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STRUCTURES OF INTEGRATION AND LABOR RELATIONS IN COSTA RICA:
DEMOCRATIC PARTICIPATION OR AUTHORITARIAN CONTROL

A Dissertation Presented

By

RALPH HENRY RUSSOMANDO

Submitted to the Graduate School of the
University of Massachusetts in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 1982

Political Science



Ralph Henry Russomando

1982

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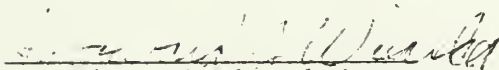
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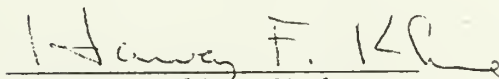
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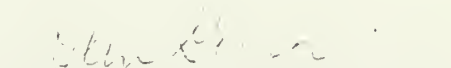
RALPH HENRY RUSSOMANDO

Approved as to style and content by:


Howard J. Wiarda, Chairman


Harvey F. Kline, Member


Kenneth Flamm, Member


Glen Gordon, Department Head
Political Science

DEDICATION

To my parents, for their
patience and support.

PREFACE

Even a superficial glance at research materials in most public and university libraries would indicate that, where Latin America is concerned, the larger and more powerful countries have traditionally been the subjects of greatest interest to both scholars and policy-makers. Most recently at my own university, an inflationary process that has been accelerated by rising oil prices, has tended to focus attention on energy related topics. This is understandable inasmuch as scholarly interest is frequently, and quite rightly influenced by subjects that are of worldwide concern. It may thus have come as some surprise to many of my colleagues when I decided to devote my energy and resources to a study of Costa Rica, an economically insignificant nation that has always been far from the center of world attention.

My interest in Costa Rica began to develop after having familiarized myself with the common themes of Latin American politics and society: instability, authoritarian leadership, poverty, violence, and uneven economic development. The relative lack of such problems became the basis for my belief that Costa Rica possesses a political significance that belies its international obscurity. Costa Rica is after all a democracy, and that is unusual for a Latin American country. If for no other reason I thought, this tiny Central American republic merited more serious scholarly attention.

The historical research for this study began at the University of Massachusetts in 1980. Field and library research in Costa Rica was conducted in 1981. Although the investigation was undertaken independently of any funding agency, I owe a debt of gratitude to several institutions and individuals, without whose cooperation this study would have been impossible. Most importantly, I would like to acknowledge the support of Charles F. Denton, Director of the Institute for Social and Population Studies (IDESPO), at the National University of Costa Rica in Heredia. The research facilities and personal introductions provided by Dr. Denton were of key importance in the completion of this research. I would also like to thank the Faculty of Political Science at the University of Costa Rica which was instrumental in making available to me the research facilities of several public and private libraries. I am also indebted to the Costa Rican Ministry of Labor and the Center of Democratic Studies for Latin America (CEDAL), both of which offered their full cooperation and many important research materials.

Among the many individuals who contributed in one way or another to the completion of this research I would like to give special thanks to Humberto Moya Morúa, Luis Fernando and Pricilla Moya Morúa, Geovanny Murillo, and Anabelle Cabezas Alpizar, all of whom provided valuable material and moral support. Finally, I would like to express my thanks to Howard Wiarda, Harvey Kline, and Kenneth Flamm, all of whom read the manuscript and offered several important

suggestions. Naturally I accept full responsibility for the contents of this volume.

ABSTRACT

Structures Of Integration And Labor Relations In Costa Rica:

Democratic Participation or Authoritarian Control

(May 1982)

Ralph Henry Russomando, B.A., American International College
M.A., University of Massachusetts, Ph.D., University of Massachusetts

Directed by: Howard J. Wiarda

For quite some time now, North American scholars of Latin America have been concerned with the nature and the causes of authoritarian forms of organization. Preferring to focus attention on the more conspicuously dictatorial regimes, Costa Rican political structures and processes have not been of great interest to researchers concerned with these questions.

The purpose of this study is to examine the nature, and the degree to which labor organizations have been permitted to participate in an ostensibly democratic political system. In accomplishing this, focus has been placed on two questions: how the process of Costa Rican political development has served either to encourage or discourage labor union organization and collective action; and how labor activities, and influence, are currently confined by three structures of integration: legal structures, bureaucratic structures, and political parties.

The first chapter of the research explores the apparent differences between the Costa Rican political system and other Latin American political systems. Chapters II and III focus on the development of the Costa Rican social struggle and the emergence of labor organizations as mechanisms of collective self-defense.

The second part of the research is concerned with an analysis of current structures of integration. Chapter IV explains conflict resolution procedures, restrictions on union activity, and the vulnerability of labor organizations to patronal attack. Chapter V is concerned with an analysis of the relationship between labor organizations and the Ministry of Labor and the decision-making structures of tripartite organs in four autonomous institutions. Chapter VI explains the nature of political party relationships and its effects on the accomplishment of two important labor goals: Labor Code reform, and a more authentic labor representation in the autonomous institutions. Finally, Chapter VI summarizes the research, and draws comparisons between Costa Rican labor relations and the prevailing pattern of Latin American labor relations.

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INTRODUCTION

In an area of the world noteworthy for its political instability, military dictatorships and extreme poverty, Costa Rica has stood forth as a bold exception. A small country with few mineral resources and a climate best suited to the cultivation of tropical fruits, there seems little reason why Costa Rica should be distinctive. Yet while the term "banana republic" may be used to connote poor, politically unstable, dictatorial Central American nations, it is a reference that has been applied only to Costa Rican agriculture; and not to its political system or social structure.

Political, Social, and Economic Conditions

Although Costa Rica possesses no more natural wealth than its Central American neighbors, it has managed to avoid many of the political and social maladies that have plagued most Latin American nations. Small scale family owned farms are still the cornerstone of the Costa Rican land tenure system; compulsory public education, having been instituted at the end of the nineteenth century, has accounted for one of the highest literacy rates of any country in the hemisphere; infant mortality rates are lower than the average for Latin American countries; and comprehensive public health programs have all but wiped out infectious tropical diseases, and extended free medical care to a vast majority of people.

Besides these social accomplishments Costa Rica is distinguished by a long standing commitment to democratic principles of government. Unlike most Latin American countries, political opposition in Costa Rica is able to organize and function without hindrance. Throughout most of the 20th century, political power has changed hands frequently, fairly, and peacefully. At the same time, an abundance of political parties and organizations ranging in ideological orientation from the extreme right to the extreme left, supposedly insures a liberal play of ideas; and while the vast majority of people support one of Costa Rica's two large moderate political parties, there is an overwhelming agreement that all political, social, and economic philosophies, however radical or reactionary, have a role to play in public debate.

This of course does not suggest that Costa Rica has been completely free of the pressures that have played such an important part in Latin American political instability. Like many other nations in the region, Costa Rica's population has been expanding at an alarming rate. While growth has dropped significantly in the last decade, the economically active population between 1950 and 1973 more than doubled. Between 1973 and 1979 it had increased by another 27%. This has presented policy-makers with an enormous surplus manpower problem that has been temporarily solved by the expansion of the bureaucratic apparatus. Between 1950 and 1975 the number of people working for the government increased four times. While unemployment rates during the same period decreased from 7.3% to 4.9%, this was accomplished largely through continuous deficit spending that has been covered primarily by borrowing

abroad. At the same time the price of manufactured products, most of which have to be imported, has outstripped price increases in Costa Rica's cash crops and caused a severe balance of payments problem. A recent currency devaluation has significantly increased the financial hardships of the Costa Rican people.

Population growth has also taxed Costa Rica's educational facilities, although pressures have been partially eased by a reduction in the population growth rate, and an extraordinarily high drop out rate that has principally affected rural areas. Statistics compiled in the 1970's have shown that while 90% of Costa Rican children enter the first grade, only 52% reach the 6th grade, and only 14% possess some high school education. The result has been an increase in illiteracy that belies Costa Rica's reputation for having one of the highest literacy rates in the hemisphere.

A no less important concern to Costa Rican policy-makers has been the productivity of the agricultural sector. Primarily based upon banana and coffee production, agriculture is Costa Rica's most important source of jobs and foreign exchange. The distribution of land has also had an important social and political function inasmuch as the current land tenure structure has contributed to the illusion that Costa Rican farmers are owners rather than tenants. While it is true that the vast majority of farmers cultivate their own property, the average size of individually owned farms is less than 24 hectares. The National Agriculture Institute has estimated that 43% of the farms that fall in to this category are too small to be economically viable; and in many

cases owners have been forced to find employment on larger farms.

It might also be supposed that this tendency has accounted for the increasing school drop out rate.

In recent years agricultural diversification has established beef and sugar as foreign exchange earners; however the impact of sugar exports has been diminished by a drop in prices. On the other hand while beef production has become a more important source of foreign exchange, it has not significantly eased unemployment problems in rural areas; and the resulting exodus from the countryside has created unemployment problems in the cities.

Nevertheless, while this description seems to fit a Latin American mold, it would be a mistake to suppose that economic and demographic pressures in Costa Rica have either reached the same extent, or produced the same results that they have elsewhere in Latin America. The quality of life for the majority of people is still much higher in Costa Rica than most countries in the hemisphere; and there has been a continued commitment to representative democracy, gradual change, and civil liberties.

Historical Setting

If Costa Rica has been considered to be a model of political and social development, it owes this distinction to an historical experience that has set it far apart from other Latin American nations. The early colonists of Costa Rica, like colonists elsewhere in the region, had hoped to discover gold and fabulously rich Indian cities.

Having discovered only a few poor though fierce Indians, and having found no appreciable deposits of valuable minerals, early immigrants were forced to dedicate themselves to the cultivation of the land. A few small commercial enterprises were established; but owing to the lack of transportation facilities and a rugged mountainous terrain, commerce was limited, and Costa Rica was forced to remain largely outside the Spanish mercantile system.

In this connection the productive potential of colonial Costa Rican agriculture was limited by the absence of a large and docile Indian population that could have been used as a cheap source of labor. Large landholdings consequently did not emerge, as they did elsewhere in Latin America. The small family owned plots that would become the cornerstone of the Costa Rican land tenure system, produced barely enough to satisfy the nutritional needs of the owner. Possessing few manufactured items, and separated by heavily forested mountains, Costa Ricans led a hard, crude, isolated existence, and learned to survive on their own meager resources.

The common poverty of colonial Costa Rica was shocking to early travelers and governors. One representative of the Spanish Crown complained that Costa Rica was the poorest, most miserable province in all of America. An eighteenth century Bishop was even more appalled when he discovered that the women of Heredia literally had nothing to wear to Church. But the privations of Costa Rican life proved in the long run to be a blessing. In other Latin American countries the exploitation of mineral resources and the subjugation of whole Indian

populations produced tremendous disparities in wealth and small oligarchic castes that preserved their economic power with political power. This state of circumstances contributed greatly to the frequent occurrence of military dictatorship and political instability that has come to characterize Latin American politics. By contrast, a common poverty that extended even to the Spanish colonial governors of Costa Rica, helped to form a tough, free, and independent people who, as one sociologist noted, had been born for liberty and equality.

Modernization and Popular Discontent

Despite this characterization, traditional land ownership patterns changed considerably toward the end of the nineteenth century owing to the development of the coffee industry and the integration of Costa Rica into an international economic system. The concentration of land, as in so many other Latin American nations, created a large class of propertyless farmers and a small agricultural oligarchy that used the political system to protect its economic power. The years between 1906 and 1936, during which Ricardo Jiménez Oreamuno and Cleto González Viquez took turns occupying the presidency, were thus characterized by laissez-faire economic policies and infrastructural improvements facilitating an expansion of the coffee commerce. The pattern changed considerably during the administration of León Cortés Castro between 1936 and 1940 when the world depression called for a more active state role in the solution of economic problems.

This, however, was primarily a response to the needs of Costa Rican businessmen, not Costa Rican workers.

It was in the period between 1906 and 1940 that the social consequences of agricultural development and economic depression came to be manifested in Costa Rican society. Previously independent small landowners, who had migrated to the cities, formed a large class of unemployed workers. Thousands of others who found employment on coastal banana plantations endured low salaries and deplorable working and living conditions. The result of these developments was an attempt to give organizational expression to popular discontent. Thus in San José, the General Confederation of Workers was organized and later transformed into the Christian democratic Reformist Party. Somewhat later, communist labor organizer Manuel Mora formed the General Union of Workers on United Fruit Company property.

The repressive measures that were applied to these worker organizations underscore the degree to which Costa Rican governments served business interests. Although no labor organizations were involuntarily dissolved, labor leaders especially during the depression years, were frequently interned for disturbing the peace or undermining free trade. At the same time, demonstrations and strikes throughout the period between 1906 and 1940 were forcefully broken up by public security forces. While several labor-management disputes produced modest material gains, collective action was usually accompanied by threats, beatings, and sometimes death.

Labor and the Social Welfare State

The informal though repressive relationship that had existed between the state and labor organizations through the administration of León Cortés changed dramatically in 1940 with the election of Rafael Angel Calderón Guardia, a Christian democrat who, despite an early reliance on conservative support, was committed to the task of social reform. Between 1940 and 1948 Calderón undercut conservative backing and, along with Church and communist party supporters, initiated a series of reforms that not only eased the material burdens of the lower classes, but recognized the legitimacy of working class collective action. Profiting from legislation explicitly guaranteeing the right to organize, labor leaders began an intense union organization drive that culminated in the formation of two large confederations: the communist oriented Confederation of Costa Rican Workers (CTCR), and the Catholic inspired Costa Rican Confederation of Workers--Rerum Novarum (CCTRN).

The CTCR and the CCTRN succeeded in grouping together several previously independent unions and federations. At the same time leaders from both confederations cooperated in the organization of non-unionized workers. Consequently membership levels in both organizations increased dramatically between 1943 and 1948. This union development, however, came to an abrupt end in 1948 when a hotly contested election between Calderón Guardia and conservative candidate Utilio Ulate Blanco precipitated a rebellion that resulted in the

proscription of the communist party, the involuntary dissolution of the CTCR, and the protracted decline and eventual dissolution of the CCTRN.

Despite these harsh measures, the progressive social legislation of Calderon Guardia was not overturned in the subsequent period of Costa Rican political development. Labor legislation still guarantees union rights; minimum salaries are adjusted yearly by government organs that incorporate labor representatives; workers continue to enjoy better living and working conditions, and more comprehensive medical and sickness benefits than their counterparts elsewhere in Latin America; and numerous new labor organizations have emerged in place of the CTCR and the CCTRN to defend working class interests.

Statement of Purpose

Since 1948 Costa Ricans have reaffirmed their commitment to democratic principles of government. The large National Liberation Party (PLN) and the coalition of anti-PLN forces have taken turns occupying the presidency. Control over the Legislative Assembly has changed hands even more frequently. Both these tendencies have combined to create an impression of political liberty and democratic stability. This impression is at least partially justified, but on the other hand the length of time that the tools of formal democracy are employed should not be confused with the content or quality of democracy; and if Costa Rican democracy is to merit a full measure of credit, it must combine a commitment to formal democracy with an

equally strong commitment to free competition among political and social groups.

In this connection one must wonder, inasmuch as the rebellion of 1948 was led largely by conservative elements that opposed Calderon Guardia's labor legislation, whether or not current labor guarantees and worker benefits disguise various forms of control and repression that are more in keeping with the Latin American tradition of authoritarian rule than the liberal democratic tradition that Costa Ricans profess. How labor organizations are permitted to defend their interests, and if labor relations are conducted on a more liberal basis than other Latin American nations will determine to a large degree whether or not Costa Rica actually is an exception to the rule.

In general terms it is to this question that the following research has been dedicated. Specifically this has involved several considerations including: the role of labor development in the rebellion of 1948, and how the rebellion affected labor union structure; recent interpretations and applications of labor legislation, how union formation and conflict resolution procedures either encourage or confine union organization and activity; and how labor organizations have been able to affect labor legislation. The analysis has been made with a view to determining the similarities and differences between the Costa Rican labor relations system and the common pattern of Latin American labor relations.

In accomplishing this objective attention was focused on legal and representative structures. Where the representative structures

are concerned, emphasis has been placed upon organizational form and modes of participation. For lack of space and time, much less attention has been devoted to policy analysis, although this has been a consideration in the most important of these institutions.

The ways that labor organizations have been permitted to participate in decision-making bodies, rather than policy, have thus been the primary basis for comparison to other Latin American countries. The structures that have been analyzed in the research were selected with a view to identifying labor's most important contacts in the political system. Throughout the research an attempt has been made to point out the relationship among structures. Whether or not labor is permitted to function freely or participate effectively in one institution or structure has an important bearing on its ability to act effectively in another institution. Furthermore, the nature of these interrelationships can be used to determine the extent of labor liberty or control.

It ought to be noted, nevertheless, that similarities in the structures that integrate labor should not be confused with labor relations practices. Widely differing policies between Costa Rican bureaucratic organs, and the bureaucratic organs of other nations in the region have in fact accounted for vastly differing material conditions among the corresponding working classes. Where comparisons have been made, it has thus been my intention to draw distinctions between the concepts that underlie Costa Rican and Latin American labor relations and the way these concepts have been applied.

The magnitude of difference between labor relations theory and practice in Costa Rica and other Latin American nations such as El Salvador and Guatemala cannot be overstated. Most importantly, labor leaders in Costa Rica do not run the risk of assassination or torture as they do elsewhere in the region. Nevertheless Costa Rica's widely applauded democratic stability and liberty will face the challenges of population growth, high unemployment, declining prices in agricultural goods, shortages in staple foods, and an energy shortage that has caused widespread inflation. With this as an economic and social setting, any similarities between Costa Rica and other more oppressive and violent Central American nations, in either labor relations theory or practice, are bound to be important. The possibility that such similarities exist has been the inspiration for this research.

C H A P T E R I

AUTHORITARIAN MECHANISMS OF INTEGRATION AND THE CASE OF COSTA RICA

Industrialization and modernization in Latin America have produced new interests that have made strong and persistent demands for a greater share of national wealth and greater participation in processes of decision-making. Governments, far from ignoring such pressures, have sought to bring these new interests into their fold in an effort to minimize social and political disturbances.

It was originally thought that the emergence of new social groupings, along with rapid industrialization and urbanization, increased literacy, the expansion and improvement of communication networks, and all those structural, and cultural characteristics commonly associated with modernization, would produce sound foundation posts for the development of pluralistic, democratic political and social institutions. However, rather than creating a basis for the evolution of stable, participant political systems, where independently organized groups would provide support for large mass-based aggregative parties, industrialization and politicization, have often produced crises in participation, consensus and distribution. Governments have responded to these pressures by creating or adapting institutions that would structure and limit, rather than give full expression to various group interests.¹

Where labor organizations are concerned, a variety of authoritarian mechanisms have been used both to recognize and guarantee group rights and interests, and to harness working class radicalism while regulating the flow of material demands. The application of these controls is clearly revealed in the reaction of Latin American executives to the emergence of workers associations around the turn of the century. It is even more strikingly revealed in the legislative responses that governments made when these associations were later converted into large, combative labor organizations that threatened to disrupt the social and political arrangements that supported the interests of traditional agricultural elites and newer commercial and industrial elites.

The threats, the demands, and in general terms, the power capabilities of labor organizations were, in the first instance, limited by the erection of legal frameworks which, while enumerating collective rights, also created obstacles that tended to curtail freedom of association and independence of action. The labor laws of the Latin American countries possess several important characteristics that have been designed to accomplish these objectives. The first is legal dispositions which make union formation a difficult and risky undertaking. Stanley Davis and Louis Goodman have argued that bureaucratic procedures that must be followed by unions in the process of formation are time consuming, expensive operations that require careful planning. The low level of unionization in Latin America has been attributed to the problems such procedures cause

for labor leaders hoping to form unions.² But perhaps even more fundamentally, bureaucratic problems, annoying as they may be, are often complicated by the vulnerability of labor leaders to unsympathetic employers whose actions are not sufficiently regulated by labor legislation that ostensibly exists in order to guarantee the right of association.

Secondly, regulations concerning the formation of unions are often accompanied by membership requirements and by dispositions affecting internal union organization. Davis and Goodman have found that in many cases factories cannot unionize unless they employ a certain number of workers. Labor leaders must meet several requirements, and severe limitations are placed upon union activities during work time. Elections are closely regulated, and finances are carefully examined.³ Besides these, Labor Codes frequently place bottom limits on the number of people required to form a union, and contain extensive specifications on the structure and responsibilities of the organizations' directive organs.

Thirdly, and perhaps more importantly, Latin American Labor Codes, as ineffective as they may be in guaranteeing labor rights, and as burdensome as they may be in their specification of union formation requirements, are even more regulative in the prohibitions they place on union activity. Robert Vernengo, for instance, has compiled a variety of legal restrictions which, by prohibiting collective action in certain sectors of production or among certain categories of workers, have limited the use of the strike in most Latin

American countries.⁴ Davis and Goodman have similarly shown that in some countries the use of the strike may even be suspended altogether for unspecified periods of time.⁵

Along with legal dispositions that seem to limit unionization levels, and confine labor union activities, structures of participation in some Latin American countries have served more to regulate rather than articulate demands emanating from popular organizations. Carrol Hawkins has shown, for instance, that the independence of Mexican labor organizations has been severely limited by their relationship with the PRI. The once powerful and influential CROM was destroyed when labor leader Luis Morones attempted to steer an independent course. The current Confederation of Mexican Workers, Hawkins maintains, is heavily dependent on the goodwill of PRI government executives.⁶

Not the least of labor's problems has been the illwill of Latin American governments, especially during periods of military dictatorship. Robert Alexander has shown that the Peruvian labor movement has been greatly affected by the nature of governments at any given period of time. Since the beginning of the century dictatorial regimes have forced labor to operate clandestinely. Similar circumstances have obtained in several other Latin American countries such as Ecuador, Paraguay, Uruguay, and Chile where military governments have persecuted labor and have made independent activity an impossibility.⁷

Even in those cases where dictatorial regimes were not hostile to the labor movement, organizational and operational structures and procedures were created which, while perhaps designed to be more supportive of labor interests than managerial interests, nevertheless established patrimonial bonds between government, management, and labor that prohibited the independent settlement of labor disputes, and encouraged or required workers to look to the state rather than the union, and to the political leader rather than the labor leader, for the protection of their socio-economic interests. The Estado Novo (New State) of Getulio Vargas, for instance, has had an enduring effect on the nature of labor relations in Brazil. Corporate representative structures, in this case, established the dominance of the state in all aspects of labor organization and activity. The basic unit of this structural scheme was the industrial union. All workers in a given industry were organized into single unions, federations, and confederations. The organization of unions outside the state apparatus was an impossibility inasmuch as all organizations required the official approval of the Ministry of Labor. Once established, all forms of labor union operations, including elections, and the use of union funds were strictly controlled by the ministry. No less importantly, legal provisions removed collective bargaining from the realm of labor activity. All disputes, whether of an individual or collective nature, were resolved through the labor courts. While the Estado Novo has long since disappeared, Robert Alexander maintains that the experience of the corporate state has left government with

wide ranging controls over the relationships between workers and employers.⁸

In a similar way, labor organizations in Argentina both profited and suffered from state dominance during the Perón era. While the socio-economic position of the working classes may have been protected by justicialismo, the organizational and operational independence of labor organizations was severely limited. Owing to a purge of the labor movement, unions by the end of the Perón regime were little more than tools of the political dictatorship. Moreover, it was during this era that labor organizations became accustomed to resolving their disputes in the Ministry of Labor. The negotiation of nearly all contracts, Robert Alexander says, was centralized in the ministry, and involved the heavy participation of Señora Perón. Strikes were forbidden, except for political purposes, and individual grievances involving violations of the law were handled through the labor courts. Furthermore, and perhaps more importantly, workers were taught to believe that the protection of their socio-economic interests would come from a state benefactor rather than from collective and independent union activity.⁹

The Exceptional Cases

Corresponding to the persistence of dictatorial regimes, the implementation of political, bureaucratic, and juridical control mechanisms, and a realization that industrialization and modernization in Latin America were not producing the liberal, pluralistic

institutions that they had in the United States, a large body of literature emerged that sought to reconceptualize Latin American development in terms of the adaptation of traditional corporate structures. In his study of the Iberic and Latin American labor relations systems, for instance, Howard Wiarda argued that with few exceptions early labor charters and labor systems, while perhaps being created by regimes that were motivated by different objectives, had in common a set of controls and provisions that were in keeping with a long Latin tradition of centralized, state-directed, and Catholic inspired authoritarianism, or natural corporatism.¹⁰

Along with Wiarda, several writers conceptualized Latin American development in terms of unique cultural attributes. Richard Morse asserted that any changes in Latin America, occurring as a result of industrialization and modernization, had to be accommodated to the enduring principles of Latin culture. Glen Dealy attributed authoritarian organization to the persistence of Catholic monism and the organic social theory of St. Thomas Aquinas. Claudio Veliz argued that industrialization, rather than forming a sound basis for the formation of liberal-pluralistic structures, provided occasion for the reestablishment of the paternal-centralist structures that had been set during the colonial era. Similarly, Richard Adams asserted that the only change to have taken place in Latin America was the expansion and centralization of vertical structures of organization. Whereas in the past, government controlled the peasantry through the hacienda, it now established its dominance through peasant leagues;

and in the cities, working classes were controlled through state subsidized and directed labor organizations.¹¹

On the other hand, a large group of writers have attributed Latin American authoritarianism to the inequalities created by capitalist economic penetration. According to the most radical of these theorists, Latin American social and political structures were the result of an alliance between foreign capitalist interests and domestic capitalist interests. Inasmuch as the terms of this alliance caused wide-ranging economic problems that called for authoritarian solutions, Latin American nations, while having passed through many historical stages, were linked by one enduring premise: external dependence and economic exploitation. Following from this conceptualization, the wide variety of controls that had been placed upon labor were an economic necessity dictated to national leaders, either directly or indirectly, by foreign interests.¹²

Both of these conceptualizations have merit, but at the same time it ought to be suggested that not all Latin American countries have been developing within an authoritarian framework, or at least not apparently. That is to say, while most nations in Latin America, owing either to cultural motivations or external pressure, have adapted or developed authoritarian control mechanisms to deal with the disruptions created by emerging labor groups, nations such as Costa Rica and Venezuela, with their apparently liberal, pluralistic political institutions, stand as bold exceptions. In the case of Venezuela, democratic institutions emerging after the overthrow of

dictator Marcos Pérez Jiménez have achieved a high degree of legitimacy and stability. Costa Rica, on the other hand, is especially distinctive in that it has been blessed by a relative absence of the social and economic dislocations that have produced authoritarian regimes in most Latin American countries. Like Uruguay and Chile until recently, Costa Rica, by maintaining a long history of democratic rule, has been considered to be exceptional.

Just as Uruguayan labor legislation had been excluded from discussions of the patrimonial aspects of Latin American labor relations, and just as Chilean democracy had been seen to be the basis of a labor relations system characterized by a high degree of direct negotiations and limited government interference, it would seem that the long tradition of democracy has accounted for a conspicuous lack of scholarly interest in Costa Rica's labor relations system.¹³ What attention North American scholars of Latin America have devoted to the study of Costa Rican politics has been intended more to praise its democratic system of government than to criticize its political and social structures. While Uruguay had been viewed as a political utopia, and a model of democracy for South American nations, Costa Rica has been seen to be a Switzerland among Central American nations with its freely functioning multiparty system, long tradition of individualism, and strong respect for the democratic transition of power.¹⁴

Understandably, while much of the research in Latin American politics has been concerned with the patrimonial and authoritarian, or the dependent and authoritarian aspects of development, Costa Rica's

plural and liberal democracy has been treated as a given. Little attention has been given to the critical examination of the nature and evolution of Costa Rican political and social structures, and even less attention has been devoted to the study of the Costa Rican labor relations system, even though these subjects have been of keen interest to Latin American scholars of varying ideological hues and conceptual predispositions.

In view of this neglect, and the installation of authoritarian regimes in countries such as Chile and Uruguay, both of which have also had strong liberal traditions, a systematic study designed to trace the development of Costa Rican democracy seems now to be opportune. Inasmuch as the emergence of new social groupings during periods of industrialization seems to have been a critical moment in the development of Latin American political and social structures, the subject of this research is subsystem autonomy; the focus is the structure and operation of the Costa Rican labor union system. The specific purpose is to examine the nature and extent of labor inputs into decision-making centers. The goal is to criticize the quality of participation in order to determine the autonomy or dependence of labor organizations in deciding matters that affect not only their own immediate future but the course of national development as well.

The Appearance and Reality of Costa Rican Democracy

There are many reasons why Costa Rica might qualify as a participatory democracy. Elections are regular and honest; civil liberties apparently are carefully guarded, political parties function freely; there is an abundance of organized interest groups spanning the entire social spectrum; and between the two major political parties, power since 1948 has changed hands frequently and without disruption. Yet there is some evidence to suggest that constitutional guarantees and a Labor Code that had been designed to enumerate and protect basic labor rights, belie a political process which, while providing liberal rights and benefits to interest groups representing the professions and business, has offered only control and patrimonial concessions to the working classes.

Charles Denton has argued, for instance, that the democratic political system that emerged after the 1948 rebellion has been able to meet many of the demands of the prestige class. Lower classes, on the other hand, have experienced more regulation than in the pre-1948 period. Only once in the country's history, Denton has contended, has a prestige group solicited the support of working class groups. The result was a "revolution"; and since the National Liberation Party is now securely entrenched, it no longer needs the support of the lower classes. Participation for most Costa Rican workers is thus restricted almost exclusively to the formal act of voting. Supporting a similar view, Jacobo Schifter has asserted

that the Costa Rican political system enforces an effective repression of worker demands in order to maintain the economic satisfaction of the middle sectors. Schifter has indicted Costa Rican social science literature, which, because of its ties to the PLN, has ignored the problems of the Costa Rican laborer. He argues that unionization is largely confined to the middle sectors which have important ties in the political party system. Such ties, or inputs, insure continuous demand satisfaction. Working-class groups, on the other hand, do not have the same prerogatives. Furthermore, bureaucratic organs such as the Ministry of Labor and the Ministry of Public Security use legal dispositions to keep the working classes under control.¹⁵

The opinions of Denton and Schifter nevertheless are not the result of major research concerned specifically with the problems of labor organizations. However, the amount of Costa Rican social science literature dealing exclusively with either the development of labor unionism or the nature of the labor relations system would seem to vindicate Schifter's criticism. Even in Costa Rica, too little attention has been devoted to this aspect of political development. Nevertheless some major works, which have been concerned with various aspects of labor relations, have produced valuable results. Vladimir de la Cruz has written an important historical work that focuses on the early development of labor organizations and the corresponding emergence of class antagonisms. In an equally important investigation, James Backer traced the interest of the Catholic Church in the social question, and provided a thorough account of Church inspired

labor unionism in Costa Rica. Where the juridical integration of labor organizations has been concerned, Bernardo Van der Laat has written an article-by-article critique of Labor Code prohibitions on the right to strike. Outside of these investigations, the most important studies have consisted of historical works that have made passing reference to the role of labor organizations in the rebellion of 1948.¹⁶

The research of de la Cruz, Backer, and Van der Laat, have produced much in terms of the reaction of early nineteenth century Costa Rican governments to the emergence of labor organization, as well as current prohibitions on labor activity. No less importantly, the historical literature that has been concerned with the rebellion of 1948, as well as the testimony of Denton and Schifter, seem to support the hypothesis that the Costa Rican labor movement reached its peak of development, in terms of organization and high level decision-making input, in the years immediately preceding the rebellion of 1948; and that since then, its size, its independence, and in general, its ability to participate freely and effectively in a democratic decision-making process, has declined sharply.

The Framework of Analysis

With these interpretations in mind, the task of this research is to identify the points of contact between labor and structures of integration, then to analyse the nature of that integration in determining the restrictions or lack of restrictions on labor's participation. Three structures of integration are considered in the

analysis: the Labor Code, government ministries and tripartite public institutions, and political parties.

Where Costa Rican labor legislation is concerned the most important subjects of consideration are requirements on the initiation of collective conventions, limitations on the use of the strike, the consequences of failure to gain juridical approval for union activities, the manner in which the code is interpreted by the labor courts, and in general terms the extent and consequences of government involvement in the resolution of labor-management conflicts.

With regard to the centralized ministries, the independence of labor is analyzed in terms of the procedures required of unions in the process of formation, the incentives for gaining official recognition and the consequences of failure to gain official status, the function of financial assistance to labor organizations, the role of the Ministry of Labor in the resolution of labor-management disputes, and the possible confluence of interest between public functionaries and management.

As far as tripartite public institutions are concerned, participation capability is analyzed in terms of the number of seats made available to labor in the various directive bodies, especially in relation to the number of seats that are made available to business and government representatives, the selectorate responsible for the placement of labor delegates and the methods of delegate selection, the decision-making discretion of government delegates, and the possible confluence of interest between government and business delegates.

The ability of labor to participate effectively in political parties is determined in a way similar to labor's participation in tripartite autonomous institutions. Objects of consideration include: labor's voice in the formulation of party programs, selection methods for party leaders and electoral candidates, and the number of labor leaders in the governing organs of the parties in question. As an indicator of labor's ability to influence both party decision-making and public policy, a no less important subject of consideration is the success, through their political party contacts, that labor organizations have had in affecting legislative actions.

The following preview indicates that the research is basically divided into two parts. Chapters two and three are concerned with the historical development of the Costa Rican labor union structure and the present distribution of labor forces. One of the objects here is to determine the causes and effects of the 1948 rebellion in relation to the development of the Costa Rican labor union movement. For this reason a great deal of attention has been given to the germination of class confrontation in the first part of the twentieth century, and its crystalization in the alignment of political forces in the decade of the 1940s. In this connection a considerable degree of importance has been attributed to the immediate and long-range effects of the alliance between the Catholic Church, the Marxist Popular Vanguard Party, and the National Republican Party of Dr. Rafael Angel Calderón Guardia.

The second part of the research is concerned with the form and the effects of the formal and informal relationships that exist between organized labor and certain structures of integration that have an important bearing on the ability of labor to function independently and participate effectively in an ostensibly democratic political system. Chapter IV is concerned with the manner in which Costa Rican labor legislation protects labor liberties, and either encourages or prohibits independent union activity. The last part of this chapter includes three case studies that describe how freedom of action is conditioned by the way in which labor statutes are interpreted. Chapter V opens with an analysis of the nature and the effects of the relationship between labor organizations and the Ministry of Labor and continues with a discussion of the form and quality of labor participation in the tripartite directive organs of four autonomous institutions. Finally Chapter VI will examine the formal structural relationships between labor organizations and two political parties: the Popular Vanguard Party and the National Liberation Party. Apart from this, considerable attention has been given to the balance of power between conservative and progressive leaders in the PLN, and the effects of informal labor-party relationships.

Without question, this study is not intended to be the final word on the ability of Costa Rican labor organizations to either function freely, or participate effectively in important decision-making structures. It is hoped, however, that the investigation will raise

important questions about the quality of Costa Rican democracy, questions which will both help to condition or change current conceptions of Costa Rican government and politics, and provide material for future research.

Notes to Chapter I

¹Much of the early literature on development posited a relationship between economic growth, cultural secularization, and structural differentiation, and political development. Nations were seen to be moving along a unilinear path toward pluralist democracy. For general literature on this phenomenon see Gabriel A. Almond and G. Bingham Powell, Jr., Comparative Politics: A Developmental Approach, (Boston, Little, Brown and Company, Inc., 1966). For a concise summary of the equation between development and democracy see the appropriate chapter in James A. Bill and Robert L. Hardgrave, Jr., Comparative Politics The Quest for Theory, (Columbus, Ohio, Charles E. Merrill Publishing Company, 1973). For an application of these conceptualizations to Latin America see for instance Seymour Martin Lippert and Aldo Solari, Elites in Latin America (ed.), (London, Oxford University Press, Inc., 1967); John D. Martz, The Dynamics of Change in Latin American Politics (ed.), (New Jersey, Prentice-Hall, Inc., 1965); Martin C. Needler, Political Systems of Latin America (ed.), (New York, Van Nostrand Reinhold Company, 1970); and Charles Wagley, The Latin American Tradition, (New York, Columbia University Press, 1968).

²Stanley M. Davis and Louis Wolf Goodman, Workers and Managers in Latin America, (Lexington, Massachusetts, D. C. Heath and Company, 1972), p. 232.

³Ibid., p. 233.

⁴Robert Vernengo, "Freedom of Association and Industrial Relations in Latin America," International Labor Review, LXXXIV (June, 1956).

⁵Davis and Goodman, op. cit., p. 233.

⁶Carroll Hawkins, "Reflections on Labor's Relation to Government and Politics in Latin America," Western Political Quarterly, XX (December 1967).

⁷Robert J. Alexander, Organized Labor in Latin America, (New York, The Free Press, 1965), the chapter on Peru.

⁸Robert J. Alexander, Labor Relations in Argentina, Brazil, and Chile, (New York, McGraw-Hill Book Company, Inc., 1962), the chapter on Brazil.

⁹Ibid., chapter on Argentina.

¹⁰Howard J. Wiarda, The Corporative Origins of the Iberian and Latin American Labor Relations Systems, (Massachusetts, University of Massachusetts Labor Relations and Research Center, 1976).

¹¹All these authors appear in Howard J. Wiarda, Politics and Social Change in Latin America: The Distinct Tradition, (Massachusetts, University of Massachusetts Press, 1974, revised edition, 1982).

¹²Some of the better known of the dependency theorists and their works are James D. Cockcroft, André Gunder Frank, and Dale L. Johnson, Dependence and Underdevelopment, (New York, Doubleday and Company, Inc., 1972); Ronald H. Chilcotte and Joel C. Edelstein, Latin America: The Struggle with Dependency and Beyond (ed.), (New York, Monthly Review Press, 1970); André Gunder Frank, Capitalism and Underdevelopment in Latin America, (New York, Monthly Review Press, 1967); and James Petras, Politics and Social Structure in Latin America, (New York, Monthly Review Press, 1970).

¹³Howard Wiarda excludes Uruguay from his discussion of the patrimonial and corporatistic aspects of Latin American labor relations systems. See Corporate Origins, p. 39. With regard to Chile see Robert Alexander, Labor Relations.

¹⁴This is especially true of the early literature. See for example John and Mavis Biesanz, Costa Rican Life, (New York, Columbia University Press, 1946); Paul Biolley, Costa Rica and Her Future, (Washington, D.C., Judd and Detweiler, Printers, 1889); Chester Lloyd Jones, Costa Rica and Civilization in the Caribbean, (New York, Russell and Russell, 1935); and more recently James L. Busey, Notes on Costa Rican Democracy, (Boulder, Colorado, University of Colorado Press, 1967); and Dana G. Munro, The Five Republics of Central America, (New York, Russell and Russell, 1967).

¹⁵Charles F. Denton, Patterns of Costa Rican Politics, (Boston, Allyn and Bacon, Inc., 1971), p. 82; and Jacobo Schifter, "La Democracia En Costa Rica Como Producto De La Neutralización De Clases," in Chester Zelaya et al., Democracia en Costa Rica?, (San José, Editorial del Ministerio de Educación Pública, 1977), pp. 224 and 225.

¹⁶Vladimir de la Cruz, Las Luchas Sociales En Costa Rica: 1890-1930, (San José, Editorial Costa Rica, 1980); James Backer, La Iglesia Y El Sindicalismo En Costa Rica, (San José, Editorial Costa Rica, 1974); and Bernardo Van Der Laat, La Huelga Y El Paro En Costa Rica, (San José, Editorial Juricentro S.A., 1979). For the historical works see Oscar Aguilar Bulgarelli, Costa Rica Y Sus Hechos Politicos De 1948, (San José, Antonio Lehmann, Librería, Imprenta y Litografía, Ltda,

1969); and Samuel Stone, La Dinastia De Los Conquistadores: La Crisis Del Poder En La Costa Rica Contemporanea, (San José, Editorial Universitaria Centroamericana, 1975).

C H A P T E R I I

THE SOCIAL STRUGGLE BEFORE 1948

The development of the Costa Rican labor movement was not immediately accompanied by the establishment of juridical or bureaucratic mechanisms that intended either to protect working class interests or control labor union activities. It was only after communist labor organizers had established a strong union movement on United Fruit Company properties that any serious legal attempts were made to recognize the existence of a labor union movement, and to define the parameters of union activity. However, the subsequent implementation of constitutional amendments recognizing basic labor rights, and the Costa Rican Labor Code, rather than being viewed as legal mechanisms of control and cooptation, were considered to be radical innovations that were calculated to transform social and economic structures in a way that would disrupt the power of agricultural, commercial, and industrial groups. The role of Marxist elements in the formulation of what was seen to be radical labor legislation, the influence of communist party functionaries in Costa Rican governments between 1943 and 1948, and the prospect of further radical reform in the following presidential administration precipitated a coalition of conservative and progressive opposition forces that dedicated itself to the removal of Marxist elements from positions

of power. Circumstances surrounding the rebellion of 1948 indicate that the Costa Rican labor union movement, after having been either ignored or repressed by a series of liberal governments in the 1920s and 1930s, had achieved an unprecedented level of influence which would not be reconstituted in the period after 1948.

Early Unionization

The first Costa Rican labor organizations, were created around the middle of the nineteenth century for the purpose of mutual aid. Some of the earliest of these guild associations were the Societies of Aid, organized by a group of craftworkers for the purpose of providing assistance to incapacitated workers; the Society of Artisans, a professional association that established savings accounts, schools, clubs, and libraries; and the Mutual Society of Bakers, organized with the participation of both workers and employers. Outside of some isolated activities by European immigrants involved in the construction of the Atlantic railroad, labor organizations in the nineteenth century did not venture to defend their socioeconomic interests either by questioning a political and economic system that served capitalist interests, or by challenging employers who enjoyed virtually unlimited control over factory or farm work forces.¹

An interest in the excesses of capitalism, the exploitation of the working classes, and the feasibility of labor organizations as a means of self-defense was first expressed in the 1890s when Bishop Augusto Thiel Hoffman published "El justo salario de los

jornaleros y otros puntos de actividad que relacionan con la situation de los destituidos de bienes de fortuna." Bishop Thiel recognized the inflationary tendency created by external economic dependence and the financial burdens this placed on the laboring classes. In his publication Thiel emphasized the Christian right to financial remuneration sufficient for the support of a worker and family, and suggested that government should take an active part in protecting workers from the abuses of capitalism. Toward this end he proposed the creation of a joint commission of workers and employers that would have the responsibility of regulating salaries, and he justified the creation of labor organizations as a means of socioeconomic self-defense.

Thiel's interest in the problems of the working classes has been seen to be motivated primarily by a desire to create a political organization powerful enough to unseat a liberal government that was responsible for a series of anti-clerical legislation that severely limited Church activities. With the intention of building a base of support among day laborers and artisans, he formed the Catholic Union Party: a short-lived electoral vehicle based upon the liberal papal encyclical "Rerum Novarum."² Despite his motives, and the brief history of the Catholic Union, Thiel can be credited with having been the first spokesman of popular interests, and the first critic of a political and economic system that served the interests of the Costa Rican coffee oligarchy. His opinions on economic dependence, the social responsibility of employers, and the role of the state in

insuring the well-being of the working classes would be recalled two decades later when increasingly severe social problems called into being a more permanent opposition to the liberal state.

Although Thiel's activities failed to win anything concrete for the laboring classes, either in terms of organization or economic benefits, economic and demographic changes between the end of the nineteenth century and the beginning of the twentieth century created an urgency for social reform and an incentive for the development of labor organizations. The population of Costa Rica increased from 146,000 in 1870 to 300,000 in 1900. At the same time the concentration of coffee production combined with a fall in coffee prices created a new class of propertyless workers, and an excess labor supply that produced both an exodus from the country and a high degree of unemployment in the cities. Out of this crisis the League of Workers was organized in September 1900 in order to support the candidacy of legislative deputies sensitive to the interests of the working classes. However, owing to compromises with traditional parties, the League accomplished little; but around the same time, other organizations such as the Union of Carpenters, and the Union of Bakers were created in 1905 along with the Union of Shoemakers, the Union of Bricklayers, and the Union of Typographers. The purpose of these organizations, in contrast to the guilds of the latter nineteenth century, was to defend worker socioeconomic interests by demanding concessions from employers.³

By the beginning of the twentieth century labor leaders had gained valuable organizational experience, and, owing to contact with

European immigrants, they had begun to develop an awareness of contradictions between the factors of production. Also important in this connection was the creation of the Centro Germinal (Promotion Center), an educational institution dedicated to the purpose of "imparting a sociological vision" to workers.⁴ This combination of developments contributed to the union of several labor groups in the General Confederation of Workers (CGT): a conflict oriented organization, created in 1913, that established shorter work days, higher wages, and checks on inflation as its principal objectives. The confederation stated that,

The union of the workers is an imperative necessity in order to accomplish objectives that are not within the reach of isolated groupings. The union of different groups of workers requires the creation of a representative body as much to direct difficult labors and to solve problems that damage the interests of our class as to provide an awareness of public subjects that are of interest to the collectivity.⁵

The CGT draws significance from two facts. It was the first large combative labor union in Costa Rican history. In that sense, it offered itself as a possible counterweight to the power exercised by employers. No less importantly, it brought a higher degree of organization to a labor movement which up to that time was noteworthy only for its disorganization and isolated activities. It thus represented a much higher stage of organizational development.⁶

The existence of a class consciousness, as well as the capacity of labor to coordinate activities, was demonstrated when the carpenters

and cabinetmakers of San José initiated a strike at the beginning of 1920. On January 26, shopworkers, dissatisfied with salary reductions, submitted a petition for higher salaries and an eight hour workday, and served notice that a strike would commence on February 2 in the event of non-compliance. With the rejection of the petition the strike was initiated. During the course of the day, workers paraded before other factories in San José exhorting employees to join. Shortly after the movement was initiated twenty-five factories representing a variety of industries were closed down, as more than one thousand workers demanded higher wages and shorter workdays. The CGT declared its solidarity, and helped sustain the strike by providing material support. On February 4, after an audience with the President, the government decreed an eight hour workday and a twenty percent increase in salaries.⁷

With drastically different results the Workers Federation of Limón declared a general strike in protest of low salaries and a United Fruit Company cost-cutting policy that involved a massive release of workers. The company refused to concede and asked for protection of company property. The government dispatched security forces which promptly arrested strike leaders and burned down federation headquarters. The CGT once again declared its solidarity with striking workers and contributed valuable financial assistance until a border dispute with Panama prompted the confederation to recommend a termination of the movement.⁸

Paralleling the emergence of labor-management conflicts in the early 1920s two important reform movements were created that would have an enduring effect on Costa Rican labor development. The first was the Centro Socialista (Socialist Center), instituted by Marxist Aniceto Montero in 1919. Montero studied Marxian Socialism in Europe and returned with the determination that Costa Rica would follow Europe down the path of socialism. He called for reductions in the price of food and manufactured items, reduction in interest rates, lower taxes, display of all international agreements, and a government returned to the people. His long range revolutionary goals were expressed in this way:

The people of Europe are challenging the foundation of the old society. The fire of reform is invading the universe and it is necessary that we too study and solve our social problems . . . The movement is sure. The reactionary bourgeoisie is met by the rebellion of the proletariat, precursor of the revolution; to the despotism from above, the heroism from below . . . for private property, expropriation . . . The nation asks for social reform . . . Costa Rica is arising from the ashes of a shameful past, thanks to the orientation that socialism is giving to the popular forces of the nation.⁹

Montero's ideas however, would not have as much impact on the labor movement of the 1920s as they would on a generation of labor leaders that would emerge in the 1930s.

The second important movement had its roots in the progressive papal encyclical "Rerum Novarum" and the Catholic Union Party of Bishop Augusto Thiel. Father Jorge Volio first showed an interest in social reform in 1902 when he established the Catholic periodical

"La Justicia Social." Volio's criticism of the capitalist system soon passed beyond the endurance of a conservative ecclesiastical authority and he renounced his vows in order to pursue social reform more actively. Volio indicted Costa Rican government and society in these terms:

This democracy is a farce, that the rich should devour the poor who agonize in poverty, hoping that they will be given crumbs out of compassion, as though they had been given souls out of compassion, as though they were less than dogs.¹⁰

Despite the tone of his rhetoric, Volio's reform proposals did not contain the fundamental changes propounded by Montero, although, as one writer commented, his thinking ranged far beyond that which would fall within the realm of respectability for a Christian of that epoch.¹¹ Nevertheless his ideas were firmly based upon the principles of Christian democracy as they had been expressed in the papal encyclicals of the preceding century.

