobilise their members and make them have an active role within the trade union. By contrast, they have a relatively strong mobilization capacity that by far exceeds their organizational and associational power. Another key power resource of trade unions in Spain, the structural, is also under stress due to the downsizing of the public sector as well as the extension of temporary employment.

When it comes to employers, there is one major employer confederation, CEOE that represents all types of companies and sectors.



Within CEOE there is CEPYME, a confederation representing the interests of small and medium-sized companies. Historically, CEOE has been dominated by large companies. In a country dominated by small size business, this has created some tensions and that have been addressed through the organisational merger of CEPYME into CEOE in 1980. CEPYME has accordingly acted since as a counterbalance to the interests of large business within CEOE. Around 80-90% of Spanish companies (excluding self-employees) are members of CEOE through its sectoral and regional branches.

The crisis has aggravated some of the structural weaknesses of trade unions, whilst posing new challenges for them (Barranco and Molina 2014). In this vein, some authors have pointed out a process whereby trade unions have lost both the muscle as well as the social legitimacy to force governments to incorporate them into the policy making process (Culpepper and Regan 2014). This is not only explained by declining membership, but also to the identification in some countries of trade unions as part of the political system, and hence of the causes of the economic crisis, not as part of the solution to it. These two faces of the crisis have placed trade unions in a different scenario compared to previous crisis episodes as their monopoly in channelling social discontent has been contested. New social movements and other civil society actors have played a more prominent role in gathering and organizing anti-austerity movements (della Porta 2015). In doing so, they've relied upon mass protests and demonstrations where trade unions have very often been excluded or have been the target of protests as part of the political status quo.

State's role in industrial relations is also a distinctive feature of the Spanish industrial relations system (Molina 2014). The consolidation of democratic institutions and the opening up of spaces for autonomous self-

regulation and interaction amongst social partners characterized industrial relations developments since the early 1980s. However, this process has been characterized by a comparatively higher degree of state intervention in order to overcome some of the coordination problems among social partners that appeared in the early years of the return to democracy. This is a differentiating trait of the Mediterranean or Mixed Variety of Capitalism (Amable 2003; Molina and Rhodes 2007). In return for cooperation in the early stages, the state has very often provided institutional compensations to social partners and especially trade unions, including their participation in public policy making, extension mechanisms for collective bargaining, etc. Because of these, social partners achieved an institutional and political power that by far exceeded their real influence in terms of membership or company level representation. Moreover, a production structure that makes it difficult to reach many of the workplaces by unions has hindered the development of a strong bargaining coordination capacity. Laws extending collective agreements have accordingly played a key role in governing industrial relations. We accordingly can expect the state to face greater incentives to adopt a unilateral approach to policy making in Spain, particularly in the context of economic crises.

One of the explanations for the significant statutory regulation of industrial relations in Spain is precisely the need to create 'ex novo' an institutional framework that would make for the organisational weaknesses of social partners. In particular, the late consolidation of employers associations, together with the weak organisational articulation of trade unions, would have made it extremely difficult to develop autonomous collective bargaining in the early years of democracy without significant regulatory support. Moreover, social partners in the transition years lacked the trust necessary to develop adequate collective bargaining at all

levels of the bargaining structure. The existence of a legal framework contributed to enhance the predictability of social partners' behaviour hence allowing repeated interactions and by implication, building trust amongst them.

This process should contribute to the gradual extension of self-regulation. However, the regulatory edifice became the main obstacle in this process and contributed to perpetuate the traditional organizational weaknesses of social partners in Spain. The regulatory characteristics of the industrial relations system became also under attack from all actors in the late 1980s. For trade unions, an excessive statutory regulation of industrial relations hampered the vitality and scope of collective bargaining. The automatic and mandatory extension of collective agreements and a dual structure of workers' representation reduced union membership and provided incentives to win votes rather than members. CEOE was also very critical of statutory regulation of industrial relations in Spain that introduced excessive rigidities in collective bargaining. Moreover, in their view this also explained the problems encountered to develop innovative forms of collective self-regulation and conflict resolution.

In relation to collective bargaining, Spain is characterized by the existence of a multi-level bargaining structure, with a historically weak articulation between levels (Martin Artiles and Alos Moner 2003). Collective bargaining occurred at several levels, with negotiations at territorial (provincial) sector level being the most significant in terms of workers covered. In the early years after the transition to democracy, collective bargaining occurred at several levels, with negotiations at territorial (provincial) sector level being the most significant in terms of workers covered. However, negotiations took place at several instances, and the issues were very often re-negotiated at lower levels, hence leading

to cascading negotiations. The hierarchy principle in the Workers' Statute made it very difficult for company level agreements to lower the conditions negotiated at higher level. Peak agreements in the early 1980s contributed to maintain a formally high level of centralization, but after its abandonment since the mid 1980s, a process of gradual de-centralization occurred due to the lack of a clear articulation between bargaining levels. Bargaining took place at several levels, but the main bargaining locus became the sector at provincial level (Del Rey 2003). The limited presence of unions at enterprise level hindered the efficacy of collective negotiations at higher levels because only occasionally they affected workers in small and medium-sized establishments. As a consequence of the above, collective bargaining was very sensitive to changes in the strategies, preferences and power of actors, hence lacking stability and becoming a source of permanent conflict, as showed by the comparatively high conflict rates.

Peak inter-sectoral agreements since the mid-1990s have contributed to govern and coordinate collective bargaining in Spain and to maintain a formally high level of centralization. Despite this, a process of de-centralization has been in place since the early 1990s, as a consequence of changes in collective bargaining regulations. The trend towards collective bargaining decentralization has accelerated in the context of the crisis and has adopted a clear bottom-up, disorganised character. This has eroded the regulatory capacity of sector level agreements. We may expect this to reduce the incentives for governments to engage in tripartite concertation with social partners due to their lower capacity to govern industrial relations developments.

Representation and Representativeness

In Spain, the concept of representativeness guarantees an *erga omnes* representation for both



trade unions and employers' organisations. Thus, it endows the most representative trade unions and employer organisations with the capacity to negotiate agreements on behalf of all workers in the sector or company in which the agreement is negotiated.

The main legal criterion for determining the representativeness of trade unions is based on the workplace election results of workers' delegates and workers' committee members. Accordingly, the electoral process aiming to choose the employees' representatives at the workplace is used to measure trade union support. For employers' organisations, the criterion for determining their representativeness is based on membership.

Through the concept of 'most representative organisations', employers' organisations and trade unions are entitled to conclude multiemployer collective agreements, to have institutional representation (in other words, to be a part of tripartite bodies, to be consulted by the government and to conclude social pacts) and to take part in extrajudicial systems of labour conflict resolution. Moreover, meeting the criterion of legal representativeness is the basis for getting access to public funds.

Tripartite and bipartite bodies and concertation

The main tripartite body is the Spanish Social and Economic Council (Consejo Económico y Social). It is a consultative body created in 1991 that submits reports to the government before laws and royal-decrees are enacted. Moreover, it analyses and studies different elements and topics under its own initiative. In most regions, there is a tripartite Social and Economic Council with similar functions and composition to the national one. However, in some regions these bodies ceased their activities due to lack of funding. The so-called Industrial Observatories are important tripartite bodies operating at the sectoral level. There are 10 observatories in

different industry sectors and in the construction sector. These tripartite bodies were created in 2005 in order to improve and extend the analytical information on the sectors. The aim of the observatories is to foster debate and to identify strengths and weakness in order to promote efficient industrial policies. However, their activity has dramatically decreased since the onset of the crisis, and nowadays they are practically dismantled. Finally, another tripartite body is the National Consultative Commission of Collective Agreements (Comisión Consultiva Nacional de Convenios Colectivos), created by Royal Decree 1362/2012. It is a consultative body for aspects such as proposing and determining the functional scope of collective agreements. It is also involved in monitoring collective agreements, including information, studies, documentation and diffusion of them.

