

SELF-ORGANIZATION AGAINST TRADE UNIONS AND THE STATE: A CASE STUDY FROM ARGENTINA

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This article explores some current issues related to workers' association in Latin America. It focuses on a particular conflict that took place between precarious workers and a large trade union in Buenos Aires, Argentina, which resulted in the murder of a young leftist militant, Mariano Ferreyra. Against the abstract and sometimes naive views regarding trade union activities, as well as the general assumption of unions' importance, this article argues that an in-depth study of the mechanisms that some trade unions have for workers representation and workers control will reveal how the constraints imposed on collective workers association, effective internal democracy, and workplace actions are more complex than the immediate evidence would show. A close examination of the aforementioned confrontation and murder, even though these are exceptional situations, will provide us with a glimpse of the internal activity of one trade union, which will in turn reveal a great deal about the trade union's core dynamics in Argentina, management objectives, and modus operandi. In so doing, this article will revisit questions about trade union operations that will prove illuminating for worker self-organization and for the academic debate concerning the power of unions or the powerlessness of states, particularly in the Global South.

Introduction

It is commonplace to find references to the declining power of trade unions beginning with the ascendance of neoliberalism, a process that has increasingly transformed the world by reshaping labor processes and industrial relations. Among the academic literature, we can find works that insist on the decline of trade unions as a steady tendency associated with globalization, attributed to their ineffectiveness in dealing with a wholly new environment (a detailed review of this literature can be found in Silver 2003); other, more optimistic views, sustain that after a period of disorientation, unions are experiencing a revitalization or trying new forms of worker organization (Moody 2001; Phelan 2007; Ness 2014, 2015). A third view can be found among those claiming that, with the recent capitalist transformations, new possibilities and new methods of confrontation have arisen, creating or allowing to create new forms of collective association among workers (Burgmann 2016; Moody 2017). Amidst these different views—not always clear cut in their formulations—the question of the ability of

trade unions to organize and fight has become a concern of global proportions, raising doubts over whether trade unions can still adequately respond to the scale of problems faced by working classes worldwide.¹

This article argues that in many of those readings, the self-organization of workers is acknowledged, but that the actual importance of established trade unions themselves is misjudged, commonly by overlooking the role and importance they represent on a global scale. Often, the expectation that trade unions will act in a predetermined manner (e.g., strike tactics) has led to scholars neglecting the study of their actual daily practices and their dealings with the state and employers. This is tantamount to ignoring that, while trade unions “remain quiet” from an external vantage point, they actually represent large groups of workers in the labor market and promote different collective bargaining schemes. Furthermore, they play a key role in regulating and controlling workers’ attitudes and actions, as well as reproducing canons of *legitimate and illegitimate* industrial action and ways of organizing under “normal” circumstances, something that cannot be taken as a novelty (Hyman 1971, 1975).

Even when stemming from empirical findings based on a case study in which an association of precarious workers in Argentina was involved in a deadly, violent confrontation pitting them against the country’s rail workers’ union² that can be considered an exceptional circumstance, this article will discuss several key characteristics of Argentina’s traditional trade unions that are equally applicable to broader debates. In the first instance, we will outline the main features of the workplace and the Argentinean trade union system. Second, we will provide an analysis of this clash between precarious workers and the trade unionists of the rail union “Unión Ferroviaria” (UF) in order to render visible certain aspects of the internal operations of a traditional trade union that are not commonly studied, despite the fact that Argentinean trade unions and worker activities are fairly well covered by the academic literature. The case under scrutiny will also show some of the implications and impact of *business* trade unionism (Ghigliani, Grigera, and Schneider 2012), highlighting how the power of unions in Argentina has not diminished but instead grown in the long shadow cast by the privatizations imposed by neoliberal governments up until 2003, and following that period, throughout the “pink tide” years of the Kirchner administrations. In the final section, we shall present the preliminary conclusions for this work, which ultimately aims to contribute to the debates surrounding what is here regarded as the contradictory dynamics underlining workers’ organization.

Context of Research

This article is part of an ongoing research into the political economy of Argentinean trade unionism that seeks to unravel the complex connections between authoritarian legacies, neoliberal transformations, and a corporatist trade union system deeply embedded in the “normal functioning” of industrial relations in the country.

The Argentinean case offers an exceptionally good opportunity to question a broadly Eurocentric consensus regarding the crisis of labor movements, particularly because some of the common trends associated with that crisis can be found in the country (geographical relocation of industries, automation of production, decline of real wages, growing job insecurity and short-term low-quality contracts, feminization of low wage labor, etc.) but without the catastrophic decline of trade union density, the importance of trade unions or trade union activity.³

Having this case in mind is likewise appropriate to interrogate the more optimistic views of a trade union revitalization—from the Global North and the Global South—that focus on cases of resistance and new forms of self-organization because they often overlook the significant interrelations between trade unions, employers, and the state that have been dominant since the post-war years and have remained in place after the crisis of the Welfare State. Those relations are a key element to any understanding of the institutional framework in which workers find themselves at work, and their neglect is both a very common and significant issue for labor studies. Following on Hyman’s ideas, we hold that the historical form and content of union power and organizational strategies (*how*, *why*, and *who* are included and excluded in order to gain and maintain representation) should not be overlooked, even when those unions appeared to be obsolete or “merely” bureaucratic machines. Only if we properly examine *where the unions are and what they are doing*, we will be able to characterize the situation of (and the interaction between) unionized and nonunionized workers, along with the challenges within the labor movement for those trying to restore a “class struggle unionism” or to understand what is actually taking place and establish new strategies.

In order to properly move in this direction, we will employ a qualitative methodology that focuses on a reading of a particular judicial case⁴ in which the overlapping and conflicting ties between these different actors was brought to light, offering an exceptional glimpse inside the internal operations of a trade union that is, as per Bensusán Areous’ suggestion regarding similar Latin American cases, always “opaque and resistant” to academic and social scrutiny (Bensusán Areous 2000).