Unlike Montero's Centro Socialista the ideas of Volio would have a much more profound effect on the immediate structure of Costa Rican labor. At least during the 1920s his political movement succeeded in establishing itself in the minds of the Costa Rican laboring class as the embodiment of progress and the mechanism of social redemption. His influence among Costa Rican labors was most strikingly revealed when on January 25, 1923, the General Confederation of Workers took the decision to dissolve the confederation and form the Reformist Party with Volio as its head.¹² The party program,

published one month later, stated that the inefficiency of personalist groups inhibited the progress of the nation by producing a wave of corruption that saturated Costa Rican government from top to bottom. Political leaders lacked vision, and as a result, government lacked vision. More importantly, the party accused Costa Rican governments of provoking a crisis in political life through their complicity with the privileged classes. This called for the creation of a well-organized and permanent political party that would replace idols with ideas. The reformista policy platform possessed fifteen points including the introduction of the referendum as a constitutional right, laws covering workers accidents, municipal autonomy as a means of encouraging communal development, political rights for foreign residents, correction houses for minors, the nationalization of subsoil and all natural wealth, the devolution to the state of all land left uncultivated for more than fifteen years, intensification of rural education, the expropriation of land needed for public use, the construction of centers of popular culture, the creation of cooperative societies, the condemnation of houses deemed uninhabitable, agrarian reform, and the promise to pursue social reform without compromising principles for the sake of political alliances.¹³

This basic party policy of rejecting any and all political alliances was ignored in 1924 when Volio, as the reformista presidential candidate was sent against liberal candidates Ricardo Jiménez Oreamuno and Alberto Echandi Montero. A deadlock among the three candidates prompted Volio to enter into a compromise with Jiménez. Volio

supported a move to make Jiménez president with the promise that reformistas would be appointed to the posts of Secretary of Education and Secretary of Development, and the assurance that Jiménez would support certain reformista reform proposals. The agreement seemed to have represented a victory for social reformism but in forming the alliance Volio abandoned the party principal of non-alliance. Again in the presidential campaign of 1927, Volio agreed to support the liberal National Union Party under Cleto González Viquez in exchange for acknowledgement of the reformista program and the promise that Viquez would encourage social reform.¹⁴

The compromises made by Volio disillusioned the rank and file of the Reformist Party. A movement that had begun with great aspiration failed to produce enough in terms of concrete benefits to sustain the image that it was the only party that was capable of satisfying the needs and desires of the working class. In the early 1930s the communist party began to challenge the Reformist Party for control of the progressive movement. By betraying its social convictions through the collaboration with conservative candidates, the party left itself vulnerable to communist deputies who never hesitated to draw attention to the legislative ineffectiveness of Volio and to the lack of ideological clarity to which these failures were attributed. Largely owing to its collaboration with liberal candidates, the party rapidly declined after 1928. Other reasons accounting for its dissolution were associated with the timing of its emergence and its policy program. In the first place, the campesinos,

who were still insulated from the radical thought of Aniceto Montero's Centro Socialista, as well as the anarcho-syndicalist ideas brought over by European immigrants, were not ready to accept new ideas. One writer commented that the Costa Rican people at that time didn't want to think about change, national renovation, or revolution.¹⁵ Also, there was a lack of understanding between Volio and the ecclesiastical hierarchy. Even though Volio had strong Catholic sentiments, he never succeeded in winning the support of the Church. Furthermore from the right, Volio was opposed by both the cafetaleros, and an emerging class of industrialists who committed their support to the liberal administrations of Jiménez and Viquez. Finally, from the left, the party was heavily criticized by a newly created communist organization which viewed the Reformist Party as a basically bourgeois movement that obscured the fundamental conflict between employers and the state on one hand, and the workers on the other hand.¹⁶

Nevertheless the importance of the Reformist Party in the development of Costa Rican labor should not be underestimated. Most importantly, the party was the first reasonably stable political movement to challenge the foundations of a liberal political, and economic system.¹⁷ There was little in the reformista critique of capitalism that differed from the old Catholic Union, but Volio was much more dedicated to the task of reform than Augusto Thiel. Because the movement was able to survive over a decade, through several presidential elections, it can be considered to be Costa Rica's first progressive, if not radical political party. By virtue

of its relatively long life, the party was able to publicize the inequalities of Costa Rican society much more profoundly than any movement that had existed up to that time. Secondly, and no less importantly, the dissolution of the party, provided the opportunity for the communist party to establish a dominion over the social reform movement.

Despite his failure to win either the presidency or a legislative majority for his party, several important reforms emerged from the 1920s and early 1930s that can be attributed to Volio's efforts. An eight hour workday was established, along with minimum wages; accident insurance was instituted; and perhaps most importantly, the office of Secretary of State for Labor Affairs was created in 1928. The creation of the labor office at least represented the recognition of labor as a social group that either deserved some form of representation, or merited some form of control. Previously there was no constitutional or institutional acknowledgement of labor organizations. As one historian noted, the relationship between the working classes and government was practically non-existent.¹⁸

The Economic Crisis of the 1930s

Between 1920 and 1929 Costa Rica enjoyed a period of economic prosperity. Although the price of coffee declined on the international market after 1927, production levels, except for one dramatic decline in 1923, registered a fairly steady climb. At the same time, foreign exchange earnings for the decade more than tripled.

TABLE 1

COSTA RICA: COFFEE EXPORTS IN KILOS AND DOLLARS, 1920-1929¹⁹

Years	Crop in Kilos	Dollars
1920-1921	13,336,381	3,835,134.88
1921-1922	18,616,803	6,677,760.00
1922-1923	11,088,400	4,709,136.42
1923-1924	18,210,760	8,427,472.52
1924-1925	15,352,863	8,403,354.16
1926-1926	18,249,045	10,623,969.39
1926-1927	16,153,980	10,611,178.76
1927-1928	18,841,798	12,379,558.38
1928-1929	19,676,115	12,225,517.66

However, the repercussions of the world economic crisis of the 1930s were dramatic, most particularly between 1930 and 1932. Despite a modest increase in production between 1932 and 1933, the price of coffee showed a consistent decline, except for a partial recovery between 1933 and 1934. Foreign exchange earnings declined accordingly. Furthermore while coffee production never fell below the 1928 level, dollar earnings between 1938 and 1939 were scarcely higher than the revenues from the 1920-1921 crop.

TABLE 2

COSTA RICA: COFFEE EXPORTS IN KILOS AND DOLLARS, 1929-1939²⁰

Year	Crop in Kilos	Dollars	Price per Kilo
1929-1930	23,536,645	10,419,445.96	0.41
1930-1931	23,014,687	10,115,640.58	0.41
1931-1932	18,499,038	5,395,069.40	0.27
1932-1933	27,777,939	7,971,117.41	0.27
1933-1934	19,062,662	7,516,406.32	0.38
1934-1935	24,238,534	5,541,018.06	0.27
1935-1936	21,326,158	5,089,961.94	0.27
1936-1937	26,519,984	6,106,026.00	0.27
1937-1938	24,981,132	4,938,053.00	0.23
1938-1939	20,244,531	4,644,401.00	0.26

The crisis in coffee earnings was paralleled by a disaster in the banana sector. Production, which had been declining since 1913 was practically wiped out by Panama disease. Except for a recovery between 1924 and 1926, production decreased until 1937 and again after 1938. The United Fruit Company subsequently transferred its operations to the Pacific Coast, thus precipitating a serious unemployment crisis in the Atlantic region.

TABLE 3

COSTA RICA: BANANA EXPORTS, NUMBER OF BUNCHES AND DOLLARS, 1920-1939²¹

Year	Bunches	Dollars
1920	8,652,473	4,024,406
1921	8,318,581	5,803,661
1922	7,171,619	5,003,455
1923	7,454,114	5,200,545
1924	8,087,201	6,065,401
1925	8,348,072	6,261,729
1926	8,560,910	6,420,682
1927	7,869,175	5,901,881
1928	7,323,481	5,492,611
1929	6,112,170	4,584,127
1930	5,834,045	4,375,534
1931	5,079,944	3,174,965
1932	4,313,379	2,450,784
1933	4,293,383	1,981,561
1934	3,210,169	1,602,106
1935	2,908,836	1,493,512
1936	3,887,677	2,073,163
1937	5,509,673	3,049,969
1938	5,033,424	2,806,547
1939	3,429,787	1,911,084

The economic crisis affected both importers and the state apparatus, whose operations depended largely on funds derived from customs duties. The government was consequently forced to take a series of remedial measures including a three year suspension of the American and English debt, the emission of bonds, and a restriction of credit. The most significant social consequences of the crisis were increases in the rates of unemployment, and a corresponding increase in human suffering. In 1932 the number of unemployed reached 8,863 or about six percent of the economically active population. This however did not take into account the large number of underemployed, for which there are no statistics.²² These developments, by sharpening class antagonisms, encouraged popular receptivity to social and political criticism, and provided communist party organizers with an opportunity to mobilize the vast numbers of unemployed and underemployed, who constituted a new forum for radical Marxist rhetoric.

The communist party was organized in 1931 by Manuel Mora and Jaime Cerdas under the name the Bloque De Obreros Y Campesinos (Worker and Farmer's Block). Its historical antecedents go back to the Centro Socialista of Aniceto Montero, but it was more directly inspired by the Revolutionary Association of Worker Culture (ARCO), an educational association founded in 1929 by Gonzalo Montero Berry for the purpose of disseminating socialist ideals. The association evolved into a center for Marxist studies that became the nucleus of the communist party. Also important was the CGT, which although part of Volio's Reformist Party came increasingly under communist influence.

Shortly after the party was organized, Mora and Cerdas began organizing workers in the banana zone. Despite company opposition, government suspicion of communists, and ethnic divisions among workers, Mora and Cerdas managed to create the General Union of Workers on United Fruit Company property. The UGT would become the core of the Bloque.²³ In fact the entire zone would become the exclusive dominion of communist labor organizations for decades to come.

The Bloque's first program demonstrated a radical revolutionary position, and an inreplaceable opposition to reformism that was reflected in a sharp indictment of Volio's Reformist Party:

Reformism says that the redemption of the worker can be obtained gradually as capitalists made concessions; communism sustains that these concessions must be wrested from capitalism. That is the difference in theory. In practice, your Party, in addition to having no ideological orientation, would be a good example: ten years of parliamentarianism without any practical result for the workers, ten years of shameful collusion with the monied classes.²⁴

The Bloque attributed social injustice to a dependent and semi-colonial economy that was controlled by the United States and England. The solution to this state of affairs called for the abolition of private property, and the socialization of the means of production. At the same time however, these goals were understood to be part of a long range plan that would be achieved only after a social revolution had occurred in the large industrialized nations. As part of its short range plan, the party developed an extensive policy program that included the creation of worker and peasant councils; the

creation of a social security system that would provide funds for unemployment, accidents, sickness, old age, and maternity; abolition of work for children under fifteen, and the regulation of working conditions for women--along with equal pay for men and women performing similar functions; the obligation of work for everyone over eighteen; an eight hour workday for non-burdensome work and a six hour workday for people involved in unusually difficult jobs such as mining; a minimum wage board controlled by workers and peasants; public housing; public health facilities; the expropriation of uncultivated land; the nationalization of the means of transportation; increased state intervention in economic and social matters; the nationalization of subsoils; state control of utilities; tax reform; and importantly, laws guaranteeing labor rights.²⁵

The revolutionary proposals of the Bloque and the efforts that were being devoted to the organization of the labor force provoked a two-pronged response from the Ricardo Jiménez government: the repression of what were judged to be communist inspired labor demonstrations, and direct government involvement in the solution of labor disputes. The combination of those two countermeasures underscored a carrot and stick approach to labor unrest. The extent and nature of labor activities, and even the right of labor organizations to exist, depended entirely on the disposition of governments which before 1940, usually interpreted worker demonstrations as threats to the social peace. The flowering of Costa Rican laissez-faire liberalism, as historian Oscar Aquilar Bulgarelli has noted, occurred

during the administrations of González Viquez and Ricardo Jiménez, who, in addition to being the leaders of public opinion between 1906 and 1936, were the principal defenders of the upper classes.²⁶

Along with its clamor for recognition, and the independent development of organizations that presumed to channel and articulate the demands of labor, there was a corresponding attempt on the part of Costa Rican government to establish itself as the patrimonial caretaker of the working classes, a tactic which might be seen to be designed to counteract the influence of frequently radical labor leaders. Consequently, the consistent use of repressive measures against labor organizers and leaders, along with an occasional and partial acceptance of worker demands, distinguished itself as the most important feature of labor disputes. The immediate commitment of security forces during strikes and demonstrations, arrests followed by direct appeals to executive power, presidential audiences, and executive decrees became routine strike resolution practices.

A wave of labor unrest associated with the effects of the world depression demonstrated this sequence of action. In 1933, unemployed San José workers initiated a demonstration. Security forces were immediately dispatched. Clashes occurred after which police opened fire in an attempt to disperse workers. At the same time, communist party leaders and labor organizers were arrested, communist clubs and offices were closed; and a government order prohibited the formation of groups larger than two.²⁷

In a much more serious confrontation at the beginning of 1934, workers in San José issued an ultimatum to the owner of La Renaciente shoe factory. Production decreases between 1930 and 1934 prompted management to initiate a three day work week. Salaries were reduced forty percent and many workers had been fired. At the same time, the cost of living had increased, and the lack of government action permitted the development of deplorable living conditions. Management on this occasion had reduced the salary of an individual worker; however factory workers, supposing the reduction to be general, submitted a petition expressing three points: that the salary reduction was financially unbearable; that the lack of forewarning was unjust; and that the salary reduction should be removed. When the letter was ignored, shoe workers went on strike.²⁸ The movement in its initial stages involved four hundred workers from La Renaciente factory, but participation was broadened with the involvement of workers from other shoe factories who had presented similar demands. Shortly after the movement was initiated, the shoeworkers of Limón sent a message of solidarity, and the Federation of Graphic Arts Workers provided financial support.²⁹

The Secretary of the Department of the Interior granted an audience with strike leaders who complained that while hours and salaries had been reduced, factory owners had not lowered the price of shoes.³⁰ In this instance, the President encouraged factory owners to partially accept worker demands; but with the refusal of employers to either remove the salary reduction or negotiate with

worker representatives the movement continued and subsequently expanded with the participation of shoe workers in Grecia, San Ramón, Guadalupe and Cartago. By February 10 the Tapia, Bravo, Brenes, Carlos Guevara, and Francisco Hernández shoe factories capitulated to worker demands. One week later the shoe workers in Cartago and Guadalupe triumphed, raising the number of shops to accept worker demands to twenty-five. By February 17, only four establishments refused to capitulate.³¹ La Renaciente factory, where the strike originated, was the last to accede to worker demands.

The Bloque De Obreros Y Campesinos was instrumental in providing financial support and organization in the shoe worker strike. Later that year it led the banana workers of Limón in a major campaign against the United Fruit Company. The immediate cause of the strike was the silence of the company to a list of demands submitted by labor leader Carlos Luis Fallas. A strike was called involving ten thousand workers that paralyzed the entire industry. An accord was reached between the Jiménez government, the workers, and the company, but when United Fruit failed to comply with the agreement, the strike was reinitiated.³² The list of worker demands included salary increases, hourly wages for dock workers, payment every two weeks, free housing, provision of tools, the application of work accident laws, emergency medical treatment, parity between commissary store prices, and local store prices, annulment of the banana contract with the Jiménez government, elimination of coupons as a means of payment, and the recognition of the Union of Atlantic Workers, as

well as all other unions.³³ With the commencement of the new strike, Jiménez dispatched troops. Violent confrontations occurred between strikers and government forces. The movement was eventually broken up, but not before workers were able to gain some minor concessions including higher salaries, to be paid through wages or by contract; payment by the month, with the right to ask for advances; company housing on fincas with work camps; transferral of sick workers to hospitals in Limón or San José; construction of emergency clinics on each finca; price parity between commissary stores and local stores, along with the construction of new commissary facilities; prohibition of company reduction of the value of coupons awarded to workers; preferential treatment for Costa Rican workers; and the recognition of the Union of Atlantic Workers.³⁴ Four years later the United Fruit Company transferred its operations to the Pacific Coast, but almost immediately Bloque labor organizers were instrumental in the formation of the Federation of Pacific Banana Workers.³⁵

Despite the frequent use of public security forces to break up strikes, and the internment of communist labor organizers, the Jiménez administration was much more tolerant of union activities than the subsequent administration of León Cortés. Historian Manuel Rojas Bolaños asserted that increased state economic intervention after 1936 was paralleled by increased repression of popular forces. During the Cortés administration, various measures were taken to induce an economic revival. The International Bank was converted into the National Bank of Costa Rica, and the superintendency of

banks was created for the purpose of regulating capital, reserves, and credits of private banks.³⁶ But during the same administration union leaders were frequently interned, and rank and file union members were fired by public order.³⁷

Catholicism and the Social Question

Owing to the conservatism of the Catholic hierarchy after Augusto Thiel, the Church paid only enough attention to the social struggle to condemn any attempts to enflame class antagonisms. In so doing, the communist party had become the unchallenged leader of the social reform movement. The success of the Bloque in mobilizing popular support led to a rethinking of the social role of the Catholic Church. The Church hierarchy didn't show a serious interest in labor organizations until the tenure of Archbishop, Víctor Manuel Sanabria Martínez in 1940, but a concern for the deprivation of the lower classes began to emerge from the rank and file clergy in the early 1920s. In 1923 Padre Carlos Meneses asserted that:

the actual times ask that a priest know how to defend the economic interests of his parishioners. If a priest doesn't know how to organize a union or point out the general bases for a rural union, or a consumer cooperative, or a society safe from the accidents of work, to the most steadfast of his parishioners, sooner or later, will come the socialists and they will know how to do as atheists what couldn't be done by priests.³⁸

In August of 1924 Padre Manuel Zavaleta recognized the rising cost of living and the need for higher salaries. He expressed particular concern for the rural worker, who he insisted, did not receive a

sufficient salary. He stated that the workers could accomplish their objectives through organization and the use of strikes. In September of the same year, Padre Matías Cornelio Rojas called attention to the utility of the non-conflict oriented labor organizations that had been emphasized in the encyclical *Rerum Novarum*, and pointed out the importance of savings accounts and societies of mutual aid. In November 1924, Padre Carlos Borge spoke of papal justifications of worker organizations, and like Rojas, supported the idea of mutual aid societies. Moreover, he lamented the image the Church had as an enemy of the people. The next month Padre Emeterio Martínez indicated the importance of agrarian unions, and especially mixed unions, as a means of incorporating people into Catholic life.³⁹

The more vocal of these socially critical priests, especially Carlos Meneses, were scolded by the Catholic hierarchy, but during the course of the 1930s when the Bloque established itself as a major social movement, emphasis was placed upon the need to create some form of organization that could offset communist influence. Nevertheless in 1931 Padre Alfredo Hidalgo attacked the Bloque program saying that it upset the order created by God. He defended private property, and social hierarchy, and asserted that because there would always be poor people, communist revolutionary propaganda deceived the people by raising false hopes. Hidalgo's opinions, as James Backer has noted, reflected the maintenance of conservative attitudes within the Church hierarchy. No reference was made to the need for any type of positive action, and a strong emphasis was placed on resignation and passive acceptance.⁴⁰

A few years later however El Mensajero Del Clero began to show a greater interest in Catholic social responsibility and Catholic social organization. In 1935, in an article entitled "Lecciones sobre la cuestión social," attention was given to an employer's responsibility for the well-being of contracted workers. Employers were expected to respect the human dignity of employees, and not make slaves out of their own brothers. They were seen to have an obligation to provide financial remuneration sufficient for a workers family and a moral commitment not to injure the poor either through violence, fraud, or usury. It was also stated that work loads should not exceed the capacity of workers either in intensity or duration. The length of a workday depended on the tasks that were being performed. In this connection, women and minors merited especially favorable conditions.⁴¹

In 1936 José Miglia published an article attesting to the social function of wealth. Asserting that the wealthy must use their money in a way that would do the greatest amount of good for the greatest amount of people, Miglia argued that capital could be considered to be used justly when it satisfied the necessities of the people, and unjustly when workers were given to extreme necessity. Miglia also proposed limits on private property, and suggested that while small property should be encouraged, the power of acquisition should be limited. Moreover, the wealthy had the special responsibility of using their resources to construct, maintain, and improve public facilities. Society, Miglia believed, should be constructed in a way that would permit everyone to enjoy a relative well-being.⁴²

One year later El Mensajero Del Clero published a commentary justifying the existence of labor organizations, asserting that they were a product of and necessity in contemporary society. At the same time however a great deal of attention was given to the need to create organizations that would promote rather than upset social harmony. Labor organizations, it was stated, had been converted into machines which were used in an unjust struggle that encouraged class hatred and threatened to destroy society. Unionism was justifiable when it was based upon Catholic truth rather than individualistic egotism or communist collectivism. It should be supported not by class hatred but by justice and love. The Mensajero proposed an integral conception of unionism that would

consist in the stable organization of workers in the same profession, established and governed in accordance with the principles of faith, Christian morality; that would be an instrument of harmony and peace through its use of mixed committees that would form a bond between classes. It would be formed by Catholics, and would have as its objective the study, promotion, and defense of worker interests.⁴³

Labor organizations, it was argued, should at each moment regulate their actions according to moral principles. The Church confirmed the right to form such organizations, separate as well as mixed. However, it was added, the Church rejected unlimited individualism as a concept that damaged the position of the weak. On the other hand socialism and communism subjected the individual to the needs of the state. This signified a loss of liberty that would inhibit the development of the personality. Private property was still

defended by the Church, although with the qualification that it should not be used exclusively for personal benefit. Regarding salaries, employers were obliged to provide a form of remuneration that would enable workers to develop personal values. A relationship of mutual responsibility that had its basis in the concepts of solidarity and brotherhood, was seen to be the only way to satisfy material needs without sacrificing spiritual values.⁴⁴

Throughout the 1930s the Church broached the subject of labor organization with reservation, and qualification. There was a reluctance to address the conflict of interest between classes and a failure to acknowledge a need for combative worker organizations. The Church recognized the utility of unions but only reluctantly. An emphasis was placed upon solidarity, brotherhood, and mutual concern which reflected the conception that there existed a natural harmony between classes that was perhaps more fundamental to the question of social justice than material well-being. But after the installation of Víctor Sanabria as Archbishop in 1940, the Church took a much more critical view of social relations and began to show a serious interest in the organization of labor unions. Santiago Arrieta Quesada correctly asserted that Sanabria was the only Bishop who attempted to mold the policies of the Church to the realities of the modern world. He believed that the physical world was the instrument of human liberty, and he hoped to mend the breach between the spiritual and the temporal. Though firmly anti-communist, he didn't believe that communism could be combatted through political or legal

action, but through social justice. He succeeded Quesada said, in awakening the interest of the people, the government, and the Church, to serious social problems that required quick solutions.⁴⁵

The Catholic-Communist Alliance

The preceding analysis indicates that labor had demonstrated a power capability in the 1930s. Early in 1934, the shoe industry of the Central Valley was paralyzed. Later in the year, banana production in the Limón area came to a stop. Workers showed their unity through declarations of solidarity, sympathy strikes, and financial donations to strike committees. But despite these demonstrations of collective action, labor remained in the wings of the political system.

Through the course of the century some legislation of a reformist or integrative nature had emerged. In 1901 minimum wages were established for workers involved in commerce; in 1912 minimum wages were established for laborers and servants; compensation for overtime work was instituted in 1920; a social security office at the National Bank was established in 1925; the office of the Secretary of State for Labor Affairs was created in 1928; minimum salaries for all occupations were instituted in 1933; in 1936 working conditions were regulated in accordance with age and sex; and in 1937 employers were obliged to pay workers in cash rather than coupons.⁴⁶ At the same time the Bloque guaranteed some worker

representation in the National Assembly. Nevertheless the relationship between labor and government had not been formalized by this legislation. Labor was unintegrated juridically, and for the most part, politically as well. Moreover, the informal relationships that did exist, as the strikes of the 1920s and 1930s had shown, were most usually repressive in nature. However in the 1940s, owing to an alliance between Christian and communist forces, a series of reforms were introduced that completely changed the relationship between labor, employer, and government, at the same time threatening the power of the cafetalero and emerging industrial elites.

In 1940 Dr. Rafael Angel Calderón Guardia came to power at the head of a conservative movement that was financed by members of the oligarchy.⁴⁷ But besides being a conservative candidate supported by capitalist and conservative elements, Calderón enjoyed immense popularity with the popular classes. Like Jorge Volio, he had studied at the Lovaine in Belgium, and having been thoroughly imbued with the principles of Catholic social justice, maintained a commitment to the problems of the lower classes, and a determination to find a Christian solution to social, political, and economic inequality.

Calderón criticized liberalism for marginalizing the lower classes and creating a situation of social injustice. His ideas were guided by the encyclical *Rerum Novarum* which held that capitalism, as the product of a society imbued with liberal political, and economic thinking showed little concern for the weak. Repudiating

laissez-faire capitalism, his thinking embraced the idea that the state should have the capacity to safeguard individual well-being. The Costa Rican political, social, and economic system denied the majority of people their legitimate, natural, and legal right to benefit from natural wealth. It condemned people, through low salaries and perpetual inflation to a state of servitude. Calderón's thought never implied radical change. Jorge Salazar contended that he was not a revolutionary, but a reformer who sought to eliminate social injustice and reduce class antagonisms by offering Christian social democracy as an alternative solution to the social problem. His thinking blended principles of Christianity, socialism, and liberalism. From Christianity it took the ideas of equality, justice, solidarity, peace, harmony, and social coexistence. From socialism it incorporated the ideas of state intervention; and from democratic liberalism, the principles of civil liberties, individual dignity, and the parliamentary method.⁴⁸

Circumstances in the 1940s were propitious for the creation of a political alliance that would group communist and non-Marxist reform movements. The German invasion of the Soviet Union, and the substitution of bourgeois liberalism with fascism as the principle international villain, provoked a change in communist rhetoric and tactics. The Bloque softened its criticism of bourgeois democracy, and suspended its proposals for radical revolutionary change. Socialism became a long-range objective. The immediate task was to work within the parliamentary system and collaborate with any

political movement that was disposed to initiating reforms intending to strengthen the social, economic and political position of the lower classes. Accordingly Manuel Mora emphasized the similarities between Marxist and Christian thinking. In one address before the National Assembly he contended that "socialism is not the enemy of democracy but a realistic defense for democracy."⁴⁹ And in a response to an attack issued by conservative deputies he asserted: "It is upon misery that you are trying to build the human personality. The individual can not develop his potential until his economic problems have been solved." "We are not against individualism; we are against the egotism that passes for individualism."⁵⁰ Mora drew upon the Christian concept of integral humanism by making frequent references to the links between man's material, moral, and spiritual needs. He said: "We want to free the spirit of man from the unbearable burdens of economic depravation."⁵¹ And in response to the criticism that socialism was based upon a hierarchical conception of political organization, he contended: "We want hierarchy, but a moral and spiritual hierarchy, not a hierarchy based upon gold."⁵²

At the same time, Calderón's Catholic social thinking impressed Sanabria and progressive members of the Church hierarchy. Upon taking power El Mensajero del Clero stated that:

On the 8th of May of 1940 Costa Rica experienced a legitimate triumph upon receiving as President the young Dr. don Rafael Angel Calderón Guardia, elected to the presidency by an immense majority of the Costa Rican people on the 2nd of February.⁵³

Calderón, for his part, encouraged Church support by defeating anti-clerical legislation. In 1942 he abolished restrictions on Church educational activities and legislation prohibiting the presence of religious orders.⁵⁴

Relations between the Church and the Calderón government were further strengthened when, between 1941 and 1942, a series of laws creating the Caja Costarricense de Seguro Social (Costa Rican Social Security Institute--CCSS) caused an erosion of Calderón's conservative support. The Caja provided insurance for sickness, maternity, invalidity, and death. Its funds were derived from contributions from workers, employers, and the state. But in addition to being an important development in the history of Costa Rican social reform, it precipitated a strong reaction from commercial and agricultural groups who were afraid of losing paternalistic control over their employees, and who were forced to shoulder a significant financial burden for the Caja's operations. James Backer maintained that the fact that workers now had the right to state medical assistance signified that they were no longer compelled to solicit aid from their employers. Nevertheless, Calderón's legislation won the complete support of Sanabria who considered the creation of the Caja to be a concrete expression of Catholic social doctrine.

Shortly after the institute came into existence the Bloque published its revised political program. The party called for the development of national industrial potential; the creation of a National Council for Industrial Promotion; banking reforms to

facilitate industrial credits at low interest; the protection of domestic industry; modification of contracts with foreign based companies; the nationalization of public services; a moratorium on external debts; the expropriation of uncultivated land; the creation of cooperatives; limitations on land tenure; and the editing of a Labor Code. At no point did it criticize the parliamentary method or call for reforms calculated to destroy existing socioeconomic structures.⁵⁶ Later that year a group of capitalists visited Manuel Mora and broached the subject of a possible coup d'etat against the Calderón government. Up to that time relations between the communist party and Calderón had been cool and it was supposed that a coup d'etat might be able to count on Mora's support. Mora not only rejected the idea, he revealed the plans to Calderón and offered to strengthen his government with the full support of the Bloque de Obreros Y Campesinos.⁵⁷

Having committed the support of the Bloque to the Calderón government, Mora resolved to reduce tensions with the Catholic Church. To accomplish this the Bloque was dissolved in 1943 and the Popular Vanguard Party (PVP) was created in its place. Mora then wrote a letter to Sanabria expressing his hope to create a powerful progressive block, and asking if there was any reason why Catholics should withhold their collaboration.⁵⁸ Sanabria responded in the following terms:

The Party first decided to dissolve itself as a party, and then to form a new grouping, that neither in its name nor in its program, contains anything that might signify the word Communist.

Nor does it pretend to impose a dictatorship of the proletariat, so stated Mr. Mora two nights ago, nor is it an enemy of private property, nor does it promote, nor does it persecute religion, the Church nor the family, it emphatically proclaims to be an authentically Costa Rican Party, and that its only objective is to end misery and ignorance in Costa Rica.

Can I condemn the new party? No, I can't. And if I were to condemn it, I would have to give the reasons for that condemnation, and I don't have them.⁵⁹

Later that year Trabajo, the communist party organ, explained that "Christian doctrine is not incompatible with the needs of the workers. If the two have ever been separate, it has been because of interference from reactionary political forces."⁶⁰

Having constituted an alliance between his own National Republican Party (PRN), the Popular Vanguard Party and the Church (the Block of Victoria), Calderon announced a proposal to initiate a series of constitutional amendments. The Social Guarantees, as they have been called, both enumerated individual socioeconomic rights, and acknowledged the right of the working classes to act collectively in the defense of those rights. Equally importantly, especially in the long run, the Guarantees named the state as the protector of the working classes. In specific terms the Social Guarantees declared the responsibility of the state for stimulating production, and distributing wealth adequately; the family, as the most fundamental element of society, merited the special protection of the state; work was declared to be an individual right and a social obligation. The state was responsible for providing all citizens with honest, useful, and duly renumerated work that would not

degrade the individual; all workers received the right to a minimum salary that would be fixed periodically; patrons as well as workers were given the right to unionize; collective conventions were given the force of law; workers had the right to declare strikes; workers fired unjustly had the right to indemnization; the state was responsible for encouraging the creation of cooperatives; labor courts were established; and the state would provide low cost housing for workers.⁶¹ The Guarantees were a prelude to the much more comprehensive legislation contained in the Labor Code. Formulated with the heavy participation of PVP functionaries in the Calderón Guardia government and put into operation on Independence Day in 1943, calderonistas, communists, and Catholic workers launched a demonstration in support of what they called the second day of independence for Costa Rican labor.

Integration and Organizational Growth

Owing to a shift in the balance of power in the Catholic hierarchy in the 1940s, the Church prepared to initiate an intensive labor organization drive. In this connection Archbishop Sanabria was an impelling force. His dissatisfaction with the social indifference of the Catholic Church was expressed in 1938 when he said: "'The social question! A word of transcendental value today. What has the Church done to resolve this question and what can it do now.'" ⁶²

'The Church should not nor can not place itself at the margin of the social question, in all its complexity, as much because it deals with fundamental questions of justice, of charity and of Christian equality, as because, message that it is of peace among men, it is concerned with anticipating and curing the causes of dissention among men and proposing for these grave disputes Christian solutions, that is to say, the solutions of Jesus Christ.'⁶³

Three years later he made an unprecedented reference to the right of workers to demand social justice, and of the obligation of the state to assume the responsibility for the well-being of the lower-classes. The workers had the right to demand, he contended, a form of remuneration sufficient for the support of a family. The employer who imposed too low a salary did violence to the worker. The state must therefore protect the working class by directing, urging, and punishing when necessary.⁶⁴

It is clear that Sanabria's subsequent organizational initiatives were attributable to a serious concern for the economic depravation of the lower classes, but it was in large part a reaction to the organizational advances of the communist party. The labor struggles of the 1930s, the repressive measures employed by the state to discourage labor activity, as well as the modest gains that had been achieved through united action, served both to enhance feelings of class loyalty, and encourage the sentiment that positive gains could only be achieved through struggle. Class and party were replacing the Church as objects of loyalty, while conflict and militancy were replacing Christian harmony and brotherhood as bases for collective action.

But if economic depravation and communist intrusions were important factors in redirecting Church thinking, there can be no doubt that the Social Guarantees and the Labor Code provided the stimulus for action. The constitutional amendments and the code integrated labor juridically. They provided a measure of legitimacy and legal authorization of unionization efforts. A subsequent increase in the number of unions, both Catholic and communist, is testimony to the importance of these two documents.

Between 1942 and 1943 Sanabria ignored conservative advice and authorized Padre Benjamín Núñez Vargas to begin organizing Catholic labor unions. At the same time the communist party began a major organizational drive in the Central Valley. The Comité Nacional Sindical de Enlace (National Union Coordination Committee), established at the beginning of 1943, was shortly converted into the class conflict oriented Confederation of Costa Rican Workers (CTCR). During the same period Núñez created fifteen unions, and in September the Center for Costa Rican Unions--Rerum Novarum was established with Núñez as President of the Junta Directiva (Directive Committee). Núñez stated that the Center was intended to be for people of all political and religious dispositions. It was neither communist nor socialist, but personalist. Its intention was to communicate ethical norms and morals that were common to all religions. Furthermore it was created not to debilitate class cohesion or to create a basis of opposition to non-Catholic unions, but to promote cooperation among workers. Nevertheless in dedicating itself to this task,

religion could not be excluded, inasmuch as the well-being of the working classes, Núñez contended, could not be permanent if action did not have a religious basis.⁶⁵

The Center immediately began incorporating independent federations and unions and in April 1944, Center delegates agreed to establish the Costa Rican Confederation of Workers--Rerum Novarum (CCTRN). In May the CCTRN, with five thousand members belonging to ten federations was officially constituted for the purpose of

coordinating and amplifying a union of forces in order to insure the workers of the promotion of their economic and social well-being, in defense of the rights, and in accordance with Christian principles of social justice.⁶⁶

The Constituent Acts of the confederation professed a respect for the right of the Catholic Church to intervene in social affairs, but the confederation declared its independence from ecclesiastical authority and declined to promise that it would commit itself to the Church in the prosecution of its socioeconomic ends. It asserted political independence, with the qualification that it would not be indisposed to either proposing policies intending to improve the socioeconomic conditions of the working classes or supporting any political party of a reformist disposition.⁶⁷ In an address to the General Assembly Sanabria nevertheless asserted that Rerum Novarum would be guided by Christian principles of social justice. It was neither anti-communist, anti-socialist, anti-left, nor anti-red; but pro-social justice. Its purpose was to promote spiritual as well

as socioeconomic interests. Asking the membership to accept Christian solutions to the social question he asserted: "The Papal Encyclicals are not exclusively Catholic or Christian documents but human documents as well."⁶⁸

The agreement that had been reached between Sanabria and Mora became the basis for an alliance between Catholic and communist labor organizations that consisted of a synchronization of activities between the CCTRN and the CTCR. Both confederations agreed to respect each others dominance in factories where unions had already been established, while in non-unionized factories, workers would choose between the two confederations. The loser was then given the right to organize unions--without interference--in another non-unionized factory. At the same time, the Comité de Intelligencia (Intelligence Committee) was established in order to blunt shocks between organizations and to facilitate information exchange.

In terms of unity, and political influence, the period between 1945 and 1948 must be considered to be the highpoint in Costa Rican labor development. The labor force was equally divided between two large organizations that may have been based upon different world views; but as the alliance between the CCTRN and the CTCR shows, Catholics and communists were able to agree on basic objectives, and combine their activities in bringing greater organization to the working classes. During this period the vast majority of unions and federations belonged to one of the two confederations.⁶⁹ While there

can be little doubt that the ideological differences between Catholics and communists had not disappeared, these differences were translated into a competition that strengthened the influence of labor, inasmuch as the CCTRN and the CTCR subsequently devoted enormous energy to the organization of non-unionized workers. Between 1943 and 1948 CCTRN membership increased from five thousand to fifty thousand. CTCR expansion was equally dramatic.

The political consequences of these developments, having been based upon reform legislation made possible by the alliance between the Church, the Popular Vanguard Party and Calderón Guardia's PRN, were of enormous importance. Between 1940 and 1944 Calderón's reliance on Catholic and communist support increased in proportion to the defection of conservative support. The reward for this loyalty was the appointment of communist and CCTRN representatives to high ranking positions in the Caja Costarricense de Seguro Social and the newly created Ministry of Labor and Social Security as well as several other public bureaucracies. The Calderón government actively encouraged labor unionization, and on frequent occasions, interposed itself in a paternalistic fashion, between employer and worker during labor conflicts. But the difference between the paternalism of the 1940s and the paternalism of preceding administrations was that the state was now taking the side of labor. With the institutional influence that labor had gained in the public administration, the personal influence that labor leaders enjoyed as presidential advisers, and the commitment of the executive office to social reform, it would not be

too much of an exaggeration to contend that Calderón was instrumental in initiating a period of intense union activity during which labor gained an unprecedented degree of political influence. What leaves little doubt is the fact that the influence of labor, through CCTRN and Popular Vanguard functionaries not only in the Calderón government but in the subsequent Teodoro Picado government, was sufficiently strong to give rise to a coalition of opposition forces that was held together only by its opposition to communism, and its apprehensions of increasing communist political influence.

Convergence of the Opposition

Opposition to the Block of Victoria came from two principal sources: the conservative National Unification Party (PUN) under journalist Otilio Ulate and the Social Democratic Party (SDP) under José Figueres. The PUN was formed from the defection of commercial, cafetalero, and industrial elements that had been responsible for launching Calderón's political career. The smaller SDP on the other hand was composed of the balance of reformist elements, most particularly students, who viewed Calderón as a corrupt and ineffectual demagogue, whose style of leadership represented a continuation of the old Ricardo Jiménez form of personalistic leadership, and whose party was no more than a personalistic following that would not be able to sustain a social reform initiative once Calderón retired from political life. Above all the SDP called for the opening of a new era of Costa Rican democracy through the creation of a doctrinaire

political party that would be based, as Jorge Volio had said two decades earlier, upon ideals rather than idols.

The SDP, organized in 1945, had its origins in the Center for the Study of National Problems (Centro), a group of students and professors formed in 1940 for the purpose of investigating and proposing solutions to fundamental political and social problems. The Centro professed three objectives: 1) the scientific study of political and social problems, 2) the discovery of Costa Rican historical reality and 3) the perfection of the democratic system.⁷⁰ Curiously, the policy propositions that the Centro propounded through the course of the decade were identical to those being undertaken by the Block of Victoria. The centristas were much more critical of the style of Calderon's leadership than his political beliefs or policy initiatives. Accordingly the ideological propositions of the Centro incorporated the same criticism of capitalism as Calderon's Christian reformism. Early in Calderon's administration the centristas blamed liberal economics for the high concentration of capital and its attendant problems of low consumption levels among the lower classes, unemployment, and individual misery. The centristas argued that economic anarchy, social disequilibrium, political insecurity, and moral damage to the working classes had historically been replaced by disciplined and authoritarian political orders. Economic liberalism, in their view was the cause of communism and fascism. But the injustices of the liberal state, they contended, could not be corrected by authoritarian solutions of either the right or the left.

Their answer to the social question lay in the perfection, not the replacement of liberalism. The machinery of the democratic system must be brought into the service of society by ensuring economic liberty. They shared Archbishop Sanabria's concern for the lack of any viable alternatives for social reform, and lamented that the great tragedy of Costa Rican politics was that the campesinos had been left with no choice but the communist party since it had traditionally been the only movement dedicated to the solution of rural misery.⁷¹

Despite the interest that Calderón immediately began to show in these problems, the Centro contended that social reform could not be accomplished democratically unless it was carried out by a doctrinaire political party. The logic behind this contention was that when a group agreed to institute programs serving the collective good it was necessary to have a plan based upon logical conclusions derived from the scientific study of a problem. Once the solution had been specified, the group proposing the reforms needed to have some sort of organizational infrastructure that could take control of the state machinery and put its program into operation. The function of a permanent structure was to impose a constant popular action in the solution of serious public problems. Parties were thus converted into organs of the people by means of which individuals could much more easily pursue the collective good.⁷² Reforms that owed their content and application to the imagination and personal influence of a single

leader were bound to be much less popular, and much less effective. To the centristas, this was the situation that obtained in Costa Rica.

Besides being much less practical, personalistic politics reflected an apathy toward and ignorance of civic matters. A well-organized, ideologically based, and permanent political party was seen to be the most effective agent of popular education inasmuch as it served to

create a consciousness in the masses of the problems that directly affected them, offering them at the same time the theoretical and practical ideas that served as the basis for their solution; the doctrinaire political party created civic interest, and maintained an alert public.⁷³

But more importantly, in this connection, parties served to clarify an historical and national reality. "It was not only the present that was important, but also the past inasmuch as the future consisted of a synthesis of the two."⁷⁴ To the centristas Costa Rican political development had reached a stage at which doctrinaire political parties could no longer be avoided.

The reasons for the opposition of conservatives was much more objective. In 1941 Calderón declared war on Germany, which up to that time had been Costa Rica's major coffee customer. Costa Rica exported 600,000 sacs of coffee to Germany a year, as opposed to only 200,000 sacs to the United States. The closing of trade immediately incurred the hostility of the cafetalero elite. The subsequent creation of the Caja Costarricense de Seguro Social further alienated the cafetaleros as well as commercial and industrial sectors. Capitalistic groups also began to develop apprehensions about Calderón's

fiscal policy. In 1940 the public deficit was 1,517,733 colones. By 1943 this had risen to 30,515,869 colones. The balance of trade, owing to the loss of the German market, also became increasingly unfavorable after 1942. The government responded to the fiscal crisis by floating bonds and increasing taxes.⁷⁵ This also was opposed by capitalist sectors, who further attributed the public deficit to widespread corruption and administrative disorder. The Calderón government was widely renowned for its corruption and administrative bumbling but there can be no doubt that the public debt was chiefly the result of PRN reform projects. Several new administrative departments and public institutions came into being during this period such as the Ministry of Labor and the Caja Costarricense de Seguro Social. Equally important was the funds that were devoted to public facilities and low cost housing. While conservatives may have been justified in leveling their criticism against fiscal mismanagement and corruption, deficit spending and increased taxes were a by-product of the social welfare state that was being created by the PRN. This was at the root of conservative opposition.

The reform-oriented centristas leveled the same criticisms against the Calderón government. Lamenting the demise of public ethics they also complained:

We have seen an unqualified increase in adulation and immoral intriguing on the part of those who occupy public posts. We have seen Congress converted into a meek flock at the service of ambitious and unscrupulous politicians. We have seen a worsening of cacquism, and at each moment public opinion is ignored.⁷⁶

In response to the public debt they complained that there was no way to justify the fact that while the economy was suffering from such a high deficit, the government should see fit to increase spending.⁷⁷ Curiously in this latter criticism, the Centro ignored the fiscal implications of policies which had been proposed in its own program.

After the congressional elections of 1942 it became clear that Calderón could no longer count on the support of the bourgeoisie. Historian Manuel Rojas Bolaños imputed great significance to the elections inasmuch as the PRN, up to that time was trying to run a middle course between social reform and conservative support. It became apparent however that the opposition Cortesista party was drawing support both from capitalistic sectors and the campesinos. At the same time the communists showed their electoral strength by polling more votes than any other opposition group. This left Calderón with two alternatives: either to abandon social reform and reforge the links with the conservative elements that brought him to power, or to accelerate social reform and look for a new base of support.⁷⁸ Choosing the latter alternative the PVP-PRN alliance was formed. Shortly after the Social Guarantees were instituted followed by the Labor Code, and several other important social reform projects.