The most important bipartite body is the Interconfederal Service of Mediation and Arbitration (Servicio Interconfederal de Mediación y Arbitraje, SIMA). It is financed entirely by the state and managed autonomously by the social partners. It manages industrial conflicts by offering industrial dispute resolution mechanisms.

In spite of the existence of tripartite and bipartite bodies, social pacts and peak inter-sectoral agreements are not negotiated under any of the existing institutional bodies.

With regard to bipartite agreements, since the mid-1990s peak intersectoral agreements for collective bargaining have been signed between the most representative trade unions and employer organisations. These agreements were signed, with only a short interruption in the crisis in 2012, 2015 and more recently in 2018. Even though these are not mandatory agreements and only provide guidelines on different issues, such as pay increases, they nonetheless provide some degree of coordination and a general framework for collective bargaining.

With the advent of the sovereign debt crisis and

the implementation of austerity policies, tripartite social dialogue was discontinued. Only since 2014, with the start of the economic recovery, some tripartite pacts on specific issues have been signed. Tripartite social dialogue seems to have gained momentum in 2018 when agreements on youth employment and decent work were signed.

Workplace-level employee representation

The main bodies for workplace-level representation in the private sector are workers' delegates and workers' committees. In the public sector, workplace-level representation is done through the so-called 'Juntas de Personal'. Workers' delegates are responsible for representing workers in establishments and workplaces between 11 and 49 employees. There may also be a workers' delegate in undertakings with 6 to 10 employees, provided that it is a decision reached by the majority of the employees. In undertakings with up to 30 employees there may be one workers' delegate, and three workers' delegates in undertakings with between 31 and 49 employees. Workers' committees are employee representative bodies in workplaces with a staff of 50 or more workers. In the case of companies with two or more establishments in the same province or bordering municipalities with fewer than 50 employees in each workplace but with 50 or more employees as a whole, a joint workers' committee may be established (Article 64, TRET). In addition, workers affiliated to a union can constitute a so-called trade union's section within the enterprise. Elections for workers' delegates and workers' committee members can be called by the most representative trade union organisations (those that have a membership of at least 10% of company representatives or employees in a workplace by majority agreement). Those who call the elections must inform the company and the public labour authorities of their intentions at

least one month in advance. In addition, elections may be called at a more general level in one or several functional or territorial areas, subject to the agreement of the most representative trade unions.

According to Spanish legislation, these bodies can also exercise I&C rights and can conclude company collective agreements. In this regard, it is worth noting that a recent regulation (Royal-decree 7/2011) gave priority to the trade union's sections over work councils in order to conclude company collective agreements, when these trade unions have a majority of seats in the workers' committee.

According to the ECS, the percentage of establishments that have any form of employee representation increased from 53% in 2009 to 57% in 2013.

Trade unions

One of the defining traits of the Spanish society is the historically low levels of civic engagement (measured for instance by membership in voluntary associations) of its population compared to other Western European countries (Fernandes 2012). This has a clear reflection in the low membership of political organizations like now political parties or trade unions (Pérez Díaz 2000). There is disagreement as to the explanation for this passive attitude of Spaniards. Focusing on the most recent period, some authors argue that the years of civic repression under Franco together with the way in which the political transition took place, hindered the development of strong civic values among the population (Fishman 1990). In particular, the role of elites and organizations in managing and controlling the social mobilization that followed the death of Franco and the restoration of democracy, is given a crucial role in explaining the weak civic engagement of citizenry thereafter (Fernandes 2012, Torcal 1995).

The trade union movement that emerged during the transition is an attenuated duopoly



of two large national confederations (UGT and CCOO), along with some small professional and/or regional confederations. The General Union of Workers (Unión General de Trabajadores, UGT) was historically the dominant union confederation and managed to reorganize abroad during the Franco dictatorship with the support of the International Confederation of Free Trade Unions. During the 1960s some groups of workers opted to act within the limits of the law but at the margins of the Franco regime, thus creating what would be known as Workers' Committees. This strategy of militant 'entrismo' (i.e., a strategy consisting in the gradual extension of trade union members in companies as well as within official trade union structures), which faced strong opposition from the Franco government, would crystallize after Franco's death into Comisiones Obreras (CCOO, Workers' Commissions). The different ideological orientations persisted during the early years of the democracy, with the communist CCOO being more rooted at local or company level and endorsing a class ideology of industrial unionism and political confrontation, while socialist UGT followed a more cooperative strategy of political action based on concertation and participation in social pacts (Molina 2005).

The role of trade unions in this process was particularly important. As pointed out by Jordana (1996) the rapid increase in trade union membership and workers' mobilization in the early months of the transition was rapidly brought under control by the two largest union confederations, CCOO and UGT. In exchange for their role in channeling workers' discontent through negotiation and institutional participation, they were granted a strong institutional role and a detailed legal regulation of collective bargaining, including aspects such as the automatic extension of collective agreements among others. Their role in controlling industrial conflict during the transition and the process of industrial restructuring in the early 1980s,

together with the institutional guarantees obtained are two of the additional arguments most commonly used to explain the low membership levels of Spanish trade unions. The first generated frustration and disappointment among workers' and led many of them to distance themselves from trade unions. On the other hand, the strong institutionalization of their role as social partners as well as in the industrial relations system provided little incentives for unions to actively seek to attract new members and follow organizing strategies.

Power Resources

The specific socio-political and institutional context during the early years of the transition, determined the most important power resources of trade unions in Spain. Relying upon the typology developed by Gumbrell-McCormick and Hyman (2013), we can see how trade unions in Spain rely to a large extent upon their institutional position, which remains their strategic stronghold. By contrast, on other traditionally important power resources like now the structural, associational or organizational, the position of Spanish trade unions is weakening. This would be the case for instance of associational resources, due to the low membership levels, or the organizational due to the difficulties to actively involve their members. By contrast, they have a strong mobilization capacity that by far exceeds their associational power. Another key power resource of trade unions in Spain, the structural, is also under stress due to the downsizing of the public sector as well as the extension of temporary employment.

Thus the main power resource of trade unions is not their membership, which remains low by European standards and is particularly low among young workers, but their institutional and to a lesser degree, political roles. By the institutional role, we mean their statutory involvement in the management of some public institutions like

now social security, training etc., but also their institutionalized involvement in works councils' at company level. In both cases, it is the number of representatives elected in works councils' (i.e., electoral audience rather than membership) the criteria used to determine those unions having access to these institutions. If we had to judge their agenda-setting power and capacity to influence the outcome of negotiations solely by reference to their membership, we would conclude that they are very weak. However, in spite of their very low levels of union density, the two main union confederations in Spain have managed to retain a significant social and political role thanks to the institutionalization of collective bargaining, their adaptation to the requirements and demands of the new industrial and economic context, and their unitary strategies of political action since the mid-1990s. Moreover, they retain a significant mobilization capacity, particularly in the public sector. Particularly important in this regard were the so-called 'Marea Blanca' (white wave) y 'Marea Verde' (green wave) in the public health and education sectors respectively. In these two cases, trade unions have played a very important role, in alliance with other civil society groups, in order to defend the maintenance of quality public provision in these two sectors. Organizational indicators in this case provide little insight into the effective power of trade unions or the perceptions other actors have of it.

