



Work and social representations: Sociological and linguistic analysis of a legislative creation process

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Abstract

As part of a wider program that studies the legislative creation process regarding work conditions in the Argentine Republic, the purpose of this research is to examine the different ways in which the written press represents, on one hand, the formulation and approval process of the Labor Risk Law reform, which concluded on 25 October 2012 with the passing of Law 26,773, and, on the other hand, the scope, content, and sense of said regulation. The perspective of the research is interdisciplinary, its methodology is qualitative, and the process guiding the textual analysis is inductive and hermeneutic. The corpus is made up of the news related to the studied legislative process. The news analysis was carried out according to the proposal of a Sociological and Linguistic Discourse Analysis. Thus, the argumentative strategies and the linguistic resources deployed were associated with the interpretive models of reality underlying those texts, and moreover, the similarities and differences among the various news articles were examined as regards the representation of (a) working conditions; (b) workers and employers and their respective rights and obligations; (c) the legitimacy, need, and legality of the regulation passed; (d) the scope of the protection granted to workers; and (e) the effect of this regulation on workers' constitutional rights and guarantees.

Keywords

Categorization, media discourse, political discourse, social representations, sociological and linguistic discourse analysis, working conditions

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Research questions, corpus, and methodology

The questions that have guided this interdisciplinary research in which sociology, law, and linguistics are conjugated are the following: What characteristics does the workers' and employers' representation assume in the written press during the reform process of the Labor Risk Law (LRL)? How are the subjects of the work relationship categorized? What actions are ascribed to or proclaimed concerning these actors? How is the proposed regulation represented and, later, passed? How is it evaluated? Which are the interpretive models underlying the texts of the different news articles? Are these models related to the forms of representation of the subjects in the work relationship?

The corpus was made up of (a) the pre-headlines, the headlines, and the subheadlines of 95 news texts from newspapers of the Federal Capital of the Argentine Republic published between 6 September 2012 and 18 December 2012; (b) the words pronounced by President Cristina Fernández de Kirchner¹ on the occasion of the celebration of Industry Day on 3 September 2012, when she announced the Project of Reform and its content (Text 1)² to business leaders: as of then, information about the reform increasingly started to appear in the press; (c) the Message of Elevation of the Reform Project submission to Congress by the Executive Branch on 20 September 2012 (Text 2); and (d) the text of Law 26,773 passed on 24 October 2012 and published in the Official Bulletin on 26 October as 'Regime for managing the compensation of damages derived from work accidents and professional diseases' (Text 3).

This research has followed an inductive path. The examination of the corpus texts, to establish the main linguistic resources and argumentative strategies and their relationship with the interpretive models, was not conducted in the light of specific theoretical assumptions. Therefore, the analysis of the texts was not tackled admitting a priori the presence of linguistic resources previously selected on the basis of a specific theory which was to be verified, but it was approached in the opposite direction – the texts were examined trying to first establish which their main strategies and resources were and then to associate these resources with the interpretive models assumed by the speakers.

In this research, the processes of data collection, analysis, and interpretation respond to the assumptions of what I call Sociological and Linguistic Discourse Analysis (SLDA), the rationale of which I have developed in previous researches and used in other investigations (Vasilachis de Gialdino, 1997, 2007a, 2007b, 2013). The SLDA thrives both on the contributions of linguistics and sociology and on the most recent epistemological, methodological, and theoretical developments across all the social sciences to observe the fabric of mutually conditioning relationships between discourses and society, and, in particular, the place of discursive practice in production and/or reproduction processes of the social forms of organization and distribution.

The SLDA, as an interdisciplinary perspective, linguistically examines the resources and strategies used in the oral or written texts to impose, sustain, justify, or propose a certain interpretive model of social reality. Not only does it analyze texts in their linguistic forms, but it especially tries to determine the link between the choice that the speaker makes of these forms and the type of society they promote. These interpretive models that the speaker may choose are mainly cognitively based on the various epistemological paradigms that coexist in social sciences, and which I define as *the theoretical and*

methodological frameworks used to interpret social phenomena within the context of a given society (Vasilachis de Gialdino, 1992a, 2011).

Consequently, discursive representations about society, its relationships, their legitimacy or illegitimacy, individual and collective identities, the scope of citizens' rights and guarantees, among others, are textually built by adhesion to the premises of said models, that is, of the theories on which they are based. I understand social representations as *symbolic individual and/or collective constructions to which subjects resort or which they create to interpret the world, to reflect on their own situation and that of others, and to determine the scope and the possibility of their historical action* (Vasilachis de Gialdino, 1997, 2003, 2013).

The interpretive models of social reality chosen by speakers are not generally included explicitly in the text, but are translated in the use of different linguistic resources and various argumentative strategies used to represent said reality, its actors, relationships, and processes. The semantic content of the terms used is associated with the assumed models, as well as lexical and syntactic choices, the categories used, and the actions framed within these categories. Such interpretive models imply the following: (a) a way of being of the society and of social organization, (b) one or more ways of differentiating or hierarchically placing its members, (c) a prevailing structure of social relationships, and therefore (d) a greater or lesser possibility for individual or collective social actors, on one hand, to contribute to the construction of society, its values, regulations, meanings, and orientations, and, on the other hand, to propose and obtain both material and symbolic, spiritual and transcendental transformation in the distribution of goods (Vasilachis de Gialdino, 2003: 266–267).

When, as in this research, one tries to analyze the political processes in which legislative creation targeted at regulating the world of work is included, these models presuppose (a) a form of labor relationship to be promoted; (b) the definition of abilities and limits, within the field of the historical action as regards the subjects of such relationships; (c) a given function ascribed to labor law in particular, and the legal system in general, about the regulation and control of these work relationships; and (d) a prevailing mechanism to solve the tension between – as Habermas (1997) said – facticity and validity, a tension which is apparent in the different moments of the process of creating laws. In all these assumptions, there is an underlying notion about the identity of workers, related to the scope which laws should guarantee for the protection of their dignity.

The inductive path in the analysis of the corpus led me to use two of Sacks' (1992a, 1992b) notions for the examination of the categorization processes: (a) that of the *membership categorization device*, which entails the existence, on a cultural level, of collections of categories to refer to persons, together with particular norms of application, and (b) that of *category-bound activities*, which are those that, among a great number of activities, are considered to be carried out by a particular category of persons or by some categories of them. Categorization is a social practice through which situated social actions are carried out, such as to persuade, blame, deny, refute, accuse, justify, and inform (Edwards, 1991: 516–518). It assumes the choice among alternatives and the presence of possible options to describe persons (Hester, 1998: 146). From a discursive psychological perspective the issue is to consider what implications, descriptions, categorizations are treated as relevant by the participants and their practical relevance to the interactional

business at hand. This is part of an attempt to see how the parties are signalling for one another the relevance of available implications, descriptions and categorizations, and are thereby, collaboratively and interpretively, producing a moral order (Tileagă, 2010: 224) that operates, in everyday practice and deeply, in social life. Categorization work is embedded in a moral order, and the social order is a moral one (Jayyusi, 1984: 2). Thus, to invoke a particular category constitutes a way of reproducing a specific type of guideline for interaction and moral order (Mäkitalo and Säljö, 2002: 75). The said category, as organization of practical social knowledge, presupposes responsibilities and has moral consequences (Jayyusi, 1991: 241). As categories and identities are conventionally associated with attributes, activities, rights, and obligations (Widdicombe, 1998: 195), the consequence of this option will be to ascribe particular attributes to the persons, to suppose they carry out a series of activities, to ascribe them certain rights and deny them others, and to require them to fulfill certain obligations.