The Labor Code added a new dimension to the conflict between calderonista and opposition forces. Administrative incompetence, corruption, the creation of the CCSS, deficit-spending, and tax increases were burdensome to capitalist sectors; the Labor Code

however, represented a direct threat to patronal power. Before the code was instituted, employers established salaries and working hours unilaterally. Workers were at the complete disposal of employers. The Labor Code however, established a state agency composed of government officials, employers, and workers, that fixed salaries periodically. Moreover, indemnization clauses prohibited employers from firing workers at will. The code also changed the relationship between government and the United Fruit Company. Until that moment UFCO was a government within a government. Local officials were more the employers of the company than servants of the Costa Rican government. Shortly after the code was implemented Calderón communicated to all government officials that in conflicts between the company and its employees, they were henceforth expected to protect the weaker side.⁷⁹ Historian Samuel Stone placed transcendental importance on the implementation of the code, saying that it represented the culmination of a sixty year process that began at the end of the nineteenth century when a succession of liberal anti-clerical governments began to wrest political power from the cafetalero oligarchy. It was during the Calderón-Picado-Mora period that their economic and social power was being threatened.⁸⁰

The centristas showed ambivalence to these progressive reforms. Before the Block of Victoria had been constituted they reacted favorably to Church criticism of capitalist economics. When Sanabria published his Pastoral Letter on "just salaries" they argued that such reforms represented only the beginning of the

confrontation to a series of diverse problems affecting the nation.⁸¹ The implication was that reforms affecting social and economic institutions had to be accompanied by reforms affecting democratic institutions. When the Social Guarantees were instituted they stated their support for any measures that intended to give content to formal democracy, but they disclaimed any support for the government that instituted the reform adding that:

we believe that the juridical reforms concerning social material must be accompanied--if not preceded--by a broad political movement of popular orientation, with professional leadership that will impel and promulgate these reforms.⁸²

If the centristas had a criticism of Costa Rican society, it was the lack of a well-organized, professionally-led, ideologically-based political party. This was the most consistent theme of Centro publications throughout the Calderón administration. After 1943, however, this was accompanied by harsh indictments of the communist party and apprehensions of the administrations' willingness to respect democratic liberties. One month after the Labor Code went into effect the Centro reasserted its support for the content of Calderón's reforms, inasmuch as they represented an attempt to transform social and economic structures in a way that benefited the lower classes. "Nevertheless," it stated,

while we support these coincidences with our own thinking, we will continue, despite the reactionary slogans that will be used against us by the vanguardistas, to use the right of criticism, which the citizen of a democracy holds as the first of his rights, to affirm our opposition to extremism, be it

communist or fascist; our repudiation of anti-patriotic politics and personalistic politics; our opposition to anything in the present or in the following administration that signifies fiscal disorder, the economic ruin of the people, nepotism, the defeat of liberal legislation concerning education, disrespect for suffrage, intents to silence the liberal awareness of the people, and any other unspeakable excesses.⁸³

The centristas criticized the communists for a lack of doctrinal consistency which they thought betrayed an ideological hypocrisy that was calculated to serve the ultimate purpose of instituting revolutionary changes in Costa Rican social and political structures. Communism was seen to be a movement under foreign direction that threatened democratic liberties which, in the centrista view, had already been badly abused by the Calderón administration. Their mistrust of communism was stated in a publication that indicted the PVP for being

an organization completely devoid of realism that has needed to and that needs to continue, either by its own determination or in obedience to a foreign order, to change its program and its name to accomplish its end. It is an opportunistic group that places little importance in calling white what yesterday it called black, provided that it serves their objective of dominating the country, disorienting public opinion, placing in danger national stability, and scoffing at the awareness and morality of the Costa Rican people.⁸⁴

Corruption and mismanagement between 1940 and 1944 had been an important source of opposition to the Calderón government. However it should be carefully noted that the increasingly strong ties between the PRN and the PVP and the suspicion that the democratic right of suffrage would not be respected in the presidential elections of

1944, caused opposition forces to view the Block of Victoria as a revolutionary movement that was prepared to overthrow parliamentary democracy in order to redirect the course of national development. Shortly before the elections, the Centro launched a strong attack against government forces, asserting that demagogic leadership, lies, irresponsibility, and sectarianism were threatening to drown Costa Rican social peace, destroy traditional political institutions, and deny the liberal play of contrary opinions.⁸⁵ To the centristas there was more at stake in the elections than honest government and economic stability; the parliamentary system and democratic civil liberties hung in the balance. To capitalistic sectors the election represented an opportunity to overturn the progressive policies that affected them, or to at least postpone and dilute future reform legislation. To the Block of Victoria, on the other hand, a victory was needed in order to consolidate the gains of the previous four years. Manuel Mora stated that

we believed that a little more time was needed so that the legislation could be more firmly established in the consciousness of the people. We had to win one more period of government to accomplish this.⁸⁶

The Block of Victoria offered its record of legislation as a political platform. It proposed to consolidate and broaden democracy by giving it an economic content that would guarantee the well-being and liberty of people from all social classes. It promised to respect and execute the principles of the Social Guarantees and

the Labor Code; to raise living standards and to place the benefits of culture within the reach of all the people; and to give effective support to the just aspirations of workers and peasants.⁸⁷

In the subsequent elections León Cortés led a coalition of bourgeois and campesino elements against Block of Victoria candidate Teodoro Picado. Picado won by a 2 to 1 margin but the opposition accused the government of electoral fraud. José Figueres commented after the election that the First Republic of Costa Rica had died. Asserting that the nation needed a rebirth, he promised that a second republic would open up a new epoch in Costa Rican democracy, stating that, "If we are dignified men, we will return the blow that these incompetents have dealt to the fatherland."⁸⁸

The defeat of Cortés precipitated a movement toward the unity of opposition forces. The Centro which up to 1944 had rejected any direct political action became the core of the Social Democratic Party. With respect to government institutions it called for: the creation of a doctrinaire political party; constitutional reforms limiting executive power; a prohibition of the reelection of deputies; a stronger Judicial branch of government; and electoral organs independent of executive authority. In the area of agricultural reform it proposed: the creation of an agricultural school; increased agricultural production; the creation of cooperative farms; the incorporation of the campesino into political life; and better rural living conditions. It also proposed to protect and refine the Labor Code, and to nationalize public services.⁸⁹

Toward the end of the Picado administration the SDP counted on the support of the CCTRN. What is curious about Rerums' desertion from the Block of Victoria is that the Church maintained an official position of cooperation with the communist party. Sanabria, who led the Church hierarchy, and Benjamín Núñez, who led the CCTRN were thus at cross purposes. The change in Rerums' position can be partially explained by the contributions the Centro made to Catholic unionization efforts. A great many CCTRN leaders were drawn from centrista ranks. Of greater importance however, were the conflicts that emerged between the CCTRN and the CTCR, despite the Comité de Intelligencia. Problems began to arise when the CCTRN intruded on the CTCR by initiating unionization drives on United Fruit Company property. The Catholic confederation defended its action by asserting that it was applying the principle of parallel unionism. This however only reinforced the communist argument that Rerum Novarum was impeding labor unity.

The problems between the confederations were aggravated by the dissatisfaction of the CCTRN to increasing communist influence in the Picado government.⁹⁰ By 1948 the communists had gained important posts not only in the CCSS and the Ministry of Labor but in the police force, the army, the Ministry of Public Works, the Electric Railroad to the Pacific, and the postal and telegraph services. These developments were noted by the American Embassy in a memorandum which stated that:

'the situation of uncertainty and insecurity that exists in Costa Rica is in many aspects similar to that which prevails in Eastern Europe today. Although this assessment might be exaggerated, it might be worthwhile to point out that Haya de la Torre of Peru, in a recent declaration to United Press, described Costa Rica as 'the Czechoslovakia of the western hemisphere.'⁹¹

These apprehensions were combined with public policies that contravened the economic interests of conservative sectors. In 1946 the legislature approved an increase in property taxes affecting large farms. Income tax scales were also readjusted. This provoked a strong reaction from the Chambers of Agriculture and Livestock, Commerce, Industry, and coffee and sugar producer associations, all of which threatened to withhold the payment of taxes. Manuel Rojas Bolaños described the attitude of capitalist sectors during this period by saying that the imposition of new taxes aggravated the situation of national producers who had been exhausted in recent years by such reforms as holidays for workers, advance notice and severance pay for employees who had been fired, vacations, salary increases, shorter workdays, social security, and price limitations.⁹²

In 1947 capitalists translated their opposition into the "Huelga de Brazos Caidos," a national boycott that was supposed to express popular dissatisfaction with the Picado government. However, the "boycott" was organized by conservative Otilio Ulate, who had on several occasions been indicted by Manuel Mora for his anti-labor policy positions. Mora complained that in Ulate's view the political participation of the workers should be confined to the simple act of voting: that their only function was to work and collect a

salary.⁹³ In any case the strike involved only the banks and big businesses. The government reacted strongly, and in some cases violently, further alienating both the conservative and progressive sides of the opposition.

In the same year opposition forces, consisting of the progressive SDP, led by José Figueres, the old Democratic Party of León Cortés, and the National Union Party, led by Otilio Ulate, convened a political convention for the purpose of sending a single candidate against Calderón in the 1948 elections. After lengthy deliberations conservative Otilio Ulate was endorsed as the opposition presidential candidate. The progressive-conservative coalition represented a hodgepodge of political forces, whose attitudes on social policy were diametrically opposed. Their only point of agreement was that the PRN and the PVP had to be removed from power.

In the subsequent elections Ulate defeated Calderón by a substantial margin. The electoral tribunal then declared Ulate the president-elect; but claiming that there had been significant procedural irregularities in the elections, Calderón submitted a proposal to annul the results. The legislature, which was dominated by PRN and PVP deputies, immediately approved the proposal. Shortly thereafter, opposition forces took up arms, and after a brief but costly rebellion, the Picado government was overthrown, and José Figueres was placed at the head of a revolutionary junta.

Concluding Remarks

The constitution of opposition forces, and the sources of dissatisfaction with the Block of Victoria, were so diverse, that any generalization concerning the causes and sources of the revolution must necessarily be unsatisfactory. Samuel Stone interpreted the revolution to be the result of liberal social policies that threatened the power of the coffee oligarchy. The social reforms, he argued,

affected the social, economic position of the cafetaleros, inasmuch as the Labor Code altered relations between patron and peón and upset the social system that operated in the coffee complex. With time, social security increased considerably the costs of production.⁹⁴

Similarly, Manuel Rojas Bolaños contended that the revolution must be understood to be the result of an intense period of class antagonisms, which, in addition to partially breaking the hegemony of the oligarchic classes, eliminated, at least for several years, the possibility of a strong and independent proletarian political organization.⁹⁵

On the other hand it would be possible to argue that class conflict was not as important as the struggle between a movement that was paternalistic, personalistic, and traditional in style of leadership, and a movement that proposed to bring a higher degree of organization and rationalism to democratic political structures. According to this view, the revolution issued from a tendency toward

institutionalization and structural sophistication. Both interpretations have merit, but where labor is concerned, there can be little doubt that the rebellion introduced a period of organizational decline during which labor organizations were either coopted and tamed, or vengefully repressed. How and to what extent this occurred will be the next subject of discussion.

Notes to Chapter II

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⁸⁶Wilkie, op. cit., p. 130.

⁸⁷This information is derived from a variety of sources but principally from Rojas Bolaños, op. cit., p. 91.

⁸⁸See Arturo Castro Esquivel, José Figueres Ferrer: El Hombre Y Su Obra, (San José, Costa Rica, Imprenta Tormo, 1955), p. 70.

⁸⁹The program of the Social Democratic Party appears in various books. See for instance Carlos Araya Pocket, Historia De Los Partidos Politicos: Liberación Nacional, (San José, Costa Rica, Lehmann, Librería, Imprenta Y Litografía LTDA, 1969), pp. 44 and 45.

⁹⁰Backer, op. cit., pp. 118 and 119; and Escuela Social Juan XXIII, Sindicalismo-Sindicatos, (San José, Costa Rica, 1971), p. 12.

⁹¹Rojas Bolaños, op. cit., p. 132.

⁹²Ibid., p. 133.

⁹³Mora Valverde, Discursos en Defensa, p. 33.

⁹⁴The quote appears in Samuel Stone, op. cit., 8-305.

⁹⁵Rojas Bolaños, op. cit., pp. 160 and 161.

CHAPTER III

DEMOBILIZATION AND REALIGNMENT

Where labor organizations were concerned, the period between 1948 and the mid-1960s was characterized by stagnation and decay. The Revolutionary Junta, in a decree that prohibited the existence of parties with programs, methods, and antecedents thought to be antidemocratic, forced the dissolution of the PVP. Party leaders were either exiled, jailed or executed. At the same time, the CTCR was accused of violating a prohibition on political activity. The matter was deferred to the labor tribunals by Benjamín Núñez, then Minister of Labor, where a decision was rendered to dissolve the confederation.¹

In the void that was created by the disappearance of the CTCR, Rerum Novarum was given an unprecedented opportunity to establish absolute control over the labor union movement, but instead of taking advantage of this position, the confederation entered a prolonged period of organizational decay. The reason for this was partly associated with Rerum's rapid growth in the early years. Dramatic increases in membership in the 1940s were not accompanied by gains in organizational stability. The movement was held together largely by the charisma and prestige of Benjamín Núñez, but during the late 1940s and early 1950s both Núñez and several other important Rerum

Novarum leaders left the labor movement to take up posts in the newly formed National Liberation Party. The nature of the relationship between the CCTRN and the PLN will be discussed in a later chapter, but at this point it should be noted that the inexperienced and in many cases incapable secondary leaders who replaced these key figures allowed personalistic and procedural conflicts to affect the cohesion and discipline of the movement.²

By the mid-1950s the problems of incompetent leadership were combined with the appearance of Peronist tendencies in several key affiliates. Various leaders proposed to change the international affiliation of the CCTRN from the democratic Interamerican Confederation of Workers (CIT) to the Peronist Latin American Union Workers Group (ATLAS). The subsequent battle culminated in the expulsion of several important leaders and the creation of the Peronist oriented National Confederation of Workers (CNT). The CNT never became an important force in Costa Rican labor, and after the fall of Peron it disappeared. Ultimately, it served only to weaken to CCTRN.

But the Peronist exodus was only one of several significant defections that occurred in the 1950s. The National Federation of Workers, and the Independent Federation of Banana Workers (FETRABA) chose to follow independent routes; and in the late 1950s the National Federation of Public Works Workers with three thousand members and the National Agrarian Federation with eight unions left the CCTRN. By the late 1950s RN membership, which at its high point had numbered upward of fifty thousand was reduced to a mere four

thousand members. The major complaint of defecting unions was that the CCTRN had placed the interests of the PLN above the interests of the workers. Historian James Backer, in placing great significance on this tendency, asserted that the PLN was composed primarily of middle-class elements who were not interested in the problems of the working classes. Owing to their mistrust of labor unions, they had little to offer the labor movement.³

Also associated with the decline of the CCTRN was the growing conservatism of the Catholic Church after the death of Sanabria in 1952. Sanabria was replaced by Archbishop Rubén Odio Herrera, a conservative who placed more emphasis on the struggle against communism than the problems of the working classes. During Herrera's tenure the Church became more interested in religious socialization than social activism, and correspondingly began to emphasize the traditional virtues of obedience and resignation. The few activist priests who did emerge after the revolution were scolded by the Church hierarchy.⁴ In 1960 Herrera was succeeded by Archbishop Carlos Humberto Rodríguez Quirós, who although expressing more of an interest in social problems, was nevertheless preoccupied with the spiritual functions of the Church. This succession of conservative prelates combined with a heavy financial dependence on wealthy farmers to cause a loss in relevance among the popular classes. Churchmen once again propounded the virtues of a rural life in which country people accepted poverty in exchange for assurances of heavenly gain.⁵

Government Suppression

Despite the persecution of communist labor organizations after 1948, the President of the Revolutionary Junta, José Figueres, followed a policy course aimed at lessening the economic burdens of the lower classes. Taxes on wheat were suspended in order to reduce the price of bread, and salaries were increased for sugar and coffee workers. In the same stroke, Figueres placed a ten percent tax on capital over fifty thousand colones and nationalized the banks. Curiously, despite the fact that the revolution was precipitated by the unwillingness of the Block of Victoria to permit the installation of a conservative President, Figueres' policies, while at the head of the Revolutionary Junta, represented a continuation and an expansion of the social reforms that were instituted in the previous eight years. Importantly, the Social Guarantees, and the Labor Code were left in tact. But in 1949 the junta was dissolved and conservative Otilio Ulate was installed as President of the Second Republic. Beginning in the latter half of the Ulate administration and extending through the decade, a series of labor struggles underscored the anti-union attitude of post-rebellion governments and revealed a consistent pattern of carrot and stick tactics that would characterize labor relations for decades to come. Several important strikes occurred in the San José region, but the most significant of these confrontations occurred in the banana zones and involved labor organizations that were thought to be under communist influence.

The union that would take part in most of these struggles, the Federation of Banana Workers and Unions (FOBA), was formed in 1952 through the union of several independent unions in Puerto Cortés, Quepos, Golfito, and Palmar Sur. Shortly after it was constituted, FOBA initiated proceedings for a collective convention. Labor requests included salary increases, the construction of commissary stores and dispensaries, living quarters, and holidays. The Compañía Bananera de Costa Rica (Costa Rican Banana Company) rejected the federation's demands, at which point the matter was brought before the labor courts. The courts rejected the collective conflict stating that the federation lacked sufficient support to solicit a collective convention. When on May 1, 1953--a national holiday--the company fired forty-six workers for refusing to comply with a workorder, FOBA called a strike that paralyzed production in the Pacific region. The strike was immediately declared illegal and security forces were dispatched from San José. One day after the commencement of the movement, the entire Junta Directiva of the federation was arrested, and in confrontations with security forces one worker was killed and five others wounded. The next day more security forces were sent from San José. Renewed confrontations led to more injuries, and the arrest of several more federation leaders and thirty-four rank and file members.⁶

With the declaration of illegality the company refused to deal with workers collectively. Federation leaders asked the labor courts to form a conciliation tribunal but the request was refused.

FOBA then appealed to the Superior Labor Tribunal, but the labor court's judgement was upheld. After subsequent meetings with company officials, President Ulate proposed a solution involving a commitment from the company to maintain the continuity of labor contracts, in exchange for which workers were to promise to follow legal channels in requesting collective conventions. The company, however, refused to guarantee employment to striking workers. FOBA proposed its own solution but Ulate refused to deal with federation representatives.⁷

On June 27 the Minister of Labor held interviews with labor and company representatives. In the negotiations the company promised to consider the federation's requests, but made no commitments. With this promise the strike was brought to an end. Later however, FOBA complained that the company rejected the collective convention, refused to pay lost salaries, and initiated repressive measures against union leaders.⁸

The PLN administration of José Figueres between 1953 and 1958 displayed an attitude of tolerance for the labor movement. Nevertheless persecution of unions thought to be under communist influence continued. What stood forth with striking clarity in both the Ulate and Figueres administration, and for that matter, subsequent administrations of either PLN or opposition variety, was a sequence of action that occurred with such regularity as to become a standard conflict resolution procedure. A request would be made for a collective convention. It would be rejected and a collective conflict

would be called. In the subsequent legal action, the resolution would be delayed or the conflict would be rejected. A strike would then be called and immediately declared illegal. The subsequent dispatch of security forces would be closely followed by clashes, and the arrest of union leaders and strike organizers. This would be accompanied by the direct involvement of Executive Power in the form of the Minister of Labor, and on occasion, the President himself. Interviews would be granted, and settlements would be made. Following the strike, the company would reinitiate the repressive measures against labor leaders that led to the conflict. In few cases would settlements be made between company officials and union leaders, and in fewer cases would settlements be respected.

The first demonstration of this sequence in the Figueres administration occurred in 1954. In January of that year FOBA and FETRABA collaborated in a strike in Puerto González Víquez. The movement began on January 7 and involved 1,200 workers on twelve plantations. Labor inspectors were sent to the area to investigate the cause of the strike, and as the movement developed, the Director General of Labor Relations was sent, along with the Minister of Labor, and finally President Figueres. The federations had complained that because of diverse forms of payment, some workers were not earning enough money to cover the minimum necessities of a single worker, much less a family. The General Salary Office had submitted a report stating that the minimum costs of basic necessities was 15.50 colones per day. Inasmuch as many workers were earning only 11.20

colones per day, FOBA and FETRABA asked for salary raises up to 16.00 colones. They also called for the hiring of Spanish speakers in company medical facilities and an end to the repressive measures that had been taken against labor leaders. The federations argued that the company was prohibiting the exercise of union rights by firing workers attempting to unionize.⁹

A strike was called and immediately declared illegal by the regional labor courts. Security forces, sent to the area with orders to break up the strike, arrested all labor leaders associated with the movement. Two weeks after the strike was initiated, President Figueres intervened personally, upon the request of the labor federations. After conducting interviews with labor and company officials, Figueres declared that labor unionism had to be accepted by both the company and the government, but that labor activities should show a sense of responsibility. The tactic used by communist unions, of initiating strikes without concern for production, would not be tolerated.¹⁰

Figueres proposed that the company agree to continue the contracts of the striking workers, without reprisals, and recognize the legitimacy of the democratic labor movement. In addition, living quarters and hygienic facilities would be constructed, but minimum salaries would be left up to the National Salary Council. Any salary discussions that the federations wished to take up with the banana company would be initiated when the workers returned to work. The proposal was refused by the strike committee but accepted by the

FETRABA leadership. FOBA asserted that the agreement represented a worker defeat, inasmuch as it contained no firm guarantees that the company would not reinitiate repressive measures against particular unions after the strike had terminated.¹¹ Nevertheless, shortly after Figueres submitted his proposal the strike came to an end.

In this case the Figueres proposal succeeded in dividing the strike movement. At the same time, the recognition that was given to the democratic labor movement, and the promise of the company not to exact reprisals from striking workers, could be understood to mean that any company actions intended to weaken, or destroy a class-oriented labor movement would receive the tacit approbation of the Figueres administration. FOBA was a communist led labor organization. FETRABA, on the other hand, was of Christian origins. FETRABA thus had every reason to accept the Figueres proposal, but inasmuch as FOBA was not considered to be a democratic labor movement, either by the company or the government, there was no guarantee that it would be protected should the company decide to initiate repressive measures. In fact, the Figueres proposal called for such action.

In the long run however, the recognition of the legitimacy of the democratic labor movement was a hollow gesture that left the question of legitimacy of action in the realm of interpretation. What union activities would be considered faithful to a democratic movement and what activities would not, depended entirely on the disposition of the government. In this connection, unions could not be more sure of their rights than they were in the period before

the Block of Victoria, inasmuch as any strike that threatened to interrupt production in a critical sector could be construed to be subversive, thus setting into motion the repressive mechanisms of the company and the state.

A movement that demonstrated a similar sequence of action took place in the following year. Once again FOBA and FETRABA collaborated in a strike on property owned by the Compañía Bananera de Costa Rica. Demands included a forty percent salary increase, shorter workdays, better housing, the construction of a hospital at the Laurel Finca, transportation facilities for children, special schools for adults, protective equipment for workers using sprays, and respect for labor rights. The company rejected labor's demands and the matter was brought before the labor courts. In an unusual decision the Golfito labor court granted the federation permission to strike, at which point the company attempted to undermine the strike movement by asserting that many of the signatures on the grievance document were forged and that the strike did not have the necessary sixty percent approval. The court ordered a plebiscite on each plantation, but ninety-five percent of the workers voted in favor of the movement.

Upon the start of the strike 1,600 workers were involved. The government, in customary fashion, dispatched military units headed by the Minister of Public Security. Fearing an expansion of the movement, the Minister announced that he would not tolerate a Guatemalization of the banana zone and that force would be used if

the movement continued. At the same time, echoing company officials, the Ministry of Labor refused to deal with communist labor representatives. FETRABA, the non-communist oriented federation, was repeatedly approached in a ministry attempt to achieve a separate peace. Certain that FETRABA would eventually yield, FOBA accepted a ten percent salary increase, but was forced to accept the condition that no more strikes would be initiated for the next two years.¹²

A much more violent, though typical encounter occurred at the end of 1959. Once again FOBA and FETRABA joined together in a strike on banana company property in Puerto Cortés in response to the company's non-compliance with provisions of the Ley del Trezavo Mes (Law of the Thirteenth Month). According to this law the company was required to pay workers an extra month's salary at the end of the year. Management on this occasion agreed to pay only one week extra salary. The federations presented a collective conflict before the Golfito labor courts with one petition: payment of the entire Trezavo Mes. Before the legal process had been exhausted, a strike was called that gained the support not only of banana workers, but workers in company shops, docks, trains, and offices. The strike was immediately declared illegal and workers were ordered by the court to return to work. It was added that since an illegal strike had been initiated, the company enjoyed the right of terminating all labor contracts.¹³

The Ministry of Labor, speaking for the executive authority, announced that the decisions of the Labor Tribunal would be respected.

Conservative President Mario Echandi Jiménez, who succeeded José Figueres in 1958, promptly sent public security forces to the area with orders to put an end to the movement. The Echandi government subsequently reinforced security troops with civil guards and the Resguardia Fiscal (Treasury Guard), and placed all elements under the command of the Labor Court of Golfito. Clashes between strikers and police forces followed immediately. Clashes and beatings were repeated.

The government in this case was particularly anxious to bring the movement to an end inasmuch as it occurred at a critical time in banana cultivation. The Minister of Labor along with the Minister of Health who had been sent to the area earlier to negotiate with workers and company authorities, thus proposed the payment of lost salaries along with the guarantee that there would be no reprisals after the strike had ended. The ministry also promised the presentation of amendments in the Trezavo law and suggested that the company pay two weeks salary instead of one. The offer was rejected by both the company and the federations. Subsequently, several strike leaders and rank and file union members were arrested. More confrontations between police and workers followed, but the strike sustained its momentum.¹⁴

The situation in Puerto Cortés was complicated when dock workers in Limón threatened to go on strike for the same reason as FOBA and FETRABA. A dock worker's strike would have been particularly disruptive inasmuch as workers were preparing the shipment of several

tons of sugar. Security forces were consequently put on alert and public authorities began recruiting workers, in the event that a strike was installed. A collective conflict had been submitted to the Superior Tribunal of Limón but after negotiations between labor and management failed to produce a settlement, the court ruled an end to the collective conflict. In this instance, Labor Code restrictions prohibited dock workers from initiating a strike. The only allowable alternative would be arbitration, but if both parties don't give their consent, the collective conflict is terminated. The absurdity of this procedure was expressed when the court stated: "from a legal point of view, relations between the employees of the Northern Railway Company and this business, are normal."¹⁵

Two weeks after the strike in Puerto Cortés was initiated President Echandi made a personal appeal to workers. The government subsequently ordered the payment of the Trezavo Mes but the company argued that inasmuch as the strike had been declared illegal, it had the right to terminate all labor contracts. It then proceeded to fire all workers involved in the strike. After a meeting between company and embassy officials, and the rejection of a counterproposal from the United States Ambassador, the government offered to pay seventy-five percent of the Trezavo Mes or that portion of the salary refused by the banana company, if the company agreed not to fire striking workers. The company agreed to rehire striking workers, but only with the understanding that their previous contracts had been broken. Despite the assertion that the settlement was damaging

to worker interests because it didn't contain sufficient guarantees that there would be no reprisals, the agreement was accepted and the strike came to an end.¹⁶

In the meantime the Atlantic Federation of Workers and the Union of Dockworkers announced that a strike would not be called. The Labor Court of Limón subsequently declared that the Northern Railway Company had only to pay twenty-five percent of the Trezavos or one week's salary. The company was also obliged not to initiate reprisals against union leaders. The promise however, applied to the period of time immediately following the strike. After that Northern was free to take whatever actions it deemed appropriate.¹⁷

It is probably worthwhile to note that the length of time during which the company was prohibited from taking repressive action corresponded to the amount of time that was required to load the sugar harvest. What should also be emphasized, in the case of the Compañía Bananera de Costa Rica, is the condition that was applied to the renewal of labor contracts. The company had previously fired all striking workers. This meant that all workers had to sign new contracts when they were rehired, and since the Labor Code does not make unmistakably clear the precise terms upon which new contracts must be based, the company was under no firm obligation to provide workers with the benefits they had previously enjoyed. The banana company made this clear in their settlement with FOBA and FETRABA.

Equally important was government complicity in company designs to take repressive measures against labor organizations. In both

the Puerto Cortés affair and the Limón threat, government authority, through the Minister of Labor, the labor courts and even the President himself, created the impression that the application of coercive measures to the termination of work stoppages, be they physical or legal, were intended not to weaken labor organizations, but to protect the public good. What stands forth with striking clarity in all strike movements throughout the 1950s is the use of a carrot and stick tactic. The dispatch of public security forces, violence, and arrests, were always accompanied by audiences with the Minister of Labor or the President, and the offer of settlements that appeared to represent at least partial labor victories. But agreements that provided higher salaries and added benefits, usually carried stipulations that left labor leaders and labor organizations extremely vulnerable to employer attack. Moreover, the frequent refusal of government proposals by company officials, created the impression that national political authority was being compromised by economic power--in this case the economic power of a multinational corporation. Nevertheless the position of Costa Rican governments with regard to company labor policy reflects a coincidence between the desire of political authorities to insure the smooth flow of production and the desire of business to insure the smooth flow of profits.

While economic concessions won by labor through government sponsored settlements might have served short-term economic interests, government involvement must be understood to have been damaging to labor's long-term interests inasmuch as it undermined the

structural growth of labor organizations, and represented a rejection of independent labor activity. Unlike the Block of Victoria governments in the 1940s, which intended to encourage the structural development of labor and which acted on behalf of labor's interests as they were frequently articulated by communist cabinet members and advisors, governments in the post-revolutionary period distributed token economic benefits only as a requirement of production.

The application of force by government authorities, and unfavorable legal judgements made by labor courts were accompanied by company persecution of unions. Executive authority, judicial judgement and company action formed a three-pronged mechanism of control that accounted for a low level of unionization in the post-revolutionary period.

The most common tactic used by employers to insure a complacent workforce was the arbitrary release of troublesome employees. Several cases of anti-union attacks after 1952 underscored the post-revolutionary attitude of employers toward labor union activities. In 1952, for instance, the Imprenta Termo initiated reprisals against the Union of Graphic Arts Workers after it initiated proceedings for a collective conflict. In the same year the Secretary General and several rank and file members of FOBA were arrested and beaten by police. The Secretary General of the Union of Golfito and union members were arrested while gathering signatures for a collective convention. In typical fashion, the Campa nia Bananera de Costa Rica threatened to fire workers who proposed to join a newly formed union.

The next year several leaders and rank and file members of FOBA were arrested by the Resguardia Fiscal while gathering signatures for a collective convention. In May of that year Banana workers in Palmar and Esquinas were fired en masse after a May Day parade. In November several leaders of a union associated with FOBA were fired while gathering signatures for a collective contract. The company claimed that the workers' production levels were low, and that they had been insubordinate on several occasions.¹⁸

Company action against unions in the post-rebellion period was frequently accompanied by persecution on the part of bureaucratic agencies. A not untypical incident occurred in 1960 when the Ministry of Labor authorized an investigation of the Association of Social Security Workers (AESS). Unions in any case were required to submit reports of activities, organizational changes, and funding sources every six months. But on this occasion the AESS had been accused of being of subversive orientation; consequently the political orientation of its leadership was subjected to close government scrutiny. Shortly after, an investigation of the financial assets and funding sources of the Federation of South Pacific Workers (FUTRA) was ordered. Eventually the organization was dissolved involuntarily.¹⁹

Labor leaders complained that government persecution was aimed at class oriented unions. The AESS had been an affiliate of Rerum Novarum. During this time no repressive government action was taken, but after the union switched its affiliation to a more combative

confederation, special investigations were ordered.²⁰ Despite this claim, state persecution of the labor movement affected the CCTRN as well. In 1956, for instance, the Comptroller General of the Republic recommended the dissolution of Rerum Novarum claiming that it was financed by the PLN. Also in 1957 the Union of Graphic Arts Employers initiated a campaign against unions in the printing industry. Their justification was that printing unions were associated with the CCTRN, which, having been subsidized by the PLN were in violation of the law and subject to dissolution.²¹

While company and government actions against the labor movement were supposed to be directed against communist oriented organizations, ideological orientations, as they appeared both in statements of goals and tactics, were interpreted so broadly as to make almost any union or confederation in any sector of production, a suspect of subversive activities. In this way anti-union action lacked the focus that it was supposed to have. Thus in 1953, communist affiliated labor leaders issued an indictment against what was believed to be a general offensive against the labor movement. Agricultural workers, it was asserted, were afraid to organize unions because of the employment risks. In the construction industry employers acted with such impunity that unionization had become a clandestine activity. The same situation prevailed in all other industries. Furthermore, they contended, employers ignored legislation concerning severance pay, overtime salaries, paid vacations, minimum salaries, and social security. At the same time, legal

judgements, rather than protecting labor against abuses, served in combination with anti-union company and government actions, to weaken the labor union movement. In this way, it was argued, workers lost confidence in union activity and preferred to deal with employers on an individual basis.²²

The annual report, issued by the Ministry of Labor at the beginning of 1954, at least confirmed that the labor movement since the rebellion had experienced a period of decay. Data on unionization revealed that no more than sixty unions were functioning at the end of 1953. The newly formed General Confederation of Costa Rican Workers (CGTC), with 1,953 members was the largest labor central. Its more important affiliates included the Union of Construction Workers with 160 members; the Union of Flour Industry Workers with 106 members; the Union of Banana Industry Workers in Quepos with 104, in Puerto Cortés with four hundred, and in Golfito with 469; and the Union of Grocery Workers of Limón with 318 members. The CCTRN, with 1,795 members, was the second largest central. Its more important affiliates included the Costa Rican Musical Union with 347 members; the Costa Rican Textile Union with 136; and the Union of Juan Viñas Workers with 265. The Peronist oriented National Confederation of Workers followed with 1,186 members. Its more important affiliates included the Union of San José Municipal Workers with 169 members; and the Union of Electric Railroad Workers with 706 members. The nonaffiliated Federation of Workers of the Province of Cartago and FETRABA numbered 121 and one thousand workers respectively. Other independent unions numbered 909 workers. The number of unionized workers had been reduced

to 6,964.²³ The CCTRN alone, at the peak of its development boasted a membership of over fifty thousand. Shortly after these statistics were published the Director of the General Labor Office stated that only a few years earlier there were more than four hundred unions functioning. The decline was associated with the fact that labor unionism was frequently equated with communism.²⁴

Reunionization

The repressive measures that were employed by state institutions and employers in the 1950s did not change substantially in the following decade. This is not to say that all administrations since the 1948 revolution persecuted labor with equal alacrity, although anti-union company activity in the following decades did not differ measurably.²⁵ What it does mean is that the vulnerability of labor to anti-union attacks on the part of patrons depended largely on the disposition of the labor courts, which in turn were dependent upon the executive authority. Furthermore, the kind of response that work stoppages elicited from the state depended largely on the attitude of the executive authority. Nevertheless, changes in administrations did not amount to a difference between support and repression; they rather signified differences in degree of oppression, some governments being more tolerant of labor activity than others.

But despite an unfavorable political atmosphere economic changes in the 1960s, brought about by the creation of the Central American Common Market and a dramatic increase in American investment, both

stimulated union growth and encouraged a proliferation of labor confederations. Until 1960, American investment amounted to \$74.7 million. Between 1960 and 1965, an additional \$45.3 million were brought into Costa Rica. These investments produced new industries and an increase in production, especially in manufacturing and industry. With 1963 as a base for instance, industrial production since 1948 had increased 154 percent. At the same time, cattle production increased 114 percent. Working classes, nevertheless did not profit as much as a new managerial class that emerged out of economic development. Throughout the period, workers suffered from low salaries and unemployment. One economist noted that popular groups, having paid the price of development, were impelled toward unionization as a means of protest.²⁶

TABLE 4

DISTRIBUTION OF ECONOMICALLY ACTIVE POPULATION BY SECTOR 1950-1973²⁷

Sector	1950	1963	1973	Annual Increase 1950-1963 in %	Annual Increase 1963-1973 in %
Agriculture	159,691	200,309	213,226	1.7	0.6
Mining	875	1,233	1,557	2.6	2.3
Industry	32,100	46,205	69,917	2.7	4.0
Construction	12,548	23,960	39,078	4.8	4.8
Electricity	1,541	4,429	5,531	7.4	2.2
Transportation	9,922	15,316	24,964	3.2	4.8
Commerce	23,054	39,665	67,675	4.1	5.2
Services	51,878	76,117	163,365	2.9	7.3
TOTAL	291,819	407,284	585,313	2.5	3.6

But in terms of labor organization the most important by product of economic growth was a dramatic increase in the size of the work force. From 291,819 in 1950 the economically active population more than doubled by 1973. While the number of workers in the agricultural sector increased, the sectors that registered the largest increases were commerce, transportation, construction and industry. Also increasing dramatically were the number of people involved in the electrical industry. Furthermore the period between 1963 and 1973 showed an acceleration in the yearly rate of growth.

TABLE 5
UNIONIZATION LEVELS BY SECTOR (PERCENTAGES)²⁸

Sector	1963	1973
Agriculture	0.4	5.7
Industry	0.4	5.9
Electricity	9.7	69.3
Construction	1.2	5.5
Commerce	1.7	2.1
Transportation	11.9	30.5
Services	8.4	19.9
TOTAL	2.6	10.9

Accompanying increases in the economically active population were dramatic increases in levels of unionization. In this connection, unionization increases in the agricultural sector were far out of proportion to increases in the number of people involved in agricultural production. The electrical industry on the other hand, while not occupying a large portion of the work force showed a particularly sharp increase in unionization levels. At the same time the number of union workers in the transportation industry almost tripled between 1963 and 1973. The number of union workers involved in industry also showed a sharp increase. What is noteworthy about these figures is the relationship between increases in the economically active population and unionization increases. While the number of people involved

in industry increased from 46,205 to 69,917 between 1963 and 1973, the percentage of unionized workers during the same period increased over fourteen times. In all sectors, the level of unionization was far out of proportion to sectoral work force increases. This may indicate that the reunification of the Costa Rican work force was in part attributable to a slackening of labor repression between 1963 and the early 1970s. In fact some writers have noted that the pitch of anti-labor action dropped during the 1960s but rose again during the PLN administration of Daniel Oduber between 1974 and 1978.²⁹

TABLE 6
PUBLIC SECTOR GROWTH³⁰

Institutions	Number of Employees		Increase	
	1955	1975	Absolute	Percentage
Ministries	22,093	45,288	23,195	105%
Autonomous	2,780	35,625	32,845	1,181%
TOTAL	24,873	80,913	56,040	225%

Another significant development occurring around the same time was a pronounced growth of the Costa Rican state apparatus. In terms of labor activity this is especially important since the Labor Code established special conflict resolution procedures for public employees. Between 1955 and 1975 the number of people employed in the

standing bureaucracy more than doubled. But even more dramatic was an increase in the number of people employed in the autonomous institutions. Such increases serve to show that development in the post war period was largely the responsibility of the Costa Rican state. At the same time the growth of the public sector presented an unusual opportunity for union growth. This is probably attributable to the lack of patronal oppression in the public sector, owing to the existence of certain guarantees which prohibit the arbitrary release of state workers.

TABLE 7
UNIONIZATION BY SECTOR: 1973³¹

	Population Occupied	Number Unionized	% of Participation
State	72,847	31,648	43.4
Private	477,563	26,100	5.5
TOTAL	550,410	57,748	10.5

The data also show a relatively low level of unionization in the private sector. On the other hand the large number of unionized government workers might lead to the mistaken conclusion that unions in the public sector are strong. However these high numbers must be considered in conjunction with legal provisions that restrict labor

activities in the public sector much more severely than in the private sector. Nevertheless, this does not mean that these unions have been rendered ineffectual. Even though strikes are prohibited from all public employees, the threat of a work stoppage in a vital public service exerts pressure on government patrons to accede to union demands. For this reason, public workers enjoy higher salaries than workers in the private sector. On the other hand, government concessions at the bargaining table are usually attended by threats against unions contemplating more assertive action. Public sector unions must thus accept offers that are delimited by yearly budgetary allocations to bureaucratic organs.

TABLE 8
UNIONS ORGANIZED YEARLY: 1965-1975³²

Year	Number of Unions
1965	11
1966	19
1967	26
1968	28
1969	19
1970	30
1971	33
1972	31
1973	29
1974	33
1975	41

In terms of organizational growth, the reunification of the Costa Rican work force showed a gradual acceleration between 1965 and 1975. The forty-one unions created in 1975 represented a twenty-four percent increase over the year before. The majority of these unions were located in San José, and the banana zones on the west coast and Limón. Sixty-six percent of all Costa Rican unions in 1975 were located in the San José region while other provinces such as Guanacaste and Heredia located only two percent and four percent of Costa Rican labor unions.

Once again the increase in the number of labor organizations, if not considered in conjunction with other data, might lead to the mistaken conclusion that anti-union activities tapered off in proportion to the number of organizations constituted each year. However, these data do not take into consideration the number of unions that were dissolved for reasons ultimately associated with company anti-union action. For instance, by 1975, 196 unions out of a total of 452, constituted since 1945, were dissolved by the Ministry of Labor. This represents an extremely high forty-three percent.

TABLE 9
SIZE OF UNIONS: 1975³³

Size	Number of Unions
less than 20 members	7
between 20 and 50	111
between 51 and 100	49
between 101 and 200	35
between 201 and 300	13
between 301 and 400	10
between 401 and 500	7
between 501 and 600	5
between 601 and 700	2
between 701 and 800	2
between 801 and 900	3
between 901 and 1000	-
between 1001 and 1500	7
between 1501 and 2000	1
between 2001 and 2500	2
between 2501 and 3000	2
between 3001 and 3500	-
between 3501 and 4000	2
	258

Another significant aspect of the reunification process has been the size of Costa Rican labor organizations. While there are several unions with membership exceeding one thousand, most labor organizations are extremely small. Almost half of the 258 functioning unions in 1975 contained less than fifty members while eighty-seven percent of all unions contained less than four hundred members. This reflects the continued prevalence of small businesses but at the same time it illustrates the importance of labor unity. The proliferation of small unions is a tendency that has produced some concern during labor conferences.³⁴ Its significance derives from the fact that judicial approval of a collective conflict requires the support of sixty percent of all workers in an area of production.

TABLE 10
COMPARATIVE UNIONIZATION LEVELS 1975³⁵

Country	EAP	Population Unionized	% of Unionization
Ecuador	6,225,800	345,380	15.5
Peru	3,871,613	1,300,000	33.0
Venezuela	3,014,674	680,000(a)	21.5
Brazil	29,557,224	4,000,000(b)	--
Panama	488,335	80,580	16.0
Mexico	8,054,822	1,954,350(c)	24.0
Costa Rica	585,313	--	10.9

At any rate the growth in the number of Costa Rican unions during the 1960s and early 1970s, belied a low level of unionization, viewed in terms of the percentage of the work force unionized. Of the several reasons which might account for this, under no circumstances must anti-union company, executive, and judicial action be excluded.

Realignment

The proscription of the CTCR by the Revolutionary Junta in 1949, and the subsequent decay of the CCTRN, although serious blows, did not completely dismantle the Costa Rican labor movement. In the post-revolutionary period a new generation of labor leaders, who had been members of the old CTCR, along with a large phalanx of Rerum Novarum defectors, became key figures in a developmental process that culminated in the creation of several new confederations, both communist and non-communist.

CGTC. In the early 1950s a large number of new labor leaders created the Comisión Obrera Sindical (Worker Organization Commission). Through the efforts of this organization, twenty-nine unions and four new federations were established by 1952. In March of the following year the Federation of Workers of San José, Heredia, Cartago, Alajuela, and Puntarenas, and the FOBA convened a general assembly that led to the creation of the General Confederation of Costa Rican Workers (CGTC). The new organization adopted the program of the old CTCR

and affiliated itself on the international level with the Latin American Federation of Workers (CTAL) and the World Federation of Unions (FSM). By 1957 the CGTC included four thousand members in four federations and non-federated unions.³⁶

Pressure to withhold legal recognition of the CGTC was strong, but owing to the fact that many of its leaders were unknowns in the labor union movement, juridical personality was granted.³⁷ Despite repressive measures, the CGTC profited greatly from the reunification drive in the 1960s, and maintained itself as one of the largest labor organizations throughout that period. By 1980 the CGTC, with 20,487 members representing 19.2 percent of the unionized labor force, became the largest confederation in Costa Rica. The CGTC showed its greatest strength in the San José region where 30.2 percent of its membership was located, but it also possessed great strength in the banana zones of Puntarenas, where 20.9 percent of its membership was located, and Limón, where 20.0 percent of its membership was located. By far, it had also been the strongest labor organization in these zones. In Puntarenas and Limón for instance, the CGTC included 5,203 and 5,962 workers respectively. The next largest organization included only 1,011 and 1,407 members in the same areas.³⁸

The ideological and programmatic orientation of the CGTC reflected the statutes of the CTCR. Underdevelopment was the result of a semi-feudal economy that was perpetuated by the existence of a latifundia system, and by the exploitation of multi-national corporations. Inasmuch as national industries could not compete with large

American-based companies, Costa Rica was forced to remain a producer of primary materials. At the same time the exploitation of multinational corporations was supported by a reactionary bourgeoisie. This state of affairs most usually left Costa Rica with external debts that were paid at usurious interest rates, with loans from the more developed countries. Programmatically, the confederation placed great emphasis on unity of action and organization in the labor movement. It called for improved living and working conditions, industrial development, effective agrarian reform, liquidation of the latifundia system, and national independence.³⁹

In the early part of 1981 the CGTC dissolved itself voluntarily in order to facilitate the integration of several previously independent unions. Nevertheless, the larger organization that subsequently emerged, which will be discussed in a later section, adopted the constituent acts of the CGTC, and maintains the same tactics with regard to the advocacy of workers rights.

FOCC. The Costa Rican Federation of Workers and Farmers emerged in 1964 as an alternative to the communist-oriented CGTC and the non-combative CCTRN. In following a middle course between socialism and militancy on the one hand, and complacency and ineffectiveness on the other hand, the FOCC claimed to be inspired by the Christian social doctrine of Jorge Volio. Although it declared its independence from ecclesiastical authority, Catholic social action groups played an important role in its creation, and like the CCTRN, space

was provided for a priest who acted in an advisory capacity. Nevertheless, this space was frequently left open in order to preserve an impression of independence. However, the federation affiliated itself on the international level with Christian organizations such as the International Confederation of Christian Unions (CISC), and the Latin American Confederation of Christian Unions (CLASC).⁴⁰

The FOCC asserted that the popular classes of Latin America suffered from a two-pronged oppression: political dictatorship and economic depravation caused by capitalist economic penetration. It proclaimed its support for democracy but stated that the basis of political freedom was economic freedom. Inasmuch as the lack of economic freedom was seen to be the cause of political dictatorship, a stable and authentic democracy depended upon the full participation of the working classes in activities affecting national development. But along with genuine democratic participation, and a commitment to the well-being of the working classes, emphasis was placed on the neo-Thomist conception of an integral human development in which economic vindication was viewed as the basis of a triad that included moral and spiritual values. Human dignity began with economic justice, but it could not be achieved unless material values were supplemented by moral and spiritual values that were communicated to man by God. Authentic liberty ultimately depended upon God. Accordingly, work was viewed as an activity, which in conjunction with spiritual values, would create a dynamism that would propel man toward liberty, justice, and ultimately, a more perfect life.⁴¹

Where labor was concerned, the collective contract was considered to be the expression of a better understanding between the factors of production, as well as an instrument of social transformation. Owing to employer oppression, the number of contracts in operation in the mid-1960s was low. The FOCC thus asserted that the aspirations of the working class had been impeded by the arbitrary release of workers who had been associated with labor organizations.⁴² Accordingly, it called for the defense of the inalienable rights of the workers through the establishment of a "fuero sindical"⁴³ that would protect labor organizers from anti-union patronal actions.

Like the CGTC, the FOCC believed that the unity of the working class was indispensable, not only in defending socioeconomic interests, but in protecting the nation against foreign interference. It thus sustained the principles of autonomy and independence and asked for the collaboration of all other organizations with similar concerns and goals. On a programmatic level it declared its support for any organization or policy proposal that would improve the moral, material, and economic lives of the working classes. The federation's short-term proposals included the improvement of medical assistance programs, credit agencies, paid vacations, and the construction of sports facilities. More importantly however, the FOCC called for combined working class action as a means of intensifying the struggle for a just and equitable salary. Furthermore, in order to insure working class participation in developmental programs, the federation called for authentic labor representation in the autonomous institutions.⁴⁴

Owing to the integration of previously independent unions in the period immediately following its creation, the FOCC changed its name to the Costa Rican Confederation of Christian Workers and Farmers (COCC). By the early 1970s, the new organization included two federations and twenty-four unions, and showed its greatest strength in the San José region. However, it only claimed a membership of 2,032. The principles and programs of the FOCC were carried over to the COCC, but toward the end of the decade a much greater emphasis was placed on the fundamental transformation of social and economic structures. The COCC declared a classist and revolutionary position and called for the education and radicalization of the popular classes as a basis for profound structural change. Its definition of principles and goals made collaboration with communist unions that much easier; nevertheless, the COCC actively criticized the CGTC for being controlled by external forces. However, programmatic radicalization and the fear of communist influence, caused a deterioration in relations with the Church hierarchy that presented the confederation with an opportunity to assert its independence.⁴⁵

Present Distribution of Labor Forces

CTC. The COCC, from its inception, had been criticized for its lack of independence from Church authority. The radicalization of the COCC program would destroy any suspicions of the kind were it not for a heavy subsidization from international Catholic organizations. In 1969, the COCC had a budget of ¢31,573,70 (approximately \$3,160.00).

Of that, \$11,263,70 (approximately \$1,130.00) was derived from contributions from the Latin American Confederation of Christian Unions. The criticism of this state of affairs, along with the integration of several non-rural labor organizations was sufficient justification for a change in affiliations. Thus in 1972 the COCC changed its name to the Union of Costa Rican Workers (CTC) and at the same time switched its international affiliations to the Union of Latin American Workers (CLAT) and the World Confederation of Workers (CMT).⁴⁶

As part of this show of independence, the CTC claimed to be neither Marxist, social democratic, nor Christian. It asserted an independence from political parties, the Church, governments, and philosophies, and defined its orientation as humanitarian and democratic. Inasmuch as the workers were responsible for their own destiny, the CTC asserted, no one could prescribe methods or goals. But despite this manifestation of independence CTC statutes betray a Christian heritage. The confederation still calls for an integral development of the worker and aspires to be not only a labor organization, but a society for the promotion of Christian virtue. Nevertheless, the CTC maintains that the liberation of the workers will come about only through rapid, and global changes in economic, social, cultural, and political structures. Proclaiming the indispensability of working class unity, the confederation supports combined action in the struggle to construct a new society. In terms of concrete policies, the CTC has formulated a seventeen point program that includes support for labor liberties, higher levels of

unionization, the execution of collective contracts, worker representation in public and private institutions, and agrarian reform. It also proposes various social policies including the construction of orphanages and popular living quarters, better unemployment insurance, better working conditions, recreation facilities for workers, and better assistance for low income families.⁴⁷

The CTC is a heterogeneous organization that joins peasants and industrial workers as well as community and youth organizations. With only 5,278 members representing only five percent of the unionized work force, it is the smallest of Costa Rica's four confederations. Its only real strength is in the San José region where 3,859 members and 14 of its 29 unions are located.⁴⁸

CCTD. The Costa Rican Confederation of Democratic Workers emerged from the remains of the CCTRN in August, 1966. The change of name was supposed to signify both a conversion from a Christian social orientation to a social democratic orientation, and an attempt to reintegrate affiliates that had been frustrated by Rerum's Church affiliations. The constituent acts of the new organization were no different from those of Rerum Novarum but the severance of Church affiliations was a need that had been justifiably asserted by CCTRN affiliates.

