

## **Union and Neocorporativism in the Brazillian Mode**

Carolina Mercante

### **Carolina Mercante**

is a PHD candidate in Labor Law at the University of São Paulo.

E-mail: mercantecarolina@gmail.com

### **Abstract**

This text aims to analyze the main normative characteristics attributed to unions in Brazil and to what extent these characteristics are related to neo-corporatist ideology. Therefore, historical events are mentioned to help understand the trajectory of the union movement in the country, watching them in the light of existing political arrangements between social actors and the State. As examples of such arrangements will be quoted the Sectorial Chamber of the Automotive Complex established in 1991, the Council for Economic and Social Development (CESD) and the National Labor Forum.

### **Keywords**

interest groups, unions, neocorporatism

### **Introduction**

In Brazil, the union structure, in terms of their relations with the state, presents hybrids outlines, that is, it combines elements of pluralism<sup>1</sup> and corporatism<sup>2</sup>. While allowing the existence of unions, which compete with each other in terms of representativeness, the law imposes a limitation of one union per category and per municipality.

It is insistent in the literature the association of the roots of the current Brazilian union model to the corporatist regime, which reached its peak in the Estado Novo authoritarian period. However, since then, changes have taken place with regard to the panorama of classist institutions and their degree of dependence on the state. Although there have been no radical changes, there were changes, as in the case of plants, which, in theory, represent an attempt to provide the union with autonomy and, on the other hand, stimulate the union and the inter-union communication.

It so happens that, when it comes to neo-corporatism, here understood as a version of corporativism in democratic countries, there is not much conviction that this type of social conciliation easily fits the Brazilian case, especially when the interests in dispute come from the capital-labor relations.

In this space of doubt, this study aims to analyze the main normative characteristics attributed to unions in Brazil and to what extent these characteristics may be related to neocorporatist ideology. Therefore, in the first section, historical events are mentioned to help understand the history of the labor movement in the country. In the second section, a more theoretical approach will be made, showing the concepts and distinctions that surround the topic neocorporatism. The last section will be mentioned examples of participation of plants in neocorporatist political arrangements and their effects on trade union structure.

### **Trajectory of the Brazilian Union Movement: from Illegality to Institutionalization of the Central Unions**

In the early twentieth century, there existed in Brazil, under the influence of anarchist thought, a plural union movement, independent and unofficial, considered to be at the margins of legality and often treated as “police case”. In this context, the strikes were strongly reprimanded.

With the rise of Getulio Vargas to power, this reality suffered significant transformations. The government bureaucracy adopted institutional measures aiming to curb the incipient libertarian unionism that emerged in the country. In the next sub-items, there will be mentioned important episodes for the national unionism in three distinct phases: 1930-1964; the military coup to the democratic transition; and from the implementation of neoliberal policies by the Collor administration to the institutionalization of unions in the Lula Era.

### 1. '1930-1964': Collaborationists Versus Worker Resistance

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From 1931, following the imposition of the Unionization Act (Decree n. 19.770) established in the Vargas administration, worker memberships were allowed only to the union expressly recognized by the State, a measure which disrupted the previously existing autonomous unionism. It is important to note that part of the unions opposed the interventionist policy. Among those who opposed were the unions that were under the influence of Communists, Trotskyists and of the few remaining anarchists. These unions denounced the fascist character of unionization law (Mattos, 2009: 65).

From 1937 to 1945, with the installation of the dictatorship, which, among other measures, created the union tax and established the union classification, there was an increase in state intervention in unions<sup>3</sup>.

In 1945, considering the persistence of authoritarian legislation, communist leaders, with complete disregard of labor laws, created the Workers' Unification Movement (MUT), which had as its objective the development of democratic education of the proletariat, the struggle for freedom, the stimulation of the unionization of all labor sectors and, the support the general claims of the working class and above all the encouragement of the unity of the workers (Mattos, 2009: 79).

Regarding the period that starts with the end of the Estado Novo and continues until mid-1960, although it is considered a period of democratic opening, the union paradigm tied to state survived. The 1946 Constitution provided "free professional or trade association" in its art. 159, stating that its constitution would be regulated by law, its legal representation by collective agreements and the exercise of delegated functions by the government. In turn, the constitutional legislation maintained the union tax and created the National Commission of Unionization, a tripartite body, whose members were appointed by the Minister of Labour. This body was responsible for the union classification and further guidance on union matters (Decrees Nos. 8739 and 8740, both 1946).

The permanence of official ties between the state and unions did not inhibit the frequent outbreak of strikes, which initially were held with the support of works councils, which showed certain rupture with the leaders of the official unions<sup>4</sup>. Since 1961, more strikes were coordinated by the Workers General Command (CGT), an inter-union organization that had a proeminente role in the union struggle, though it has never been recognized by the MTE. This era was marked by the attempt by some Presidents and Ministers of Labour of the period to maintain social peace, containing the union movement, sometimes with a degree of dialogue, sometimes with acts of repression, and encouraging, through public policies, the development of national industry. However, Joao Goulart should be excluded from the previous point, since he approached the union movement, demonstrating his intention to expand social rights and promote basic reforms (LUIGI BLACK and SILVA, 2003).

About period narrated above (1930-1964), there is a pejorative sense, based on historiographical interpretations in vogue in the 1960s and 70s, which qualifies the rulers of that period as "populist", ie, charismatic leaders who conquered, demagogically, the support of the masses through social benefits granted to them. This conception is today used by the media to refer to public officials who prioritize social policies (DEMIER 2012: 204).

