

POST-PEER REVIEW COPY

Transnational Organizing: A Case Study of Contract Workers in the Colombian Mining Industry

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Abstract

This article examines recent organising successes in the Carbones del Cerrejón coal mine, reversing the organisational crisis of the Colombian mining union, Sintracarbon. Using Wever's concept of 'field-enlarging strategies' we argue that these events were facilitated by the dissemination of organising experiences between affiliates of a Global Union Federation, ICEM, which recently merged to form IndustriALL. Additionally, we argue that this articulation between international and national unions, based on the principle of subsidiarity, was facilitated through sustained ICEM educational project activity, providing multiple entry points for Sintracarbon to operationalize its strategy and re-establish bargaining with multinational employers.

1. Introduction

The Carbones del Cerrejón mine is the largest open cast coal mine in the world, situated in the northern state of La Guajira, Colombia. It is jointly owned by AngloAmerican, BHP Billiton and Xstrata (previously Glencore), operating under local Cerrejón management. The mine has its own transportation links to Puerto Bolívar from which coal is exported to Europe and the USA. The mine is profitable, representing fifty per cent of Colombia's coal sector, with a national plan for increasing extraction of this valuable low-carbon coal. Sintracarbon is the largest coal mining union in Colombia, representing over four thousand workers in the Cerrejón mine. The relationship between Sintracarbon, previously Sintraintercor, and Cerrejón management has a long history, from the initial establishment of the mine under state ownership (Intercor) to its current ownership structure. Despite these changes, there has been a consistency of personnel and many of the relationships between Sintracarbon and Cerrejón management have been in existence for over 15 years. The makeup of the management and senior personnel of the company has remained relatively consistent throughout the privatization process including human resources, medical staff and technical heads of department. Until 2007, as in most sectors in Colombia, collective bargaining had essentially atrophied at the mine, and there was an increasing pressure on Sintracarbon to find ways to re-open negotiations with management in order to deliver concrete benefits to members and consequently to maintain existing membership levels.

Sintracarbon was one of the first Colombian unions to affiliate to a Global Union Federation (GUF), affiliating to the International Federation of Miners (MIF) and then, following merger, the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) in the late 1990s. More recently in June 2012,

ICEM merged with the International Metalworkers' Federation (IMF), and the International Textile, Garment and Leather Worker's Federation (ITGLWF) to form IndustriALL, with a membership of over 50 million workers.

The foundations of ICEM's work with Sintracarbon were educational and institutional, with Sintracarbon leadership holding an important and active role on ICEM's regional and international executives from the time of their affiliation in 1997. In 2005, as part of a global campaign on contract and agency labour, ICEM commissioned a research report into the situation of contract workers in Colombia. At that time, there was no data available from the unions or government sources nor any evidence of existing union strategies around organising contract workers. Within two months ICEM's research revealed that contractors employed 56 per cent of workers in the electric power sector, 45 per cent in the glass sector, 47 per cent in the paper sector and 27 per cent in the oil sector. Contrary to previous estimates, it became clear that of the 8,400 workers in the Cerrejón mine, approximately 3,900 were contract workers, with an estimated 343 small contractors as well as 18 large contractors providing the main bulk of labour and services. It was also revealed that contract miners for these companies were paid on average US\$250 per month, compared to the average US\$600-800 paid to directly employed miners at the Cerrejón mine.

This was also reflected in the initial difficulties associated with defining contract workers, at that time contract workers were commonly referred to as 'contratistas', denoting anyone working indirectly in the mine. The difficulty of using this term was that it is the same word that is used for the contractor companies providing services to principal companies. The term 'contratista' in Latin America includes labour agencies and service providers such as cooperatives. In order to distinguish the companies from the people that work for them, during the research process alternative terms were developed to describe the different actors and processes involved. This led to the adoption by ICEM affiliates of the term 'trabajadores tercerizados' for the contract workers and 'tercerizacion', or 'third party contracting' for the process of contracting out, terms which are now more broadly used in Colombia and internationally.

Given the scale and complexity of the contracting system in the Cerrejón mine, concerns were raised by union leadership about the viability of organising these contract workers. Although rarely documented the reality is that the extractive industries in Colombia are often associated with criminal and paramilitary activity; with the political and social insecurity in La Guajira allowing such groups to undertake economic activity unchallenged. One of the key ways for criminal groups to extract income from the community is to target the unions, despite their having only modest incomes due to low subscription rates, Colombian trade union leaders are often subject to the additional threat of extortion or 'taxes' (sometimes referred to as vacuna or vaccinations by paramilitary groups). Nevertheless, although all unions in the mining sector are subject to periodic attempts by both paramilitaries and guerrillas to influence union organisation and activity, during the period of this case study Sintracarbon maintained its organizational integrity and was not infiltrated by any group. This may explain the consistent re-emergence of threats made to Sintracarbon leadership from both paramilitary and guerrilla groups during collective bargaining and organizing drives.