From its creation in 1945, Rerum Novarum had declared an independence of action. However, ecclesiastical authorities reserved the right to interpret and dictate ideological positions. In fact,

union pronouncements in the 1940s and 1950s were little more than echoes of Bishop Sanabria's position. Moreover, an ecclesiastical assessor who sat in the General Assembly without vote, nevertheless insured the correspondence of confederation actions and Church policy. *Rerum Novarum* was economically dependent upon the Church and dependent upon the Church's willingness to create a public attitude supportive of unionization. It would be worthwhile to point out that the methods used by the Costa Rican Church to control labor activity and policy were similar to those that have been employed by other Latin American Churches.⁴⁹ The extent of these controls are vividly described in a memorandum from Bishop Sanabria to Benjamín Núñez. Sanabria stated that the confederation was obliged to instruct affiliates in the principles of Catholic social doctrine; that the ecclesiastical assessor would guard and stimulate this objective; that the assessor should maintain good relations with Catholic youth and social action groups; that ecclesiastical authority possessed the right to pressure confederation leadership in matters of ideology; that the archbishop had final authority on ideological questions; and that confederation leadership was obliged to inform ecclesiastical authorities of all matters.⁵⁰ With these requirements it is understandable why workers became frustrated during the period of conservative Catholic leadership in the late 1950s and 1960s.

The chief goal of the CCTD is to guard the economic well-being of the working classes within prevailing institutional arrangements. Rejecting the inevitability of the class struggle, it seeks to create

a social and economic order that will promote the dignity of man by guaranteeing an income sufficient not only for basic needs, but for the enjoyment of the benefits of culture. In this connection the state is seen to have the responsibility of eliminating inequalities between groups, as well as the abuses of public and private power. The confederation sustains the Christian conception that society must be based upon moral values, and that individualism, as it exists in capitalist economic systems, is as unjust as the collectivism of socialist systems. Accordingly, its long range objectives are a reflection of the neo-Thomistic conception of a communitarian order that combines socialist statism and protection for individual liberties.⁵¹

The CCTD lays great stress on Labor Code reforms. The current code is seen to be a relic that is out of tune with Costa Rican social reality. What is needed is a legal and institutional transformation that will facilitate an authentic labor liberty through prohibitions on anti-labor employer activity and deformed judicial interpretations. Specific reforms include changes in the court system that would provide more rapid judgements and more effective protection of labor organizations. The confederation proposes to make collective conventions obligatory in all centers of work and supports the creation of Labor Relations Committees that would introduce improvements in collective conventions. Other proposals include guarantees on severance pay, profit-sharing, the encouragement of cooperative industries, and the creation of commissions to investigate labor persecution.⁵²

Figuring importantly in the confederation program is the proper use of land. As in several older labor organizations and political parties, both Catholic and communist, private property is viewed as a fundamental individual right, but its use must be regulated in a way that would benefit all members of society. The confederation stresses the right of every worker to personal property, and calls upon the state to regulate land tenure patterns with a view to eliminating unproductive large farms on the one hand and inordinately small farms on the other hand. In order for a meaningful reform of this type to work, it is asserted, the state will be required to organize dependable and effective markets, and provide technical assistance on a large level.⁵³

The CCTD has taken a firm position against the activities and effects of multinational corporations. Nevertheless it is much less critical of the United States than the CGTC and on the international level the confederation is affiliated with the International Confederation of Free Unions (CIOSL), and the Interamerican Organization of Workers (ORIT), both of which are supported by the United States government. In fact the CCTD has been accused by other confederations of being a mouthpiece for American interests. It receives financial aid from American corporations through the American Institute for Free Labor Development (IADSL) and has been known to reserve space for the American Labor Attaché in Junta Directiva meetings.⁵⁴

Despite its Christian origins and orientation, the confederation since its inception has been critical of Church conservatism.

It has indicted Catholic social organizations, such as the Escuela Social Juan XXIII, for not supporting Labor Code reforms, and supposes that important social problems have been ignored because of a fear of the loss of important private sector subsidies. The Church has always been more disposed to attack the activities of the state, it has been argued, than the businessmen who share an equal burden of responsibility for anti-labor actions.⁵⁵

The CCTD, though the largest and most important of Costa Rica's non-communist labor organizations, has been weakened by personalistic, tactical, and ideological conflicts, and a lack of cohesion. One major division in the 1970s led to the creation of a new confederation: a development that weakened the democratic labor movement by raising the number of non-communist confederations to three. Much of the tactical conflict in the CCTD revolves around its lack of combativeness and heavy subsidization from American supported international organizations. In 1974 the confederation possessed a budget of ¢184,225.15 (approximately \$18,420.00). Of this, ¢34,575 (approximately \$3,460.00) was derived from affiliates, but ¢9,000 (approximately \$900.00) was derived from state subsidies while ¢87,556.15 (approximately \$8,760.00) in educational subsidies and ¢53,124 (approximately \$5,310.00) in general subsidies were donated by the IADSL; and in 1978, quotas from affiliates amounted to ¢84,979.55 (approximately \$8,500.00) while subsidies totaled ¢117,439.64 (approximately \$11,740.00).⁵⁶

At any rate, with 17,394 members representing 16.4 percent of the unionized labor force the CCTD has maintained itself as the most important non-communist labor organization in Costa Rica. The confederation shows much greater strength in the San José region than any other organization where it incorporates 14,412 workers into thirty unions; however, it is also much weaker in the provinces of Alajuela, Heredia, Cartago, and Guanacaste. Several attempts have been made by the CCTD, as well as its predecessor the CCTRN, to intrude into traditional communist strongholds in the banana zone; but in the provinces of Puntarenas and Limón, CCTD membership is outnumbered 5 to 1.⁵⁷

CATD. Personalistic conflicts in the CCTD caused the withdrawal of several unions in the early 1970s. In 1971 the Authentic Confederation of Democratic Workers was formed with the participation of only two federations: the Democratic Federation of Workers and the Costa Rican Federation of Transport Workers. Confederation leadership has argued that their withdrawal from the CCTD, far from being the result of personal differences, was caused by an opposition to the intervention of foreign elements in interest affairs. The American labor attaché and other government officials were able to exert a strong influence on CCTD decisions. Their participation in confederation elections, and active support of less combative candidates, was thought to be calculated to serve American business interests at the expense of the Costa Rican working classes.⁵⁸

In defining itself as a classist organization, the CATD is much more critical of social and economic structures than its parent organization. Ideologically and programmatically it has more in common with the communist labor movement than the social democratic movement that it claims to represent. The CATD argues that the working classes will be able to enjoy the benefits of nature, and culture, only through enormous sacrifice and struggle. The Costa Rican economy is considered to be underdeveloped, dependent, and subject to the exploitation of multinational corporations. In accordance with a Marxian view of appropriation and alienation, the CATD argues that a small class of capitalists appropriates national wealth, concentrates it, and produces more wealth through its control of the means of production. Prevailing economic relations have impelled society toward ever greater inequalities, to the extent that the majority of people are unable to acquire the basic necessities of life. Economic, social, and political development are seen to be checked internally by large capitalist concerns and externally by multinational corporations. The CATD asserts that a just society, as it is reflected in economic and social structures, as well as the spiritual development of the individual, will require a transformation of economic relations.⁵⁹

Programmatically, the CATD proposes the defense of labor rights and the individual rights of the worker, and the improvement of the socioeconomic environment of the working classes. Specific policies include the maintenance of independence from political parties,

establishment of just salaries, Labor Code reforms, a more efficient social security system, the promotion of health and educational programs, total labor liberty, and greater worker participation in the autonomous institutions. Internationally, it has declared its solidarity with the workers of the world, and supports the full sovereignty of nations.⁶⁰

With 11,088 members representing 10.4% of the unionized work force, the CATD is the third largest confederation in Costa Rica. Even more than the CCTD and the CTC, the strength of the confederation is in San José where 10,710 members and 7 of its 9 unions are located. The CATD has no union members in the provinces of Alajuela, Cartago, Heredia, or Guanacaste, and only 378 members in the provinces of Puntarenas and Limón combined. Unlike the CCTD and the CTC, the CATD does not include an appreciable number of industrial or agricultural workers. In fact, the confederation consists of little more than the Union of Costa Rican Educators (SEC), a teachers association that has not always been disposed to cooperate with other unions of a more working class orientation. While other organizations have struggled for higher salaries and labor liberties, the SEC has been more concerned with benefits of a non-essential nature. This orientation which belies its program and policies, has caused some doubt about CATD's ability to call itself a labor organization. Furthermore, CATD's independence has been suspect inasmuch as ₡20,000 (approximately \$2,000.00) of its ₡73,492 (approximately \$7,350.00) budget in 1979 was derived from non-specified donations.⁶¹

CUT. In January of 1981 the CGTC dissolved itself voluntarily in order to facilitate the integration of the National Federation of Public Workers (FENATRAP), and other previously independent unions. The result of this merger was the Central Unitaria de Trabajadores (Unitary Workers Center), a class oriented organization that has yet to be granted juridical personality.

Deriving its antecedents from the struggle against the United Fruit Company in the 1930s, the CUT contends that the process of Costa Rican labor development has reached a point that requires the total unionization, and most importantly, the total unification of the working classes. For this reason it aspires to include all unions and federations in its files.⁶²

The CUT contends that the persecution of labor leaders, limitations of the social rights of workers, and the partisan attitude of labor judges, are all reflections of the bourgeois nature of Costa Rican democracy. The state is seen to be controlled by a criollo oligarchy composed of industrialists and large landowners who support American policies of political and military intervention as a way of protecting their own interests. The effects of this alliance have been deteriorating living conditions, and a divided labor movement. The central asserts that it will struggle for the achievement of an authentic democracy that will fully acknowledge the economic, social, and political rights of workers.⁶³

The long term structural requirements of a just society are not a subject that has preoccupied CUT leadership. However, the

central is certain that this will entail a progressive socialization of the means of production, but the extent of statization has been left undefined. At any rate the nationalization of multinational corporations, and a radical restructuring of the landholding system are goals that CUT leadership has clearly stated. In the short term the central is primarily concerned with improving the socioeconomic conditions of the working classes. Toward that end it has placed great emphasis on the firming of durable collective conventions. Also important are changes in tax laws, Labor Code reforms providing greater labor liberties and guarantees, controls on the cost of living, greater worker representation in the political system, construction of low cost housing, lower transportation and electrical costs, and subsidies for campesinos.⁶⁴

The CUT has not been indisposed to cooperate with capitalists when improvements in working-class economic conditions have been at stake, but the central establishes the inevitability of conflict between the factors of production as a fundamental principle, and has usually employed combative tactics in defending worker interests. This is seen to be the major difference between other confederations and the CUT, all of which, despite programs and principles, assume the existence of a harmony between capital and labor. With regard to tactics, the CUT is correct in asserting that it is the only authentic class oriented central in Costa Rica.⁶⁵

With 20,487 members representing 19.2 percent of the unionized labor force, the CUT is the largest labor organization in Costa Rica.

Its strength is much more evenly dispersed than the other three confederations, both in terms of the types of workers that it incorporates, and in the location of its members. Thirteen of its forty-three unions and 5,716 members are located in the San José region. This is substantially less than the CCTD and the CATD; however the CUT shows the same degree of strength in the provinces of Puntarenas and Limón where its membership numbers 5,203 and 5,962 workers respectively. The central is unchallenged in the province of Heredia where it incorporates 1,907 workers into three unions, and also shows much greater strength in the provinces of Alajuela and Guanacaste. Only in the province of Cartago does the CCTD incorporate a majority of unionized workers.⁶⁶

In addition to being the largest, the CUT is also the best organized labor organization. Some members of the directive bodies of member unions that had been independent prior to the 1981 merger objected to entering the central, but CUT leadership asserts that the vast majority of rank and file union members support the unification of the labor movement. There has also been some disunity in the "left" with regard to methods and goals, but these conflicts most usually occur on the political party level. With regard to labor, all political tendencies within the CUT are committed to a tactic of militancy.⁶⁷

Independent Organizations. CUT leadership is correct in asserting that the force of the labor movement has yet to be concentrated.

In addition to four confederations that have maintained differing and, frequently contradictory conceptions of class relations, social change, and the role of labor in political, social, and economic development, a great majority of Costa Rican unions have no federative or confederative affiliations. One hundred fifty-five unions representing 52,185 workers, or forty-nine percent of the unionized work force fall into this category. Most of these independent unions are located in the San José area, but in the provinces of Cartago and Heredia the majority of unionized workers have no confederative affiliation.

One of the largest independent unions is the National Educators Association (ANDE). A teachers' union founded in 1942, the association boasts a membership of 22,000. Other important unions are the National Union of Public Employers (SNEP) with 13,131 members, the National Union of Social Security Employees with 4,354 members, the National Union of Public Works Workers with 3,058 members, and the National Union of Hospital Workers with 2,121 members. While ANDE and SNEP can claim greater strength than some confederations, the majority of independent unions are small, and in some cases membership levels are lower than the requirements of the law. The significance of this derives from the fact that smaller union organizations also tend to be weaker. It is difficult to sustain a strike when it is not supported by confederative funds. Smaller unions are thus much more pressured to accept patronal offers during collective conflicts. The total unification of the labor movement has been established as a basic CUT principle for exactly this reason.⁶⁸

Interunion Relations

The Costa Rican labor movement was never more unified than in the period before 1948. Owing to the understanding that existed between Bishop Sanabria and Manuel Mora, and the coordinating activities of the Comité de Intelligencia, two large confederations with antagonistic principles and goals, collaborated for the benefit of the working classes. Organized labor profited greatly from this alliance. Since that time, relations between union organizations have most usually been characterized by hostility. Communist-oriented unions have accused the CCTD of dividing and weakening the labor movement, and of being an agent of American imperialism. On the other hand the CCTD, and in the 1970s the CATD as well, have accused communist organizations of subversive activities calculated to undermine social peace.

Conflicts occurring in the 1960s underscored the hostility between democratic and communist labor organizations. In December of 1960 the CGTC accused Rerum Novarum of being financed by the United States government through the ORIT. It attacked the Ministry of Labor for opening an investigation of a CGTC affiliate and complained that while the same union was affiliated with the CCTRN, no repressive measures of any kind were initiated.⁶⁹ For their part, the CCTD in 1967 asked the Ministry of labor to dissolve the CTGC because of subversive activities. The action was taken after the CGTC attempted to organize personnel in the national hospital system.

The CGTC contended that workers had the right to higher salaries and that this could best be accomplished through union affiliation. The CCTD on the other hand claimed that the communists were trying to take advantage of a difficult national economic situation. It contended that communist labor organizers were infiltrating the hospital system and asserted that "We of the Costa Rican Confederation of Democratic Workers have the responsibility of unmasking false leaders who pretend to be acting with good intentions."⁷⁰

A great deal of attention was given to what appeared to be a tendency toward cooperation between democratic and communist labor organizations after 1968. In that year, for instance, all three confederations collaborated in the presentation of a proposed Labor Code reform intended to protect labor leaders against patronal repressive measures. In 1969 and 1970 the COCC and the CGTC participated in May Day festivities. The CCTD, which had refused participation owing to pressures from the American labor attaché, joined other confederations in the May Day parade in the following year.⁷¹

The most serious collaborative effort however, was the creation in 1976 of the Comité de Unidad Sindical (Union Unity Committee--CUS), a union of the CCTD, CGTC, CATD, and CTC that was intended to offer more effective protection of working class interests. Alliances between confederations had existed before, but they had always been intended to serve short term objectives, and they had always been temporary. The CUS on the other hand was supposed to be a permanent organization that would protect not only the short term economic

interests of the working classes but long-term political interests as well. The program of the organization thus covered a variety of areas and included such proposals as Labor Code reforms, projects allowing for broader labor participation in legislative decisions, worker representation in the autonomous institutions, broader labor liberties, agrarian reform, salary increases and price controls.⁷²

Shortly after it was constituted, however, relations between confederation delegates began to deteriorate. By 1979 the CUS was an organization that existed only on paper. One commentary in the Nación accurately asserted that the goals of the organization were not received with equal enthusiasm by all four confederations. Communist and democratic unions were struggling for common objectives, but a coincidence of short term goals betrayed profound ideological differences that made any alliance unstable at best. Within the alliance the democratic organizations were only concerned with the execution of programmatic objectives. The CGTC on the other hand considered working class economic gains and the assurance of labor liberties to be part of a long range plan to alter political, social, and economic institutions. Inasmuch as the democrats had no such aspirations, propositions presented by the CGTC were suspect, even though they served common short term interests.⁷³

The disintegration of the CUS became the basis for a subsequent realignment that reflected these ideological divisions. The unification of the labor movement had always been a fundamental objective of the CGTC, and a recognition of the futility of interconfederation

alliances encouraged an amplification of the CGTC organization. The result was the merger between the FENATRAP, the CGTC, and several previously independent unions. For their part, non-classist organizations, recognizing a threat to the democratic labor movement, established another interconfederation alliance consisting of the CCTD, CATD, CTC, ANDE, and the Association of Secondary School Professors (APSE). The alliance was denominated the Frente de Trabajadores Democraticos (Democratic Workers Front--FTD).⁷⁴

The creation of the CUT and the FTD has given an organizational basis to the conflict and competition that existed in the CUS. The democrats accuse the CUT of betraying working class interests by attempting to undermine movements that are undertaken by unions outside the CUT organization. In a train strike initiated by the FTD in 1981, for instance, the CUT discouraged the participation of FTD affiliates, asserting that the movement would result in a settlement damaging to working class interest. When it appeared that the Carazo government was prepared to make significant concessions, the CUT published its support, in what was regarded by FTD leadership as an attempt to steal credit for the movement.⁷⁵

The negotiating rights to collective conflicts and collective conventions has been a traditional source of conflict between organizations that has given rise to several internecine and potentially economically destructive movements. A typical incident occurring in 1975 threatened to paralyze several industries. The conflict involved CGTC interference in a collective conflict that was being negotiated

by the CCTD. The communist organization, supposing that it possessed a numerical majority petitioned the Ministry of Labor to remove CCTD jurisdiction of the collective conflict. The CCTD subsequently threatened to paralyze the refining industry and the Atlantic railroad. The CGTC counter threatened to initiate a strike that would result in the certain destruction of the banana crops in both the Pacific and Atlantic regions. The STAPQ, a CGTC affiliate initiated a strike, asserting that workers would not return to work until the union was given a voice in the deliberations.⁷⁶

Conflicts between confederations have a variety of sources, not the least of which is the assertion by democratic organizations that the CUT's plan to unify the labor movement amounts to the imposition of labor totalitarianism and the destruction of democratic unions.⁷⁷ The CUT on the other hand contends that the democratic confederations, owing to a variety of factors, have kept the potential of the labor movement in check. In the first place, they argue, the democratic unions are too small to be effective. Their financial and numerical poverty, which diminishes the capacity to initiate and sustain strike movements, forces them to look for quick solutions that are frequently inimical to worker interests.⁷⁸

TABLE 11

DISTRIBUTION OF COLLECTIVE CONFLICTS ACCORDING TO CONFEDERATION: 1976⁷⁹

Confederation	Conflicts	%
CCTD	10	6.3
CTC	25	15.8
CGT	102	64.5
Independents	21	13.4
TOTAL	158	100.0

Statistics compiled by the Center of Democratic Studies for Latin America (CEDAL) demonstrate the willingness and the ability of the CUT to challenge patronal authority. With 102 conflicts representing sixty-four percent of all collective conflicts, the communist organization is far ahead of any democratic confederation. The CUT attributes its lead in this area partially to ideological orientation, and partially to the fact that the leaders of the democratic movement are not really workers. Having never set foot in a factory, they lack the experience that is needed to defend working class interests effectively.⁸⁰

Further debilitating the democratic movement are ideological differences among member unions. The CUT asserts that the democratic confederations have not been able to reconcile the widely differing attitudes that exist between white collar and blue collar union

members. Conversely, the communists, who also incorporate a wide range of workers from peasants to public administrators, contend that their white collar members have developed a sense of solidarity with other occupational categories that has contributed to a much higher level of cohesion.⁸¹

TABLE 12
DISTRIBUTION OF COLLECTIVE CONVENTIONS ACCORDING
TO CONFEDERATION: 1976⁸²

Confederation	Conventions	%
CCTD	4	8.5
CTC	3	6.4
CGT	39	83.0
CATD	1	2.1
TOTAL	47	100.0

Personalistic rivalries, ineffective leadership, lack of cohesion, and an ideological orientation that is seen by the CUT to be based upon class conciliation, have contributed to the failure of the democratic movement to win collective contracts. The CUT thus asserts that the democratic organizations have not defended the economic interests of the working classes. The lopsided distribution of conventions won by the CGT in 1976 adds considerable weight to this contention; but democratic organizations, on the other hand, assert that

collective conventions should not be used as the only criterion for judging the effectiveness of labor organization activities. The firming of contracts via collective conflicts is a procedural route that has been used effectively by communist unions; however, the democratic organizations assert that they have defended worker interests with equal vigor, although by means of direct negotiation.⁸³

Interunion attacks reflect the perception that each confederation has of its social role. The CUT views itself as an instrument of social justice and an engine of radical change. Democrats, for their part, inasmuch as they view themselves as occupying the middle ground between the Camaras (Chambers) on one hand, and a revolutionary movement on the other hand, have a profound belief that they are the caretakers of social harmony. Armed with these convictions, and the belief that they both represent the true aspirations of the working classes, interunion cooperation has been considered by union leaders to be an impossibility.⁸⁴

Concluding Remarks

Three important developments occurred in the Costa Rican labor movement in the post-rebellion period. The first was an increase in union persecution that encouraged a process of deunionization during which labor unionism practically disappeared. The second was a re-unionization drive that established the CUT as the most powerful and combative labor confederation, and which left the democratic movement divided and weak. The third was the development of an irreconcilable

hostility between communist and non-communist labor organizations. Attending the process of reunification has been the emergence of new categories of workers, owing to industrial development and most especially, to the growth of the Costa Rican state apparatus. But despite the potential that was created by economic growth and bureaucratic expansion, Costa Rican labor unionism is still weak, at least in terms of unity and the percentage of the work force that has been unionized.

In terms of labor relations, the most important characteristic of the post-rebellion period, has been the combined application of patronal, legal, and government powers against labor union activities. Herein lies one of the most important reasons for Costa Rica's relatively low level of unionization. Countless cases of union persecution have left a clear impression that it would be safer and much more practical for workers to deal with employers individually rather than collectively. But what stands out most clearly during collective conflicts is the coincidence between government and employer interests, and the utilization of the judicial system to defend those interests.

The Costa Rican labor relations system is characterized by a sequence of action or a process, that employs a different mechanism of repression at each stage. Before and during the initial stage of a collective conflict, repressive actions are employed by patrons. During the conciliation process labor ministry officials pressure unions to accept patronal offers. In subsequent stages the appeals

of the Ministry of Labor are replaced by prohibitions by the labor courts and ultimately by the force of the Ministry of Public Security. Finally, through the combination of judicial and physical force, and labor ministry and executive appeal, a settlement is reached which, while frequently representing modest economic gains, most often leaves labor organizations as vulnerable to anti-union patronal attacks as they were in the period before the conflict was initiated. Still more importantly, the ability of labor organizations to defend socio-economic interests remains dependent upon the good will of the executive authority.

The mechanism that puts this process into motion is a Labor Code which, while specifying the rights of labor, is at once much more clear in its statements of obligations and prohibitions, much more subject to deformed interpretations, and much more useful to patrons, than its authors had intended. How the code protects or undermines union organization, and how it controls union activity will be the subject of the next chapter.

Notes to Chapter III

¹Several writers make reference to this event including James Backer, La Iglesia Y El Sindicalismo En Costa Rica, (San José, Costa Rica, Editorial Costa Rica, 1974), Jamil Danilo Urroz Escobar, Algunos Aspectos Del Sindicalismo Y Su Desarrollo En Costa Rica, (Thesis, University of Costa Rica, 1966), Escuela Social Juan XXIII, Sindicalismo-Sindicatos, (San José, Costa Rica, 1971), and Jorge Enrique Romero Perez, Partidos Politicos, Poder Y Derecho: Costa Rica, (San José, Costa Rica, Eds. Syntagma, 1979); however while syndicalism suffered serious setbacks, the post rebellion period did not introduce a reactionary restructuring of the Costa Rican political or juridical system. The rebellion served to institutionalize and expand the social welfare state that had begun to emerge in the preceding period. For a more complete opinion on the meaning of the 1948 rebellion see Manuel Solís and Francisco Esquivel, Las Perspectivas del Reformismo en Costa Rica, (San José, Costa Rica, Editorial Universitaria Centroamericana, 1980), especially Chapter 2.

²The best analysis of the decay of the CCTRN in the post-rebellion is provided by Backer, op. cit., p. 129 ff.

³See Backer, op. cit., p. 129 ff; and Edwin Chacón Leon, El Sindicalismo En Costa Rica, (San José, Costa Rica, Comentarios Centroamericanos Del Centro De Estudios Laborales C.A., 1980), pp. 46 and 47.

⁴Backer, op. cit., p. 139.

⁵Ibid., pp. 150, 155, and 180-189 passim.

⁶Carlos Alberto Abarca V. "Luchas Populares Y Organización Obrera En Costa Rica (1950-1960)," in Revista De Ciencias Sociales, nos. 15-16 (February-October, 1978), p. 49. See also La Prensa Libre, June 4, 1953.

⁷La Prensa Libre, June 9, 1953.

⁸Ibid., June 27, 1953.

⁹Diario de Costa Rica, January 8-13, 1954.

¹⁰Diario de Costa Rica, January 31, 1954.

¹¹Ibid., January 31, 1954; and also Adelante, February 7, 1954.

¹²This information is derived from Antonio Muñoz, Necesidad del Fuero Sindical en Costa Rica, (Thesis, University of Costa Rica, 1966), pp. 13 and 14.

¹³Adelante, December 13 and 18, 1959; also Diario de Costa Rica, January 5, 1960.

¹⁴Diario de Costa Rica, January 6 and 7, 1960.

¹⁵Ibid., January 8, 9, 10, and 12, 1960.

¹⁶Ibid., January 13 and 16, 1960.

¹⁷Ibid., January 19, 1960.

¹⁸Despite their regularity, firings are usually not reported in the major Costa Rican newspapers. For the period under discussion Adelante is the best source of information. The cases here were derived from the October and November issues of 1952, and from the February, May, August, and November issues of 1953.

¹⁹Published information on government actions against labor unions is hard to come by. The best source of information is the personal testimony of labor leaders; however, in this case the information was derived from the Diario de Costa Rica, December 1, 1960.

²⁰Ibid., December 1, 1960.

²¹Abarca, op. cit., p. 51.

²²In this case labor leaders attempted to expose the extent of labor persecution by publishing an article in the November 27, 1953 issue of Costa Rica's largest daily newspaper, La Nación.

²³La Republica, January 13, 1954.

²⁴La Prinsa Libre, June 12, 1954.

²⁵Cases of patronal actions against unions and labor leaders will appear in various sections in the following chapters.

²⁶Escuela Social Juan XXIII, op. cit., pp. 26 and 27.

²⁷Dirección General de Estadística y Censos, Censos de Población, años 1950, 1963 y 1973.

²⁸Ibid.

²⁹Carlos A. Vargas Solano, in Ideario Costarricense, no. 9, (1977).

³⁰Pedro José García Roger, in Ideario Costarricense, no. 5, (1977).

³¹Santiago Quevedo, Oscar Cuéllar, "Condicionantes Del Desarrollo Sindical En Costa Rica," in Revista De Ciencias Sociales, nos. 15-16, (February-October, 1978), p. 87.

³²Estadísticas Internas 1975, Dirección General de Planificación del Trabajo y el Empleo.

³³Quevedo and Cuéllar, op. cit., p. 65.

³⁴The reference here is to labor conferences sponsored by the Centro de Estudios Democráticos de América Latina, (CEDAL).

³⁵Estructura de la Organización Sindical, Estudio comparativo de algunos países de A. L., (Proyecto RLA, 1976), Organización Internacional de Trabajo.

³⁶Muñoz, op. cit., pp. 18 and 19; and Abarca, op. cit., p. 46.

³⁷Chacón, op. cit., p. 34.

³⁸Sindicatos Escritos En Costa Rica, Departamento de Organizaciones Sociales, Ministerio de Trabajo y Seguridad Social, 1980.

³⁹Muñoz, op. cit., p. 19; and Expedientes, CGTC, Departamento de Organizaciones Sociales, Ministerio de Trabajo y Seguridad Social, 1958.

⁴⁰Muñoz, op. cit., pp. 19 and 20.

⁴¹Dammers, op. cit., p. 32; and Expedientes, FOCC, 1967.

⁴²Expedientes, FOCC, 1964.

⁴³Fuero Sindical refers to a body of legislation that would protect labor leaders and rank and file union members from patronal persecution during the formation of labor unions. In some cases it may include guarantees of free, unmolested union activity in places where unions have already been formed.

⁴⁴Ibid., 1964 and 1968.

⁴⁵Backer, op. cit., p. 164; and Escuela Social Juan XXIII, op. cit., pp. 9 and 10.

⁴⁶Chacón, op. cit., pp. 68 and 250.

⁴⁷Ibid., pp. 68 and 69; Estrella Díaz Andrade and Natacha Molina García, Condiciones Del Desarrollo Sindical En Costa Rica, (Thesis, University of Costa Rica, 1977), pp. 449 and 450; and Expedientes, CTC.

⁴⁸Sindicatos Escritos En Costa Rica.

⁴⁹See for instance Howard J. Wiarda, The Brazilian Catholic Labor Movement: The Dilemmas of National Development, (Labor Relations and Research Center, University of Massachusetts, 1969).

⁵⁰Escuela Social Juan XXIII, op. cit., p. 15.

⁵¹Confederación Costarricense De Trabajadores Democraticos, Costa Ideologica (May, 1978), pp. 4-7.

⁵²Ibid., pp. 8-10.

⁵³Ibid., pp. 10 and 11.

⁵⁴Ibid., p. 11; and Escuela Social Juan XXIII, op. cit., p. 9.

⁵⁵Miguel Angel Calderón Sandi, Reseña Historica De La CCTD, (San José, Costa Rica, Confederación Costarricense De Trabajadores Democraticos, 1978), pp. 6 and 8.

⁵⁶Expedientes, CCTD, 1974 and 1978; and Escuela Social Juan XXIII, op. cit., p. 9.

⁵⁷Sindicatos Escritos En Costa Rica.

⁵⁸Chacón, op. cit., pp. 70-72.

⁵⁹Expedientes, CATD, 1978.

⁶⁰Ibid.

⁶¹Sindicatos Escritos En Costa Rica. This is also based on interviews with Luis Carlos Montero, First Undersecretary General of the CUT. The interviews were conducted in May, 1981.

⁶²Expedientes, CUT, n.d.

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Based on an interview with Luis Carlos Montero, May, 1981.

⁶⁶Sindicatos Escritos En Costa Rica.

⁶⁷Based on an interview with Luis Carlos Montero, May 1, 1981.

⁶⁸Sindicatos Escritos En Costa Rica; and interview with Luis Carlos Montero, May, 1981.

⁶⁹Diario de Costa Rica, December 1, 1960.

⁷⁰La Republica, October, 1967.

⁷¹Escuela Social Juan XXIII, op. cit., p. 27; and Backer, op. cit., p. 167.

⁷²La Nación, January 18, 1976.

⁷³Ibid., January 17, 1979.

⁷⁴Based on an interview with Luis Carlos Montero, May, 1981.

⁷⁵Based on an interview with Carlos Vargas Solano, Secretary General of the CATD, June, 1981.

⁷⁶La Nación, August 23, 1975.

⁷⁷Based on an interview with Carlos Vargas Solano, June, 1981.

⁷⁸Based on an interview with Luis Carlos Montero, May, 1981.

⁷⁹CEDAL, Investigación Sobre Conflictos Economicos--Sociales Y Convenciones Colectivas En Costa Rica, (La Catalina, Costa Rica, 1976).

⁸⁰Based on an interview with Luis Carlos Montero, May, 1981.

⁸¹Ibid.

⁸²CEDAL, op. cit.

⁸³Based on an interview with Guillermo Arce, Press Secretary of the CATD, June, 1981. Also, the term direct negotiation here refers to the settlement of labor disputes before they reach the collective conflict stage, at which point they are given a legal standing.

⁸⁴Based on an interview with Carlos Vargas Solano, June, 1981.

C H A P T E R I V

JURIDICAL INTEGRATION

The Labor Code was instituted two decades after labor unions had begun to make an impact on Costa Rican society. As early as the 1920s workers in San José had demonstrated their willingness and their ability to act collectively. A little more than a decade later communist labor organizers in the banana zones had served notice to both policy-makers and employers that production in this economically important region could and would be paralyzed if union rights and worker benefits were not forthcoming. Labor Codes that had been instituted in other Latin American countries under similar circumstances intended to diffuse working class radicalism by restricting collective action while legitimizing collective association. Where Costa Rica is concerned however, there can be little doubt that Calderón Guardia and Manuel Mora, who were instrumental in both creating and implementing the Labor Code, were primarily motivated by a sincere desire to achieve a more equitable balance of power between the factors of production. Nevertheless, it should be carefully noted that there has existed a great difference between the intentions of the administration that instituted the Labor Code, and the way in which it was interpreted in the subsequent period of Costa Rican labor development. On the one hand the code did represent a

formal recognition of the legitimacy of labor organizations. Up to that time there was considerable doubt about the right of labor unions to exist. Secondly, the code intended to specify a body of inalienable worker rights, and a realm of activity that was considered to be of crucial importance in the protection of those rights. But along with these liberal declarations, it cannot be denied that the same legislation, in specifying extensive obligations and prohibitions, seemed to cancel out any rights that it was supposed to have conferred upon the working classes in the first place.

Owing to these contradictions it could be argued, with equal justification, that the Labor Code either liberated the working classes through its recognition of basic rights, or disarmed and coopted the labor movement by tying unions to the state and confining their activities in such a way as to render them ineffective. What should be emphasized however, is that in relation to the guarantees that had existed previously, and in relation to the response it elicited from conservative elements, the Labor Code was seen to represent a giant step forward in the development of the Costa Rican labor union movement. For this reason, September 15, 1943 was called a second day of independence. Nevertheless this same code, however radical it may have been in the pre-rebellion period, was flexible enough to be used by conservative elements in the subsequent period to impede unionization and prohibit labor activity. In fact, the code has been used against labor with such effectiveness that it is considered to be the lynch pin of anti-labor activity. For this

reason legal reforms have been a basic goal of all four confederations.

Patrimonial Basis

The architects of the Labor Code drew heavily from a variety of sources including the OIT, the United States, Spain, and several Latin American countries. Particularly influential were the Mexican Labor Code, which served as a model for provisions regarding collective conflicts, and the Chilean Labor Code, which served as a basis for conciliation and arbitration procedures. According to Calderón Guardia, all of these elements were harmonized with the social doctrine of the Catholic Church, as it had been put forth in *Rerum Novarum*, *Quadragesimo Anno*, *Divine Redemptoris*, and the *Código Social de Malinas*.

From this description it would seem that the Costa Rican Labor Code fell well within the Catholic, Latin, patrimonial tradition. It would thus be possible to say that the code was bound to be much more regulative than its framers had wanted, or intended it to be. In the Social Guarantees for instance, which served as an outline for the code, a heavy emphasis was placed upon collective responsibility. In this connection several provisions show a preoccupation for the maintenance of social peace. Labor organizations were given the right to function but only for the exclusive purpose of defending economic and social interests. Any form of political activity was strictly prohibited, and while workers were given the

right to strike, exceptions and conditions exempted large categories of workers, including all public employees and agricultural workers involved in the cultivation of delicate crops. This effectively cancelled out the right to strike for a vast majority of workers inasmuch as Costa Rica had, and still has, an agriculturally based economy that depends significantly on revenues from banana and coffee exports.¹

Along with these prohibitions, and in tune with Catholic social doctrine, several articles insure basic material rights by tying the working classes to the state system. The state, as the protector of the working classes, is charged with the responsibility for regulating salaries, vacations, work hours, and working conditions. Workers who are fired without just cause are given financial indemnities. The execution of this responsibility naturally required the establishment of labor courts, which in practice, have assumed responsibility for the resolution of a vast majority of labor conflicts, both individual and collective. Most usually however, judicial authority is applied in a manner damaging to labor interests, and while the Labor Code guarantees fundamental rights, it has been used most frequently as an instrument of anti-union patronal actions.

The Power of Firing

Employers have used a wide variety of weapons to discourage union activity: the most common and most effective of which has been the power to arbitrarily release troublesome workers.

While it was the intention of the authors of the code to provide guarantees against irresponsible patronal actions, and while these guarantees were seen to present a threat to the patrimonial relationship that had existed between labor and capital, employers have used flexible Labor Code provisions to fire labor leaders in an attempt to postpone and in many cases to prohibit the emergence of labor organizations.

Responsibility for the termination as well as changes in the terms of labor contracts falls almost entirely in the hands of the employer: the only protection against anti-union company attacks coming from a code provision restricting the firing of workers during collective conflicts. The basis of employer control over a factory work force begins with a legal principle, *jus variandi*, which confers upon employers, as the directors of means of production, the right to change the terms of a labor contract, with or without the approval of the worker. The only restriction on the use of this provision is that any changes in the conditions of work must reflect the needs of the business, and they must not damage the moral or economic interests of the worker.² Nevertheless, countless modifications in the terms of employment are justified by the needs of the industry. It is worth noting, in this connection, that labor contracts are in the first place bilateral agreements reflecting the voluntary compliance of both parties. That the contract may be changed with the compliance of only one party places in doubt the equitability of the agreement that both parties had entered into.

Inasmuch as *jus variandi* permits changes in the form, the hours, and the location of work, it has provided employers with an important means for discouraging rank and file participation in general assembly meetings, and for that matter any other form of collective action.

In more general terms the significance of *jus variandi* derives from the fact that it places the employee almost at the complete disposal of the employer by conferring discretionary power upon the employer and the obligation to obey upon the worker. Where the balance of power between worker and employer is concerned, the principle thus forms a double-edged blade of subordination. The employer is able to determine the form in which he will employ the worker while it is the responsibility of the worker to comply with employer commands. Furthermore, the employer is able to take disciplinary action by virtue of the power conferred upon him as the director of a center of production.

The recognition of the employer, or patron, as the director of a center of production is critical not only in terms of its effects on individual employees, but for the implications it carries for labor as a collectivity. That is to say, employers are entrusted with the responsibility of taking whatever action is deemed necessary to insure the survival or increase the efficiency of the center of production. Countless modifications in labor contracts are thus justified by the needs of the industry without concern for the implications this may have for the worker. This of course includes the termination of labor contracts. While the code stipulates that the

application of *jus variandi* must not involve grave damage to the worker, worker complaints must be submitted to the courts where the long and expensive process of litigation, and the expectation of an unfavorable judgement, frequently discourages suits against employers. At the same time, the difficulties that legal action poses for labor encourages employers to destroy unions in the process of formation by firing or transferring labor leaders.³

What also merits attention, where the application of *jus variandi* is concerned, is the method that has been prescribed for the resolution of disputes. The only response allowed for patronal actions against individual employees is litigation. Grievances of this sort are completely removed from the responsibility of the union. In this connection it is worth pointing out that the Labor Code defines two types of conflicts. Conflicts of an economic and social nature are concerned with the establishment of new rights or benefits, that is to say improvements or adjustments in salaries or working conditions. Conflicts of a juridical nature involve interpretations of labor contracts. Conflicts of this sort, especially in cases of individual violations, frequently are settled through litigation. Conflicts of an economic and social nature, on the other hand, are resolved through actions initiated by labor unions. That is not to say however that conflicts of this nature are the exclusive responsibility of unions; it only means that proceedings for new collective contracts begin at the level of the labor union, independent of judicial authority. In fact the Labor Code specifies not

only the rules by which a union may initiate proceedings for a collective convention, it also establishes the presence of either the Ministry of Labor or the Labor Tribunal at various stages of the conflict resolution process. These procedures serve to add a second dimension to a patrimonially oriented and regulatory labor-relations system that begins with legal requirements for union formation and operation.

With regard to employer abuses, companies have used the Labor Code to impede union organization and repress labor activity at all stages of the conflict resolution process, whether the conflict is of a juridical or socioeconomic nature. The Labor Code does not prohibit the firing of workers before, during, or after the formation of a union. Nor does the code prohibit the firing of workers while a union is in the process of submitting a petition for a collective convention. Prohibitions on the release of employees begin only after a list of petitions or grievances has been delivered to the labor courts. At that moment a collective conflict is initiated and all firings must be made with judicial authorization. This however does not prevent employers from threatening to fire workers once the conflict has been terminated.

Outside of the legal status that is given to the collective conflict, Article 29 of the Labor Code prohibits the firing of a worker without just cause. This provision however has not been very effective inasmuch as employers can release workers without just cause with the payment of indemnizations. Apart from the fact that

the amount of indemnization is low, it frequently is left unpaid. The worker's only alternative in this instance is expensive and time consuming legal action.

The power to fire a worker has been used with impunity by employers. To name only a few typical cases in the 1950s, the Union of Agricultural Workers of Sixaola disintegrated after all members of the Junta Directiva were fired. The Union of Banana Workers of Limón disintegrated after Standard Fruit fired all union leaders. The union was reorganized a year later but disintegrated when the company once again fired its leadership. A subsequent reorganization attempt incurred the same response. The Union of Workers of the Northern Railway Company was dissolved in 1958 after all members of the Junta Directiva were fired. In the 1960s labor unions formed at the Saprisa factory were destroyed when their leadership was fired. At the Junay Finca in Turrialba agricultural workers attempted to organize four times. On each occasion the union's leadership was fired. On the fourth occasion, all workers on the farm were fired whether or not they were associated with the union.⁴

The CGTC at that time asserted that constitutional and Labor Code guarantees protecting the right to unionize were totally ineffective inasmuch as legal provisions such as Article 28 of the Labor Code, which permitted employers to fire workers without just cause, served in the end to cancel out labor rights. The confederation complained that employers could effectively prohibit union development by firing any worker at any time, as long as it was done before or after a collective conflict.⁵

Company reorganization has become the basis for what one author has called deunionization by payment. In 1971, for instance, the Ministry of Labor notified labor leaders on several banana plantations that a strike that had been announced would be declared illegal. Shortly after, the General Director of the Compañía Bananera de Costa Rica communicated the dismissal of 280 workers. In answer to the criticism of the Ministry of Labor, the company stated that its personnel reductions were made on the basis of economic and not political factors.⁶

The arbitrary release of workers (*despido*) is a tactic that has been used by employers with regularity and effectiveness since 1948. More recent examples of its use include actions taken by the Coca-Cola Company in 1979 and the Yohan Company in 1980 where fifty and twenty workers respectively were fired while attempting to organize unions. Besides these multi-national corporations firings have been used by national businesses with equal vengeance. One of the most extreme anti-union actions on the part of a national enterprise occurred in one of Costa Rica's largest department store concerns where every one associated with an emerging labor movement was fired on the spot. The company stated that it was restructuring its organization.⁷

Labor leaders of both communist and non-communist orientation attribute the low level of Costa Rican unionization to the relentless persecution of labor leaders and rank and file union members. Like the CGTC in the 1950s, they have asserted that Labor Code guarantees supposedly protecting the right to unionize are a mere fiction.

While employers were opposed to labor legislation in the 1940s, they have since found the Labor Code to be flexible enough to serve their own ends; and they have consistently used their power to fire workers to weaken the labor movement and preserve paternalistic powers. Furthermore, employer organizations such as the Camaras, the National Association of Economic Development (ANFE), and the Movement for a Free Costa Rica, have much more control over the means of communication than labor unions, and are able to use this power to justify and encourage anti-union attacks. In a typical indictment against class oriented unions, La Nación, Costa Rica's most important periodical, published an article attacking communist labor leaders for disfiguring the labor movement by converting it into a movement against the dignity of the human being. The labor movement, it was stated, must not fall into the hands of leaders who, having acquired some degree of power, lose touch with reality. Distinctions are frequently made by the Camaras between democratic and non-democratic unions. Those unions that happen to be the most combative are usually branded as communistic. The suspicion that a union may be subversive can unleash a claim of repressive measures on the part of government from special investigations to the removal of juridical personality, and on the part of employers from the firing of a junta directiva to the firing of an entire union.⁸

This state of circumstances has prompted the CGTC to declare on various occasions that employers, as well as the government, were openly hostile to the labor movement. The government permitted local

authorities to be sponsored by large business enterprises with the result that labor leaders were frequently threatened or detained while attempting to carry out union-related activities. In the banana zone, for instance, labor leaders have been jailed and or threatened with physical violence for such activities as distributing union literature, disseminating anti-company propaganda, or gathering support for a collective convention. Union members have been threatened for supporting collective conventions or strikes, while non-unionized workers have at times been required to state, under the penalty of firing, that they would not join a union.⁹ Even more frequently companies will take advantage of the powers conferred upon them through the principle of *jus variandi* to discipline troublesome workers by transferring them to less agreeable duties. A typical example of this method of repression occurred when one labor leader on property owned by the *Compañía Bananera de Costa Rica*, was transferred to swamp cleaning duties when he was discovered gathering support for a strike.¹⁰

There are several other more subtle, though no less important tactics that employers use to repress union activities. Employers have not hesitated to disqualify from employment anyone having a history of labor activity, and many authors and labor leaders have contended that businesses frequently circulate lists of the names of the country's most notable labor organizers. No less importantly, the Labor Code does not prohibit company management from interfering in the competition between unions in a factory. Employers frequently

promote non-combative unions. At the moment that workers attempt to adopt a more combative position, they will be fired arbitrarily.¹¹

Legal dispositions which leave unions vulnerable to patronal attacks have prompted labor organizations, research institutes, and political parties to draft Labor Code reform proposals that have been designed to prohibit the firing of labor leaders without judicial authority. Owing to patronal pressures and the disposition of political forces in the Legislative Assembly however, no significant reforms have been approved.

Collective Conventions

Apart from legal dispositions that place workers at the complete disposal of employers, the Labor Code prescribes a long list of procedures and regulations for the resolution of labor conflicts that both involves the heavy participation of the Ministry of Labor and the Labor Tribunals, and places unions at the mercy of patronal attacks.

The code states that particular patrons are required to negotiate collective conventions upon the demand of more than one-third of the workers in a factory or center of production. The requirements at this stage of the process are: that the percentage must be calculated upon the total number of workers in a factory; that the convention must be negotiated with the largest union in the factory; and that a term of thirty days must be given to direct labor-management negotiations.¹² There are several points which should be

noted about this procedure. In the first place, the code makes reference to "particular patrons," by which it is meant only employers in the private sector. A case involving the right of public employees to demand collective conventions was brought before the labor courts in the early 1950s. The court stated its judgement in this way:

'In effect, the legislator used, in Article 56, the expression 'particular patron' and it is evident that this was done with the object of excluding from such obligations, the state and its institutions, inasmuch as if this had not been his intention, it would have been sufficient to say: 'all patrons,' as it is stated in the Mexican labor code.'¹³

Buttressing these Labor Code and judicial dispositions is the Ley de Administración Financiera (Financial Administration Law) which states:

'the ordinary fiscal budget and extraordinary government expenditures approved by the Legislative Assembly in conformance with constitutional and corresponding legal dispositions, constitutes the limit of action of Public Powers for the use and disposal of state resources.'¹⁴

The same law later states that each departmental budget constitutes a maximum which can not be exceeded.¹⁵ Public institutions, both centralized and autonomous, do negotiate collective conventions, but the state is under no obligation to deal with unions. Consequently, as the following table indicates, the number of conventions negotiated by state institutions falls far below the number that is negotiated in the private sector.