But there are other 'non-traditional' power resources like now the communicative / collaborative, coalitional / collaborative and the strategic / logistical, where Spanish trade unions are also comparatively weak (Gumbrell-McCormick and Hyman 2013). Regarding the moral or communicative resource, trade unions in Spain have been together with left-wing parties, the most important voice in defense of the welfare state, public health and education, pensions as well as working conditions. However, their participation in some labour market and old-age

pension agreements that were heavily contested by large groups within the unions have had a negative impact on their legitimacy. Moreover, as pointed out by one of the interviewees, their institutionalization has created the image of the trade union as part of the public administration apparatus, which as a consequence has little capacity to defend and promote the interests of the most vulnerable groups in society.

Regarding the collaborative or coalitional power resource, trade unions in Spain have also struggled to establish strong permanent links with other civil society organizations or social movements. In the late 1990s-early 2000s, trade unions and the social movement against the Irak war joined forces and organized several demonstrations against some of the policies of the second Aznar government. However, this experience proved to be short-lived. The difficulties in reaching stable strategic alliances and / or coalitions became apparent during the great recession, when the indignados or 15-M movement became the flagship movement against the austerity measures implemented since 2010. These movements have maintained a critical approach towards trade unions, which according to them, are part of the old political apparatus that should be transformed. In its 10th congress, CCOO stressed the need to 'create new alliances with youth associations, particularly with student associations more sensitive to trade unionism, but also with any group present in social movements' (point 670, Action Program 10th confederal congress).

Finally, when it comes to the strategic or logistical power resource, it is important to observe how the low membership levels have always imposed a limit on the economic resources of trade unions. This means they have relied on the public resources corresponding to their representation capacity, measured by the number of representatives in works councils.



Moreover, there have recently been some scandals concerning the management of resources, and in particular, their use in training courses. These cases, together with previous ones in the early 1990s, have increased the perception in public opinion of mismanagement of public resources as well as state-dependent organizations. However, it is also important to acknowledge that their role in the negotiation of collective agreements covering the majority of companies and workers, requires them to have the necessary resources to carry out this task.

Trade union representation

According to the Organic Law of Trade Union Freedom (1985), all workers can join trade unions except members of the Spanish Forces, judges and public prosecutors.

Trade union density in Spain has remained rather stable since the early 1980s. Even though the lack of reliable data make it difficult to assess it, most estimates point to 15–20% as the density rate in Spain since the early 1980s. Even though it has been subject to cyclical fluctuations, it does not exhibit a clear downward trend, as it does in other EU countries. Since the onset of the crisis, however, trade union density has slightly decreased according to the figures provided by the Working and Living Conditions Survey conducted by the Ministry of Employment (17.4% in 2008 compared to 16.4% in 2010). Unfortunately, the survey has not been conducted since 2010. According to OECD figures, trade union density remained stable at 17% from 2010 to 2013. The main criterion for determining union representativeness is the electoral audience, which is determined by the number of delegates and working committee members obtained in the elections. This, together with the automatic extension of collective agreements explains the low density rates in Spain, as workers have limited incentives to join trade unions.

The most representative unions in Spain are the Trade Union Confederation of Workers'

Commissions (Confederación Sindical de Comisiones Obreras, CCOO) and the General Workers' Confederation (Unión General de Trabajadores, UGT), which account for 70% of workers' committees representatives elected in 2015 (Alós et al. 2015).

In addition to the most representative confederations at national level, there are some smaller confederations, including Trade Union Workers Unity (Unión Sindical Obrera, USO) and General Workers' Confederation (Confederación General del Trabajo, CGT). Moreover, there are the most representative confederations at regional level. These are the Galician Inter-sectoral Confederation (Confederación Intersectoral Galega, CIG) and Solidarity of Basque Workers (Solidaridad de Trabajadores Vascos, ELA-STV). Finally, the third most important confederation in the public sector is the Independent and Civil Servant Central Trade Union (Confederación Sindical Independiente y de Funcionarios, CSIF). UGT's last congress was held in March 2016, and Mr Pepe Álvarez was elected as the new General Secretary (he replaced Mr Cándido Méndez, who had been General Secretary of UGT trade union for 22 years). CCOO's last congress was held in June 2017, and they named a new General Secretary, Mr Unai Sordo (replacing Mr Ignacio Fernández Toxo, who had spent 9 years in that position).

Since the 1990s, the most important trade unions at national level, UGT and CCOO, have maintained a cooperative relationship and unity of action. They have also maintained their representativeness.

The most important changes relate to the mergers of federations that both trade unions carried out in 2014. CCOO merged the Federation of Textile, Chemical and Related Activities (FITEQA-CCOO) into the Industry Federation (CCOO INDUSTRIA). It also merged the Federation of Commerce, Hotels and Restaurants, Tourism and Gambling (FECOHT-CCOO) with the Federation

of Financial Services (COMFIA-CCOO) into the new Federation of Services. Meanwhile, in 2014, UGT merged the Federation of Transport (TCM-UGT) and the Federation of Commerce, Hotels and Restaurants, Catering Trade, Tourism and Gambling (CHTJ-UGT) into the new Federation of Services for Mobility and Consumption (SMC-UGT).

More recently, in May 2016, new federations were created within the UGT structure: Federation of Public Services employees – formed by the previous public services federation (FeSP) and education federation (FEYE) – and FICA, formed by the union of the Federation of Metal and Construction (MCA) and the Federation of Agriculture (Fitag).

For both unions, the mergers were carried out in order to combat the reduction in public financing.

Membership trends

Most studies place Spain as a country that has historically had relatively low union membership. The evolution of membership figures in Spain has not followed the same downward pattern than in other EU countries. From the eighties there has been a sustained growth in the number of affiliates, although at a slower rate than the growth of the active population. Union membership reached a peak in 2010 and then started a decline until 2016, when membership started to increase again. The manufacturing sector has been a traditional stronghold of trade unions, with higher levels of union density compared to other sectors. However, with the decline in the GDP share of manufacturing, together with growing outsourcing, the service sector, and in particular public services, concentrate most of the members of trade unions in Spain.

The low membership levels of trade unions in Spain are a combination of several factors: a) institutional (automatic extension of collective agreements and the use of an electoral criteria in order to determine the representativeness

of trade unions), b) organizational (complex multi-level organizations with regional and sectoral federations, but with a moderate level of centralization making it difficult to develop effective organizing strategies, see Martínez Lucio (2003)); c) structural (a production system where small and very small companies are predominant and there is a strong seasonal component in important sectors of the economy); d) social / cultural (historically low levels of civic engagement in Spain).

Köhler and Calleja (2011) highlight two characteristics in the evolution of trade union membership figures in the pre-crisis period. First, Spain is one of the few EU countries where membership in absolute numbers has increased. However, as this period also witnessed a strong record of employment creation, density has remained stable. Secondly, the composition of trade union membership in Spain has changed in the growth period preceding the economic crisis, but very slowly. This means that the traditional under representation of some groups like now women, foreign workers or more importantly young people, remains a trait of trade unions in Spain. Increasing membership together with the maintenance of a strong role in collective bargaining and political spheres has hindered the process of organizational renewal within the union.