The Argentinean Trade Union System as a Case Study

Unemployed and precarious workers have been organizing themselves in Argentina since the beginning of the neoliberal crisis in the mid-1990s, and there is a vast quantity of academic work discussing the particularities of these kinds of organizations (Svampa and Pereyra 2004). Some of that research has focused on new forms of organization—for example, the *piquetero* groups centered around territorial arrangements—and part of that literature has dedicated its attention to what is commonly known as *social movement unionism*, particularly in relation to the experiences of the Central de Trabajadores Argentinos⁵ (Armellino 2005; Manzano 2017), or the self-activity of precarious workers (Atzeni 2016). Several studies have focused on novel experiences in labor

representation that actually pose a challenge to existing union structures (Medina and Menéndez 2011; Arias, Menéndez, and Salgado 2015). Even when important issues are addressed in those works, there remains a great deal of research to be done on the link between unemployed, informal workers, and formal employees and their trade unions. Paula Varela has proposed an interesting approach to the study of the positive interaction between precarious workers and rank-and-file trade unionism (Varela 2016), but, as she points out, such experiences have not been able to alter the nature of bureaucratic union leadership or the conditions of exploitation inherited from the neoliberal reforms in Argentina.

By contrast, we will here consider some aspects of how those relations affect the majority of the working-class population, albeit taking as our point of departure an exceptional case. Nevertheless, many of the elements to be analyzed are critical for a proper understanding of the national trade union structure that has been in place since the 1940s in which corporatism, centralization, and a hierarchical structure were promoted by the state in order to contest previous traditions.

The typical approach to the so-called *Argentinean trade union model* has been to inquire into its legal features (in recent decades as well, attention has centered on the model's stability and on the presence of national and international challenges to that stability),⁶ yet the state's role on that account is often underestimated. Criticism has centered on the exclusive rights granted by the Ministry of Labor in their decision regarding which union is "more representative," allowing only those selected to take part in collective bargaining. However, within the larger scope of a national system of differentiated trade union rights, several important elements have received less attention (Zorzoli 2017).

This article considers the case where precariously employed male and female workers in the Buenos Aires rail sector (many performing track maintenance, cleaning, and security duties) organized themselves autonomously and carried out protests that blocked and interfered with train services in an effort to demand formal contracts and improved working conditions. Their actions were met with a violent response, often not only by the police but by union members and trade union officials, who justified their hostility with the accusation that those in precarious conditions belonged to left-wing parties (who were often supporting their struggle) and were trying to cause disturbance for political gains. These types of confrontation between informal workers and the official union sector, far from rare in the Argentinean context, were just the tip of the iceberg.⁷ Beyond them, one can find elements of a system in which the state, management, and many official unions colluded to sustain "business as usual," profiting from the division between formal and informal workers who share the same workplace.⁸

A Deadly Confrontation between Trade Union Officials and Precarious Workers in Argentina. What is Happening behind the Scenes?

The initial confrontation we will analyze took place on 20th October, 2010. On that day, over 150 workers and union officials intervened—with the aid of

hired football hooligans—in a rail blockade that was part of an ongoing protest maintained by precarious workers, many of whom shared the same workplace with the aforementioned workers. With the complicity of the police, the trade unionists chased the crowd of demonstrators and shot 3 activists, permanently injuring two of them and killing 23-year-old Mariano Ferreyra, a member of the left-wing party Partido Obrero and the university of Buenos Aires student federation, that had been actively supporting the workers' demands. In what follows, we will present some of the details behind the vicious act in which one of the major national trade unions violently confronted precarious workers, using as a key source the Sentence⁹ pronounced by a criminal court¹⁰ and the study of the trade union structure and its transformation since the last military dictatorship (1976–1983).

The ruling begins with an overview of the criminal act, reporting that around the Avellaneda train station, located on the outskirts of Buenos Aires, precarious and redundant workers¹¹ joined with left-wing militants to demonstrate against contract adjustments and to demand formalized working conditions within the outsourced rail services.¹² Not far from there, another group of workers—mainly union members and delegates from the previously mentioned UF trade union—took part in another demonstration, a counter-demonstration against the precarious workers' action. Finding the situation intimidating, and having learned from previous confrontations that some union members were dangerously aggressive, the precarious workers and left-wing militants decided to abandon their position and discuss future actions a short distance from where they had initially established the action. However, as they were returning, a group of paid football hooligans joined the group of union members and began to pursue the group of precarious workers. The police, who had been present the whole morning, made no attempt to impede the attack and even stopped recording the mandatory video at the point where the crime scene was about to unfold. Media workers on the scene who had been conducting independent coverage for TV news stations were also subject to assault from union members and were forced to stop recording. Six shots from firearms were heard, followed by a woman collapsing in the street, having received a gunshot to her head. Behind her, the aforementioned 23 years old activist lay dying from a wound to his abdomen. The group of protestors sought help and stopped a bypassing ambulance, while the offending group was able to withdraw from the street without encountering police interference. Several hours later public officials lodged an investigation, while Elsa Rodriguez, paralyzed and unable to speak due to her injuries, was left fighting for her life in hospital as the news of Mariano Ferreyra's death began to spread.¹³

Four days after the murder, one of the suspects was arrested: Pablo Diaz, an official occupying the third most senior position of the union leadership. Diaz was visibly present and active on the scene of the crime and had declared on TV the morning of the attack that rail workers “would not allow blocks and pickets to take place on the train tracks” and that “what the police and judges don't do, railway union workers will do ourselves.”¹⁴ Following Diaz's voluntary

surrender, Cristián Favale (a football hooligan) also surrendered, and in the following weeks almost all the other suspects in the group were arrested, including José Pedraza, General Secretary of the union since 1985 and an important figure of the Confederación General del Trabajo (CGT).