TABLE 13

DISTRIBUTION OF COLLECTIVE CONVENTIONS ACCORDING TO SECTOR: 1976¹⁶

	Quantity	%
Centralized Public	1	1.0
Autonomous--semi-autonomous	15	15.6
Municipalities	12	12.5
Private Sector	68	70.8
TOTAL	96	100.0

A second point that should be noted is that the right to demand a collective convention requires one-third approval of all workers in a center of production. The process of collecting signatures is time consuming and employers frequently use this period to fire either union leaders or rank and file union members.¹⁷ Movements that would ordinarily receive the approval of a vast majority of workers, often never get off the ground. Another difficulty associated with percentage requirements is that workers, owing to patronal intimidation, will prefer not to be associated with labor organizations. Consequently the number of unionized workers in many factories falls below the percentage requirement. This problem was particularly acute in the 1950s and 1960s when the number of unionized workers in Costa Rica had been significantly reduced. As late as 1968, only 5.3 percent of the Costa Rican work force was unionized. According to one author, this made collective conventions practically impossible.¹⁸

TABLE 14
DISTRIBUTION OF COLLECTIVE CONVENTIONS BY YEAR¹⁹

Year	Quantity	%
1967	1	1.0
1968	1	1.0
1969	3	3.1
1970	3	3.1
1971	14	14.6
1972	27	28.1
1973	10	10.4
1974	15	15.6
1975	22	22.9

As Table 14 indicates, collective conventions after 1968 increased dramatically. This in large part is attributable to the unionization increases that were registered around the same time as a result of the economic prosperity brought about by the Central American Common Market. Nevertheless, the level of Costa Rican unionization, not having risen above ten percent, would indicate that unions in many factories still lack the numbers required to initiate proceedings for collective conventions.

A third point that should be noted is that the right to demand a collective convention is at all times provisional. Should the

percentage of workers approving a convention at any time drop below the required percentage, employers can stop negotiations. Most importantly, neither rank and file members nor union leaders enjoy immunity from patronal attacks at this stage of the bargaining process. A term of thirty days is given to direct labor-management negotiations during which employers are at liberty to fire workers at will, provided they pay the indemnizations associated with "unjust cause."²⁰ In this way employers are able to abort collective conventions and reduce the effectiveness of labor activity.

At the end of the thirty day term, direct negotiations between labor and management come to an end. Just after the code was put into effect, even the petition for a collective convention required the presence of inspectors from the Ministry of Labor. This in fact is still a common practice. Current labor practice requires the union to deliver a copy of the convention to the ministry before negotiations have begun. In the event that negotiations fail, the union must send a copy of the petition to the appropriate labor court. At that moment a collective conflict is considered to have been initiated and the termination of all labor contracts is prohibited without judicial authorization. It then becomes the responsibility of the court to form a conciliation tribunal that will hold discussions with representatives of both parties. The representatives of the conciliation tribunal theoretically are neutral participants in the tripartite discussions, but labor leaders have complained that their real function is to pressure labor leaders to accept employer offers.²¹ In

the past, when more than one union was involved in the negotiations, government representatives have attempted to divide support for a collective conflict by coming to agreement with the less combative partner in a union alliance.²² On other occasions, public security forces have been mobilized even before the conciliation process had begun.²³

TABLE 15

DISTRIBUTION OF COLLECTIVE CONFLICTS ACCORDING TO FORM OF RESOLUTION²⁴

	Quantity	
Business	25	8.5
Conciliation	119	40.7
Arbitration	6	2.0
Strike	12	4.1
Courts	131	44.6
TOTAL	293	99.9

A large percentage of conflicts are resolved at the level of conciliation; however, a larger percentage of conflicts are resolved at later stages of the resolution process. In the event that both parties fail to come to an agreement during the course of tripartite negotiations, the labor organization is left with two alternatives: submit the matter to arbitration or request permission from the labor courts to initiate a strike.

Collective Conflicts: Strike Regulations

When negotiations between labor and management do not lead to solutions, the only effective course of action for labor is the strike. It is the only real weapon that unions possess and an important measure of the balance of power between the factors of production. Yet extensive legal regulations on the use of this most important power are so prohibitive that it is practically removed from the domain of labor activity.

One specialist in Costa Rican labor legislation has perceptively noted that the strike in Costa Rican history has gone through three stages: the period of the illegal strike; the coexistence of the right to strike and the liberty to strike; and a blending of the first two periods. In the first period, legal dispositions prohibited collective action aimed at upsetting the liberty of supply and demand. Article 308 of the 1880 Penal Code, for instance, stated that

'whoever by fraudulent means should alter the common price of labor, materials or merchandise, stocks, or public or private incomes, or any other such activity will suffer the penalty of imprisonment or a fine of 100-306 colones.'²⁵

Similarly, the Penal Code of 1924 stated that

'whoever consciously spreads unfounded alarms or false information or statistics associated with production and consumption, or false dealings, or through concerted action oppresses the liberty of supply and demand or uses any other type of fraud to alter the value of salaries, materials or merchandise or any other form of commercial traffic, will suffer the penalty of finement.'²⁶

The second historical period was initiated in the 1940s and was brought about by the reform initiatives of the Block of Victoria. The Penal Code of 1941 did not include the earlier prohibitions on actions aimed at disrupting a laissez-faire capitalistic economic system. It only prohibited labor organizations from forcing workers to go on strike. Article 257 stated, for instance, that

'the penalty of imprisonment for a period between three months and one year or the fine of 180 to 700 colones, or both penalties will be applied to: 1. He who employs violence or coercion against another party to take part in a strike. 2. He who, by himself or on the part of another, exercises threats in order to oblige another party to take part in a shutdown, or to be separated from a legal association.'²⁷

The strike as a right and a liberty corresponds to the period immediately following the implementation of the Social Guarantees and the Labor Code.²⁸

The present epoch is characterized by a combination of the first two periods. The right to strike has not been removed or changed, but the liberty to go on strike has been greatly reduced.²⁹

One can begin to find the justification for this interpretation in Labor Code dispositions regarding the percentage of support that is needed for a strike petition to even be considered by the courts. While the requirement for a collective convention is thirty percent, the code specifies that strikes must have the support of sixty percent of all workers in a factory or center of production. This difference points to the conclusion that the resolution of collective conflicts involves progressively increasing regulations at

each stage of the bargaining process. But apart from the fact that it must be considered to be inordinately high, the sixty percent requirement causes problems when it is considered that most factories employ workers of various professions, most of whom probably have no interest in the conflict in the first place.³⁰ Consider for instance the broad scope of banana production operations. The Compañia Bananera de Costa Rica not only employs various kinds of agricultural workers on several separate farms, but engineers, office workers, personnel officials, labor relations specialists, public relations officials, marketing personnel, janitors, transportation and packing workers, etc. In addition to operations directly associated with banana production, the Standard Fruit Company even operates box factories. Each one of these professions is an independent entity that possesses its own specific interests and problems. Each one must therefore be treated independently when proceedings have been initiated for a strike.

It would be worth pointing out that the Labor Code dispositions on collective conventions take into account these peculiarities. Article 56 Section C states that

in the case that they [all the syndicates in a factory] can not reach an agreement, the union corresponding to each profession or occupation can require the celebration of a collective convention, in order to determine the conditions relative to said profession or occupation within the mentioned business or center of production.³¹

On the other hand, in the event that collective negotiations break-down, the union representing that same profession is prohibited from

initiating a strike, unless it is able to generate the support of sixty percent of all workers employed in the center of production.

Closely related to this problem is the preference of many workers to abstain from voting. Unscrupulous employers frequently coerce workers into abstaining with threats of firing, further diminishing support for a strike movement. In one case that was brought before the Labor Tribunals the courts ruled that the opinions of abstaining workers must be respected as much as voting workers. The court added that the idea that results should be calculated on the number of votes cast, is a principle that applies to electoral politics and not to matters of a conflictual nature. The number of abstaining workers was thus added to the number of anti-strike votes and the collective conflict was rejected.

TABLE 16
CAUSES OF STRIKE PETITION REJECTIONS³³

	Quantity	%
Less than 60% of the workers	18	52.9
Patronal pressure	1	3.0
Considerations of the business as a block	13	38.1
Miscellaneous	1	3.0
TOTAL	34	100.0

The failure of unions to gain sufficient support has figured as the principle cause of strike rejections. But it is also worth noting that a significant percentage of strike rejections, at least in 1976, were attributable to the courts' judgement that collective conflicts must be assessed in individual centers of production. The courts have rejected collective conflicts brought against more than one factory of a particular genre with the judgement that the individual peculiarities of each factory call for individual collective conflicts. The justification for this has been Article 364 of the Labor Code which states that strikes must be employed for the exclusive purpose of defending socioeconomic interests.³⁴ Sympathy strikes do not meet this criterion and are automatically declared illegal.

While prohibitions against sympathy strikes have been critical from an historical perspective, the most important prohibitions are those associated with occupational categories. Qualifications on the use of the strike begin with legal provisions referring to public employees. Article 61 of the Constitution acknowledges:

The right of patrons to the shutdown and the right of workers to strike except in the public services in accordance with the determination that these [services] constitute the law and must conform to the regulations that the law establishes, those being the repudiation of any act of coercion or violence.³⁵

Corresponding to this regulation Article 369 Section A states that strikes will not be permissible for "all those who undertake the

labors of the state or its institutions."³⁶ Inasmuch as public employees do not have the right to require collective conventions, Article 368 of the Labor Code states that all differences between workers and employers in the public sector will be automatically submitted to the Labor Tribunals.³⁷

The regulations presented for the resolution of labor conflicts in the public sector are more harsh than any other occupational category that is precluded from the use of the strike. Underlining the importance that has been placed upon the dependability of state workers, Article 334 of the Labor Code threatens anyone attempting to incite a strike in a public institution with the stiff penalty of imprisonment or fine.³⁸

TABLE 17

DISTRIBUTION OF CONFLICTS ACCORDING TO SECTOR³⁹

	Quantity	%
Centralized Public		3.1
Autonomous and semi-autonomous		16.0
Municipalities		3.8
Private Sector		77.1
TOTAL		100.0

Despite these controls however, one should take careful note of the fact that the threat of a work stoppage in a vital public service has intimidated Costa Rican administrations to the extent that special concessions will be made in order to bring a labor conflict to a speedy end. For this reason public employees enjoy higher salaries than workers in the private sector. Nevertheless the occurrence of a strike elicits the same harsh response from public authorities as illegal strikes perpetrated in any other center of production. Ultimately, the disproportionately low number of conflicts occurring in the public sector would indicate that labor organizations are maintained in a state of complacency through the use of carrot and stick tactics.

While the state may at times be a more benevolent employer, it considers public sector unions to be part of its patrimonial domain and applies all the paternalistic benefits and disciplinary measures that attend upon that function. This function is becoming increasingly important in Costa Rican labor relations inasmuch as bureaucratic growth since World War II has been accompanied by proportional decreases in the ability of workers to exercise their constitutional right to strike. But besides increases in the number and size of state institutions, the special conflict resolution procedures prescribed for public employees is critical inasmuch as the Labor Code includes a broad realm of activities within its definition of public services.

In addition to workers who are directly employed by the government the Labor Code understands public services to include all those activities associated with the seeding, cultivation, or recollection of agricultural or forest products. Strikes for workers involved in these occupations is prohibited when it implies extreme damage to the product.⁴⁰ This disposition becomes especially critical when it is taken into consideration that agricultural production is the cornerstone of the Costa Rican economy.

Besides the prohibitions on agricultural workers Article 369 Section C disqualifies

those workers associated with rail, sea, or air transportation, those workers involved with loading and unloading on docks, and those workers involved in any other labor of transport.⁴¹

Perhaps as importantly, Section D of the same article disqualifies

those workers whose labors are absolutely indispensable for the maintenance and functioning of particular businesses which can not suspend their activities without causing grave and immediate damage to the health or the public economy, such as clinics and hospitals, or occupations associated with public hygiene, cleanliness, or lighting.⁴²

In expanding the discretion of public authority Section E states that strikes will be prohibited from workers upon the declaration of the Executive Power, in all or in part of the territory of the Republic, once the Legislative Assembly has made use of its constitutional faculty of suspending certain individual guarantees.⁴³

These legal dispositions practically cancel out the constitutional and Labor Code provisions permitting strike movements. As one

author noted, who can go on strike is a matter of interpretation that can be made liberally or conservatively, depending on the disposition of the legal authority. Prohibitions on the right to strike might be confined to the centralized bureaucracies, or extended to the autonomous institutions and municipalities. Justices may take into consideration the nature of the industry affected. Practically any occupation could be considered to be indispensable to the public good.⁴⁴

All judicial determinations are made upon subjective criteria, and inasmuch as contemporary Costa Rican politics is becoming increasingly concerned with themes that affect the laboring classes, it is becoming progressively more difficult to establish the boundaries separating the political from the economic. An expanding state apparatus, which is constantly assuming new activities, is increasing this confusion. For this reason judicial authorities are not compelled to impose rigorous definitions on their legal judgements. According to one legal authority, when all the constitutional, Labor Code and Penal Code dispositions are taken into consideration, as much as seventy percent of the economically active population is prohibited from using the strike as a means of defending socioeconomic interests.⁴⁵

TABLE 18
DISTRIBUTION OF CONFLICTS ACCORDING TO LEGAL JUDGEMENT^{4 6}

	Quantity	%
Legal		19.5
Illegal		70.7
No Declaration		9.8
TOTAL		100.0

An investigation undertaken in 1976 indicated that less than one out of five strikes received judicial approval. But even in those few cases that work stoppages are declared legal, a series of Labor Code procedural regulations are calculated to postpone and discourage the initiation of strike movements. In certain sectors of production, once the declaration of legality has been made by the Labor Tribunals, the Ministry of Labor is given the responsibility of integrating a special conciliation board composed of state, employer, and worker representatives, whose function is to study the points of discord between labor and business in an attempt to arrive at a settlement. If negotiations fail once, the board is given another term. Should the second attempt fail, the strike is permitted, but only after the unions involved have notified the Ministry of Labor seventy-two hours before the commencement of the movement.^{4 7} Furthermore the Labor Tribunals have the power of suspending the right to strike for a

period of six months in the event that this is considered necessary for the accomplishment of a just settlement between workers and employers.⁴⁸

The procedural mechanisms prescribed for collective conflicts require time. Frequently several months will elapse between the commencement of collective negotiations and the initiation of a strike during which unions are vulnerable to patronal attacks. In one case, in which a strike was declared legal, the courts ordered a delay of six months because the company was not in a position to support a strike at that moment. The company used this time to fire all workers who supported the strike.⁴⁹ For this reason many unions prefer to initiate strikes directly after collective negotiations, even though the movement will certainly be declared illegal since the union failed to exhaust the conciliation process.

Even once the strike has begun its legality is provisional. If any violence or coercion is used against people or property judicial sanctions are removed automatically, or if the union fails to comply with any of the requirements that govern collective conflicts, legal recognition can be withdrawn. At any time, any one of the parts of a collective conflict can request the requalification of a strike. If support for the movement at any time drops below sixty percent, legal recognition is withdrawn. Similarly if it is determined that the motives of the union are political rather than socioeconomic, judicial approval can be removed.⁵⁰

The declaration of illegality removes the prohibitions on anti-union attacks that were supposed to have been put into effect when the union submitted its petition for a collective conflict. Employers regain the liberty to fire workers at will. Furthermore, if a fired worker is rehired, the employer is under no firm obligation to comply precisely with the terms of the contract that existed previously. Employers have in some cases been able to decrease salaries, lengthen workdays, reduce benefits, or take other actions that fit the needs of the business. In one case involving the Ticatex Company, a San José textile factory, the union followed the appropriate procedural guidelines in winning a verdict of legality from the Labor Tribunals. But fifteen minutes after the strike had begun, a judicial authority, by telephone, concluded that the movement did not have sufficient union support, and declared the movement to be illegal. The company then initiated an anti-union campaign that resulted in the firing of several workers and the circulation of a black list. The affected workers were ultimately forced to abandon textile work because they could not find employment.⁵¹

Case Studies

Owing to extensive regulations, prohibitions, and broad loopholes that facilitate anti-union attacks, the Costa Rican Labor Code has become more an instrument of domination, than a document intended to protect labor organizations. The labor laws have permitted the government to say "'it can't be done, the law doesn't permit it.'"⁵²

According to one labor leader, the workers have lost faith in both the code and the Labor Tribunals. "They [the workers] don't believe, and I don't believe in the legislation."⁵³ The reasons for this lack of faith can be most vividly described in the combination of judicial judgements, patronal actions, and physical violence that accompany the resolution of labor-management conflicts. Three recent and not untypical strike movements underscore the control mechanisms that are put into operation by judicial sentences.

1. In July of 1979 the Union of Pozuelo Workers (SITRAPSA) initiated a strike after the Pozuelo candy factory rejected a petition that included salary increases, improvements in working conditions, and increased pregnancy benefits. The basis of labor discontent was the company's refusal to deal with union representatives.

The initiation of the movement was immediately followed by company accusations aiming to cast doubts on the legality of the work stoppage. Management claimed that strikers had occupied the factory, an action that is grounds for the rejection of a strike petition or the removal of judicial authorization. Labor leaders answered the accusation with the assurance that no such action had occurred. The company then claimed that no more than twenty-five percent of the workers supported the strike. On the other hand, labor leaders argued that 400 out of 525 workers were involved in the movement. The company further asserted that striking workers were blocking factory entrances and sabotaging machinery. The penalty for any of these developments is the removal of judicial authorization.

In a second attempt to influence judicial judgement the company asserted that inasmuch as only eighty workers had refused to return to work, the factory was able to resume normal production operations. Despite union accusations that the company was attempting to undermine the strike by spreading false propaganda, the Superior Labor Tribunal subsequently upheld a verdict of illegality that had been made by the First Labor Court. Their reasoning was that the strike lacked the support of sixty percent of the factory work force and that the union failed to follow the proper procedural guidelines for the resolution of collective conflicts. The union claimed that they had fulfilled their responsibilities, but that the company had refused to name representatives to the conciliation board. The conflict they asserted had been in the labor courts for over a month and a half during which the company repeatedly threatened to fire both union and non-union workers. In order to demonstrate their strength of support, the union staged a sit-in at the Ministry of Labor. Legal judgements were nevertheless upheld. The frustration with the conduct of the courts in this case prompted the bitter comment that "it appeared that the thesis of the business coincided with that of the labor courts."⁵⁴

The initiation of the strike was accompanied by the presence of forty civil guards who had been sent to the cite upon company request. Subsequent confrontations produced several injuries and the arrest of forty strikers. Company officials attributed the violence to the union's refusal to allow the entrance of non-striking workers.

The union, on the other hand, claimed that striking workers were only conversing with factory employees and that public security forces used the occasion to initiate gratuitous acts of violence. At any rate fifteen people were hospitalized.

Shortly after the strike had been declared illegal, the company took advantage of its legal powers by firing 150 workers. Vacant factory positions were filled by new personnel on the basis of what La Nación called "a careful selection process."⁵⁵ At the same time strike leaders complained that management was offering "loyalty prizes" for any worker who refused to go on strike.⁵⁶

The intransigence of the company position prompted SITRAPSA to solicit state mediation. However a request for a meeting with the Minister of Labor was rebuked when it was stated that labor leaders involved in illegal strikes do not represent the workers. SITRAPSA then petitioned for presidential assistance, but a demonstration before the presidential residence was answered by the refusal of executive authority to require the reinstallation of fired workers. President Carazo stated that inasmuch as Costa Rica was a nation of laws, and each individual was obliged to conform to legal principles, the judgement of the Labor Tribunals could not be overturned. By their part, the Ministry of Labor offered only to help fired workers find new employment.⁵⁷

With legal judgements having served as the basis for anti-union patronal attacks, and with executive authority supporting company labor policy the SITRAPSA organized a desperation hunger strike.

When this failed to budge either company or government, the strike was called off.

The Pozuelo case possesses several important characteristics, not the least of which is the utilization of the company's prerogative to fire employees when, upon the declaration of illegality, Labor Code dispositions protecting union workers have been lifted. Secondly what should be noted is the coincidence between the company's estimation of strike support and the judgement of the labor court. The company on this occasion leveled several accusations against SITRAPSA all of which are punishable by the removal of legality. Without question they were made in order to prejudice judicial opinion. Thirdly, one must take note of the fact that once the court had rendered its judgement, public security forces were placed at the disposal of the Pozuelo factory, and put into action when the company claimed that striking workers were prohibiting the entrance of factory workers. No less importantly, one should take note of the company's attitude toward the labor unions. Well before the strike had begun the Pozuelo management refused to deal with union representatives. Equally significant was the company's policy concerning newly hired employees. Workers were hired with the promise that they would not become involved in union activities. This promise was enforced by the conference of loyalty prizes on the one hand, and threats of firing on the other hand.

What obtains in the Pozuelo case is a fairly complete demonstration of the combination of forces, both institutionalized and informal,

that can be brought against obstinate labor organizations. The application of this mechanism is not uncommon in Costa Rican labor relations, and if the Pozuelo strike is atypical, it is only because of the lack of direct executive involvement. The next two case studies demonstrate how executive pressures can be applied, in greater or lesser degrees, to the termination of collective conflicts.

2. In 1978 the Union of Pococí Agricultural Workers (STAP) initiated a strike on several farms managed by the National Banana Association (ASBANA) in protest of low salaries and union persecution. Workers claimed that the company had violated the terms of their collective convention. They also demanded both the rehiring of workers that had been fired and the release of a company administrator who, in their opinion, was the perpetrator of several anti-union attacks. The matter was brought before the Labor Court of Limón. A subsequent judgement of illegality was upheld in the Superior Labor Tribunal.⁵⁸ The court's decision in this case is typical of legal decisions in matters associated with the banana industry. The most common legal dispositions brought against these unions are the prohibitions on strikes in agricultural industries (Article 369, Section b), and the failure to exhaust the conciliation process (Article 366, Section b).

Upon the submission of the court's judgement seven hundred troops of the Guardia Rural (Rural Guard) were sent to the area in order to maintain order. As in the Pozuelo strike, public security forces placed themselves at the disposal of the company and waited

for orders to disperse the movement. In this case, however, the company behaved with considerably greater tolerance than the Pozuelo management. Security forces maintained a state of readiness, but the company did not request the forceful removal of striking workers.

One week after the STAP initiated its movement against the ASBANA, the strike expanded to several other farms belonging to the Banana Development Company (BANDECA). Once again the company refrained from the use of force; however, they refused to negotiate with workers while the strike was in progress.

By paralyzing a significant portion of the banana industry, the strike gave sufficient cause for direct executive involvement. President Carazo visited the zone and lectured workers on their patriotic duty to insure the well-being of the country by resuming banana production. The attitude of executive authority in this case was typical in the sense that presidential audiences intended to encourage feelings of national pride, at the same time giving workers reason to believe that work stoppages were not in the best interests of the country. On the other hand President Carazo in this case demonstrated an unusual restraint in the sense that he did not apply physical violence, even though the strike had the potential of being severely damaging to the national economy.

This attitude did not escape the criticism of conservative elements, which, through their control over the means of communication initiated a sustained attack against the labor movement. The National Chamber of Banana Growers expressed its dissatisfaction with

the conduct of the Executive Power, and, reminding the President that the strike had been declared illegal, asked that the labor laws be put into effect. One week later, the ASBANA published an article stating that labor leaders were not interested in the defense of the socioeconomic interests of rank and file union members, but that, in accordance with their political motivations, were only interested in making an attempt to interfere in the company's right to decide its administrative affairs. The next day, the Chamber of Commerce expanded upon the suggestion of politically motivated union activity by launching a severe attack against the labor union movement that included assertions that small groups of communists were threatening the national economy, the social peace, and the well-being of the Costa Rican people. Labor leaders, it was argued, far from being interested in solving worker-related problems, were committed to provocation, the paralyzation of business, the perpetuation of class struggles, and the destruction of industry and democracy.

This indictment was shortly followed by an announcement from the ASBANA reminding workers that the strike had been declared illegal, and threatening that legal provisions, giving business wide discretionary powers, would be applied if production was not shortly resumed. Four days later production was resumed. The company promised to establish a bi-partisan committee that would study the problems that led to the strike. It also promised to respect the collective convention in operation and to refrain from punitive action against labor leaders involved in the strike; however, workers were to return to

their posts under the same economic conditions that had existed before the strike. But just before this agreement was signed, workers associated with another company declared common cause with the STAP and joined the strike movement. Units of the Guardia Rural were sent to the area with orders not to permit production stoppages. Fearing the use of force, all but 9 of 105 workers returned to work. Shortly after fourteen labor leaders were fired for having participated in an illegal strike and several others were arrested for the destruction of private property.⁵⁹

In addition to the personal appeals of the President, four factors merit attention in the ASBANA strike. First, as in the Pozuelo strike, public security forces were placed at the disposal of the company, and although not put into action--an atypical occurrence, especially in extended strikes in a vital industry--it can be concluded that the threat of violence contributed heavily to the termination of the movement. This becomes especially clear in light of the fact that the strike ended shortly after the ASBANA published its ultimatum. Secondly the use of the means of communication by the Cámaras and the company, a usual tactic during strikes, can be seen to be an important means by which conservative elements not only justify, but generate support for the application of force against labor organizations. It might be added that denunciations of union activities were accompanied by reports of vast destruction of banana crops and huge financial loss. Thirdly, anti-union patronal actions taken at the end of the strike cannot be ignored. While the ASBANA had promised

not to take punitive action against labor leaders, the strike involved workers from several farms, many of which did not belong to the ASBANA company. These companies did not hesitate to use the discretionary powers conferred upon them by the Labor Code. Fourthly, one should take careful note of the fact that the courts did not hesitate to withhold legal approval of a strike in the agricultural sector. This is crucial inasmuch as agricultural production occupies a significant portion of the economically active population.

At any rate, the ASBANA strike, while demonstrating a series of tactics and measures common to Costa Rican labor relations, was atypical in the sense that prolonged strikes in the banana sector usually provoke stronger responses from public security forces. However, as the following case study demonstrates, the application of violence is a measure that is applied not only against agricultural and factory workers, but against the managerial classes that occupy posts in the autonomous institutions.

3. In July of 1976, seven hundred workers from the Costa Rican Electrical Institute (ICE) initiated a strike in protest against PLN President Daniel Oduber's decision to withhold salary increases that had been approved by the ICE administration. The Association of Communication and Electrical Industry Employees (ASDEICE), an affiliate of the FENATRAP, issued a list of petitions that included above all, the suspension of the executive order freezing salary increases, but also; the termination of union persecution; the rehiring of labor leaders that had been fired; and the termination of actions prohibiting union meetings. After the propositions were considered by the

Minister of Development, the announcement was made that the freeze on salaries would not be lifted.

Shortly after the strike began, the number of participants increased to two thousand. Importantly however, the work stoppage was not accompanied by a suspension of electrical service. Nevertheless the Superior Labor Tribunal upheld a judgement of illegality with the resolution that the strike involved public workers, who by constitutional law (Article d) and Labor Code provisions (Article 369, section a) are prohibited from utilizing the strike. With this determination, units of the Civil Guard armed with tear gas, batons, and machine guns, occupied ICE installations.

Lawyers attached to the executive office announced that if the strike continued, they would have no alternative but to put into operation the measures prescribed by the Penal Code for public employees involved in illicit union activities. Similarly President Oduber, in an attack against leftist labor organizations reminded workers that strikes in the public sector were illegal and that this particular strike was the result of adventurers who merely aimed to prove that they could organize a strike in the public sector. These labor leaders belonged to political groups, he asserted, that having failed to gain electoral success were merely out to gain some form of notoriety. The strike was seen to be the responsibility of radical groups aiming to paralyze the country. He insisted that the smooth functioning of the public services was an obligation. Work stoppages in a vital service he stated "will not be permitted, and if we have to

apply the law we will.'" "If it is necessary to take measures they will be taken."'⁶⁰

With the conviction that the strike was not the work of ICE employees, public security officials sent undercover agents into the picket lines for the purpose of identifying political agitators. The discovery of this development prompted a worker demonstration that touched off violent confrontations leading to the hospitalization of several ICE employees, and the arrest of several labor leaders. Shortly after the incident the ASDEICE convened a general meeting during which it issued a list of grievances that repeated the demands of the original petition, and called upon the administration to recognize that the problem in ICE was caused by the lack of any norms governing union activity in the public sector. For this reason the ASDEICE demanded a collective convention, in conformance with the rights conferred by Article 62 of the Constitution. The petition also included the demands that ICE refrain from any disciplinary action among either labor leaders or workers who had participated in the strike; that firings be prohibited without proof of just cause; and that fuero sindical be provided for labor leaders up to one year after having served as a labor representative.

The petition was answered by a denunciation of extremist groups which were seen to have taken advantage of labor problems by infiltrating picket lines and perpetrating acts of violence. Oduber refused to adjust salaries and claimed that violence was the responsibility of political subversives who left police with no alternative. The

strike was seen to be a political struggle, not a labor struggle. Oduber further stated that the workers must understand that the resolution of the courts had to be supported. The interpretations of the administration were supported by leaders of the political opposition who, after having studied the movement, issued a statement asserting that while the government should not fuel the objectives of radical elements by applying force too crudely, the strike along with the acts of violence were the responsibility of professional agitators attempting to spread chaos.

The ICE board of directors and the administration refused to accept the union's petitions. One week after it began the strike was called off. The ASDEICE stated its opposition to the administration's policy but agreed that differences should be settled in a more responsible manner.⁶¹

In addition to the violence employed by public security forces, two points stand out in the ICE strike. The first is the decision of the labor courts to interpret public services to mean autonomous institutions as well as standing bureaucracies. In this connection it should be remembered that state institutions employ over eighty thousand members of a 550,000 member work force. Constitutional and Labor Code dispositions concerning public employees consequently preclude almost fifteen percent of the Costa Rican work force from the right to strike. The second is the accusation made by the Executive Power as well as the political opposition that the participation of subversive elements had converted the strike from a labor matter into

a political struggle. In this connection it should be remembered that labor organizations that pursue political objectives are subject to the penalty of forced dissolution, while political parties that are proved to have subversive objectives are subject to the same penalty. At one point Oduber stated that he did not know why the strike was taking place inasmuch as constitutional regulations prohibited union political activity. No legislative action was taken against ASDEICE or FERATRAP, but on the other hand, the strike ended shortly after these accusations were made. It should be recalled that special investigations and forced dissolutions of labor organizations had occurred in the past, and there is no reason to expect that a prolonged work stoppage in a vital sector would not evoke the same response.

Concluding Remarks

Juridical provisions are structured in such a way as to prohibit Costa Rican labor organizations from any form of independent activity. While labor's rights are guaranteed in a series of constitutional and Labor Code provisions, those same documents establish a body of regulations so confining that union activity, at least where strikes are concerned, has become an illegal affair. While unions are free to organize, they are not free to act. But apart from prohibitions on strikes, loopholes in Labor Code regulations regarding the discretionary powers that employers enjoy before, after, and even during collective conflicts, impinge upon labor liberty.

Besides collective convention and collective conflict procedural guidelines that bind labor organizations to bureaucratic authorities, a most important, though sometimes subtle characteristic of Costa Rican labor relations, is a mutually supportive mechanism of control that involves bureaucratic, executive, judicial, and private institutions. This mechanism is put into operation via Labor Code dispositions that leave labor organizations vulnerable to patronal attacks. These attacks encourage labor to initiate collective conflicts; however, once again, Labor Code regulations combined with judicial judgements all but prohibit the use of this important weapon. In this connection it should be recalled that judicial interpretations frequently coincide with the accusations made by businesses that are being affected by strikes.

The declaration of illegality is a critical stage in the conflict resolution mechanism, for it is at this point that public security forces are placed at the disposal of employers. As the previous case studies showed, physical force may be applied or threatened; in either case, it serves to discourage unions from continuing work stoppages. The prolongation of strikes, especially in critical sectors, frequently gives sufficient cause for direct executive involvement. This involvement may be calculated to appease labor or it may be intended to threaten labor with the possibility of forced dissolution. But whether or not executive authority is applied, illegal strike movements present employees with the opportunity to continue anti-union attacks. Inasmuch as Labor Code guarantees do not apply in these cases, unions become defenseless.

It should be noted, on the other hand, that legal provisions constricting labor activity are frequently not applied. Many are the cases in which judicial and public security authorities will be brought to bear against labor organizations with ends quite different from the Pozuelo and ICE strikes. Strikes may be declared illegal, workers will be fired, public security will be placed at the disposal of business, but in the end fired workers will be rehired, labor leaders will be released from prison, guarantees against reprisals will be given, and significant material benefits will be won. Nevertheless, while unions win as much as they lose, their actions are closely regulated by a Labor and Penal Code that bind them to higher authority. The juridical integration of Costa Rican labor thus prohibits independent activity during the conflict resolution process. But apart from the association between labor organizations and state institutions during collective conflicts, labor maintains points of contact with several bureaucratic agencies. How those contacts either encourage or confine labor activity, and whether or not they constitute forums for an effective alternative expression of labor interests will be the following subject of discussion.

Notes to Chapter IV

¹Constitución Política de la Republica de Costa Rica, (San José, Costa Rica, Imprenta Nacional, 1980), pp. 16 and 17; and Bernardo Van Der Laat, La Huelga Y El Paro En Costa Rica, (San José, Costa Rica, Editorial Juricentro S.A., 1979), pp. 16 and 17.

²Mercedes Valverde Kopper, Legislación Laboral, (San José, Costa Rica, Editorial Universidad Estatal A Distancia, 1979), p. 114.

³*Ibid.*, pp. 109 and 111.

⁴Antonio Muñoz, Necesidad del Fuero Sindical en Costa Rica, (Thesis, University of Costa Rica, 1966), pp. 52 and 54.

⁵*Ibid.*, p. 58.

⁶Chester Zelaya et al., Democracia en Costa Rica?, (San José, Costa Rica, Editorial del Ministerio de Educación Pública, 1977), pp. 228 and 230.

⁷This is based on an interview with Carlos Vargas Solano, Secretary General of the CATD, June, 1981. Vargas, as well as many other labor leaders, have offered dozens of these cases. In their view, firings are so regular as to be a normal part of the Costa Rican labor relations system.

⁸Escuela Social Juan XXIII, Sindicalismo-Sindicatos, (San José, Costa Rica, 1977), p. 12. This is also based on an interview with Carlos Vargas Solano, June, 1981.

⁹This information is derived from a CGTC memorandum to the Ministry of Labor. It can be found in the official Ministry Epedientes on the CGTC.

¹⁰Libertad, December 19, 1970. Libertad makes frequent reports on this type of patronal action.

¹¹Muñoz, op. cit., p. 60; and Juan Rafael Espinoza, Tareas Sindicales Inmediatas En El Campo Jurídico, (Heredia, Costa Rica, Universidad Nacional, 1979), pp. 32 and 33.

¹²Administración R. A. Calderón Guardia, Codigo de Trabajo: 26 Agosto De 1943, (San José, Costa Rica, Secretaria De Trabajo Y Prevision Social), pp. 24 and 25.

¹³Rafael Angel Rojas Jiménez, La Convención Colectiva De Trabajo, (Thesis, University of Costa Rica, 1969), pp. 52 and 53.

¹⁴Alvaro Ciro Vargas Bejarano, La Convención Colectiva De Trabajo En La Legislación Laboral De Costa Rica, (Thesis, University of Costa Rica, 1905), pp. 46 and 47.

¹⁵Ibid., p. 47.

¹⁶CEDAL, Investigación Sobre Conflictos Economicos-Sociales Y Convenciones Colectivas En Costa Rica, (La Catalina, 1976), p. 17.

¹⁷Alfonso Mora Volverde, Convención Colectiva En El Derecho Costarricense, (Thesis, University of Costa Rica, 1951), p. 200 ff.

¹⁸Rojas Jiménez, op. cit., p. 54.

¹⁹CEDAL, op. cit., p. 15.

²⁰Alfonso Mora Valverde, op. cit., p. 20 ff; and Espinoza, op. cit., p. 52.

²¹This is based on an interview with Luis Carlos Montero, May, 1981; see also Espinoza, op. cit., p. 52. It should be noted that the kind of pressures that are brought to bear against labor organizations during conciliation proceedings depends on many factors including the attitude of the administration, the reputation of the labor organization, the sector of production that is being affected, the price of bananas, etc.

²²Recall the strikes of the 1950s discussed in Chapter II.

²³This occurred in Limón in April, 1981.

²⁴CEDAL, op. cit., p. 12.

²⁵Van Der Laat, op. cit., p. 38.

²⁶Ibid., p. 38.

²⁷Ibid., p. 39.

²⁸Ibid., p. 39.

²⁹Ibid., p. 39.

³⁰Enrique Benavides Chaverri, Conflictos Colectivos De Trabajo, (Thesis, University of Costa Rica, 1949), pp. 25 and 26.

³¹Código De Trabajo, p. 25.

- ³²Van Der Laat, op. cit., pp. 54 and 55.
- ³³CEDAL, op. cit., p. 13.
- ³⁴Van Der Laat, op. cit., pp. 96 and 97.
- ³⁵Constitución, p. 17.
- ³⁶Codigo De Trabajo, p. 112.
- ³⁷Arturo Castro Esquivel, José Figueres Ferrer: El Hombre Y Su Obra, (San José, Costa Rica, Imprenta Tormo, 1955), p. 49.
- ³⁸Espinoza, op. cit., p. 24.
- ³⁹CEDAL, op. cit., p. 7.
- ⁴⁰Codigo De Trabajo, p. 112.
- ⁴¹Ibid., p. 112.
- ⁴²Ibid., p. 112.
- ⁴³Ibid., pp. 112 and 113.
- ⁴⁴Van Der Laat, op. cit., p. 71.
- ⁴⁵Ibid., pp. 76, 84, and 99.
- ⁴⁶CEDAL, op. cit., p. 13.
- ⁴⁷Codigo De Trabajo, p. 111.
- ⁴⁸Ibid., p. 115.
- ⁴⁹Luis Armando Gutiérrez, "Interview," in El Derecho De Libre Sindicalización Y El Derecho De Huelga En Centroamerica Y Panama, (San José, Costa Rica, Confederación De Trabajadores Centroamericanos, 1979), pp. 22 and 23.
- ⁵⁰Van Der Laat, op. cit., pp. 118 and 119.
- ⁵¹Ibid., pp. 143 and 149; and Gutiérrez, op. cit., pp. 23 and 24.
- ⁵²Guido Núñez Roman, "Interview," Ideario Costarricense, no. 9 (1977).
- ⁵³Gutiérrez, op. cit., pp. 22 and 23.

⁵⁴La Nación, July 21, 1979.

⁵⁵Ibid., July 26, 1979.

⁵⁶Ibid., August 1, 1979.

⁵⁷Ibid., August 7, 1979.

⁵⁸Ibid., June 10 and 14, 1978.

⁵⁹The information from this and the preceding paragraphs comes from La Nación, June 18-July 8, 1978.

⁶⁰Ibid., July 20, 1976.

⁶¹The information for this case study comes from La Nación, July 20-27, 1976.

CHAPTER V

BUREAUCRATIC INTEGRATION

The establishment of the Social Guarantees was a landmark in the development of Costa Rican labor unionism. Until 1943 workers and labor leaders could not be sure of the response that union activity would elicit from public authorities. Employers for their part, were not obliged to deal with workers as a collectivity. No less importantly, there were no rules to delimit the boundaries of fair-play in labor management conflicts. Having no legal guarantees, workers were at the complete disposal of their employers. The Social Guarantees supposedly attempted to change the traditional relationship between worker and employer by recognizing the right of labor to act collectively in defense of its socioeconomic interests. But while these constitutional amendments helped to balance power between the factors of production, they have been most successful in replacing the patrimonialism of private employers with the patrimonialism of the state. This has significantly reduced both the ability of labor organizations to act independently, and defend the socioeconomic interests of the working classes.

The Social Guarantees, in addition to establishing a regulative legal system that bound labor organizations to the judgements of the judicial branch of government, also created a Ministry of Labor that

was given the responsibility not only of providing a variety of technical functions such as legal advice and unemployment assistance, but of overseeing all labor activities, for the ostensible purpose of encouraging labor organization. All these functions, while perhaps aiding the working classes in a material way, remove a wide variety of worker related activities from the responsibility of labor unions, and encourage workers to seek protection in the state system.

Like the Ministry of Labor, the autonomous institutions that emerged during, and especially after World War II were supposed to protect working class interests by providing labor organizations with a degree of participation in a process by which the state assumed ever greater responsibility for directing the course of national development. Nevertheless the functions of these bureaucratic mechanisms have been disappointing to labor. This is as true in the Ministry of Labor where labor organizations are more regulated than represented, as it is in the autonomous institutions where cooptation is more common than participation.

The Ministry of Labor and the Labor Organizations

The Ministry of Labor at once serves as the basic point of integration for labor organizations, and the principle mechanism of a patrimonial labor relations system. As an expression of the patrimonial concept that labor's interests should be protected by the state, the ministry's broad responsibilities include the protection of the cultural, moral, and economic interests of the workers; establishing

and maintaining a general policy that will protect the worker and his family from the consequences of unfortunate patronal relations; the study and solution of problems between capital and labor; formulating and directing a national policy in the area of social welfare, toward the end of guaranteeing effective public assistance; organizing and administering public services; coordinating the activities of social welfare services; and guaranteeing the application of social legislation.¹

Corresponding to its responsibilities the ministry is divided into six departments. Three of these departments affect virtually every aspect of labor-management conflicts, most usually, labor leaders argue, in a way that is damaging to labor interests. First, an Office of Labor Relations is divided into two departments one of which processes labor conflicts by receiving complaints and establishing conciliation boards, the other of which accepts requests for juridical personality and monitors the activities of previously existing unions.² It is in this office that punitive action is taken against unions failing to comply with labor statutes, and in which legal recognition can be either delayed or refused.

Secondly, an Office of Inspection, divided into three departments, one for industry, commerce, and agriculture, is responsible for investigating working conditions and complaints of patronal Labor Code violations. Labor conflicts originating in this department automatically follow a juridical route but labor leaders have argued that complaints filed with the Office of Inspection rarely reach the

courts. Usually inspections are delayed for such inordinately long periods of time that the matter is eventually forgotten. Several complaints, for instance, have been concerned with patronal action against labor leaders attempting to form unions. All workers known to have joined a union in the process of formation will be fired. An inspection will be undertaken by the Ministry of Labor, but before any determination has been made, the workers in question will have found new employment, reducing the necessity of further ministry action. In other instances, workers will be allowed to keep their employment with the stipulation that legal action will not be taken against the company. At any rate, the fine that employers must pay, should a conflict actually reach the courts, is well worth the long term benefits that can be derived by avoiding the establishment of unions in a factory. Similarly, the same penalty does not prohibit employers from violating the terms of individual worker contracts. In this way, employers are able to bypass minimum salary regulations.³

Thirdly, the Office of Legal Assistance has the responsibility of providing legal advice to workers dissatisfied with patronal conduct. While undoubtedly a valuable service, this free assistance has had the effect of marginalizing unions from conflicts with employers. At the same time labor leaders have criticized the legal office for emphasizing the difficulty involved in carrying through successful suits against employers accused of violating either the code or individual worker contracts.⁴ Its long range function has thus been to encourage workers to look for protection in the state apparatus rather

than in worker organizations. Its short term function has been to discourage legal action against employers while encouraging acceptance of what employers have to offer.

In addition to these offices the ministry also maintains departments that have such responsibilities as reintegrating unemployed workers--many of whom it should be noted have been fired because of union activities, protecting the special needs of women workers and minors, and providing assistance in the construction of worker recreation facilities.

What is curious about the organization of the ministry is that it is designed both to provide individual assistance, and to punish, or at least discourage, collective action. While it provides legal advice to individual workers through its Office of Legal Assistance, it discourages collective action through its slow moving Office of Inspection. While these delays encourage anti-union patronal action, an Office of Planning and Employment assists workers in their search for new employment. At the same time the Office of Labor Relations can put into effect its punitive powers at any time. Recent examples of this have been the difficulty that the CATD and CUT have had in gaining juridical personality. When the CATD submitted its request for legal recognition, the Office of Labor Relations forced several changes in confederation statutes and electoral procedures. Similarly the CUT, after having approved its statutes in its first general assembly, was forced to change electoral procedures, and organizational form. Despite several subsequent statutory changes, the ministry has yet to grant the confederation legal status.

In addition to the affects of these formal ties, the ministry has also been accused of managing the labor movement by conferring special status on certain labor movements or by playing one confederation against another. The CCTD, for instance, has been considered by the CUT to be the official government labor movement, owing to a heavy government subsidy that seems to increase when PLN Ministers are appointed to office. The CATD, as well, has accepted substantial financial subsidies from the Center of Democratic Studies for Latin America, a PLN subsidized training center for Central American labor leaders. Through direct ministry assistance and CEDAL contributions, as well as contributions from other institutions such as the Episcopal Church and international organizations, the democratic labor movement has had a history of heavy financial dependence. Confederation leaders assert that there is nothing unethical about receiving assistance from organizations that support the principles and goals of the democratic labor union movement,⁵ but CUT officials on the other hand argue that any type of financial assistance creates a bond of obligation that cannot but affect union activities. The disproportionately low number of collective conventions that have been signed by the democratic organizations seems to add weight to the argument that labor-party relations have not generally served the interests of the working classes. The terms of this relationship will be discussed in a later chapter. What deserves attention at this point, at least where the democratic organizations are concerned, is a financial dependence that is maintained both through direct party assistance and by party assistance that proceeds via the Ministry of Labor.

Apart from financial subsidies, the ministry has been able to do damage to certain labor organizations through a policy of discrimination that is put into effect during labor-management disputes. The Ministry of Labor has the responsibility of determining which labor organization will be given the right to negotiate collective contracts in the event that two or more unions are functioning in the same area of production. On more than a few occasions, conflicts have arisen between confederations regarding the negotiating rights to collective conventions. The CUT complains that whenever situations of this type have arisen, the title has usually been given to the democratic organizations. On the other hand, there have been several occasions in which the ministry decided to include the CGT in negotiations that were claimed by the CCTD to fall strictly within its jurisdiction.⁶ Inasmuch as the stability and effectiveness of a labor organization greatly depends on its ability to defend the interests of its affiliates, the importance of ministry decisions in the realm of negotiating rights should by no means be minimized. On more than one occasion, confederations have lost important affiliates when collective conflicts failed to produce results.

Beyond the conciliation process, the ministry also finds itself in a critical position once strike movements have been initiated. It should be noted that ministry officials are actively involved in a vast majority of strike settlements, most particularly those occurring in the banana zones. In its capacity as mediator between labor and management, the ministry proposes its own solution to work stoppages;

but inasmuch as it is directly linked to the Executive Power, ministry decisions are often imposed upon the contending factions. Furthermore, in labor disputes during which competing unions have made common cause, the ministry has on frequent occasions encouraged division by refusing to negotiate with one of the parties in the alliance. The struggles between the Compañía Bananera de Costa Rica and the FOBA-FETRABA alliance in the 1950s serve as illustrations of this tactic. It should be carefully noted that ministry behavior on these occasions was damaging to labor not only because it undermined collective union action at the bargaining table, but because the strike settlements contained insufficient guarantees against subsequent anti-union patronal activity.