Despite these legitimate concerns about entering into a complex and new area of organizing, what followed was a sustained campaign by Sintracarbon from 2006 to organise contract workers. Although the situation remains fragile, Sintracarbon has, up to 2011, successfully organised contract workers in six companies, through direct membership and through the creation of new enterprise level trade unions as illustrated in Table 1.

Insert Table 1 here

In addition to recruitment, Sintracarbon has engaged with management in negotiations on behalf of contract workers. Following sustained union organising activity carried out during the period of this study, collective bargaining was re-established in 2007. In 2008 Sintracarbon began to include specific demands on wages and working conditions on behalf of contract workers. In 2009 Sintracarbon was able to secure the first mining sector collective bargaining agreement (CBA) which included promotions for 180 contract workers to permanent contracts as well as an agreement on the right for contract workers to affiliate directly to Sintracarbon. Specific provisions for contract workers have been secured in the subsequent CBA signed in 2011, negotiated with the mediation of the Colombian Vice President and Vice Minister of Labour Relations. This campaign raised national awareness and a commitment to tackling contract work on the part of the

Colombian Unions. In July 2011, 60 Colombian trade unions, spearheaded by the ICEM's affiliates, made a national declaration against contract labour demanding that multinational enterprises and the Colombian government ensure all contractors respect national law and basic human rights. The Colombian trade unions demanded that the Government establish a signed agreement with all companies operating in Colombia to secure Freedom of Association. This included a specific reference to contractors, the creation of a tripartite committee including the Global Union Federations (GUFs) and the International Trade Union Confederation (ITUC) and, the establishment of a national programme to eliminate contract work.

The purpose of this paper is to analyse these developments, in particular how Sintracarbon was able to make these profound political and organisational changes, given the lack of indigenous experience and evidence for union instrumentality in the case of contract workers. Firstly, we argue that Sintracarbon was able to adopt a 'field-enlarging strategy' (Wever 1998) based on the injustices experienced by both contract workers and the mining community. This was achieved by promoting the social value of organising amongst contract workers and more broadly within the Colombian trade union movement. Secondly we argue that this strategy to organize contract workers emerged largely due to Sintracarbon's position within the international trade union movement and its affiliation to ICEM. ICEM facilitated the diffusion of organising strategies whilst building Sintracarbon's confidence that this strategy could provide significant leverage with both employees and employers. That is, this international exchange increased both the supply and demand for strategies to organise contract workers and in so doing allowed for a shift in Sintracarbon's political focus, away from the risk involved in union organizing activity towards successfully managing significant organisational change. Additionally we argue that ICEM's sustained and multi-stage project activity allowed for effective articulation between local and international trade union structures, based on the principle of subsidiarity, allowing for exchange of ideas and experience between affiliates (Croucher & Cotton 2008; Cotton & McCormick 2012). The next section introduces our theoretical framework followed by a section which contextualises the employment relations situation in Colombia. Section four outlines the central case study of Sintracarbon's activities coordinated through ICEM. The final section provides an analysis of the case study in which we suggest that the organising successes of Sintracarbon were stimulated by the international exchange of ideas facilitated through their membership of ICEM.

2. Framework for institutional change

National and global trade unions are founded on the idea of solidarity, the principle of common action with others and the identification of one's own interests with theirs (Hyman 1999; Zoll 1996). For the affiliates of the GUFs, this translates into a commitment to support other members in response to conflicts with employers, motivated by both a sense of solidarity and also 'enlightened self-interest' (Collier 2008: 247; Logue 1980; Ramsay 1997) such that an injury to one is understood as an injury to all. For unions in hostile organising environments an appeal to international solidarity via the GUFs can be an effective way to increase leverage with employers, by mobilizing international solidarity action and intervention at the multilateral level. This can be particularly effective with MNCs headquartered in OECD countries where stronger unions are often located, the majority of whom are affiliated to the GUFs, thus providing a potentially important entry point into dialogue with international employers for the many unions that do not have this capacity at local level (Croucher & Cotton 2008).

The organising principle of the GUFs is that of subsidiarity (Marleau 2006; Cotton & McCormick 2012), such that the main institutional power of these international bodies resides in local affiliates or regional structures with the central body providing a framework-setting, coordinating and monitoring function. The principle of subsidiarity is also an 'articulating device' (Marleau 2006: 108-142) between local and international levels providing a unique networking opportunity for trade unions and facilitating international exchange across geographical regions, union traditions and sectors. Within the GUFs, this idea of subsidiarity matches closely the doctrine of solidarism, a principle of social organization where individual and collective interests are interdependent and form a dialectical relationship. Marleau (2006) argues that this principle forms the basis for international regulation, standards and the work of international labour organisations. Further, that the generalized nature of the principles forms the basis of the obligation between GUF affiliates, one which is both durable and elastic (Cotton & Gumbrell-McCormick 2012). The principles of subsidiarity provide an 'indivisibility', in that they are not based on any particular set of interests and therefore exist and survive beyond particular circumstances.