Also, for Housley (2000: 86) and Housley and Fitzgerald (2002: 68, 69, 2007: 190, 2009: 346), categories show the moral work and the moral evaluation of speakers. As per Hester (1994), they understand that membership categorization analysis is a methodological system that focuses on the occasional, situated, locally organized character of categorization processes. With the expression 'categories in context', reference is made to the deployment of categories in different contexts, which may be understood as interactive realizations of the linguistic activity of their members. Which collection the category belongs to and what the collection is are constituted 'in' and 'how' it is used at a given time (Hester, 1994: 242), that is, both collections and categories are dependent on the context in which they are 'situated', and the sense of the statements that contain them depends on the specific occasion of their use (Lepper, 2000: 16; Leudar and Nekvapil, 2000: 488; Mäkitalo and Säljö, 2002: 62). The reason why categories and activities go together does not presuppose, then, a strictly linguistic or logical connection; an analysis of categories cannot presuppose, in principle, which categories will be relevant in a specific interaction and which categories and activities the participants will combine (Stokoe, 2010: 62, 2012: 282) through the communicative practice they deploy. In this sense, it can be observed how, in the first, third, and fourth moments of the normative creation process studied, the category 'worker' appears critically associated with negative activities ascribed to it, such as the promotion of litigation and the filing of labor lawsuits against companies. In the second moment of the process, case law switches from the previous interpretive model, and, far from circumscribing the obligation to protect the employee to the category of the 'State' as regards the negative activities cited, limits the obligation to respect the worker's life and dignity to the category of 'employer', transforming the worker into an issue of preferential guardianship. Thus, the claims of workers lose their negative connotation and are recognized as part of the exercise of their own and inalienable rights.

The analysis of the use of categories and their resources in specific situations is a means through which it is possible to show how identities, social relationships, and also institutions are produced (Baker, 1998: 132). Besides, in moments in which recent research has begun to show the way in which categorization operates on multiple interactional work levels, Fitzgerald (2012) understands that membership categorization analysis is an approach to the study of social knowledge in action (Vasilachis de

Gialdino, 2013). Considering, then, that representations are discursive objects that persons build in speech and in texts, and that their study requires paying special attention to situated discursive practices (Potter and Edwards, 1999: 448, 454), I will show how this social knowledge in action (a) reproduces itself and/or is produced through categorization processes related to the interpretive models present in the corpus texts, (b) contributes to the legitimation processes of political decisions, and (c) may influence both the definition of the legal entitlements of workers and the judges' interpretation of the new statute.

During the analytical procedure, I took into consideration the important function of headlines in information transmission and manipulation (Van Dijk, 2006), as well as in the production of common sense (Rupar, 2007), the construction of the extraordinary (Molek-Kozakowska, 2013: 175), and the perception of the future (Neiger, 2007). These headlines were understood, at the same time, as (a) autonomous semantic units (Jucker, 1996: 383; Kronrod and Engel, 2001: 685), (b) texts having, at the same time, informative, persuasive, cognitive, and ideological functions (Kuo and Nakamura, 2005: 400; Van Dijk, 1997: 136), and (c) communicative resources with which a maximum level of affinity is sought between content and the readers' context, so that the said content is optimally relevant (Dor, 2003: 720).

Previous research

The research, the results of which I will set out here, has been conducted as part of a wider program in which I am studying, also from the interdisciplinary perspective that connects sociology, law, and linguistics, a process of normative creation: that of the LRL. This process is analyzed in relation to the modification, the jurisprudential review, and the new reform proposal for this law, as well as to the representations constructed in the written press in these different stages.

The whole of the research addresses, therefore, four moments related to each other whose understanding will contribute to show the characteristics assumed in the current phase: (a) from the declaration of the need to modify the legislation about working conditions to the passing of the LRL as Law 24,557, on 13 September 1995; (b) the declaration of the unconstitutionality of that regulation by the Argentine Supreme Court of Justice; (c) the reception and transmission of that fact by the written press; and (d) from the proposal by the Executive to amend Law 24,557, followed by the approval process and the passing of Law 26,773 on 24 October 2012, including, moreover, the construction of social representations by the written press about the totality of the process, that is, all four moments. The research I will present in these pages deals with the final moment.

I will refer to those results of previous researches that are related to the current one and whose knowledge becomes necessary to fully interpret the legislative process under discussion. In line with these results, the focus will be not only on the historical process of the creation of social representations and on the ideological struggle involved in their transformation (Moscovici and Marková, 1998: 394,403), but also, in particular, on the activity of representing (Radley and Billig, 1996: 223) and on the recursive process through which speakers recover and consolidate representations, for one thing, and generate alternative and divergent representations, for another, linking both types of processes with the different interpretive models on which they are based and which they promote.

The first moment (1991–1996)

During this period in which Carlos S. Menem was President,³ I examined the characteristics of the construction of representations about the world of work in the political discourse and in the written press. Workers appear, in general, not explicitly but implicitly behind the metaphor ‘lawsuit industry’ or the term ‘litigiousness’. They are represented as agents of negative acts (Van Dijk, 2006: 373), just as in racially discriminatory discourse (Van Dijk, 1995, 1997), generally being attributed negative properties and being portrayed as the cause of conflicts – in this case, through the various legal disputes and claims for work-related illnesses and accidents,⁴ as originators of problems such as high labor costs which, as asserted at that time, reduce investment and, therefore, employment. Moreover, employers are represented as the passive side of the conflict, as those who should be protected by the law, and ‘motivated’ to invest. Thus, the capital–labor social conflict appears inverted: responsibility is placed on workers, so that terms such as ‘risk’, ‘protection’, and ‘support’ change their semantic content and do not refer, as in the previous legislation, to the life and health of workers, but instead to the company’s capital. This content should be examined in the light of the discursive function of these terms (Edwards, 1991: 518), that is, not by means of abstract cognitive categories, but of the interpretive models prevailing at that moment. These models, from a systemic perspective, presupposed necessary causal relationships such as (a) a change of legislation increase of employment or of growth, and/or (b) reduction of labor costs or increase of investment, production, and competitiveness (Vasilachis de Gialdino, 1997, 2007a).

The aforementioned construction of social representations of the subjects of a labor relationship and the inversion of the labor–capital conflict accounted for the change of legally protected interests, which ceased to be the workers’ work, life, and health, to become the company’s capital to the extent that the employer is exempted from their civil liability (section 39, paragraph 1, of the LRL). The decision of the Supreme Court that I studied in the following stage of the research deals with this last aspect.