Most labor leaders, both communist and democratic, agree that the activities of the ministry have been damaging to labor's interests. One of the reasons for this has been the anti-union attitude of successive Ministers of Labor, whose appointments have been made not only without the consent of labor, but upon recommendations submitted by the Chambers of Commerce, Agriculture, and Industry. New administrations, labor leaders contend, consult with employer organizations before a Minister of Labor is appointed. For this reason both communists and democrats have argued that a conservative and bourgeois character has been built into the ministry. But perhaps more fundamental than this, as we shall see, are Labor Code provisions that tie labor organizations to the state in a way that has been described by most labor leaders as excessively regulatory, prohibitive, and patrimonial.⁷

Requirements of Union Formation

Nothing more clearly illustrates the patrimonial relationship between labor and the ministry than the requirements that are placed upon unions in the process of formation. As a prelude to these requirements the code divides labor organizations into four categories. Guilds are those worker organizations formed by individuals in the same profession. Business unions are those organizations formed by individuals involved in various professions in the same factory or area of production. Industrial unions are formed by individuals involved in various professions in two or more factories or areas of production of the same type. Mixed unions are organizations of individuals who are involved in various professions in a variety of industries.⁸

After establishing these categories, the code recognizes the right of employees as well as patrons to form unions without previous authorization, but establishes a term of thirty days during which the organization must submit a request to the ministry for juridical personality. In order for legal recognition to be granted the union must meet various requirements. First the union must submit a written request to the Department of Labor Relations that contains such information as a copy of the constituent acts of the organization, the number of members, the type of union, the names and identification numbers of all the members of the Junta Directiva and how they were elected. The request is then examined by the Director of the Office of Syndicates and Cooperatives, who within the next fifteen days,

either recommends the inscription of the union or returns the request to the Junta Directiva with a statement of organizational, electoral, or ideological changes that must be made before juridical personality can be granted.⁹

The statutes that each union is required to send to the ministry must contain a wide range of information including its objectives, the obligations and rights of its members, and the margin by which the Junta Directiva was elected. All union members must be Costa Ricans by birth or marriage with at least a five year residence in Costa Rica. All junta members must also be Costa Rican by birth. Other requirements include the conditions by which new members are admitted to the union, and causes and proceedings established for the expulsion of members. With regard to the latter point, the code requires at least a two-thirds majority for the expulsion of any member. The union is also required to hold meetings regularly with the participation of at least two-thirds of the organization. Furthermore the ministry is to be informed of the dates of all assembly meetings. Information must be provided concerning the form of union dues payment, the amount, the names of the union members responsible for the collection of quotas, destination of expenditures, and a statement of union financial accounts. The statutes must also describe the causes and form of self-dissolution. Extensive requirements are placed even upon the attributes of the General Assembly. Responsibilities include the election of the Junta Directiva, approval of statutory reforms, approval of collective conventions, approval of quotas,

declaration of strikes, approval of union mergers, approval of annual budgets and the authorization of investments. What's more, the union must submit reports of all these proceedings to the Office of Syndicates and Cooperatives every six months, or upon request.¹⁰

The Ministry of Labor can withhold recognition or order the dissolution of the union in the event that it involves itself in political affairs or religious struggles, if it expresses or adopts a position contrary to democratic principles, or if it involves itself in any activity that is not strictly associated with its socio-economic interests. Other causes for withholding recognition or ordering an involuntary dissolution include: the submission of false data to the Department of Syndicates and Cooperatives; the use of union funds for purposes that are not directly related to the improvement of the economic well-being of union members; the personal use of union money; the use of violence as a means of forcing entrance into a union; and the encouragement of violence against people or property. The Ministry of Labor also reserves the right to dissolve unions if the members of the Junta Directiva fail to comply with residency requirements, if union membership dips below twenty, or if the union does not comply with any of the regulations covering General Assembly actions and responsibilities.¹¹

The overwhelming concensus in the labor community is that code regulations tying labor organizations to the Ministry of Labor have been used to delay and even prevent union organization.¹² Without juridical personality employers are not bound by the force of law to

negotiate with unions. What's more, workers belonging to unrecognized unions are not protected by anti-union patronal activity during collective conflicts. If for instance, a non-inscribed union asked the courts for permission to declare a strike, after negotiations had been refused by the employer, a judgement of illegality would have to be rendered. In the event that a strike was called in any case, the employer would be able to fire the entire work force without fear of legal action. Juridical personality is thus an absolute necessity. Union leaders on the other hand argue that there should be no requirements for union formation other than a simple declaration to the Ministry of Labor.

The process that labor organizations must follow in acquiring juridical personality is complicated and difficult. The problems that CUT and CATD have had are cases in point. Several times statutes were sent to the ministry only to be returned with lists of organizational and procedural changes. A conservative Minister of Labor has the capacity to delay legal recognition indefinitely if the ideological orientation of the union, the Junta Directiva, or the Secretary General is considered to be questionable.¹³ In another not untypical case, the Union of Costa Rican Educators asked for recognition as a business union, inasmuch as it grouped various occupations in the field of education. The Ministry of Labor required the organization to change its statutes to a guild association. Recognition was delayed several months. The problems that delays may cause for a union in formation are serious inasmuch as the protective provisions of

the Labor Code do not go into operation until juridical personality is granted. Employers can, and have on repeated occasions, taken advantage of this timespan to destroy the union by firing the Junta Directiva or even the entire rank and file of the union.

An examination of the requirements that are placed upon union formation and operation in Costa Rica and other countries in the region prompted the Confederation of Central American Workers (CTCA) to issue a publication stating that the Labor Codes of the Central American nations, while containing a series of declarations that guarantee the liberal right to organize, also establish a series of proceedings for the recognition of those rights that imply controls which contradict the principles of labor liberty. The CTCA contended that these proceedings discourage union organization when it is considered that the length of time that is required to complete these transactions, gives people of bad faith the opportunity to obstruct the creation of labor unions.¹⁴

The difficulties accompanying union organization have been noted in a preceding chapter. But it might be worth noting that a comparison of the requirements and guarantees that are applied to unions information shows that, at least in theory, Costa Rican unions are not as well protected as unions elsewhere in Central America. The strongest criticism of these requirements is that labor leaders are not protected by *fuero sindical*. The Guatemalan Labor Code for instance, establishes that all members of a provisional executive committee of a forming union cannot be fired. Article 198 of the

Venezuelan Ley de Trabajo states that once a sufficient number of workers have submitted a request for union recognition, all workers signing the petition are protected by the state from anti-union patronal actions. From the date of notification to the inscription, no worker can be fired or transferred. Neither can employers change working conditions without just cause and the certification of a labor inspector. Similarly, article 383 of the Panamanian Labor Code confers fuero sindical upon all workers involved in the formation of a labor organization. Accordingly, no worker can be fired without just cause and authorization from the Labor Tribunals. Once the union has been inscribed, all union members enjoy fuero sindical for the next three months. In the case of delays in inscription, fuero sindical is extended for the length of time required to correct objections.

Regarding labor leaders, article 223 of the Guatemalan Labor Code states that up to five members of a junta directiva enjoy fuero sindical. Article 212 of the El Salvadorean Labor Code indicates that labor leaders that have complied with Labor Code regulations cannot be fired or transferred. Neither can employers alter working conditions for up to one year after the term of leadership has expired, except in the case of just cause. Similarly article 516 of the Honduran Labor Code states that members of a junta directiva cannot be fired without sufficient notice for up to six months after the term of office has expired. Article 198 of the Venezuelan Labor Code stipulates that members of a junta directiva cannot be fired until three months after the term of office has expired.¹⁵

This is not to say that the labor relations systems in other Central American or South American countries are less repressive, nor does it indicate that Labor Codes in these countries provide blanket protection for unions in the process of formation. But what it does indicate is that requirements on union organization in Costa Rica provide employers with many more legal opportunities to initiate anti-union campaigns. This state of circumstances, as most labor leaders assert,¹⁶ has served to impede the normal development of the labor movement.

As objectionable to union leaders as union formation requirements are the regulations covering the activities of unions in operation. Two-thirds of the rank and file union membership are required to attend General Assembly meetings. Ministry of Labor functionaries make occasional appearances at meetings to insure compliance with regulation. This is seen to be an unnecessary control that serves only to encourage anti-union patronal activity. It is extremely difficult, labor leaders have asserted, to convoke a general assembly even when employers are not disposed to taking anti-union actions; frequently however, employers will find ways of diverting workers from union responsibilities. Failure to form a quorum at assembly meetings is punishable by fines, and if occurring regularly, by the involuntary dissolution of the union. With or without anti-union patronal activity the two-thirds regulation has generated interest at several labor conferences where recommendations have been made for an amendment that would allow the participation of delegates rather than the regular presence of rank and file members.¹⁷

Apart from the reports that unions must submit to the ministry every six months, and provisions permitting special ministry investigations of union funding, organization, activities, and leadership, the most objectionable restriction on union activity has been the prohibition on political activity. Herein lies a contradiction with individual political rights. On the one hand the constitution confers upon each individual the right of political discussion and activity. On the other hand union activity is strictly confined by the Labor Code to socioeconomic matters. But it is not all that easy, if it is possible at all, to divorce political action from interests that accrue from experiences in the factory. Individuals participate in politics in order to solve problems of a social and economic nature. If factory and living conditions are to be considered social problems, if low salaries are to be considered economic problems, and if patronal persecution of labor leaders is to be considered a political problem, then to prohibit political activity is to deprive workers of their democratic rights.

While failure to comply with this prohibition incurs the stiff penalty of forced dissolution, all unions and federations have found ways of maintaining at least a minimum degree of political activity. The links between communist labor organizations and the Popular Vanguard Party, for instance, have been well known ever since the party was reinstituted after the revolution, although the PVP does not advertise the specific nature of this relationship in its publications. Similarly the CCTD and its parent organization the CCTRN have had a long

standing association with the PLN. Although the relationship has not until recently been formalized, the party has integrated several union leaders into its organizational apparatus. The appointment of Benjamín Núñez as Minister of Labor during the first PLN administration in the 1950s is a case in point. However, in accepting political positions, labor leaders must relinquish their posts in the labor movement. This requirement has had an important effect on the political influence of labor. At this point however, it should be noted that the prohibition on political activity has been interpreted so broadly that labor organizations scarcely bother to veil their political connections. Nevertheless, on more than one occasion, unions, in maintaining a cavalier attitude, have had to pay the price of forced dissolution. For this reason the possibility of stricter enforcement by the Ministry of Labor should under no circumstances be discounted. The involuntary dissolution of the CTCR after the 1948 rebellion, and the dissolution of the FUTRA after special investigations in the 1960s by the Ministry of Labor, are illustrations of this point.

Tripartite Ministry Organs

Consejo Nacional de Salarios. Article 57 of the Constitution states:

Every worker will have the right to a minimum salary, fixed periodically by normal workday, that will insure well-being and a dignified existence. Everything related to the fixing of salaries will be the responsibility of a technical organism that the law establishes.¹⁸

This provision became the basis for the creation of the National Salary Council in 1949, a tripartite technical organ, attached to the Ministry of Labor, that is responsible for establishing all private sector minimum salaries.

The Consejo fixes salaries once a year. Its decisions are made according to occupational categories on the basis of careful economic and social studies. In order to make an accurate assessment of working class socioeconomic conditions, the Consejo makes use of the Office of Salaries in the Ministry of Labor to solicit information from private and public institutions, and to direct studies of yearly economic performance.

The collection of information, which forms the first stage of the salary fixing process, begins with interviews between the Consejo's technical dependencies and representatives from the Camaras and certain state institutions. With regard to state institutions, the organs of greatest interest to the Consejo are the Central Bank of Costa Rica, the Office of Planning, the National Production Counsel, the Ministry of Economy, Industry, and Commerce, the Ministry of Agriculture, and the Ministry of Labor. This is undertaken in order to obtain opinions on monetary, credit, and fiscal matters. The technical office of the Consejo then effects visits to private businesses to obtain information on salaries that are paid and importantly to obtain information on the distribution of occupational categories in each factory. In addition to economic activity the technical office collects information on population growth, increases in the

economically active population, price indexes, taxes, unemployment rates, and cost of living increases. Special benefits, such as company provided living accommodations, food allowances, and general services, are calculated along with salaries.¹⁹

Of particular importance is the price of minimum daily nutritional requirements. Prices are determined in accordance with the nutritional needs of an urban family of five members. The ministry bases its calculations on the average price of basic commodities in commercial centers in both the San José region and the provinces. All of this information is applied to salary scales in seven sectors of economic activity: agriculture, mining, industry, commerce, transportation, storage and communication, and services and general.

The importance of the information gathering stage of the salary fixing process should not be underestimated. Statistics, polls, and personal interviews, constitute the frame of reference on which the Consejo bases its decisions. In this connection, the Consejos activities, though perhaps exhaustive, possess important flaws that are associated with the fact that labor representatives have no control over the flow of information. It might be unfair to expect labor organizations, as impoverished as they are, to establish independent information gathering structures. On the other hand, the CUT has from time to time issued publications explaining yearly inflation rates and price indexes as a way of pointing out the errors of the Consejo's determinations. These statistics are never taken into consideration. The Consejo is thus largely dependent on the one hand, on information

submitted by government agencies attached to the executive branch, and on the other hand, on the personal testimony of private businessmen who might be expected to submit biased information. The fact that these sources of information correspond to the government and patronal sectors of the Consejo's directive committee, should not be overlooked. Government representatives to the Consejo are appointed by the Executive Power; so are the directors of the ministries whose consultations are a required part of the information gathering process. Similarly, patronal representatives are appointed by the *cámaras*. The consejo solicits a significant portion of information not only from the *cámaras* but from individual businessmen.

The structure of this part of the Consejo's operations has two effects which have been criticized by labor representatives.²⁰ First, price indexes and inflation rates are frequently calculated below the actual level. Secondly, inasmuch as minimum salaries are declared for each profession, employers will frequently inflate the number of employees involved in low paying occupations while deflating the number of employees involved in higher paying occupations. In this way, patrons have been able to pay large numbers of employees at a rate that is below the actual value of their services.

After analyzing the information that has been placed at its disposal, each sector of the tripartite Junta Directiva submits a salary proposal. Final decisions are sent to the Ministry of Labor where they are either accepted or returned with recommendations for corrections. If the Consejo chooses not to amend its decision, the proposal is sent back to the ministry, where it must be approved.

The structure that is employed in rendering these decisions possesses certain attributes that create an impression of effective sectoral or corporate representation. The Junta Directiva of the Consejo is formed by nine members named by the Executive Power. The state, business, and labor are represented by three members each, along with one substitute for each sector. The members of the junta are chosen by the Ministry of Labor from a list of ten candidates submitted by patronal associations and labor organizations. From this list the ministry can choose any three. If nominees are not submitted, the ministry enjoys the prerogative of freely choosing patronal and labor representatives. Each delegate remains in office for a period of four years and can be reelected indefinitely. Importantly any member from either the patronal or labor sectors can be removed from the Consejo if the association or union that is being represented submits a statement of no-confidence. The same policy applies to the representatives of the state. Replacements are made on the same basis as appointments to the original junta.²¹

With respect to the appointment of the Junta Directiva, the policy of recall would seem to insure effective labor representation. In fact, unlike other tripartite organs, this power might be seen to have effectively cancelled out the possibility of cooptation. However, there are two points associated with the selection process that should not be overlooked. The first is that labor organizations do not have complete control over the nomination process. Representatives are selected from a list of ten candidates. When it is

considered that each confederation, and for that matter several large independent unions and federations, submit lists of candidates, the pool from which the ministry selects representatives can reach into the hundreds. No less importantly, the ministry is not required to distribute its selections among the major labor groupings. If the ministry was so disposed, the entire labor sector of the Consejo's directive body could be selected from one or two confederations. In this way the possibility of nominating troublesome representatives from the more combative labor groupings can be avoided. Or even more likely, discriminatory nominations might be used as a form of payment for political support. Similarly, regulations covering the replacement of labor representatives, in the case of recall, multiply the ministries discretionary powers inasmuch as hundreds of names, from a variety of labor groupings, would be submitted for one vacancy.

This problem has not escaped the criticism of Consejo labor representatives who claim that nomination regulations are calculated to give the executive office wide discretionary powers. Nevertheless, the distribution of Consejo labor representation, at least in the last ten years, has been well balanced. Even so, all labor representatives, regardless of union affiliation, have been equally critical of Consejo policy.

Without doubt the greatest impediment to effective labor representation in salary determinations is the distribution of forces in the Junta Directiva. At least since 1974 the Consejo Nacional de Salarios has essentially been a bipartite institution composed of

government and patronal sectors. Every decision has been the result of a convergence of government and patronal opinions, in which labor has been outnumbered by a vote of 6 to 3.

In November of 1974 the Consejo fixed minimum salary increases for 1975 at ten percent. Prices for 1974 had increased over seventeen percent. In response to this determination Rodrigo Paniagua Paniagua of the CGT, Luis Guillermo Oreamuno, Oreamuno of the CCTD, Alsimiro Herrera Torres of the CTC, and Juan Rafael Espinoza Esquivel of the ANEP, withheld their votes.²² The explanation of their abstention was made in the following terms:

We wish to present to you, in a formal manner, and in order to comply with legal requirements, our dissatisfaction with the salary settings established by a majority of the patronal and state representatives in the organ of which we form a part.²³

Labor representatives that year had proposed a salary increase of between thirty percent, for low income workers, and ten percent for higher paid workers.

In 1975, Paniagua, Oreamuno, Herrera, and Espinoza abstained once again, complaining that for all intents and purposes, salaries were established by the majority formed by patronal and government representatives. Again in 1976 Oreamuno, speaking for the entire worker delegation, cast a negative vote. The labor delegation that year proposed an increase of between 20 and 40 percent; however, the Consejo approved a salary increase of between 8 and 13 percent.²⁴ Oreamuno contended that it was the feeling of the delegation that

minimum salaries were being fixed exclusively by government and patronal representatives. The consistent coincidence of opinion between these two sectors, Oreamuno argued, had made a joke of worker participation. Similarly in 1977 the worker delegation abstained in protest of a government-patronal alliance. Their action was explained in the following terms:

We take exception to the decreed salary settings, as well as the policy of the government in matters related to laboral and salary subjects inasmuch as the decreed salary increases do not sufficiently compensate for losses in the power of acquisition that have occurred as a result of increases in the price of goods and services--especially those of primary necessity.²⁵

Repeating their dissatisfaction with the distribution of forces in the Consejo, the labor delegation stated that:

It is necessary to point out the coincidences in opinion that have existed between the representatives of the state and the patronal sector in every aspect of our labor in the Consejo de Salarios and in the general settings in which we have participated; it is for this reason that our proposals, as representatives of the workers have crystalized only minimally, and the immense majority of these decisions have been rejected without justifiable motives.²⁶

For the 1978 term, labor representatives had proposed a salary increase ranging from thirty percent for low income workers, to fifteen percent for higher income workers. The Consejo approved an increase of between 8 and 14 percent.

Frequently, when government and patronal opinions do not correspond, each sector submits a different salary proposal. In these cases, government representatives find themselves in a key decision-making position. Labor representatives have complained that government

representatives, after hearing patronal and labor salary proposals, will present a figure somewhere between that will usually be approved by the patronal sector. A typical decision would involve a labor proposal of eighteen percent. Business will recommend ten percent. The government delegation will suggest twelve percent. Forced to choose between the lesser of two evils, labor representatives will support the government proposal. After salaries had been fixed for 1979, for instance, labor representative Alsimiro Herrera Torres made the following statement of labor's position:

In light of the fact that the propositions of the workers did not count on the support of the other represented sectors in the Consejo and upon having all our proposals instantly rejected, not with the idea of solving in full the whole problem of low working class incomes, but with a view to partly solving the existing high cost of living, that has a tendency to increase, we support the position of the Minister of Labor, representing the Executive Power, not precisely because it would solve the problem of low worker incomes, but so that salaries would not remain frozen for 1979.²⁷

The 1980 and 1981 Consejo decisions evoked the same response from labor representatives. After the 1980 salaries had been fixed Juan Rafael Solís Barboza of the CGT, the director of the labor delegation, stated that the cost of living was rising faster than salaries. Despite salary increases, workers were becoming increasingly impoverished. Inasmuch as patronal proposals were seen to be more ridiculous than state proposals, the labor delegation was compelled to accept the lesser of two evils and accept the proposal submitted by the Minister of Labor. The inflation rate for that year was measured at eighteen percent, but the Consejo decreed a salary increase

of between 10 and 12 percent. The next year Herrera Torres abstained when the labor proposal of a 30 to 40 percent salary increase was rejected. The labor delegation once again issued a protest of the government-patronal recommendation, which in this case amounted to a salary increase of between 11.5 and 12.5 percent.²⁸

TABLE 19

REAL MINIMUM SALARIES FOR A SELECT GROUP OF ACTIVITIES
ACCORDING TO ANNUAL GEOMETRIC RATES OF INCREASE²⁹

1954-1964

Activity	Group of Salaries	Real Salaries in Colones		Geometric Rate of Increase
		1954	1964	1954-1964
Newspaper printing	low	7.08	8.58	1.94
Agriculture - coffee	low	7.37	7.96	0.78
Mining	low	7.87	10.61	3.03
Sawmilling	low	8.26	9.36	1.26
Construction	low	8.65	9.99	1.45
Agriculture - coffee	high	9.83	10.61	0.77
Mining	high	11.01	14.67	2.91
Agriculture - bananas	all	13.37	12.48	-0.69
Sawmilling	high	13.77	13.73	-0.03
Construction	high	14.16	17.17	1.95
Newspaper printing	high	26.75	28.09	0.49

TABLE 20

REAL MINIMUM SALARIES FOR A SELECT GROUP OF ACTIVITIES
ACCORDING TO ANNUAL GEOMETRIC RATE OF INCREASE³⁰

1964-1974

Activity	Group of Salaries	Real Salaries in Colones			Geometric Rate of Increase	
		1964	1972	1974	1964-1972	1964-1974
Textile industry	low	9.44	11.91	12.48	2.94	2.83
Agriculture - coffee	low	10.24	10.78	11.30	0.64	1.00
Newspaper printing	low	11.05	13.08	13.10	2.13	1.72
Sawmilling	low	12.05	13.84	13.87	1.75	1.42
Textile industry	high	12.05	14.42	14.46	2.27	1.84
Construction	low	12.86	14.92	14.40	1.88	1.14
Mining	low	13.66	15.88	15.33	1.90	1.16
Agriculture - coffee	high	13.66	14.38	15.05	0.64	0.97
Agriculture - banana	all	16.07	17.39	16.14	0.99	0.04
Sawmilling	high	17.68	19.48	18.06	1.22	0.21
Mining	high	18.88	20.23	18.78	0.87	-0.05
Construction	high	22.10	23.83	23.34	0.95	0.55
Newspaper printing	high	36.16	35.45	28.96	-0.25	-2.20

TABLE 21
PRICE INDEX FOR CONSUMERS OF MEDIUM AND LOW INCOME IN THE METROPOLITAN AREA OF SAN JOSÉ³¹
Base 1964=100

	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
General Index	<u>100.00</u>	<u>99.34</u>	<u>99.52</u>	<u>100.72</u>	<u>104.76</u>	<u>107.60</u>	<u>112.60</u>	<u>116.08</u>	<u>121.42</u>	<u>139.88</u>	<u>181.96</u>	<u>213.56</u>
Food	100.00	98.60	99.36	99.99	105.61	110.30	118.67	123.04	127.47	151.45	195.82	228.01
Housing	100.00	100.26	100.17	101.13	103.33	105.12	108.76	110.60	114.25	124.32	169.28	211.82
Clothing	100.00	98.70	96.52	97.54	101.12	101.81	101.90	103.02	105.61	119.89	148.72	167.37
Miscellaneous	100.00	100.30	100.99	103.76	106.80	108.35	110.88	115.96	127.30	146.44	189.19	215.62

TABLE 22
PRICE INDEX FOR CONSUMERS OF MEDIUM AND LOW INCOME IN THE METROPOLITAN AREA OF SAN JOSÉ³²

Base 1975=100

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
General Index	<u>100.00</u>	<u>103.49</u>	<u>197.81</u>	<u>114.29</u>	<u>124.79</u>	<u>147.40</u>	<u>179.45</u>
Food	100.00	99.85	104.72	115.51	130.14	158.38	187.56
Housing	100.00	103.03	97.17	91.84	88.44	94.42	114.88
Clothing	100.00	104.83	112.40	117.06	123.57	144.34	180.79
Miscellaneous	100.00	108.74	112.70	118.77	132.83	155.00	192.25

TABLE 23
MINIMUM SALARIES 1952-1980³³

Period 52-54	10% or less increase
Period 54-56	10% or less increase
Period 56-57	Salary freeze
Period 57-58	10% or less increase
Period 58-60	Over 16% increase
Period 60-62	Salary freeze
Period 62-64	11% to 15% increase
Period 64-66	11% to 15% increase
Period 66-68	Salary freeze
Period 68-70	10% or less increase
Period 70-72	10% or less
Period 72-74	7 1/2% to 15% increase
Ap. 74 a Dec. 74	10% to 41% increase
Period 1975	9% to 11% increase
Period 1976	8% to 18% increase
Period 1977	8% to 13% increase
Period 1978	8% to 14%
Period 1979	5.8% to 12% increase
Period 1980	10% to 12% increase
Ap. 80 a Dec. 80	8%, 9% and 10%

Despite labor delegation assertions of progressively increasing worker impoverishment, salary increases approved by the Consejo have generally corresponded to increases in the price of basic commodities. Real salaries for the ten year period between 1954 and 1964 increased 1.2 percent. Between 1964 and 1967 the cost of basic commodities such as food, clothing, and housing had decreased slightly. Roughly during the same time period, the Consejo maintained a freeze on salaries. An inflationary trend thereafter was accompanied by corresponding salary increases. In the ten year period between 1964 and 1974 real salaries had increased 0.8 percent.

The period between 1976 and 1980 showed progressively decreasing gains in purchasing power. Cost of living increases between the end of 1976 and the end of 1977 were registered at 4.2 percent and 6.0 percent respectively. Salaries during that time were increased by between 8 and 13 percent, and 8 percent and 14 percent. However this increase, despite a mid year Consejo readjustment in 1980, was partially offset by a nine percent cost of living increase in 1979 and an eighteen percent cost of living increase in 1980.³⁴

While it would seem that the Consejo Nacional de Salarios has fulfilled its responsibility of providing the working classes with the means for acquiring at least basic necessities, its decisions clearly do not count on worker approval. In order to facilitate a more effective labor representation, several suggestions have been recommended. Most importantly, fundamental changes are needed in the organization of the Junta Directiva. Inasmuch as there has been a

pronounced coincidence between patronal and government representatives, labor delegates have expressed the view that government and patronal representation ought to be reduced to two, or government officials should be allowed to participate without vote, in an advisory capacity.

Secondly, changes should be made in methods of appointment that would give labor organizations complete freedom to name delegates. Similarly the Ministry of Labor should be required to appoint preferred labor organization candidates in the event that a Consejo member resigns, or is recalled. At the same time the Ministry should be required to distribute nominations among the largest labor organizations. This applies also to the appointment of substitutes. Labor leaders have complained that in the event of a recall or resignation, there is no guarantee that the ministry will fill the vacancy with a labor representative from the same organization.

Thirdly, the Consejo should be more independent of Executive Power. Besides exerting influence over the appointment of labor representatives, technical staffs responsible for directing polls, soliciting information, and conducting interviews, are all dependencies of the Ministry of Labor. It might be pointed out that every institution that conducts statistical research, whether public or private, seems to produce different data. How inflation rates are calculated has an important effect on Consejo determinations.

Fourthly, labor delegates have complained that the Consejo lacks adequate technical machinery. They argue that regional offices should be established for collecting data and implementing salary

regulations. The first function is important inasmuch as many commodities are more expensive outside of the San José region, while the second function is important inasmuch as a large number of employers ignore minimum salary regulations. With regard to this point, labor delegates have expressed an interest in increasing the penalty for minimum salary offenders. Present penalties make violations well worthwhile. Furthermore, the Consejo, it has been argued, should be given the power to recommend legal action.³⁵

Consejo de Seguridad e Higiene. Although perhaps not as critical to working class interests as the Consejo Nacional de Salarios the importance of the Security and Health Council should not be underestimated. Article 66 of the Costa Rican Constitution states that "all employers must adopt in their businesses the necessary means for insuring safe, and hygienic working conditions."³⁶ In accordance with this disposition the Consejo de Seguridad e Higiene was established in 1957, like the Consejo Nacional de Salarios, as a dependency of the Ministry of Labor.

The Consejo's function is to insure the highest possible degree of physical, mental and social well-being of workers. In general terms this involves reviewing cases of job-related injuries, protecting laborers from risks resulting from poor working conditions, and placing and maintaining workers in occupations that correspond to their physical and psychological capacities. The specific activities of the Consejo cover several areas including: 1) the promotion of better occupational conditions, 2) the direction of studies and

special investigations of worker problems, 3) the proposal of regulations guaranteeing occupational health, 4) the training of technical personnel specializing in occupational health, 5) the diffusion of methods of occupational safety, 6) the preparation of machinery guides indicating proper safety equipment, 7) the proposition of laws to the Ministry of Labor, 8) the proposition, to the Executive Power, of the duty-free importation of safety equipment, 9) the organization of safety commissions in each center of production and 10) the direction of studies concerning occupational safety.

To help fulfill these functions the Consejo sometimes employs security commissions, composed of an equal number of workers and employers, to conduct personal interviews and inspections of occupational conditions, in order to uncover the causes of occupational injuries. The Consejo also uses the Office of Health in the Ministry of Labor to obtain additional information on questions of occupational safety and health. In fact, all the Consejo's operations and finances are dependent on the Ministry of Labor, although opinions are frequently requested from outside sources such as the College of Doctors, or engineering associations.³⁷

The most serious impediment to effective labor representation on the Consejo has been the composition of its directive body. Decisions are essentially made by state authorities, appointed either directly by the Executive Power or by the directors of the autonomous institutions, who owe their appointments to the Executive Power. In the law that created the Consejo, the Junta Directiva was formed

by eight members. Two members were appointed directly by the Executive Power and included one representative from the Ministry of Labor, and one representative from the Ministry of Health. Two other representatives were appointed by the Instituto Nacional de Seguros (National Security Institute) and the Caja Costarricense de Seguro Social. The other four representatives included two employers and two workers.³⁸

Essentially, this distribution conferred upon the state a representation of four. Each institution in the state sector certainly has some form of interest in questions of occupational safety. The autonomous institutions, for instance, are responsible for distributing payments to incapacitated workers. The interest of the Ministry of Labor stems from regulations covering occupational risks that appear in the Labor Code. At the same time, the Ministry of Public Health is responsible for elaborating hygienic conditions that are considered to be inuurious. Nevertheless, questions associated with occupational safety and hygiene most properly fall within the responsibility of workers, employers, medical, and technical officials. Outside institutions of the latter type, such as the College of Doctors and engineering organizations, or for that matter the Ministry of Health ought to be used only in an advisory capacity.

Despite this state of circumstances the structure of the Junta Directiva was subsequently reformed in a way that conferred even greater representation upon state institutions. The Consejo's directive body is currently formed by seven members. Two representatives

including one from the Ministry of Labor--who presides over the junta-- and one from the Ministry of Health, are appointed by the Executive Power. The autonomous institutions are represented by one delegate from the Caja Costarricense de Seguro Social, and one delegate from the Instituto Nacional de Seguros.³⁹ Employers are represented by two delegates but labor's representation has been cut to one.

The discretionary authority of the Executive Power in this structure is enhanced by regulations covering the appointment of delegates. As in the Consejo Nacional de Salarios, patronal and labor representatives are selected by the Executive Power on the basis of a list of nominees, reaching into the thousands, that are submitted by labor organizations at the end of each term of office. Appointments can be made liberally without regard to union size or ideological orientation. With regard to the latter point, the CUT has never been represented on the Consejo, even though it is the largest labor organization in the country. In addition to these regulations, union organizations that are represented in the Consejo, do not have the prerogative of recall, as they do in the Consejo Nacional de Salarios.

In the present Consejo Junta Directiva the distribution of sectoral power has not worked against labor interests. All members are protection-oriented; however the most usual state of circumstances, is a confluence of interests between government and patronal representatives. Employers, labor delegates have claimed, are not usually interested in buying machinery with expensive protective devices. At

the same time government, which collects taxes on the importation of this machinery, has no strong desire to see imports decrease.

The structure of participation and the method of selecting sector delegates place the Consejo well within the domain of the executive authority. Even so, these connections are further strengthened by the organs which are used to enforce safety regulations. All matters of this type are the responsibility of the Department of Inspection--a division of the Ministry of Labor. This circumstance has the effect of conferring upon the ministry a function which ought to be the responsibility of labor organizations. Problems associated with occupational conditions, rather than enjoining labor organizations, are taken directly to the ministry. Matters that ought to involve employers and labor organizations then become part of tripartite discussions that involve a heavy government participation.

The function of the Department of Inspections has been criticized by labor organizations not only because of the dependence it establishes between workers and the Ministry of Labor, but because of the procedural guidelines that must be followed in bringing suits against employers. It was mentioned in an earlier chapter that violations of the Labor Code usually follow a juridical route. Inasmuch as Consejo determinations become part of labor legislation, violations of safety regulations are brought before the labor courts. Apart from the fact that this involves lengthy legal procedures, complaints against employers are often lost in the maze of special investigations that attend worker complaints. Furthermore, employers can use various

measures such as threats of firing to dissuade workers from legal action. One labor leader complained that violations of the code never reach the courts.⁴⁰

A no less serious problem with the structure of the Consejo is its heavy dependence on the Ministry of Labor. All proposals must be approved by the ministry and the executive authority. Many times the Junta Directiva has submitted propositions only to have them drastically reformed after examination by the Executive Power. The recent restructuring of the Consejo's directive body, having been made despite Consejo disapproval, shows that what is sent into the decision-making machinery and what comes out are two different things.

Even with regard to regulations that have already been approved, the likelihood of enforcement depends on the disposition of the Minister of Labor. Labor inspectors, for instance, may submit a report to the Minister indicating that a business ought to be penalized for not having complied with safety regulations. During the subsequent appeal, the Minister may decide that the factory was in fact conforming to safety code regulations.

Neither is there any guarantee that the Ministry will accept the testimony of the Department of Inspections. In a typical case that occurred in 1981, inspectors attached to the Consejo visited the construction site of a branch office of one of the state banks. A report was submitted to the Junta Directiva stating that several safety regulations were being violated. The Consejo recommended a stop in construction. The proposal was sent to the Ministry of Labor and promptly rejected.⁴¹

Tripartite Autonomous Institutions

The relationship between labor organizations and autonomous institutions can be viewed as an important measure by which labor has been allowed to influence the course of national development. Inasmuch as the dramatic increase in the size of the Costa Rican state since World War II has corresponded to a dramatic increase in state responsibility for developmental programs, labor representation in public institutions has come to be no less important than representation in political institutions. Several of these institutions do or have established a greater or lesser degree of labor representation.

Banco Popular de Desarrollo Comunal. The Popular Bank for Community Development is an autonomous institution that was created in 1969. Its objectives have been to protect the economic well-being of workers and small scale producers, through the encouragement of savings and the satisfaction of credit needs. In specific terms this involves providing loans that would be used to: liberate the worker from debt; purchase tools and other working equipment; buy or repair popular housing facilities; finance educational costs, finance cooperative operations; solve emergency social problems; finance community development programs; and permit the purchase of basic consumer products.⁴² Funds are formed by tripartite contributions. Employers, as well as state institutions contribute one-half percent of their profits or renumerations, while workers contribute one percent of their monthly salary.⁴³

Inasmuch as it is an organ that was created to serve the economic interests of small scale producers and workers, the original constituent acts of the Banco Popular placed the responsibility of direction largely in the hands of the working classes. The original Junta Directiva was formed by nine members. Two delegates, representing the national banking system were chosen by the Banco Central and the Banking Coordination Commission. One delegate represented the municipalities. Two delegates represented the National Association for Community Development, and four delegates represented labor. Beneath the national Junta Directiva, five regional Juntas Directivas were formed by one representative from the state banking system, one representative from the municipalities, one representative from the regional Association for Community Development, and two worker representatives. In addition to regional directive bodies, local committees were formed by three worker representatives, one representative from the Association for Local Development, and one representative named by the regional Junta Directiva.⁴⁴

In this structural scheme, the directive bodies of the regional offices were given the responsibility of designating representatives to both the national Junta Directiva and the local directive bodies. The two worker delegates at the regional level as well as the delegates of the Association for Community Development, and the delegates of the municipalities were selected directly by the represented labor organization or association. Delegates at the local level were selected from lists of nominees submitted by the corresponding local

organizations or association. With regard to the internal organization and functioning of the national Junta Directiva, an Executive Director was elected by a majority of six votes, two of which were required to be from the labor sector. In addition, five members formed a quorum, two of which were required to be labor representatives.⁴⁵

The original organization of the Banco Popular conferred upon labor a much higher degree of representation than other tripartite organisms. Almost half of the national Junta Directiva was composed of labor representatives. Furthermore the appointment of the Executive Director as well as the approval of all bank decisions insured at least a minimum degree of labor support for bank policy. Most importantly however, labor delegates, unlike other tripartite organisms, were named independently of the Executive Power. Owing to this form of appointment, labor delegates were directly dependent on the organization they represented. This liberty insured a much more authentic form of participation. Along with this disposition though, the original constitutive law confined labor participation to those organizations of a democratic orientation. Labor delegates had to be represented either by the CCTD and the COCC. A whole sector of the labor movement was thus prohibited from participation.

Apart from this restriction, the power of labor to affect decisions in the Banco Popular was substantial, at least in the period directly following its creation. Since 1969, however, several reforms which will be discussed later in the chapter, changed both the structure and the methods of appointment to the Junta Directiva and have reduced both the degree and quality of labor representation.

Caja Costarricense de Seguro Social. The Caja was established in the early 1940s as part of the Christian-oriented reform package of Dr. Calderón Guardia. The institute provides insurance for sickness, pregnancy, invalidity, old age, and involuntary unemployment. It also shares some of the responsibility for problems associated with orphanage, the death of breadwinners, and funerals. Contributions, which are derived from workers, employers, and the state, are regulated by a directive body which, supposedly, functions independently of the Executive Power. Upon establishment the Caja was directed by a tripartite junta composed of five members, along with four substitutes. Three of these members, named directly by the Executive Power, represented the state sector. One member represented the patronal sector and one member represented the labor sector. In all three sectors, candidates were approved by the executive authority.⁴⁶

The problems associated with the original structure of the Junta Directiva are clear. The executive authority, for all intents and purposes, was given complete control of the selection process. Furthermore, labor organizations had no control over the activities of representatives that were chosen to participate in the junta. Nevertheless, two points should be kept in mind. First, and most importantly, the participation of labor prescribed by the Caja statutes, minimal though it was, represented a considerable breakthrough in the ability of labor to affect the activities of a major state institution, when it is taken into consideration that labor organizations prior to that time not only had no decision-making input, but no firm legal

guarantees of their right to function or even exist. Secondly, it should be carefully noted, that the executive authority during this period of Costa Rican political development was used to support labor interests. The appointment of nominees representing the Popular Vanguard Party, and in an indirect way, the Confederation of Costa Rican Workers, was sufficiently alarming to business interests to cause an erosion in Calderón's conservative support.⁴⁷ It might be assumed therefore, from the political repercussions of communist influence in the Caja, that a confluence of interests had developed between those delegates representing the state, and the one delegate representing labor. This situation terminated in 1948 as a result of the revolution.

After 1948 labor representation on the Caja was substantially diminished owing to a combination of the removal of PVP state representatives, who might be considered to be surrogate labor representatives, and to structural changes in the institute's governing body. In 1963, reforms in the Caja's statutes raised the number of members on the Junta Directiva to seven. The state sector was composed of two members, one of which had to be a Minister of Government, who would preside over the Junta Directiva. The other five members included a doctor, two representatives from the patronal sector, one representative from the academic community, and one labor representative.⁴⁸ Another reform, instituted two years later, made the Minister of Labor the President of the Junta Directiva.⁴⁹

Consejo Nacional de Producción. The National Production Council (CNP) was originally formed in 1944 in order to promote agricultural production, and make basic foodstuffs such as beans, corn, and potatoes available to the public at cheap prices. Owing to an overlapping of functions between the Consejo, the Ministry of Agriculture, and the Ministry of Economy, the CNP, by 1948, had proved to be a failure. After the revolution the Consejo was reconstituted as the National Production and Credit Council.

One of the responsibilities of the Consejo during this time was to provide credit to small producers but because of its failure to fulfill this function, the institution was reconstituted as the Consejo Nacional de Producción. In general terms the function of the CNP was to encourage agricultural and fishing production, stabilize the prices of basic foods, and establish a just equilibrium in the relations between producers and consumers. In specific terms this involved the purchase of basic foodstuffs and primary materials at prices that were considered to be reasonable to the producer; the acquisition of fertilizers and insecticides; the purchase of agricultural machinery; the purchase or production of animal foodstuffs; and the coordination of agricultural and fishing projects. The Consejo has continued to fulfill these functions; but in 1977 the responsibility of providing credit to small scale producers was resumed.⁵⁰

The participation of labor in the Consejo directive body during this time was either non-existent or negligible. The power of appointment was placed well within the domain of the Executive Power, and there were no requirements on the participation of labor

organizations. For much of its history, the Consejo could not have been considered to be a tripartite organization. The Junta Directiva between 1948 and 1957, for instance, was formed by the Minister of Economy, the Minister of Agriculture, the Minister of Labor, and the President of the National Bank. Substitutes were named by the directive bodies of each ministry.⁵¹

A legislative reform in 1956 officially established the Consejo as an autonomous institution. In accordance with this reform, the Junta Directiva was restructured to include five members. The representative of the state was required to be a minister of government while the rest of the directive body was formed by four persons who possessed agricultural or economic experience and an ample understanding of the functions that the Consejo was called upon to perform. All of these representatives were named by the executive authority.⁵² During much of this time labor representatives were appointed to the Consejo's directive body, but importantly there were no legal dispositions requiring tripartite representation.

Instituto Nacional De Aprendizaje. The National Apprenticeship Institute (INA) was created in May 1955 as a decentralized, semi-autonomous institution. Its function in general terms has been to contribute to economic development and improved living conditions through the creation of apprenticeship programs in factories and places of business, the direction of studies concerning the scientific organization of the work force, and the economic subsidization of technical schools.⁵³

Upon its creation the INA was governed by a tripartite Junta Directiva composed of seven members. Two members included the Minister of Labor and the Minister of Education. Substitutes in both cases were designated by the respective ministries. One delegate represented the Office of Planning. One delegate represented one of the autonomous institutions that financed the institute. One delegate represented the National Technical School. Two other delegates represented patronal and labor organizations.⁵⁴

The distribution of representation in this scheme did not involve a high degree of labor participation inasmuch as state institutions, either centralized or decentralized, were given a high degree of representation. Furthermore the executive authority, as in all other tripartite organs, was at liberty to choose labor delegates from lists submitted by legally inscribed labor organizations. Apart from this, however, the balance of sectoral representation would indicate that state institutions controlled INA decision-making, and policy.

The structural characteristics of the INA's directive body bear great similarity to all other tripartite organisms: a high degree of state representation accompanied by state control over labor appointments. With regard to sectoral distribution, what ought to be emphasized is the frequency of Ministry of Labor participation. The Consejo Nacional de Salarios and the Consejo de Seguridad e Higiene are adjuncts of the Ministry of Labor. In the first case, the appointment of labor delegates falls within the ministry's responsibilities. In the second case, in addition to its power over the selection of labor delegates,

the ministry is responsible for both the approval and enforcement of Consejo decisions. Where autonomous institutions are concerned, the ministry is given representation in the directive body of all tripartite organisms except the Banco Popular. It would thus seem that the Ministry of Labor has an important involvement, not only in those questions concerning collective conflicts and labor organization, but in almost all forms of activity that affect the working classes. The importance of this state of circumstances derives from the fact that the ministry is a dependency of the president. Inasmuch as the executive personnel of the ministry are appointed by the president, without the approval of labor organizations, its relationship with labor is largely a reflection of the ideas and opinions of the presidential administration. What also should be pointed out is the influence that the *camaras* have on the selection of ministers of government. Patronal approval of presidential appointments to the Ministry of Labor in fact has been a long standing source of criticism for several labor organizations, both social democratic and marxist.⁵⁵

Tendency Toward Centralization. While dozens of autonomous and semi-autonomous institutions have been created since World War II, labor participation has been confined to only the few that have been mentioned. And while the quality of this participation has never been effective, the organizational and coordination problems caused by the expansion of the state apparatus prompted several reforms resulting in a further diminution of labor representation in each institution.

The first of these legislative reforms was instituted in 1970. Law no. 4646, commonly called the 4-3 act, intended to solve the problem of poor coordination among the autonomous institutions by granting the majority political party the right to name three representatives to the Central Bank. The minority party was also given the right to name three representatives, while the Executive Power was responsible for appointing the director. The 4-3 law not only changed the decision-making structure of the Central Bank, but eleven other autonomous institutions as well, including the Consejo Nacional de Produccion, the Caja Costarricense de Seguro Social, and the Instituto Nacional de Aprendizaje. Where these institutions were concerned, directive bodies were reformed to include seven members. One delegate was required to be a Minister of Government. Six other delegates were required only to have an ample understanding of the activities of the corresponding institution. In both cases, delegates were chosen by the Executive Power.⁵⁶

The promulgation of the 4-3 law had an important effect on labor representation. From that point the Executive Power was no longer required to appoint labor delegates to the autonomous institutions. The immediate effect on labor representation on the Consejo Nacional de Producción was not significant inasmuch as a previous reform had accomplished the same objectives as the 4-3 law. However, labor representation was removed in the Instituto Nacional de Aprendizaje and the Caja Costarricense de Seguro Social. Where INA was concerned, and for that matter, all other institutions affected

by the law, labor delegates would from time to time be appointed; but importantly, this representation was not required to be constant, and in all cases, the executive authority was in charge of authorizing all appointments.