This is a unique and valuable resource for trade unions, the majority of which are confronted with membership and financial decline and the urgent need to adopt new strategies and activities, often framed as union renewal (Brehens et al. 2004; Heery et al. 2000; Kelly & Badigannavar 2004; Kelly & Willman 2004). Much of the contact with affiliates of the GUFs is carried out through a framework of educational projects. The education methods used in trade union projects are based on participatory education principles and structured in self-organised and directed study circles, influenced by German and Scandinavian workers' education and the work of Paulo Freire in Latin America (1970). These education methods emphasize equality, participation and problem solving (Croucher & Cotton 2008; Khaliy 2005) and promote both activism and organising (Carter & Cooper 2002; 712-742). GUF projects involve those affiliates that fund and support educational projects (particularly from the Netherlands and the Nordic countries), and those in the developing world that work in partnership with them. This is a distinct and important group within the GUFs, not just because of their intense and involved work together, but also because of the political impact of carrying out workers' education and the relationships it engenders. This 'small group' cooperation (Olmsted 1959) is based on progressive and politically important educational principles providing crucial socialization between unions on an international basis. It can be argued therefore that membership of a GUF can bring important benefits to affiliates as this allows for affiliated trade unions to be exposed to a broader range of experience and strategies, particularly for isolated unions in hostile environments, such as Colombia (Croucher & Cotton 2008).

Wever's work on organisational strategy is relevant here in that it tries to understand how trade unions come to adopt 'field-enlarging' strategies (Wever 1998: 392) by exploiting the social value of taking on new areas of work or memberships outside of traditional employment relations systems. Looking specifically at organizing in the USA, Wever (1998) examines union responses to profound changes in employment relations, specifically the externalization of the employment relationship and identifies three main strategies. The first two, are more traditional clusters of responses focussed around adding value to the production process and facilitating workplace flexibility, both strategies are characteristic of Western European trade unions. The third strategy she identifies, more typical in the USA context, is to address market failures and subsequent social problems, such as housing, health, and education. She argues that this latter strategy involves organizing around broad social issues, in order to attract and recruit new and typically vulnerable groups of workers, such as recent campaigns by the service workers union SEIU and the state, county, and municipal workers union AFSCME. Despite the evident difficulties of taking on new areas of work, Wever (1998) argues that where social value can be identified and used to mobilize support, it can lead to membership gains and increased leverage with employers.

Additionally, Wever (1998) draws our attention to the instability of organizing strategies which focus on the 'micro-level', on the relationship between management and workers in a specific workplace. Such strategies are unstable because of the reliance on local management attitudes towards organizing, which is commonly one of 'sufferance' rather than one which is based on a more solid commonality of interests. She argues that successful organizing campaigns are community-based, focussing on broader social issues that the campaign attempts to address, and also taking a long term approach, necessary to build up relationships of trust with those communities. This organizing approach has resonance with the experience of Sintracarbon where the situation of contract workers in a mining community was already understood as a community issue and one which touched on important social issues such as fairness and 'public goods' (Wever 1998: 399) such as health and safety within the mine.

Additionally, the significance of Sintracarbon's affiliation to ICEM in developing ideas about how to enter into this new area of organizing should not be underestimated. Wever (1998) raises an important inhibitor for developing an organizing strategy, namely how to carry out collective action (Olson, 1965) amongst a wider group of social actors and in new organizing terrain. In this paper we argue that the exchange of successful strategies amongst trade unions through ICEM's network was a crucial factor in Sintracarbon's subsequent successes following a long period of decline. Weyland's (2008) argument about organizational change is also useful here in understanding the impact of Sintracarbon's international exposure as it provides the concept of a 'viable solution'. Weyland argues that the existence of a 'viable solution' is required to overcome the organisational resistance to change, principally on the part of existing leadership, allowing a shift in political attention from organisational decline to future growth. It is here that external linkages are key as both the supply and demand of institutional change are increased by the 'diffusion' of ideas that takes place within international networks, and we would argue that this includes the global networks that comes through

affiliation to the GUFs.

In section four we look in detail at what alternative strategies were supplied to Sintracarbon, through long term engagement in ICEM education projects and networking with other affiliated unions.

3. Research Methods

The data for this paper is based on the research and project documents prepared by one of the authors in her capacity as ICEM Head of Education during the period 1999-2007. The documents include project applications and annual plans, internal seminar reports, quarterly project reports, these provided baseline data such as union membership figures, organisational changes and results of education methods training for all of the educational projects referred to in the article. Other documentation includes external impact evaluations carried out by funding and partner bodies (LOTCO and Metall/IF Metall), dedicated research carried out in 2005 relating to the situation of contract workers in ICEM sectors, ICEM Colombia electronic bulletins and, ICEM Contract and Agency Labour Project seminar reports and online updates. Supplementary interviews were carried out by email with Sintracarbon General Secretary and executive members and the ICEM Colombia project coordinator during 2008-2012 to update information about the organizing of contract workers.