The second moment (2004)

In this stage, the objective of the research was to determine the scope of the decision of the Argentine Supreme Court of Justice⁵ known as the ‘Aquino case’⁶ which declares the unconstitutionality of said section 39 of the LRL inasmuch as it exempts the employer from any civil liability. This decision was examined in relation to the discursive formation to which it belongs, which links work with the life, health, identity, and dignity of workers. This legal case is currently relevant because it is quoted in the Notice of Referral of the Project of Reform of the LRL (T2e6), where it is stated that the formulated project takes into consideration the ‘constitutional reproaches’ made by the Supreme Court to the LRL. Therefore, it is necessary to account for the main grounds for said decision.

With the objective of protecting ‘the individual worker’s physical, psychic and moral inviolability in the face of reprehensible facts or situations attributable to the employer’, the decision understands that, as persons, workers constitute the ‘axis and center of the whole legal system and as an end in themselves – regardless of their transcendent nature – their person is inviolable and constitutes an essential value as regards which the

remaining values always have an instrumental nature'. Section 39, paragraph 1, of the LRL is, thus, considered 'contrary to human dignity, as it entails a kind of intention to reify the person by considering them nothing but a factor of production, an object of the work market'. Choosing the interpretive model 'of dignity', judges resist the use of the market metaphor as an objective description of reality (Billig and MacMillan, 2005: 462). As a result, the decision questions the interpretive model which presupposes both the spontaneous balance of social relationships and the separation of the State from the protection of the workers' dignity. Furthermore, it expresses, 'They, therefore, forget that man is the lord of every market, and that the latter has sense if and only if it contributes to the realization of the former's rights'. The worker is considered, then, a person, a subject of protection, and not an object of limited remedies. By placing them in the category of person, they are taken as representative members of that category, attributing them everything that is 'known' about that category (Schegloff, 2007: 469). Dignity is the essential attribute of the human person and, for the decision, it constitutes 'the center around which the organization of the fundamental rights of constitutional order turns'. The rendering of services 'can no longer be conceived without the adequate preservation of the dignity inherent in the human person'. That protection extends to working conditions, which should be decent and equitable and, beyond them, to the conditions of existence. The workers' rights are human rights and, in the judicial decision, the actions arising from the obligation to promote, ensure, and respect those fundamental rights are circumscribed to States. Incorporating a principle of constitutional hermeneutics, the decision establishes that the duty to respect, protect, and realize the principles, values, and human rights enshrined in the National Constitution is assigned to all state institutions and to the various powers of the state.

It is clearly stipulated that risks at work, lack of safety measures, and absence of proper provisions refer to the workers and the conditions under which they carry out their work. Unlike in the political discourse and the written press texts I included in the *first moment*, the company's capital is no longer the interest to which the prescriptions regulating the world of work should be oriented in the first place, as 'the employer's compliance with obligations does not depend on the company's success'. The labor-capital conflict, consequently, is no longer inverted, and the employer loses exemption from his civil liability regarding the effects of working conditions on the workers' life and integral health. According to the terms of the decision, far from realizing social justice as 'justice in its highest expression', the LRL 'has moved in the opposite direction when increasing the inequality of the parties normally underlying the working relationship' (Vasilachis de Gialdino, 2007a).

The third moment (2004–2005)

In this opportunity, the social representations created by the written press about the 'Aquino' case were analyzed, as well as its possible consequences on the world of work. In the news, the activity of filing labor suits against companies is circumscribed to the category of 'worker', and resorting to the 'lawsuit industry', they are associated with the actions of 'suing', 'claiming', and 'going to court', metaphorically structuring (Koller, 2005: 204) the representations about their identity. Using the same metaphor as

in the *first moment*, the aim is to produce the rhetorical effect of questioning both the decision of the Supreme Court and the rights that it grants for the workers' benefit. Employers are represented as passive subjects, especially as regards the workers' action. The activities circumscribed to the category of 'workers', in this way, 'jeopardize' the company's capital and constitute an obstacle for the deployment of the positive action of 'investing' to which businessmen are associated. As in the *first moment*, the mention of the latter is generally related to a textual construction of the social context based on the causal model, of ineluctable causality: 'greater cost/less investment/less employment'. This model is strengthened by the reiterated allusion to the lack of juridical security that the decision produces. The news resonates in empathy with companies and through the use of various linguistic resources, the 'threat' the former perceive as regards the integrity of their capital. The 'risks' – referring to the inversion of the labor–capital conflict mentioned in the *first moment* – are capital's 'risks'. The news, although it refers to the decision that resolved the 'Aquino' case, does not reproduce the model of workers' dignity in force in that decision. This model cannot, then, be incorporated into everyday discourse when the media, in a process of discursive challenge to the judgment, textually build identities, relationships, events, and objects, and propose interpretation and legitimation models that possess different characteristics from this and other decisions of the Supreme Court that seek to consolidate the preferential guardianship of the worker's dignity. Therefore, mainstream news reproduces the rhetoric of the neoliberal discourse in force at the time of Carlos S. Menem, and the main interpretive model in its texts repeats that prevailing during the labor reform process, the study of which I placed in the *first moment* (1991–1996). Thence, the formula 'lower cost/more employment' was used to ignore the legal protection previously granted to workers. In the *third moment*, the other side of that formula, 'greater cost/less employment', is used to ignore and distort the protection recovered by workers by resorting to case law and to condition the LRL reform which the government began to approach as an urgent need as of the decision that resolved the 'Aquino' case, on 21 September 2004. This research is situated in the *fourth moment* (2012) of said research program and deals with the representation of the LRL reform process by the written press.

The construction of social representations by the written press about the reform process of Law 24,557 of labor risk

The workers' representation

Workers are hardly ever mentioned as active agents in the corpus news. Either they are referred to reproducing the words of the Minister of Labor, Carlos Tomada, who stated that 'the changes to the Occupational Safety Insurance law (*Aseguradora de Riesgos del Trabajo*, ART) improve the workers' situation, as they will not need to resort to the courts to receive a fair compensation' (N21,⁷ N23⁸),⁹ or they are mentioned to criticize the reform because 'it does not protect workers and does not adapt to the doctrine of the Supreme Court's twelve decisions that question the constitutionality of many of the existing legal statutes' (N26¹⁰), or to argue that 'almost the totality of the opposition held that it harms workers' (N73¹¹), or to sustain that 'benefits do not always reach workers'

(N86¹²), or that ‘there are “vultures” that harm workers’ (N88¹³). Workers do not appear as actors, as subjects of historical action, as an active and dynamic force, but they are ‘passivized’, that is, represented as passive subjects who receive the actions – which benefit or harm them – directed at them from others. Another resource present in the texts is indetermination (Van Leeuwen, 2008: 33, 39), by which workers are shown as anonymous subjects and not as social actors, for example, through the use of expressions such as ‘the one paid by the ART’ (N4¹⁴), or ‘the one who receives the established compensation’ (N7¹⁵), or ‘those who litigate in the claims’ (N13¹⁶). However, although workers are not specifically mentioned, this does not mean that certain negative actions are not attributed to them and that key rights are not discontinued for them.