Francisco Weffort, although critical to the politics of this period, explained that populism was an ambiguous political regime, for although it counted on the accession of the masses, such membership was not absolute, given that it also enabled the population to express

their dissatisfaction (WEFFORT 1978: 62). Moreover, in the weffortian vision, populist policies were not purely ideological instruments, because although favored the interests of the ruling classes, were settled in meeting social demands of the lower classes<sup>5</sup>.

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In the last two decades, there have been more emphatic criticism of populism notions built both by unpopular liberal voices and by marxists. It is worth clarifying that the latter saw populism as a form of class rule at a time of growing industrialization and urbanization of the country.

Felipe Demier divides critics of the populism idea into two groups: the revisionists, who advocate the replacement of the term populism for "Laborism"; and on the other hand, the reviewers, who make up a movement of historiographical review of populism that, according to the author, is wider and more sophisticated than the first stream (2012: 205).

The revisionist trend has among its authors exponents as Angela Castro Gomes, Jorge Ferreira and Daniel Aaron Reis Filho (DEMIER 2012: 209). These authors praise the positive aspects of populism, based on liberal democracy proposed by the Constitution of 1946. They argue that workers could play a role of active subjects, creators of their own history. In the words of Jorge Ferreira:

In the Brazilian case, as in others, this was a relationship in which the parties, State and working class, had identified common interests. In Laborism, there were ideas, beliefs, values and behavioral codes that circulated among the workers long before 1930. Understood as a set of political, economic, social, ideological and cultural experiences, the Laborism expressed a class consciousness that was legitimate because it was historical. Through this approach, the workers, "while living their own history," cease to be simple state regulation objects (FERREIRA, 2001: 103).

On the other hand, the trend of the "reviewers" is specially composed by historians of thompsonian<sup>6</sup> inspiration, that guide their researches by primary sources (union minutes, workers publications and interviews with union members at the time) and consider "many of the attitudes of workers that took place in this period as legitimate classist attitudes" (DEMIER 2012: 210). In their research, these historians have detected the existence of several committees of workers that were active in factories and organizations in the workplace, as well as movements that dribbled the limits imposed to the autonomous actions of the working class. Moreover, these authors also criticize the view that the PCB has served exclusively as a tool to support corporatist union structure and acted in line with the nationalist project of class alliance. In their investigations, they show the important role of PCB militancy in the daily lives of various categories of workers, even if contrary to the official deliberations of the party leadership (DEMIER 2012: 212).

Unlike the revisionists, the reviewers do not indicate that there was a pact between workers and state. In this sense, Alexandre Fortes criticizes the apology to Vargasism. The author states that, along with the lasting legacies in the field of labor law, the Vargas regime imposed significant limits on the citizenship of the working classes (2007).

Without drawing definitive conclusions about the nature of the period now under examination, it is perceived through the unions created outside the law, the strike actions and the empirical research of "reviewers" historians, the coexistence of unionists who collaborated with the regime and those that fought for resistance. It appears that the national syndicalism was not fully co-opted by the state and the struggle to overcome the subordination survived the acts of repression or attempted domestication.

## 2. From the Military Coup to the Democratic Transition

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With the military coup of 1964, the union movement was disjointed. It started to develop a unionism that, as a rule, was in favor of a labor aristocracy that labored under the large companies. The prevailing tendency of unionism was, in a way, inspired by the business unionism of North American type (business unionism). However, Eduardo Costa e Pinto and Paulo Balanco maintain that, unlike the reality of the United States, where the working class joined the Taylor-Ford rationalization, which in practice allows wage gains, favoring the maintenance of the American way of life, the Brazilian standards were diverse, with a predominance of fragile labor movements, under strong coercion of military dictatorships. According to the authors, in the peripheral countries, there was the Keynesian-Fordist compromise, but the “overexploitation of labor” and the construction of a “reserve army of labor”, derived from the correlation strongly favorable to capital forces. In this scenario, capital representatives were articulated with representatives of the armed forces, allies still apart from the local middle classes and from the foreign capital with the aim of maintaining the established order (COAST AND PINTO; BALANCE, 2007: 43).

However, from the second half of the 1970s, this stagnation of the union faced strong insurgencies not only from union leaders, but also leaders of social movements, political parties of the left and academics, with the apex of the fight against interventionist system having as its protagonist the movement called New Unionism, born in the courtyards of the metals industries of São Paulo and the ABC Paulista, the most powerful core was the Metalworkers Union of São Bernardo do Campo and Diadema, which, in the late 1970 was chaired by Luis Inacio Lula da Silva. This movement also had union leaders linked to the categories of workers of the great steel mills, the oil sector workers, bank employees, and state-owned enterprises (BOITO Jr, 1994: 23). Leaders of the New Unionism, though claiming no state intervention in union matters, chose initially to distance themselves from the political (democratic and popular struggle), emphasizing the economist and workerist nature of the movement and making strong impact with strikes, especially in 1978 and 1979. Subsequently, the politicization of the movement, which was integrated into the fight against military dictatorship, led to the Workers' Party (PT).

Iram Jácome Rodrigues defends the thesis that the emergence of the post-1978 labor movement expressed a more general struggle for citizenship rights within society. In addition to the claims for better wages were claims for less inflation, more dignity, better housing conditions. The author considers the working class as the protagonist of the democratic transition in the country (2011: 19-20).