4. Employment relations context

Despite a large body of solidaristic and human rights work in Colombia, the human rights situation remains extremely difficult. Recent positive developments include Ley 1309 (2007), which extends the prosecution period to 30 years for trade union victimisation and specifies prison sentences for murder, disappearances, kidnappings and for threats against trade union members and representatives. A dedicated prosecution unit has been established for trade union victimisation, with some indications of an increase in prosecutions. In 2008 the International Labour Organisation (ILO) established an official representation in Colombia, unusually late given the level of complaints submitted against Colombia over the last fifteen years for abuse of core labour standards and human rights. These changes indicate an increased recognition of the distinct human rights situation facing trade union activists in Colombia. It is still routine for union negotiators to live in hiding during the negotiation process as are threats, kidnappings and extortion of trade union leaders operating outside of Bogota and in key sectors of oil, electricity and mining.

Labour flexibilization in Latin America during the 1980s and 1990s (Pochmann 2009) involved decentralization of collective bargaining, pension privatization and shrinking social protection. In response to the relatively strong labour legislation in place a key part of this strategy was to increase the use of atypical or temporary contracts. Latin America saw an increase in informality and an average one per cent growth between 1990 and 2003. The Latin American poverty rate was 45 per cent in 1980 (ECLAC, 2009) and 44 per cent in 2002 (Fraile 2009: 215-233). According to the ILO, Colombia's transformation in terms of the decentralization of bargaining and the increase in functional and wage flexibility is rated as substantial (ILO 2009a). Colombia has an estimated five per cent trade union density with only one per cent of the workforce covered by a collective agreement, down from an estimated 15 per cent in the 1980s.

Colombia is a 'truncated' welfare state where the state is involved in poverty relief and some measure of social insurance and redistribution and with high levels of informality of work arrangements (Arango & Pachon 2004). A key factor in this informality, as with other Latin American countries, is the failure of governments to carry out redistribution and provide public services (Saavedra & Tommasi 2007: 279-309). This failure can be regarded as systemic, linking low quality and uneven public services with low participation in social security systems and low enforcement of fiscal policies. This failure of the social contract is indicated by Latin America's long history of being the most unequal region in the world as measured by income distribution (ECLAC 2009). This can be formulated as 'low tax morale' (Saavedra & Tommasi 2007: 292), where there is no societal pressure to participate in tax regimes and a strong incentive to work informally (ECLAC 2009). An estimated 22 per cent of economically active people in Colombia are currently covered by social security.

The right to collective bargaining exists for private sector workers (*Código Sustantivo del Trabajo*, Article 467 and *Constitución Política de República de Colombia*, Article 55); a tripartite committee was established in

2007 to draft legislation to allow public sector collective bargaining. Importantly, if the length of a CBA is not stated then it is presumed to continue indefinitely for successive six-month periods (*Código Sustantivo del Trabajo*, Article 477). In order to initiate a new collective bargaining process one or both of the signatories have to submit a written request to renegotiate the agreement within 60 days to the labour inspector. A core issue that Colombian unions have faced for some time is the atrophy of collective bargaining. Each time (normally every two years) that CBAs are due for renewal unions have to make difficult decisions about their leverage with employers and their resilience in the face of potential threats to the negotiating team. This is a painful dilemma for all unions who on the one hand have to bargain for membership in order to function and retain members, but on the other hand are faced with often overwhelming difficulties in doing this without threat to life and work.

There are two further complicating factors that impact contract workers in Colombia. The first relates to the rise of cooperatives in Colombia, and Latin America more broadly (Pochmann, 2009). In Colombia small groups of five to 20 workers can set up associated organisations (*Cooperativas de Trabajo Asociados*) to carry out specific functions for companies. There were an estimated 3,000 cooperatives in place in 2007, covering an estimated 400,000 working people. Because the members are self-managed, their terms and conditions are not covered by the Labour Code (*Ley 78 de 1988* and *Código Sustantivo del Trabajo*, Articles 5 and 22). These cooperatives operate as contractors and are often themselves involved in subcontracting. This form of employment was introduced to encourage greater flexibility in employment contracts, but has led to a further decline in union membership as the majority of cooperatives formed are as a result of restructuring and privatization in the public sector. Importantly, the ILO's committee on Freedom of Association in 2009 stated that creating such cooperatives led to the violation of the core conventions on freedom of association and the right to collective bargaining (ILO 2009a).