I shall begin with the actions which are mainly circumscribed to the category of ‘worker’, which hardly differ from those repeated in the *first moment*. Thus, terms such as ‘litigations’ (N1, N86), ‘to litigate’ (N7¹⁷), ‘litigiousness’ (N11,¹⁸ N29,¹⁹ N55²⁰), ‘they litigate’ (N13), and ‘judicialization’ (N29) refer to the labor lawsuits that workers file before the justice to sue the employers for accidents and illnesses caused by working conditions. As an example, I shall transcribe a headline:

N1. [Cambios y riesgos laborales]

{Entre los recientes **anuncios gubernamentales**, tiene especial trascendencia el impulso de cambio en la Ley de Riesgos Laborales, para eliminar **litigios** y reducir **costos**}.

(*La Prensa*, 6 de septiembre de 2012)

N1. [Changes and labor risks]²¹

{Among the recent **government announcements**,²² the proposal of change to the Labor Risk Law to eliminate **litigations** and reduce **costs** has a special significance}.

(*La Prensa*, 6 September 2012)

This headline, which activates epistemic and emotional resources and frames the reader’s understanding (Molek-Kozakowska, 2013: 174), exhibits the characteristics of the underlying causal processes asserted by the interpretive models in force both in the 1990s and today, especially with the expression ‘to eliminate litigation and reduce costs’. The said processes sustain the sway of the following assumptions: (a) workers sue employers; (b) claims are groundless; (c) labor lawsuits increase the companies’ costs and ‘jeopardize’ their capital; (d) capital reduction limits investment capacity; (e) employers deserve legal protection; and, I would add, for the current moment, in the words of President Cristina Fernández de Kirchner, (f) reinvestment is a condition for growth (T1e70). It should be noted that what does not appear in these processes is the causal relationship between poor working conditions and the harm to workers’ life and overall health and, therefore, the urgent need to implement prevention policies. Prevention was and has been absent as a requisite during the whole process we are studying, except on a few occasions on which there is a requirement to ‘preserve’ the worker’s health (N56²³) or to ‘prepare and prevent instead of repair and repent’ (N60²⁴). The consideration of the workers’ claims as ‘illegitimate’ ‘legitimates’ the option in favor of protecting, vis-a-vis those claims, the company’s capital to the detriment of the due protection of workers.

However, the most prominent feature of the texts in the set of news of the corpus regarding workers is not constituted by the actions attributed to them, but by what

constitutes the prescription, included in the LRL reform, of a discontinuation. The new LRL, 26,773, sets out in section 4: ‘The injured party may opt exclusively among the compensations set forth in this compensation regime or the ones that might correspond to them based on other liability systems. The different liability systems shall not be cumulative’; and further on, it adds ‘In the case of legal actions introduced through civil law, the substantive and the formal law shall be applied as well as the principles of civil law’. That is, workers should opt between one possibility or the other: either they receive the compensation set forth by law or they resort to the courts, although no longer with the protection of the labor regulations and their principles but according to those ruling civil law, which presupposes – unlike labor law – the juridical equality of the parties in the conflict. The elimination of the ‘double channel’ was announced by the president on Industry Day (T1e64), and the information which the following headline repeats has the same content:

N2. [Riesgos del Trabajo: el que **cobre** de la ART **no podrá hacer juicio**]
 {Lo **confirmó** ayer la **presidenta**. ‘Quien **opte** por el pago **no podrá ir a los tribunales**’, dijo}.
 (Ismael Bermúdez, *Clarín*, 20 de septiembre de 2012)

N2. [Labor Risks: Anyone **paid** by the ART²⁵ **shall not be entitled to file a lawsuit**]
 {The **president confirmed** it yesterday. ‘Whoever **opts** for payment **shall not be entitled to go to court**’, she said}.
 (Ismael Bermúdez, *Clarín*, 20 September 2012)

Here, ‘shall not be entitled’ refers to the worker’s obligation to discontinue resorting to the courts, and that shift, which translates as prohibition, refers to the loss of a right that had been previously provided to the worker. This obligation ‘not to do’ circumscribed to the category of worker is repeated in different headlines. Thus, it is held that the ‘double channel’ is eliminated (N3,²⁶ N9,²⁷ N29, N32²⁸), that compensations ‘shall prevent from resorting to the courts’ (N8²⁹), that ‘legal procedures’ are eliminated (N10³⁰), that ‘the recourse to law’ is limited (N14³¹), that law ‘sets an exclusive option between being paid by the ART or resorting to the courts’ (N34³²), that ‘complaint options’ are limited (N67³³), that the law ‘excludes the lawsuit once the payment is accepted’ (N68³⁴), that the law ‘prevents the worker from being paid and then suing’ (N71³⁵), that “‘compensations’ shall be higher, but there shall not be any possibility to collect them and file a lawsuit’ (N77³⁶), that the “‘exclusive channel’ is established’ (N78³⁷), or that the new regulation ‘eliminates any labor claims before the courts in case of agreement’ (N82³⁸). From the mentioned examples, I will focus on the following:

N10. <El *costo* de los seguros que **pagan** hoy las **empresas** subirá en un 20%>
 [El **Gobierno envía al Congreso** una reforma de ART que **frena la vía judicial**]
 {El proyecto fija que las indemnizaciones se actualizarán cada seis meses y crea un resarcimiento adicional. Limitan comisiones de ART y honorarios de abogados}.
 (Elizabeth Peger y Natalia Donato, *El Cronista Comercial*, 20 de septiembre de 2012)

N10. <The *cost* of insurance **paid** today by **companies** will increase 20%>

[The **Government sends to Congress** a reform of the ART **stopping the legal channel**]

{The project establishes that compensations shall be updated every six months and provides for an additional compensation. ART commissions and attorneys' fees are restricted}.

(Elizabeth Peger and Natalia Donato, *El Cronista Comercial*, 20 September 2012)

It is more than obvious that the workers' obligation to discontinue the exercise of a right they had, which is repeated and reinforced in the headlines of various press media and, in this (N10), resorting to the metaphor 'stopping', responds to the need, enshrined in the recently passed law, to let employers know beforehand the costs they will have to face in the future. Like Goldmann (1962: 79), I consider that lawsuits constitute one of the foreseeable dimensions of production, and that making them *calculable* allows their inclusion in the rational calculation of company 'risks'. This need to calculate often means, as in the present circumstances, the abandonment of the principle of equity, of justice.

The employers' representation

The following example shows the particularities of employers' representation as mirrored in the headlines. In this sense, headlines show employers as passive subjects in the face of the workers' legal claims:

N7. <**Acordaron** cambios sobre accidentes de trabajo>

[Bueno: **Frenan por ley industria del juicio a empresas**]

{**Cristina de Kirchner anunció** ayer un proyecto para cambiar la Ley de Accidentes de Trabajo, **buscando frenar la industria del juicio**. Quien perciba la indemnización fijada por la ART **no podrá litigar en la justicia**. Además se actualizarán los topes, se fijará en un 20% los honorarios de los abogados. El proyecto se enviará hoy al Senado}.