In 1983, in the National Congress of the Working Class (Conclat), promoted in São Bernardo do Campo, the Workers' Central (CUT) was founded as a symbol of disagreement with the current union model, whose flags were the extinction of union dues and uniqueness. The CUT had heterogeneous composition, coexisting in it various union strands<sup>8</sup>, leftist groups of the Catholic Church, and members of popular movements (DUARTE; GRACIOLLI, 2010). Although not officially recognized and therefore antisystemic, it was involved in major strikes of the 1980s, especially for being against the big monopoly and imperialist capital, against payment of the external debt and against the landowning structure of the country. Another highlight of the CUT during this period was its presence as a pressure group in the Constituent Assembly of 1988. In particular, Duarte and Graciolli argue that the Constitution of 1988 would have been a great opportunity to break the dependency that the unions had from the State (2010: 77), if not for the lobbyists who defended the old

model, such as business sectors, unions committed to the old system and bureaucracies such as the Ministry of Labor and the Labor Court, afraid as they were to lose their power.

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It is noteworthy that, despite a certain influence in the union movement because of the recessive economic scenario, high rates of inflation and unemployment, the CUT was present at the outbreak of general strikes against the successive economic plans of the government Sarney.

### **1.3. From the Implementation of Neoliberal Policies to the Institutionalization of the Centrals**

However, with the election of Fernando Collor and the implementation of neoliberal policies of his government, the confrontation unionism organized through CUT began to show signs of collapse. Not only the country had opened itself to imports, the government also encouraged domestic companies, to maintain its competitiveness, to modernize its industrial parks, innovate Technologies and adopt new forms of work relations, shrinking the number of jobs (FRANÇA, 2003: 84-85).

Nesse contexto, em 1991, foi criada a Força Sindical, central que tinha como bandeira a flexibilização da legislação trabalhista viabilizada pela livre negociação entre empregados e empregadores. O ideário de orientação liberal dessa central foi, inicialmente, consolidado no livro *Um projeto para o Brasil: a proposta da força sindical*, publicado em 1993 e coordenado pelo economista Antônio Kandir.

In this context, in 1991, the Union Force was created, having as its central flag the relaxation of labor laws<sup>9</sup> made possible by free negotiation between employers and employees. The liberal ideology of that central was initially consolidated in the book *Um projeto para o Brasil: a proposta da força sindical*, published in 1993 and coordinated by the economist Antonio Kandir.

Trópia exemplifies the ideological stance of that central, as he mentions the contrary militancy Force regarding the general strike that broke out in 1991, whose protests moved in detriment of the economic policy of the Collor government. The author also mentions the strength of the opposition to the strikes against neoliberal policies of the FHC government, as well as the support of the central to the privatizations occurred during that period (1999). In Boito Jr's view, the Union Force is born of the alliance with right-wing parties, fighting for a results unionism - North American business unionism, a negotiating unionism, that defended the flexibility of social rights on account of productive restructuring (BOITO Jr, 1996).

In a financial crisis, privatization and loss of Jobs situation, the CUT, not to lose more space for the Union Force, did not resist, but coordinated with the government and the business community, making concessions to the financial capital. Demonstrating its surrender to neo-liberal policies in 1991 in Concut<sup>10</sup>, the Joint, then the majority tredn in the CUT, went on to draw a central that was less linked to the union movement and more integrated into the official structures<sup>11</sup>. In the field of collective bargaining, the Treasury proposed the collective bargaining agreement, which was done through the deregulation of labor relations in a first level of trading. That is, leave the first trading sphere of debates to the central government and employers. From that first level of negotiation, negotiations would be promoted by states, regions and categories. The CUT also supported the maintenance of the tripartite sectoral chambers, created in the Collor administration and expanded the FHC administration. These cameras were

aimed to legitimate public policy decisions regarding the Brazilian industrial universe. With the strengthening of neoliberal ideology in the FHC Era, strikes were increasingly being replaced by negotiations in which business demands prevailed.

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With the rising of PT to the presidency, there was an even more explicit submission of unions, including the CUT and Força to the governing guidelines<sup>12</sup>. As a strategy to obtain support from largest centrals, there was enacted in 2008, the Law no. 11,648, institutionalizing the unions and setting as its duties the coordination of employee representation by unions affiliated to it and the participation of unions on forums, public agencies and other collegiate social dialogue spaces that have tripartite composition, in which matters of general interest of workers are being discussed. The law also established a minimum percentage of representation for the official recognition of centrals<sup>13</sup>. Thus, only centrals with a greater number of affiliated unions that were recognized by ordinance issued by the Minister of Labour and published in the official gazette could participate in tripartite forums to discuss labor issues<sup>14</sup>. Another innovation introduced by the law was the allocation to the unions of 10% of union dues payable by professional categories. Thus, each union center would receive 10% of union taxes that were owed by employees covered by unions affiliated to it. This participation in the labor income boosted rupture between the existing plants and the immediate "rush" to institutionalization<sup>15</sup>. It is recorded that some of these new centrals, such as the CONLUTAS are composed of members of old CUT's left trends, who disagree with the uncritical and passive stance taken by the CUT against the Lula government, its externalized passivity in pension reform held in 2003 that suppressed rights of public employees. Moreover, these currents are also opposed to the participation of the CUT in tripartite bodies set up by the government which, in his view, are mechanisms of co-optation and class conciliation, in order to build a pseudo consensus of government measures. Moreover, contrary to the centralization of power in the union cupules and the consequent breakdown of the resistance of minority trends, opening it to the labor reform (TRÓPIA; GALVÃO; MARCELINO, 2010: 2-3).

It appears, therefore, that the PT government, besides prioritizing a top down unionism that is distant from its bases, was not able to make changes once defended by the New Unionism, movement in which President Lula was one of the leaders. Therefore, the pillars of the authoritarian union legislation today remain in its essence (MANCUSO, 2007: 135), having the unions remained fragmented, bureaucratized and welfare bias<sup>16</sup>.

