

**INTERNATIONAL UNION NETWORKS:
CONCEPTUAL FRAMEWORK, OBSTACLES AND POSSIBILITIES**

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I. INTRODUCTION: UNION INTERNATIONALISM FROM THE OLD TO THE NEW WORLD OF WORK

The international character of workers' class struggle is a trademark of labor protection ever since its first steps. The industrial model started in England in the late eighteenth century, along with steam engines, serial production and paid workforce regimentation in urban areas, rapidly spread towards the entire European continent. The vocation for market expansion was also taken from the mercantilism experimented in long past historical periods, thereby creating an international competition regime.

At the same time, the so-called collective working consciousness emerged from the deepening of liberal practices and the consequent deterioration of labor exploitation conditions, along with the coordination of social claims. Thus, the sociopolitical bases of trade unionism were launched and since very early its actions were projected beyond national realities.

The normative generalization of the workers' social conditions derived precisely from this international feature, which attached itself to the emergence and

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consolidation of collective action. A principle of social democracy was drawn and consolidated by transactional action of workers, particularly in the European context, in the countries where the industrialization process was in full speed. The perception of class identity and the emergence of a “social question” regarding various States was then placed as the driving force for the nascent Labor Law.

In this framework, the nineteenth and twentieth centuries were the scene to the internationalization of labor protection, ranging from punctual and incipient manifestations, Christian social activism, international labor conferences, socialist international congresses, as well as the creation of bodies devoted to labor issues, to the training and reinforcing of the set of national and international diplomas to workers protection⁶.

As far as the collective representation in this course is concerned, unionism has been historically established as the “protagonist of labor internationalism”⁷. Its influence, which was beyond national borders through working-regimentation in certain segments of production (especially in the unions representing sectors of the heart of the industry), the formation of a global working consciousness and the onset of actual international unions show that it is undeniable that this form of representation plays a central role in the worker’s demands.

Furthermore, the notion of global class solidarity is the basis of ideologies underlying the workers’ action in Europe in the nineteenth and twentieth centuries. The Marxist proletarian union worldwide urge is a precise proof of that. Thus, the consolidation of major advances of Labor Law found an indispensable mainstay in the international worker association movement.

In the context of international trade unionism itself, Amauri Mascaro Nascimento reports the emergence of various international organizations, such as Marxist and Leninist associations of the nineteenth century, the World Federation of Trade Unions (WFTU, founded in 1945), the International Confederation of Free Trade

⁶ Para uma análise detalhada da marcha de internacionalização da proteção ao trabalho no mundo, cf. REIS, Daniela Muradas. *O princípio da vedação do retrocesso no Direito do Trabalho*. São Paulo: LTr, 2012, p. 25-99.

⁷ SANTOS, Boaventura de Sousa, COSTA, Hermes Augusto. Introdução: para ampliar o cânone do internacionalismo operário. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004, p. 18.

Unions (ICFTU, founded in 1949) and the International Confederation of Christian Trade Unions (CISC, reactivated in 1946)⁸.

Europe was, without a doubt, the stage to these early developments of a genuine transnational collective action. In 1959, Messiah Pereira Donato, reported the European hegemony in the mid-twentieth century as well the existing ideological hues at the time, highlighting the prevalence of trade unions from European countries, reformers or socialists⁹.

The development of these trade union organizations with an international character represent the interests of workers beyond State limits. In broad terms, it has obeyed the structure of the national unions (which, incidentally, were also in a strengthening process). The representativeness came precisely from the fact that the production world is, in a way, planned within the industrial capitalism standards.

However, the second half of the twentieth century and its transition to the twenty-first century brought absolutely innovative elements to the production practices. Such elements generate a “new world of work”, without any exaggeration in the expression. Multinational companies have definitely put themselves up at the epicenter of this world. As the binomial “mass production” x “mass consumption” was altered, the internationalization of production reached unique levels, and the advances in labor matters accumulated up to that point began to suffer from severe assaults, always in the sense of fragmentation and deconstruction of the collective identity, which has a direct impact on any international initiative from workers.

Thus, the relationship between unionism and multinational companies imposes a series of reflections before the great difficulties to come up with a solid counterpoint of asymmetrical power relations at the international level, in the face of a “global production” and “workplace”. So, in order to understand the contemporary framework of international unionism it is necessary to critically address some global sociological obstacles of a virulent productive restructuring, in addition to institutional obstacles in internal realities (what will be done here considering the Brazilian union system). Only in this way will it be possible to draw some possible horizons for the relationship

⁸ NASCIMENTO, Amauri Mascaro. *Origens históricas e natureza jurídica dos sindicatos*. In FRANCO FILHO, Georgeton de Sousa. *Curso de Direito Coletivo do Trabalho: estudos em homenagem ao Ministro Orlando Teixeira da Costa*. São Paulo: LTr, 1998, p. 40.

⁹ DONATO, Messias Pereira. *O movimento sindical operário no regime capitalista*. Belo Horizonte: Edições da Revista Brasileira de Estudos Políticos, 1959, p. 96.

between union and transnational economic actors in new (or revisited) models, whose legal construction is still an ongoing process.

II. INSTITUTIONAL OBSTACLES IN BRAZIL: THE UNION MODEL

II.1. THE “VARGAS” ERA AND THE PROHIBITION OF INTERNATIONAL UNIONISM

Getulio Vargas has conceived a project of “social peace” within the ambit of a strong state through “the scape of dangerous experiences” and “turning the proletariat into an organic force capable of cooperating with the State”¹⁰. In his ideas, this “social peace” project was concluded as the conflict between capital and work was dissolved within the state through a peaceful coexistence between the two poles. He assumed this was a condition for development.

Generally speaking, as the first Vargas’ government unfolded, it treated the interests of unions as public, moving the private character away from what the State could take charge of. There would be no difference between the State reason and unions reason, in such a way that union interests were to represent the “public essentiality”, or the “general interest in the development”¹¹. A union would thus be considered a “publicized entity”¹² in which the union interest should be merged and identified with state interests.