Of the seventeen men who were charged for the attack, they belonged to two groups: (1) members of the security forces and (2) members of the railway union or individuals connected in some way to the union. As the ruling states, the group of railway workers and hooligans were accused of being the authors of the crime and participants in the murder, while two members of the security forces were charged with facilitating the attack. The rest of the police officers accused were on trial for failing to intervene during the course of the events as per their professional duties. In the sentencing, the jury stated that the group of trade unionists “wanted to chase off the precarious workers (but with gunshots!), so they would leave and never come back (. . .). The attack had to be forceful enough to prevent them from trying to resume the campaign at some future time” (Tribunal Oral en lo Criminal Nro. 21 2013, 1,577).

The violent lesson targeting the outsourced workers was intended to guarantee the power of the union and its General Secretary, José Pedraza, and beyond that, the perpetuity of the outsourcing model along with the management of state funds involved in the venture.

The ruling stated that there was conclusive evidence that Mariano Ferreyra had died because of the action of a group (of thugs) recruited by union leaders to sustain the union’s power and business. Therefore, the jury was given to understand that the group did not act spontaneously and that their actions were not the result of a skirmish (as per the account of the defense). It was also held to be false that “nobody gave orders” for the offending group, as the defense was judged to have planned and covered up the attack in order to prevent the identification of those responsible, thus showing that union operations played a key part in the commission of the criminal act, as we will see in the following section.

*Key Elements of Union Operations: Recruitment, Political
Hierarchy, and Economic Interests*

In the following section, we will outline three key elements from the ruling in order to arrive at a better understanding of internal union dynamics and the reproduction of power within the organization: *recruitment*, *vertical structure*, and *economic interests*. We consider these elements not exclusive to this trade union or to this particular circumstance rather an interesting model to further investigate trade union “normal” operations even where these were used to cover a criminal act. We will develop this idea further after analyzing the sentence.

In their testimonies during trial, many workers reported that the union leaders or delegates had asked them to participate in the counter-demonstration in order to “create a fuss.” When asked why they agreed to go along, they replied that they did so in order to prevent the roadblock, but also referred to the power

of the union as a motivating factor. Several members were coerced into participating with the use of lists reporting on who does and does not comply with union calls for action (a common tool in union mobilization throughout the country); others because they obtained their job “through the agency of the union” and felt indebted; others because they needed social welfare assistance or had loans from the union’s social services. Many of them mentioned they wanted a family member to work on the railway and thus participated in order to demonstrate loyalty and subordination to the union, who held final decision over who would get a job in the chance of a vacancy.

A brief overview of these arguments could potentially crystallize into a simplistic picture of the coercive relationship between union delegates and rank-and-file workers (most of them affiliated to the union). While these coercive elements are unmistakable and are significant in the internal operations of the union, it is necessary to consider the problem in greater depth. First, it is worth mentioning that not all workers were called upon by the union to attend the action, for the simple reason that union delegates were embedded in the workplace and knew who was sympathetic to the leadership or can be coerced into participating. Thus, not all workers joined in, or were susceptible to the pressure applied by the union structure, although workers inevitably are made aware of the existence of such practices. Second, questions of honor can explain the witnesses prioritizing the “coercive” elements as determining their participation in the action, as they sought to morally divorce themselves from what finally happened while emphasizing in their stories “all the factors that forced them to go.”

The testimonies also highlight that many of the workers were genuinely grieved when they learned of the outcome of the event. They reported experiencing trauma in the aftermath and several workers, knowing full well it was against the interests of the union’s accused members, revealed in court the events that transpired that day and the following days, when the union leadership organized meetings in an attempt to enforce a pact of silence. Considering the broader picture and all the testimonies, we can find a consensus within the union regarding the counter-demonstration but not without limits, limits that the death of the young activist threw into bold relief.

One last consideration regarding the consent of the workers is provided by a scene mentioned several times in the ruling and that was made public due to TV records: the final attack on the precarious workers (i.e., the “chase”) was performed after Pablo Diaz, the union’s most senior member present at the scene and a powerful figure among the delegates, had pressured the rail workers to participate, hurling all kinds of threats and insults at them. It is the general understanding that this extra pressure was applied as a necessary measure, the proof of which is that many workers remained on the train platform in order to avoid participating in the attack, even though they were involved in the rest of the action.

The ruling also stated that the criminal act was performed along the lines of a strong vertical organization and that the action was carried out in order to perpetuate the dominant trade union model. This hierarchical structure was

underscored at several points during the investigation: in the words of the workers, when they said “I do not hold a union position that allows me to speak up”; “the union delegate’s word is sacrosanct”; “it was requested by my delegate,” or through admission by way of denial, where they claimed “our organization is not vertical”; “the union is not like the army” or “there is no duty to obey.” This vertical structure, as the court duly noted, is also visible in workers’ behavior and personal relationships.

The verticality is patent: The General Secretary of the union occupies the summit, followed by those who inform him and through whom he “governs” the union. Below them was the delegate’s general coordinator (Diaz), and below him, the delegates. The delegates embody the power of the union in the workplaces and have extensive responsibilities and power as part of this embodiment (such as authorizing workers’ days off and daily tasks, changes of workplace or work shifts, providing backing, or not, in labor disputes, “helping” to find work for relatives, etc.).¹⁵ As we understand it here, the same verticality is an ideology expressed in the crime itself but that exceeds the particular case and its consequences.¹⁶ Associated with this verticality, the concept of a “railway family”¹⁷ enjoyed a certain currency and was used to exclude and label those fighting for formalization as “outsiders” (something that can be found in other sectors, as can be seen in Perelman and Vargas 2013a,b).

