

Trade union strength, business power, and labor policy reform: The cases of Argentina and Chile in comparative perspective

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Pablo Pérez Ahumada 

University of Chile, Chile

Abstract

In this article, I explain why pro-labor reforms succeed or fail. Focusing on the cases of Argentina and Chile, I show that labor reforms are more successful in extending trade union rights when unions successfully build associational power and employers are less able to do so. Consistent with this argument, a quantitative analysis of time-series cross-sectional data from 78 countries suggests that the level of class power disparity is negatively correlated with the extension of workers' collective rights. At the end of the article, I discuss how these results have implications for the study of labor reforms and power resources.

Keywords

Employer associations, labor reforms, labor rights, Latin America, power resources, trade unions

Introduction

Collective labor rights, manifested through the rights to association, collective bargaining, and striking, are essential for workers because they contribute significantly to social equality and justice at work (Kerrissey, 2015; Vadlamannati, 2015). In light of their importance, collective labor rights have been the subject of analysis by scholars from various disciplines. While some have focused on how labor rights produce distributive effects (e.g. reduce income inequality) (Kerrissey, 2015), others have paid more attention to the factors that explain cross-national differences in the scope and extension of collective labor rights (Mosley and Uno, 2007; Vadlamannati, 2015). Within this latter body of research, scholars espousing the traditional power resources approach (PRA) have been particularly interested in the study of labor reforms. These scholars have shown that reforms aimed at extending labor rights are more likely to succeed when linkages between unions and Left parties in government are strong (Cook, 2007; Korpi, 2006; Raess et al., 2018). The PRA has contributed to the analysis of labor reforms by showing how they are shaped

Corresponding author:

Pablo Pérez Ahumada, University of Chile, Av. Cap. Ignacio Carrera Pinto 1045, Ñuñoa, Santiago 7800284, Chile.

Email: pabloperez@uchile.cl

by power relations between classes and parties. However, in focusing almost exclusively on party–union ties, the traditional PRA has neglected to address the role of business power (e.g. how business organizes to oppose pro-labor reforms) and other forms of power that go beyond partisan ties—for example, unions’ capacity to mobilize associational power. Noting these shortcomings of the traditional PRA, recent power resource literature has argued for the development of relational frameworks to better understand how labor policies are shaped not only by the action of Left parties and unions but also by the action of employers who usually organize to oppose redistributive policies (see, for example, Schmalz et al., 2018).

In this article, I build upon this research agenda and argue that studying the imbalance of power between workers and employers is fundamental to understanding why in some countries pro-labor reforms are more successful than in others. I do so by following a twofold strategy. First, I conduct an in-depth, comparative analysis of two cases of pro-labor reform carried out by center-left governments in Latin America, namely Argentina in the early 2000s and Chile in the mid-2010s. To conduct this analysis, I extend the notion of associational power to studying how workers *and* employers organize collectively to influence the policymaking process. Second, I examine time-series cross-sectional (TSCS) data from 78 countries. Consistent with the in-depth analysis of Argentina and Chile, the quantitative evidence suggests that the disparity of power between classes is negatively correlated with the degree of protection and extension of collective labor rights. At the end of this article, I discuss how my findings contribute to the literature on labor reform and power resources.

Literature review

Power resources, labor reforms, and labor rights

Comparative research has explained cross-national differences in the protection of workers’ rights by focusing on how economic and political factors shape labor reform processes and outcomes. Some scholars have emphasized how economic recessions, economic globalization (e.g. trade openness), or cultural globalization (e.g. the internationalization of information and cultural values) shape labor policies (Mosley and Uno, 2007; Vadlamannati, 2015; Visser, 2016). Other scholars have focused more on how existing labor rights are shaped by “past events”—for example, legacies from authoritarian regimes or countries’ legal traditions—that affect both labor laws and the power of the actors that struggle to change them (Botero et al., 2004; Caraway et al., 2015). For example, Cook (2007) shows that in Latin American countries with “corporatist legacies” such as Argentina and Brazil, the laws that strengthened union power in the pre-neoliberal period (e.g. regulations that limited inter-union competition) were, compared to countries such as Chile, more resistant to change during the authoritarian regimes in the 1970s and 1980s. According to Cook, the continuity of corporatist regulations allowed unions to mobilize and oppose neoliberal governments more effectively than in Chile, where such corporatist legacy did not exist.

Without denying the significance of these economic and historical constraints, scholars espousing the PRA have emphasized the central importance of distributive conflict that reflects basic class-based splits in employment relations and labor markets (Korpi, 1985). Such conflict shapes the primary dynamics of politics and policymaking. It explains why left-wing parties representing disadvantaged classes are the main promoters of welfare state expansion and protective labor policies, whereas employers and conservative parties are actors that usually oppose them (Korpi, 2006). Consistent with this argument, abundant evidence demonstrates that when the ties between left-wing parties and organized labor are strong, unions have more opportunities to influence the policymaking process, and protective labor legislation is more likely to pass (Carnes, 2014; Cook, 2007; Raess et al., 2018).

Recent research has expanded upon the standard PRA argument. Huber et al. (2019) explain cross-national differences in top income shares by focusing on the balance of power between trade unions and center-right governments, the latter being active promoters of pro-business policies. Additionally, in Latin America, scholars have demonstrated that unions' power to influence the policymaking process is stronger when they build alliances with other civil society actors such as indigenous and women movements (Fairfield and Garay, 2017; Niedzwiecki, 2014).

The traditional PRA has contributed to the study of labor rights by nuancing standard economic accounts, which in the context of globalized capitalism, assume that the impact of international economic pressures—for example, the liberalization of industrial relations (IRs)—has been the same for all countries, regardless of their specific political dynamics. The PRA accomplishes this by emphasizing the central importance of class power, primarily understood as partisan linkages between unions and center-left ruling parties. For this reason, the PRA is better suited for an analysis of how power relations between classes shape labor rights. However, by focusing almost exclusively on partisan ties, the traditional PRA has done little to address two central aspects of class relations in current neoliberal society, namely business power and other forms of power that do not derive from partisan ties (e.g. those in those expressed in the notion of “associational power”).