(*Ámbito Financiero* (Portada), 20 de septiembre de 2012)

N7. <They **agreed on** changes regarding working accidents>

[Good: The **lawsuit industry** against **companies is stopped by law**]

{**Cristina de Kirchner** yesterday **announced** a project to change the Occupational Accident Law, **in an attempt to stop the lawsuit industry**. Individuals receiving the compensation fixed by the ART **shall not be entitled to go to court**. Moreover, maximum compensations shall be updated and attorneys' fees shall be set at 20%. The project will be sent to the Senate today}.

(*Ámbito Financiero* (Front Page), 20 September 2012)

Although in the pre-headlines there is no specification about the individuals who 'agreed', that is those who reached an agreement regarding the Labor Risks Law, in other pieces of news reference is made to businessmen, stating that the *Unión Industrial Argentina* (UIA) (Argentina Industrial Union) 'supports' the president's initiative (N30³⁹), or that businessmen 'praise' the regulation (N89⁴⁰), or that the regulation has 'the support of businessmen and trade union leaders' (N3), or that it 'was agreed on by unions and companies' (N4⁴¹), or that it has the support of 'businessmen and legislators' (N85⁴²). However, despite these affirmations, the headlines from other media—far from showing the support of trade union leaders—inform about the 'opposing trade union

mobilization into Plaza de Mayo' and the objective of surrounding Congress to 'prevent the Labor Risk Law' (N41⁴³). The information which all the media unanimously agree on refers to the PRO⁴⁴ support to the government project during the passing of the reform of the LRL (N69,⁴⁵ N73⁴⁶), considering this support 'unique' (N80⁴⁷) in the face of the opposition's division (N68⁴⁸).

Businessmen, whether with some social and political actors or with others, are always represented as underpinning the reform, although reference is made to the UIA questioning the 'increase in ART aliquots' (N94⁴⁹), or it is stated that 'to eliminate the double legal channel, Government increases costs by 20%' (N9).

Thus, the problem of 'costs' is closely related to representations of businessmen, as observed in this headline (N7) as well as in others (N1, N9, N86). This is also true when it is informed – in attributing to businessmen the action of 'negotiating' the reform project with the government – that the employer's sector agreed to the incorporation of new diseases in the ART list 'as a token in the negotiation to reform the Labor Risk Law' (N93⁵⁰).

According to Van Leeuwen (1995: 81), the ways in which the actions that others conduct are represented encode different interpretations 'of' and different attitudes 'to' the social action represented. By using the metaphor 'lawsuit industry', used throughout the reform process of the LRL and currently repeated, a typical activity is ascribed to the category of 'workers' (Wee, 2005: 365–366), and, with it, the field of industrial production is associated with that of managing the claims of equal agents. From this metaphor, we may infer that workers, on an equal footing with businessmen, also produce in mass, but unlike them, they produce labor lawsuits, and their production destroys companies and, at the same time, employment. As in the *first moment* studied (1991–1996), these negative, conflicting actions opposed to social expectations place them outside, on the periphery, generate 'fear' among employers, and put them at 'risk', and to avoid this risk, it is necessary to stop the 'lawsuit industry' (N7) and freeze 'the wave of lawsuits' (N70⁵¹). The workers implicitly figure as the enemy and, as in every discriminatory discourse, irrationality and injustice characterize their claims, attributing to those whom they sue the opposite virtues and common and universal values (De Goede, 1996) supported by the rest of community (Vasilachis de Gialdino, 2007a). In view of this situation, repression of the group posing a threat appears as necessary and legitimated (Van Teeffelen, 1994), and that repression, with the recently passed reform of the LRL, is translated into the removal of fundamental rights.

Regulation evaluations

The legislative proposal and later the regulation passed have been differently evaluated in the news. I shall start with the positive evaluations. Here, the adjective 'good' is used to refer to the 'stop' to the 'lawsuit industry' (N7, N29), the 'expected reform' is aimed at (N8, N37⁵²), or the new law is considered 'a progress in the face of current legal and judicial chaos' (N25⁵³). The following headline summarizes some of these evaluations:

N70. <Surge un nuevo régimen de accidentes de trabajo>
[Alivio: **aprobaron** ley que congela la ola de **juicios**].
(*Ámbito Financiero* (Portada), 25 de octubre de 2012)

N70. <There is a new regime for work accidents>
 [Relief: the law freezing the wave of **lawsuits has been approved**].
 (*Ámbito Financiero* (Front Page), 25 October 2012)

This headline recovers the construction of the ‘catastrophe context’ with which they tried to show, in the *first moment*, the compelling need to modify the labor legislation, resorting – with a ‘wave of lawsuits’ – to nature’s metaphors. The water disaster (Van Dijk, 1997: 120) here describes the effects that legal claims have on companies and, as a natural phenomenon, has the quality of being unceasing, uncontrollable, destructive, growing, threatening, and of course, the ones to be threatened are the companies. The ‘relief’ is then due to the liberation of those companies from an imminent danger: ‘lawsuits’, as a consequence of the ‘new regime of occupational accidents’. Similarly, in other headlines (N8), the term ‘expected’, with which the reform is positively qualified, competes its semantic content by referring to the ‘impediment’ for workers, who appear elided, to ‘resort to the courts’:

N8. [Reforma esperada]
 {Las indemnizaciones por accidente de trabajo tendrán un plus del 20%, deberán pagarse en 15 días e **impedirán acudir a la Justicia**. Se crean las ART mutuas, sin fines de lucro}.
 (*La Prensa* (Portada), 20 de septiembre de 2012)

N8. [Expected reform]
 {Compensations for work accidents shall have an increase of 20%, shall be paid within 15 days and **shall prevent workers from resorting to the courts**. Mutual non-profit ARTs are created}.
 (*La Prensa* (Front Page), 20 September 2012)

Furthermore, among the negative evaluations, it is claimed that the reform is ‘partial and restrictive, that it disempowers workers’ and that it is a ‘gatopardist bill’ (N26⁵⁴). It is also stated that the bill ‘only deals with economic aspects, while the word prevention does not appear in the text at all’, that ‘the Government is still indebted to the people’ (N27⁵⁵), or that the ‘Labor Risk Law provokes anxiety due to the changes in the entities that regulate the market and the scarce emphasis on prevention’ (N31⁵⁶). It is believed that ‘the bill only deals with reparation for the damages that the worker suffers and ignores the prevention of occupational disasters’ (N46⁵⁷), and that ‘the Labor Risk Law should not be passed’ (N63⁵⁸). The following headline summarizes the criticism made:

N72. [El kirchnerismo **convirtió en ley** el nuevo régimen para las ART]
 {Contó con el apoyo del macrismo, pero recibió duras críticas del resto de la oposición, que vinculó la iniciativa con el menemismo y el neoliberalismo; el oficialismo exhibió algunas defecciones}.
 (Laura Serra, *La Nación*, 25 de octubre de 2012)

N72. [Kirchnerism **passed** the new regime for ARTs]
 {It was supported by macrism,⁵⁹ but it was also severely criticized by the rest of the opposition that associated the initiative with ‘menemism’ and neoliberalism; there were some defections from the ruling camp}.