As mentioned before, when studying the composition of union members in Spain, the first problem coming out is the lack of available data from trade unions. There is no publicly accessible registry and/or database providing data on official union membership levels, and when publicly available, the data provided is not disaggregated by age, sex etc. That means that union membership and density data are self-reported by trade unions and should be handled with care. Overall, this means that the study of trade union membership in Spain faces significant difficulties. ➡

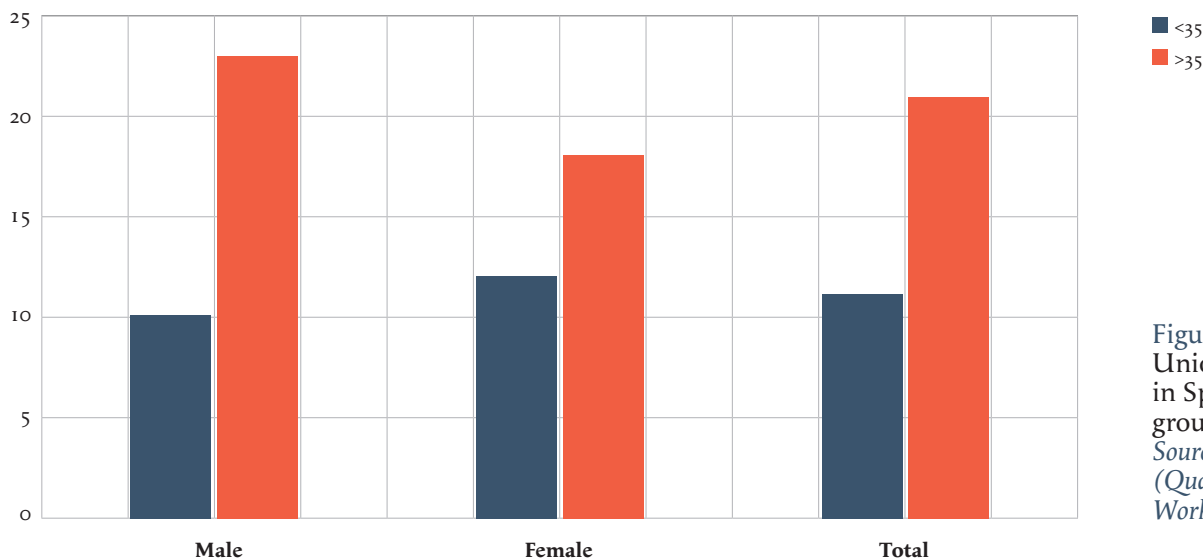


Figure 1 | Trade Union Density in Spain by age group and sex, 2010
Source: ECVT (Quality of Life at Work Survey), INE

The only survey based data available to study the level and composition of union membership in Spain was the ECVT (Encuesta de Calidad y Vida en el Trabajo, Quality of Life at Work Survey), that was nonetheless discontinued in 2010.

We can summarize the characteristics of trade unionism in Spain based on the last round of the survey as:

- Low to moderate membership rate (21% of employees).
- High collective bargaining coverage rate (between 80% and 90%).
- Majority of members have an open ended contract (87.3%).
- More membership in large companies (32% affiliation rate in companies with more than 250 workers; 7% affiliation in those with less than 10 workers).
- More membership in the public sector (one in three public sector workers are affiliated; in the private sector, only one in six employees was a trade union member in 2010). Within the private sector, there is greater union density in the industry than in services.
- The older and more experienced in the company, the greater the union membership (one third of those over 50 are affiliated, but only 15% of those under 30 are union members). The mean age difference between members (44 years) and non-members (40 years) is increasing gradually and it seems that

there is a decreasing number of young people joining trade unions.

- More membership among men than in women (23.2% of men and 18.2% of women).
- The differences in gender affiliation have been significantly shortened in the last years, with the increase in members of the service sector.
- Similar level of education between non-members and those who are affiliated

According to this survey, trade union density of those aged below 35 is half that of the older than 35 group. The difference is lower for women compared to men. When we look into the differences by type of contract we find how being in a temporary contract constitutes an important factor for non-affiliation to the trade union. In both age groups considered, the affiliation is lower in the case of workers with temporary contract, but the difference is significantly lower in the case of younger workers (figure 2). This means that temporary workers have always lower incentives to become union members, and the temporary contract effect dominates over the age effect.

Finally, when we consider the education level, we see how except for primary education, the gap between age groups is narrower for the more educated workers. There is certainly a composition effect here, as the relative number

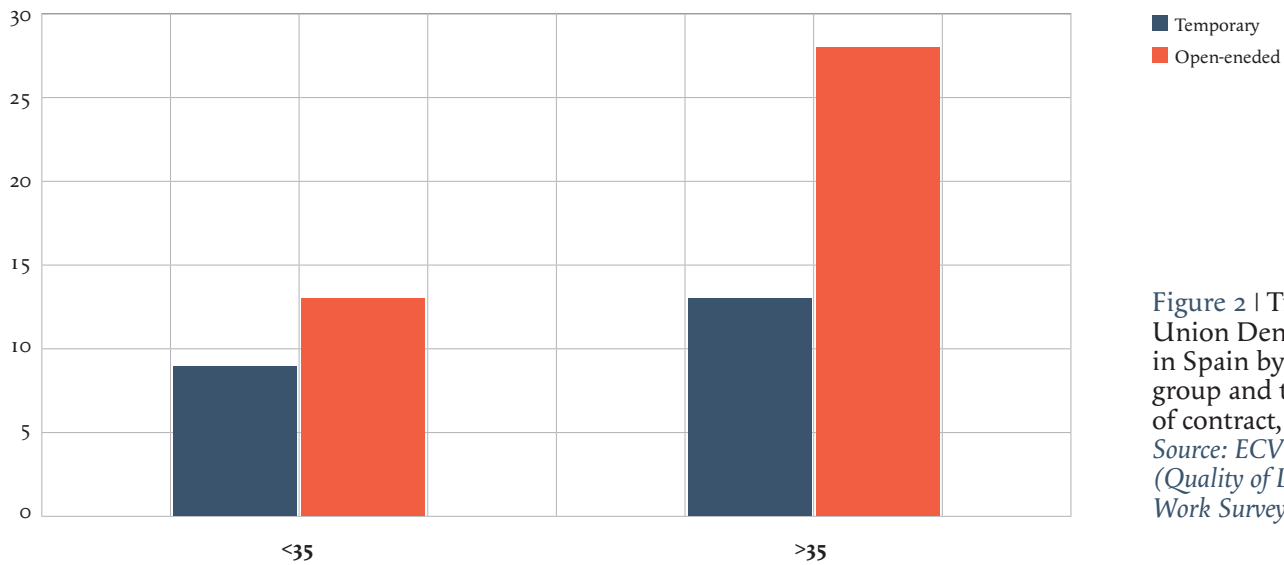


Figure 2 | Trade Union Density in Spain by age group and type of contract, 2010
Source: ECVT (Quality of Life at Work Survey), INE

of workers with higher education is higher in the below 35 age group.