Notwithstanding the fact that the 1937 Constitutional Charter textually stated that the “trade unionism organization is free”, the resulting legal norm did not ensure union freedom. As a matter of fact, it declared its failure, in line with the implanted regulatory system¹³. That is to say, the Vargas dictatorship shaped a series of corporate-oriented institutions, which limited the trade union role to national territory. Such

¹⁰ CARDOSO, Adalberto Moreira. O sindicalismo no Brasil: breve excuroso sobre mudanças e permanências. In: CARDOSO, Adalberto Moreira; SANTANA, Marco Aurélio; CAMARGO, José Márcio *et all.* *Sindicalismo e relações trabalhistas*. Rio de Janeiro: Fundação Konrad Adenauer, n.2, julho de 2002. p. 14.

¹¹ CARDOSO, Adalberto Moreira. O sindicalismo no Brasil: breve excuroso sobre mudanças e permanências. In: CARDOSO, Adalberto Moreira; SANTANA, Marco Aurélio; CAMARGO, José Márcio *et all.* *Sindicalismo e relações trabalhistas*. Rio de Janeiro: Fundação Konrad Adenauer, n.2, julho de 2002. p. 15.

¹² SILVA, Sayonara Grillo Coutinho Leonardo da. *Relações coletivas de trabalho*. São Paulo: LTr, 2008, p. 157.

¹³ SILVA, Sayonara Grillo Coutinho Leonardo da. *Relações coletivas de trabalho*. São Paulo: LTr, 2008, p. 157.

institutions remained in the subsequent history of the Brazilian trade union movement and many of them finally reached the 1988 Constitution, currently in force.

The legal structure of Brazilian trade unionism, as drafted by Vargas¹⁴, had no room for the establishment of autonomous associations for representation purposes of economic or professional categories. “All kinds of associations were regulated and guaranteed by the state”¹⁵, restricted to the classic limits of its own benchmarks, including people and territory.

Hence, article 12 of decree 19.770 stated that the employee or the employer who belonged to the union could not, under penalty of exclusion, “take part in international unions, as well as class organizations may only federate with congeners associations, outside the national territory, after consulting the Minister of Labour, Industry and Commerce”. Article 1f also stated the obligation to unions to abstain from any social, political or religious advertisement and also that the associations should restrict their tariffs to professional interests.

Article 517 of the Brazilian Labor Code of 1943 stipulated that there could only exist district, municipal, intercity, state and interstate unions. In addition, the authorization of National Unions would only be possible in exceptional situations. As it turns out, such rule prohibits trade union association to transcend national State boundaries since it indirectly establishes a “maximum territorial base” for unions.

II.2. THE 1988 CONSTITUTION: UNION AUTONOMY AND INTERNATIONAL TRADE UNIONISM.

The 1988 Brazilian Constitution is an important milestone for the Brazilian unionism, within a new and paradoxical normative framework. By taking in trade union autonomy primacy along with the consecration of some freedom dimensions in the form recommended by the International Labour Organization, the 1988 Constitution forbade State and employer interference in union creation and adopted the “voluntary criterion

¹⁴ Esse influxo recebe de alguns a denominação de “sindicalismo de Estado”. Destaque-se os amplos poderes conferidos ao Ministério do Trabalho e Emprego para intervir na vida sindical.

¹⁵ CARDOSO, Adalberto Moreira. O sindicalismo no Brasil: breve excuro sobre mudanças e permanências. In: CARDOSO, Adalberto Moreira; SANTANA, Marco Aurélio; CAMARGO, José Márcio *et all.* *Sindicalismo e relações trabalhistas*. Rio de Janeiro: Fundação Konrad Adenauer, n.2, julho de 2002, p. 20.

for the definition of union territorial basis, subject to the limits of unity and municipality as the minimal territorial base¹⁶.

As far as the democratic tendencies presented in the 1988 Federal Constitution are concerned, the list presented in art. 517 of the CLT (Brazilian Labor Code) cannot be considered as an explanation for the possible territorial landmarks of the trade unions recognized by the Brazilian legal system. It is now possible to recognize the associations that are not limited to the national territory quadrants, pursuant to art. 8, heading and paragraph II, and the principles of freedom of association) and trade union autonomy.

So if the legal framework established by the retrograde text of CLT prohibited international trade union organizations and the 1988 Constitution made reference only a to a “minimal territorial base” for unions, it can be said that the international union organizations should be recognized and acknowledged by the current legal structure of the Brazilian unionism.

However, the new Brazilian normative framework which regulates collective labor relations is paradoxical. It is based on “a certain syncretism of rules, with the removal of some of the most striking features of the old model of authoritarianism. However, it preserves other features of its old matrix”¹⁷. It is to say that the transition to democratization of Brazilian union system was initiated without being fully completed¹⁸.

Thus, the 1988 Brazilian Constitution only established the freedom of association principle in certain dimensions (freedom to organize and to self-regulate unions) with a serious restriction on the principle by establishing the system of “unicidade sindical” (union unity), minimal territorial base and setting the union aggregation criterion. These elements legitimized to some extent state interference in the creation and freedom of union action.

The restriction of single union creation (union unity) has been reiterated in the annual reports of the International Labor Organization as a violation of the Federative

¹⁶ Art. 8º: É livre a associação profissional ou sindical, observado o seguinte: (...) II. é vedada a criação de mais de uma organização sindical, em qualquer grau, representativa de categoria profissional ou econômica, na mesma base territorial, que será *definida pelos trabalhadores ou empregadores interessados*, não podendo ser inferior à área de um Município.

¹⁷ DELGADO, Mauricio Godinho. *Curso de Direito do Trabalho*. 6. ed. São Paulo: Ltr, 2010, p. 1239.

¹⁸ DELGADO, Mauricio Godinho. *Curso de Direito do Trabalho*. 6. ed. São Paulo: Ltr, 2010, p. 1239.

Republic of Brazil commitments with the International Organization¹⁹. This happened because the union unity system prohibits the creation of more than one representative union in the same category in the same territory basis, in clear limitation to freedom of union association advocated in the ILO's 87 Convention.

The municipal minimal territorial base guideline coupled with the consolidation of union unicity prevents union territorial standards from being smaller than a municipality or even company, bringing possible obstacles to the strategies of industrial action and limitation to freedom of association and expression principles.