In last few decades, the power resources literature has begun to fill these gaps (see next section). Nevertheless, similar to the traditional PRA, the existing research on labor policy in Latin America continues to focus almost exclusively on partisan linkages. As a result, investigations on labor reform have barely examined how business power is constructed and exercised, what resources employers utilize in this process, or the role played by business associations vis-à-vis unions and the state. With some exceptions (see below), the lack of systematic study of business power has persisted even though employers have become crucial actors in the neoliberal political economy (Baccaro and Howell, 2017). Something similar occurs with the second aspect that is not addressed by traditional PRA research, that is, non-partisan power resources such as associational power. Consistent with the traditional PRA argument, most of the studies on labor reform in Latin America have analyzed labor power by focusing on party–union ties. Nevertheless, in a period where neoliberal ideology has permeated center-left parties and union-party ties have weakened (Gumbrell-McCormick and Hyman, 2018), non-partisan types of power have acquired prominence, becoming crucial for workers to advance their interests (Bank Muñoz, 2017; Schmalz et al., 2018). This suggests that analyzing non-partisan power resources such as those involved in the concept of associational power is key for understanding unions' capacity to influence the policymaking process.

Extending the traditional PRA

In recent years, scholarly research has begun to fill the above-mentioned gaps in the traditional PRA. In relation to business power, scholars have become much more interested in studying its nature and its effects on social policy (Fairfield, 2015; Hacker and Pierson, 2002). To do so, they have distinguished between the power of business derived from corporate control over investment decisions (structural power) and the power derived from employers' *deliberate* use of “political” means such as lobbying and collective organization through business associations (instrumental power) (Fairfield, 2015). Drawing upon this distinction, scholars have found that when the business sector combines structural and instrumental forms of power, governments are less able to pass redistributive reforms (Bril-Mascarenhas and Maillet, 2019; Fairfield, 2015).

Based on these types of findings, the research agenda mentioned above has argued for the need to increase knowledge on the various forms of power wielded by actors other than labor. In doing so, it has helped develop new explanations centered more on the balance of power between classes than on the interests of a single class (e.g. Fairfield and Garay, 2017; Korpi, 2006).

Similarly, recent investigations have shown that in this historical conjuncture marked by weakened party–union ties, other forms of labor power have acquired importance. For example, authors such as Silver (2003) emphasize the importance of structural power (i.e. the power derived from workers’ privileged in the economic system), whereas others put the emphasis on “institutional” power derived from workers’ strategic use of the labor law or on “discursive” power derived from unions’ engagement in symbolic struggles (Chun, 2009; Schmalz et al., 2018; Traxler et al., 2001). Among these non-partisan types of power, it has been argued that associational power is particularly important (Fox-Hodess and Santibáñez, 2020; Rhomberg and Lopez, 2021). Associational power refers to unions’ capacity to accomplish different tasks involved in the collective mobilization of workers, for example, capacities to recruit members and forge class-wide solidarity (Bank Muñoz, 2017; Schmalz et al., 2018; Wright, 2000). Thus, the successful construction of associational power not only helps workers overcome the constraints of labor-repressive legislation, but it also activates the power that *potentially* exists when workers have a privileged position in the economic system (Bank Muñoz, 2017; Fox-Hodess and Santibáñez, 2020).

In the following sections, I build upon this promising research agenda and argue that studying the imbalance of power between workers and employers is crucial to understanding why in some countries pro-labor reforms are more successful than in others. To do so, I first develop an in-depth, comparative analysis of recent pro-labor reforms in Argentina and Chile and show how workers and employers organize collectively to influence the policymaking process. Next, I examine TSCS data from 78 developed and developing countries. I conduct an explorative analysis of the relationship between class power disparities and collective labor rights and find that when power is more unequally distributed across classes, collective labor rights are weaker.

In-depth, comparative analysis of Argentina and Chile

Data and methodology

The cases under analysis were selected on the basis of the “diverse” case design. This consists in comparing cases that exemplify diverse values of the dependent and the independent variables (Seawright and Gerring, 2008). The two cases analyzed here represent not only different levels of trade union and business power but also varying trajectories of economic liberalization. Following Thelen’s (2014) terminology, Chile is an example of “deregulatory liberalization.” Similar to what occurred in the 1980s in liberal market economies such as the United States and the United Kingdom, in Chile, economic liberalization was achieved through the displacement of previous institutions created to coordinate market relations (Madariaga, 2016). In Chile, institutional change took place during the neoliberal dictatorship of Augusto Pinochet (1973–1990). In the realm of IRs, the process of institutional displacement involved a “frontal attack” on previous legislation, which materialized in 1979 in the establishment of a neoliberal and pro-business Labor Code, known as the 1979 Labor Plan (Feres, 2009). By contrast, in Argentina economic liberalization was more gradual. Like in other Latin American countries, economic liberalization took place in Argentina in the early 1990s, *after* the democratic transition (Cook, 2007). The policies aimed at deregulating the economy and making the labor market more flexible were more contested and, in many cases, less successful than in Chile (Carnes, 2014; Cook, 2007). Therefore, the liberalization of IRs in Argentina exhibited some elements of the “dualization” path identified by Thelen (2014), as it entailed the relative persistence of coordinated IRs but in the context of a narrowing in the number of firms and workers covered under the resulting arrangements (Etchemendy, 2019; Marticorena, 2014).

Furthermore, since the 2000s, Argentina and Chile have exhibited a different pattern of reform to previous neoliberal, pro-business legislations. Compared to Chile, unions in Argentina were

more powerful, employers were less organized, and, therefore, center-left governments had more leverage to implement pro-labor reforms. This was not the case in Chile.

