

**The Power of Trucks in Argentina.
Labor relations in the road transportation sector after 2003**

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Abstract

The main purpose of this paper¹ is to describe and analyze the structure and composition of labor relation's actors in the road transport sector (RT) in Argentina, after the post-convertibility regime (2003).

As regards the actor, we study the structure of the main union that represents in Argentina the workers in this sector. It is called Federación Nacional de Trabajadores Camioneros, Obreros y Empleados del Transporte Automotor de Cargas, Logística y Servicios, and the unions joined to it. Therefore, and for simplicity matters, we have decided to call them 'Truckers'.

On the other side, we describe the employers' organization into a macro level of the analysis. Then we display the structure of this actor and finally we reflect on the way employers behave in this sector.

This paper is a descriptive, exploratory and preliminary study². In that way, we focus in three key issues of analysis intertwined with each other: the political and institutional frame, the economic context and finally labor relations' development during post-convertibility regime in Argentina.

The method in which we based our analysis was a case study of the Argentinian trucking industry and the development of its federation. For this, we did some preliminary interviews to workers and sectorial's business men; we also collect more information through secondary sources like union's articles, official statistics, sectorials' academic papers, etc.

Key words: labor relations, road transport, post convertibility, Argentina

¹ Translated by Patricia Fernández

² This work is part of a wide research: "The crisis of neoliberal consensus and unions' action in Argentina. Old and new workers' ways of organization: sectorials' heterogeneities". PICT-AGENCIA 2007, N° 1672. MR: PhD Cecilia Senén González.

Introduction

The social-labor scenario of our country has been affected over the last seven years due to the public and media relevance caused by labor unions. This is visible on the basis of the increase of some key indicators of the labor relation systems such as *collective bargainings*, *labor disputes*³ and *labor union affiliation*⁴.

Collective bargaining has been recovered as a result of being the mechanism chosen by labor unionists to fix salaries and working conditions. Just to illustrate the evolution of this institute, between 2004 and 2008 this indicator increased by 252%.

Labor disputes surveyed between 2006 -2009 also show an increase of 124%.

Lastly, another important aspect about this subject has been the expansion of the *labor union affiliation*. This indicator was near the 40.0%⁵ during year 2006, which shows an expansion with respect to previous periods (Trajtemberg, Senén González and Medwid, 2009). It is important to mention that such proportion takes into consideration workers of non agricultural companies, with more than ten employees.

Being faced with this context, we intend to describe and analyze not only the composition but also the organizational structures currently in force of the labor relation representatives of the Motor Freight Transportation sector (TAC in Spanish). In particular, we were interested in analyzing in depth the composition of management and labor union which has been involved in that activity branch since 2003.

The reasons why we believe this study is relevant are two. The first one, of *an economic nature*, linked to the increasing importance of TAC as a privileged means of transportation for the general transport of goods in our country. Some preliminary evidence shows us that this is due to two parallel processes. On one hand, the need of the production sector to carry their goods in an effective, efficient and flexible way. In other words, as of 1950's, railways (FFCC in Spanish) stopped being functional to a market that demanded more flexibility in freight transportation. On the other hand, and as a consequence of those new demands, the FFCC were consigned to the transportation of large volumes of production linked to the primary sector. We must also highlight that these processes became worse during the nineties after the privatizations/concessions of the main railway lines to private capitals (C3T, 2007a). The second reason that led us to make this study was the relevance and visibility of *Truckers* within the sphere of labor relations of our country, mainly over the last ten years.

According to what was mentioned, we understand that the current context in which the labor relations of our country are developed as well as the characteristics of this activity sector and its representatives, and together with the scarce number of sectorial labor studies, our work becomes a new contribution to the inside of this discipline.

Lastly, we have structured this study in the following way: First of all, all background of previous studies on the sector were analyzed; then, a study of the people involved

³ *Labor dispute* means the series of events that happen from an action made for a group of workers or employers in order to achieve their labor demands (TOE, 2007)

⁴ Quantitative information and data processing of these indicators were provided by DERT, SSPTyEL of MTEySS. In particular, we thank the collaboration and contribution of David Trajtemberg and his team, as well as Melina Silbergleit and Lucila Baldi.

⁵ According to the data submitted in mentioned study, this 40% represents those workers affiliated to a labor union within the total of wage earners that may potentially be affiliated of the economically active population (PEA).

and their interrelation within the three proposed theoretical-analytical dimensions was conducted: at *the political-institutional level*, *the economics level*, and lastly, its influence on the scope of *labor relations* in our country. In the second part, the institutional structures currently in force, both corporate and labor union, were described; and lastly, some final considerations about the subject have been raised.

Background: previous studies about the sector under analysis

To analyze this activity sector considering theoretical and methodological aspects is not an easy task, mainly because those who have been devoted to analyze it point out that it is very difficult to have access to information, or just because there is no information at all. (Müller, 2004, 2000; C3T-UTN, 2007 a,b,c,d; 2009a,b,c). In spite of this difficulty, the bibliography about the subject can be organized in the following manner.

On one hand, there are studies that address the subject in terms of the *economy*, starting from the Argentine State reforms in the nineties and going in depth into the modifications made in the sector during that period (Müller, 2004, 2000).

On the other hand, there are studies from a *technical* point of view, which describe in detail their technical-professional and operative aspects, in other words, the infrastructure, costs and prices, the regulatory framework and the composition of the TAC fleet (C3T-UTN, 2007 a,b,c,d; 2009 a,b,c).

We also find the point of view of the phenomenon from the *management of human resources*, starting from the description of the training policies and the performance of workers according to such policies (Guidobono, 2009). What that study shows us is that the parties (not only employers but also labor unionists) have tried to achieve, through training, the professionalization of the *driver* trade in order to improve the quality of the services rendered.

Lastly, regarding the labor union, from a sociological point of view, we have found so far, a study (Armelno, 2005) that analyzes the labor union protests comparing ATE case (State Workers Association) with the one of *Truckers* during the nineties.

Based on the analysis of those studies together with empirical data (such as informal interviews to some workers and company representatives of the sector⁶), we decided to approach our study from three theoretical-analytical axes. One: a political-institutional axis, an economic axis and lastly one that covers the labor relations in the sector. These three axes will be developed in depth below.