Furthermore, there is also the aggregation criterion of union workers according to their professional category (article 8, II, CF/88). Such enforcement also allows other experiences to be articulated and validated by the national legal system.

Due to the fact that Brazil did not adopt the freedom of association principle in accordance with the precepts of ILO (Conv. 87), various possibilities of union organization among us are prohibited. As it shall be seen below, it turns out to be a disincentive for the effectiveness of trade union international experiences in the contemporary Brazilian socio-juridical reality.

On the one hand, international normative guidelines recommend the adoption of a union system that highlights full freedom in order to allow even the creation of effective possibilities of trade union experiences homogenization between countries through the freedom of the working class. On the other hand, Brazilian legal structuring system of the union ultimately creates heterogeneities forced between the local system and other foreign experiences²⁰.

¹⁹ Para as incompatibilidades entre a estruturação do sindicalismo brasileiro e a estruturação projetada pela Organização Internacional do Trabalho, ver: POLIDO, Fabrício Bertini Pasquot; BASSO, Maristela. A Convenção nº 87 da OIT sobre Liberdade Sindical de 1948: recomendações para a adequação do direito interno brasileiro aos princípios e regras internacionais do trabalho. *Revista do Tribunal Superior do Trabalho*, v. 78, 2012, p. 124-219.

²⁰ Em que pese os vários problemas de fragmentação sindical que podem ser acarretados pelo modelo de *sindicalismo por empresa* – especialmente no que tange a empresas de pequeno porte –, este modelo pode ser consentâneo com algumas situações de enfrentamento do mundo do trabalho por parte da estrutura sindical permeada por contexto de transnacionalização das empresas. No âmbito das empresas multinacionais, referido modelo permitiria o afloramento de experiências trabalhistas coletivas mais expressivas em face dos respectivos contextos empresariais articulados internacionalmente. A norma constitucional, contudo, acabou por inviabilizar experiências processadas nesse modelo de agregação. Para contextos de empresas multinacionais, e também de empresas com unidades espalhadas por várias regiões do território nacional, o chamado modelo de *sindicalismo por empresa* afigura-se capaz de congrega empregados que, embora distantes no espaço, encontram-se interligados pelo mesmo tomador do seu trabalho. O *sindicalismo por empresa* impede que contextos empresariais cada vez mais amplos geograficamente possam se deparar com fragmentados contextos sindicais da parte que trabalha. Referido modelo permite, com isso, a homogeneização do enfrentamento da questão sindical consoante o contexto empresarial, corroborando, assim, com o empoderamento e maior alcance do poder de barganha dos

One of the main challenges for the construction and maturation of a legal structure which commits to, promotes and recognizes the trade union international relations, including what concerns union experiences per multinational company, is the need to overcome the current Brazilian regulatory trend that states that unions are more inclined to work at the local level

Besides the constitutional matter, some elements remain in the legal domain. If such elements do not fully impede union experiences to take place, they do mitigate its potential by imposing external limitations. In such aspect, the infrastructure of Brazilian trade unionism is clearly silent when it comes to predictions about associations and international organizations on labor matters. The union system is commonly addressed as *Brazilian labor pyramid*, based on the arts. 517, 534 and 535 of the CLT (Brazilian Labor Code), with emphasis on the union, federation and confederation, in addition to the latest figure of the *centrais sindicais* (Law n. 11.648/2008). It is possible, under the terms of the law²¹, to notice that the base of the system, also known as trade unions, can be municipal, inter-municipal, state, interstate or national, according to the article 517 of the Labor Code.

Up to the present moment, the current infra-constitutional deal of the Brazilian unionism structuring did not care to include topics about organizations and experiences that frame the international trade union associations within the Brazilian union structure. The latter is limited to national and territorial parameters, and might turn the action and the formal recognition of their representativeness into a questionable matter as legally valid in the national domestic level. When it comes to recognizing the international trade unions as bodies that represent workers in the Brazilian unionism structure, the lack of infra-constitutional treatment may be what most directly brings controversies and disputes to the Brazilian law regarding the fact that associative dynamics can participate in the labor collective bargaining, from a formal point of view.

It should also be noted that, according to the Brazilian infra-constitutional legislation, conventions and collective agreements are formal and solemn instruments, which are necessarily written and must meet a minimum bundle of legal observances to be considered valid. The requirements listed on the Articles 612-614 of the CLT (Brazilian Labor Code), for example, and can import the incompatibility between

empregados da mesma empresa, que passam, entre si, a se organizar de modo uniforme e totalizante em face da empresa, inclusive para além do território nacional.

²¹ Na atual dinâmica constitucional (art. 8º, II), os sindicatos não mais podem se organizar em padrões distritais, em face de a base territorial mínima ser o município.

instruments traded internationally. Such requirements were thought for a type of unionism strictly bound by the limits of Brazil. Therefore, one can hear about Convention deposit or Collective Agreement by trade unions or companies “para fins de registro e arquivo, no Departamento Nacional do Trabalho, em se tratando de instrumento de caráter nacional ou interestadual, ou nos órgãos regionais do Ministério do Trabalho e Previdência Social nos demais casos” (art. 614, *caput*, CLT). (with the objective of record keeping and archiving, the National Labor Office, in the case of national or interstate instrument, or the regional agencies of the Ministry of Labor and Social Security in other cases" (art. 614, *caput*, CLT). Although there is jurisprudential understanding settled in the sense that the breach of formality provided in the art. 614, *caput* of the Labor Code, namely the registration / deposit of the collective rule in the face of the competent body of the Ministry of Labor, does not invalidate the content of collective bargaining. Even so, when the rule on the collective setting that transcends the national territorial references is disregarded, it turns out to establish legislative omission on how to face formal procedures of labor collective instruments traded at international level²².

Similarly, the right to strike, which can be found in 9th article of Brazil's 1988 Constitution, may be exercised when needed and to meet the interests defined by the parties²³. It is subject, under the infra-constitutional regulation, to prior decision by union assembly and collective bargaining attempt (articles. 1, 3, 4 and 14, *caput*, of Law No. 7,783 / 89). Such conditions, within the institutional limits, rely on an a structure which is still local and not adequate to the global challenges of late capitalism.

In addition to this scenario, the infra-constitutional legal structure of the Brazilian unionism proposes incentives for the Brazilian model to be more strongly limited to the local level and less global, as opposed to the acting unionism on a broader basis.