To analyze these cases, I followed Silver's (2003: 26–27) comparative strategy and treated the two countries under study not as separate cases, but rather as cases that are connected to one another through direct and indirect relational processes. According to Silver (2003), direct relational processes refer processes in which national actors consciously promote links between the cases (e.g. Argentine state officials promoting market reforms inspired by the example of Chile). Indirect relational processes, on the other hand, refer to processes in which national actors are not fully conscious of the systemic mechanisms that affect their behavior and link them one another “behind their backs” (e.g. the democratization wave in Latin America that resulted in the democratic restorations in Argentina in the mid-1980s and in Chile in the late 1980s).

The data used in this section come from fieldwork conducted in Santiago, Chile, between 2015 and 2020, and in Buenos Aires, Argentina, between 2019 and 2022. This fieldwork included 30 interviews in Chile and 21 interviews in Argentina. In the two countries, I interviewed union leaders, employers, representatives of business associations, experts, legal advisers, and government leaders (e.g. members of the Chilean and Argentine ministries of labor). Additionally, I collected extensive archival material that included national newspapers, government documents, and the bulletins of both unions and business associations. Finally, I interviewed an ILO representative for the Southern Cone of Latin America. In total, 52 interviews were carried out as part of this research project.

As argued in the previous section, I focus my analysis on how workers and employers mobilize “associational power” to influence the policymaking process. I define associational power as a *capacity to act collectively and mobilize* (Rhomberg and Lopez, 2021). This capacity implies fulfilling four tasks (Fairfield, 2015; Schmalz et al., 2018; Traxler et al., 2001): (1) recruiting members and ensuring membership participation; (2) developing strategic capacity (i.e. the capacity to devise effective strategies); (3) forging class-wide solidarity, cohesion, and consensus; and (4) establishing associations that are sustainable and that are organized efficiently to carry out their work properly. Associational power must be distinguished from other forms of power that denote a *capacity to mobilize resources* in the realms of the economy (structural power), the state (e.g. political and institutional power expressed in linkages to parties or in unions' use of protective labor policy), and in civil society (e.g. societal power expressed in a group's mobilization of discursive power or in the construction of coalitions with other groups) (Rhomberg and Lopez, 2021; Schmalz et al., 2018). Unlike other conceptualizations of associational power (e.g. Wright, 2000), this definition does not include political parties within the concept of associational power. Instead, it conceives parties as a political source of leverage that is, in principle, independent of class-based organizations. That said, political-institutional power, like structural or societal power, cannot be understood in isolation from associational power. These forms of power become effective only when the actors seeking to mobilize the resources that they entail have the capacity to act in concert, that is, have the capacity to build associational power (Brookes, 2018: 256; see also Fox-Hodess and Santibáñez, 2020; Rhomberg and Lopez, 2021).

In what follows, I analyze pro-labor reforms in Argentina and Chile. I conduct the analysis in two stages. First, I analyze the reform processes and describe their outcomes. Second, I explain the reform outcomes by showing how, compared to Argentina, in Chile the balance of power was more favorable to employers than workers.

Labor reforms and collective labor rights in Argentina and Chile

Since Chile's democratic restoration in 1990, center-left administrations have attempted to replace the neoliberal legislation enacted during the dictatorship of Augusto Pinochet and enshrined

through the 1979 Labor Plan. The Labor Plan decentralized collective bargaining, weakened unions' bargaining power by promoting inter-union competition within companies and sectors, and undermined the right to strike by allowing employers to hire replacement workers. It also undercut unions' bargaining power by promoting competition between unions and "bargaining groups" (*grupos negociadores*), which can be formed to sign collective bargaining instruments regardless of whether the firm already has a union (Feres, 2009; Posner, 2017). Closely related to this, the law also allowed for semi-regulated collective conventions (*convenios colectivos*) as opposed to more standard (regulated and legally protected) collective agreements (*contratos colectivos*) (Posner, 2017). These conventions are favorable for employers not only because they are associated with the formation of bargaining groups (most bargaining groups are formed to sign conventions) but also because they do not grant workers the protections typically associated with standard collective agreements—particularly, the right to strike and special protections (*fueros*) for the leaders of the group that sign the convention. As a result of these labor repressive laws, trade union membership and collective bargaining coverage rates dropped significantly in the 1980s. Moreover, even after the return to democracy in 1990 they have continued to remain low—in 2018, around 17 percent of salaried workers were unionized, whereas only 8 percent were covered by a collective bargaining agreement (Dirección del Trabajo, 2020).

To address these problems, in 2014, socialist president Michelle Bachelet proposed a labor reform bill to extend collective bargaining power, empower unions vis-à-vis bargaining groups, and revoke the provisions that allowed employers to replace striking workers. Some center-left policymakers and party leaders even contended that they would use this opportunity to propose measures to promote sectoral bargaining (El Mercurio, 2015c). Labor leaders in the Central Confederation of Workers (*Central Unitaria de Trabajadores*, CUT) enthusiastically endorsed Bachelet's reform project. In contrast, the Confederation of Production and Commerce (*Confederación de la Producción y del Comercio*, CPC), the Chilean employers' peak organization, strongly opposed the reform bill. Employers claimed that the government's proposal would establish a "union dictatorship" within companies and undermine free markets by expanding collective bargaining rights to a sector-wide scale (El Mercurio, 2015a).

Compared to previous reform attempts made in the early 1990s and 2000s, in the mid-2010s, the conditions for pro-labor reform had improved. The 2005 constitutional reform had eliminated the nine unelected ("designated") senators who over-represented conservative views in the legislature by voting with right-wing parties, and Bachelet's coalition ("New Majority," NM) had partisan majority in the Senate and the Chamber of Deputies. In addition, the wave of protests that started in 2011 as well as the revitalization of labor activism observed in some industries (e.g. mining, port industry, and retail) suggested that a significant number of Chileans supported the demand for profound transformations of the neoliberal model of development (Bank Muñoz, 2017; Von Bülow and Donoso, 2017). Aware of this situation, NM leaders decried the moderate views embraced in previous decades and decided to include the Communist Party (PC) in the coalition. This was crucial for organized labor as the PC was the hegemonic political force within the CUT.