(Laura Serra, *La Nación*, 25 October 2012)

In this headline, political actors are not specifically mentioned; actions are not referred to in connection with them, but with the trends and orientations in which they are situated and/or which they represent: ‘kirchnerism’, ‘macrism’, ‘opposition’, and ‘ruling camp’. By means of this resource, although the identity of these actors is mitigated, the ‘support’ and the ‘criticism’ are highlighted, qualifying the latter as ‘hard’ and making reference to its content which associates the legislative proposal ‘with menemism and neoliberalism’, which I situated in the *first moment*. Criticism described in N72 as ‘defections’ from officialism is also considered in other media, which refer to ‘dissident approaches’ within the force (N57⁶⁰). In other headlines, ‘macrist support’ is also highlighted, and regarding the new law, it is claimed that ‘almost the totality of the opposition maintained that it is harmful to workers’ (N73), or it is reported that ‘some sectors pose the unconstitutionality of the regulation’ (N84⁶¹). It must be pointed out that due to the characteristics of the text of some headlines, it becomes difficult to fully understand the meaning of their evaluation as it is not explicit or is ambiguous, for example, ‘A poker-hand of laws 2012’ (N12⁶²), ‘Traces in the body’ (N24⁶³), ‘The short law’ (N81⁶⁴), and ‘The ART of commitment’ (N90⁶⁵). In other headlines, the evaluation may be presupposed by the reader by resorting to the metaphor or the irony, as with ‘The fox and the hens’ (N48⁶⁶), or in ‘ART: to look after the weakest’ (N62⁶⁷). Therefore, this research should be supplemented in another stage with the examination of the news which the headlines precede, although, as it has already been observed, headlines are semantic units – texts not only with an informative role, but above all with a persuasive, cognitive, and ideological role as well.

The interpretive models

When introduced into everyday life, headlines contribute to the production and reproduction of representations about events, processes, meanings, conflicts, hierarchizations, and legitimations, among others, that is, of potential and/or unlawful ways of living our lives. These representations respond to the interpretive model on which headlines rely and which they promote, as can be observed in the following example:

N4. <El Ejecutivo **envía al Congreso** la reforma de la ley de Accidentes de Trabajo, **consensuada** con gremios y empresas>
 [Con más indemnizaciones y **menos pleito judicial**]
 {Con **apoyo** de **entidades empresarias y sindicales**, el proyecto actualiza las indemnizaciones y **desalienta, a su vez, ‘la industria del juicio’**. Crea las ART mutuas, entidades sin fines de lucro obrero-patronales}.
 (Cristian Carrillo, Página 12, 20 de septiembre de 2012)

N4. <The Executive **sends to Congress** the reform of the Occupational Accident Law, **agreed upon** with **trade unions and companies**>
 [With higher compensations and **less lawsuits**]
 {With the **support** of **business and trade union entities**, the project updates compensations and **discourages, at the same time, the ‘lawsuit industry’**. It creates mutual ARTs, non-profit worker-employer entities}.

(Cristian Carrillo, *Página 12*, 20 September 2012)

In this text, as in others in the corpus, the Risk Law is personalized and actions are preached in association with it, for example, ‘to eliminate’ the double channel, ‘to increase’ the amount of compensations (N34), ‘to increase’ compensations (N3), ‘to update’ them (N4), ‘to fix’ them (N10), ‘to discourage’ lawsuits, ‘to create’ mutual ARTs (N4), ‘to preclude’ workers from resorting to the courts (N23), or ‘to harm’ workers (N73). Notwithstanding, we must remember that, depending upon the theoretical perspective(s) chosen, legal regulations may equally be conceived as the result of domination, control, and/or power acts, among others. Even so, whichever the chosen perspective, regulations constitute textual productions with prescriptive content. They do not have the will or the capacity for action, but are the result of an act, of a decision arising from the political will, in this case, from the Executive and then supported by the Legislature. Therefore, these actions I have referred to – such as ‘to update’, ‘to discourage’, and ‘to create’ in N4 – should not be read in relation to a regulation, but in relation to those who proposed and/or passed them, underpinning the responsibility they have in terms of the legislative process as a whole. This clarification is necessary in view of the obligations constitutionally circumscribed to the categories related to these two State powers. The National Constitution forbids the Executive and the Legislature to alter the rights enshrined therein (section 28), and they are furthermore obliged to guarantee, each within their jurisdiction, the full enjoyment and exercise of the rights acknowledged in the Constitution and the international treaties in force regarding human rights (section 75.23).

The metaphor ‘lawsuit industry’ is repeated in the news (N4, N7, N29), as observed in the following example, in which the action of destroying ‘our economy’ is implicitly circumscribed to the category ‘workers’:

N86. [La ***industria del juicio laboral destruye*** a nuestra economía]
 {Las ***empresas del Estado deben afrontar*** los *costos* asociados aun si logran ganar los ***litigios***.
 Los beneficios no llegan siempre a los ***trabajadores***}.
 (*Crónica*, 26 de octubre de 2012)

N86. [The ***work lawsuit industry destroys*** our economy]
 {***State companies must face*** the associated *costs* even if they win the ***lawsuits***. ***Workers*** not
 always get the benefits}.
 (*Crónica*, 26 October 2012)

This same metaphor is also used in the discourse of President Fernández de Kirchner (T1e69) and has significant roles, as a result of the frequency with which it is used, both in the *first* and *third moments* and in the current one, the *fourth*. It must be pointed out that in this metaphor, businessmen appear as the victims of workers, as stated in N7 and N29, in the phrase ‘the lawsuit industry against companies is stopped by law’. Although the subject of the action ‘to stop’ is omitted, it refers to the president (N7) or the Executive (N4). This headline also guarantees that the project ‘discourages, at the same time, the lawsuit industry’. This representation of businessmen as victims makes them worthy of legal protection. Once again, the capital–labor conflict is inverted, as in the *first moment*, which encompasses the reform process of the LRL (1991–1996), and the regulatory

proposal comes to cover the apparent situation of companies' vulnerability by omitting the rights acknowledged to workers.

Choosing the security of investments model determines the subsequent abandonment of the dignity model inspired by the 'Aquino' case, which I reviewed in the *second moment*, through which workers were allowed to recover not only their rights but, mainly, the right to have such dignity protected. Opting for the security of investments model, therefore, is at the foundation of the creation of a legal protection system which benefits the company, as can be seen in the following headlines, in which the government is urged – exhibiting its responsibility – to implement the legal reform to reduce 'litigiousness' (N11), and the orientation of this reform is welcome both in this sense and in that of obtaining a 'greater confidence on the bench' (N55):

N11. [La falta de decisión política durante ocho años multiplicó la *litigiosidad*]. (Silvia Stang, *La Nación*, 20 de septiembre de 2012)

N11. [The lack of political decision during eight years multiplied *litigiousness*]. (Silvia Stang, *La Nación*, 20 September 2012).