Political – institutional axis: labor union pressure capacity of truckers

First of all, we will reflect about the proposed matter through a *political-institutional analysis*, mainly from the concept of *labor union pressure capacity*. This is visible through three factors: *political capacity*, the *access to mass media* and the management of the *political agenda*. In other words, how labor unions build their power through *alliances* and/or *coalitions* with the State; how they transmit their demands and have influence on public opinion; and, linked to the previous paragraph, how they install certain debates to influence the government decision-making (Frege and Kelly, 2003; Senén González and Medwid, 2007).

⁶ We thank to some representatives of the sector for their time and prospective about submitted subjects, in particular to Jorge, Victor, Roberto and Julio.

So, in order to analyze the *political capacity of Truckers*, we mainly took into account the link established between Hugo Moyano (main representative of this labor union and also current General Secretary of the Labor General Confederation (CGT – Confederación General del Trabajo in Spanish) and the government represented by Dr Néstor Kirchner (2003-2007) and Dr Cristina Fernández de Kirchner (2007-present) during the post-devaluation period.

In this sense, we must point out that the alliance and/or political coalition between labor unions and the State through different governments, especially political activists called “*justicialistas/peronistas*” is not new. The political party “Peronismo” –political tendency which the current C. Kirchner’s government joins and so does Moyano- was characterized for maintaining and strengthening that “lasting bond”, which means the historical association between labor unions and the “peronismo”, having remained for more than fifty years (Torre, 1998) so, the relation established between Hugo Moyano and the governments followers of “peronismo” since 2003 has been set within that social-historical framework.

This is evidenced by the several acts supporting the government conducted by the trade unionist; the participation of the government in *Truckers’* acts and the meetings between the government and the leader in Casa Rosada⁷. This political-labor union reciprocity is shown in the recent assumption of Hugo Moyano to vice presidency of the PJ Bonaerense⁸.

Now therefore, besides the evident relation that arises from reading and following journalistic mass media, we ask ourselves when this bond arises and which its functionality is regarding the theoretical dimensions raised. Even more, if we take into account that Moyano has not had the same attitude or relation with previous governments that were also “peronistas”. That is the case of Menem’s administration (1989-1995 and 1995-1999) and then, the one of Duhalde (2001-2002); and of course no bonds at all with those governments of different political ideas, such as the government of the Alianza (1999-2001).

For example, during Menem’s government, Moyano and Juan M. Palacios, leader of the Motor and Railway Union (Unión Tranviaria Automotor (UTA) in Spanish) founded the MTA (Movimiento de los Trabajadores Argentinos in Spanish - Movement of Argentine Workers), supported by those labor unionists that had been left out of the decisions taken within the CGT. Through this organization, Moyano and Palacios

⁷ Visit: <http://www.elargentino.com/Content.aspx?Id=89001#>;
http://www.latecla.info/2/nota_1.php?noticia_id=21252;
<http://www.criticadigital.com/index.php?secc=nota&nid=34488>; <http://www.asteriscos.tv/noticia-24973.html>; http://archivo.fortunaweb.com.ar/ed_0202/eco01.html;
<http://www.pagina12.com.ar/diario/elpais/1-88157-2007-07-15.html>;
<http://www.pagina12.com.ar/diario/elpais/1-75103-2006-10-25.html>;
<http://www.jorgelanata.com/video-agosto>. TV Programme DDT, broadcasted on 8/19/10, [date of searching: 08/27/2010]

⁸ The “Justicialista Party of Province of Buenos Aires” is part of the National Justicialista Party. According its organic letter, its philosophical and ideological principles are based in those established by Juan Domingo Perón by 1949 (Visit http://www.pjbonaerense.org.ar/Documentos_Fundacionales.aspx) However, according to Argumedo, (2009) “the historic peronismo” different from pejetismo characterized by a more submissive and antipopular of the Argentine history of XX century (he mainly refers to menemismo), represents the political movement supported by Peron, that goes back to 1945. Its central axes are “[...]the opposition to hegemonic potencies with their dispossession and subordination strategies; the defense of the national interests [...]; the recognition of social justice and the workers dignity”.

implemented during the nineties a *confrontation*⁹ strategy to question and fight the neoliberal policies proposed by the menemista government that tried to destroy the organized workers' movement.

Also, at the end of Duhalde's brief administration, not only Moyano but also other allied labor unions politically supported in 2002 presidential elections another peronista: Adolfo Rodríguez Saa, whereas the candidate "duhaldista" was Néstor Kirchner.

Consequently, we observe that Moyano did not have anything to do with Nestor Kirchner's rise to power. However, during the following years the alliance Moyano-Kirchner would be gradually built and consolidated (Delfino, Martín, 2008).

At the beginning, the relation was mediated by Dr Cristina Fernandez de Kirchner who, when holding office as Senator, knew how to get closer and support the undertakings of the MTA's guilds against the labor flexibility policies of Menem's government (Delfino, Martín, 2008).

Then, through her mediation and the proposals that were established to revert the process of Argentina's degradation and impoverishment as well as Néstor Kirchner's government labor reforms (increase of fixed amounts and the subsequent incorporation thereof to the minimum vital and mobile salary (SMVM in Spanish), the gradual increase of SMVM arising from the Salary Council periodical meetings and the enactment of labor regulation law (in Spanish LOL) No 25.877), the alliance with Moyano and the labor union sector that he represented was being consolidated.

At the same time, the bond with the incorporation of people from the union labor sector in strategic places of the administration became stronger. For example, the Sub Secretary of Road Transportation which belonged to the Nation Secretary of Transportation was occupied by Jorge González, who was Moyano's trusted person and leader of *Truckers*, among other places¹⁰. This interference in the government central spheres increased remarkably the *political capacity* of *Truckers*.

On the other hand, the management of the political agenda by Moyano is, without any doubt, relevant and influential due to the multiple roles he plays in power places. These are: the representation of one of the labor unions with highest protagonism over the recent years (displacing the old industrial labor unions) CGT General Secretary and recently the PJ Bonaerense's vice presidency.

Also, all the mentioned above impacts on *mass media*, which allows him to have more visibility in the public and political sphere.