The third element key in union operations is economic interests. It is said in the sentence that at the heart of the criminal act was the accused’s intentions to prevent the precarious workers from protesting and thus preserve their own benefits. Protesting meant questioning the poor working conditions and more broadly, the existing “state of affairs” between the union, the outsourced companies, and the state.

The issue of precarious or short-contract worker agitation and organizing was an especially sensitive topic for the union because those protesting were simultaneously employed through different labor arrangements that the union leadership itself had overseen during the privatization of the railways in the 1990s, regarded then as a “palliative solution” for those deemed redundant. The most common arrangement took the shape of a so-called *cooperative*, outsourcing state-financed services through the union, a situation that effectively converted the trade union into the role of management of a precarious workforce working for their profit.¹⁸ Nor are these kind of *cooperatives* and outsourcing companies rare in the Argentine context, and their presence is in part a testimony to the union leaders’ real interest in maintaining a strict difference between the working conditions of their members and the precarious situation of the nonunionized, subcontracted workers.

It was also confirmed that connected to the economic interest in play was a concern for internal political hegemony within the union, especially in light of the agitation of sectors that actively question union leadership policies. While referring to this aspect, the ruling cites several elements emerging from taped conversation in which the leadership admits to attempts to frustrate the expansion of formal, contracted labor, even reporting to state officials that “left

infiltrators” among the ranks of precarious workers could prove a risk for the entire workforce. They were explicitly worried about the possibility that the dissidents might attempt to organize parallel unions, a threat no doubt related to the establishment of a new union in another transport sector, the Buenos Aires subway (Arias, Menéndez, and Salgado 2015; Bursztyn 2014; Cató and Ventrici 2011; Salud 2007). This same concern is expressed in the taped phone conversation between the General Secretary of the Union and Kirchner’s Minister of Labour, Dr Tomada, which was presented as evidence in the trial.¹⁹

In the sentencing, these elements provided proof of the union leaders’ interest in imparting the precarious workers a lesson, and effectively destroyed the defense’s strategy of “disassociating” the attack from any operational motive or logic. Economic interests were behind union actions, however, the judicial system—and this court in particular—did not call for any accounting expert to perform an audit of the money path that the prosecutor claimed to exist between the cooperatives and the union leadership, nor was the link between the union and the state subject to further investigation. The investigation, on this respect, ends where it should start.

Beyond the Ruling

In addition to the elements that weighed in the jury’s verdict (recruitment, vertical structure, and economic and political interests), there are others that were of little or no relevance to the ruling but that are of interest for the purposes of this work, as they outline some important aspects of this trade union operation and can help us to understand operational modes in Argentina. These elements can be divided into two groups: (1) the union–worker relationship, and (2) the union–state relationship.

The first group contains at least three dimensions: the relationship between the union and workers in permanent positions (the relationship that is most fully described where recruitment is concerned); the relationship between unions and workers working in precarious conditions, with no direct—representation link with the union; and lastly the relationship between the union and those who are going to “cross over” from subcontractors to the permanent workforce on the railways. Understanding these relationships is central to grasping the positions of power within the UF, but is also interesting to further inquire into this, as it is difficult to believe that this power is due to a particular rather than a generalized relationship of forces.

The second group of elements mentioned deals with the union-state relationship, the very element that was notoriously under-investigated in the trial. To this category, one might add the relationship between the government and the union (again, it is appropriate here to raise the question of whether we can actually speak of the relation between one union and the government without also investigating a general situation between unions—at least those unions of the same kind, in this case the Peronist orthodox trade unions grouped in the CGT—and the government), and the relationship between the union and the

security forces (from the police to the intelligence services), something that must be studied from a historical perspective.²⁰ Both elements share a common denominator that is only briefly mentioned twice in the jury's ruling: the "corporatist" character of the union.

We will here review, albeit in a condensed fashion, the characteristics that the union-worker relationship assumes on this reading. The relationship of the trade union with the permanent workforce, as mentioned above, can be held in relief by starting with an analysis of *recruitment* and of the resources mobilized to make this possible. However, in order to obtain a complete picture of this relationship, it is necessary to also consider the relationship that the union has with the "other" [precarious] workers, based on the management (direct or indirect) of the cooperatives and newcomers, two key pillars of union power.

The ruling mentions that the union had a fundamentally hostile relationship with the precarious workers, which amounts to a half-truth. Analyzing the matter in greater depth, it can be observed that this hostility is the outward expression of a relationship between the sale of labor power (by the precarious workers) and the consistently disciplinary role that the unions played on behalf of, and in their position as, employers. One can observe the aforementioned, for example, through a recorded conversation of the second highest-ranking official of the Union (Fernandez, recorded cassette n. 6, January 3, 2011), in which he received a call notifying him of a conflict with workers from the "Mercosur Union" cooperative, who were refusing to resume normal work activities without first meeting with management (the union) and who were pressing for being allowed to have their own "delegate" to make certain demands. In reply, Fernandez grew angry and demanded that "they go back to work straight away," adding, by way of a threat, that "if they don't work, they don't get paid," and he warned his interlocutor that they must be "put in their place" and that the cooperative workers are not permitted to unionize nor to have representatives. Testimonies from the precarious workers also emphasize that the union made it clear that they would not be made permanent employees, that they did not enjoy the same rights as the permanent railway workers with whom they share the workplace and that they could not demand better salaries or improvements in working conditions.

Adding to the matter (and as a natural outgrowth of the intrinsically contradictory corporatist *union model*), the union grooms those who might become permanent staff, and the current leadership begins an indoctrination of the rank-and-file based on the relationship of control and discipline that the union enjoys due to its position as "manager" of the cooperatives. As evidence of this dynamic, several workers among those who accompanied the union in its attempt to stop the road block were themselves former precarious workers that had become permanent staff and were described as "Fernandez's people," or were described as belonging to a delegate on account of the "debt" owed for their employment status.