Since the 1930s, the profile of the Brazilian union structure has not shown significant changes. However, despite the intense and explicit state intervention in the unions from the Vargas Era<sup>17</sup> no longer occur, the form of funding (union dues)<sup>18</sup> and the limitation of creating municipality by unions (unity)<sup>19</sup> remains. In addition, the interference of official bodies in union practices occurs in both formal aspects, such as the requirement for union registration with the Ministry of Labor and Employment (MTE)<sup>20</sup>, as in material respects, when the Labor Judiciary rules on the legality strikes or when discourages collective bargaining due to the possibility of "finalizing" the collective dispute through normative sentences.

### **Neocorporatism: Concepts and Distinctions**

Before entering the neocorporatism theme, it is important to explicit the model of representation of interests that gave rise to it: corporatism.

The modern corporatism (not medieval) was prepared as a third way between liberalism and communism. In the corporatist thinking, the state is at the service of the community,

surpassing the individual interests for the sake of national interests. Further, ideologues of corporatism oppose pluralism and view the state as an entity endowed with great autonomy, organizer of the market and a representative of most intrinsically public interests (ARAÚJO; TAPIA, 1991: 5).

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Although Corporatism is used to define different political and social phenomena, it was initially associated with the totalitarian experience, among them the Italian fascism led by Benito Mussolini.

In open confrontation with fascist ideals, Antonio Gramsci, in the light of Marxist philosophy, criticizes the corporatist unionism, which preserves the subaltern condition of the working class. According to the philosopher, this form of unionism does not see the issue of hegemony, that is, the need for a “united front” (alliance between workers) to form a new order, a new state (DEL ROIO, 2007). Gramsci is concerned with the “self-activity” of the masses, self-organization and self-government, categories that collided with the Italian corporatist regime. When referring to the relationship between fascism and unions, parties and culture associations, Gramsci noted:

Contemporary dictatorships legally abolish also these new forms of autonomy and strive to incorporate them in political life: the legal centralization of all national life in the hands of the dominant group becomes ‘totalitarian’. (Q 25, § 4, p 2287 apud DEL ROIO, 2007: 75).

In the 1970s, Philippe Schmitter, to address the issue corporatism, describes it as a set of arrangements to involve the organized interests of civil society with government decision structures (1974: 86). The author says that the modern corporatism, although it was widespread in the Latin Mediterranean region, was not created there, and that the ideologues of corporatism originate predominantly in Germany, Belgium, France and Austria (1974: 90). When talking about the traditional corporatism, Schmitter classifies it as state corporatism, associating it with political systems in which the territorial subunits are extremely subordinate to a central bureaucratic power, without direct or plebiscitary elections. For the author, the state corporatism is a model in which the institutions by which interest groups are expressed and articulated are created and controlled by the state. Points out that state corporatism is a defining element, which develops, in general, in countries with anti-liberal systems of late capitalism, with authoritarian and neo-mercantilist regimes. Cites as examples of state corporatism, Brazil, Portugal, Spain, Chile and Mexico (SCHMITTER 1974: 103).

On the more democratic form of corporatism, the neocorporatism<sup>21</sup>, Schmitter classifies it as societal corporatism, defining it as a model that is based on political systems with relative autonomy, split into territorial units, with competitive elections and political parties, with ideological variations, although it has strong verticalized or flattened political subcultures. To Schmitter, in the societal corporatism, representation systems of interest derive from the relationship between social groups and the state, remaining, however, the strong role of government in these arrangements, because although there is greater autonomy and more work space for the groups, these should be recognized and authorized by the state, which often subsidizes them, gives them power and monopoly of representation, establishing functional differentiations and hierarchies among them, shaping their degree of competitiveness. The author points out that the societal corporatism is a concomitant component of the post-liberal era, typical in the advanced capitalist countries, organized democratically and based on the Welfare State policy. The author mentions as examples of corporatism Sweden, Switzerland, Norway and Denmark (1974: 103).

According to Schmitter, in both forms of corporatism, there is the institutionalization of conflict and restriction of variations to the autonomy of interest groups, which contributes to the governability of the political system, controlling the conflict between social classes.

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This control of social conflicts is more subtle in neocorporatist standards. The state continues to call the shots, but uses the social dialogue, ie, the articulated consensus among the main social actors in order to legitimize their decisions. In this system, we do not see the end of class interests, but the end of the conflict, and the prior conflicting groups become political cooperation subjects (BARROSO, 2010: 43-55).

With an optimistic outlook, there are authors who identify advantages in the neo-corporatism, such as the expansion of democratic spaces, the inclusion of social actors and the facilitation of communication between them. According to Fleury (2006: 84 cited IPEA, 2010) this model is able to introduce into the political class, people who are not professional politicians. In addition, Tapia points out that neo-corporatist practices are able to reduce obtaining information costs and can increase “confidence in the negotiation process of representation directly involved interest groups.” For Tapia, neo-corporatist arrangements help the state “to obtain information, mobilize expertise and enhance the cooperation of economic and social actors” (TAPIA, 2007: 29 *apud* IPEA, 2010: 173-174).

On the other hand, for authors like OFFE, presenting a Marxist perspective, the neocorporatist arrangements are configured in ways to perpetuate the domination of classes, whereas the alleged consensus would be a fallacy to substitute the incompatibility between competing demands. Furthermore, the author points out that neo-corporatism impacts vary according to the group being analyzed, with disparities when it comes to organizations linked to capital or labor (OFFE Claus 1981 cited ARAÚJO; TAPIA, 1991). In this sense, the state would tend, in forums called tripartite, to enable greater business interference compared to the influence of labor unions.