Consequent with this axis of analysis we also have to mention other data that have made stronger not only *Truckers* but also part of the business sector (in particular, the chambers with more capacity of negotiation to the inside of the sector, about which we will refer in depth in the next section). This is the tacit agreement in the post-convertibility period among both representatives in order to join efforts and strategies to increase business profitability, and at the same time, the workers' life quality. In this sense, labor unionists and businessmen understood the interdependency and this alliance allowed them to be in a privileged place at the moment of negotiating labor and sectorial policies with the State which make feasible the development of the sector.

⁹ This concept has been taken from Palermo and Novaro, 1996 in Tomada and Senén González, 1998

¹⁰ For more detail visit <http://www.jorgelanata.com/video-agosto.html>

Therefore, the *political capacity* that *Truckers* have known to build and take advantage can be observed through the network of political-labor union relations supported in a two-dimensional alliance. On one hand, those that have been developed with pro-labor union governments which began with Dr Nestor Kirchner's mandate in 2003 and have continued since 2007 in Dr C. Fernandez de Kirchner's administration. Both have interacted with labor unions through institutional channels established for that purpose (such as Salary Council Meetings, collective bargaining recovery, among others). On the other hand, we have the tacit agreements with part of the sectorial business management that have also contributed to make *Truckers* stronger, taking into account the benefits that this coalition has brought to that part of the business sector. Therefore, all this has consolidated the current *pressure capacity* of this labor union.

Economic axis: relevance of TAC sector in the productive map of the country

In second place, we have chosen for this study an *economic axis* of analysis that intends to show the relevance that TAC has acquired in the productive development of the country.

Part of the growth of TAC as privileged means of transportation for our country goods is due to two parallel processes.

First of all, according to interviews conducted to some representatives of the activity, the need of the production sector to carry its goods in an effective, efficient and flexible way is a link. This is, since 1950 FFCC (railways) have lost their functionality due to a market that demanded more flexibility in freight transportation. In 1960 the "just in time" had arrived to TAC and the products of an increasing industrialization, as a consequence of the import substitution model, needed to be transported in time and in a way that FFCC were not able to respond (this means, fewer volumes, with door to door services that made the goods distribution easier and reduced the transportation costs).

Secondly, and as a consequence of the new market demands, the FFCC were left out to transport large volumes of the primary sector production (agricultural and mining).

Despite what was mentioned above, we must also point out that the only reason for the FFCC deterioration was not the replacement of the system in terms of production needs according to market demands. Since the sixties, with Frondizi's mandate and the implementation of the Larkin's plan, FFCC destabilization has become worse (Martorelli, s/f), while the concessions of main railway branches during the nineties deteriorated them at all (C3T, 2007a). In this sense, some authors (Martorelli, s/f; Müller, 2004, 2000; Felder, 2001; Sevares, 2008) point out that the destructuring was produced from 1990 to 2002 and practically the dismantling of the railway system due to the lack of investment that favored its competitiveness to the countryside to the interior of TAC¹¹.

After those changes, TAC has begun to transport almost the total of the products that are carried within the argentine territory and leaving the FFCC a proportion of around 5.0% of the carried tonnage (chart No 1).

¹¹ There are isolated cases related to export of primary products where transportation continued being done by FFCC and in general this was competitive and productive for the companies. But we must emphasize that this kind of services was made in an almost exclusive way for primary products (cereal, mining among others)

In order to have a more exact idea about the importance of TAC in our country, it can be observed in chart No 1 that the 98.0% of the sales carried by general transportation during 2005 corresponds to TAC (this represents approximately 3.0% of the total sales of the country) (C3T, 2007a).

Also in chart No 1 it can be observed the market shared percentages of each means of transportation in the carrying of goods within the country and the quantity of transported tons (tn) and in “production” terms the quantity of tons-kilometers (tn-km) that generates each means of transportation. It is important to explain that although these data have been calculated for year 2005, interviews conducted to two UTN C3T key informants confirm that this levels of activity are currently kept.

Chart N° 1 Modal distribution of freight income and of volumes carried by Argentine transportation companies. Freight within the country expressed in % of the total. Year 2005

Means of Transport	Sales Income	Transported Tons	Transported Tons / Km
Road	98.6%	96.3%	95.5%
Railway	1.1%	3.6%	4.4%
Fluvial and Sea	0.1%	0.1%	0.1%
Air	0.1%	0.004%	0.01%
Total	100.0%	100.0%	100.0%

Source: C3T, 2007a, p. 107

Another aspect to point out is that the product generated by TAC represents, according to estimations, a little more than 2.0% of the Internal Gross Domestic Product (GDP – In Spanish PBI) of the country. These percentages calculated for year 2005, show a rising tendency, since many companies that have their own transportations have tendency to sub-contract third party for this part of the production process. What does this imply? This implies that for national accounts it is only calculated the production activity of goods and services according to the main activity of the company. Because of that, when a company subcontracts this kind of services, it is considered as an intermediate consumption (a purchase). So, regarding these processes, for the estimation of the GDP and the production value (Gross Production Value – GPB – In Spanish VBP) it is only considered the movement of products that implies a service buy and sell agreement –formal or informal (in other words the transportation made by the company’s own transport are not considered) (C3T, 2007 a).

On the other hand, we must clarify that the transportation of *money, banking documentation and waste collection* is entered into the books in special accounts. Consequently, when characterizing the sector in terms of GDP and GPB participation, certain precaution must be taken into account, especially when the labor union is involved in the analysis (not only the sector regarding economics terms) since the scope of workers representation includes, for example, money, banking documentation

and waste collection. In other words, there exist different sub-branches¹² represented by *Truckers* that are not part of what National Accounts consider as TAC.

Another point to be considered is that in many cases part of the literature (Müller, 2004) supports that this branch of activity tends to be highly fragmented, that is, big companies coexisting with a great number of small owner operators.

However, other studies about the subject (C3T, 2007a; 2009a), even though they share this position in some way, point out that one must be cautious at the moment of declaring this kind of affirmations. In other words, if it is only considered the companies that sell transportation services, it is observed the existence of a group of companies with medium/high organization and size levels coexisting with an important number of small companies and self-employments, many of them hired by the first ones, with a less degree of fragmentation than in the previous example. Still further, the more the companies move away from the world of transportation of general cargo, the more the power of negotiation of the sector increases due to its operational characteristics: in general those that deliver their goods hire the service in local carriers. We will analyze this subject in depth in the section where the management structure is described.