The reception of the CLT(Brazilian work legislation) 522 article was faced several times by the Supremo Tribunal Federal²⁴(Brazilian Federal Supreme Court) and

²² Conforme seguintes precedentes do Tribunal Superior do Trabalho: E-RR-1086/2001-014-09-00.0; E-RR-1.565/2001-651-09-00.6; E-ED-RR-563.420/1999.3; E-ED-RR-11085/2000-006-09-00.9.

²³ Art. 9º: É assegurado o direito de greve, competindo aos trabalhadores decidir sobre a oportunidade de exercê-lo e sobre os interesses que devam por meio dele defender.

²⁴ Processo: RE 193345/SC; Relator Min. Carlos Velloso, Julgamento: 13/04/1999, Órgão Julgador: Segunda Turma, Publicação: DJ 28-05-1999.

Tribunal Superior do Trabalho²⁵ (Brazilian Supreme Labor Court) because it advocates maximum number of union leaders embraced by stability, which eventually gives, in numerical terms, the same limit of unionized employees benefited from the temporary stability to any recognized union. Unions with wide territorial bases, for example, have limits of stable leadership identical to unions with minimal territorial base and lower spectrum of activity and representativeness. Thus, there is often the disintegration of active unions in broader territorial bases into smaller and more fragmented unions and limited to the "local minimum" in order to allow a greater number of employment stability through union leadership.

Unions with wide territorial base, for example, have limits of stable leadership, which are identical to unions with minimal territorial base and lower spectrum of activity and representativeness. Thus, the disintegration of active unions in broader territorial bases into smaller unions, more fragmented and limited to "local minimum" often happens in order to allow a greater number of stable workers through union leadership.

Thus, the Brazilian model renders the "sindicalismo por empresa" (unionism by company) impossible. Such experience could achieve expression in contexts in which workers are employed in transnational companies. The model also indirectly encourages unions increasingly circumscribed or tending to the "mínimo municipal" (municipal minimum), thereby limiting and locating the geographic spectrum of union activity as the capital world becomes increasingly expansive and is broadly outlined through the expansion and internationalization of companies and productive contexts. The legal quadrant that stimulates local unions, aimed at the "minimum municipal territorial base", turns a blind eye to the current stage of globalized capital.

The contradictions between global needs and local realities also are present in the summit and in Brazilian trade union consultation, notably in the figure of trade unions.

Ergo, it is possible to notice, in the foreground, that the legal recognition of unions is aimed at coordinating the representation of workers by trade unions affiliated to it. Hence the model mimics the limits of performance. Although such performance is concerted, it is dependent on local bases.

²⁵ Conforme item II da Súmula nº 369, cujo teor é de que "o art. 522 da CLT, que limita a sete o número de dirigentes sindicais, foi recepcionado pela Constituição Federal de 1988".

In addition, the lack of recognition on matters of some typical trade union prerogatives²⁶, such as the celebration of conventions and collective labor agreements, validated a dissociative logic of union activity that was concerted to privilege collective bargaining based on traditional geographical boundaries of the system.

The current legal structure of the Brazilian unionism is located in a context of unfinished historical transition from a democratic point of view. In spite of claiming that union freedom and autonomy are guiding principles, some inconsistencies that turn out to be dissociated from requirements that are inherent to International union experiences, still remain in it. Thus, the serious mismatch between legality and a union world that comes out as more global has demanded more alternative answers from the society, such as social experiences that are articulated within the ambit of the so-called *sindicalismo em rede* (network unionism).

III. NETWORK UNIONISM AS AN ALTERNATIVE: CONCEPTUAL ELEMENTS, EXPERIENCES AND PROSPECTS

At this point, the diagnosis should be clear: there are many obstacles from different sources to the implementation of the unions on a global scale. Everything seems orchestrated. Contemporary capitalism fragments itself and renders the working class action vulnerable in the local space, while it globalizes the production and encourages international competition in never before experienced levels. The local space is weaker from the point of view of the defense of labor so it changes the tone of collective bargaining, which subverts itself and starts to frequently function as a pathway for the reduction of the standards protection. In parallel, there is not a structured and combative counterpoint in the face of capital in the international level.

Therefore, the need for a broader and more articulated movement when it comes to cross solidarities is established. This is a challenge that “passa pela reinvenção do movimento operário, seja através da reabilitação de velhos objetivos, seja pela proposta de novas estratégias de luta emancipatória”²⁷, (goes through the reinvention of the labor movement, either by rehabilitating old targets, or by the new emancipatory struggle strategies proposal), according to Sousa Santos and Costa. This reinvention is

²⁶ Entende-se que as centrais sindicais não são consideradas entidades integrantes do sistema confederativo. Sendo assim, *a priori*, as centrais não teriam as mesmas prerrogativas inerentes aos entes sindicais brasileiros (sindicato, federação e confederação).

²⁷ SANTOS, Boaventura de Sousa, COSTA, Hermes Augusto. Introdução: para ampliar o cânone do internacionalismo operário. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004, p. 17.

needed because the tension between the local and the global has a new meaning when labor relations become international in unique levels in the capitalism of the early twenty-first century.

When Mance wrote about the emergence of networks and organizations that consolidated the struggle of various social movements in the civil sphere, he determined that these are made by people and organizations from different parts of the world that “colaboram ativamente entre si, propondo transformações do mercado e do Estado, das diversas relações sociais e culturais” (Actively collaborate by proposing changes in the market and State and in the various social and cultural relations) through defending the “necessidade de garantir-se universalmente as condições requeridas para o ético exercício das liberdades públicas e privadas”²⁸ (Need to ensure the conditions required for the ethical performance of public and private freedom in an universal level)

Possible predictions, solutions that mobilize new understanding keys of the social world and of the relationship of traditional actors’ dynamics emerge in this framework. If it happens as Castells²⁹ want and contemporary society becomes a network society, trade unionism will also happen to try the format of the *redes sindicais internacionais* (international trade union networks). That is the way the union network format is. When it is coupled with the reactivation of labor internationalism forms, it moves from the counterpoint to the capital on a global scale³⁰.