### **Neocorporatist Arrangements**

In this item it will be cited as examples of neocorporatist arrangements the Brazilian Chamber of Automotive Complex established in 1991, the Council for Economic and Social Development (CESD) and the National Labor Forum. Also considerations will be made for the consequences of these arrangements on the union structure.

The sectoral chambers, used during the Collor administration and the beginning of the Itamar Government, consisted in the *locus* of sectorized discussion of matters regarding to industrial development and social and economic policies. It has been cited as an example the Brazilian Chamber of Automotive Complex which established agreements on issues such as the reduction of prices, the taxation system, the capital-labor relations and funding mechanisms.

The activities of the Automotive Sector Chamber Complex began when, in June 1991, Ford announced it would close the engine division of its plant located in the ABC Paulista and lay off about seven hundred employees. In response, the unions promoted protests and a strike of twenty-three days, which had no effect. Vicentinho, then president of the United Steelworkers, addressed to the company's US headquarters to try to avoid layoffs. On his return to Brazil, the union met with government ministers, having managed the implementation of the said chamber, which was composed of representatives of government, employers and workers (FRANÇA, 2003: 86).

The first agreement of the Automotive Sector Chamber was signed in March 1992, in which it agreed to maintain the level of employment; ensuring automatic monthly adjustments; tax reduction (6% over the IPI – federal tax and 6% compared to the ICMS – State VAT); and 10% reduction in the profit margins of companies. To stimulate consumption of vehicles, the government also facilitated the financing, reducing the IOF from 12% to 6%. Teones Pimenta de França considers that this agreement was essentially a kind of tax waiver, as the reduction in profits, by entrepreneurs, was hard to determine (2003: 88).

The second agreement of the Board occurred in 1992 and provided the level of jobs growth. França believes the agreements represented a novelty in the 'capital-labor' relationship in the country, but did not break with the logic of relative surplus value which requires more technology, fewer workers, more production and more profit. In view of this author, such covenants did not account for greater democracy in labor relations. França points out that, after the agreements - specifically between 1993 and 1996 - vehicle production almost doubled. However, the number of jobs decreased. He also clarifies that the production of vehicles per employee also increased during this period (FRANÇA, 2003: 89-91).

The sectoral chambers suffered criticism because they intensified the fragmentation of the working class and did not have legitimacy to speak for the working class:

[...] The sectoral chambers gather the most modern sectors of the production system, which have strength and undeniable capacity for action. But precisely because these sector organizations can legitimately speak for the interests of their members, they can not speak for the general interest of the class at the risk of contradicting the interests of the sectors they represent. Because they are able to defend their interests and ensure agreements, setorialized representation prevents agreements on public policy in the interests of the class as a whole. In the end, it is possible to establish sectoral agreements and decisions which, although satisfactory and interesting for the participants of the Agreement may result in losses for the class in general. (COSTA, 1994: 62-63 cited SANCHEZ: 35).

Another criticism is based on the fact that the cameras favored the most homogeneous segments and with lobbying power, ignoring the less organized and dependent on state protection groups. It should be noted that the chambers in Brazil, featured a neocorporatism in mesopolitical level (limited to the sector), while in some European countries, the neo-corporatist practices took place in macropolitical level, having been celebrated major tripartite agreements between employers' associations, governments and central union (SANCHEZ: 34-35).

It is understood that, in Brazil, figured cameras as division of deepening mechanisms among workers, creating "levels" of union members, as metallurgical of automakers and metallurgical of auto parts. Thus, for the same category, such as the metallurgical, discussed up various policies according to business size (small or multinational automakers and medium domestic auto parts suppliers). The chambers, to bring to he only portion of a particular profession dialogue, encouraged the fragmentation of the working class in harmony with the new production models, who revere the toyotist standards and encourage outsourcing<sup>22</sup>.

In turn, the CUT proved inclined to defend the existence of sectoral chambers, on the grounds broad diversity of the working class. Duarte and Graciolli point out that the cameras CUT conceived as mechanisms of "fighting unemployment" (2010). This view was not unanimous in central and received criticism from minority currents of the CUT who

insisted on the importance of unity of the workers (OLIVEIRA, 2001).

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For its part, the Union Force also stood in favor of the cameras as dialog building spaces, which take into account the different political and economic contexts

As for the Council for Economic and Social Development, proposed by the Lula government and established by Law n. 10,683, 2003, it is body composed of members of civil society (business, trade union representatives and social movement leaders) and the government, the purpose of which is the President's advice in the formulation of specific policies and guidelines, as well as the aid in the assessment of public policy proposals, structural reforms and economic and social development, on the grounds that this advice promotes the articulation of government relations with representatives of society. It is appropriate to clarify that the CDES has consultative role and not deliberative (IPEA, 2010: 179).

In the words of former President Luiz Inacio Lula da Silva himself, the CDES should reflect the voice of "civil society":

If you came here just to speak well of the government, you have made a mistake. If they came here just to speak ill of the Government they have made a mistake. If come here just to complain, your mistake is even bigger more. This Council - were told at the beginning and I will repeat now - is the first time that organized civil society, through its entities and of the different instances in which it is organized, has the opportunity to say that the type of Brazil we want and the kind of things we can do in the country. (emphasis added) (CESD, 2003).

Beforehand, you may want to question that the concept of civil society referred Past President Lula, given the multiplicity of meanings that this expression may cover. It is important to note that, depending on how the concept of civil society is understood, the popular participation levels may vary, even within these official spaces for public dialogue.