Lastly, in terms of *job creation* TAC, as well as the sub-branches that *Truckers* represent, are intensive labor force activities which also give them more relevance at the moment of discussing policies that allow the development of the sector. In order to illustrate this we have calculated, according to available data of the Employment Observatory and Business Dynamic (OEDE – Observatorio de Empleo y Dinámica Empresarial in Spanish) of the MTEySS, that the level of jobs created by TAC and some of those sub-branches that *Truckers* represent, have increased in average by 51.0% between the second quarter of 2003 and 2010¹³. This level of job creation has been exceeded by sea transportation services (80.0%) and fluvial (116.0%) while it is closed

¹² *Truckers* represent 12 sub-branches of the activity that according to the Collective Convention of Work (CCT in Spanish) N° 40 signed in 1989 and the Statute of Labor Union of Truckers, workers, and Load Transportation Employees by Road, Services, Logistics and Distribution – CABA and Province of Buenos Aires are: 1) General Load Transportation (short and long distance), it includes: Driver responsible for the collection of dairy raw material, livestock and/or deadstock; Truck and/or breakdown Truckers; dockyard workers and/or watchman; Repair shop; and Administrative Personnel (of Road Transportation Companies); 2) Freight Transportation and mobile breakdown trucks Branch, among others; 3) Money Transportation Branch; 4) Clearing Transportation and Mailing; 5) Waste Collection and/or waste compacting and/or street sweeping and cleaning, public highway and/or drain and complementary tasks and/or similar; 6) Newspapers and Journals (and any other type of publications) Transportation and Distribution; 7) Liquid Fuel Transportation Branch (solid, liquids or gaseous, in bulk and/or fractionated); 8) Hazardous Material Transportation Branch; 9) Oil Activity Transportation and/or Logistics Branch; 10) Express, Move and Package and/or immediately Freight Branch; 11) Transportation and Distribution of Water, Soda and Beer Branch; 12) Logistics Operations, Warehousing and Distribution Branch. This simple mention of sub-branches shows the tendency to consolidation of *Truckers* as labor union more of trade than activity.

¹³ This percentage variation has been estimated considering the distribution and evolution quarterly registered in a sectorial level, by activity branch according to CIU (Uniform Industrial International Classification) at 3 digits. The activities that were taken into account were: automotive transportation (602), load handling services (631), warehousing services (632), management and logistic for the transportation of good services (635), mailing services (641), waste disposal and sewage water, cleaning up and similar services (900).

For more details visit: <http://www.trabajo.gob.ar/left/estadisticas/oede/estadisticas.asp>

to railway values (50.0%) and exceeds the pipe transportation services (19.0%) and air (5.0%) (Chart N° 2)

Chart N° 2: Estimation of the variation rate of the registered wage-earning private employment by activity branch at 3 digits (CIU Rev. 3) – In %. Between years 2003 and 2010

Activity Branch		2nd Quarter 2003	2nd Quarter 2010	Employment Variation in %
620	Transport Service (Air)	10,960	11,549	5.0%
603	Pipe Transport Service	1,522	1,812	19.0%
601	Railway Transport Service	17,722	26,871	52.0%
602	Automotive Transport Service	171,225	279,893	63.0%
611	Sea Transport Service	2,959	5,318	80.0%
612	Fluvial Transport Service	1,361	2,940	116.0%
Only Transport		205,749	328,383	60.0%
631	Cargo Handling Services	4,821	8,254	71.0%
632	Storage and Warehousing Services	6,757	9,353	38.0%
635	Goods Transport Management and Logistics Services	7,209	18,738	160.0%
641	Mailing Services	26,639	17,549	-34.0%
900	Waste Disposal and sewage water, cleaning up and similar Services	20,162	24,524	22.0%
Total Transport (Represented by Truckers)		236,813	358,311	51.0%
	Representation within the total employment	6.0%	6.0%	
TOTAL Employment		3,650,060	5,903,543	62.0%

Source: Self-elaboration according to data of OEDE-MTEySS

Then, retaking what we have described until here, we highlight that the *strategic importance* that the sector has obtained –at job creation and country total production

structure level as well as the *Truckers union labor pressure capacity* have very important effects in the sphere of the labor relations of our country. Indeed, in following sections we will try to show that the large or less weight that such two dimensions obtain to the interior of the sector will influence on the implementation of favorable policies to one or other representative.

Labor relation axis: collective bargaining analysis, disputes and labor union affiliation

The last axis of analysis is the one of the labor relations which obtains centrality due to the increase of collective bargaining and labor disputes with the expansion of labor union affiliation since post-convertibility. So next we will briefly analyze the evidence that was found according to these indicators about the sector under study.

In first place, *collective bargaining* has gained an important initiative in general level and in particular *Truckers*, since 2007 they have coordinated and strengthened with other labor unions (such as Construction and Maintenance among others) an annual guideline or negotiation pattern. This mechanism is supported by the alliance State-Labor Unions-Companies, particularly with those labor unions that belong to CGT. Without it, the negotiation would have probably left tied to particular volitions than to a mechanism of collective nature such as the one pointed out above (Palomino and Trajtemberg (2006);Trajtemberg, Senén González and Medwid,(2010); Palomino, H. (2010); Lieutier and Woyecheszen,(2010)).

Secondly, regarding *disputes* most of them occurred in Public Administration, Health and Education Sectors while Transportation was in fourth place during the period 2006-2009 (chart No 2).

Chart N° 3: Labor disputes according to economic activity, period 2006-2009.

Economic Activity	Disputes *				Average of disputes 2006-2009
	2006	2007	2008	2009	
TOTAL *	1,359	1,503	1,572	1,687	
Public Administration *	422	518	521	581	511
Health *	250	248	270	255	256
Education *	158	198	220	197	193
Transport	188	168	173	176	176
Industry	121	140	186	171	155
Construction	51	33	55	80	55
Other community work	51	55	50	61	54
Water, gas and energy	48	44	51	45	47
Trade and similar activities	31	43	31	53	40

Mine and Quarry Exploitation	26	37	28	54	36
Communications	24	37	35	42	35
Financial Intermediation	16	28	13	14	18
Business Services	5	9	15	27	14
Agricultural, Livestock, Silviculture	8	8	5	18	10
Hotels and Restaurants	6	10	10	5	8
Fishing	0	2	10	19	8
*Disputes that cover more than one economic activity have been entered in this chart for each activity in which the dispute was found. For that reason, the total of disputes does not correspond to the sum of all activity disputes.					