The static analysis of membership figures needs to be complemented with a more dynamic approach on flows in and out of the trade union. This is particularly important for trade unions as they aim at renewing their membership basis by increasing young people inflows that make it out for older workers' outflows. Moreover,

membership turnover in Spain is very high and this implies it is important to know how the flows in and out of the trade unions are. In a recent analysis Vidal et al. (2014) showed how in the case of CCOO, union membership is short-lived. Thus, according to this analysis, after 12 months more than 10% of the membership left the union, hence suggesting that there is a high turnover among recent joiners, most probably due to the change in the job situation or after the use of union

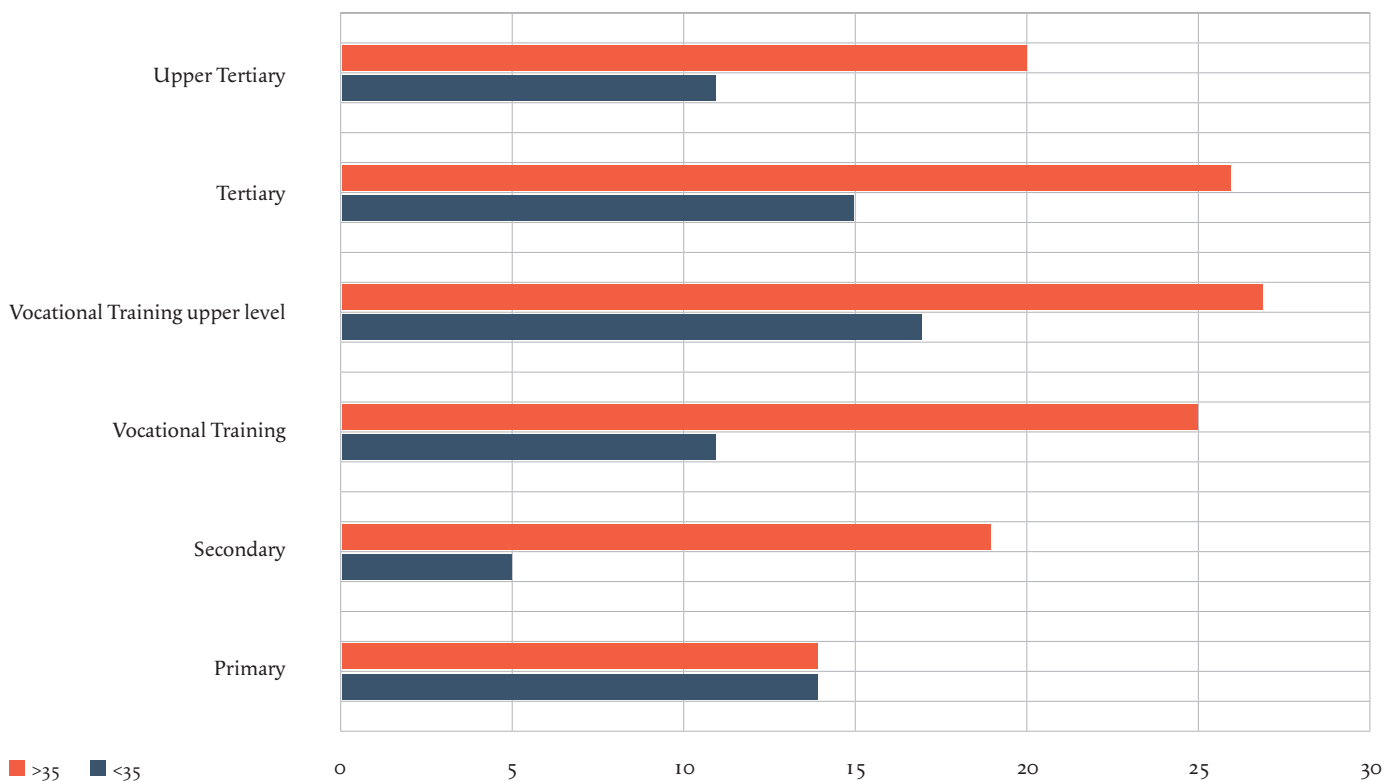


Figure 3 | Trade Union Density in Spain by age group and education level, 2010
Source: ECVT (Quality of Life at Work Survey), INE

services (Jódar et al., 2011b). In this vein, the instrumentalist approach towards trade unions explains the high levels of quitting, especially among young workers. Moreover, there is a clear difference in the levels and speed of leaving between the youngest age group, clearly the most vulnerable, and other age groups whereby 20% of the youngest age group left the union before the second year of membership.

The above highlights the need to pay more attention to retention in order to make pay the attraction efforts. So far, trade unions in Spain have focused more on the attraction of new members than to retaining existing members.

However, retaining young temporary workers is very difficult. The problem is that the time lapse between entry in the labour market and the moment when this person signs a stable open-ended contract is becoming longer. Moreover, this period is characterized by frequent unemployment spells. This implies the young person will spend a long period without having any contact with trade unions, hence decreasing the probability of joining the trade union in the future, as used to be the case. This is the real problem, not the fact that young people have unstable membership careers. Longer stabilization trajectories mean less contact with trade unions, hence making it less likely to become members once under an open-ended contract.

Explaining low membership of young people

One of the key target groups for trade unions are young workers. Regarding membership of young people, several factors have been pointed out in the literature in order to explain the distance that seems to exist between trade unions and young people. The first and most important is their labour market situation (Anton 2006). The high levels of precariousness as well as unemployment, provide very little incentives for

them to join trade unions. At the same time, the unstable labour market position of young workers undermines the generation of collective identities whilst promoting individual ones, hence making it more difficult to join a trade union.

Moreover, there is an extended perception among young people that notwithstanding the strong political role of trade unions and the vitality exhibited by social dialogue, its effective impact on improving the conditions of young workers and in particular, addressing the high degree of precariousness, has been very little, though this is certainly not the responsibility of trade unions alone. This has to be added to the fact that younger generations have grown up and started their labour market careers in an increasingly hostile environment for trade unions.

Another explanation is related to the internal organization of trade unions in Spain. On the one hand, it is argued how trade unions are dominated by the sectoral federations that represent the interests of the typical trade union member, i.e., middle aged man with stable contract. This means that the interests of young workers with unstable contracts would be under-represented. This problem is exacerbated by a moderate level of organizational centralization and internal democracy that renders it more difficult for small groups to have voice within the organizations. In the same vein, the differences that may exist in collective bargaining between older and younger members in the company also came out in the interviews as an inhibiting factor for young people to become a member.

The economic crisis has widened the gap between trade unions and young people as it has impacted upon all factors cited previously. First, the crisis has led to a sharp increase in youth unemployment in Spain accompanied by deterioration in labour market conditions for many others. Secondly, until 2011 trade unions

have followed a policy of social dialogue with government and employer organizations leading them to sign some pacts that have been strongly criticized by young people. This would be the case of the 2011 pension pact, for instance.

All together, these three developments are making it even more difficult to organize young people and increase membership among young people. However, there are also some developments that need to be considered and that may counterbalance some of the abovementioned trends. Thus for instance, the involvement of young people in some of the new left-wing parties that have broken through in recent months may also open a window of opportunity for trade unions too, though this will depend on their capacity to develop an effective communicative strategy and undertake the necessary organizational reforms.

Overall, the above data shows that Spanish unions have an affiliation whose structure does not reflect the reality of the labour market labor. The abundance of certain types of workers and the absence of others among trade union members may extend the segmentation existing in the labour

market within the trade union, thus entailing the risk of corporatization and hindering the possibilities of revitalization and attracting hard-to-organize workers.

In addition, Spanish unions, which are characterized by high fluctuation in their membership - with a large number of registrations but also of people leaving the union – have experienced a decline in the number of affiliated during the crisis without developing effective strategies to tackle this problem. Among the main actions to counteract this decrease in members include the adaptation of trade union legislation to the new labour market realities, improve the model of representation and being able to develop truly positive selective incentives functional to attract and retain affiliates, having failed the non-union services model (insurance, travel, discounts). Other challenges of trade union organizations for the development of associative power are related with other sources of union power, traditional and complementary. In this sense, organizational issues and internal democratic aspects, the development and practice of moral values, the establishment of alliances and effectiveness of the union action, influence notably in the development of the associative power (Calleja 2016: 296). ♦

Second part

Strategies to attract new members, make them stable and tackle membership decline.