Reinforcing this same idea, we know thanks to phone recordings that among those who were hired on a permanent status after the murder,²¹ several suffered

punishments (longer hours, more shifts than the rest, hostile workplaces, etc.) for having entered the permanent workforce using a method not approved by the union leadership.

Worth highlighting are two additional aspects related to the relationship between the union and those workers who might become permanent employees. The first issue is economic, namely, the mandatory—and illegal—payment made to the union representative in order to be allowed a permanent contract. This “lifting” method reveals that, beyond political choices, there are “union dues” that fulfil the need for one to work their way up the ladder, a touchstone of any union leadership, and that “consolidates” the status of union representatives and leaders.

Given that the second aspect is so significant, it is all the more striking that it was completely omitted by the court despite its emergence in testimonies and phone taps, and could even have been investigated as a serious crime apart from the trial if the culture of male chauvinism and violence against women were not so common and accepted in some sections of the Argentinean society. What is more, it is an inescapable feature of the type of power that the union leadership regularly exercises: that is, gender discrimination and in this particular case, sexual abuse, described by the journalist Diego Rojas as “droit du seigneur” (i.e., in order to obtain a permanent contract) in his coverage of the court trial (Rojas 2011). The same dynamic appears in the evidence provided by a former member of the union leadership to Rojas, leading him to state that “in the world of the railways it is *common knowledge* that one of the ways of getting a job is by performing sexual favors.” The colloquial characterization of “favor” hides behind a crime and a patriarchal feature of union power that is generally ignored in studies of trade unions in Argentina (exceptionally, the segregation of women despite the important historical role they played in creating and maintaining unions was pointed out by Lobato 2007).

Regarding the characteristics of the union–state relationship, certain historical considerations emerge that shape this relationship based on the inheritance of historical benefits. Essentially, those are: state recognition of trade unions along with privileges granted (Trajtemberg 2013; Trajtemberg et al. 2012) and a set of “agreed upon acts” between the Ministry of Labor and the union, for example giving priority to cooperatives, providing guidelines for the integration of new employees, agreeing on or negotiating wages and employment categories according to what is politically convenient for the union leadership. Analysis shows that in the relation between the unions and the government, and centrally between UF and the Ministry of Labor and the Transport National Agency, there is a common interest in maintaining the *status quo*.

The last element, only superficially addressed, is the relationship between the union and the security forces, particularly with the Federal Police. It is clear from the ruling that the court found sufficient evidence to convict a police chief and a chief inspector as accomplices in the attack and murder. It is also clear that the actions of the police were tainted by strange maneuvers, such as the order to cease the recording of police communication frequencies at the precise moment

when it was evident that there would be an assault. The same can be said of the police video recordings, which were switched off seconds before the attack began and then turned back on seconds after, and that at no point during the events did police ever record the group of railway workers, focusing only on the group of precarious workers. The ruling does not provide for a great understanding as to why the police were eager to assist the UF group, nor was there any subsequent investigation into the matter. Various left parties taking part in labor unrest in the country had previously accused the police, security forces (Gendarmería Nacional), and intelligence services of collaborating with employers, unions and the judicial system, and of infiltrating worker's autonomous organizations, a practice common at least since the 1960s.²²

Final Remarks

Against the abstract and sometimes *naive* views regarding the crisis of unions, we have argued here that union mechanisms of worker representation and worker control reveal at least some of the constraints imposed on collective association, effective internal democracy, and workplace actions that workers have faced in general and in precarious work contexts in particular.

Even where the case we have presented has certain unique particularities, many of the mechanisms described can guide us to inquiry into "normal" relations between unions, the state and workers in Argentina from a more critical stand. And yet, despite the fact that political violence does not generally reach the level we have described here, its presence is an undeniable element of daily union practices as workers' voices recognized during the trial under scrutiny and as we can see in the other references mentioned in this work. This violence and control, as well as the mechanisms responsible for the reproduction of union power and industrial relations, must be addressed from a theoretical and a political perspective if we seek to understand the power of unions and the powerlessness of states, particularly in the Global South.

Furthermore, we know that the development of trade unions was neither autonomous nor independent from the historical experience of exploitation. On the contrary, as Gramsci has pointed out, both assumed their historical shape through external law, under the formidable pressure of circumstances and through the coercion of the capitalist society and capitalist interests (Kelly 1988). Since their inception then, the role of trade unions has been contradictory, or at least open to dispute, as they can either play a role in the development and stabilization of capitalist relations of production or be a tool for political transformation and socialist education and organization of the working class.

This study adopts the viewpoint according to which it is clear that the form assumed by the particular trade union under analysis, by no means an isolated phenomenon, has not only changed over time, but also replicates and follows the "external law" imposed by the ruling class and the labor market in the age of neoliberalism. The daily concern over worker control within the union and the razor-sharp precision with which the leadership operates to ensure that no alternative, even

embryonic, emerges to their political leadership shows the importance these trade unions have, as well how they are supported by state agencies and management.

Two elements, the *control* and particularly the *tension* confronting any possible questioning of the union's hegemony are generally underestimated (probably because a microscopic view is required to detect it) when the political dynamics of unions are discussed and the bureaucracies assessed. However, these two elements are fundamental to the current landscape of trade union politics in Argentina and through them we can understand in greater depth some of the defensive/offensive practices of the leadership ranks and their strategies from the bottom to the top.

Although this article presents the most prominent characteristics of just one union evaluated in the light of the ruling handed down for a political assassination, it can be used as a case to provoke further investigation on these issues, seeking to contribute to a discussion around the challenges the working classes face in the present.