Source: DERT, SSPTyEL, MTEySS

Then, if it is broken down to the interior of Transportation Sector the quantity of gathered disputes by sub-branches, we observe that Bus Drivers are in the first place with the 40.43% of the disputes while Truckers represent just 12.0%. It follows Port workers with 11.0% (chart N°3)

Chart N° 4: Labor disputes of Transportation Sector. Accumulated 2006-2009. By unit and in %

Sub-branches of transport sector	Years				Total	In %
	2.006	2.007	2.008	2.009		
Bus Drivers	91	57	68	69	285	40.43
Truckers	19	21	22	22	84	11.91
Air	15	24	11	5	55	7.80
Taxi drivers /chauffeurs	23	11	14	15	63	8.94
Port Workers	13	15	25	23	76	10.78
Railway Workers	11	27	13	14	65	9.22
Motorcyclist/Messengers	3		1	2	6	0.85
Toll	4	9	8	4	25	3.55
Subway	2	4	5	8	19	2.70

Others	7	1	6	13	27	3.83
Total	188	169	173	175	705	100.0

Source: DERT, SSPTyEL, MTEySS

On the other hand, *Truckers* participated from 2006 to 2009 in 12 disputes Inter-Labor Unions, that is, they disputed other labor unions the whole worker representation. These Labor Unions represented the branches of: Trade, Water and Soda Distribution, Oil workers, Miners, Mechanics, Newspapers and Journals Distribution, Security, Waste Collection, among others.

Regarding the *personal reach or scope of Trucker workers*, if we take into account all branches that the activity represent, these cover around 140,000¹⁴ formal wage-earners.

Also, an important datum that would be linked to previous information is the number of workers *affiliated to Truckers*. According to journalistic sources¹⁵ of Labor Relations of the Labor Indicators Survey (EIL) module of the MTEySS¹⁶ and the National Direction of Labor Union Associations (DNAS in Spanish) of the MTEySS, the *affiliation* of this group is estimated between 85.0% and 90.0% for 2010.

We must point out that the information about this subject declared to DNAS tends to be overestimated since data are usually and directly provided by labor union, which generally tend to declare a higher number of affiliates than the real one (we have to take into account that in order to be able to keep the legal guild recognition labor unions must represent more than twenty percent (20.0%) of the workers related to the activity (Section 25 of Ley de Asociaciones Sindicales (LAS in Spanish - Labor Union Association Law) that's why the increasing of data.

But a recent study of C3T (2009a) carried out within the universe of the small and medium companies (PyMES in Spanish) dedicated to TAC, indicates that the unionization of workers of that companies is around 87.0%. Then, this datum reaffirms a near tendency to number of affiliates estimated above. (85.0% - 90.0%).

Likewise, we want to be clear that submitted data about affiliation only take into account formal wage earners within the universe of *Truckers* representation. This means that they are workers hired by a company (they fulfill a daily schedule, they follow the instructions of certain manager and for that they receive a salary). This implies that workers that perform their jobs in an individual and independent way (freighters, also known in Argentina as "fleteros") even though they render service to a sole company (which would talk of covered up labor relation or not) are not entered in the exposed data. It is important to highlight that the subject of sub-contracting transportation

¹⁴ This number was estimated according to Argentine Retirement Integrated System (SIPA in Spanish), taking as datum of reference those persons that have chosen Drivers, Truckers and Cargo Automotive Transportation Personnel or the Truckers Medical Insurance. In this sense, it was chosen this methodological break down since other sources of information have wider sectors of activity preventing from checking, quantitatively, the real quantity of workers that Truckers have. In this way we understand that the datum is more adjusted to the real number of workers that the sector has.

¹⁵ La Nación Newspaper, 07/15/2007, in: http://www.lanacion.com.ar/nota.asp?nota_id=925933; El Aromo Journal nº 47, 2009, in: <http://www.razonyrevolucion.org> [Searching date: 9/20/2010].

¹⁶ It is important to clarify that this source is not representative of the quantity of workers since it was answered by 30 companies which declared to have affiliated to Truckers. However, it permits us to account for certain tendency in the quantity of affiliates to this labor union.

services is important, though it exceeds the analysis proposed in this presentation. For sure we will analyze it in future advances of our research.

With the data exposed, we can say that taking the *collective bargaining* as indicator during the period under analysis, this representative has gained importance with the establishment of negotiation guidelines at global level, which has pulled other labor unions, perhaps with less power of negotiation, to reach more beneficial agreements¹⁷ for workers. Also, this process was supported within a mechanism of coordination established by the State, to agree salaries and work conditions similar to the country growth. That centralization of the collective bargaining to sectorial levels strengthens the performance of labor unionist representatives such as *Truckers*.

Being faced with the exposed data about the quantity of *disputes* carried out by *Truckers*, we can infer that they have not been the more representative labor union in terms of quantity, neither at a general level nor sectorial. However, the importance and visibility that this representative has obtained in the last years in the sphere of labor relations would be explained by other variables such as: its *political capacity*, its strategic role in the economy of our country, its *capacity to mobilize and coordinate* large quantities of workers (let's remember that the *affiliation* reaches values around 90.0% of the wage earners of the sector) in blockade, marches and different kind of labor dispute demonstrations. These factors increase and strengthen, without any doubt, their *pressure capacity* to reach the objectives of their claims.

Description of the Structure and Organizational Composition of the Representatives

Labor Union: macro and micro composition of *Truckers*. An approximation to the development of labor unions

At a Macro Level, *Truckers' collective representation* leads, as we have mentioned before, by *Truckers and Workers of the Load, Logistic and Services Automotive Transportation Federation*, covers 24 labor unions of first degree, located in all national territory. The Collective Convention of Work (CCT in Spanish) that holds them is the No 40/89.