N55. <El dato. 25 son las tachas de inconstitucionalidad que muestra la Ley de Riesgos del Trabajo, entre disposiciones anuladas por la Corte Suprema y las decretadas por los tribunales inferiores>

[La hora de la *previsibilidad*]

{La **propuesta** de reforma a la Ley de Riesgos del Trabajo fue celebrada entre los abogados de empresa. Prevén una disminución de la *litigiosidad* y mayor *seguridad jurídica*}.

(Ariel Alberto Neuman, *El Cronista Comercial*, 18 de octubre de 2012)

N55. <Data. 25 are the unconstitutionality faults found in the Labor Risk Law, among provisions annulled by the Supreme Court and those decreed by the lower courts>

[The time of *predictability*]

{The **proposal** to reform the Labor Risk Law was celebrated among corporate attorneys. They foresee a decrease in *litigiousness* and greater *confidence on the bench*}.

(Ariel Alberto Neuman, *El Cronista Comercial*, 18 October 2012)

Therefore, the objective of recently passed Law 26,773 is to repair, not to prevent. The 'decrease in litigiousness' is not associated with an improvement in working conditions. The regulation basically deals with capital 'risks', not with those which may affect workers' life and health. In this way, 'confidence on the bench' is translated into 'predictability' (N55) and calculability, conditions that make the accumulation process viable and encourage it. As the president said to businessmen, 'the true and more effective regulations, the best ones are those which preclude lawsuits' (T1e67), and then she added as regards businessmen, 'because in the power equation they are the most important part, the part which owns the capital' (T1e73). Therefore, it is no wonder that the regulation passed protects the company's capital and closes off the possibility for workers to get the full compensation of the damages suffered without the need to opt for one legal path or the other. If the underlying interpretive model in the president's text had been that of dignity, the best regulations would be those that aim at protecting and

respecting that dignity, which constitutes the major principle of international human rights law. This dignity does not vanish in any circumstance, however extreme, and cannot be renounced, and it is a condition inherent to individuals. An individual's humanity is enough for the person to have innate dignity. Dignity is not one of a list of human rights, but constitutes their *raison d'être* (Gialdino, 2013: 5–6).

Conclusion: The reform of Law 24,557 regarding labor risks and the political discourse

In the speech delivered on the occasion of her second term inauguration in Congress, on 10 December 2011, Fernández de Kirchner recalled her previous parliamentary activity and, particularly, the moment in which she rejected, in 1998, 'the first labor flexibilization' (e57–58). However, in announcing before businessmen the project submitted by her government to reform the LRL which was passed, as I have already stated, on 25 October 2012 as Law 26,773, the president took up the neoliberal rhetoric. In this way, she resorts to the interpretive model in force during the labor reform process which took place in Argentina in the 1990s and that entailed the disregard of the rights obtained by workers as a result of hard and long struggles. At that time, the model with which the annihilation of those rights was justified was 'less cost/more employment/greater competitiveness' (Vasilachis de Gialdino, 1997), as I put it when referring to the *first moment*. The model with which the head of state justifies the bill submitted on 3 September 2012 relates greater 'litigiousness' to less 'competitiveness' (T1e65), thereby revitalizing the metaphor of the labor lawsuit 'industry' in force during that earlier decade and reinforcing the negative representation of workers' rights by limiting new claims to a single option and therefore, by showing their potential to become an objective and significant threat, a continuous risk for business endeavor. This labor lawsuit 'industry', the president asserts, 'is a well oiled mechanism and works permanently' (T1e69).

Metaphors produce knowledge structures that, like others, include stereotyped action sequences, roles, definition of responsibilities, of culpability, of rights, and of obligations (McLaughlin, 1990: 65–66). In this sense, with the lawsuit industry metaphor, the right of workers to legally sue businessmen for labor accidents and diseases is questioned, instead of holding employers responsible for not having prevented said accidents and diseases by improving working conditions. The reactivation (Billig and MacMillan, 2005: 463–464) of this metaphor also rhetorically contests the recovery and acknowledgment of the rights the workers had achieved based on case law, as was shown in the research I included in the *second moment*.

Law 26,773 provisions 'constitute a regulatory regime whose objectives are the coverage of damages derived from work risks' (section 1). Therefore, the new legislation (a) does not include preventive regulations; (b) determines that the Labor Law and its principles are not applicable to workers when they opt to file a civil lawsuit, but 'the substantive and procedural law, and civil law principles' (section 4) will be applied, with which the assumption of the inequality of the parties – inherent to Labor Law and explicitly acknowledged in law and by the courts – is replaced by the equality of the parties provided for in civil law; (c) it practically refers to the list of professional diseases included in the regulations issued during the labor flexibilization process in the

above-mentioned decade (section 9); and (d) through these and other means, it contradicts the orientation of the repeated decisions by Argentina's Supreme Court of Justice, which declared the unconstitutionality of different aspects of the LRL (Vasilachis de Gialdino, 2007a), based – as already stated – on the consideration of the worker as a subject of preferred constitutional protection and of work as a fundamental human right and, moreover, on the principle of progressivity, of constitutional hierarchy (section 75.22), which precludes the adoption of measures entailing a backward movement or a decrease in the protection level which any human right may have reached.⁶⁸

As can be observed, the passed law does not take into account 'the constitutional reproaches' (T2e6) made by the Supreme Court to the LRL – as asserted in the Notice of Referral of the Reform Project – but, on the contrary, the new regulation contradicts the meaning and content of the decisions quoted in said message. The underlying interpretive model is not, therefore, that of dignity, as expressed in those decisions, but that of safety, of protection of the company's capital. It should be remembered that in the 'Aquino' case, by categorizing the worker as a person, the employer is reminded of their responsibility for preventing all 'facts or situations' that may harm the former. For that very reason, the activity circumscribed to the category of employer is that associated with the integral protection of the worker, who is considered a subject to be protected and not an object of limited compensation, as determined by the recent regulation.

The new legislation is, therefore, detrimental to 'human rights', which the Head of State referred to as a universal value on 1 March 2012 on the occasion of the inauguration, during her second term, of the ordinary sessions of the Legislative Assembly (e134, e178). Simultaneously, the rights she defines as the 'inalienable rights of workers' (T1e73) are ignored, and the option presented as the 'option to an honorable work' (T1e76, e77) is distorted (Vasilachis de Gialdino, 2013).

The special perspective (Weber, 1971: 36) of SLDA allowed me to observe that, except in the *second moment*, which corresponds to the 'Aquino' case review, during the reform process of the LRL, discursive representations created by the written press and the political discourse on workers (Vasilachis de Gialdino, 1997, 2013), on their rights and guarantees, and on their working relationships generally undermine their autonomy and degrade their identity and freedom, that is, they violate their dignity. Workers appear deprived of action and voice (Le Goff, 2002: 45). Not only are they represented discursively as subordinates, but also as people precluded from an equal participation in social life (Fraser, 2001: 24); moreover, they are attributed with negative actions. For their part, those at whom these legal revisions are aimed, that is, employers, are represented as victims of the lawsuit workers' file, as the only ones deserving legal protection, even though those lawsuits generally originate as a result of the effect of the degrading nature of working conditions on the life and health of the worker. The discursive representations such as those analyzed here have increasing relevance because they 'speak' about the worker through the media and the authorities which enjoy socially recognized legitimacy to 'say', 'propose', 'evaluate', 'assert', and 'predict'. Furthermore, those 'assertions' are reproduced over and over again while workers lack that 'power of speaking' which would allow them to lodge in everyday life alternative models of interpretation and action with which to oppose both the construction of their individual and collective identity and that of their historical capacity to act. Notwithstanding, it is that capacity which

moves them to recover and increase their potential to take decisions regarding the expenditure of their labor power, its objective and organization, the conditions under which it is used and the way the articles produced are distributed, and their purpose. This capacity, then, encourages them to put an end to the violence and injustice with which labor has been marked throughout its historical development and up to the present day.