However, despite the generally favorable conditions, the Bachelet reform attempt failed to overturn the central aspects of the 1979 Labor Plan. All the pro-labor measures that were initially included in the proposed bill of law or suggested during the 2015–2016 legislative debates were either dropped or watered down in such a way that the resulting law (Law 20,940) had no positive impact on workers' collective rights. Much like the previous legislation, Law 20,940 continues to define agreements beyond the level of the firm as voluntary for employers. Additionally, the right to strike is still undermined by clauses that, while formally prohibiting the replacement of strikers, authorize employers to make any "necessary modifications" to non-strikers' shifts in order to ensure the firm's provision of broadly defined "minimum services" (see, for example, La Tercera, 2018).

Finally, union bargaining power continues to be weakened by laws that allow for semi-regulated (and less protective) collective conventions. Moreover, these laws have done little to eliminate bargaining groups. Following the injunction filed by right-wing parties, in 2016, the Constitutional Court declared unconstitutional the clauses that gave the unions the exclusive control over collective bargaining. Thus, the new regulations do not clearly demarcate the rights of unions vis-à-vis bargaining groups, let alone eliminate the latter. In 2018, the Labor Directorate office declared that bargaining groups do have the same legal status as unions. Although in May 2022 the Labor Directorate office issued a resolution repealing the 2018 ruling (Dirección del Trabajo, 2022), to this day it is unclear whether bargaining groups have the right to sign collective bargaining agreements. From labor's perspective, this reaffirms the failure of the Bachelet labor reform.

Consistent with this view, the available quantitative evidence suggests that the enactment of Law 20,940 did not improve workers' bargaining power. The rate of trade union membership remained the same after the enactment of the new legislation (17%), and it even dropped to 15.9 percent in 2019. Moreover, the proportion of unionized workers covered by collective conventions instead of collective agreements *increased* after the new legislation came into effect—a significant jump from 25 percent in 2015 to 38 percent in 2018 (Dirección del Trabajo, 2020). This means that today more workers are covered by collective bargaining instruments that, in practice, do not grant them minimum collective bargaining rights (Posner, 2017).

In Argentina, the pattern of reform was different than in Chile. Inspired by the neoliberal economic project carried out by the Chilean dictatorship, the Argentine dictator Jorge R. Videla attempted to enact atomizing labor laws, such as those included in the Chilean 1979 Labor Plan. Nevertheless, Videla's project had limited success, because Argentine industrialists were not willing to make sacrifices as a means of destroying the labor unions (Drake, 1996: 160). As a result, in Argentina labor market deregulation started after the transition to democracy, during the presidency of Peronist leader Carlos Menem (1989–1999).

During his first term, Menem enacted laws and decrees aimed at reducing labor costs, making employment relations more flexible, decentralizing collective bargaining (Decree 2,284, 1991), and restricting the right to strike in the context of “essential services” (Decree 2,184, 1990) (Marticorena, 2014: 47–53). During his second term (1995–1999), President Menem also issued decrees to terminate the practice of “*ultraactividad*,” in which the terms of a collective contract remained valid until the contract's expiration, providing no new terms had been negotiated. In 2000, Menem's successor, President Fernando de la Rúa, succeeded in passing Law 25,250 (Law of Stable Employment), which put more limits on the principle of *ultraactividad* and led to the predominance of firm-level agreements at the expense of sectoral agreements (Marticorena, 2014: 53).

Like in Chile, in Argentina these changes had a negative impact on union power. Firm-level negotiations came to prevail over sector-wide agreements, union membership declined from around 55 percent in the early 1990s to 30 percent toward the end of that decade, and unions lost bargaining power (Marticorena, 2014: 190; Senén, 2011: 52–53).

Nevertheless, this scenario changed in the early 2000s, following the election of the left-wing Peronist candidate Nestor Kircher in April of 2003. With the support of the two National Confederations of Workers (Official and Dissident CGT) and the Autonomous Confederation of Workers (CTA), he introduced a labor reform bill that passed congress and was enacted in early 2004. The new labor legislation—Law 25,877—re-centralized collective bargaining by facilitating sectoral agreements and by stating that these agreements would establish the context for local or firm-level agreements. In addition, Law 25,877 restored the stipulations regarding *ultraactividad* and strengthened the right to strike by prohibiting the replacement of striking workers, in alignment with ILO Conventions 87 and 98 (Senén, 2011).

These policy changes had positive effects for organized labor. Union membership rates increased to 40 percent by the end of the 2000s. So did the number of workers covered by collective bargaining, which grew from 3 million in 2003 to 5 million in 2008 (Senén, 2011).

Explaining the failure and success of pro-labor reforms

The disparity of power between workers and employers is crucial to illustrating why, in contrast to the experience of Argentina, pro-labor reforms in Chile failed to strengthen workers' collective rights. Compared to Argentina, in Chile the balance of power was more favorable to employers than workers.