In following chart N° 4 it can be observed, in an schematic way, how *Truckers* are structured, this is, how many labor unions of first degree are affiliated to the Federation (of second degree)

Chart N° 5: Map of the labor unionist representative *Truckers*

Labor Union Structure – Organization	
National Federation of Truckers and Cargo Automotive Transport Workers, Logistics and Services.	
Labor Unions affiliated to Federation with union legal recognition	20
Labor Unions affiliated to Federation without union legal recognition or with pending union legal recognition	4

¹⁷ The difference between arrangement and agreement refers to the way that collective bargaining are implemented. Arrangements (by activity branch or company) can be new or a previous one can be renewed; while agreements are CCT negotiations or updating. Generally these update salaries. (DERT, SSPYyEL, MTEySS, 2008).

Labor Unions not affiliated to Federation	4
<p>Unique Freight Labor Union of the Argentine Republic</p> <p>Truckers, Workers and Employees of the Cargo Automotive Transport of the northern area of province of Santa Cruz</p> <p>Association of Professional Truckers and Drivers of General Cargo Vehicles of Capital Federal city and province of Buenos Aires</p> <p>Labor Union of Truckers, Workers and Cargo Automotive Transport Employees, Logistics and Services of Chubut.</p>	
TOTAL	28
Cargo Transport Labor Unions outside of Truckers Collective Agreement (No 40 entered into in 1989)	
<p>Labor union Association Motorcyclists, Carriers and Services (ASIMM in Spanish)</p> <p>Unique Motorcyclists Labor Union of the Argentine Republic (SUCMRA in Spanish)</p> <p>Unique Labor Union Motorcycle Messengers</p>	

Source: Own elaboration based on National Direction of Labor Union Associations (DNAS in Spanish).

There are four labor unions or associations linked to TAC which do not join the Federation, though they would be within the sphere of Truckers' representation through CCT No 40/89. These are: *Truckers*, workers and employees of the general cargo automotive transportation of northern area of province of Santa Cruz; the Association of professional truckers and drivers of general cargo vehicles of Capital Federal and province of Buenos Aires; truckers and employees of the Load, Logistic and Services Automotive Transportation of Chubut; and lastly, Argentine drivers Labor Union.

In this last case, independent cargo drivers are the ones that have called our attention since CCT No 40/89, as well as the statute of the Federation and CABA and province of Buenos Aires Labor Union (hereinafter CABA-Bs. As. Labor Union) of drivers, workers, and automotive load transportation, services, logistics and distribution employees, consider this activity in their personal scope, despite the labor union that represents them is not affiliated to the Federation. Though this exceeds the objective intended for this presentation, we ask ourselves: Why do *Truckers* tend to dispute the representation of other collective of workers when, in the heart of its own activity, there is one that would not be represented, at the time that it could be supposed a labor relation concealment under the figure of sub-contracting? A priori, a possible answer is that "*fleteros*" would be considered as independent or self-employment workers, in other words they would not be part of the sphere of wage earners workers (formals) that *Truckers* represent.

On the other hand, there are three labor unions considered as *load transportation* but that would be outside the scope of *Truckers* representation. These are: Labor union Association Motorcyclists, Carriers and Services (ASIMM in Spanish), Unique Motorcyclists Labor Union of the Argentine Republic (SUCMRA in Spanish) and Unique Labor Union Motorcycle Messengers

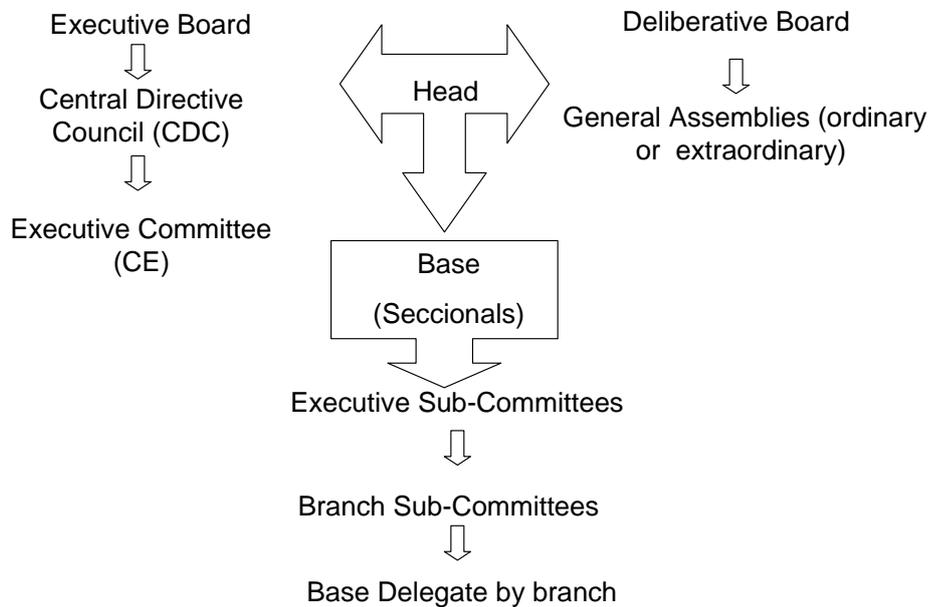
The *micro level* of analysis of the labor union structure has allowed us to check that *Truckers* represent, as we have already mentioned before, 12 sub-branches of activity. Far from the fact that this complexity diversifies their interests and weakens their collective strength, it operates a priori as a network of “solidarities” at an intra-labor union level, as we will see next.

From the *institutional* point of view the CABA-Bs. As. Labor Union Statute as well as the Federation indicate that *Truckers*, following the Argentine tradition of vertical unionism structure linked to CGT and despite it has a leadership represented by a Central Directive Council (CDC in Spanish) and an Executive Committee (CE in Spanish), has in the base of the pyramid, at Office level, a group of Secretaries that form the Executives Sub-Committees and also the Secretaries of the Branch Sub-Committees. These last ones are those who keep contact not only with delegates that represent each branch but also with workers in particular.

On the other hand, there is a deliberative organ represented by General Assemblies, both ordinary and extraordinary.

Then, based on these data, it could be said that there are some institutional mechanisms that make feasible the leadership-base communication (Graphic N° 1)

Graphic N° 1: *Truckers* Organizational Structure according to Statute of CABA-Bs.As. Labor Union.



Source: Own elaboration based on CABA-Bs.As. Labor Union Statute

In spite of what was mentioned, preliminary interviews conducted to some workers of the *Collection* branch show that in the practice this is not in that way. Indeed, they affirm that many delegates aligned to Moyano (hereinafter “*moyanistas*”) not always transmit in a reliable way the needs and/or demands of the workers to labor union leadership.