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Notes

1. This question has been recently addressed in the book *Where are the Unions? Workers and social movements in Latin America, the Middle East and Europe* edited by Sian Lazar (2017).
2. Unión Ferroviaria (UF).
3. As Silver (2003) has pointed out, the consensus regarding the crisis of labor movements was effectively settled by the 1990s and remains today a strong item of faith among academic communities (see introduction 1–12).
4. A triangulation of sources has been used to control the data provided by the main source including the reading of three national newspapers, two trial reports and the existing literature about the case (trial reports can be found as La Naranja de Prensa 2012; and CORREPI 2012; and other nonacademic readings about the case are Rath 2011; Rojas 2011). An approximation to this case study can be found in Zorzoli (2014).
5. The Central de Trabajadores Argentinos (CTA) is a trade-union federation that was formed in 1991 when a number of trade unions—comprised mainly of public sector workers—disaffiliated from the Confederación General del Trabajo (CGT) due to political and organizational disagreements. While the significance of the CTA cannot be ignored, it represents a limited experience that has not managed to affect industrial or service workers throughout the country. Moreover, in the period since its foundation, it has been unable to effectively challenge the trade union model erected by Peronism during 1940s. On that account, the CGT remains the most important federation in terms of political influence and union density, being the only state-recognized trade union of its kind.
6. The International Labour Organization has repeatedly highlighted the lack of freedom for alternative unions and new workers' organizations allowed by the currently existing legal framework in the country.
7. See, for example, Bouvet (2008); Medina and Menéndez (2011). This has, as well, a historical dimension, as many peronist trade unions partook in the repression of left activist and union members during the last

dictatorship in the country (1976–1983) arguing that they were part of an “external enemy” (communist) trying to subvert the “national character” (Basualdo 2013; Besoky 2016; Carnagui 2013; Padrón 2007; Zicolillo 2013; Zorzoli 2016).

8. As Clara Marticorena has shown, the trade union revitalization that took place in Argentina in the last decades did not reverse precariousness and was based, at least partially, on maintaining a segmented yet overlapping labor market (Marticorena 2014, 2015).
9. The sentence provides incredibly rich source material but also requires a cautious approach. The use of judicial or police reports and archives has been growing in the social sciences over the last few decades, especially in Argentina since files from the last dictatorship were partially disclosed. However, when used as a source for social science research, they can lead to significant omissions and mistakes. First, this is because a sentence is the product of a process of state justice that naturalizes relationships of power and administers a judicial code that must be studied separately in conjunction with the crime itself, as well as the legal system in which the case is considered. Evidence considered valid by a court of law is not necessarily regarded as relevant as a social explanation of a phenomenon, and it is necessary to read through judicial materials, comparing, and cross-examining them against other sources, questioning their alleged ideological and logical “transparency.” Regardless of this caveat, judicial sources are unique in that they use state power to produce testimonies, collect evidence, and force/oblige people to testify even in compromising situations. For this reason, we will use court materials to analyze not just the murder of the young activist but also the union structure, a difficult task given that under normal conditions, unions—at least in Argentina—are reluctant to offer themselves up as the object of social research.
10. The sentence, in Spanish, can be accessed as “Sentencia de la causa nro. 3772/3922” produced by Tribunal Oral en lo Criminal Nro. 21 (2013), Capital Federal I (see 1–1,668).
11. Many of the workers were part of UGOFE (Unidad de Gestión Operativa Ferroviaria de Emergencia), a mixed company created under the Kirchner administration in 2004 due to the crisis affecting private transport services (Basualdo, Morales, and López Cabello 2014; Rojas 2011, 26).
12. Service outsourcing was one of the many strategies used during the neoliberal reforms implemented during 1990s (see Bonnet 2007; Piva 2012).
13. See, for example, the national media articles “One dead and many wounded in a union fight” *La Nación* October 10, 2010 [“Un muerto y heridos en una pelea gremial”] or “Dying due the support to dismissed workers” in *Página/12* the same day [“Morir por apoyar a trabajadores despedidos”].
14. Records from the ruling provided by news channel “TodoNoticias.”
15. A research on the relationship between construction workers and their union (Unión Obrera de la Construcción de la República Argentina, UOCRA) in the workplaces shows an identical situation. See Farace (2013).
16. According to proof produced in the criminal trial, Diaz called union delegates that morning and the delegates in turn called and recruited workers from a list drawn up by the union. Why do we say that the union model is also expressed in the crime itself? Precisely because it was an affiliated worker with no special role in the union structure (Sánchez) and a hired thug (Favale) who were the ones that executed the orders and fired the shots. The choice of individuals (who carries the weapons, who has to “create a disturbance” and who finally fires the firearm) also describes the union structure. As per the dictates of the plan, the union leadership predicted that if the crime was to be punished, it was crucial that “non-railway workers” (Favale and his gang) be accused so that no members of the leadership were directly implicated.
17. The metaphor of the workers and the union as a “family” is quite common in the Argentinean trade union traditions and goes beyond the common sense implying key networks of union power and union structure reproduction as well as certain expectations and obligations for those considered “family members” and outsiders. A study about how this works in a telecommunication trade union can be seen in Wolanski (2015) and how this has suffered questioning and resignification in recent decades (Andújar 2014; Palermo 2012). Some companies used the traditional concept of family to promote discipline and loyalty with uneven results (among others Cabral Marques 2011; Dicósimo 2008; Vogelmann 2010).
18. What was proven in the ruling was that the union employed 2,000 workers in precarious conditions under the form of cooperatives, maintaining 117 contracts with the state for more than 66 million Argentinian pesos (Tribunal Oral en lo Criminal Nro. 21 2013).