The second important development in the Colombian context has been the creation of a new form of organisation called the union contract or *Contrato Sindical*. This facility was set up in the early 2000s to allow unions to set up labour agencies for their own members. The model created enormous disagreement within the union movement, with most unions speaking openly against it. However, this facility coincided with a profound process of privatization, principally in the energy sectors. Sintraelec the key union in the electric power sector did eventually, after much internal debate, establish a number of union contracts in an attempt to retain some of its then 13,000 membership. Already by 2005, when the union contracts were established 7,000 members had been lost during the acquisition by Endessa and Union Fenosa. On reflection the union decided not to expand this function, partly because of the internal conflict that it still generated, but also because it did not, as had previously been hoped, allow the union to maintain its membership levels. Given the evident limitations of Colombian legislation in securing basic rights, there is renewed interest in national certification and governmental inspection systems as a way of regulating contract labour. In Latin America resources are being put into the enforcement of labour and employment laws, with a doubling of inspectors in a wide range of Latin American countries (Piore & Schrank 2008). These have included systems for monitoring the practices of contractors such as in Peru and the creation of legislation relating to contractors and service providers (*Ley 27626* and *Decreto Supremo No: 003-2002-TR*). One argument in favour of this model is that it allows for flexibility in compliance and the promotion of best practice.

5. International dissemination of union strategies

The relationship between Sintracarbon and ICEM has been consistently mediated through educational projects, coordinated centrally through ICEM's Education and Programmes Officer working closely with ICEM's Colombia Project Coordinator and the ICEM Colombia Committee made up of its affiliates. ICEM's project work in Colombia has been funded and actively supported primarily by the Swedish IFMetall (previously the metal and mining union Metall) and LO TCO Biståndsnämnd, the international development wing of the LO TCO national trade union centre and one of the largest funders of GUF education activity. Projects have moved through four overlapping stages, initially focusing on health and safety in the mining sector, following the creation of the ILO's Convention 176 on mining safety (1995). From 1993 ICEM had been coordinating a major Global Health and Safety Project, in Asia, Africa and Latin America to establish occupational health structures in addition to campaigning for ratification of the ILO's 1995 mining safety convention 176. Because of relatively low affiliation at that time there were only two Latin American affiliates involved in the project, Sintracarbon and the Peruvian mining federation, Federación Nacional de

Trabajadores Mineros, Metalúrgicos y Siderúrgicos del Perú (FNTMMSP), who quickly formed a close solidaristic relationship. Through this programme, the Cerrejón mine introduced the first occupational testing system at the Cerrejón mine and established the union as a credible partner in health and safety. The project also helped to create a good working relationship with company management and medical staff. The doctor currently in charge of the Cerrejón medical facilities first met the union through this programme and the relationships that were formed have been maintained.

By 2000 ICEM had six affiliates in Colombia, forming the ICEM Colombia Committee with a full time coordinator providing an important coordination point for unions in ICEM sectors and representing a consolidated and active part of the national trade union centre, Central Unitaria de Trabajadores de Colombia (CUT).

Project activity then moved into a prolonged period of trade union education methods for its growing number of affiliates. A regular series of local seminars, Semilleros de Lideres, were carried out linking new and experienced trade unionists in local areas. These seminars are regarded by CUT affiliates as instrumental in building a new generation of union leaders within ICEM affiliates, with clear progression recorded through project evaluations and participants now holding elected positions in their unions. Trade union education methods were important because these helped to create a safe and inclusive environment for trade unionists, a space which had previously not existed. However, it is easy to romanticize the relationships between trade unionists in such a hostile environment. In reality, most of the union leaderships experienced difficult internal relationships and lack of trust, particularly during periods of crisis or industrial conflict, raising the importance of the educational principles which allowed open discussion without attack or reprisals.

The ICEM project activity then moved on to a new phase of organisational development and strategic management. This involved training and seminars for union leaders specifically targeting issues such as recruitment, finances and corruption. This was facilitated by the ICEM's Head of Education and Programmes using materials and activities designed specifically for the context, but based on international trade union research. Although this phase of the project was of relatively short duration, only twelve months, it gave unions the opportunity to look beyond their profound organisational crises and focus on the strategic options available to them based on experience in other countries. What was particularly stark during this process was the almost complete lack of motivation of union leadership to recruit new members with the majority accepting their own decline. Tackling the issue of contract workers was regarded as impossible, with some unions stating that it was 'illegal' to organise them, in part because of the fear of reprisals for attempting it, but also because of the lack of any previous successful organising experiences. This third phase of project activity provided a clear assessment of the future organisational needs of affiliates which acted as the basis for the next stage of education.