In a critical sense of the civil society, Gramsci conceives it as an instrument of mediation between the economic structure and political society (the state). For the author, it is in this space that the class-interests are organized and articulate politically aimed at the construction, maintenance and improvement of hegemony. Gramsci teaches that civil society is made up of associations, parties, clubs, large media organizations, etc., forming what he calls the private apparatus of hegemony, which spread ideologies that legitimize their interests and ensure the necessary conditions for the implementation of their projects. For civil society organizations, the state apparatus are mechanisms to strengthen the hegemony of the dominant group:

Por enquanto, podem-se fixar dois grandes 'planos' superestruturais: o que pode ser chamado de 'sociedade civil' (isto é, o conjunto dos organismos designados vulgarmente como 'privados') e o da 'sociedade política ou Estado', planos que correspondem, respectivamente, à função de 'hegemonia' que o grupo dominante exerce em toda a sociedade e àquela de 'domínio direto' ou de comando, que se expressa no Estado e no governo 'jurídico'. Estas funções são precisamente organizativas e conectivas (GRAMSCI, 2004:20-21)

For now, one can set two big 'plans' superstructural: what can be called 'civil society' (ie the set of designated bodies commonly as 'private') and the 'political society or state' plans which correspond, respectively, to the role of 'hegemony' that the dominant group exercises throughout society and that of 'direct rule' or command, which is expressed in the state and government 'legal'. These functions are precisely organizational and connective (Gramsci 2004: 20-21)

Analyze the CDES, in the light of Gramscian thought, requires a close monitoring of the

possible existence of private apparatus of hegemony by alleged covert deliberation and consultation mechanisms. It is clarified that, according to Fabio Tulio Barroso, social dialogue is an attempt by the State to achieve the articulated consensus among the main social actors in order to legitimize its decisions (BARROSO, 2010: 43).

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It is important to note that not only the CUT and Força Sindical, but other centrals currently recognized by the MTE have leaders who are members of the CDES. In the Council, representatives of the central manifest themselves in meetings and seminars, setting out its position on topics that guide and even transcend the labor legislation, such as the fight against poverty; the work safety conditions in major civil works, like the PAC and sports arenas; problems arising from outsourcing; and the marketing in Brazil of products from countries that exploit cheap labor, like China. It can be seen on a first reading, that in a macropolitical level, the PT Government chose to give voice to the members of the ranks of the union movement, facilitating the achievement of consensus and a consequent appearance of social legitimacy<sup>23</sup>.

It is of note, finally, as an exponent of integrative policy, the National Labor Forum, also established by Lula, whose scope was the attempt to promote a broad discussion among representatives of workers, employers and state bureaucracies on union and labor reforms.

The main proposals emerged from the discussion, which are embodied in the Constitutional Amendment Project n. 369/2005, are: the prevalence of the negotiated over the legislated<sup>24</sup>; the prevalence of higher levels of collective<sup>25</sup> bargaining; the replacement of unity for exclusivity<sup>26</sup>; the gradual replacement of union dues through negotiations contribution<sup>27</sup>; and the creation of the National Council of Labor Relations<sup>28</sup>.

The proposal of excessive concentration of power in the hands of the unions, with the permission to bargain collectively on behalf of workers angered sectors of CUT left (SANCHES, 2008: 70), who argued that this would be a way to remove the autonomy of the basic unions and exclude all forms of resistance against the base agreements that are harmful to workers. On the other hand, Sanches considers that the allocation of negotiating rights could be favorable, in order to block any flexibilizing collective bargaining promoted by unions. The author maintains that the ideal would be that the collective bargaining processes were conducted by a "two-way street", not giving excessive powers to the unions, but also not granting the exclusive concentration only to the base unions (2008: 72).

As for the official position of the major unions on FNT discussions, it appears that the CUT approved the deliberations of the Forum, even if they do not fully attend to its historical flags. In particular, Molin points out that the retreat of the CUT as for its initial proposals (union plurality and strengthening the autonomy of unions in collective bargaining) resulted from the fear that a substantial change in the union structure could lead to the prevalence of the negotiated over the legislated and to loss for workers, with further losses in terms of social rights. Molin also clarifies that even in the early stage of FNT, CUT advocates the need for further discussion as to the union plurality, so to limit the quantity of unions per company and inhibit union pulverization. Already in the remaining stages of the debate, according to the official discourse of the CUT at the time, the union reform would promote "possible changes" in the national unionism, given the economic situation and the strong neoliberal pressures to which the Lula Government was submitted (2012 : 391-397).

In turn, the Union Force also supported the resolutions, especially in terms of unity on the basis of unions and the plurality at the cupule, also being loyal advocate of strengthening

direct negotiation between employers and employees (MOLIN 2012: 400-401 ).

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It is worth noting the message sent by the FS to Congress in ruling on the PEC 369/2005:

The proposed union reform that unions, employers and the government gave to Congress is an historic opportunity to modernize the capital-labor relations and reorganize the Brazilian labor movement, both workers and employers. The text that was sent to Congress resulted in more than 400 hours of trading, with the involvement of all social actors in the National Labor Forum. This text gives new muscle to the union movement of workers and employers, and even that is not yet optimal, results in significant advances for Brazilian society. I argue with those arguments, that the reform is a major breakthrough in labor relations. I urge, then, the deputies and senators to appreciate, carefully and patriotism, the Reform bill sent to them. Of course it can be improved, but we must be alert to hand absently not always those who now looks to the past, do not want no change, only want to preserve their privileges (PAULO PEREIRA DA SILVA – apud UNION FORCE PRESIDENT MOLIN, 2012: 402).