²⁸ MANCE, Euclides André. *Redes de colaboração solidária – aspectos econômicos-filosóficos: complexidade e libertação*. 1ª ed. Rio de Janeiro: Vozes, 2002, p. 232.

²⁹ No conceito do autor: “A sociedade em rede, em termos simples, é uma estrutura social baseada em redes operadas por tecnologias de comunicação e informação fundamentadas na microelectrónica e em redes digitais de computadores que geram, processam e distribuem informação a partir de conhecimento acumulado nos nós dessas redes”. CASTELLS, Manuel, *A sociedade em rede: do conhecimento à ação política*. In CASTELLS, Manuel; CARDOSO, Gustavo. *A sociedade em rede: do conhecimento à ação política*. Lisboa: Imprensa Nacional – Casa da Moeda, 2005, p. 20. Há muitas críticas ao conceito de rede em Castells, como a apresentada por PRADO, José Luiz Aidar. *A naturalização da rede em Castells*. In *Anais do XXIII Congresso Brasileiro de Ciências da Comunicação*, 2000, Manaus. Contudo, na compreensão da organicidade de um modelo em construção, o paralelo parece válido. Cf. Note-se, ainda, que o emprego das redes sociais como linha conceitual de análise sociológica é muito mais amplo. Para um histórico detalhado do surgimento e desenvolvimentos no conceito, cf. MERCKLÉ, Pierre. *La sociologie des réseaux sociaux*. Paris: La Découverte, 2011.

³⁰ Manuel Castells tem uma visão um tanto diferente do sindicalismo na sociedade em rede. Para ele, dever-se-ia passar de um modelo de direitos sociais do trabalhador para um modelo de direitos de cidadania, e que uma reinvenção do movimento operário envolveria sim mecanismos globais, mas implicaria na superação do conflito direto de classes, enormemente complexificado na sociedade em rede. Note-se, aqui, que a estrutura reticular proposta serve como plataforma de análise dessa nova experiência, mas a visão global da substância última no agir coletivo no trabalho não assume, aqui, as mesmas direções propostas por Castells. Cf. CASTELLS, Manuel. *Empleo, trabajo y sindicatos en la nueva economía global*. *La Factoria*, n. 1, 1996. Disponível em <http://www.revistalafactoria.eu/articulo.php?id=12>. Acesso em 4 de setembro de 2014.

There is not yet a legal concept of unionism that is detached from network unionism or international trade union networks³¹.

Evidently, many of the theoretical elements and the network experience, ranging from its most structural expression³² to the concrete implementation of specific networks, should mark out a conceptual maturing of union networks. In addition, this will be legal institution forged on experience, as it traditionally occurs in the central elements of the Collective Labor Law.

Anyway, it seems important to start reflecting now about the first lines of the legal repercussions of this figure right now, even if it is in full motion, especially so that one can understand the extent of the possible prerogatives, as well as the business expediencies that were brought about due to pressure and the potentially resulting ties of obligation. .

It is important to highlight that network unionism is guided by “um novo internacionalismo operário centrado na emancipação” (a new labor internationalism centered on emancipation). It represents the union of the old and the new and it mainly arises in the face of cyberspace communication systems³³.

According to Webster and Lambert, these systems have unlimited emancipatory potential and may even transform the traditional trade unionism in a social-movement unionism, so as to “estabelecer centros de poder alternativos”(establish alternative centers of power). However, they place emphasis on the fact that even though the potential is endless, the new information networks can also cause social isolation, undermining their possibilities³⁴.

In addition, the authors affirm that the only way in which the network can be sustained is through an "anchor" between trade unions and civil society organizations

³¹ O formato de redes sindicais não tem necessariamente de assumir dimensões transnacionais ou globais, sendo certo que suas experiências, por vezes, se restringem ao espaço nacional. Neste ensaio, contudo, o modelo será analisado em sua expressão mais complexa, que conecte atores em escala internacional.

³² Nesse sentido, as considerações de Norbert Elias, em sua concepção de sociedade: “para ter uma visão mais detalhada desse tipo de inter-relação, podemos pensar no objeto de que deriva o conceito de rede: a rede de tecido. Nessa rede, muitos fios isolados ligam-se uns aos outros. No entanto, nem a totalidade da rede nem a forma assumida por cada um de seus fios podem ser compreendidas em termos de um único fio, ou mesmo de todos eles, isoladamente considerados; a rede só é compreensível em termos da maneira como eles se ligam, de sua relação recíproca”. ELIAS, Norbert. *A sociedade dos indivíduos*. Trad. Vera Ribeiro. Rio de Janeiro: Jorge Zahar, 1994, p. 35.

³³ WEBSTER, Edward; LAMBERT, Rob. Emancipação social e o novo internacionalismo operário: uma perspectiva do Sul. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004, p. 96.

³⁴ WEBSTER, Edward; LAMBERT, Rob. Emancipação social e o novo internacionalismo operário: uma perspectiva do Sul. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004, p. 96.

that already exist. When they engage in social emancipation, they make way to “reticular socialmente enquadrado”³⁵ (reticular socially framed) work at the same time.

Under the backdrop of a bilateral mimicry³⁶ in the relations between business and labor organizations, international networks have been claimed as information transit spaces, maturation and implementation of local global strategies of action and resistance, expression of solidarity and strength concentration. Thus, some conceptual elements are outlined in order to inform a possible legal format, even if it turns out to be provisory. They are: (i) the extrapolation of local space in connection with the world of work actors; (ii) the procedural guidelines and the construction of joint strategies for action; (iii) sharing information in a reticular way; (iv) the implementation of meetings and permanent communication strategies; (v) progressive demand of obligations to meet the new freedom of association expressions by employers, that are now multinationals; (vi) the implementation of network pressure strategies such as solidarity strikes; (vii) the adoption of mechanisms extended by collective bargaining, which can result in the so-called “acordos marco” (framework agreements), for example; (viii) correlation with strategies and ways of accountability of multinational corporations implementation in cases of infringement; (ix) the cross-cutting agendas³⁷ and actors which encompass issues related to the reality of work and social movements in the broadest sense

The international trade union networks are therefore the traditional congregation of new actors in the world of work, who represent the interest of broad categories of workers. Such interests are occasionally cross-cutting, in national variables models, organized according to the exchange of information and the joint establishment of strategies in order to grasp the collective labor relations in the transnational level, governed by the legal principles of freedom and union autonomy, with institutional prerogatives of mobilization and the signing of framework agreements.