In practical terms, the 4-3 law dramatically affected the orientation of the directive bodies in the autonomous institutions. After 1970, there was a tremendous competition for leadership posts. In 1970, for instance, ninety-one appointments were made: fifty-two from the PLN, and thirty-nine from the Unification Party. One month before selections were made, over two thousand applications had been submitted. This state of circumstances led to the criticism that the autonomous institutions had become a mechanism for political patronage. In addition to being an impractical and ad hoc solution to the problem of bureaucratic waste, the system was accused of being a manifestation of the commitment of Costa Rican statesmen to political corruption.⁵⁷

The centralization of the Central Bank and several autonomous institutions began a process which was followed by an organizational reform that profoundly affected the structure of participation and method of delegate selection in the Banco Popular. In 1973 labor representation was cut to three. Even more crucially, labor organizations were deprived of their liberty to name delegates directly to the Junta Directiva. From that point, all labor delegates were selected by the executive authority from a list of five nominees. Quorums were still set at five for banking policy and six for the election of the Executive Director, but requirements governing minimum labor support for junta decisions were removed.⁵⁸

In an equally profound reform, the Central Bank and twelve autonomous institutions were further centralized one year later by the Ley de Presidencias Ejecutivas (Executive Chairmanship Law). Professionals at the Central Bank communicated their opposition to the reform by stating that it exposed the country to the danger of a unification of political and economic power. Autonomous institutions, it was argued, had a technical, not a political function. The structural reform threatened the operations characteristic of autonomous institutions by submitting each entity to the discretion of an Executive Power which might be more interested in political matters than technical matters. Furthermore, the imposition of the ideas of a small group of people was doubly dangerous when the high level of public sector involvement in developmental programs was taken into consideration.⁵⁹

Where autonomous institutions were concerned, the Ley de Presidencias Ejecutivas did not affect structures of participation as much as it did independence of decision-making. The Executive Directors of the affected institutions were still appointed by the Council of Government while the other six members, also appointed by the Consejo, were required only to have ample understanding of the activities of the corresponding institution. However, the Executive Directors of any of the affected institutions could be removed liberally by the Council of Government.⁶⁰

This process of centralization provided occasion for several criticisms. Alsimiro Herrera of the CTC stated that the Banco

Popular had been placed in the hands of big economic interests. Luis Armando Gutiérrez of the CCTD stated that the legislature was converting itself into a generator of internal agitators, inasmuch as its decisions were based on the needs of powerful groups rather than the working classes. In response to the reduction of labor representation in the Banco Popular he stated:

I call to attention all Costa Rican labor leaders and rank and file union members, so that we may remain attentive to this juridical war against the just and human interests of the national worker. 'The bank today is a simple reflection of political demagoguery.'⁶¹

To say the very least, the autonomous institutions do not provide effective labor participation. Apart from the fact that there are dozens of institutions that have never incorporated labor interests, the small level of representation that labor has had in the public sector, has been reduced owing to a process of centralization that was undertaken in 1970. In addition to the Consejo Nacional de Salarios, and the Consejo de Seguridad e Higiene, labor organizations have representatives in three tripartite organs: the Banco Popular, the Consejo Nacional de Producción, and the Instituto Nacional de Aprendizaje. Where the INA and the CNP are concerned, this representation is not guaranteed. Furthermore, labor delegates in the CNP have complained that the Junta Directiva is composed of large agricultural producers who serve either as representatives of the state or representatives of the patronal sector.⁶² At the same time, decision-making in all the autonomous institutions has been politicized through

executive control over appointments. Owing to this control, labor leaders have attested that there is no labor representation even in those institutions that incorporate labor delegates inasmuch as labor leaders who gain appointments are expected to represent the interests of those who appoint them, not the union that recommended them. For this reason labor delegates become divorced from the interests of the working classes. If the decisions of the autonomous institutions have had a positive affect on the working classes, it is clearly not because of direct working class pressure.⁶³

Nevertheless the lack of effective labor participation has given labor leaders cause to assert that the autonomous institutions, as well as the tripartite organs attached to the Ministry of Labor, have developed a commercial orientation. In institutions such as the Caja Costarricense de Seguro Social and the Instituto Nacional de Seguros this implies a reluctance to make distributive payments. In the Consejo Nacional de Salarios this implies the constriction of inflationary tendencies, and in the Consejo de Seguridad E Higiene it implies the importation of cheap machinery that lacks safety devices. Where the Consejo Nacional de Producción is concerned it involves private sector control over the price of basic foods, and where the Instituto Nacional de Aprendizaje is concerned it means state control over the character and the organization of the factors of production. One labor leader who had participated on the directive bodies of several tripartite organs lamented that the autonomous institutions, as well as the tripartite organs attached to the

Ministry of Labor, are commercial organisms, directed by commercially-minded people, who appoint commercially-minded people to decision-making posts.⁶⁴

Concluding Remarks

There are several points of contact between labor organizations and bureaucratic organs. First, and most importantly, Costa Rican labor legislation requires an intimate relationship between labor and the Ministry of Labor. This relationship is characterized by regulation, control, and interference. Secondly the decision-making apparatus in the Consejo Nacional de Salarios and the Consejo de Seguridad e Higiene possesses structural properties precluding labor from forming and effective counterweight to patronal and state representatives whose interests are most usually confluent. Furthermore, where the Consejo de Seguridad e Higiene is concerned, policy formation, implementation, and enforcement are under the jurisdiction of the Ministry of Labor.

The autonomous institutions on the other hand function without effective labor representation. In those institutions that have integrated labor representation, participation has been so confined as to be ineffective. Furthermore, inasmuch as labor delegates are hand-picked by the Executive Power, participation on the autonomous institutions has been a means by which labor leaders have been divorced from the labor movement and coopted by a government apparatus whose actions are most usually governed by commercial interests.

The failure of labor organizations to achieve an effective representation in tripartite organizations as well as labor's inability to accomplish Labor Code reforms that would provide both greater liberty and more effective guarantees are attributable to a lack of political influence. This will be the subject of the next chapter.

Notes to Chapter V

¹See the Ley Organica Del Ministerio De Trabajo Y Seguridad Social, Ministerio de Trabajo Y Seguridad Social, n.d.

²This is based on an interview with Ana Isabel Gardela R., Director of Public Relations, Ministerio de Trabajo, May 1981.

³Ibid.

⁴This is based on an interview with Carlos Vargas Solano, Secretary General, CATD, May, 1981.

⁵This is based on an interview with Ricardo Thompson, Secretary of Organization for the CCTD and Press Secretary for the PLN, May, 1981.

⁶See for instance Edwin Chacón Leon, El Sindicalismo En Costa Rica, (San José, Costa Rica, Comentarios Del Centro De Estudios Laborales C.A., 1980), p. 48.

⁷This is the result of several interviews.

⁸Codigo De Trabajo, p. 102.

⁹Ibid., p. 103; and Guia Para La Formación De Un Sindicato, Departamento de Organizaciones Sociales, Ministerio de Trabajo, n.d.

¹⁰Administración R. A. Calderón Guardia, Codiga de Trabajo: 26 Agosto De 1943, (San José, Costa Rica, Secretaria De Trabajo Y Prevision Social), pp. 105 and 106.

¹¹Ibid., pp. 106 and 107.

¹²This is the result of several interviews.

¹³This is based on interviews with Luis Carlos Montero, First Under Secretary General, CUT, and Carlos Vargas Solano, May 1981.

¹⁴See Libertad Sindical, (San José, Costa Rica, Confederación De Trabajadores Centroamericanos, 1974), pp. 55 and 56.

¹⁵This information is derived from Juan Rafael Espinoza, Tareas Sindicales Inmediatas En El Campo Jurídico, (Heredia, Costa Rica, Universidad Nacional, 1979), pp. 27-31.

¹⁶This is based on several interviews.

¹⁷This opinion was expressed during a labor conference sponsored by the Centro de Estudios Democráticas de América Latina in 1979.

¹⁸Constitución Política de la Republica de Costa Rica, (San José, Costa Rica, Imprenta Nacional, 1980), pp. 16 and 17.

¹⁹See Informe Sobre El Estado Actual Del Sistema De Salarios Minimos En Costa Rica, Oficina de Salarios Ministerio de Trabajo, n.d.

²⁰This is based on interviews with Luis Carlos Montero and Rodargo Paniagua Paniagua, former Secretary General of the CGTC and labor delegate on the Consejo Nacional de Salarios, June, 1981.

²¹See Law No. 832, La Junta Fundadora de la Segunda República, n.d.

²²This is based on interviews with Luis Carlos Montero and Rodrigo Paniagua Paniagua, June, 1981.

²³Ley de Salarios Minimos, 1974 and 1975, Oficina de Salarios Ministerio de Trabajo.

²⁴Informe; and Ley de Salarios Minimos, 1976 and 1977.

²⁵Ley de Salarios Minimos, 1977 and 1978.

²⁶Informe; and Ley de Salarios Minimos, 1977 and 1978.

²⁷Expedientes, Oficina de Salarios, Ministerio de Trabajo, 1978 and 1979.

²⁸*Ibid.*, 1979 and 1980.

²⁹Anuarios Estadísticos de Costa Rica, 1954-1964, Dirección General de Estadística y Censos.

³⁰*Ibid.*, 1964-1974.

³¹Division de Asuntos Economicos, Departamento de Investigaciones y Estadística, Sección Indices y Estadística, n.d.

³²*Ibid.*

³³Informe.

³⁴These figures do not take into consideration increases in the prices of many products of a non-essential nature.

³⁵The information in this and the preceding paragraphs is derived from an interview with Rodrigo Paniagua Paniagua and from "Interviews" with Guido Núñez Román, Luis Eduardo Núñez Garro, and Alvaro Jiménez Zavaleta, all of which appear in Ideario Costarricense, no. 9 (1977).

³⁶Constitución, p. 18.

³⁷Reglamento Del Consejo De Seguridad E Higiene De Trabajo, Decreto No. 4 de 16 de abril de 1957, Ministerio De Trabajo Y Bienestar Social, San José, Costa Rica, Imprenta Nacional, 1965; and La Gaceta no. 5, February 12, 1980.

³⁸Reglamento.

³⁹La Gaceta, no. 5, February 12, 1980.

⁴⁰This is based on an interview with Carlos Vargas Solano, June 1981.

⁴¹This is based on an interview with Guido Núñez Román, Secretary General of the Sindicato Industrial de Trabajadores Electricos y de Telecomunicaciones, and labor delegate on the Consejo de Seguridad e Higiene, August, 1981.

⁴²Asemblea Legislativa, Decree no. 4351, July 9, 1969.

⁴³Ibid.

⁴⁴Ibid.

⁴⁵Ibid.

⁴⁶Ibid., Decree no. 17, October 13, 1943.

⁴⁷There is no empirical work that describes in detail the distribution of power on the Junta Directiva in the pre-rebellion period; consequently, opinions concerning the orientation of the Caja must be based on general statements drawn from secondary sources that do not have the structure of Caja decision-making as a principal point of investigation. The best and most recent work on the Caja is Mark Rosenberg, Las Luchas Por El Seguro Social En Costa Rica, (San José, Costa Rica, Editorial Costa Rica, 1980). Rosenberg however, does not devote much space to a discussion of the structure and method of appointment to the Caja's directive body. For the most part it must be assumed from the reaction of conservative groups to Caja appointments in the pre rebellion period that PVP representation was strong.

⁴⁸Asamblea Legislativa De Costa Rica, Decree no. 3107, April 3, 1963.

⁴⁹Ibid.

⁵⁰Compendio Historico Organico Y Legal Del C.N.P., Consejo Nacional De Producción, February, 1981, pp. 1, 2, 8, and 13.

⁵¹Ibid., p. 2.

⁵²Asamblea Legislativa, Decree no. 2035, July 11, 1956.

⁵³Ley de Creación, Instituto Nacional De Aprendizaje, Departamento Legal, 1972, p. 1.

⁵⁴Ibid., p. 2.

⁵⁵This is based on an interview with Carlos Vargas Solano, June, 1981.

⁵⁶Asamblea Legislativa, Decree no. 4646, October 7, 1970.

⁵⁷La Nación, October 6, and November 6, 1970.

⁵⁸Ley Organica Del Banco Popular Y De Desarrollo Comunal, Folleto, Casa Presidencial, November 28, 1973.

⁵⁹La Nación, March 13, 1974.

⁶⁰Ley De Presidencias Ejecutivas, Asamblea Legislativa, Decree no. 5507, April 8, 1974.

⁶¹La Nación, August 2, 1979.

⁶²This is based on an interview with Carlos Vargas Solano, June, 1981.

⁶³This information is derived from "Interviews" with Guido Núñez Román, Luis Eduardo Núñez Garro, and Alvaro Jiménez Zavaleta, all of which appear in Ideario Costarricense no. 9 (1977).

⁶⁴This is based on an interview with Guido Núñez Román, August 1981.

CHAPTER VI

POLITICAL INTEGRATION

The structure of the Costa Rican labor relations system has had several effects. It has impeded normal labor development through requirements on union formation that leave labor organizations vulnerable to patronal attacks. It has placed labor organizations at a tactical disadvantage through restrictions on union activity; and, owing to these restrictions, it has subjected labor union leaders and rank and file members to physical violence. All these characteristics come together in the process of collective conflict resolution during which Labor Code dispositions first invoke the participation of the Ministry of Labor and then activate the prohibitive mechanism of judicial and public security authority. Each stage is accompanied by an application of the power corresponding to the state agency that is drawn into the conflict.

Inasmuch as this conflict resolution process is dictated by the Labor Code, legal reform has been a basic goal of all Costa Rican labor groups, ideological and tactical orientation notwithstanding. Labor Code reforms have been recognized as a basic and necessary first step in the execution of all labor organization functions intending to protect the socioeconomic well-being of the working classes. Several attempts have been made, through legislative action, to change

the structure of juridical integration; however, owing to a lack of strong and sustained political influence, all these attempts have failed. The reasons for these legislative failures can be found both in constitutional articles regarding the proper function of labor organizations and the structure of participation in Costa Rica's major political parties.

Prohibitions on Political Activity

Owing to legal regulations, direct labor involvement in political matters has always been a risky affair. Article 61 of the Constitution states that:

patrons as well as workers may unionize liberally, for the exclusive purpose of obtaining and conserving economic, social or professional benefits.¹

This disposition prohibits labor organizations from involvement in any form of political action. Buttressing the prohibition, article 280 section a of the Labor Code states that:

At the request of the Ministry of Labor the Labor Tribunals will always order the dissolution of unions, when it can be proved that they are intervening in politico-electoral affairs, when they initiate religious struggles, or when they maintain activities contrary to the democratic principles that are established by the Constitution.²

Owing to these dispositions, labor organizations have been forced to cloak their contacts with political parties and risk the possibility of involuntary dissolution, or remain on the sidelines of political party determinations through the maintenance of informal

contacts. The constriction of labor activities to socioeconomic affairs has placed labor at a tactical disadvantage. Without Labor Code reforms unions cannot effectively defend the interests of the working classes; yet, the political influence that the accomplishment of these reforms requires, obliges unions to run the risk of involuntary dissolution. This contradiction has invoked a heavy criticism from various labor leaders who view parties and unions as complimentary structures. Eduardo Núñez Garro, President of the Costa Rican Educators Union, expressed the prevailing opinion of labor leaders when he stated that it is impossible to separate economic and political activities. In a capitalistic system in which employers participate actively in politics, there is no reason why workers should be marginalized.³ The relationship between the two has been seen to be fundamental inasmuch as unions cannot achieve important social reforms affecting the working classes, except through political activity. With regard to this point Alvaro Jiménez Zavaleta, former Secretary General of the National Railroad Union, stated that:

to deny the right of unions to analyse the platforms and programs that are proposed by the diverse political parties that participate in the electoral process in search of popular support, and to make collective pronouncements that condition their support or justify their repudiation, is to deny organized workers the possibility of learning, becoming educated, and participating in a subject of great importance in the development of Costa Rican democracy, that is necessarily one of the legitimate rights and needs of social organizations.⁴

What has confused and frustrated these and other labor leaders is the prevailing expectation that labor organizations should remain

independent of either philosophies or organizations, be they parties or churches, that have dedicated themselves to the same ends. Without strong and constant contact, and without the authentic participation of popular organizations such as labor unions, the political party that puts itself forth as a representative organ of popular needs and desires, cannot but fail to fulfill its function. With regard to this point Guido Núñez Roman, Secretary General of the Union of Electrical and Telecommunication Workers, asserted that prohibitions on political activity are an audacious attempt to confine labor activities. An authentic participation however, would take the form of a workers party or a party with real social democratic postulates. All too frequently, Núñez contended, those who called themselves social democrats, have had no genuine interest in the problems of the popular classes.⁵

The most steadfast supporter of labor's legislative objectives has been the National Vanguard Party, Costa Rica's communist party. The PVP had its origins in the labor struggles against the United Fruit Company in the 1930s. Contacts between the party and labor organizations have always been close, although after the revolution the PVP was involuntarily dissolved by the military junta for having formed the Block of Victoria with Calderón Guardia's National Republican Party. The renovated PVP scarcely hides its association with the CUT, and for that reason, both run the constant risk of being proscribed by the Legislative Assembly or the Labor Tribunals. But apart from this danger, the PVP bears a form of hierarchical organization

that is calculated to stifle dissension emanating from its base organizations. This state of circumstances has caused alarm among several labor leaders, especially of social democratic and Christian orientations, who assert that the integration of labor organizations into the party apparatus has been characterized more by control than representation.

Labor and the PVP Structure

The PVP is divided into five ascending structures: Cells; Assemblies, and Zone Committees; Assemblies and Regional Committees; Central Committee and Political Commission; and the National Congress.

As the basic structural organ, the party Cell is organized primarily in factories and is formed by a minimum of three people. Regional Committees determine where they will be created, how they will be divided, when they will have their meetings, and what their principal tasks should be. The chief function of the Cell is to organize, mobilize, and orient the masses--or more concretely, the factory workers--according to the political party line. Specifically this involves keeping workers informed about problems that affect them; recruiting militants and affiliates; directing the activities of the party militants, and the labor organizations within their radius in accordance with the directions of superior party organisms; and maintaining an ideological struggle against opportunists and reactionaries.⁶ According to this description of functions, it may be supposed that the purpose of the Cell is to organize unions in

non-unionized factories, infiltrate and capture labor organizations that have already been formed, and to direct activities in accordance with instructions from higher authorities.

The second organizational structure, the Zonal organizations, encompass all the base Cells according to geographic or institutional sector. Zonal Assemblies are formed either by all the party militants, or by delegates, according to the judgement of higher authorities. The Assemblies have the responsibility of naming a Zonal Committee composed of between five and eleven members, whose function is to direct party activities within its jurisdiction, in accordance with the plans and orientations of the Regional Committee. The committee also decides which militants are to be assigned to which areas, and analyses the activities of each militant.⁷

The third organizational structure, the Regional Assembly, is formed by delegates from the Zonal Committees. Its functions are to elaborate the general lines of regional work; approve or disapprove the reports of the regional committee; elect the Regional Committee every two years; fill vacant posts or remove members from posts when they have failed to fulfill their obligations; name candidates to elective offices within its jurisdiction; and to insure the correct application of policies in lower levels of the party organization. Above the Regional Assembly is the Regional Committee, an organ composed of fifteen or less members whose principal responsibility is to name an Executive Commission which includes an Executive Secretary and officers in charge of education and union organization. Other

functions include: exercising control over the fulfillment of party policy and insuring the correct application of policy that is fixed by higher organs; directing the Zonal Committees and Cells within their jurisdiction; controlling the functions of lower party organs; directing the organizational work of lower organs; and combatting common ideologies foreign to Marxism-Leninism. The Secretary General of the Executive Commission has the responsibility of insuring the smooth functioning of the Regional Committee and the coordination of different auxiliary commissions.⁸ It would be worthwhile to note at this point that an important function of the Zonal and Regional organizations is to direct and discipline local party militants. The militants, by their part, constitute the basic point of contact between the PVP and its client labor organizations.

The highest organ of the PVP is the National Congress, a deliberative body composed of members of the Central Committee, and delegates who are elected by the Regional Committees and Assemblies. The National Congress has four functions: to understand and discuss the reports of the Central Committee; to approve and modify the program and statutes of the party; to establish the general political line of the party; and to elect the Central Committee and name Control Commissions.

The directive body of the Congress is the Central Committee. In addition to electing a Secretary General, the Committee elects a Political Commission whose principal task is ensuring the correct application of the party line. In order to accomplish this, the

Political Commission is responsible for appointing Auxiliary and Policy Control Commissions.⁹

The combination of the Secretaries of the Central Committee, and Secretary and Sub-Secretary General constitute the Executive Secretariat whose principal responsibilities include: executing the resolutions of the Political Commission; controlling and coordinating the Auxiliary Commissions; approving or disapproving appointments made by the Regional and Zonal Committees; and coordinating and controlling the operations of the Regional Committees.¹⁰

What exists in this organizational scheme is a hierarchical structure that concentrates power in the higher levels of party organization. The lower organs in the party, such as the Cells and Zonal Committees, are given the task of organizing and controlling base organizations, or more concretely, labor organizations. The Regional Committees in turn have the responsibility of coordinating and controlling the functions of the Zonal Committees and the individual Cells. Furthermore the regional organs have the power to initiate disciplinary action against anyone thought to be spreading or even supporting "common ideologies foreign to Marxism-Leninism." In practical terms this removes from the local units, and ultimately labor unions as well, any independence of action and places them under the authority of superior party organs. Furthermore, party procedural regulations cannot be seen to follow the strictest principals of democratic organization. That is to say, the selection of representatives, in addition to having an electoral basis, requires the

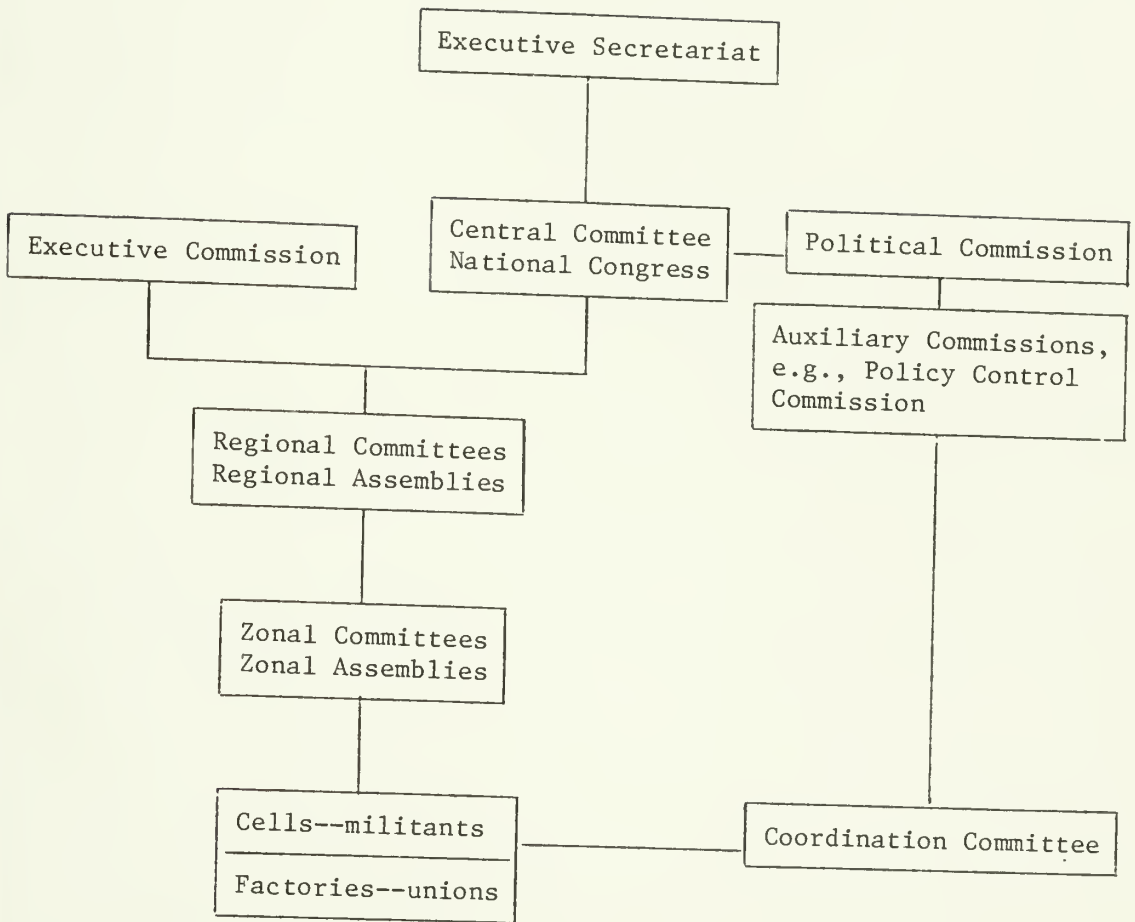


Fig. 1. Essential PVP Structure

approval of higher party organs. In the case of the regional units, the approval of the Executive Secretariat is required for all appointments.

In addition to its regular organization, it should also be emphasized that PVP commissions and committees also function to coordinate and control activities in the lower party organs. The Policy Control Commission, for instance, is an organ appointed by the Central Committee that maintains a constant vigilance not only over the operations of the party militants, but over the operations, it might be argued, of client labor organizations. Some of the functions of these commissions include: proposing the installation of new cells to the Executive Secretariat; guarding the unity and discipline of the party; submitting reports on disciplinary problems to the Central Committee and proposing disciplinary actions; observing, criticizing, and submitting reports on the conduct of local functionaries; and naming special Policy Control Auxiliary Commissions.¹¹

The functions of standing organs such as the Zonal and Regional Committees and the Central Committee and Executive Secretariat, in combination with the functions of special organs such as the Policy Control Committees, serve to emphasize the authoritarian nature of the PVP. This system of multiple controls cannot but reduce independent union action inasmuch as directions that proceed from the regional units to the individual cells are eventually communicated to client labor organizations.

Beyond this, the party establishes Coordination Committees composed of party militants, who along with the Zonal Committees and Cells, share the responsibility for insuring a correct application of party policy in mass--or more specifically--labor organizations. These structural characteristics and the frequency with which the terms "control, coordinate, and appoint," appear in descriptions of party organization, provide further insurance that messages will flow down the party organization where they will ultimately be received by client labor unions. Where these labor organizations are concerned, there can be little doubt that multiple control coordination mechanisms are calculated largely to insure the rapid and correct application of party directions.

It should also be carefully noted that party militants as well as functionaries all along the party hierarchy, are not necessarily labor union people. The party includes individuals from various occupations and socioeconomic situations.

The union affiliates of the CUT and the PVP are separate organizations, but, as a party dedicated to popular interests, the PVP is bound to maintain close relations with labor organizations in order to effectively represent their interests. All too often however, the militant who is given the responsibility of recruiting party supporters, or organizing a labor organization, or directing strike activities, has had absolutely no connection with the affected workers, or labor organization. While the PVP is supposed to be the arm of the working classes, it may be more appropriate to say that labor organizations are the electoral arm of the PVP.

This relationship has been the source of both criticism and threats. Industrial leaders have accused the CUT of supporting political objectives, while political leaders have accused the PVP of authoritarian tendencies and have threatened CUT affiliates with involuntary dissolution; at the same time, social democratic, Christian democratic, and independent labor leaders have accused the PVP of betraying the interests of the working classes by setting political objectives above socioeconomic interests. Political, industrial, and democratic labor leaders have all contended that the interests of the PVP and the interests of the working classes do not correspond. The party has been accused of encouraging strikes at times when they have little opportunity for success merely in order to demonstrate a power capability in a particular sector of production, or even more commonly, simply to emphasize the principle of class conflict by reminding the workers of who their enemies are. In this connection, PVP militants will direct strike movements and in many cases incite brawls with police simply for purposes of publicity.

Be that as it may, PVP legislative representatives have consistently proposed or supported propositions for Labor Code reforms. These reforms have been recognized by all labor organizations as basic to the effective defense of working class interests. However, PVP representation in the Legislative Assembly is limited to three deputies; consequently, reform failures have been as common as reform proposals. The reason for this has been the inability of labor organizations to gain sufficient influence in the majority parties.

Labor and the Majority Parties

The vast majority of legislative seats in the National Assembly belong either to the National Liberation Party or the opposition. The coalition of opposition forces has changed names several times since 1948. Its most recent designation is Unity Party. Nevertheless, opposition forces have been consistent in their failure to include labor representation. The reason for this probably derives from the fact that the opposition is little more than a coalition of personalistic followings that lack any kind of permanent organizational infrastructure. Outside of the PVP the PLN has been the only political party that has made an attempt to build labor representation into its organizational infrastructure. The PLN has always maintained contacts with the democratic labor movement; however, the relationship, until very recently, has been largely informal. This is due in part to the prohibition of union political activity; but it is also attributable, as the following section will show, to a bourgeois orientation that became increasingly apparent in PLN policy through the 1960s and 1970s.

Labor and the Original PLN Structure

Until 1979 the PLN possessed a geographic form of organization that was conspicuous for its lack of any formal labor representation. District Assemblies were formed simply by the electors in an administrative district who belonged to the party. These assemblies were responsible for electing seven member Cantonal Executive

Committees along with five delegates to the Provincial Assemblies whose principal function included designating candidates for municipal posts, electing ten member Provincial Executive Committees, and choosing ten delegates for the National Assembly. The maximum authority of the party was the National Assembly, a representative body composed of seventy members, whose responsibility was to elect a three member Executive Committee that included a President, Secretary and Treasurer.

In addition to this regional representative structure, the party possessed a Political Action Organization that was responsible for stimulating party organization on the regional level. Its lower organs consisted of a District Electoral Committee, an Administrative District Committee, and a Cantonal Committee. The functionaries of these posts were named by the Secretary General upon the approval of the National Department of Organizations. The principal activity of the regional committees was to organize auxiliary neighborhood offices--especially during election periods; but despite the fact that it functioned on a grass roots level to stimulate enthusiasm for party policy, program, and candidates, the Political Action Organization did not formally incorporate labor representatives.

Neither did the National Political Committee, the party's highest decision-making body, incorporate formal labor representation. The members of this organ consisted of a representative of the Executive Power, a representative of the PLN delegation in the Legislative Assembly, one representative of the National Assembly, three members of the National Executive Committee, the Presidential Candidate and former Presidents of the Republic.

Besides these deliberative bodies, the party possessed several departments responsible for performing administrative or organizational functions. A Department of Education was responsible for directing studies and encouraging activities designed to promote social-democratic doctrine. A Department of Municipal Affairs coordinated policy on the local level. Other departments included Treasury, Popular Finance, and Accounting. Besides these however, two departments were responsible for organizing sectoral support. These two departments included the Professional Sectors and Production and Guild Affairs. The responsibility of the latter department was to promote social-democratic ideology in labor and peasant organizations.¹² This department constituted the only formalized point of contact between labor as a group, and the party structure. The only other avenue that could be used by labor people to voice worker interests was the assembly system. These organs however might be seen to have dispersed rather than encouraged effective labor participation inasmuch as the majority of assembly seats belonged to non-labor people. In fact the testimony of the progressive elements within the PLN suggested that working class representation declined at each stage of the party hierarchy. The highest party organs were occupied by capitalists, technocrats, professionals and a few intellectuals. Mid-level posts belonged to bourgeois interests, while only the base organs were occupied by people with popular orientations.¹³

Apart from the fact that the party structure contained no space for formal labor representation, it should be noted that the PLN,

especially in the early years, had been dominated by a small group of political leaders, including José Figueres, Francisco Orlich, and Daniel Oduber, who were instrumental in the founding of the party. This clique has had an important influence not only in the formulation of the party program, but in the determination of party candidates as well. While all functionaries in all the party's deliberative bodies were elected by inferior party organs, the PLN was largely a coalition of personalistic forces. Anyone who wished to rise in the party hierarchy had to conform to the guidelines set by one of the controlling party leaders. On several occasions, new leaders, who attempted to rise through the party's ranks in the hope of becoming presidential or legislative candidates, were forced to leave the party, after realizing that their future progress would be checked by the old elite. For this reason it would not be inaccurate to argue that while the party's structure corresponded to democratic principles of organization, power in the PLN essentially flowed down. Owing to these two factors, authentic labor participation in the PLN was minimal. Essentially, as many authors and labor leaders have asserted, the party siphoned off labor leadership by opening up low level leadership posts. At the same time, while it was declared to be a social democratic movement, the party never provided any form of sectoral representation, nor did it encourage union organization.¹⁴

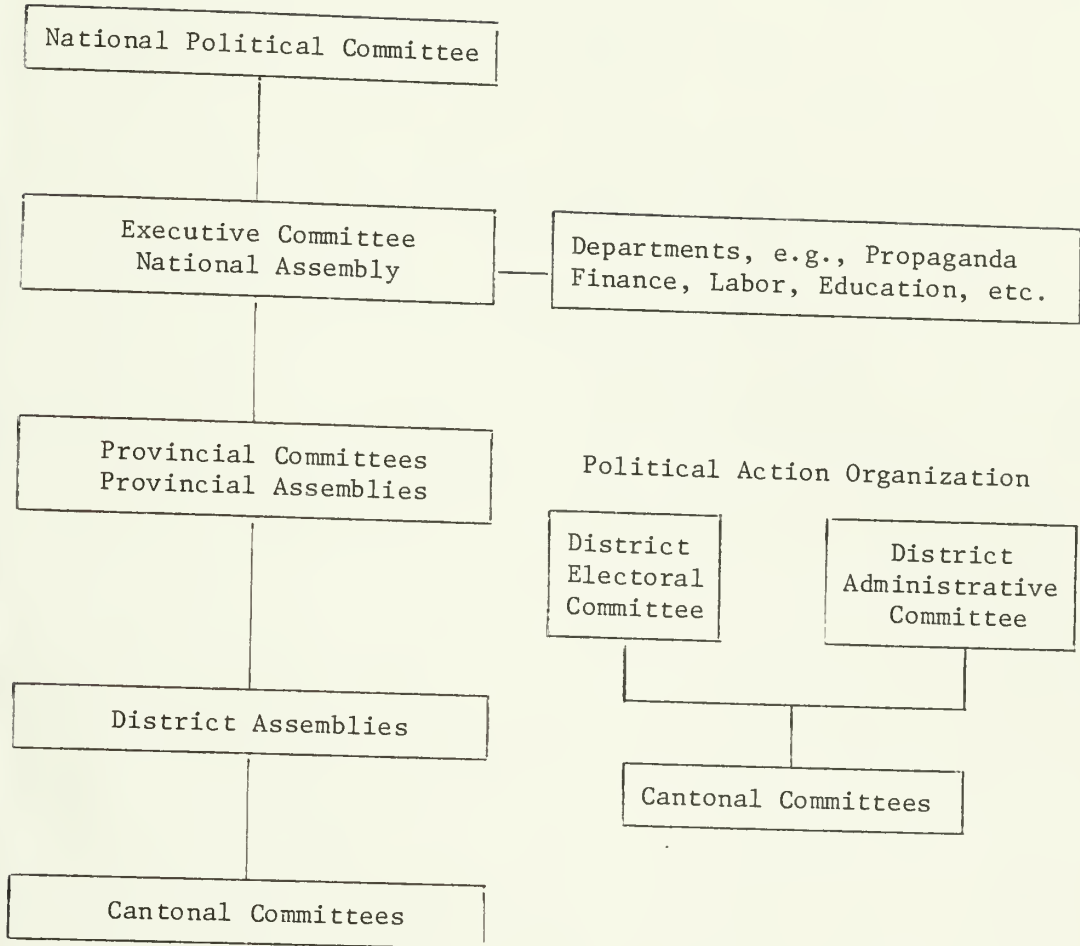


Fig. 2. Essential PLN Structure Before 1979

Effects of Informal Labor--PLN Relations

For the most part, the relationships between the party and labor have been maintained through personal associations. On this informal level, the ties between the PLN and labor, or at least PLN leadership and labor leadership, were first made in the period between 1945 and 1948. During that period Rerum Novarum became associated with the opposition. When hostilities broke out Benjamín Núñez committed the support of the Catholic unions to the revolutionary forces, and took an active part in front line activity. Relations between Rerum Novarum and the subsequently created PLN remained close until 1968. Between the early 1950s and the late 1960s the PLN demonstrated its appreciation of labor support by appointing Ministers of Labor who had occupied leadership posts in Rerum Novarum. Benjamín Núñez, for instance, was José Figueres' Minister of Labor during the first PLN administration. Several other former labor leaders such as Armando Aranz, Alfonso Carro, Otto Fallas, and Jorge Rossi, were also given leadership posts during PLN administrations. In addition, PLN Presidents, such as José Figueres, made at least an appearance of encouraging labor activity by making occasional visits to Rerum Novarum headquarters during general assembly meetings.

For several reasons these informal relationships did not offer labor an effective means for influencing party policy. In the first place, labor leaders were forced to renounce their union offices before accepting ministerial positions. This had the effect of divorcing labor personnel from their base organizations. Secondly, labor

leaders were expected to represent the opinions of those political figures who appointed them. This had the effect of forcing labor leaders to place party interests over union interests. A concrete, and not untypical expression of this phenomenon occurred during Benjamín Núñez's term as Minister of Labor. Núñez, as the ministry's representative on the Junta Directiva of the Consejo Nacional de Salarios, proposed to fix two minimum salaries: a low minimum salary that would apply to national producers, and a higher minimum salary that would apply to the foreign-owned banana companies. The reason for this was that the banana companies were in a much better position to sustain the effects of a higher minimum salary. The proposition was accepted by the Consejo Nacional de Salarios; but Núñez was subsequently summoned to the presidential residence where President Figueres explained that such a policy would incur a strong response from the United States government, a consequence that Costa Rica could ill afford. After the meeting with Figueres, Núñez withdrew his support for the separate salary scale. Inasmuch as national producers could not sustain the higher minimum salary, the Consejo was compelled to approve the lower salary.¹⁶

Apart from cooptation, political appointments had the effect of absorbing all the time and energy of labor leaders. The inability to attend to pressing matters in represented labor organizations had a disastrous effect on Catholic unionism. It was during the years of close party-labor relations that *Rerum Novarum* practically

disappeared. This was partially attributable to the lack of interest of critical labor leaders who had accepted high ranking political appointments.

Informal associations between the PLN and Rerum Novarum came to be used as an avenue of advancement for labor leaders with ambition. One labor leader noted that union activity was a sure way of gaining the notoriety that was necessary for political advancement. Labor organizations were, in the first place, training grounds for individuals with aspirations of political careers.¹⁷

Between the early 1950s and the late 1960s Rerum Novarum contacts in the PLN produced little in terms of concrete legislation. Several Labor Code reform proposals made during this time were enthusiastically received by several PLN deputies; however support for code reform, a basic need and desire of all labor organizations, was largely isolated and certainly not strong enough to push through legislation that would undoubtedly alienate conservative support, upon which PLN electoral success greatly depended. In 1958, for instance, Guillermo Villalobos Arce introduced legislation intending to reform article 28 of the Labor Code. The reform would have prohibited employers from firing labor leaders at any time without proof of just cause. The project was approved by the Committee on Labor and Social Affairs, in which PLN deputy Daniel Oduber presided. However, the reform was rejected by the Legislative Assembly.¹⁸

In 1959, PLN deputy McRae Grant sponsored a CCTRN legislative proposal to reform article 366 of the Labor Code. The reform would

have reduced regulations on strikes; however, after floundering in the legislature for two years, it was finally filed away.¹⁹ In 1961, PLN deputy Gonzalo Fernandez Mora reintroduced legislation intending to protect labor leaders from anti-union attack; however, once again after floundering in the Legislative Assembly for two years, the project was filed away.²⁰ One year later José Francisco Aguilar Bulgarelli reopened the debate on protection for labor leaders with the same result.²¹ The matter was reconsidered in 1967 when Jorge Luis Villanueva Badilla introduced a legislative proposal entitled "Acción Sindical de Reenganche." The proposal, in reforming article 29 of the Labor Code, would have accomplished the same objectives as legislation introduced earlier by Villalobos Arce. The project received the approval of the Committee on Social Affairs, but died in the legislature two years later.²²

Several reform proposals had been supported by PLN deputies; however, the failure of the CCTRN to affect legislative decision-making was attributed by labor leaders and progressive party members to the combination of opposition from the conservative coalition, which occupied at least one-third of the congressional seats in the Assembly, and the lack of adequate support from conservative PLN deputies. A frustration with their legislative failures, combined with what was seen to be a growing conservative trend in the PLN, caused a deterioration in labor-party relations. This process was accelerated between 1962 and 1966 during the administration of PLN conservative Francisco Orlich. The Executive Power, through the

Ministry of Public Security, was used extensively during Orlich's term of office to persecute unions. Several special investigations were justified by the claim that communist elements were subverting the labor union movement. The CCTRN sustained the brunt of this persecution, and in 1965 submitted a complaint to the International Organization of Workers (OIT).²³

The left-wing of the PLN, and the most important labor allies in the party system, were former union leaders Benjamín Núñez, and Alfonso Carro, Fernando Volio and Daniel Oduber. Supporters of this group managed to win the presidential nomination of Daniel Oduber in 1966. In the subsequent election, however, Oduber was defeated by opposition candidate José Joachim Fernandez Trejos. The failure of the progressives to win the presidency was attributed to the reluctance of conservative elements to commit their full support to the Oduber campaign.²⁴ Even so, Oduber declared his intentions to run for office in the next elections. The PLN left-wing and the CCTRN were encouraged by a proposed labor policy that included six basic points: the passage of a fuero sindical; the intensification of worker education programs and government aid to labor unions; effective labor representation on all government economic planning boards; legal reforms facilitating collective bargaining; support for the labor unity movement; and the politicization of the labor movement.²⁵ However, during the Fernandez Trejos administration between 1966 and 1970, PLN conservatives under the leadership of Francisco Orlich, announced that they would not tolerate an Oduber candidacy in the

1970 elections. The subsequent declaration of José Figueres to run for a second term of office, having been repudiated by the party left-wing, caused a reaction that threatened to split the party in two.²⁶

Disaffection of Labor Allies

The concrete effects of labor's disappointment with PLN policy was an attempt, on the part of the democratic unions, to constitute a stronger, larger, and more independent labor union organization. To accomplish this, CCTRN unions merged with independent unions in 1966 to form the CCTD. At the same time, the dissatisfaction of the left-wing with the failure of the PLN to live up to its social democratic principals caused an open split which was expressed in a declaration that intended both to remind the public of PLN principals and goals, and warn the party leadership of the consequences of conservatism.

In 1968, the PLN progressive-wing convoked a meeting for the purpose of discussing the contradictions between party principals and goals, and party organization and policy. The result was a document, designated the "Patio de Agua" declaration, that expressed the extent of these contradictions. The progressives declared that the goal of political action must be the realization of the common good. The principals of justice that had formed the basis of the PLN program could not be achieved unless the people were free of the spiritual, cultural, and economic privations that reduced the possibility and capacity for enjoying the superior values of life. Patio de Agua called attention

to the fact that while a majority of Costa Ricans suffered from these privations, a small minority of people retained a maximum amount of privileges. The causes of this circumstance were seen to be a combination of low economic and human development, an unjust social organization, and a political process dominated by a privileged caste.

The transformation of Costa Rican society, that the PLN had originally hoped to accomplish, had not come about because political situations in the parties had effectively checked the participation of progressive movements. Democracy was asserted to be the most just form of political organization; however, to succeed the system must place power in the hands of the people through a party system that authentically represented the interests of the majority of people. The Costa Rican political system was accused of lacking this capacity both because the political party leadership was seen to represent the interests of powerful economic sectors, and government had acceded to the pressures of conservative interests. Furthermore, the progressives contended that those who had risen to power in the name of social reform, all too frequently adopted the ideological motivations, the lifestyle, and the interests of the dominant class.

The Patio de Agua group proposed several recommendations, covering several areas, that were viewed to be critical to the transformation of Costa Rican society. Private property was considered to be a fundamental right; however, reforms should be instituted that would effectively impede the concentration of property. At the same time, all natural resources must be used to satisfy the needs of the people.

In accordance with these views, agricultural production should be organized in a way that would facilitate increased production while providing for a just distribution of wealth. While new types of land tenure systems were being developed, the existing pattern of private ownership must be subjected to reforms that would involve the redistribution of accessible land rather than the parceling out of uncultivated land. Private ownership should be combined with cooperative ownership in putting agricultural production in the hands of the campesino. Toward this end land redistribution should be accompanied by legislation fixing maximum limits on land ownership.

In prefacing their labor organization proposals, the progressives asserted that work was one of the most important sources of human dignity and individual liberty. It was a right that should be made available to everyone and a duty that should be rewarded by a just form of remuneration. Just remuneration, according to the progressives, in general terms should permit a maximum access to the benefits of culture. In specific terms, this involved the combination of higher salaries and the establishment of profit-sharing programs.

The idea of the inevitability of class conflict was rejected, although it was recognized that class antagonisms had become enflamed in Costa Rica because of the existence of a social and economic organization that encouraged division rather than solidarity. A more just economic and social system required the existence of a strong and dynamic labor union movement; however, this was not seen to be possible, given the capacities of existing Costa Rican legal structures.

Above all, Labor Code reforms were needed that would permit the working classes to effectively defend their socioeconomic interests. In accordance with these views, the progressives proposed the establishment of effective labor liberties. This implied several specific reforms. Most importantly it implied the passage of the long sought-after *fuero sindical*. Secondly, it involved the establishment of authentic and effective worker representation in all state institutions. Thirdly, it involved initiating legislation that would promote collective conventions and facilitate an active worker participation in the direction and administration of businesses. Fourthly, it involved passing legislation that would guarantee employer compliance with social legislation and the principals of labor liberty. Apart from these reforms, the progressives proposed greater economic, legal, and technical assistance to unions, and the promotion of labor organizations in sectors of the economy where workers had still to develop a sufficient consciousness of union action.

The Patio de Agua group concluded its manifesto with a statement expressing its frustration with the structure and operation of the PLN. In an obvious reference to the power that the old guard exercised over the party machinery, they contended that the PLN in the past had constricted the liberal play of ideas on all organizational levels. In conformance with its principals, a social democratic party must be organized in a way that would permit the unrestricted confrontation of personalities and ideas. The party must respect the right of all affiliates to present nominations to the appropriate

organs while party members should be allowed to exercise unlimited pressure in the selection of competent nominees. Any attempt to undermine the voluntary choices of party members for the purpose of maintaining the power of a small elite, was contrary to social democratic principals and must be repudiated. Suggesting that this state of affairs was being perpetrated by powerful economic interests, the progressives indicted party leadership for its conservative attitude and argued that no member of the party, fulfilling a leadership position should be permitted at the same time to be the representatives of persons, businesses, or interests that were in conflict with popular aspirations.²⁷

The Patio de Agua declaration drew a variety of responses from the PLN leadership. Conservatives emphasized similarities between the attitudes of the Patio de Agua group and communist ideology. The progressives were accused of promoting ideas leading to the liquidation of the political party system and the democratic alternation of power. They proposed prohibitions on the inheritance of private property, it was stated, and in general, supported a position that violated Constitutional provisions making private property inviolable. In an even more critical statement, the conservatives asserted that the Patio de Agua group would place control of the factories, like countries behind the iron curtain, in the hands of the workers.²⁸

On the other hand, some political leaders approached the manifesto with careful approval. Fernando Volio Jiménez, PLN President of the Legislative Assembly, argued that while the document was

divorced from reality, it possessed a series of goals that should serve to guide decision-makers. Officially however, the PLN divorced itself from Patio de Agua. Shortly after the manifesto was issued, the party published a letter stating that the manifesto in no way reflected the thinking of the PLN and that it should not be considered to be an official party document. Suggesting subversive intentions among party radicals, the letter went on to reassert the opposition of the PLN to communist attempts to infiltrate and deform parties and political situations in developing countries.²⁹

Enthusiasm for party reform gradually subsided after the Patio de Agua declaration. A few radicals renounced their party membership, but the majority of people in the PLN felt that the further pursuit of fundamental reforms would do more harm than good in the long run. As bourgeois as the PLN might have been, it was the only viable political party in Costa Rica that was committed, at least in principle, to the task of social renovation. A party split would severely weaken the PLN, but the possibility of creating another social democratic party, perhaps more committed in a practical sense to social reform, was seen to be remote. Rather than wreck the party's chances of success in the 1970 elections, PLN progressives preferred to maintain their posts and let the Patio de Agua manifesto stand as a critique of party organization and policy that might be used as a guide for reform at some time in the future.³⁰

The Patio de Agua declaration nevertheless had several important indirect effects. Most importantly, it pointed out a widespread

internal discontent that possessed at least a potential for either a serious split in the PLN, or more probably, a precipitous decline in labor support. Secondly, it kept alive the social democratic aspirations upon which the PLN was based. Thirdly, it exposed the personalistic nature of party organization. The PLN was still basically an electoral vehicle that served only a few old guard political leaders, which for the most part functioned only around election periods.

This latter point was extremely important inasmuch as personalistic politics was diametrically opposed to the spirit that gave birth to the party.

Nevertheless, owing to the combination of a lack of effective representation within the PLN, the numerical weakness of the PVP in the Legislative Assembly, the existence of a powerful opposition that had little interest in labor problems, and the application of pressure from conservative institutions, organized labor suffered a series of legislative defeats which left intact an ineffective legal mechanism that formed the foundation of union control and persecution.

Labor Code Reform Failures

In 1971 the CGTC, through its PVP deputies, submitted legislation intended both to protect union members from anti-union patronal action, and liberalize regulations covering strike procedures. Article 29 of the code would be reformed to say that in every case that a contract is ended either by patronal or employee responsibility, the patron must provide severance pay. Article 263 would have stated

that social organizations would not only have the right to defend their socioeconomic interests, but the right to express opinions associated with national and international problems. Article 273 would have stated that workers who joined unions could not be fired until one year after the date of joining. Article 366 would have reduced required strike support to fifty-one percent, while article 371 would have stated that employers must pay lost salaries in cases of legal strikes. Article 502 would have prohibited anti-union patronal actions from the moment that a list of petitions had been submitted; and article 518 would have been reformed to state that in the case that a settlement could not be reached through the conciliation process, labor organizations had the right to declare a strike within twenty days without a previous declaration of legality and without having to repeat the voting process. Furthermore, once this time period had expired, collective negotiations could be reinitiated without having to repeat the entire collective conflict process.³¹ The CGTC proposal took only four months to work its way through the legislature before being rejected in the general assembly.