Andreia Galvão highlights that some of the unions unhappy with the views expressed by the CUT and FS these forums originates “Left” (Conlutas and Inter) centrals and the part founded the New Central Union of Workers, which representes, mainly, federations and confederations (2012: 188).

It is observed that the deregulation of labor rights expressly advocated, and in some cases, implemented by the government FHC<sup>29</sup>, continues on the agenda of policy arenas under strong business and media pressure, serving them as convincing evidence on the international economic crisis and the structural unemployment. In this framework pressure of the ruling classes to maintain the current hegemony, the centrals take a defensive posture, conforming to the new arrangements outlined by the capital. Consequently, rarely participate in strikes and do not promote wider demonstrations, giving rare criticism of economic policy, signaling a general apathy.

CUT leaders are explained stating that the central position is consistent with the political and economic reality of the country:

a historical position of the CUT and most of the unions that joined the Central. But in the current debate on labor reform, we believe it is necessary to seek the maximum consensus for one to promote advances in trade unionism. We think that you can make changes according to the original principles of the CUT. The automatic application of OIT Convention 87, at this point, would not help in the necessary drive to reform actually occurs (FELÍCIO, 2004: 107, *apud* MOLIN).

Although left of sectors of the CUT have defended the central output of discussions in the FNT, it is observed that the CUT official position was not to confront government strategies, which can be explained by the central political proximity to the PT government.

### Final Thoughts

To frame Brazilian unions in only one of the representation models would imply disregard of its heterogeneity, with a view to existing ideological diversity between the unions and even changes in political trends within each central, which are formed by different unions located in different regions of the country.

However, in view of the legislation governing the functioning of the centrals, of the departmental tripartite forums, of the passivity that the main union umbrella bodies demonstrate with regard to governing guidelines and business demands, we can see an

inclination to neocorporatist arrangements, highlighting, in Brazil, a strong dependence of the unions to the state, with a clear weakness of the working class in relation to the capital.

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### Notes

1. On pluralist perspective, the political system is an arena in which there is competition from organized interests on behalf of their respective preferences, being the competence of the State to legitimize the competition, ensuring respect for the rules of the game (ARAÚJO; TAPIA, 1991:4).
2. For the understanding of what we consider as “current hybrid model of Brazilian syndicalism”, we use the term corporatism as a category that is able to describe the interest representation systems “made up of non-competitive units, officially sanctioned and supervised by the State” (ARAÚJO; TAPIA, 1991:9).
3. In what concerns the contents of labor standards, Antunes (2006: 502) criticizes the myth that social rights under the Consolidation of Labor Laws have been donated to the workers by the government. For the author, the claims for leave, reduced working hours, weekly rest, etc. were constant and were already for decades been the object of struggle by workers and were rights, to some extent, conquered and not granted as a gift.
4. One example was the strike of 300 thousand, which was initiated in the Matarazzo textile factory, having been extended to other categories such as metallurgical, graphics, woodworkers and glassblowers. This movement had as its main claims aimed at job security, a salary increase of 60% and the requirement of effective government measures against the high cost of living (LUIGI NEGRO; SILVA, 2003:63).
5. The words of the author follow transcribed: the notion of manipulation, as well as of popular passivity, must be achieved historically, so we can understand the real significance of populism. The image, if not the concept, better suited to understand the relationship between urban masses and some groups in the state is that of a covenant (tactic) between sectors of different social classes in which the hegemony in course always lies next to the interests linked to the ruling classes, but it is impossible to be carried out without the assistance of some basic aspirations of the popular classes, including the claim

of employment, increased diversity of consumption and the right to participate in state affairs. Minimum aspirations, of course, but decisive for mass politics in a country like Brazil (WEFFORT, 1978: 75-76).

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6. Among them, Alexandre Forte, Antonio Luigi Negro, Fernando Teixeira da Silva, Hélio da Costa and Paulo Fontes (DEMIER, 2012:210).

7. A major contribution of Iram Jácome Rodrigues' research was the identification of the different existing trends in union environment in the late 1970 and early 1980. The author, in addition to interviewing members of the union movement, also participated in conferences promoted by working classes in such a time.

8. In the III Congress of the CUT, there were found differences between the Articulation trnads and Socialist Left. The Articulation and its allies wanted a Central of predominantly union profile, "although combative, having the conflict as a critical praxis'. Already the Socialist Left longed for a role for CUT that was "eminently political, in which the anti-capitalist struggle and the ideology of a society would be presented." To Iram Jácome Rodrigues, these deep disagreements led to a certain paralysis of the centrals, which, for the author, endures, in a way, to this day.

9. An expression taken from the site itself of the union Force, in "The history of the Force." Available at: <[http://www.forcasindical.org.br/portal/institucional.php?id\\_con=150](http://www.forcasindical.org.br/portal/institucional.php?id_con=150)>. Acesso em: 12.ago.2012.

10. 4th CUT National Congress.

11. Note that when speaking in this article about the CUT position, the oppinion of the majority opinion of its members is taken into regard, thus representing its official position and not to all existing wards in the Central. Roberto de Oliveira Vêras asserts that, in the political-union project of the CUT, there has always been internal tensions (2007:47).

12. Andreia Galvão even speaks of a convergence of positions between FS and CUT in Lula's second term (2012:188).

13. 2nd. Art. For the purposes of the tasks and powers referred to in item II of the heading of 1st Art. of this Act, the union federation must meet the following requirements: I - membership of at least one hundred (100) unions distributed in five (5) regions of the country; II - membership in at least three (3) regions of the country for at least twenty (20) unions in each; III - membership of unions in at least five (5) economic sectors; and IV - membership of trade unions representing at least 7% (seven percent) of the total unionized employees nationwide. Sole paragraph. The index provided for in section IV of this Article shall be 5% (five percent) of the total unionized employees nationwide within 24 (twenty four) months from the publication of this Law.