Despite the existence of ties between policymakers and labor leaders, labor was weak during the reform process in Chile. The CUT was largely unable to build up associational power to influence the legislative process. Furthermore, it was incapable of overcoming the political and strategic disputes that divided the Chilean labor movement and ended up undermining its collective power. This was observed, for example, through the formation of "alternative" (and sometimes "Anti-CUT") union coalitions such as the Group of Workers for a Better Labor Reform and the 4x4 Coalition. In contrast to CUT leaders who dismissed any tactic other than lobbying center-left legislators, these coalitions insisted that labor could only influence the reform process by adopting mass mobilization tactics. Based on this premise, these unions called for two general strikes in 2015 which, while mobilizing the most active sectors of organized labor, did not have the support of the CUT. This increased tensions between these sectors and the CUT. The strike participants openly criticized the CUT for its "passivity" vis-à-vis the government and for its subordination to government parties.¹ Similar complaints were also voiced within the CUT's National Directive Council, as several plant-level CUT leaders criticized the officialdom for "trusting too much" in their allies in government.²

In sharp contrast to labor, within the business community there was much more agreement on the position to be taken toward the reform bill and the strategies to confront the government. Under the leadership of the CPC, the six sectoral associations—from the National Agrarian Society (SNA) to the Society for Manufacturing Promotion (SOFOFA)—rejected the bill for its "syndicalist orientation" (El Mercurio, 2015a). Thanks to the CPC organizing efforts, these sectoral associations remained united throughout the entire reform process, acting as a single block with unified interests and strategies. During the reform process, there were certainly tensions between "moderate" and "hardline" business leaders. For instance, in 2015, SOFOFA and business leaders of the National Chamber of Commerce (CNC) demanded the CPC to take a more confrontational stance against the government.³ However, despite their criticisms, none of these leaders questioned the legitimacy of the CPC, let alone proposed to "replace" the CPC with a new economy-wide association, such as several non-CUT actors generally did with respect to the CUT. Furthermore, on several occasions, the hardline leaders publicly reaffirmed that the CPC was the *only* vehicle for business unity (see, for example, Tapia, 2015). Consistent with the view of these leaders, a former CPC president noted that the tension between the moderates and the hardliners did not harm business unity because, thanks to the CPC's successful organizing work, "the unitary spirit [of the CPC] always comes first."⁴

Business opposition was efficient and strong, and quickly created divisions within the government coalition. This significantly undermined Bachelet's leverage to implement her reform agenda. For example, while some pro-labor legislators of the government coalition called on the executive branch to propose clauses to promote sectoral bargaining, policymakers from the Ministry of Finance aligned themselves with the CPC and claimed that making sectoral bargaining mandatory for employers "would put the economy at serious risk" (El Mercurio, 2015b).

Business influence was also facilitated by business associations' ties to right-wing parties *and* to the conservative sectors of the government coalition (most notably, the Christian Democratic Party). Taking advantage of these ties, business leaders sponsored the formation of the so-called "Pro-small and medium-sized enterprises legislator group" ("Pro-SME legislator group"), which was formed with the overt goal of defending business interests during the debate in the Senate. After several meetings with business associations, the Pro-SME legislator group developed proposals that, between September 2015 and March 2016, resulted in amendments that dismantled or watered down the bill's most important pro-worker clauses (e.g. those that would effectively prohibit the replacement of striking workers). In addition, business leaders were active sponsors of the injunction filed by conservative parties in the Constitutional Court against the provisions on the union's control over collective bargaining (see, for example, *El Mercurio*, 2015a). These provisions, which aimed to empower unions by repealing bargaining groups, were eventually declared unconstitutional (Tribunal Constitucional, 2016).

The Chilean case contrasts with that of Argentina. In this country, the balance of power was more favorable for the working class as unions had a far stronger capacity to mobilize associational power than did employers.

In Argentina, unions were more successful in developing effective strategies to mobilize collective power as well as in overcoming the divisions that had undermined labor unity since the late 1980s—for example, the division between the "Official" and the more militant "Dissident" CGT. Throughout the 1990s, the Argentine labor movement successfully combined strategies that, while apparently contradictory, enabled workers to influence policymaking in the 2000s. While the Official CGT emphasized a strategy of organizational survival that implied making concessions (e.g. accepting privatizations) in exchange for the maintenance of their monopoly of representation and union control of social welfare funds (*obras sociales*), the CTA and the Dissident CGT developed strategies closer to social movement unionism, based on activist-like tactics and the construction of coalitions with other anti-neoliberal social movements (Natalucci and Morris, 2016). CTA leader Hugo Godoy contended that the "social movement unionism" strategies were successful because they pushed union leaders to organize informal workers, the self-employed, and the unemployed, "in a context when traditional unions were unable or unwilling to do."⁵

These strategic approaches certainly gave rise to tensions between, on the one hand, the Official CGT and, on the other, the Dissident CGT, and the CTA. However, their combination facilitated collective action in the 2000s. The strategy of survival allowed unions to retain key institutional power resources, whereas the strategy of social movement unionism demonstrated the efficacy of disruptive tactics and the importance of labor autonomy vis-à-vis governments (Etchemendy and Collier, 2007; Payo Esper, 2020). In the 2000s, unions' collective power was further facilitated by the amelioration of conflicts among the different sectors of the labor movement. In 2004, this resulted in the reunification of the CGT (Natalucci and Morris, 2016: 41).

In sharp contrast to Chile, in Argentina, unions' strong associational power coexisted with a business class that faced enormous difficulties in building collective power. Consequently, employers' capacity to act as a unified class and oppose pro-labor reforms was limited. Argentine employers' orientations toward the bill introduced by Néstor Kirchner were generally hesitant and less than categorical. Business associations such as the Argentine Union of Industrialists (UIA) and the Argentine Chamber of Commerce (CAC) certainly criticized the reform bill. Similar to the complaints usually voiced by Chilean employers in periods of progressive reform,⁶ Argentine business associations claimed that the government bill would harm small and medium-sized enterprises, strengthen the bargaining power of "union bureaucracies," and make firm-level agreements simply "useless" (La Nación, 2004a, 2004b). However, they did not defend the continuity of previous neoliberal regulations by adopting uncompromising ideological orientations, as was the case with

the CPC in Chile. Moreover, over the course of the legislative process, the UIA even wound up endorsing the final draft along with the labor confederations (La Nación, 2004a). Marticorena (2014: 104–105) contends that industrialists eventually did not oppose the reform because they hoped that the recentralization of collective bargaining would help to reduce interfirm competition and facilitate the bargaining process in sectors with high levels of union militancy.