19. In the conversation, Pedraza expressed his concerns about newcomers, and Tomada confirmed that he too was worried by the development, but went on to encourage union leadership to “work” on the new employees, putting them through training courses and other schemes to indoctrinate them (Tribunal Oral en lo Criminal Nro. 21 2013).
20. For reference see footnote seven on this article.
21. As a political response to the crisis generated by the murder of Ferreyra, many precarious workers were granted a permanent position in a public negotiation in which the Kirchner government tried to show sympathy for those in non-permanent positions.
22. One of these schemes, called “Projecto X,” is being investigated since 2011 as illegal espionage against workers and social organizations by the Federal Justice.

References

- Andújar, A. 2014. *Rutas argentinas hasta el fin: mujeres, política y piquetes, 1996–2001*. Buenos Aires, Argentina: Ediciones Luxemburg.
- Arias, C. C., N. D. Menéndez, and P. D. Salgado. 2015. The double confrontation of grassroots unionism in Argentina: Union democratization and defense of working conditions. *Latin American Perspectives* 42(2): 12–29.
- Armellino, M. 2005. Resistencia sin integración: protesta, propuesta y movimiento en la acción colectiva sindical de los noventa el caso de la CTA. *En Tomar la palabra: Estudios sobre la protesta social y acción colectiva en la argentina contemporánea*. Buenos Aires: Prometeo.
- Atzeni, M. 2016. Beyond trade unions’ strategy? The social construction of precarious workers organizing in the city of Buenos Aires. *Labor History* 57(2):193–214.
- Basualdo, V. 2013. Aportes para el análisis del papel de la cúpula sindical en la represión a los trabajadores en la década de 1970. In *Cuentas pendientes: Los cómplices económicos de la dictadura (Singular)*, ed. H. Verbitsky and J. P. Bohoslavsky, 235–53. Buenos Aires, Argentina: Siglo Veintiuno Editores.
- Basualdo, V., D. Morales, and A. López Cabello. 2014. El caso del asesinato de Mariano Ferreyra y la problemática de la tercerización. In *La tercerización laboral orígenes, impacto y claves para su análisis en América Latina*, ed. V. Basualdo and D. Morales, 157–93. Buenos Aires: Siglo Veintiuno Ed.
- Bensusán Areous, G. 2000. La democracia en los sindicatos: Enfoques y problemas. In *Tratado latinoamericano de sociología del trabajo*, ed. E. de la de la Garza Toledo, 392–421. México: Colegio de México: Facultad Latinoamericana de Ciencias Sociales: Universidad Autónoma Metropolitana: Fondo de Cultura Económica.
- Besoky, J. L. 2016. Violencia paraestatal y organizaciones de derecha. Aportes para repensar el entramado represivo en la Argentina, 1970–1976. *Nuevo Mundo Mundos Nuevos. Nouveaux Mondes Mondes Nouveaux - Novo Mundo Mundos Novos - New World New Worlds*. <http://nuevomundo.revues.org/68974>. Accessed January 8, 2017.
- Bonnet, A. 2007. *La hegemonía menemista: el neoconservadurismo en Argentina, 1989–2001*. Ciudad de Buenos Aires, Argentina: Prometeo Libros.
- Bouvet, V. 2008. *Un fantasma recorre el subte: crónica de la lucha de los trabajadores de Metrovías*. Buenos Aires: Cuerpo de Delegados del Subterráneo, Desde el Subte Editorial.
- Burgmann, V. 2016. *Globalization and labour in the twenty-first century*. Abingdon, United Kingdom: Routledge.
- Bursztyn, D. 2014. The formation of a new independent democratic union in Argentina: The subte transport workers union. In *New forms of worker organization: The syndicalist and autonomist restoration of class struggle unionism*, ed. I. Ness, 147–66. Oakland, CA: PM Press.
- Cabral Marques, D. 2011. La constitución de una “gran familia”: Trabajadores e identidades sociolaborales en las empresas extractivas estatales de la Patagonia Austral. In *Trabajadores y empresarios en la Argentina del siglo XX: indagaciones desde la historia social*, ed. D. Dicósimo and S. Simonassi, 71–88. Rosario, Argentina: Prohistoria Ediciones.
- Carnagui, J. L. 2013. El nacionalismo juvenil platense y la formación de la Concentración Nacional Universitaria (CNU), 1960–1971. *Nuevo Mundo Mundos Nuevos. Nouveaux Mondes Mondes Nouveaux- Novo Mundo Mundos Novos- New World New Worlds*. <https://nuevomundo.revues.org/66038?lang=es>. Accessed January 8, 2017.
- Cató, J. M., and P. Ventrici. 2011. Labor union renewal in Argentina: Democratic revitalization from the Base. *Latin American Perspectives* 38(6):38–51.

