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# ELA newsletter

## Solidarity of Basque Workers

**FOR A LAW THAT GUARANTEES MINIMUM CONDITIONS IN THE PUBLIC SECTOR**

# A POPULAR LEGISLATIVE INITIATIVE FOR DECENT JOBS



**E**LA is driving a Popular Legislative Initiative (PLI) that, once declared admissible, will require 37,000 signatu-

res to be collected in support of ensuring jobs and minimum conditions in the subcontractor companies of the public sector.

A PLI is the main instrument for grassroots participation in the legislative branch of political life. It involves implementing a process by means of which citizens urge parliament to approve legislation on an area that is non-regulated so far.

ELA is proposing the legal obligation that all the tender specifications in the subcontractor companies of the public sector published include social clauses, such as:

1. The right to subrogation of the subcontracted workers

given any type of company change.

2. Guaranteed minimum salary and working conditions, such as those of the existing current sectoral agreement or those of the last one in force when the sectoral agreement has not been renewed.

3. Penalties for companies in breach of the above requirements and others related to the employer's obligations for its workers.

This is an opportunity for the consequences of the successive labour reforms and of collective bargaining to be avoided in the subcontracted public sector.



**Thousands of delegates and workers took a stand to defend the collective agreements throughout the week of mobilisations organised by ELA between 21 and 25 October**

# WEEK OF MOBILISATION



ELA rated very positively the week of mobilisation and to fight to uphold the collective agreements, held in the Basque Country from 21 to 25 October.

During this week, different actions were organised in each of the sector, such as demonstrations at the employers' headquarters, presentation of the Popular Legislative Initiative (PLI), demonstrations outside public sector premises, and strikes in companies without collective agreements.

And on 24 October, thousands of ELA delegates and workers on strike took part at the meeting and subsequent demonstration outside the headquarters of the Basque Employers' Association.

The trade union officer in charge of collective bargaining, Joseba Villarreal, stressed the importance of learning from these conflicts. He stressed that membership and organisation are fundamental to ensure good agreements, but also to fight for them once they have signed, to ensure that employers complies with what has been agreed.

Luis Fernández, head of the Industry and Construction Federation highlighted the importance of being organised in trade union in order to protect agreements against the reform and we already have 250 signed company collective agreements. At the same time, he pointed out the need to fight to

ensure compliance of the agreements, referring in this case, to the Construction sector. ELA has managed to demonstrate that there is slavery in public works and that we also have alternatives to that situation. In Gipuzkoa (a territory in the Basque Country), ELA has managed to get a provincial law approved that guarantees compliance of the agreement.

Igor Eizagirre, General Secretary of the Gizalan Federation, criticized the behaviour of the Basque Government that he accused of repeatedly applying cuts, cuts that ELA is not going to accept. Public services have to be defended and we have to get back what has been taken away.

The event was closed by the ELA General Secretary, Adolfo Muñoz "Txiki", who stressed that the problem is not when we will recover

from the economic crisis but rather what the situation will be of the working class and which social and labour rights will survive. Txiki denounced how capital has been blackmailing the vast majority of society, blackmail that has the backing of the different governments.

Txiki pointed out that the austerity policies are destroying jobs, leading to job insecurity, the dismantling of social welfare and lower salaries.

And finally, he concluded that there is no alternative opposing trade unionism without membership and that only unionised areas are going to have collective bargaining.

Trade unionising companies is therefore essential, as that is the only way for collective bargaining.

## ELA ENSURES A GROWING NUMBER OF COMPANIES WILL NOT APPLY RAJOY'S REFORM

The February 2012 labour reform was a turning point on the job market. Prior to that date, Spanish legislation was already fostering an insecure job market, but the new labour reform legalised exploitation. To face the reform thousands of workers thronged in the streets during the general strike convened by ELA. Even on the day after the reform was published, ELA was aware of the need for workers to react effectively.

ELA set the challenge of ensuring that the labour reform would not be applied, which involved a great endeavour by the legal department, along with training of the delegates in the companies. Company platforms were set up to counter the labour reform point by point. The aim during the last year has been clear: to achieve agreements to force management to waive the reform.