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Notes

1. Cristina Fernández de Kirchner, a Justicialist, was elected Argentine president in 2007, after her husband, Néstor C. Kirchner. In 2011, she was reelected.
2. Reference to the corpus texts utterances will be made with the number of the quoted text to the right of letter 'T' and the number of the utterance of said text to the right of letter 'e'. Utterances are separated by a full stop in each text. Thus, for example, quote T2e10 corresponds to utterance 10 of Text 2. The numbering of texts accounts for their historical sequence. Law 26,773 (Text 3) will be quoted by referring to its sections. In the cases in which texts are not part of the corpus, only the quoted utterance number will be included after the letter 'e', for example, e10 and e28.
3. Carlos S. Menem, a Justicialist, was elected president from 1989 to 1999. During this time, the neoliberal ideology prevailed, with a reduction in the number of permanent wage workers and an increase in long-term unemployment, workers' insecurity, and the precariat (Beccaria and López, 1997: 10–11).
4. In previous research, I was able to show how workers went from losing 47.9% of labor lawsuits filed in relation to these causes in 1982-1985 to lose 60.3% between 1990 and 1994, a period which coincides with the process of legislative change (Vasilachis de Gialdino, 1992b, 1997).
5. Néstor Carlos Kirchner (2003–2007) appointed four of the seven judges of the Court.
6. It refers to the case 'Aquino, Isacio c/ Cargo Servicios Industriales S. A'.
7. Tomás Lukin, *Página 12*, 25 September 2012.
8. *Página 12*, 26 September 2012.
9. The headlines quoted are preceded by a letter 'N' and followed by their number of order, which corresponds to the chronological sequence.
10. Horacio Meguira, *Clarín*, 27 September 2012.
11. *Clarín*, 25 October 2012.
12. *Crónica*, 26 October 2012.
13. *Crónica*, 26 October 2012.
14. Ismael Bermúdez, *Clarín*, 20 September 2012.
15. When reference to the newspaper and date of publication are not included in the footnote, it is because reference has already been made or because those headlines are quoted as an example and transcribed in the presentation text.
16. Elizabeth Peger, *El Cronista Comercial*, 21 September 2012.

17. *Ámbito Financiero* (Front Page), 20 September 2012.
18. Silvia Stang, *La Nación*, 20 September 2012.
19. *BAE*, 2 October 2012.
20. Ariel Alberto Neuman, *El Cronista Comercial*, 18 October 2013.
21. Less than and greater than symbols < > enclose pre-headlines, square brackets [] enclose headlines, and curly brackets { } enclose subheadlines.
22. **Bold** characters are used for categorizations, underlined bold characters, for activities circumscribed to the category, and *italics* are used for the interpretive models and the terms associated with them.
23. *La Prensa*, 18 October 2012.
24. Julián Obligado, PRO Member of Congress, *El Cronista Comercial*, 24 October 2012.
25. Aseguradora de Riesgos del Trabajo.
26. *Página 12* (Front Page), 20 September 2012.
27. *El Cronista Comercial* (Front Page), 20 September 2012.
28. *BAE*, 3 October 2012.
29. *La Prensa* (Front Page), 20 September 2012.
30. Elizabeth Peger and Natalia Donato, *El Cronista Comercial*, 20 September 2012.
31. Silvia Stang, *La Nación*, 21 de September de 2012.
32. Tomás Lukin, *Página 12*, 4 October 2012.
33. *La Nación* (Front Page), 25 October 2012.
34. *Página 12* (Front Page), 25 October 2012.
35. *La Prensa* (Front Page), 25 October 2012.
36. Silvia Stang, *La Nación*, 25 October 2012.
37. *BAE*, 25 October 2012.
38. *Página 12*, 25 October 2012.
39. Cristian Carrillo, *Página 12*, 20 September 2012.
40. *El Cronista Comercial*, 26 October 2012.
41. Cristian Carrillo, *Página 12*, 20 September 2012.
42. *BAE*, 26 October 2012.
43. *La Prensa* (Front Page), 11 October 2012.
44. Propuesta Republicana, liberal–conservative alliance headed by Mauricio Macri.
45. *El Cronista Comercial* (Front Page), 25 October 2012.
46. *Clarín*, 25 October 2012.
47. *La Razón*, 25 October 2012.
48. *Página 12* (Front Page), 25 October 2012.
49. *El Cronista Comercial*, 14 November 2012.
50. Tomás Lukin, *Página 12*, 14 November 2012.
51. *Ámbito Financiero* (Front Page), 25 October 2012.
52. Daniel Funes de Rioja, *BAE*, 9 October 2012.
53. Julián A. de Diego, *El Cronista Comercial*, 26 September 2012.
54. It refers to the novel *Il Gattopardo*, by Giuseppe di Lampedusa, which states that everything needs to change, so everything can stay the same.
55. Carlos Aníbal Rodríguez, *Clarín*, 1 October 2012.
56. *La Prensa*, 2 October 2012.
57. Tomás Lukin, *Página 12*, 15 October 2012.
58. *Clarín*, 24 October 2012.
59. It refers to Mauricio Macri. See note 44.
60. Raúl Dellatorre, *Página 12*, 21 October 2012.
61. *BAE*, 26 October 2012.
62. Mario Wainfeld, *Página 12*, 20 September 2012. The writer refers to a set of laws submitted

- by the Executive to the Congress, among which was the Labor Risk Law (LRL).
63. In the text of the article, the author establishes the relationship between work conditions and the damages to the workers' health. He asserts that workers' disabilities are the 'traces' on their body resulting from the exploitation they suffer. Mario Wainfeld, *Página 12*, 26 September 2012.
 64. Mario Wainfeld, *Página 12*, 25 October 2012.
 65. *Clarín*, 27 October 2012.
 66. Luis Enrique Ramírez, Vice-Chairman of the Asociación de Abogados Laboralistas, *Página 12*, 15 October 2012.
 67. Daniel Germano, National Member of Congress, *Clarín*, 24 October 2012.
 68. The LRL reform presupposes, therefore, a legislative backward movement within the protection framework. This circumstance, as established in the 'Aquino' case, places the regulation 'in serious conflict with an architectonic principle of the International Law of Human Rights in general and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in particular', as the latter

"is fully informed by the principle of progressiveness, according to which, each State Party to the present Covenant undertakes to take steps [...] with a view to achieving progressively [...] the full realization of the rights recognized in the present Covenant." (art. 2.1) (V1.29-33).

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