- CORREPI. 2012. *Crónicas diarias de las Jornadas del Juicio*. Buenos Aires: CORREPI.
- de Prensa, L. N. 2012. *El Diario del Juicio*. Buenos Aires: La Naranja de Prensa, lista del Sindicato de Prensa.
- Dicósimo, D. 2008. Indisciplina y consentimiento en la industria bonaerense durante la última dictadura militar. Los casos de Loma Negra Barker y Metalúrgica Tandil. *Sociobistórica* 23–24:13–37.
- Farace, R. 2013. *Prácticas y estrategias sindicales en los trabajadores de la construcción: El caso de la UOCRA La Plata (1997–2012)*. La Plata: Universidad Nacional de La Plata.
- Ghigliani, P., J. Grigera, and A. Schneider. 2012. Sindicalismo empresarial: Problemas, conceptualización y economía política del sindicato. *Revista Latinoamericana de Estudios del Trabajo* 17:140–164.
- Hyman, R. 1971. *The workers' union*. Oxford: Clarendon Press.
- . 1975. *Industrial relations: A Marxist introduction*. London: Macmillan.
- Kelly, J. E. 1988. *Trade Unions and Socialist Politics*. New York: Verso.
- Lazar, S., ed. 2017. *Where are the unions? Workers and social movements in Latin America, the Middle East and Europe*. London: Zed Books.
- Lobato, M. Z. 2007. *Historia de las trabajadoras en la Argentina [1869–1960]*. Ensayo histórico. Buenos Aires: Edhasa.
- Manzano, V. 2017. Dilemmas of trade unionism and the movement of the unemployed under neoliberal and progressive regimes in Argentina. In *Where are the unions? Workers and social movements in Latin America, the Middle East and Europe.*, ed. S. Lazar, 209–30. London: Zed Books.
- Marticorena, C. 2014. *Trabajo y negociación colectiva los trabajadores en la industria argentina, de los noventa a la posconvertibilidad*. Buenos Aires: Imago Mundi.
- . 2015. “Revitalización” sindical y negociación colectiva en Argentina (2003–2011). *Perfiles Latinoamericanos* 23(46):173–95.
- Medina, P. A., and N. D. Menéndez, eds. 2011. *Procesos de politización de trabajadores en la Argentina Reciente*. Buenos Aires: Imago Mundi.
- Moody, K. 2001. *Workers in a lean world: Unions in the international economy*. London; New York: Verso.
- . 2017. *On new terrain how capital reshaped the battleground of class war*. Chicago, IL: Haymarket Books.
- Ness, I., ed. 2014. *New forms of worker organization: The syndicalist and autonomist restoration of class struggle unionism*. Oakland, CA: PM Press.
- . 2015. *Southern insurgency. The coming of the global working class*. New York: Pluto Press.
- Padrón, J. M. 2007. *Trabajadores, sindicatos y extrema derecha. El Movimiento Nacionalista Tacuara frente al movimiento obrero, Argentina (1955–1966)*. San Miguel de Tucumán, Argentina: Departamento de Historia. Facultad de Filosofía y Letras. Universidad de Tucumán.
- Palermo, H. M. 2012. *Cadenas de oro negro en el esplendor y ocaso de YPF*. Colección Estudios de antropología del trabajo. Buenos Aires: EA.
- Perelman, L., and P. Vargas. 2013a. Los propios y los de las compañías: Efectos de la tercerización entre los trabajadores siderúrgicos. *Papeles De Trabajo* 7(12):84–101.
- . 2013b. Credencialismo y recomendación: Las bases de la reproducción de la clase obrera siderúrgica en la Argentina contemporánea. *Antipoda* 17:153–74.
- Phelan, C. 2007. *Trade union revitalisation trends and prospects in 34 countries*. Oxford; New York: Peter Lang.
- Piva, A. 2012. *Acumulación y hegemonía en la Argentina menemista*. Investigaciones y ensayos. Buenos Aires: Biblos.
- Rath, C. 2011. *Trabajadores, tercerización y burocracia sindical: el caso Mariano Ferreyra*. Buenos Aires: Editorial Biblos.
- Rojas, O. 2011. *¿Quién mató a Mariano Ferreyra?* Buenos Aires; Miami: Grupo Editorial Norma.
- Salud, C. R. 2007. *Las trabajadoras del subte protagonistas de cambios: una aproximación sobre la situación laboral de las mujeres en el subterráneo de Buenos Aires (1981 - 2004)*. Buenos Aires: Desde el Subte Ed.
- Silver, B. J. 2003. *Forces of labor: Workers' movements and globalization since 1870*. Cambridge; New York: Cambridge University Press.
- Svampa, M., and S. Pereyra. 2004. *Entre la ruta y el barrio: La experiencia de las organizaciones piqueteras*. Estudios sociales. Buenos Aires: Biblos.
- Trajtemberg, D. 2013. Estructura y determinantes de la negociación colectiva en Argentina. In *Negociación Colectiva y representación sindical ¿necesidad de cambios?*, ed. H. O. García, 17–29. Buenos Aires, Argentina: Friedrich Ebert Stiftung Argentina - ASET.
- Trajtemberg, D., S. González, C. B. Cecilia, and G. Pontoni. 2012. Representación sindical en los lugares de trabajo: Un análisis del Módulo de Relaciones Laborales. In *VII Jornadas de sociología*. La Plata, Argentina. <http://nulan.mdp.edu.ar/2249/1/trajtemberg.etal.2012.pdf>. Accessed January 8, 2017.
- Tribunal Oral en lo Criminal Nro. 21. 2013. Fundamentos de la Sentencia. Poder Judicial de la Nación. <http://cij.gov.ar/d/doc-6340.pdf>. Accessed January 8, 2017.

- Varela, P. 2016. Balancing the new and the old: Precarious workers' resistance in rank and file unionism in Argentina. *Journal of Labor and Society* 19(1): 105–23.
- Vogelmann, V. 2010. Experiencias de acción colectivas en el gremio de la carne de Rosario durante la década del'90. *Theoria* 22:1–17.
- Wolanski, S. 2015. La familia telefónica: Sobre las relaciones de parentesco en la política sindical. *Cuadernos De Antropología Social* 42:91–107.
- Zicolillo, J. 2013. *La era de los culatas: la derecha peronista y el patoterismo sindical*. Buenos Aires, Argentina: Vergara.
- Zorzoli, L. 2014. Para pensar las prácticas sindicales. Una lectura de la sentencia por el asesinato de Mariano Ferreyra. *Conflicto Social* 7(11):31–66.
- . 2016. Elementos para una nueva síntesis en los estudios sobre las organizaciones sindicales argentinas bajo el gobierno militar (1976–1983). *Revista Millars. Espai i Historia* XLI:69–96.
- . 2017. Consideraciones sobre el modelo sindical argentino a la luz de la propuesta de Richard Hyman. *Revista Latinoamericana de Estudios del Trabajo* 21(34):125–157.