In response to the atrophy of collective bargaining, the fourth phase of ICEM's educational work focused on establishing a formal process of dialogue with employers. This phase was initiated after a series of discussions between ICEM and the Colombian affiliates at its 2003 Congress in Norway, in an attempt to find a strategic programme that could capitalize on ICEM's leverage with multinational employers. The strategy was formulated to invite those MNCs where the ICEM and its affiliates had some leverage at headquarter level to enter into a process of social dialogue with ICEM's Colombian affiliates, facilitated directly by ICEM. After a period of six months of sustained contact with the senior central management of a number of MNCs the following social partners were identified (see Table 2).

Insert Table 2 here.

The process involved quarterly meetings with employers and unions to try to secure agreement and joint activities on core issues. Throughout the process, each organisation was asked to nominate a team of people to participate and to continue participation regardless of any local disputes or collective bargaining taking place. This was important to secure the process of dialogue from the potential withdrawal of company management or unions.

In the first phase of the process it was agreed to focus on health and safety, trade union security, and contract and agency labour. During 2004 meetings were secured with the Ministry for Social Protection (MSP), with the then minister and the human rights department working under him. It was the first time that tripartite

discussions had taken place on this level in Colombia and by 2005 discussions had been held to develop joint programmes on issues such as HIV/AIDS and occupational health. Most importantly the issue of contract and agency labour was a consistent and core theme for dialogue throughout this process. Although all six ICEM affiliates were active in social dialogue process, Sintracarbon and Sintraelecol were the main drivers of dialogue with employers, because of their relative size and leverage with employers.

Running parallel to these national activities, in 2003 ICEM started the Global Contract and Agency Labour (CAL) Project, offering important opportunities for international exchange between affiliates. The initial phase of the project aimed to address the lack of information about successful union strategies around contract and agency labour by carrying out research. Through questionnaires, events and interviews, evidence was gradually gathered showing that unions were often engaged with organising contract and agency labour workers, with some significant successes (ICEM, 2005). The project funded national, regional and international networking events allowing diffusion of experience, particularly between unions from different regions that were at different stages in casualisation and privatization. The project involved awareness raising and campaigning activities to address a widespread belief by ICEM affiliates that contract and agency workers could not be organised.

The CAL project also allowed ICEM to coordinate solidarity action in support of organising drives and disputes, requiring a high degree of information and coordination between ICEM and its affiliates. Dedicated project staff were employed in each region and a team of experienced trade unionists from the Netherlands, Sweden, Denmark, the UK and Norway was established to offer technical support to affiliates, including advice on organising campaigns and negotiations with employers.

As part of this project, specific research was carried out on the situation of contract workers in Colombia, revealing poor health and safety conditions, due to lack of health and safety information, training or equipment. The link between the use of contractors and impacts on occupational health and safety is relatively well researched (Barrett & Sargeant 2008; Quinlan & Bohle 2009; Quinlan et al. 2001), but this was the first time that data had been collected at the Cerrejón mine which could then be used in discussions with management. Legally, Cerrejón is responsible for the health and safety of any workers contracted in their operations and Cerrejón's three investors are well known for their commitment to mining health and safety and the findings of the research about the situation of contract workers appeared to be a genuine concern for them.

The experience of the Peruvian mining union FNTMMSP was crucially important to Sintracarbon's subsequent strategy. As early as 2003 FNTMMSP, with the support of ICEM's full time project coordinator, started organising contract workers which led to the establishment of the first contract workers' union in the mining sector for employees of the Shougang company, and is called Sindicato de Obreros Mineros de Shougang Hierro Perú y Anexos. As part of this organising campaign FNTMMSP carried out joint inspection visits with governmental ministries, exploiting legislation in Peru limiting the percentage of contract workers in any workplace. This legislation placed some responsibilities on the Peruvian state to promote implementation through which the union was able to establish joint inspections in the mines where they had membership. Through ICEM's CAL project FNTMMSP disseminated its organising successes and the networking events of the project allowed Sintracarbon to explore this experience directly with them. On this basis, and using the existing MSP contacts made through the social dialogue process, in 2007 Sintracarbon approached the MSP with a proposal to carry out joint inspections of the contractors in the Cerrejón mine. Subsequently joint visits were carried out to 18 of the largest contractors, checking contracts of employment, payment of wages, and health and safety provision. Following these visits the MSP then wrote to regional authorities and the directors of the contracting companies to formally request remedial action. The MSP then committed to carry out formal audits of all 18 contractors to monitor progress.

Importantly, the Carbones del Cerrejón team responsible for managing contractors within the mine were involved in each of these audits, which clearly established the company's responsibilities to monitor the conditions of contract workers. These audits resulted in a number of investigations into working conditions instigated by the MSP, involving both contractors and the local authority in La Guajira that holds responsibilities to monitor the practices of local businesses. Following these audits a series of meetings were set up with Sintracarbon, MSP and Cerrejón management to look for solutions to the management of contractors. During these discussions the union made explicit use of Article 122 of the Labour Code which

states that employers have a legal responsibility to ensure the agreements with subcontractors comply with national labour law. Cerrejón management responded by committing to intervene in the case of any written notification of violations by contractors and establishing monthly meetings between contract managers and contractors, as well as committing to ensure that the MSP's labour inspections would be a permanent feature in the mine.