³⁵ WEBSTER, Edward; LAMBERT, Rob. Emancipação social e o novo internacionalismo operário: uma perspectiva do Sul. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004, p. 97.

³⁶ A autora explica “o sindicato tende a incorporar a forma de organização das empresas e vice-versa, em uma relação de mimetismo”. GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 123 *et seq.*

³⁷ Sobre a mudança de rumos no sindicalismo (e nos estudos sociológicos do trabalho), a encampar novos formatos e aberturas, cf. BURAWOY, Michael. The public turn from labor process to labor movement. *Work and Occupations*. Los Angeles, v. 35, n. 4, p. 371-387, 2008.

Since there is not a defined regulatory framework yet, the conceptual elements of networking unionism strongly relate to the regulatory horizon of collective bargaining at the international level -such as “aquela capaz de transpor as fronteiras de um Estado, buscando impor seus efeitos a diferentes sistemas nacionais de relações de trabalho”³⁸(that one which is capable to cross the borders of a State, seeking to impose its effects to different systems of national industrial relations).- essentially given by the goals of the International Labor Organization (ILO), in the Conventions n. 87 and 98.

Namely, the essential rules of freedom of association protection, the right to form unions and to collectively bargain must also apply to the reticular collective action that goes beyond the orbit of a state³⁹.

The ILO has a specific position about international trade unionism (despite not mentioning the network format) in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977, amended in 2000, which encourages the full development of unionization and trading arrangements within multinationals. The tone of the statement is a guarantee of the right to effective collective bargaining, information sharing and the prestige to alternative ways of dispute resolution⁴⁰.

The Declaration affirms the freedom of bodies that represent employees of multinational companies to affiliate with international organizations of workers they deem convenient. It urges the governments to apply the principle set out in the Article 5 of the 87th Convention of the Organization. It determines that States must not create obstacles to the entry of international organizations representatives who have been invited to consultations and discussions by local organizations. Finally, it prohibits governments to limit, in any way, the freedom of association and collective bargaining⁴¹ when offering incentives for the deployment of multinational companies in their territories. .

However, the question is still at an early stage. In 2000, It was the ILO itself 2000, who timidly pointed out the practice of transnational trading hours, but at the

³⁸ FRANCO FILHO, Georgeonor de Sousa. As empresas transnacionais e as entidades sindicais no Mercosul. *Revista do Tribunal Superior do Trabalho*, Brasília, n. 64, p. 60-67, 1995, p. 62.

³⁹ Note-se, aliás, que não há qualquer limitação geográfica estabelecida nos conteúdos convencionais relativos à sindicalização e negociação coletiva, o que reforça as Convenções 87 e 98 como as norteadoras do sindicalismo internacional em rede e da negociação coletiva transnacional.

⁴⁰ A declaração, na íntegra, encontra-se disponível em: http://www.oitbrasil.org.br/sites/default/files/topic/employment/pub/decl_tripartite_multi_240.pdf. Acesso em: 20.08.2014.

⁴¹ Artigos. 43 a 46 da Declaração. Disponível em: http://www.oitbrasil.org.br/sites/default/files/topic/employment/pub/decl_tripartite_multi_240.pdf. Acesso em: 20.08.2014.

same time, it signaled an increase in the European context⁴². Nevertheless, it can be said that there is a favorable positioning of the Organization to promote negotiation initiatives and alternatives that meet the particularities of transnational business activities more effectively, addressing demands to ensure freedom of association and social benefits, which potentially arise from collective agreements of this nature.

The principles of the Organization for Economic Co-operation and Development (OECD) presented in *the Guidelines for Multinational Enterprises 2000* can also be added to the international legal set. In addition to the members of the organization, other states including Brazil joined the institution, which recommends that the organizations comply with the principles of freedom and share information with employees, which includes the company as a whole.

The OECD document indicates the tendency of large international mergers and the increase of foreign investment in small and medium-sized enterprises, which would strengthen the ties between countries through the strengthening of multinational companies. It establishes guidelines for the implementation of responsible business conduct, highlighting, inter alia, the need to expand social dialogue and to respect the human rights of workers⁴³.

It is also possible to see that the OECD guidelines incorporate the four fundamental principles of the ILO in its text. It establishes freedom of association, abolition of child labor, the elimination of all forms of forced labor and the removal of inequality among workers.

At the collective level, it highlights the company's obligation to allow workers' representatives the means for the development of effective collective agreements, determining the provision of information required for collective bargaining. It also underscores the urgency of consultation and cooperation between employers and workers' representatives for matters of mutual interest, guided by the principle of good faith. In addition, it states that companies should enable an environment conducive to the full exercise of freedom of association and that they should refrain from “ameaçar transferir toda ou parte de uma unidade operacional do país em questão para outro país” (threaten to transfer all or part of an operating unit of the country in question to another country) and effectively “transferir os trabalhadores das entidades da empresa em países

⁴² GERNIGON, Bernard, ODERO, Alberto, GUIDO, Horacio. ILO principles concerning collective bargaining. *International Labour Review*, Genebra, v. 139, n. 1, p. 33-55, 2000

⁴³ <http://www.cgu.gov.br/conferenciabrocde/arquivos/Portugues-Linhas-Diretrizes-da-OCDE-para-as-Empresas-Multinacionais.pdf>. Acesso em 24.08.2014.

estrangeiros para exercer influência desleal nessas negociações ou dificultar a aplicação do direito à organização”⁴⁴ ("Transfer the workers from the company's entities in foreign countries to exert unfair influence in these negotiations or make the implementation of the right to organize difficult).

In the broader movement of the statement of multinationals as key players in the world of human rights (and their violations), it is important to report the recent resolution of the United Nations General Assembly in 2014, pointing to the development of an international instrument that is legally binding to regulate the activities of transnational corporations in international human rights law.

The conceptual construction finally gains density in experiences. As mentioned before, it is an institute in motion, whose construction provides feedback on success and failure⁴⁵, establishing clearer normative lines.