Description and meaningful practices

‘Make the union useful’ as general recruitment strategy

The low levels of union membership in Spain are the result of several factors. Some are common to other EU countries and would contribute to explain the long-term decline in union membership; the growth in the service economy, changes in the labour market and the extension of non-standard and precarious employment, the extension of new business models etc. But the low membership levels specific to Spanish trade unions, is mostly explained by institutional factors.

The Spanish model of union representativeness is based on works councils’ elections, both in the private and public sectors. Election results thus determine the representativeness of each union. Trade union power relies to a large extent on this electoral criterion, both in the specific electoral unit and in all sectoral and territorial

dimensions. Representativeness criteria is used in order to determine those trade unions negotiating collective agreements and involved in other institutions, including the Social and Economic Council, the public employment service etc.

This characteristic of the Spanish industrial relations system has important consequences. The main and most significant is the disincentive to union membership. On the one hand, trade union organizations act as electoral machines that capture votes, rather than affiliates, since union power is obtained exclusively through the computation of elected workplace representatives. On the other hand, workers themselves lack incentives to join a union, since the erga omnes extension of collective agreements means that they apply to all workers, regardless of affiliation or not to the signatory party. As consequence of this, we observe low union membership in Spain that exhibits a pro-cyclical pattern. For instance, during the great recession, trade unions lost

approximately 500000 members, in a context of high unemployment, deteriorating working conditions and an increasingly negative social perception of trade union organizations.

This system generates a low direct role of the trade union delegates at workplace level, due to lack of affiliates, and an excess of dependence on public financing, due to insufficient quotas.

As the main power resource of trade unions in Spain is institutional and not associational, and provided the abovementioned institutional context, there aren't many strategies devoted to attract new members, make them stable and tackle membership decline. More specifically, as the institutional setting hinders trade union affiliation by limiting the selective incentives for union members, campaigns developed by trade unions have focused on stressing the role played by the trade union as the main instrument for workers' representation, a mechanism to protect labour rights and fight against precariousness etc.

As union officials recognise, these initiatives are not only aimed at increasing membership (aware that the institutional obstacles are huge), but also to enhance the representation role of trade unions, an aspect that is considered key in their role as socio-economic and political actors. For this reason, the strategies to attract new members are very general in character and have the goal of making the trade union a useful mechanism for workers. In other words, due to the lack of other selective incentives, affiliation is considered to be largely dependent on the perception of the trade union as the most effective actor to represent and defend workers' interests. This is why the most representative trade union confederations in Spain include strengthening their institutional and representation capacities as a strategy to attract new members (Vidal et al. 2016). In line with this approach, strategies aimed at increasing or retaining members should focus on developing

what is called proximity services. These consist in developing welcome protocols, permanent contact with local level officials etc.

Passive vs Active Approaches to recruitment

In this context, we observe a predominance of passive approaches to recruitment (including reduced fees for certain groups) compared to more active approaches that entail the development of new services. Two main strategies have been identified in union leaders' discourse regarding organizational change and the need to reach hard-to-organize groups. The first one, aiming to strengthen the connection between the union and society, promotes a modernization of structures, working procedures, communication strategies and services offered to new types of workers and specific groups, paying particular attention to youth. The objective would be to make the union visible and emphasize their role in defending workers' interests in collective bargaining. The second strategy, worried about the loss of influence and negative attitudes towards unions in a hostile economic and ideological context, aims to reinforce the traditional union working class identity; and -at the same time- tries to guarantee the unions social influence by operating in the institutional arena. The analysis shows how union leaders conceive these strategies conflicting and find it very difficult, to articulate the two (Martínez-Iñigo et al. 2012).

Institutional change in order to promote trade union membership?

According to some authors, the institutional roots of low membership in Spain would suggest that unless there are changes in this dimension, all the efforts by trade unions will have a limited success (Lahera 2016). One of the alternatives put forward by some authors is to change workplace representation structures. In this way, the elections to workers' representatives should be



directly to trade union sections, which, according to the election results, would exclusively manage the negotiation and conflict in the workplace. On this basis, the calculation of union representation should be changed by combining the election results with the number of members. At the same time, collective bargaining should be transformed from general effectiveness (automatic, erga omnes extension) to limiting effectiveness to the signatory parties, at least in the conventional units below the sectors. All this would allow, finally, a greater capacity for self-financing of the union through membership fees and, thus, a lower dependence on public subsidies (Lahera 2016)¹.

These changes would encourage trade union affiliation and also encourage unions to seek new affiliates. The worker would have the incentive to join the union in order to enjoy from the benefits of the collective agreement and the union to attract members to gain power and representativeness.

Organising strategies

The organizing strategy has also been shown as

■
1. Lahera, Jesús (2016) Incentivar la Afiliación Sindical, https://cincodias.elpais.com/cincodias/2016/03/31/economia/1459450788_727689.html

an effective method to expand membership and extend the organization and coverage in sectors traditionally unlikely to unionize. It has reaped considerable success in Anglo-Saxon countries in which neoliberal deregulation policies were previously imposed, weakening union power (Martinez Lucio 2008). This is defined by Calleja Jimenez and Köhler: “Organizing is a concept of union recruitment and mobilization first developed by US service unions and is based on the organization of solidarity in a given territory and group, for example, the cleaning workers of a neighbourhood or the security workers of a port area or an industrial district. Through services and campaigns in this area, the unions intend to reach these dispersed and fragmented groups with precarious jobs and organize them as a grassroots community with a capacity for self-organization” (Calleja Jiménez and Köhler, 2009: 1). There is an abundant literature on this union strategy in other countries, but very few experiences in Spain, where the strong institutionalisation of trade unions and collective bargaining together with representativeness rules constitute a major obstacle for developing these strategies. ♦

Third part

New and old service activities provided by trade unions (directly or through partnership) and connection with strategies of unionization

As was mentioned before, rather than providing new services to members, trade unions in Spain have adopted a stronger focus on enhancing their representation and institutional capacity. For this reason, there is very little, not to say any, change in relation to services provided by trade unions. The two biggest confederations in Spain offer very similar services and benefits for their members. These include:

- Free legal counselling on labour issues, but also on other issues like mortgages etc.
- Promotions and discounts on a wide range of goods and services
- Reduced prices for hotels and resorts etc.

There is hardly any innovation in relation to services provided by trade unions. These have consisted mostly in expanding the number of promotions and discounts for members, but without any real innovation when it comes to services.

The main mechanism used in order to attract new members and retain them is very passive, as it consists in providing different quotas to different groups (unemployed, pensioners, young workers etc.).

In line with the general orientation of trade unions towards strengthening their representation capacity and their role in defending workers' interests, the initiatives we've found and selected are not really services, but mechanisms to increase their representation role and capacity.

Case study 1: The precariousness whatsapp (El Whatsapp de la precariedad) History and objectives

One of the current most important objectives of the Catalan federation of CCOO (CCOO Catalunya) is to fight against the new forms of precariousness in the labour market. To do this, the general secretary of the union created in 2018

a new department called “New realities of work and precariousness” together with a support campaign for people suffering from job insecurity, placing the union at their service through a free service of consultancy through free messaging (Whatsapp) apps and phone calls.

The team of this new department count with 17 trade unionists coming from different sectors of the economy. Once the users contact with the service, one trade unionist of the same sector attend to them. Thus, the service pretends to provide sectoral expertise on labour rights to people suffering precariousness. As the interviewees pointed out, it is key that the person responding to the queries of this service is not a part of the trade union administration, just providing information on how to set an appointment to meet a trade union another day, but someone who in that precise moment can provide meaningful assistance to the person using the service. In this way, the trade union wants to close the gap between non-members and the union.