Consistent with Marticorena's argument, in a personal interview with a former UIA staff member, the respondent defended the virtues of sectoral bargaining, stating that it is effective in "limiting unfair competition" from companies that "seek to take advantage by hiring underpaid workers." According to this view, another positive aspect of sectoral bargaining is that it allows for "constant communication" with the union in ways that are usually "beneficial for both sides of the table."⁷ Similar ideas were mentioned in interviews with Argentine human resources managers of construction, transport, and agro-industrial companies.⁸ During the interviews, a manager who had worked in Chile for five years justified his support of centralized bargaining by stating that the Chilean IR system is "the worst of the worst." He stated that, in contrast to the Argentine system, IRs in Chile tend to create "messy and confrontational relationships" between the management and "the hundreds of unions" that usually exist within firms.⁹

The lack of ideological cohesion and strategic unity observed during the reform process is a persistent feature of the Argentine business class (Fairfield, 2015; Schneider, 2004). This is directly related to the absence of an all-encompassing association, such as the CPC in Chile, capable of building and mobilizing employer associational power.

In Argentina, divisions and rivalries between sectoral associations have been commonplace since the period of import substitution industrialization (ISI) (Acuña, 1998; Schneider, 2004). According to Schneider (2004), these sectoral divisions had strong detrimental effects in Argentina because of the role played by Juan D. Perón in the 1940s and 1950s. Perón decidedly intervened in the internal affairs of business associations and encouraged medium-sized and domestic-oriented employers to form the General Economic Confederation (CGE) with the aim of disputing the leadership of UIA. Perón's actions had lasting effects, as the rivalries between associations were not ameliorated with the end of his government. By the end of the ISI period, big business associations began to adopt conservative/free-market ideological positions, while the CGE's protectionist orientation remained largely intact (Acuña, 1998: 63–67).

Business fragmentation persisted in the decades to come. Throughout the 1990s, the business class was unable to develop a unified political-economic agenda. While some financial and export-oriented businesspeople defended the currency convertibility measures that established the one-to-one parity between the peso and the U.S. dollar, the business groups affiliated with the protectionist faction of UIA (the *Movimiento Industrial Nacional*) demanded, together with the CGT, the end of the convertibility system (Novaro, 2019). To overcome this situation of fragmentation, in the early 2000s, big business formed the Argentina Business Association (Asociación Empresaria Argentina, AEA). Although AEA successfully established steady relations with the Kirchner government (Novaro, 2019), its capacity to mobilize collective power was limited. In contrast to the CPC in Chile, AEA was designed to represent more the interests of *individual* large corporations than those of broad economic sectors. Thus, unlike the CPC, AEA's direct affiliates were (and still are) individual firms, not sectoral associations (Castellani and Gaggero, 2017: 193).

In sum, the absence of an all-encompassing business association severely undermined Argentine employers' capacity to oppose redistributive reforms as a unified class actor. This resulted in the use of separate, uncoordinated, and ineffective lobbying tactics, and at times it made employers more vulnerable to the government's "divide-and-conquer" strategies (Fairfield, 2015: 134).

In the next section, I analyze whether the explanation derived from the in-depth study of Argentina and Chile applies to other cases as well. To do so, I use TSCS data from 78 countries and

conduct an explorative analysis of the relationship between class power disparities and collective labor rights.

Cross-national quantitative analysis of collective labor rights

The quantitative part of this article consists in a cross-national analysis of the determinants of collective labor rights. Quantitative analysis certainly has some disadvantages. Data for less developed countries are usually scant, the operationalization of complex concepts such as “labor rights” and “class power” is difficult, and statistical models such as regressions detect correlation between variables but say little about causality. However, when supplemented by the in-depth study of political processes, quantitative studies can be helpful because they allow us to analyze large samples of countries and detect patterns in the data that might be otherwise overlooked (Carnes, 2014: 56).

Data, methods and hypotheses

I collected data from different sources to build a TSCS database with information on collective labor rights and class power disparities (see below). Due to data availability, I could only collect information for 78 countries ($N=78$), with two observations per country ($T=2$) that cover the period 2009 to 2017 (first time point=2009 or closest available year; second time point=2017 or closest available year).

Dependent variable. The dependent variable is the index of Freedom of Association and Collective Bargaining (FACB) rights developed by Kucera and Sari (2019). The FACB rights index provides a comparable measurement of country-level trade union rights (see, for example, Kerrissey, 2015; Vadlamannati, 2015). Based on the textual analysis of nine sources, including national labor legislations, ILO reports and other sources, Kucera and Sari’s index is constructed through the coding of 108 labor rights violations under five categories: (1) fundamental civil liberties, (2) right of workers to establish and join organizations, (3) other union activities, (4) right to collective bargaining, and (5) right to strike. During the coding process, distinct criteria for violations of labor rights in law (*de jure*) and in practice (*de facto*) are applied. Additionally, the evaluation of each labor rights violation is weighted according to its severity (Kucera and Sari, 2019: 426–427). This results in a normalized 0 to 10 scale, with higher scores representing worse *de jure* or *de facto* labor rights. To facilitate interpretation, I reversed the scale so that higher scores denote more protective labor laws and practices.

Independent variable and hypothesis. The main independent variable of interest is *class power disparity*. This concept comprises various aspects that are not easily measured—for example, employers’ associational power and the imbalance between this type of power and workers’ associational power. Brandl and Traxler (2010: 527) propose one of the few quantitative indicators of associational power disparity. This measures the associational density of employer associations *relative* to membership levels in trade unions. Unfortunately, data of employers’ “associational density” are extremely scant, especially for developing countries.