Obviously, the management did not want to forsake legislation that was so beneficial for their interests. Therefore, ELA has had to double its organisational efforts to meet the challenge. This has involved a great deal of training with delegates, many meetings to explain the need to sign anti-reform agreements to the people in the companies and also a great deal of conflict.

At the time of writing, ELA has protected over 250 companies against Rajoy's reform. Some of them are companies with thousands of workers and others only have 10 people employed. Size does not matter and it is all down to organisation.

ELA believes that it isn't enough with denouncing Neo-Liberal policies. It has to create power and every week, we are protecting companies thus making Rajoy's reform not worth the paper it is written on.

# CONFLICT IN THE TEXTILE RETAIL SECTOR SEARCHING FOR SOLUTIONS



As a result of the collective bargaining reforms, many of the collective negotiations are blocked by employers that does not need to sign agreements, given that it is relying on the expiry of the

agreements leading to a widespread drop in salaries. Given this outlook, ELA is searching for new solutions. One good example is the negotiations of the Textile Retail Agreement for Bizkaia (a territory in the Basque Country).

It should first be pointed out that to have the legal standing to negotiate a collective agreement, trade unions must accredit our representatives, arising from the result of the trade union elections held every four years. Unlike the trade unions, employers are not required to accredit its representativeness.

In Bizkaia, there are two employers' association in the textile retail sector; CECOBI, which is the one that has traditionally signed the collective agreements of the sector, represents the large commercial premises; and the other one, BIZKAI-DENDAK, representing small stores, was founded more recently and currently represents more workers than CECOBI, which has lost members in recent years.

For several years now, the trade unions of the Basque Country (ELA, CCOO, LAB, UGT) have been running with BIZKAI-DENDAK a campaign against stores opening on Sundays and public holidays. This campaign has mobilised the sector and the outcome is that no textile retailer in the

Basque Country opens on any public holiday even though they could by law.

Recently, ELA, which represents the largest number of workers in the sector, and BIZKAI-DENDAK have signed an agreement for the Bizkaia Textile Retail workers. The agreement, that ELA rates very positively, covers salary increases, regulation of working hours, requiring Sundays and public holidays to be rest days, upholds the indefinite automatic extension of the collective agreements, and contains non-application protection clauses, which means that the companies can only cease to apply the agreement should both parties agree.

CECOBI refuses to come onboard with the contents agreed with BIZKAI-DENDAK and is pressurising the Basque Government not to publish the agreement, to ensure it is not generally effective in the sector. CECOBI, with increasingly fewer members, has been torpedoing the collective bargaining process for years. Given this deadlock, ELA has called for action and open the debate of employers legitimacy.

At the time of writing, we are not aware if the Basque Government is going to give in to the CECOBI pressure, but if it should do so and does not publish the agreement, it will be contributing to the drop in salaries in a sector that employs thousands of workers. If the small retailer, which is being hard hit by the current economic climate, can sign an agreement with salary increases, the large commercial premises have no excuse to refuse to do so and CECOBI wishes to avoid that benchmark.

The ELA activists in the retail sector, despite the current difficult situation, know that the struggle is worthwhile, proof of which is the "jai egunetan, jai" campaign ("Sundays and public holidays are rest days")

## INTERNATIONAL SEMINAR ON THE DEBT SYSTEM IN THE INTERNATIONAL AND NATIONAL FRAMEWORK



Along with experts and leaders from different movements that argue for defaulting on the illegal or illegitimate debts acquired by the govern-

ments, ELA took part in an "International Seminar on the Debt System in the International and National Framework" organised by the Citizen Debt Audit Group in Brasilia from 11 to 15 November.

As regards the European experience, Mikel Noval denounced that the increased debt of European countries was not due to funding collective interests, but rather to a process to convert private debt (bank debt) to public debt, that is, public debt has been used as a mechanism to transfer public resources to the financial sector.

This process and the policies driving it, apart from being an attack on

democracy, have led to a widespread impoverishment of the population by means of increasing unemployment and cutting social welfare and benefits.

In the same way as the other delegates, ELA made it clear that it is committed to public debt audit, by means of participative grassroots process, and to calling for defaulting on the illegal or illegitimate debt.

Faced with a system that only aggravates environmental, social and economic injustices, the fight for a fairer society involves expressing social rejection and mobilising as the unique way to get policies changed.