Following this series of successful joint activities with the MSP and Cerrejón management, Sintracarbon made the decision to start a sustained campaign to organise contract workers in the mine. This required an internal campaign to persuade Sintracarbon leadership and members of the significance of the recent joint activities and to build their confidence that gains could be made by adopting this new strategy. It was important to have this debate given the need to secure statutory and budgetary changes to enable the direct affiliation of contractor workers to Sintracarbon, and the necessary resources to carry out the organising campaign. In the event, Sintracarbon established a team of organisers made up of dedicated and experienced union leaders including the union's President, and a strategy to approach contract workers where contact had been made through the research and inspection activities in previous years. This allowed the team to build on many years of formal and informal contact with the contract workers and helped to secure relatively quick successes in the campaign, boosting the support for this new strategy amongst Sintracarbon membership.

In 2009 Sintracarbon established the first contract workers union in the mine, Sintrans, representing 150 contract workers employed by a transport company Sotrans. By November of that year Sintracheneme, a union representing 300 mechanical maintenance workers for the company Chaneme, was recognized and started to negotiate a CBA with the assistance of Sintracarbon and CUT. On the 21st February 2011 Sinailtrainal was formed with 90 members from the food company Aramak, so that by the end of the year Sintracarbon had successfully organised over 800 workers within six contractors. Importantly some of these workers decided to directly affiliate to Sintracarbon whilst others established their own unions. Workers who joined Sintracarbon directly were usually from smaller contractors where they tended to have a weaker bargaining position with regard to their employers. It was an explicit part of the organizing strategy that direct membership to Sintracarbon offered contract workers increased leverage with their employers because of the relative size of union membership.

Despite these rapid and important organising successes the subsequent negotiations with the contracting companies' management have been difficult. Sintrans made immediate demands for full-time permanent contracts and wages and benefits in line with national minimal standards, but Sotrans management refused to recognize the union or any of their demands. Following a petition, 33 workers, including the two union leaders, lost their jobs when their fixed term contracts were not renewed. Despite the direct intervention of ICEM and the President of the PDA (Alternative Democratic Pole - a political alliance between two Colombian democratic parties), with Cerrejón management, the union has been unable to secure either union recognition or a CBA with Sotrans. Both Sintracheneme and Sinailtrainal have also failed to secure collective bargaining with Chaneme and Aramak management, despite following the legal petitioning process and having the full support of Sintracarbon leadership. Throughout this period Sintracheneme's members and leadership came under considerable pressure from management to leave the union, being subjected to 'carrot and stick' style intimidation, which included managers visiting the homes of union leaders and making both dismissal threats for those who would not comply and offers of perks to those who would.

Despite the on-going difficulties in securing protections for contract workers, this organising strategy has become integrated within Sintracarbon's mainstream activities and the union continues to organise workers in other contractors operating in the mine. In our final section we draw out the reasons for these developments, arguing that despite the mixed achievements the international dissemination of union experiences have been an important driver and motivator for change.

6. Discussion and Conclusion

Given the barriers to organising in the Colombian context, the recruitment of membership in six contracting companies and the establishment of CBAs in some of these companies at the Cerrejón mine is significant, representing the first sustained campaign to organise contract workers in Colombia. We have argued, using Wever's work on 'field enlarging' union strategies, that this development came about because of the

responding strategically to important social problems, principally the health and safety within the mine, as well as issues of pay and conditions for contractors, establishing an organizing strategy that appeals to broader social justice issues of health, security and fairness. Additionally the campaign was relatively stable in that it did not rely on 'micro-level' relationships with individual contractors, rather it made use of long term relationships within the mining community and within ICEM. Furthermore, we suggest that the diffusion of strategies and actions between ICEM's affiliates, through campaigns and project activity, has been an essential factor in establishing 'viable solutions' that were used in Sintracarbon's organising strategy.

An important aspect of this process was the establishment of a clear sense of injustice about the treatment of contract workers, both within Sintracarbon's membership and more broadly within the Colombian trade union movement. Despite the complexity of the employment relations system in the mine, by using the entry point of health and safety, the campaign was able to establish that there was a serious and genuine problem, but also that it was the responsibility of Cerrejón management to resolve it. This created both a sense of injustice, a clear line of responsibility and attribution (Kelly 1997; Kelly & Badigannavar 2004) establishing an acceptance within the union of the moral importance of adopting a 'field-enlarging' strategy (Wever 1998) which would include contract workers. Addressing the issues of contract workers then became seen as an important social value within the union, raising internal and external political support for the campaign. The initial focus on health and safety also addressed a genuine problem that contract workers faced, facilitating easier engagement with them as well as potential membership benefits. Because of Sintracarbon's health and safety expertise developed through the ICEM's Global Health and Safety Project, they were regarded by the contract workers as instrumental in improving working conditions, something that Sintracarbon had not been able to show since collective bargaining had effectively broken down. The health and safety focus was also strategically important in engaging Sintracarbon and Cerrejón management to take seriously the threat to safety in the mine from unprotected contract workers. The process of carrying out health and safety inspections involved in interviewing contract workers was highly effective in encouraging them to talk to the union establishing a relatively neutral basis for contact as well as changing the perception of Sintracarbon as an exclusively permanent workers' organisation.