Specifically, the service provides information and legal advice via telephone and a free instant messaging app on labour-related problems, but also social problems (evictions, mortgage payments, divorces, gender violence, etc.).

Thus, the union created this service with three main objectives:

- To influence collective bargaining at company level. Once users contact the service to explain particular situations of precariousness, the union activates field research to ultimately organise collectively workers in similar situations.
- Bridging the gap between the organisation and non-union members.
- Become a tool for participation and interaction between users who suffer from the same precarious conditions.

Additionally, this service has union officials attending in person in several offices of CCOO

Catalunya: Barcelona, Sabadell, Granollers, Cornellà and Vilanova i la Geltrú. It will soon be extended to Tarragona, Girona, Lleida and Manresa.

The organizational dimension

CCOO Catalunya has 21,040 trade union delegates in Catalonia, 147,632 members, 40 offices and 1608 trade unionists who cover all the trade union action of CCOO Catalunya (apart from the 250 staff members of the union). The highest percentage of membership intake is through the legal representation of workers and the trade union activities implemented in the workplaces. However, the union’s second most important source of membership is through the union services, especially those focused on labour and legal advice. Despite the membership problems faced by trade unions in Spain and Europe, 80% of CCOO Catalunya’s financial resources come from membership fees.

Specifically on membership, the problem is not new members joining but that there are a lot of disaffiliations. Membership that comes from the action of workers’ representation in workplaces is usually stable, with a membership of no less than three years. In contrast, membership coming from service provision tends to be utilitarian and therefore fluctuating: these members tend to last between 6 months and a year, disaffiliating once they have solved the problem for which they contacted the union. Therefore, the union is not currently seeking to increase the number of new members, but rather to solve the problem of member loyalty through services. In any case, the “Precariousness’s WhatsApp” service also serves as a tool to establish contact with non-members, to show the potential usefulness of the union on an individual level and to raise awareness of the need for collective organisation in order to eventually achieve a stable membership of these users.

User profiles and trends

The “Precariousness’s WhatsApp” service has a cross-cutting approach to support people in vulnerable situations. This implies several things: on the one hand, the profile of people supported does not pay attention to whether or not they are union members, but rather whether they are in a situation of social and labour vulnerability. Regarding the latter, the service provides information and advice not only on labour rights and working conditions, but also in other areas (evictions, mortgage payments, divorces, gender violence, etc). Thus, this service becomes a response of the trade union to the fragmentation of labour realities.

Service assessment

It is important to highlight that, since the impact of the pandemic crisis, the “Precariousness’s WhatsApp” service has been reinforced, including a consultation section on the CCOO Catalunya union’s website, which is also open to non-members and integrating support teams from the rest of the union. As a result, the service has dealt with 48624 queries, which have led to 622 union interventions (many of them related to occupational health problems) in 3162 companies covering almost 400,000 workers. In addition, the union set up a call centre with 270 staff from 15 March to 30 June 2020 (Monday to Sunday) to deal with 51600 calls from people affected by the economic crisis due to the pandemic, regardless of whether they were members or not. This service was established very suddenly, although the “New realities of work and precariousness” department’s model of telephone and courier service was an example of how to organise the service quickly.

In September 2021, the union has started contacting back all users who made enquiries affected by temporary redundancy schemes during the COVID-19 crisis in order to:

- follow up on their situation; re-offer its services, if necessary;

- adjust the amount of fees for those members still affected by temporary redundancies;
- and explain the individual and collective benefits of joining CCOO Catalunya for non-members.

Furthermore, the union is currently developing a project to cross-reference information from users of different services (including the Whatsapp of precariousness) to generate a database that can be used as a tool to encourage affiliation.

Moreover, the service is working as first step to for collective organisation of workers generally difficult to mobilise due to their situation of precariousness. That was the case of riders working for the Glovo delivery platform company, who requested the support of the union through the service. Then, CCOO Catalunya carried out collective organising actions with these riders that led to a three-week strike during the summer of 2021, blocking the activity of the company’s supermarket delivery branch. The aim was to reclaim the employment relationship of their workers, who currently work through a chain of outsourced temporary work agencies. Currently, CCOO Catalunya and the company’s management have opened a negotiation process. According to Maribel González (Head of Organisational Development at the Organising Secretariat of CCOO Catalunya), this trade union action against Glovo has generated very few new affiliations, but it can generate important results in terms of social protection and labour rights guarantee. Therefore, according to the union, the increase in membership should not be the output to evaluate the effectiveness of the service.

Case study 2: Tu respuesta sindical ya! (Your union response now!)

History and objectives

The service “Your Trade Union Response Now! (TRSY!)” was created in September 2017 by



the confederal body of the General Union of Workers (UGT), the second most representative trade union in Spain. The main objective of this initiative was to reach out to digital platform workers to denounce their precarious conditions and receive advice in a short period of time.

In that sense, the UGT union's position is clear regarding the protection of self-employed workers through collective representation mechanisms. The union promoted the creation of UPTA (Union of Professionals and Self-Employed Workers) in 2000. More recently, the initiative of TRSY! initiative has emerged as a response to the diversity of situations of labour vulnerability of self-employment, especially to the situations of unprotection and bogus self-employment suffered by platform workers. UGT's actions with regard to delivery platforms came about as a result of the abundance of queries received through "Your trade union response", which is the tool through which the union approached to digital platform workers. Thus, UGT brings its experience in trying to collectively organise workers on delivery platforms (Ranz et al., 2019). These platforms (e.g., Glovo) deregulate working conditions and maintain practices of harming employment protection. Lacking the coverage of employment protection, the entire legal burden of the employment relationship falls on the worker, keeping them as dependent self-employed instead of employees (Ranz et al., 2019).

The organizational dimension

The TRSY! service consists specifically of a website whose functioning and structure depend directly on the Confederation (the highest body of the UGT). However, one of the particular aspects of this website is that the UGT logo does not appear anywhere on the website. The coordination of TRSY! Coordination argues that this is intentional, with the aim of attracting people who are generally reluctant of trade unions action. In

addition, the TRSY! service also functions as a "digital section" of the UGT union, particularly to collectively mobilise and organise platform workers (Interview with Ruben Ranz, 2020).

The specific services provided by TRSY! are:

- **MailBox:** the web provides a mailbox service for initial questions on (bogus) self-employed rights. The TRSY! team has maximum deadline of 24 hours to provide clear information on the issue consulted together with the provision of labour legislation basic information.
- **Legal and Collective Bargaining coverage of out-of-employment-relations:** The TRSY! service also provides legal coverage for platform workers, especially in legal claims against platform companies to denounce their bogus self-employment situation.
- **Collective coordination:** although the clear aim of the service is counselling, the service has a latent aim of collectively organising hard-to-unionised workers. Specifically, those platform workers who, being bogus self-employed and working in a dispersed manner, often face more obstacles to unionisation.

The method of dissemination through social media and other digital means has allowed for discretion and speed of access to the service. Moreover, given the lack of a work centre for these workers, users can access and meet at specific points arranged by themselves to organise collectively (Ranz et al., 2019). In this way, the service can serve not only for trade union or legal action, but also as a means of networking among workers and with trade unions. Contact is established via email or instant messaging services, without requiring the user to provide any data other than a name, address, telephone number and email address. To further facilitate access to information, TRSY! has a FAQs section, thus avoiding the need to contact personally to the technical team (Ranz et al., 2021).