In turn, the interviewees say that from more than 20 years, apart from the *moyanista* list “Verde Unidad” (Green Unit), there is not any type of alternative participation in the internal elections. In fact unique lists are voted through closed envelopes that delegates deliver in the voting table. With this preliminary evidence, we understand that the fluency observed in the institutional communication between leadership and base loses sense with these stories. However, we would like to make it clear that though we found small alternative groups to *moyanism*, which are trying to have a participation place in the interior of the labor union, we also know that in future studies we will have to analyze in depth why a large number of people continue giving support to this leaders, at the time that the affiliation rate to the labor union increases, which talk that the majority of wage earners that *Truckers* represent continue choosing this style of representation.

Another important factor, in terms of scope of the workers representation by this Labor Union, has been the incorporation of the word *Logistic* not only in the nomination of the Federation but also in many labor unions affiliated to it.

This comment seems an obvious evidence, however from MTEySS 110/1999 resolutions, in the case of the Federation and from 144/2003, in the case of CABA-Bs.As. Labor Union, *Truckers* could expand the workers representation to activities such as load and unload, and distribution among others and for that reason they can dispute the representation of other collective of workers (mails, supermarkets, wholesale establishments, among others examples). In a few words, this nominal change makes feasible and gives support to Jimmy Hoffa’s phrase adopted by Hugo Moyano within his close friends “All that turn belongs to *Truckers*¹⁸”

The companies of the sector: organization at a macro level and structure at micro level. reflections about sectorial business logic

Regarding management, in a macro level of analysis, we see that the companies of the sector are grouped in 38 chambers, federations or associations. We could make a distinction between those that have participated in the signing of CCT No 40/89 (and currently they partially renew the CCT through agreements) and those that have not participated but gain importance to the inside of the activity (and in general are affiliated to the previous ones).

The chambers that participate in the signing of CCT were: the Argentine Federation of the Cargo Automotive Transportation (CATAC in Spanish), the Chamber of Commercial Agents of Fiscal Oil Field (CACYPF in Spanish). We have grouped and counted the other 35 in different sub-branches of the activity in chart N°5, according to the type of company that they represent. Based on this, we can infer that the larger degree of dispersion, in terms of business unionization, is focused in the sub-branch of general transportation (national), though many of those entities are affiliated with FADEEAC or CATAC. We have also confirmed a tendency to business dispersion through one of the reports of C3T (2009a) that points out that within the universe of PyMES dedicated to TAC the percentage of companies associated with a chamber or business association reach at national level only 16.0%. Particularly, this lack of

¹⁸ For more details visit: http://www.biografiasdepersonajes.com/videos/yt-5qG1L_8FWeA
This register was created by Law No 24.653 (1996) and regulated by Decree No 1035/02. It is managed by a board composed by Transportation Secretary, three business Chambers (CATAC, CNTA, FADEEAC), Truckers Labor Union, National Gendarmerie and National Technological University.

unionization is attributed to the fact that the sector is deregulated and that, at the same time, acts in detriment of joined sectorial strategies that give impulse to policies that the activity needs in order to continue growing and consolidating itself.

Chart N° 6 Chambers and/or business associations of the Cargo Automotive Transportation. Year 2010

Chambers and/or Business Associations Grouped According to Activity Sub-branch	Quantity
Logistics	2
General Transport (National)	22
General Transport (International)	1
Primary products (agricultural, mining, oil, etc)	1
Waste Collection	1
Money Transport	1
Post Office	2
Special equipment (tow trucks, chute, etc)	1
Special or dangerous cargo	2
Provision of supplies for carriers	2
Total	35

Source: Own elaboration based on Nation Transportation Secretary

At *micro level* and in order to characterize the sector companies according to the *type of service rendered*, we will do three distinctions that are described and schematized in the following chart.

Chart N° 7: Characteristics of the sector companies. Year 2010

Category	Description
By type of cargo where the most important, according to their negotiation power, are the companies specialized in the transportation of any special type of cargo	<p>Dangerous cargo (fuel, gases, chemicals, among others), tow trucks, livestock, among others.</p> <p>In this group we can also include waste collection companies, money transportation, mail, etc, which though for the national accounts they are not part of the TAC, to the purpose of <i>Truckers</i> representation we have to consider them as part of the sector.</p>
Companies grouped by región	Mendoza, Litoral, etc
Companies grouped by covered distance when rendering the service	Less than 100 km: Those dedicated to urban distribution or delivery. It can be named <i>reparto (delivery)</i> .
	More than 100km: This type of transportation can be either national (inside de country) or international. In general, companies that make international movements tend to have a higher structure and organization level due to the legal requirements that crossing the frontier demand. This type of service is called “rutero” (from the road)

Source: Own elaboration based on conducted interviews.

If we refer to the *quantity of equipment by company*, in average, each operator (company) has about two pieces of equipment, according to C3T estimation for year 2005.

However, though those data show an extreme “atomization”, this doesn’t respond to the total morphology of argentine companies that participate in the load automotive market. In effect, those companies that have a medium size owns 6 vehicles, and in the case of international transportation approximately 11 vehicles. Therefore, this speaks of a higher importance of the international transportation management.

On the other hand, if instead of measuring companies by number of pieces of equipment they were measured by performed sales levels, this would change more.

In effect, the larger economic concentration is in companies that not necessarily have the larger number of pieces of equipment. This is mainly because big operators (companies) tend to own small fleet and to satisfy the demand they (sub) contract third party services (in general independent workers, self-employment workers that are known as “fleteros”). In this sense, the C3T (2007a) indicates that by 1997, the 30.0% of the total production costs of the sector corresponded to this operating practice. By year 2003 that proportion increased even more.

We must also highlight that to the limited audit of the sector until the implementation of RUTA¹⁹ (which data are available since 2006) and the limited sectorial information, we have to add the fact that free entrance (and exit) to the market of automotive transportation services (since it is absolutely deregulated) as well as the structure that is required to do it, (highway, roads, etc belong to the State and therefore it is of free access), favors certain “auto-regulation” by some management sectors (C3T, 2007a).