14. Union Centers that meet the requirements of art. 2 of this Law, with their representative indexes to which their Representativeness Certificates will be provided - CR. a) Central Única dos Trabalhadores, with 36.7% representation index; b) Força Sindical, with 13.7% representation index; c) UGT- União Geral dos Trabalhadores, with

11.3% representation index; d) CTB - Central dos Trabalhadores e Trabalhadoras do Brasil, with 9.2% representativeness index; e) NCST - Nova Central Sindical de Trabalhadores, with 8.1% representativeness index. MINISTRY OF LABOR. Unions disclosure orders 2012. Available at: <[http://portal.mte.gov.br/data/files/8A7C816A36A27C14013784445BB40D3A/Despacho\\_2012\\_0525.pdf](http://portal.mte.gov.br/data/files/8A7C816A36A27C14013784445BB40D3A/Despacho_2012_0525.pdf)>. Acesso em: 18.dez.2013.

15. Unions awaiting the fulfillment of legal requirements to be officially recognized: CENTRAL DO BRASIL DEMOCRATICA DE TRABALHADORES - CBDT NACIONAL, CENTRAL NACIONAL SINDICAL DOS PROFISSIONAIS EM GERAL - CENASP, CENTRAL SINDICAL DE PROFISSIONAIS - CSP, CENTRAL SINDICAL E POPULAR CONLUTAS, CENTRAL UNIFICADA DOS PROFISSIONAIS SERVIDORES PUBLICOS DO BRASIL, CGTB - CENTRAL GERAL DOS TRABALHADORES DO BRASIL, UNIAO SINDICAL DOS TRABALHADORES - UST. MINISTÉRIO DO TRABALHO E EMPREGO. Available at:<<http://www3.mte.gov.br/sistemas/cnes/relatorios/painel/GraficoFiliadosCS.asp>>. Acesso em: 10.jul.2012.

16. Fragmentation and bureaucratization resulting from the constitutional imposition of unity and legal provision of the annual union tax. The principle of unity allows for only one representative union for territorial base, which can not be less than the area of a municipality. In turn, the union tax favors the indulgence of the unions, which have guaranteed income, regardless of how many affiliates. This structure stimulates the division of labor unions in increasingly restricted categories, and does not encourage the congregation of employees in the same metropolitan area (Example: Metalworkers Union in Sao Bernardo do Campo and Diadema versus United Steelworkers in Santo Andre and Maua) . As for welfare, this bias can be seen in that the union activity has been prevalent in order to provide the associated leisure facilities, medical and dental conventions and legal assistance in individual labor, to the detriment of the struggle for expansion of rights.

17. MANCUSO cites as examples of extreme interference the requirement of prior authorization for the foundation of unions, the intervention in the elections for leadership roles and the possibility of intervening in the daily operation of the bodies (2007:135).

18. 8th Art., IV, da Constitution of the Federative Republic of Brazil, 1988 (CR/88)..

19. 8th Art., II, da CR/88.

20. Normative Instruction n. 3/1994, MTE.

21. In the literature consulted for the preparation of this article, the authors consider the expressions neocorporatism and societal corporatism interchangeably. In similar fashion, Mahrukh Doctor gives equivalent content to such terms (2007:133).

22. On the subject, Galvão asserts: [...] the sectoral chamber expresses a differentiated and exclusive behavior of auto workers, to the extent that

they have signed an undertaking to the detriment of the rest of the metal category, in an attempt to save their industry (1996: apud SACHES: 39).

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23. A more precise analysis of the roles of centrals in the CDES and the results of these activities would require extensive and thorough research.

24. The FNT deliberations that made their way towards the new regulatory framework of collective bargaining should consider the reality of each economic sector of the undertakings or production units, and the needs of workers, with exception of what will not be agreed upon the rights defined by law as non-negotiable.

25. It was established in FNT that the top-level negotiations, if any, will set out the terms which can not be modified at lower levels, considering the peculiarities of each context representation and companies. The observation consisted, however, that the top-level negotiations will be triggered by an effective consultation process to each of the lower levels involved directly from the union.

26. To obtain exclusivity, proof of representativeness of at least 20% of members among workers in the professional category will be required. However, the proposal of FNT provides that the Unions, in compliance with the underlying criteria for economic sectors and branches of economic activity, may constitute, by means of secondary representation or proven, own organizational structures: Confederations by economic sector, State Federations and interstate by branch of economic activity. Sanches explains the institute derived representation: In this device, unions can, rather than prove their representation, join a top-level entity with proven representativeness. In this case, the share is transferred from the top-level entity to the lower level entity (making the trade unions, who acquire union personality through this bypass mechanism, completely submitted to a labor union - Central, confederations or Workers and Employers Federations - that granted them representativeness and should submit to their status]. Similarly, the top-level authorities can create lower-level entity as part of its organizational structure (2008:72).

27. CUT defended the extinction of union dues in three years and its replacement by "fees" and contributions approved in the Assembly (MOLIN, 2012:397).

28. Tripartite body with participation of government representatives, employers and workers, being responsible to draw public policy proposals for labor relations and with the presence of bipartite chambers that treat, separate, specify issues in relation to representations of workers and employers.

29. Like the legal permission for the employment contract for a definite term and the bank of hours (Law no. 9608/1998) and also the suspension of the employment contract (art. 476 of the Labor CLT).

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