It is a fact that the Labor and trade unions should continue imitating the factory by decentralizing to concentrate. And since the factory does not relegate their profits, the Labor Law and trade unions should not forget its main purpose, which is to improve the living conditions of workers.

The trade union movement has already understood the importance of the instruments of power and aggregation used by the factory, which starts to employ technology and globalization to their advantage in order to establish an international unionism without forgetting its regional needs of workers. Just as companies become multinational to produce in networks, unions expand beyond national borders to operate in networks and to struggle for the realization and consolidation of the social rights of workers

The Use of the term “sindicatos de rede” (network unions) is thus rooted in an etymological sense that pierces the mere linguistic meaning of words. It highlights the working resistance against the prevailing capitalism.

⁴⁴ <http://www.cgu.gov.br/conferenciabrocde/arquivos/Portugues-Linhas-Diretrizes-da-OCDE-para-as-Empresas-Multinacionais.pdf>. Acesso em 24.08.2014.

⁴⁵ É preciso cuidado para que o instituto da negociação coletiva transnacional não se desvirtue e gere distorções como as denunciadas por Marginson e Meardi. Os autores falam, por exemplo, no uso das negociações pelas empresas multinacionais como forma de se evitar negociações *nacionais* que eventualmente lhes sejam menos vantajosas. MARGINSON, P., MEARDI, G. *Big players, different rules? Multinationals and collective bargaining in Europe*. Paper for the XX SASE Annual Meeting, Paris, jul. 2009. Disponível em: http://www2.warwick.ac.uk/fac/soc/wbs/research/irru/publications/recentconf/pm_gmsase09.pdf. Acesso em 4 de setembro de 2014.

It is important to point out that the performance of the networks takes place mainly through cyber communications that enable the mobilization of workers in solidarity strikes simultaneously carried out in enterprises from different countries as a way to pressure the multinationals.

The creation of trade union networks in multinational companies started in the 1990s and was boosted by the International Federations of Trade Unions, initially, in order to extend solidarity to unions struggling in the face of the multinational company performance at its base. Soon came the solidarity strikes that culminated in the construction and implementation of international networks.

The creation of networks has become a strategic objective of the International Trade Union Federations, given the possibility of International Framework Agreements formation with worldwide application in the respective branches of multinational companies⁴⁶.

In Campos words:

Networks are a great way for political unions to strengthen solidarity, to prevent the workers from being against each other and to organize or improve bilateral information about the situation, chances and dangers in the context of globalization, industrial production internationally and especially in times and times of international crises as well as national,. Networks are an exclusively trade union task, but they can count on the support of other organizations. They are formed in national international, bilateral, multilateral, bi-national or multinational levels, according to the circumstances. Its creation must be initiated by the workers of a company / consortium and the responsible trade union structures, in order to make way for the conquest, defense and strengthening of workers' rights and the social dialogue⁴⁷.

⁴⁶ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁴⁷ “As redes são um ótimo meio político-sindical para, no contexto da globalização, da produção industrial à escala internacional e, sobretudo, em tempos e momentos de crises internacionais e também nacionais, se fortalecer a solidariedade, impedir o jogo dos trabalhadores uns contra os outros e de organizar ou melhorar as informações bilaterais sobre a situação, as chances e os perigos existentes. As redes são uma tarefa exclusivamente sindical, mas que pode contar com o apoio de outras organizações. Elas são constituídas em níveis nacional e internacional, bilateral ou multilateral, binacional ou multinacional, conforme as situações. A sua criação deve ser iniciada pelos trabalhadores de uma Empresa/Consórcio e pelas estruturas sindicais responsáveis, com o objetivo de facilitar o caminho para a conquista, a defesa e o fortalecimento dos direitos dos trabalhadores e do diálogo social.” CAMPOS, Manuel. Entrevista disponível em: <http://www.cnmcut.org.br/verCont.asp?id=27002>. Acesso em 28.08.2014. criação de novas redes sindicais em determinadas empresas Multilatinas (multinacionais de origem latino-americano) e Internacionais no setor metalúrgico.

It is important to highlight that the Central Única dos Trabalhadores (CUT) works with the aim to promote the formation of international networks of multinational companies.

CUT's concern with the theme started in 2001 after the completion of the Dutch Federation of Trade Unions (FNV) event about International Network Solidarity formation. CUT sent representatives of two affiliated unions and non-affiliated ones to the Center for the meeting in Amsterdam, at the headquarters of the Unilever company. They concluded that adopting measures with the aim of encouraging the organization of Brazilian unions which represented multinational companies in their bases was an urgent measure for the effective participation in the existing networks⁴⁸.

Thus, the project "CUTMulti- Ação Frente às Multinacionais" stands out. It aims to gather information and knowledge about companies, along with the creation of a common plan and the management of financial resources through a virtual platform, the Conexão Sindical site, which is responsible for indexing information in a database and formatting the virtual networks in order to facilitate the information flow⁴⁹.

The CUT also works with the formation of trade union representatives in order to carry out collective bargaining derived from the network. Hence, it establishes some strategies to be followed.

In this Scenario, the unions should seek to recognize the union network through the management of the company, formulating their demands based on international standards adopted by companies in their countries of origin on the grounds of the principle of equality. The tactic aims to pressure the company to adhere to the code of conduct or framework agreement whose content is at least the standards laid down in ILO conventions and recommendations, in particular the "Tripartite Declaration of Principles concerning Multinational Enterprises and national policy" and in the "OECD'S Guidelines for Multinational"⁵⁰.

⁴⁸ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁴⁹ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 233.

⁵⁰ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

The strategy can be considered effective because when the proposal is refused or even when nothing is said about it, the company stays in an awkward situation before its consumer market, since such international standards are applied in host countries by their own multinationals. It is important to point out that the refusal to the dialogue with the network can be forwarded as a complaint to the ILO or to the OECD's Contact Point⁵¹.

In Brazil, specifically, there are local offices of both organizations and there is a preference for complaints submitted in the OECD's Contact Point because they have faster and less bureaucratic mechanisms than the ILO⁵².

According to Banco Central data, there are over 11,000 multinational companies and the vast majority has its origin in OECD member countries. Thus, the complaint that are made in the Contact Point of the organization, can take the punishment of admonition with recommendation to repair the damage by agreement between the parties and the determination of compliance with international standards⁵³.