This and other legislative proposals, were usually accompanied by immediate and critical responses from industrial groups and the national press that were calculated to pressure legislators by diminishing public support for labor reform. One year after the CGTC failure, the Costa Rican Socialist Movement submitted a reform proposal intending to liberalize strike regulations. The Cámara de

Industrias (Chamber of Industry) immediately published its opposition stating that it did not correspond to national reality; that it would dramatically increase the number of strikes; and that it would produce disastrous economic effects. Shortly after the Cámara declaration, La Nación published an editorial warning legislators that inasmuch as the reform strongly affected employers, they should listen carefully to employer criticism before taking action.³² The proposal was subsequently defeated in the general assembly.

Between 1975 and 1976 two more important reform projects were defeated in the Legislative Assembly. Concerning the first proposal, La Nación published an editorial stating that

the concept of social justice is so broad and elastic that it embraces, apart from labor relations, juridical security and the economics of the means of production, and a concern for the importance of not discouraging the initiatives of private business. Justice must be equal for everyone.³³

One year later the Comité de Unidad Sindical submitted a reform proposal that would have given unions the right to declare strikes without exhausting the conciliation process. La Nación responded with a series of articles stating that the reform would serve only to increase needlessly the "violent fact" of the strike. All strikes, whether just or unjust, were seen to be damaging to private interests and the public good. Inasmuch as the state had the responsibility of maintaining social peace, it must involve itself thoroughly in conflicts between labor and capital.³⁴

In 1977, a law project intending to reform several Labor Code articles received heavy criticism from the Unión Costarricense de Cámaras (Union of Costa Rican Chambers). Changes in article 366 which would have reduced required union support for strike movements from sixty percent to fifty-one percent were seen to have the potential for undermining the Costa Rican economy by increasing the possibility of strikes in the agricultural sector. According to the Camaras, passage of the reform would place the economic well-being of the country in the hands of irresponsible labor leaders, who at a moment's notice could initiate a strike and destroy an entire crop.

The same reform package also intended to change legal dispositions on temporary work contracts, the right of public sector unions to demand collective conventions, and patronal responsibility for fired workers. With regard to the temporary employment question, the Cámaras stated that firm contractual agreements would be severely damaging to the private sector. In the construction industry it was extremely difficult to contract persons for specific jobs. At the same time, several agricultural industries required only temporary personnel increases. The Cámaras pointed out that most industries were required to make personnel adjustments in order to meet demand levels that fluctuated seasonally. Concerning union rights in the public sector, the Cámaras stated that a collective convention policy would serve to undermine the efficiency and correct management of the autonomous and semi-autonomous institutions. Furthermore it would undermine legislative control over the budget inasmuch as unions

would be able to negotiate and renegotiate salaries several times a year.³⁵

The Cámaras claimed that the proposal intending to increase patronal responsibility for fired workers violated constitutional law. It was the only portion of the project to have received the approval of the Legislative Assembly. Subsequently however, it was vetoed by PLN President Daniel Oduber. Both the Cámaras and La Nación applauded the presidential initiative.³⁶

There is no doubt that labor organizations have maintained several dependable contacts not only among PLN deputies but opposition deputies as well. These contacts had either sponsored or supported legislation emanating from labor confederations or alliances of confederations such as the CUS. Nevertheless, each legal project has elicited the outspoken and detailed criticism of conservative institutions such as the Cámaras and La Nación. Subsequent legislative decisions would point to the conclusion that in the contest for legislative recognition accompanying each reform project, Costa Rican legislators have been more prone to respond to conservative publics than to labor organizations.

Of particular importance where labor influence in the PLN is concerned is the labor policy of Daniel Oduber. Radical party elements had devoted great energy to Oduber's presidential campaign in the 1960s. His 1966 electoral defeat, having been attributed to the indifference of PLN conservatives, along with the unwillingness of conservatives to accept another Oduber candidacy in 1970, touched

off the Patio de Agua rebellion. When Oduber finally reached the presidency in 1974, he brought with him the hopes and aspirations of the PLN progressive wing. Nevertheless, the Oduber administration was distinguished by the conspicuous absence of a labor policy that had won the applause of labor organizations in the 1960s. Oduber neither supported the Labor Code reforms presented by the CUS in 1976, which corresponded to the spirit of the labor policy he had earlier formulated, nor did he support the judgement of the Legislative Assembly in 1978 concerning patronal responsibility for fired workers. Neither was Oduber indisposed to using existing Labor and Penal Code dispositions to threaten or arrest labor leaders, or to using public security forces to break up strike movements.

In fact the trend in government labor policy in the last twenty years ironically indicates that government anti-labor activity increased dramatically during the Oduber administration. Presidential conduct, not only in the ICE strike in 1978, but in other strike movements occurring during the same period, prompted democratic labor leader Guido Núñez to state in 1977 that

it is my belief that labor repression has been accentuated recently, owing to the fact that in this government, unions cannot count on any protection. This is a fact that patrons have well noted and, as a result, have effected repressive measures without fear.³⁷

Similarly, former CGT labor leader Juan Rafael Solís Barboza argued that beginning in 1974, executive, legislative, and judicial authority had been increasingly used to persecute the labor union movement. The Oduber government, much more than past governments supported

employer interests. The executive office issued threats; Labor Code reforms were rejected; and the judiciary interpreted labor legislation in a way that was damaging to labor interests.³⁸

Despite this criticism, Daniel Oduber's labor policy should not be construed to mean that opposition forces have been more responsive to labor interests. Shortly after taking office in 1978, Unidad President Rodrigo Carazo announced that his government would not negotiate collective conventions with unions functioning in the autonomous institutions.³⁹ He supported the use of public security forces to break up the Pozuelo strike of 1979 and turned a deaf ear on labor's requests for executive mediation. Hardly had the Pozuelo movement ended when a dock workers' strike in Limón, probably the bloodiest in Costa Rican history, resulted in hundreds of injuries and one death. Furthermore, opposition legislative deputies have, on more than one occasion, introduced Labor Code reform proposals intending to extend prohibitions on union activities and stiffen penalties for illegal strike movements. On the other hand the PLN, as a social democratic party, was instituted for the purpose of giving concrete and clear expression to popular interests. It professed a concern for labor problems, but maintained only a pretense of labor representation in its organizational structure. More was expected of the party, yet several PLN presidents and PLN controlled Legislative Assemblies, had produced no more for labor than the opposition.

Structural Reform

The contradiction between party structure, operation, and policy, and party principles and goals was thought to be the major reason for the PLN electoral defeat of 1978. Even before then however, progressive party elements had begun a process of self-criticism that took form in seminars, study groups, and research projects, all of which intended to point out the deficiencies of PLN organization, and suggest ways by which party structure could be made to correspond to party principles. In 1976 Luis Alberto Monge compared the PLN to the structure and operation of other social democratic parties, such as Venezuela's Democratic Action Party, and complained that the PLN had still to incorporate labor interests in a way that could be considered adequate for a social democratic party. Monge noted that the party was structured purely for electoral purposes. The reasoning behind this form of organization was that it seemed to be the most effective way of competing with large supposedly conservative electoral vehicles that confronted the PLN at each election. However, while this structure facilitated electoral success, it did not leave the party in a position by which it could compete on an ideological level with parties of the extreme left. Ideological competence was viewed to be an urgent necessity, as well as an objective requiring a structural reorganization that redistributed party representation according to professional sector.⁴⁰

After the PLN electoral defeat in 1978, during a typical series of PLN seminars, Enrique Obregón Valverde suggested the necessity

of a close party-labor association by asserting that nothing would be more agreeable to the traditional owners of the means of production than to perpetuate the separation of labor and politics. This would leave conservative interests alone to manage party operations and, while maintaining the fiction of popular representation, to place their own representatives in positions of power. Obregón Valverde contended that Latin American social democratic parties were created by oligarchical and intellectual groups that were, in one way or another committed to conservative interests and that as long as labor organizations remained at the margin of political activity, these parties were dominated by powerful economic groups. It must be affirmed, Obregón Valverde added, that as long as the working classes, as organizations, as unions, were not thoroughly integrated into social democratic parties, they would continue to be instruments of the oligarchy.⁴¹

During one PLN labor conference, Benjamín Núñez took the occasion to level a more direct criticism by arguing that the party had at many times been dominated by anti-labor forces whose plans and actions had frequently had disastrous effects on labor. This situation prevailed despite the fact that the PLN, at least in its early stages, professed a commitment to labor interests. In Costa Rica, as well as other Latin American countries, social democratic parties contained anti-popular elements that manipulated popular bases while placing themselves in strategic government posts.⁴²

Conservative interests within the PLN had always opposed labor integration; however, after the defeat of 1978 it was largely accepted as an electoral necessity,⁴³ and in 1979 several important structural changes were finally instituted that dramatically altered the relationship between party and labor organizations.

Labor and the New PLN Structure

Since 1979 the PLN has maintained a geographic organizational form that was adapted to include sectoral representatives. The structure is divided into Cantonal, Regional, Provincial, and Nacional Assemblies. Regional Assemblies are composed of two delegates from each canton, regional PLN public functionaries, and one representative from labor, business, professional, youth, and feminine action sectors. Provincial Assemblies are formed by five delegates from each canton as well as sectoral delegates. The most important representative function of the Provincial Assemblies is to name delegates to the Plenary Assembly.

The Plenary Assembly is composed of ten provincial delegates, the National Political Directorate, eight delegates from each of the five sectors, five delegates from the Parliamentary Fraction and ten Cantonal delegates. The Assembly's most important functions include nominating candidates for the Legislative Assembly, analysing previous political events, approving the decisions of the National Political Directorate, electing the members of the Executive Committee, electing the members of the Political Directorate, and ratifying the presidential candidate.

The National Political Directorate is composed of the Executive Committee, former presidential candidates, eleven members of the Plenary Assembly, the representative of the Parliamentary Fraction, and one representative from the youth and feminine action sectors. Its most important functions include executing the decisions of the Plenary Assembly and the National Congress, directing the operations of the party, defining political action tactics, expressing the party's position on national and international political events, and approving the organizational structure and methods of the party.

The National Congress is composed of the members of the Plenary Assembly, the members of the Ethical and Disciplinary Tribunal, the members of nine Secretariats, the members of debating forums, the members of the Election Tribunal, the members of study commissions, members from student and feminine actions organs, the Parliamentary Fraction, and three delegates from Cantonal Political Committees. The principal function of the Congress is to define the party's ideological norms, to reform the party's Carta Fundamental, and to modify and or approve the program of government upon which the Carta Fundamental is based.

In addition to these bodies a National Convention, which meets only before elections is composed of representatives from the regional bodies, the sectoral representatives, Parliamentary Fraction representatives from the Municipalities and the Legislative Assembly, as well as ex-party public functionaries. The only function of the Convention is to nominate the presidential candidate.

Apart from this organization the party created a series of functionally oriented departments that include a Secretariat of Sindical Affairs that functions in conjunction with a Secretariat of Sectoral Organization in developing labor organizations and recruiting party support. The members of these Secretariats are elected by the National Political Directorate and are given representational status in the National Congress.⁴⁴

The advantages of the new party structure, although clear, have been accompanied by several disadvantages that have produced a guarded optimism among democratic labor leaders. On the one hand, the party now guarantees some form of labor representation in most of its structures. Labor organizations are not only represented in the Regional Assemblies, they are also guaranteed representation in the Plenary Assembly. The Plenary Assembly is a critically important body inasmuch as it has the responsibility of nominating legislative candidates, ratifying the presidential candidate and electing the National Political Directorate. Besides the Plenary Assembly, representatives in the Secretariat of Sindical Affairs have representational status in the National Congress. The Congress is an equally critical body inasmuch as it is responsible for forming the party's ideological guidelines and the program of government.

On the other hand democratic labor leaders have criticized the lack of representation in the National Political Directorate. Since this body is responsible for approving or modifying the internal structure of the party, its importance should not be underestimated.

Furthermore, the National Political Directorate is also responsible for electing the labor representatives who sit in the Secretariat of Sindical Affairs. Secretariat representatives are thus chosen by party functionaries who may not be associated with labor organizations. The function of the Secretariat is much the same as the Coordinator of Sindical Affairs in the PVP. In fact the PVP structure was used as a model. The members of the body are responsible for creating nuclei in centers of work, organizing unions, recruiting supporters in already existing unions, and in general, transmitting party doctrine and policy. Nevertheless, party interference in the internal affairs of labor organizations gives cause to expect that one of the Secretariat's functions will be to transmit party directives. Internal interference in union affairs is a critical drawback in the party's new relationship with labor. Like the PVP, the PLN intends to penetrate union organizational structures with teams of militants who will be directed by superior party organs. Furthermore, the manner in which party militants relate to labor leaders as well as the statutes governing the relations between the unions and the party, can only be changed with the approval of the National Political Directorate, a body which lacks labor representation.⁴⁵

Most importantly, the distribution of sectoral representation in the most critical party organs places labor at a disadvantage. The Plenary Assembly is composed of over eighty-four members, depending on the number of PLN ex-presidential candidates that occupy posts in the National Political Directorate. Ten of these members are

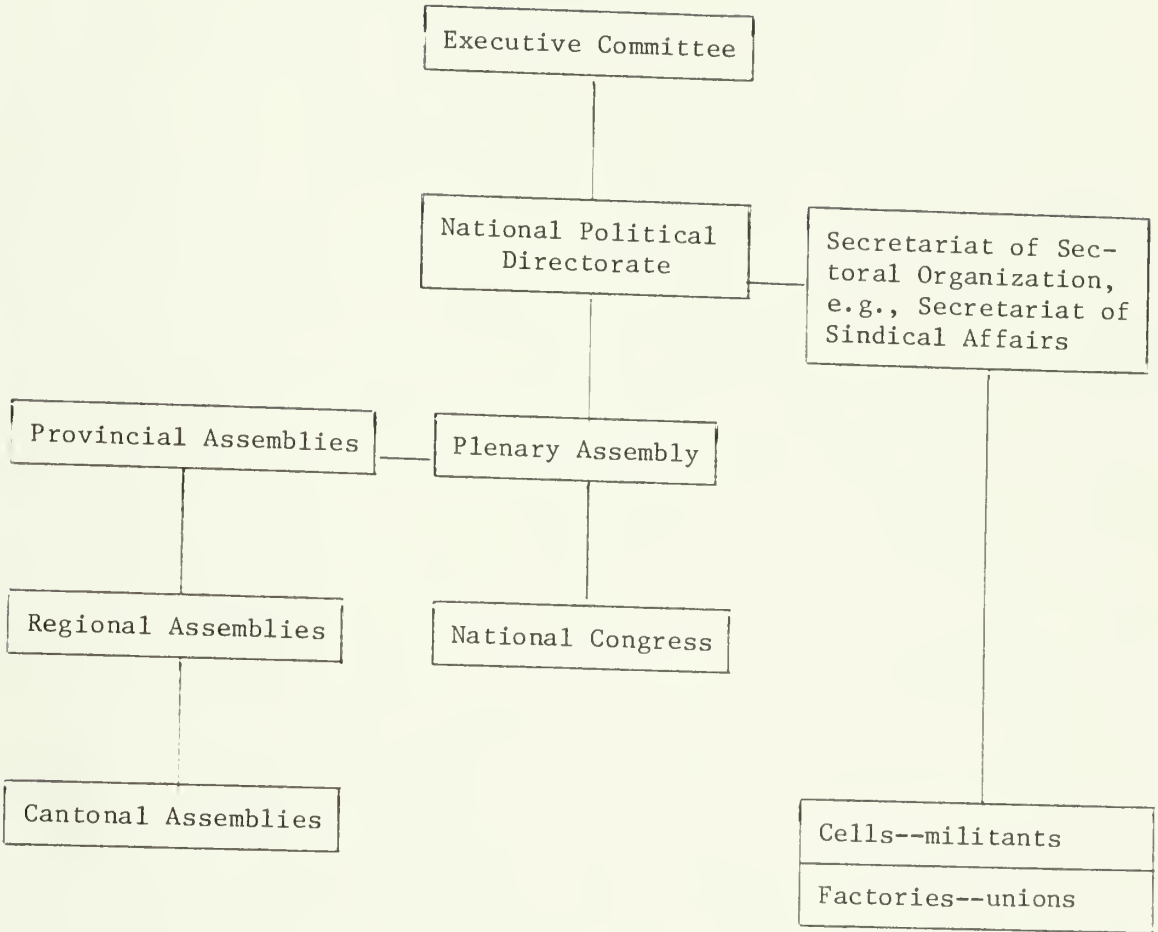


Fig. 3. Essential PLN Structure After 1979

representatives from the Provincial Assemblies, who may be either professionals, important industrial leaders or workers. However, the distribution of representation in the Provincial Assemblies would indicate that delegates to the Plenary Assembly would largely be chosen by a non-labor constituency. It is thus likely that the Provincial Assembly representatives in the Plenary Assembly would not have a very great appreciation for labor problems. In addition, nineteen Plenary Assembly members come from the National Political Directorate, none of whom are labor representatives. Sixteen members come from the patronal and professional sectors. Sixteen other members come from the youth and feminine action sectors, while five and ten members come respectively from the Parliamentary Fraction and Cantonal representatives. Labor on the other hand possesses only its designated eight member sectoral delegation. The problem with this structure is that labor representation may be made ineffectual by a possible confluence of interests between the business, provincial, National Political Directorate, and Parliamentary Fraction delegates; or for that matter any other combination of delegations.

In a similar structural arrangement, the National Congress incorporates over 140 members from ten different social or corporate sectors. Only eight of those members represent labor organizations. The function of the Congress has yet to be tested thoroughly; however, a confluence of interests among any combination of sectors would not be difficult to imagine. Democratic labor leaders have viewed this structural scheme with a certain degree of skepticism. On the one

hand, CATD leadership has resigned itself to the fact that a more effective representation will take more time.⁴⁶ On the other hand, CCTD leaders, who remember the outcome of Rerum Novarum's association with the PLN, wonder if the new party organization might not possibly infringe upon labor independence. Above all they assert, labor organizations must not once again fall into the trap of serving party interests and sacrificing labor leaders to political careers.⁴⁷ It should also be carefully noted that the restructuralization of the PLN did not destroy the power of personalistic political figures. Even more importantly, the conservative elements that had thwarted popular interests so many times in the past did not disappear with the party's old organization. These elements might be expected to oppose Labor Code reforms as vigorously as they had in the past.

Concluding Remarks

Constitutional prohibitions on union political activity have compelled labor organizations to cloak their associations with political parties. The close connections between the CUT and the PVP have been maintained at the risk of involuntary dissolution. Moreover the assertions of democratic labor leaders gives cause to wonder whether the nature of the association between the PVP and labor has served to advance labor interests or party interests.

On the other hand political activity prohibitions along with electoral considerations, were important reasons for the PLN failure to incorporate labor in its original organizational structure. The

informal relationship that subsequently emerged between the PLN and Rerum Novarum, and later the CCTD, were not sufficiently strong to produce any important legislative results. In the case of Rerum Novarum, the incorporation of important labor leaders into the party hierarchy and the distribution of important government posts as a form of political payment, precipitated a protracted decline in confederation membership and influence. In the case of the CCTD informal political contacts in both the PLN and various opposition parties produced little in terms of basic legal reform.

Throughout the 1960s and 1970s the efforts of progressive PLN leaders to defend labor interests have been complicated by the persistence of conservative power that had been used to prohibit the nomination of progressive presidential candidates, to impede the implementation of Labor Code reforms, and to postpone the integration of labor into the party's organizational apparatus. The new PLN organizational framework represents a step forward in organized labor's endeavor to find political representation; however, the advantages of the new structure are accompanied by as many disadvantages that have given rise to a continuing skepticism among participating labor leaders concerning the willingness of the party to serve labor interests. Ultimately, these skepticisms will be either vindicated or laid to rest in the Legislative Assembly where democratic labor leaders will test the quality of their political influence with proposals for Labor Code reform.

With regard to labor's legislative fortunes, the Popular Vanguard Party has consistently supported Labor Code reform. However, PVP strength is limited to three in the present legislature. Without a much firmer commitment to Labor Code reforms, from either the PLN or the opposition Unity Coalition, a more liberal labor relations system and greater worker representation in the autonomous institutions will be an impossibility. Between these two parties, the PLN is in a much better position to accomplish this objective. The party seems to be poised for a dramatic shift in labor policy, but this will not be confirmed until the new legislature convenes in 1982.

Notes to Chapter VI

¹Constitución Política de la Republica de Costa Rica, (San José, Costa Rica, Imprenta Nacional, 1980), p. 17.

²Administración R. A. Calderón Guardia, Código de Trabajo: 26 Agosto De 1943, (San José, Costa Rica, Secretaria De Trabajo Y Prevision Social), p. 106.

³"Interview," Eduardo Núñez Garro, in Ideario Costarricense no. 9, (1977). Legal prohibitions notwithstanding, labor organizations scarcely bother to conceal their political activities. Oscar Arias Sanchez discusses the tactics used by pressure groups, both labor and non-labor, to influence policy-makers. See Grupos De Presion En Costa Rica, (San José, Costa Rica, Editorial Costa Rica, 1977), especially pp. 76-84.

⁴Jiménez Zavaleta, "Interview," in Ideario.

⁵Núñez Román, "Interview," in Ideario.

⁶Partido Vanguardia Popular, Programa, Tesis, Estatutos, June, 1980, pp. 40 and 41.

⁷Ibid., p. 41.

⁸Ibid., pp. 41 and 42.

⁹Ibid., pp. 42 and 43.

¹⁰Ibid., p. 44.

¹¹Ibid., p. 44.

¹²CEDAL, Socialismo Democrático en Costa Rica y Venezuela: Los Partidos Liberación Nacional y Acción Democrática, (La Catalina, Costa Rica, CEDAL, 1976), pp. 33 and 34.

¹³La Nación, February 21, 1976.

¹⁴This opinion of the relationship between the PLN and labor organizations is expressed by several writers including Kim Dammers, An Introduction To The Labor Union Movement Of Costa Rica, (San José, Costa Rica, Associated Colleges of the Midwest-Central American Field Program, 1965), p. 65; and Rojas Bolaños. "El Desarrollo del movimiento obrero en Costa Rica, un intento de periodización," in Revista De Ciencias Sociales, p. 25. For more information on the development of social democratic ideology in Costa Rica see Oscar Aguilar Bulgarelli, Democracia Y Partidos Politicos En Costa Rica, (Tibas, Costa Rica, Litografia e Imprenta LIL, S.A., 1977), Jorge Enrique Romero Perez, La Social Democracia En Costa Rica, (San José, Costa Rica, Trejos Anos., Sucs., 1977); and Constantino Lascaris, Desarrollo De Las Ideas En Costa Rica, (San José, Costa Rica, Editorial Costa Rica, 1975).

¹⁵Burt H. English, Liberación Nacional in Costa Rica: The Development of a Political Party in a Transitional Society, (Gainesville, University of Florida Press, 1971, pp. 70 and 144.

¹⁶This is based on an interview with Guido Núñez Román, Secretary General, Sindicato Industrial de Trabajadores Electricos y de Telecomunicaciones, August, 1981.

¹⁷This is based on an interview with Ricardo Thompson, Secretary of Organization CCTD, June, 1981.

¹⁸La Gaceta, May 3, 1959.

¹⁹Ibid., June 12, 1959.

²⁰Ibid., May 12, 1961.

²¹Ibid., April 3, 1963.

²²Ibid., October 8, 1968.

²³English, op. cit., p. 144.

²⁴Ibid., p. 54.

²⁵Dammers, op. cit., p. 68.

²⁶English, op. cit., p. 54.

²⁷La Nación, July 25, 1968.

²⁸Ibid., August 4, 1968.

²⁹Ibid., August 4, 1968.

³⁰This is based on an interview with Ricardo Thompson, June, 1981. For a critique of the Patio de Agua declaration see Eduardo Lizano Fait, Cambio Social En Costa Rica, (San José, Costa Rica, Editorial Costa Rica, 1976), part I chapter 3.

³¹La República, April 22, 1971.

³²La Nación, July 23, 1972; and July 26, 1972.

³³Ibid., December 17, 1975.

³⁴Ibid., November 2, 1976.

³⁵Ibid., September 29, 1977.

³⁶Ibid., November 8, 1977.

³⁷See Guido Núñez Román, "Interview," in Ideario Costarricense, no. 9 (1977).

³⁸See Juan Rafael Solís Barboza, "Interview," in Ideario Costarricense, no. 9 (1977). Solís Barboza has held posts in the directive committees of the CGTC and the Federación Sindical Mundial. He has also been the CGTC labor delegate on the Consejo Nacional de Salarios.

³⁹Juan Rafael Espinoza, Tareas Sindicales Inmediatas En El Campo Jurídico, (Heredia, Costa Rica, Editorial de la Universidad Nacional, 1979), p. 35.

⁴⁰Luis Alberto Monge, "Evolución de la idea Social Demócrata en América Latina y en Costa Rica," in Socialismo Democrático en Costa Rica y Venezuela, p. 26.

⁴¹Eurique Obregón Valverde, Partidos Politicos Sindicatos E Ideologia, (CEDAL, La Catalina, Costa Rica, 1980), p. 8.

⁴²Benjamín Núñez Vargas, "Lealtad A La Clase Trabajadora," in Sindicalismo Y Socialismo Democrático, p. 27 ff.

⁴³This is based on an interview with Ricardo Thompson, June, 1981.

⁴⁴Partido Liberación Nacional, Estatutos, 1979, pp. 9-24 passim.

⁴⁵Movimiento Trabajadores Liberacionistas, Congreso Constitutivo, 1981.

⁴⁶This is based on an interview with Carlos Vargas Solano, Secretary General, CATD, June 1981.

⁴⁷This is based on an interview with Ricardo Thompson, June, 1981.

CHAPTER VII

SUMMARY AND CONCLUSIONS

From a historical standpoint the development of labor unionism in Costa Rica might be understood to have passed through five periods. In the first period, corresponding to the end of the 19th century and the beginning of the 20th century, guild associations, or professional organizations, marked the beginning--as in other Latin American countries--of an incipient trade union movement. It would be premature to call these associations full fledged labor organizations, inasmuch as they were inspired by a concern for professional competence and mutual aid, rather than by an awareness of any contradictions between the factors of production. The only conflict-oriented groups marking this period in Costa Rican history were the anarcho-syndicalist groups that were formed by European immigrants involved in the construction of the Atlantic railroad.

Anarcho-syndicalism never had a profound impact on Costa Rican labor unionism, but on the other hand, contact with European immigrants helped to create an awareness of the mechanisms of capitalist exploitation, at a time when the concentration of coffee production released large numbers of small landowners from isolated rural life and created a growing class of agricultural laborers and unemployed urban workers. This development corresponds to the second period of Costa Rican labor

unionism, during which guild associations finally became organizational bases for collective conflicts between workers and employers. At the same time, the participation of non-unionized unemployed workers in the subsequent strike campaigns should not be overlooked inasmuch as it underscored the degree to which workers had developed a collective consciousness. Where labor relations was concerned, it was during this period that the relationship between organized labor and government, if not yet formalized by legislation sanctioning collective action, was at least standardized by a high level of government involvement, and in many cases direct executive involvement, in the settlement of labor disputes. Public security forces were invariably dispatched to break up worker demonstrations. Subsequent audiences between labor, management, and the Executive Power became an informal means by which labor organizations could bring their demands to the attention of a public authority. On the other hand, they also provided occasion for the establishment of patrimonial bonds between the state and the working classes which, while perhaps serving immediate economic interests, nevertheless contravened long term organizational interests inasmuch as state intervention represented a challenge to the influence of labor leaders. The pattern of action characterized by patrimonial controls and rewards, or carrot and stick tactics, was a fundamental part of conflict resolution processes that became a premise upon which the Costa Rican labor relations system would be built.

Owing to economic circumstances and demographic changes, the degree of class antagonisms rose during the decade of the 1930s.

A corresponding decline in the Catholic inspired social reform movement of Jorge Volio was paralleled by an increasing working class interest in Marxian solutions to economic misery, that culminated in the establishment and temporary predominance of a communist labor union movement. This development might also be seen to have occurred despite an increase in anti-union measures taken during the administration of President León Cortés in the late 1930s. Economic difficulties caused by the world economic depression and the destruction of the banana industry in the Atlantic region required the state to take a variety of initiatives. These initiatives, having been intended to induce an economic recovery, were also accompanied by stricter controls on labor union activities, which at that point in time, were generally viewed as subversive.

A decrease in the acceptability of collective action in the 1930s was followed in the 1940s by a dramatic turnaround in government attitude toward the problems of the working-classes, and the feasibility of labor organizations as mechanisms of socioeconomic self-defense. This third period of Costa Rican labor unionism, having been marked by the emergence of a strong Catholic labor union movement, was also characterized by the coexistence and alliance of the two fundamental, and historically antagonistic strains of Costa Rican developmental theory: Catholic social reformism and Marxian Socialism. The Catholic reform movement was sparked by a reaction to anti-clerical legislation undertaken by liberal governments in the nineteenth century. It declined for a period around the beginning

of the century but reemerged in a much more permanent form during the 1920s. In an almost parallel development, socialistic ideas began to emerge in Costa Rica at the beginning of the century, but they would not have an impact on the labor movement until the 1930s when Manuel Mora established the Bloque de Obreros y Campesinos.

Both ideological tendencies had succeeded, at different times, in dominating the Costa Rican social reform movement. With the re-emergence of Catholic alternatives to social change in the 1940s, the labor union movement divided itself into two ideological camps of roughly equal strength; but unlike past associations between Catholic and Marxist organizations, ideological and organizational leaders of both tendencies minimized the importance of their historical antagonisms and deeply rooted conceptual differences and emphasized their common tactical objectives: the defense of the socioeconomic interests of the working classes. Some of the results of the subsequent alliance included the erection of organizational structures intended to coordinate an intense process of union organization. The effect of this was a dramatic increase in the number of workers belonging to one of the two major confederations.

The years between 1940 and 1948, in this third period, were most critical in the development of Costa Rican labor unionism, not only in terms of the organizational gains that were made, but also, and perhaps even more importantly, in terms of the political repercussions that were precipitated by a Catholic-Communist alliance. The promulgation of legislation guaranteeing labor rights and the

subsequent creation of a Labor Code, were monumental accomplishments that gave tremendous impetus both to the process of union organization and to the coalition of opposition forces. Progressive legislation coming about as a result of Catholic-Communist cooperation became a drive train of union development that aggravated conservative antagonisms. Similarly, the strong and increasing influence of communist party functionaries in Costa Rican government became a serious source of concern for conservative capitalist groups, and an incipient group of social democratic reformers, both of which doubted the commitment of Calderón Guardia and Manuel Mora to democratic principles of government.

Where the question of labor liberties is concerned, the promulgation of the Costa Rican Labor Code did not represent a dramatic redefinition of the conflict resolution procedures that had been established over two decades earlier. While it did threaten the patrimonial relationships that had existed between patrons and their employees, it did not discourage the patrimonialism of the state. Nevertheless, in relation to previous legislation that had been concerned either directly or indirectly with working-class collective action, the code represented a tremendous labor victory that culminated a forty year struggle during which labor organizations had no rights whatsoever. This accomplishment, which might be viewed as a revolutionary change, at least in terms of the society and politics of the 1940s, played not a small part in the creation of an opposition coalition committed to the removal of Calderón Guardia et al., from positions of power.

The reactionary aspects of the rebellion that accomplished this objective became apparent in the fourth period of Costa Rican labor unionism. The execution, imprisonment, and exile of communist leaders, the proscription of the PVP and the involuntary dissolution of the CTCR are all illustrative of the degree to which a fear of communist influence motivated opposition forces in 1948. And while perhaps the progressive social democratic elements of the opposition had committed themselves to the protection of working-class interests, the subsequent association between the PLN and Rerum Novarum was characterized by a preeminent concern for party interests. What amounted to a patron-client relationship served to divorce important labor leaders from their base organizations and coopt them into the party machinery. The rapid decline of Catholic unionism along with the destruction of communist unionism in the late 1940s and 1950s attests to the fact that the political coalition responsible for the 1948 rebellion, although not anti-labor in its entirety, maintained a complacency toward labor organizations that caused a precipitous decline in the number of unionized workers.

While the labor legislation of the preceding decade had been left intact, the patrimonial ties between the state and labor organizations were frequently used against labor. Labor unionism and communism formed an equation that called for the use of a variety of control mechanisms ranging from the pressures of the Ministry of Labor during conciliation proceedings, to the distorted judicial interpretation of the labor laws, to the application of physical violence.

Several labor campaigns during this period brought important economic gains; but like the strike movements of the 1920s, settlements between labor, management, and government, frequently left labor at a disadvantage in terms of the devices that employers would be able to employ in order to discourage union activity. While the use of carrot and stick tactics to reward and punish organized labor was still a fundamental part of Costa Rican labor relations, anti-labor patronal campaigns, that were carried out with impunity despite protective Labor Code clauses, played an important part in the deunionization of the Costa Rican labor force in the 1950s.

The contemporary period of Costa Rican labor unionism, which might be seen to date back to the late 1960s, is characterized by many of the attributes that marked the preceding period. The Ministry of Labor has used its powers to initiate special investigations of labor organizations thought to be subversive in tactics and ideological orientation; ministry participants in conciliation proceedings pressure labor leaders to accept patronal offers, while during collective conflicts, the same representatives frequently exploit ideological divisions among organizations; state subsidization of the democratic labor union movement that proceeds via the Ministry of Labor creates commitments that confine independence of action; distorted judicial interpretations severely limit labor union activities; and anti-labor patronal actions continue to impede the normal development of the labor union movement.

The distinctions between the 1950s and the contemporary period can be found in the dramatic increase in the number of unionized

workers and in the proliferation of confederations. Owing primarily to population increases, the expansion of the Costa Rican state, the injection of large amounts of American capital, and the expansion of agricultural and industrial production, the number of unionized workers, especially in the public sector, has multiplied several times. These increases have enabled labor organizations, much more than in the 1950s, to make use of Labor Code provisions obliging employers to negotiate collective conventions. Accordingly, the number of collective agreements put into operation since the late 1960s has increased in proportion to increases in the number of unionized workers. Along with this important development, however, the strength of the Costa Rican labor union movement is still limited by a relatively low level of unionization, and a labor movement that is characterized by fragmentation and irreconcilable ideological division. Whereas most of the unionized work force in the pre-rebellion period belonged to one of two confederations, whose relationship was most characterized by cooperation, the contemporary labor union movement supports four large confederations, several important independent federations, and numerous smaller independent unions. Fifty percent of the unionized work force in Costa Rica fits into the latter two categories. Furthermore, the relationship among the four confederations is distinguished by suspicion and hostility. The creation of the Marxist oriented CUT and its democratic counterpart the FTD reflects a continuation of the traditional antagonism of Costa Rica's communistic and democratic strains of developmental theory, an antagonism that was overcome only once in Costa Rican history.

Despite dramatic increases in the number of unionized workers, and corresponding increases in the number of collective agreements, the Costa Rican labor relations system is characterized by control and government interference. Conciliation periods, involving the participation of the Ministry of Labor are a required part of the conflict resolution process. In the event that tripartite negotiations fail to produce a settlement, matters must be brought before the labor courts where judgements are rendered concerning the legality of strike movements. Inasmuch as the Labor Code precludes most categories of workers from utilizing the strike, the vast majority of judicial judgements are negative. If either of the two parties in the conflict refuses binding arbitration, the collective conflict terminates, and the labor union must begin the difficult and time-consuming process of collective convention proceeding all over again. Knowing that their collective conflict will be rejected by the courts, most unions prefer to initiate strikes without exhausting the conciliation process. This, however, places the union in an extremely vulnerable position inasmuch as the combined weight of patronal and public authority is brought to bear against the labor organization in question. Physical violence, prison, and arbitrary firing become personal risks while the loss of juridical personality and involuntary dissolution may become collective risks.

This sequence of action points to the conclusion that the conflict resolution process is characterized by the application of ascending controls. In the first place, collective conventions require the

support of thirty percent of all the workers in a factory or area of production. Even during direct negotiations between labor and management, representatives from the Ministry of Labor are usually present. More importantly, patrons are at liberty to launch anti-labor attacks against obstinate labor leaders or organizations. Patronal pressures are combined with pressure from the Ministry of Labor in the subsequent conciliation process. Finally, and apart from Labor Code prohibitions, petitions for strike authorization require the support of at least sixty percent of the workers in a factory or area of production. Patronal, bureaucratic, judicial, and eventually police pressures are all used, at different times, or all together, to discourage collective action.

The Costa Rican Labor Code, while having been thought to be a mechanism that would accomplish the liberation of the working classes, has had an opposite effect. But if the code has served more to confine and regulate rather than encourage labor activity and union organization, its effects have not been offset by other political and bureaucratic structures which ostensibly have a representative function. In this connection the relationship between labor and the Ministry of Labor has been a hindrance to union activity and union formation. A wide variety of functions including the inspection of labor organization budgets, operating procedures, and tactical and ideological orientations, underscore the ministry's responsibility to police the labor union movement rather than to guarantee the constitutional right of freedom of association. With regard to the tripartite

councils attached to the Ministry of Labor the distribution of sectoral power places an inordinate amount of decision-making power in the hands of government representatives, many of whom are required to be functionaries of the Ministry of Labor. Consequently, the input of labor organizations in matters concerning salaries and working conditions is negligible.

A similar type of situation has obtained in those autonomous institutions where space has been provided for labor representatives. In the four institutions considered in this analysis which, it might be noted, constitute only a small fraction of the total number of autonomous public agencies functioning in Costa Rica, worker influence in decision-making bodies was never strong. Even so, the representation that labor organizations have had, has either been reduced or removed altogether, owing to a centralization process that has given even greater discretion to the executive authority. But besides reductions in the number of labor people in directive organs, and certainly as importantly, authentic worker representation in the autonomous institutions has been made impossible by methods of delegate selection and delegate replacement processes, both of which increase the discretionary powers of the executive authority. Inasmuch as delegates and delegate replacements in all the autonomous institutions, as well as the tripartite councils attached to the Ministry of Labor, are selected from large pools of applicants, appointments have become a form of political payment and a means by which labor leaders can be bought from their base organizations. Many labor leaders have

complained that the best way to insure complacency is to offer a labor leader a high paying, high prestige job in some public institution.

Along with these considerations, it would be worthwhile to re-emphasize the role of the Ministry of Labor in every activity that has involved labor. Apart from the fact that the ministry has been placed in a key position in terms of labor relations, authorization of union formation, regulation of union operating procedures, and the removal of juridical personality, it also participates heavily in the decision-making bodies of most tripartite agencies and councils where labor has been given representation. The extent of the Ministry's influence is most clearly revealed in the structure and operation of the Consejo de Seguridad e Higiene where delegate selection and replacement, as well as the authorization and enforcement of Consejo decisions, are all under the ministry's discretion. Similar powers are given to the ministry in the Consejo Nacional de Salarios, while representative space is reserved for ministry officials in most autonomous institutions where labor delegates are present. When it is considered that matters concerning occupational safety and base salaries are settled through organs attached to the Ministry of Labor, this participation can be seen to have encouraged the removal of a variety of questions from the domain of labor-management negotiations. Along with these questions, it ought to be noted that sickness and invalidity benefits, accident insurance, pensions, and worker training programs are all matters that are decided in the autonomous institutions.

There can be little doubt that the role of labor in deciding matters that effect its immediate and long term future depends greatly on the ability of labor organizations to influence the policies of the political parties. Regulations on union formation and operation as well as collective convention and collective conflict procedures and prohibitions are specified by the Labor Code. Changes require legislative action. Changes in the structure and operation of the tripartite ministry organs also require legislative approval. At the same time, ministry functionaries, the directors of the autonomous institutions, and the composition of autonomous institution directive bodies all depend upon the executive authority. Who these people are, what they do, and how they are chosen are all questions of key importance to labor organizations. They are also matters that are affected by the activities of political parties.

The only two Costa Rican parties that have ventured to integrate labor, either structurally or informally, have produced very little in terms of concrete reforms. On the one hand, the PVP supports an organizational structure that is intended more to direct activities in the CUT than to provide an effective means of interest articulation; but be that as it may, the party has consistently supported Labor Code reforms and authentic labor representation in the autonomous institutions, although its influence in the Legislative Assembly has not been sufficient to accomplish either of these objectives. On the other hand, the powerful social democratic PLN has until recently rejected sectoral representation, preferring instead to

maintain informal labor-party contacts, which have served to suppress labor interests by subordinating them to the electoral interests of the party.

This situation has been complicated by the existence of a powerful conservative faction and an increasingly conservative orientation that precipitated serious internal confrontations in the 1960s. But apart from the fact that PLN deputies have not been firmly committed to the legislative interests of labor organizations, appointments to party and government posts have had the effect of draining labor organizations of their top leaders, divorcing them from their base organizations; and subordinating them to the broader interests of the party.

These informal relationships have been complemented recently by a reorganization of the party structure that is ostensibly intended to provide client labor organizations with a greater voice in policy determinations and candidate selections. The new party structure, however, is similar to that of the PVP. Party cells established in each factory have the responsibility of imparting an appreciation for party principals and goals and, in practical terms, of coordinating labor activity with party activity. There is some question however, about whether the party determines what labor's initiatives will be, and if that is the case, whether labor representatives in the party's initiatives will be. There can be little doubt that the new party structure has opened up many important and previously closed decision-making structures to labor organization representative. At the same time, however, effective labor representation in the PLN is absolutely

essential, especially now in light of the party's penetration of the organizational infrastructure of its client organizations. In this connection there are several deficiencies with the new organization that have accounted for a guarded optimism among participating labor leaders.

What ought to be emphasized is that a labor-party relationship in the PLN that suppresses rather than encourages the articulation of labor interests would be much more damaging to immediate labor interests than the same type of situation in the PVP. That is to say, the PVP, despite its organizational deficiencies, has always defended labor's interests in the Legislative Assembly. On the other hand, the conservative interests that played such a key role in sabotaging the initiatives of progressive PLN functionaries cannot be supposed to have disappeared. While the PVP has basically one constituency, the PLN has several, and it would not be too far-fetched to expect the new party to be primarily concerned with maintaining the coalition of forces that has made it a majority party. This will undoubtedly involve compromises, the extent of which will determine whether or not formal structural mechanisms of integration will be added to informal personal relationships in suffocating the interests and demands of labor organizations associated with the PLN.

It is too early to tell how effectively labor organizations will be able to participate in the determination of party policy or in the selection of party candidates. At the time of this writing PLN militants were only beginning to take their places in unions

belonging to the party network. But it can be stated that until now, labor-party relations in Costa Rica have produced little in terms of concrete legislative results. Consequently, labor organizations, whether they have been associated with the PLN or the PVP, have been forced to weather the effects of a regulative Labor Code, required and burdensome bureaucratic contacts, and token representation in the autonomous institutions.

The existence of these problems however, should not suggest that workers, labor leaders, and unions in Costa Rica suffer from the same harsh circumstances that prevail in other Central or South American nations. Despite similarities in the way labor has been integrated juridically and politically, one cannot overstate the material differences between the conditions of the working classes in Costa Rica and their counterparts in the rest of Latin America. To repeat a distinction made in the introduction of this research, Costa Rican laborers enjoy much higher salaries, better working and living conditions, and better health care benefits than workers in most Latin American countries. While labor leaders and unions suffer from patronal and even government persecution, there have been no incidents of assassination since the rebellion of 1948. Labor leaders and strike organizers, who might be interned for illegal activities, always survive. This important difference, which is acknowledged and applauded by workers and labor lawyers despite their frequent complaints, continues to make Costa Rican labor relations unique among Latin American nations.

Even so, it would be possible to say that labor relations in Costa Rica are characterized by the coexistence of two different organizational concepts that have been combined in a way that has been disadvantageous to the labor union movement. On the one hand, the way that labor has been integrated juridically cannot but be considered to be patrimonial in nature. It is virtually impossible for labor to function without state authorization. While this relationship has at times served labor interests more than business interests, at least in the short run, undue obstinacy usually incurs stiff penalties. What is considered to be obstinate depends of course on the disposition of the executive authority. At the same time, broad state responsibility for labor-related matters encourages workers to look to the government for the protection of their socioeconomic interests, rather than to labor organizations.

On the other hand, the relationship of labor to bureaucratic and political institutions cannot be considered to be corporatistic, if one means by corporatistic a system:

in which all sectors of the economy, labor and capital, would be organized and 'harmonized' into exclusive, monopolistic associations responsible for the management of matters within their respective sectors, in which the various corporate groups were integrated into a hierarchy of 'syndicates' and representational bodies culminating at the top in a series of 'corporations' for each of the nations major social, political, and economic sectors.¹

Such a situation obtains, to a greater or lesser degree, in several Latin American countries where the functions of various institutions such as political parties or government ministries make the existence of parallel associations a practical impossibility.

The ideological basis of these corporate forms of organization conforms to a Catholic, organicist, and patrimonial conception of social life in which the activities of the constituent units of society are regulated in order to serve the common good. The Labor Code that ties Costa Rican labor organizations to the state, as well as the peculiarities of Costa Rican conflict resolution procedures, is unquestionably based upon these conceptions; but on the other hand, the structure of the Costa Rican labor movement is unmistakably plural. In fact the abundance of ideological orientations, and tactical dispositions, as well as a tendency toward organizational fragmentation, have been serious weaknesses that most confederations have recognized and attempted to overcome.

There is little doubt that the Ministry of Labor has tended to favor certain labor organizations, especially during PLN governments, but such favoritism has not had the same effect on the Costa Rican labor movement that PRI favoritism has had on the Mexican labor movement. There is also little doubt that the Ministry's power of union authorization has been used to impede the development of movements thought to be politically subversive, but neither has this prohibited the emergence of parallel unionism. Attempts to mold the Costa Rican labor movement have hardly reached a point at which purges have become a regular occurrence.

At the same time, the relationship between labor and the parties has been characterized by a conspicuous absence of formalized structural ties. The reasoning behind this has been that political parties

should represent individuals rather than social or occupational categories, a decidedly liberal conception of political organization.

What has thus emerged in Costa Rica, is the coexistence of a patrimonial labor relations system, that has served to limit independent action, and a liberal political party structure that has ignored labor's demands to permit a greater degree of liberalism in labor relations.

Without question, this blend of conceptions has been much more to the advantage of labor than the coexistence of patrimonial labor relations systems and corporatistic organizational structures that can be found in more authoritarian countries. But at the same time, it should be carefully noted that Costa Rican legal and bureaucratic structures possess characteristics that could easily facilitate the development of a much more authoritarian labor relations system. Current union formation and conflict resolution procedures frequently do not make full use of repressive legal and bureaucratic mechanisms. Despite the number of illegal and economically damaging strikes that have been carried out; despite the clear and close association between the CUT and the PVP, and now the democratic unions and the PLN; and despite the widespread claim that many strike movements are politically motivated, labor organizations have been involuntarily dissolved only a handful of times in Costa Rican history. But this is not to say that the labor courts and the Ministry of Labor, perhaps during more economically difficult or politically sensitive times, might not impose a more effective repression of labor activities.

In this connection it ought to be pointed out, if one may speak in such general terms, that the Costa Rican people have supported a strong tradition of individualism that is reflected in their unswerving faith in the parliamentary system of government. Communism, in the view of a great many Costa Ricans, represents a serious threat to this system; and inasmuch as the labor movement was originally inspired by Marxist thinking, unionism and communism have come to be synonymous. One of the dangers of this analogy arises from the effects that increasingly strong Central American revolutionary movements have had on the thinking of Costa Rican leaders. There is a growing concern that Costa Rica will eventually be surrounded by totalitarian Marxist governments that will not hesitate to subsidize radical elements that have made no bones about their desire to construct a Cuban or Nicaraguan style political and economic system. Should such a situation obtain, one would have to wonder how much it would tax the equally strong Costa Rican tradition of political tolerance. As one Costa Rican leader ominously commented: "it could be that we may have to take the stick once again to the communists." Owing to the shortsightedness of public authorities and capitalist sectors in many Central American countries, such questions may not have to be postponed too long.

Notes to Chapter VII

¹This quote appears in Howard J. Wiarda, The Corporative Origins of the Iberian and Latin American Labor Relations System, Labor Relations and Research Center, University of Massachusetts, Amherst, Massachusetts, 1976, Footnote No. 3.

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