Anyway, we must highlight that over the last ten years this tendency to the independence of the transportation management with respect to the State controls (in terms of audits and controls) has tended to revert. According to C3T, the results of this advance about sector policies will be seen in the next years.

In a few words, we see that companies have certain degree of division or dispersion, especially at PyMES level mainly because there isn't any association that totally leads them (though CATAC groups some of them). However, at large company levels the logic is different. In that group of companies we find for example FADEEAC and the chambers it represents (39 in the whole country), such as: Logistics Operators Business Chamber (CEDOL in Spanish), Argentine Republic Mailing Companies Association (AECA in Spanish), Mendoza Trucks Owners Association (APROCAM in Spanish) among others) which, since it groups large part of the transportation and logistics companies, has more capacity of negotiation to the interior of the sector.

So, with a high level of unionist representative unity and/or cohesion since the unionization of large part of the first degree labor unions in the Federation, it contrasts a logical of *segmented* business association according to the information collected in two levels. On one side, *the big companies* grouped in FADEEAC and other business associations that have capacity to influence in decision- making at the moment of establishing sectorial policies, negotiating and/or taking part jointly in labor disputes; on the other side, we find a high degree of dispersion regarding TAC PyMES.

For all these reasons, we can affirm that the *segmentation* of the business sector gives to *Truckers* certain margin of negotiation due to their high *pressure capacity* (as we have mentioned above) and at the same time, more degree of organizational *cohesion* also thanks to the established alliances with the State and with *big companies* of the sector. In this sense, we understand that *Truckers* could overcome the classical work under sufficiency in opposition to capital, increasing their possibilities and negotiation margin.

Some Final Considerations

As it was mentioned in the introduction, the objective of this work was to describe and analyze current composition and structure of representatives of TAC sector labor relations. For that purpose, it was proposed an analysis from three interrelated

¹⁹ This registry was created by Law No 24.653 (1996) and regulated by Decree No 1035/02. It is administered by a board composed by the Transportation Secretary, three business chambers (CATAC, CNTA,FADEEAC), the Truckers Labor Union, National Gendarmerie and National Technological University.

theoretical-analytical axes: the *politic axis*, *the institutional axis* and *the economics axis*, and finally their influence in the sphere of the *labor relation* of our country.

For the analysis of the *political-institutional* axis it was taking into account the labor union *pressure capacity*. This can be observed from three factors: the *politics capacity*, the *access to mass media* and the management of the *political agenda*. This means, how labor unions build power through *alliances and/or coalitions* with the State; how they transmit their demands and influence on public opinion; and, linked to the previous paragraph, how they create certain debates in order to influence government decision-making (Frege and Kelly, 2003; Senén González and Medwid, 2007). In this sense, we observe that *Truckers labor union pressure capacity* is supported by their *political capacity*, through their structure of power relation with the State, which at the same time, allows them a better management of the *political agenda* and the access to *mass media*, acquiring more visibility in the public and political sphere.

For its part, the sectorial study through the economic axis allowed us to understand the importance of TAC in the production structure of the country. In effect, as the 96.0% of the goods commercialized within the country are transported by road, this activity has obtained a *strategic* role in the Argentine production network. Besides, this role is strengthened if the rest of the sub-branches activities such as waste collection, money transportation, mailing, etc. that *Truckers* represent are considered.

On the other hand, from the analysis axis of *labor relation*, it can be observed that the possibility to *coordinate and lead* the annual guideline about *collective bargaining*, the mass media and political implication that those disputes lead by *Truckers* obtain, their high rate of labor union affiliation (estimated around 90.0% of formal wage earners) as well as their capacity of demonstration and coordination link to a vertical structure with a high level of union and/or cohesion (reflected on the adhesion with Federation of the greatest part of first degree labor unions), strengthen *Truckers* as a main representative and strategic allied in the scenario of labor relation of our country.

Regarding the *structure and composition* of *Truckers*, we observe that the incorporation of the word *Logistics* in their nomination (that allow them to dispute other labor unions the representation of workers, such as supermarket, wholesalers, distribution, goods load and unload, mailing, money transportation, among others) and the limited or null *participation* of any other alternative list to “moyanismo” in the internal elections (according to preliminary interviews conducted to some workers of the *Collection* branch) tend to eliminate all kind of *competition intra and inter labor union* to the current *Truckers’* leadership. This implies to reduce to the maximum any factor of dispute not only internal but also external.

Certainly, what have been described until here place this representative as the leading role both in the sectorial and in the political-labor union sphere.

For its part, regarding companies at a macro level of analysis, we could observe that companies grouped in chambers or associations show certain degree of division or dispersion, especially at PyMES level, mainly because there aren’t organizations that totally grouped them. However, at big company level the logic is different. There, we find chambers such as FADEEAC that groups the largest part of transportation and logistics companies.

According to the gathered information, we understand that the logic of business association and/or unionization is divided in two levels. On one side, big companies grouped with FADEEAC and other business associations, that have capacity to

influence in decision-making at the time of establishing sectorial policies, collectively negotiate and/or take part in labor disputes; and on the other side, we find a high degree of division and/or dispersion regarding the unionization of PyMES dedicated to TAC.

On the other hand, in a micro level analysis, we characterize the companies according to the *service rendered* (it means to the type of cargo they move, the region in which they are and the distance they travel to render the services they offer), the *quantity of vehicles* they own and the level of invoicing or sales. In this way we could see that the largest economic concentration is in companies that not necessarily own a larger number of pieces of equipment. This is because big operators (companies) tend to own a little fleet and to satisfy their demand they (sub) contract third party services. At the same time, we find a higher degree of organization in companies that are dedicated to international road transportation due to the legal requirements to cross the frontier.

Finally, what this study could show is that the *segmentation* of the business sector gives to *Truckers* certain margin of negotiation, due to their high *pressure capacity*, and that at the same time a greater degree of organizational *cohesion*; but also due to the alliances established with the State and with the *big companies* of the sector. In that sense, we understand that *Truckers* could exceed the classical work under sufficiency in opposition to capital, extending their possibilities and negotiation margins.

For all these reasons, the debate is installed in order to start future studies about this subject in an exhaustive way that allow us to reflect through the evolution of the collective bargaining analysis and sector disputes about how the structures and alliances among the representatives influence on the collective discussion of labor subject at a sectorial level.

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