Due to this data limitation, I used an alternative indicator in an explorative way. This indicator was obtained from the V-Dem dataset and measures the extent to which political power is distributed according to socioeconomic position (variable “v2pepwrses” in the V-dem database) (Coppedge et al., 2021). The V-Dem dataset compiles country-level data on the basis of the ratings of country experts. The expert rating scores are then adjusted through item-response models. These

models correct disagreements between the ratings by adjusting them for differential item functioning (differences in how experts apply ordinal scales to cases) and variation in rater reliability (i.e. random error) (Pemstein et al., 2021).

In its original ordinal measure, the “class power disparity” variable has a theoretical value ranging from 0 (“Wealthy people enjoy a virtual monopoly on political power. Average and poorer people have almost no influence”) to 4 (“Wealthy people have no more political power than those whose economic status is average or poor. Political power is more or less equally distributed”). To facilitate interpretation, in the regression models I used the linearized version—interval-level measure—of this variable (“v2pepwrses_osp” in the V-dem database). I also reversed its scores so that higher values denote *more* disparity of power (sample mean = 1.36; standard deviation = 0.62; min/max values = 0 to 3.4).

Based on the evidence presented above, I hypothesize that class power disparity is negatively associated with FACB rights.

Methods

As is well known, ordinary least squares (OLS) estimations are not optimal for analyzing TSCS. In TSCS data, errors are not only serially correlated and cross-sectionally heteroskedastic, but they also tend to be correlated across units due to common shocks (Beck and Katz, 1995; Plümper et al., 2005). To deal with these problems, I used the “Arellano” estimator included in the *plm* package in R (Croissant and Millo, 2008). I specified country as the clustering dimension and estimated OLS coefficients with standard errors that are robust against cross-sectional heteroskedasticity and serial correlation (Millo, 2017: 6–7).

Building upon prior research on labor rights (e.g. Raess et al., 2018; Vadlamannati, 2015), four controls were included in the regression model: (1) Vote share of Left parties in government (data obtained from the DPI 2020 Database of Political Institutions); (2) GDP per capita constant at 2010 USD (data obtained from the World Bank); (3) FDI net inflows as percentage of the GDP (data from the World Bank); and (4) countries’ level of liberal democracy, measured through a 0 to 1 interval scale (variable “v2x_libdem” in the V-Dem database). These control variables allowed me to estimate the net effect of class power disparity on collective labor rights. In theoretical terms, this allowed me to test my hypothesis by holding constant variables that capture important alternative explanations—for example, explanations that state that cross-national variation in the protection of workers’ rights is a result of differences in the power of Left parties, economic development, trade openness, or the type of political regime (democratic or authoritarian) (Carnes, 2014; Mosley and Uno, 2007; Vadlamannati, 2015).

In robustness checks, I estimated models where Left government (1 = yes, 0 = no) was included as an alternative measurement of Left power (data obtained from the DPI 2020 Database). I also used alternative modeling strategies. Using the *xtpcse* command in Stata, I estimated Prais–Winsten regressions. Similarly, using the *vcovBK()* option included in the *plm* package in R, I fitted models with panel-corrected standard errors à la Beck and Katz (1995). These alternative models, available upon request, produced results nearly identical to those reported here.

Results

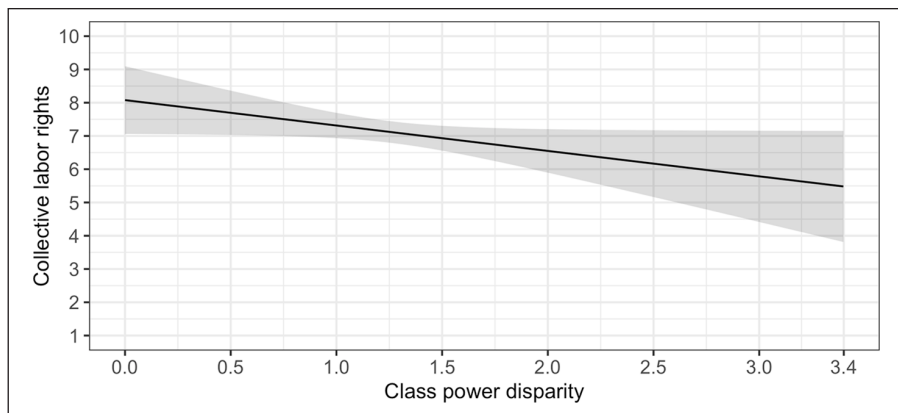
Table 1 shows the results of a linear regression model predicting FACB rights. As hypothesized, and consistent with the in-depth analysis of Argentina and Chile, the model suggests that when power is more unequally distributed across classes, collective labor rights are weaker (p-value < 0.05). To illustrate this relationship graphically, I used the *ggeffects* package in R

Table 1. Determinants of collective labor rights (Unstandardized OLS regression coefficients with serial correlation and heteroskedasticity-robust standard errors).

Class power disparity	−0.764* (0.383)
Left vote share	0.009 (0.007)
GDP (log)	0.399† (0.211)
FDI inflow	0.008*** (0.002)
Liberal democracy	0.023* (0.011)
Constant	2.825 (1.977)
Observations	156
Number of countries	78
Adjusted R ²	0.45
F statistic (df = 5; 150)	26.174***

GDP: Gross domestic product; FDI: Foreign direct investment.

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$; † $p < 0.1$.

**Figure 1.** Marginal effect of class power disparity on collective labor rights.

(Lüdecke, 2021) and plotted the marginal effect of class power disparity on collective labor rights—that is, its effect holding all other variables in the model constant at their mean value. The results are presented in Figure 1. The figure shows that, net of the other variables included in the model, an increase in 1 point on the scale of class power disparity is associated with a reduction of 0.76 points on the 0–10 index of FACB rights.