The strategy made use of existing health and safety legislation which places a level of employer's responsibility for the conditions of contract workers onto Cerrejón management, facilitating an initial and legitimate engagement with Cerrejón management. As with the contract workers, Sintracarbon's expertise gave it credibility with management, building on existing relationships with medical and technical staff within the mine, formed during the initial Global Health and Safety Project. These long term relationships provided a level of stability to this new organizing campaign, and formed the basis for re-establishing dialogue and, eventually, some collective bargaining within the mine.

The re-establishment of dialogue with Carbones del Cerrejón management, facilitated through ICEM's Social Dialogue Project, allowed informal contact and exchange of ideas with Cerrejón management and an opportunity to start discussions outside of the formal and routinely difficult negotiation processes. Commissioning research on contract workers established accurate data and a level of credibility in discussions with Cerrejón management and the MSP, establishing important leverage by identifying the potential risks from using contractors in the mine. This social dialogue was established through ICEM and the leverage of its affiliates in the headquarter countries of the MNCs involved and provided an important stability to Sintracarbon's work in that it focused on building robust relationships with Cerrejón management rather than fragile 'micro-level' (Wever 1998) relationships with the contractors operating within the mine. We have argued that without this level of international coordination a formalized dialogue at senior level could not have been established in Colombia. In the case of Sintracarbon it led to the eventual re-establishment of collective bargaining in 2007 enabling Sintracarbon to successfully negotiate terms and conditions on behalf of contract workers, including their promotion to permanent status. This confirmed its function as a trade union providing concrete benefits to contract workers, which was an important step in building a belief in the instrumentality of unionization.

The educational approach and methods used during the campaign were also important, promoting self-confidence and providing a focus on concrete problem-solving in the workplace. For Sintracarbon leadership the methods were important in the process of organisational change, facilitating a confident dialogue between Sintracarbon activists and leadership sufficient to secure political and financial support to start organising. Union leadership and activists are highly aware of the personal risk they take in organising contract workers

and a difficult and long internal debate had to take place before recruitment could start. A problem-solving orientation allowed unionists to step outside of existing ideological or organisational narratives and focus on the practical steps of union organising. This approach is particularly powerful in an inward-looking and fragmented union context like Colombia, where the dominant narrative at the time was that the recruitment of contract workers was impossible and that the primary function of a union was to manage their own decline.

By 2009, Sintracarbon had been involved in over a decade of education programmes and participation in ICEM's international and regional structures, creating the basis for deep solidaristic relationships between Sintracarbon leadership, ICEM and many of its affiliates. The high level of social capital that had been developed was important in allowing for an articulation and diffusion of ideas and experiences of organising contract workers. The exchange of experience and strategies between ICEM affiliates, through the regional and international network events of the Global Contract and Agency Labour Project, encouraged Sintracarbon to look for possible strategies that they could adopt in their own context. The experience of the Peruvian mining union FNTMMSP in organising contract workers and exploiting national inspection legislation was also vitally important in giving Sintracarbon a viable entry point into building links with the contract workers in a way that could be seen to add real social value, and also establish a working relationship based on partnership with the state and the company management. ICEM's articulation and leadership on the issue of contract work generated confidence amongst affiliates and their membership that effective union organisation and interventions did exist (Cotton & McCormick 2012; Frege & Kelly 2004; Lillie & Lucio 2004). Furthermore, engaging in ICEM's campaigns and educational activities provided a concrete way to operationalize them (Brehens et al. 2004; Heery & Adler 2004; Kelly 1997).

Our argument has been that these 'field enlarging' strategies (Wever 1998) emerged from the linkages facilitated by the international affiliation of Sintracarbon to ICEM. This model of articulation between international and national trade structures is based on the principle of subsidiarity and represents an essential element of Sintracarbon's capacity to organize contract workers. In turn, Sintracarbon's vital experience of organising has been successfully diffused within the Colombian trade union movement and throughout ICEM's membership, allowing for an 'upwards' transfer of this significant experience of organising contract workers in the Carbones del Cerrejón mine.

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Table 1: Organised Contract Workers in Cerrejón

Source: ICEM Colombia Seminar report 2011.

Table 2: ICEM Social Dialogue Project Participants, 2004-2011

Source: ICEM Social Dialogue Project reports 2004-2011.