User profiles and trends

Users must register on the website to access TRSY! services, not having to be a union member. Since its creation in September 2017 until December 2017, the service attended 124 queries. In 2018, around 896. And in 2019, around 1080. By February 2020, before the impact of COVID-19, the service had answered more than 2000 queries (Ranz et al., 2019; Dufresne and Leterme, 2021; Interview with Ruben Ranz, 2020). Contacts increased exponentially in 2020 with the outbreak of the Covid 19 pandemic (Dufresne and Leterme, 2021).

The main target of this service, platform workers, represent around 58% of the enquiries received, mainly riders. Other low qualified platform workers too (e.g. domestic work, logistics and urban transport), but also highly qualified: the so-called “corporative intra-entrepreneurs”. These self-employed working exclusively for one client company (even in their premises) to develop innovative projects.

Surprisingly, 42% of the consultations were made by a different profile: workers in rural areas and/or who generally have difficult access to trade union representatives for consultation on labour issues. This profile of workers has grown due to the so-called “empty Spain” phenomenon, whereby certain territories of Spain are gradually being under-financed, resulting in a progressive exodus of their population. Also, the increase of dispersed and networked companies makes it difficult for their workers to have access to trade union representatives. TRSY! has become a quick and useful consultation channel for the union for them.

Service assessment

At the beginning, the service answered many queries regarding sick leaves, accidents at work and dismissals. Subsequently, the number of questions related to the tax authorities has

increased. The first action taken by the UGT was to demand that VAT not be deducted from the delivery drivers’ tips, which were provided to Deliveroo delivery drivers via the Deliveroo app. As a result of this complaint, Deliveroo started to hand over the total amount of the tip to the delivery drivers (Ranz et al., 2019).

According to UGT, the tool has allowed them to carry out fieldwork and learn first-hand about the real situation of workers on digital delivery platforms. As a result, UGT has taken a position in several lawsuits against companies such as Deliveroo and has been able to provide and support workers with the necessary information to be able to declare their activity as employees rather than self-employed (Ranz et al., 2019). TRSY!’s working method is not only to answer but also to follow up on the questions and try to guide the workers towards the resolution of their problems. Anyhow, the union has detected the need for additional contents on the website, as well as the possibility of it acting as a bridge to other sections of the union action not only limited to the platforms (Rubén Ranz et al., 2020; Interview with Ruben Ranz, 2020).

UGT also claims that its strategy is twofold: to support the collective organization of these workers at company level and to encourage their membership of the union to support the regulation of platform work at sectoral and national level. In this way, UGT has formed union sections with Glovo workers in the provinces of Malaga and Zaragoza which have been gradually growing in membership and territorial structure (Ranz et al., 2019). In fact, TRSY! managed to introduce the first rider union delegate in a delivery platform in Spain, precisely in the company Deliveroo. This worker was able to become a union delegate once a court ruling recognized his employment status, forcing the company to accept him as an employee (Interview with Ruben Ranz, 2020).



In any case, the impact on membership has been relatively low: the more than 2,000 consultations from September 2017 to February 2020 resulted in only 57 affiliations to UGT. However, the union expects for better long-term results once riders are recognized as workers. That recognition has come with the publication of Royal Decree-Law 9/2021 to guarantee the labor rights of people dedicated to delivery in the field of digital platforms (May 2021). The approval of this law is thanks to pressure and negotiation of the most representative trade unions (CCOO and UGT) with the Ministry of Labour and the largest employer organization CEOE. In particular, the coordinator of TRSY! has played an active role within the union to raise awareness of the danger of the extension of platform work for employment relations. Furthermore, the union assures that the increase in membership is not the indicator to evaluate the success of the service, but the number of consultations attended, the legal coverage and the capacity to mobilize workers through the service.

Other services:

Placement services and training

The trade union FETICO, the most representative trade union in the retail sector in Spain, is developing new placement services for their members. Even though it was born as a trade union of the retail sector exclusively, it is expanding rapidly to other sectors. One of the sectors where it is becoming particularly important is the logistics one. As a result of the digital transformation in the retail sector, there have been job losses. The trade union is helping their members in the retail sector to find new jobs in other related sectors. This is particularly the case with logistics, a sector growing with the increase in e-commerce.

Strike / Solidarity Funds

Two trade unions in Spain, one national confederation (USO) and one regional trade union (ELA) provide strike funds as one of their services to members. USO is the third largest confederation in Spain and the only union at the state level that has a Solidarity or Strike Fund to financially support the affiliates in the situations in which, during the course of their working life, they are immersed in special difficulties, either defending their legitimate aspirations and social, economic and trade union claims with a strike or, when the result of corporate reprisals or professional errors from which no one is exempt, they are affected by sanctions or even dismissed. In the more than 30 years of operation of the Strike Fund, the USO has paid members who have participated in strikes or suffered trade union reprisals or penalties for professional reasons, around 6 million euros, in the almost 4,000 conflicts covered. Likewise, the Fund provides financial support to all affiliation in case of disability or death due to an extra-work accident or gender-based violence.

Pension Plans

Both CCOO and UGT put at the disposal of their members Associated Pension Plans. These are not funds belonging or directly managed by the unions, since they are plans associated with a financial entity (BBVA), but external services that offer to their members with a series of advantages in terms of costs, savings and with a marked social character. One of the main advantages to attract affiliated to join these pensions plans are the lower fees paid. Both the CCOO and the UGT plan have fees of 0.3%. This level is similar to that of employment plans promoted by large companies, but much lower than that registered by individual pension plans (1% per year on average). ♦

Conclusions

The literature has identified two main models of trade union action (Russo and Banks, 1996; de Turberville, 2004; Carter, 2006): The ‘Organizing’ model involves strong member participation, encouraging collective problem-solving through a decentralized organization structure and open channels to share information. According to Turberville (2004), this model is “a proactive bottom-up model of collective organization in which members constantly use innovative techniques to empower themselves”. In contrast, the ‘Servicing’ model of trade union action is based on more centralized structures in which the leadership within the organization solves members’ problems on the basis of complaints and requests (Russo and Banks, 1996; Turberville, 2004). Thus, this model views members as consumers of trade union services. Despite this dichotomy, Turberville (2004) and others have argued that these models are complementary rather than exclusive. Since a union with an exclusive focus on service provision for its members does not constitute a ‘threat’ to employers in collective bargaining processes, the two strategies must complement each other for more effective unions.

Therefore, innovative services focused on supporting non-member workers can be understood in this complementarity. They are top-down services designed to solve problems of lack of social protection, collective bargaining and/or union representation. But at the same time they can be membership-boosting initiatives to promote collective action in contexts where there is little

mobilization. The cases studied in Spain presented and analyzed in this report (“TRSY!” and “The precariousness’s WhatsApp”) are good examples of these initiatives and the challenges they face in order to bridge the gap between the union and non-unionized workers.

As the two cases show, these services may not be sufficient to solve the problems of membership in Spain. The union density in Spain is particularly low (12.5% in 2019 (OECD, 2021)) and it fell during the 2008 crisis, despite the fact that Spain was one of the EU countries where trade union membership was the most resilient. In addition to the well-known institutional causes that explain this low membership (erga omnes principle that guarantees the legal extension of the coverage of collective agreements), there are other reasons behind low union density. These are based on the high levels of membership turnover due to the difficulties in retaining new members, many joining to the organization for a utilitarian use of union services. Thus, innovative services promoted in Spain not only face difficulties in reaching groups of workers who are difficult to mobilize, but also and above all, in turning this extension of trade union service provision into an effective strategy to increase membership. Despite the rise in the utilitarian use of these services, the trade unions budget in Spain are still mainly based on stable membership, i.e., those workers who are affiliated through trade union action in workplaces and who see the trade union as a tool of collective organization rather than as an individual service. ♦

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