As stated above, these regression coefficients should not be interpreted in causal terms. However, the processes analyzed in the comparative study of Argentina and Chile suggest that class power disparity is causally antecedent to collective labor rights: class power disparities have a substantial impact on labor reform processes and outcomes. While not neglecting the fact that labor rights can also affect class power (e.g. by affecting the institutional power resources available to unions), this

comparative evidence suggests that the regression coefficient may indicate a causal relationship going from class power disparities to collective labor rights.

Conclusion and implications

In this article, I aimed to explain why in some countries pro-labor reforms are more successful than in others. Focusing on two cases of pro-labor reform carried out by center-left governments in Argentina and Chile, I proposed an explanation centered on the balance of power between workers and employers. I demonstrated that in Argentina labor reforms were more successful in extending trade union rights than in Chile not only because unions were more successful at building associational power but also because employers were less able to do so. This, in turn, enabled the Argentine center-left government to propose an ambitious reform without having to face strong and effective opposition from organized business. Consistent with this argument, a quantitative analysis of 78 countries suggested that when power is more unequally distributed across classes (particularly, when power is more tilted toward the wealthy), collective labor rights are weaker.

These findings have important implications for the study of labor reform and power. First, they imply that the study of labor reforms aimed at extending workers' rights requires examining not only the linkages between unions and center-left parties in power (as the traditional PRA does) but also how unions *and* employer associations mobilize associational power to influence the policy-making process. The evidence from Chile suggests that when unions' associational power is weak and employers are strongly organized, pro-labor reforms can easily fail despite the existence of linkages between labor confederations and center-left parties in power.

This does not mean, of course, that the disparity of associational power between workers and employers is the only factor that matters. In the two cases analyzed here, other economic, institutional, and political factors were also important. In Argentina, pro-labor reforms were pursued during periods of low unemployment and tight labor markets, which augmented workers' structural power (Etchemendy and Collier, 2007). Also, Argentine policymakers were more resolved to carry out pro-labor policy changes than their counterparts in Chile, whereas right-wing parties had looser ties with business associations than in Chile (Fairfield, 2015). This augmented the power of governments relative to the business sector. Additionally, unlike Chile during the Pinochet dictatorship, neoliberal governments in Argentina did not completely dismantle the legal framework for sectoral bargaining established in the 1940s. Thus, although some aspects of this historic legal framework were "put on hold" throughout the 1990s and part of the 2000s, the framework itself remained valid and enforceable. This facilitated the re-centralization of wage bargaining once the new labor legislations were implemented (Etchemendy, 2019).

Without denying the importance of such factors, I argue that their impact was nonetheless dependent on the balance of power between workers and employers. For instance, although the government's resolve was certainly crucial to explaining the success of labor reform in Argentina, such success depended, at least in part, on employers' inability to oppose the government's bill as a unified political actor. Similarly, while unions' power to influence the legislative process was certainly augmented by low unemployment rates, "frozen" institutional framework for sectoral bargaining, and center-left parties that were open to unions' demands, such power was not merely an outcome of these factors. Rather, it was the result of national confederations' capacity to build working-class associational power in the decade prior to the reforms. This was crucial because it enabled Argentine unions to take advantage of their historical linkages with center-left parties without subordinating themselves to these parties.

The second implication of this article's findings is that scholars should adopt a relational view of class power. This is essential to understanding how the resilience or change of institutional constraints on workers' power cannot be fully ascertained without examining the extent to which

employers succeed in their attempts to maintain them. The in-depth study of Chile, for example, reveals that the resilience of neoliberal legislation that operates as an institutional constraint on unions' power goes hand in hand with employers' capacity to organize and ensure its continuity. In contrast, the case of Argentina demonstrates that the existence of pro-labor legislation acting as an institutional stimulus for labor power, cannot be explained without considering employers' inability to oppose such power.

Finally, the third implication is that scholars interested in collective labor rights and labor power should dedicate more time to the study of business power and organization. In the last few decades, scholars have drawn upon the distinction between "structural" and "instrumental" power to clearly differentiate between the power derived from firms' position in the economy and the power resulting from employers' deliberate use of "political" means (Fairfield, 2015; Hacker and Pierson, 2002). In this article, I have contributed to this literature by emphasizing employers' associational power. The case of Chilean capitalists suggests that when national employer associations successfully build associational power, employers can influence government policies even when other instrumental power resources (e.g. linkages to policymakers and conservative parties) are less effective at advancing business interests. This implies that associational power is more than a mere "resource" within a multiplicity of instrumental power resources. Understood as the capacity to mobilize the members of the business class, associational power enhances the impact of other instrumental sources of power such as ties to policymakers and parties.

In sum, the implications of the findings presented here emphasize the need to extend the traditional PRA. In a neoliberal context marked by the divorce between parties and unions and by employers' constant attempts to dismantle protective labor legislation (Baccaro and Howell, 2017; Gumbrell-McCormick and Hyman, 2018), extending the traditional PRA is essential for understanding how the dynamics of power between employers and workers can result in the deterioration—or strengthening—of workers' rights. The findings indicate that advancing working-class interests in current neoliberal times requires not only reconstructing party–union ties but also building working-class associational power, which goes beyond partisan linkages. This also requires a thorough analysis of employers' organization and power. As suggested in the example of Chile, not considering how employers mobilize power to oppose pro-labor reforms can easily result in the defeat of progressive agendas.

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ORCID iD

Pablo Pérez Ahumada  <https://orcid.org/0000-0002-0410-0725>

Notes

1. Interviews with 10 TMRL and 4x4 union leaders (May–November 2015).
2. Interviews with nine CUT leaders (May–November 2015).
3. Interview with top-level CPC staff member (8 May 2015).
4. Interview with former CPC president (18 May 2015).
5. Interview with Hugo Godoy, 29 March 2022.
6. Interviews with 13 Chilean businesspeople (May–December 2015). See also El Mercurio (2015a, 2015b).
7. Interview with former UIA staff member (10 March 2022).
8. Interviews conducted between March and April 2022.
9. Interview with construction Argentine HR manager (15 March 2022).

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