The Denunciation of networks to the OECD Contact Point has generated important and practical effects. The BASF (German multinational) and Rhodia (French company) cases are examples of it. In both cases, when the companies heard the news about the complaints and the potential damage to its image, they immediately accepted to negotiate with their networks, allowing them to enter into an agreement established in compliance with the international standards⁵⁴.

In this context three experiences of union network in Brazil were elected as landscapes to explore. They are: the international network of the metalworkers, the international network of workers in the financial sector and the international network of the chemicals.

⁵¹ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁵² DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁵³ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁵⁴ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

Setting a factory committee is essential for the formation of the network, as well as the exchanges, visits, meetings and seminars supported by the CNM (National Confederation of Metalworkers) and the CUT in Brazil and the IGMetall and DGB (Confederation of German Trade Unions) in Germany⁵⁵.

Currently, there are six trade union international networks consolidated in the metallurgical sector, which represent workers from different countries such as Brazil, England, Argentina, Azerbaijan, the Netherlands, India, Germany, Canada, USA, South Africa, France, Poland, Singapore, Denmark, Malaysia, Peru, Argentina and Uruguay⁵⁶.

In order to participate in the international networks, the confederations must be affiliated with the IMF (International Federation of Metalworkers), transnational coordinating body networks. In Brazil, only two of them are affiliated to the confederation entity: the CNM / UT and the CNM / FS (Força Sindical). The Coordination of networks is conducted by workers elected in the workplace or directors of unions, who are indicated by the network itself or by the unions or workplace organizations⁵⁷.

In Brazil, the “comitê mundial da Volks” (The Volks World Committee) has been working since 1999. The union international network of the Brazilian multinational Gerdau began in 2004. The union network of Arcelor Mittal was nationally organized and its main scope is to develop joint claims, establishing strategies and guidelines to be passed on to local unions⁵⁸.

As far as the international network of chemicals is concerned, it is important to point out the effort of the unions in the chemical sector. Over the last twenty five years, they have been “incentivando processos de organização dos trabalhadores a partir dos locais de trabalho e a organização de Redes de Trabalhadores em empresas multinacionais” (encouraging organizational processes of workers through workplaces and organization of Workers networks in multinational companies). The network allows unions to monitor the dynamics of multinational companies in a better way, enabling a more efficient union activity. Given that such efforts are another tool to combat precarious work by influencing the decision of companies on mergers or shift

⁵⁵ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 238.

⁵⁶ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 238.

⁵⁷ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 238.

⁵⁸ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 238.

production units, as well as the company's research lines, the labor standards in the social dialogue agenda and the establishment of collective contracts nationwide along with framework agreements at the international level. In the specific case of Brazil, it even helps to “resolver a contradição com a estrutura e organização dos sindicatos que, em função da legislação trabalhista e sindical, obedecem a lógica da unicidade sindical”⁵⁹ (to lessen the contradiction between structure and organization of unions and due to Labor and union law, it obeys the logic of the trade union unity principle).

In Brazil, The union networks of chemical industry workers began in two companies: BASF (with coverage throughout South America) and Unilever (Brazil).

As far as the network of the BASF multinational company is concerned, its formation originated from an achievement of the factory committee at BASF Glasurit and styrofoam unit located in São Bernardo, in the 1990s. The German union sympathized with the mobilization of these local workers and started to support Brazil and the USA by promoting meetings and exchanges between countries⁶⁰.

In 1994, through the joint efforts of the Brazilian industry and trade unions with the support of IGChemie (German Chemical Workers Union) and ICEF (International Federation of Chemical, Energy), the company agreed to start a dialogue with the representatives of the network in Brazil by discussing collective claims at the national level⁶¹.

At present, there are three companies with established networks: Bayer, Akzo and Novartis, having started the process in twelve other companies in the sector (Solvay, Dow Chemical, Dupont, Braskem, Quattor, Lanxess / Petroflex, Bunge, White Martins, Klabin, Veracel, International Paper and Kimberly Clark), the expansion is predictable to eight networks in the coming years (Saint-Gobain, Rhodia, L'Oreal, Avon, Aventis-Sanofi, Colgate-Palmolive, Votorantim and Syngenta).

In the networks in which the process is solid, it is possible to perceive significant progress in the social dialogue along with the narrowing of the workers' international

⁵⁹ A ORGANIZAÇÃO DOS TRABALHADORES NAS EMPRESAS MULTINACIONAIS DO RAMO QUÍMICO. Publicação coordenada pela Confederação Nacional do Ramo Químico da CUT (CNQ/CUT), outubro de 2008, p. 7-9.

⁶⁰ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

⁶¹ DRUMMOND, José. *Redes sindicais em empresas multinacionais como resposta sindical à globalização econômica*. Artigo produzido para a Conferência Anual Internacional da Universidade Global do Trabalho. Universidade Estadual de Campinas, 2008. Disponível em: http://www.observatoriosocial.org.br/arqmorto/peas/arquivos/GLU_Port.pdf. Acesso em 08.08.2014.

relations as well as the construction of internal regulations in compliance with the international standards of labor protection, and the setting up factories commissions.

In this context, one can name the example of BASF's pioneering multinational network with over ten years of operation. It managed to have important achievements, such as the expansion of dialogue between workers and companies in every country in South America, establishing the “ultratividade” as a principle basis for the negotiations, preventing the rules from being changed without the consent of the parties. In addition, the network has brought an important democratization system of labor relations through the creation of factory committees⁶².

The 2013 signing of the Global Framework Agreement by Solvay on social and environmental responsibility is noteworthy. It states “o respeito às normas internacionais do trabalho definidas pela OIT e aos princípios sociais estabelecidos pelas Nações Unidas como Global Compact”(the respect for international labor standards set by the ILO and the social principles laid down by the United Nations Global Compact) as well as the the “compromisso da empresa com os melhores padrões de segurança e saúde no trabalho, a gestão de riscos relacionados às suas atividades e a proteção ambiental” (the company's commitment towards the best standards of safety and health at work, risk management related to its activities and environmental protection. It should be noted that suppliers and contractors shall observe the same principles and standards in all units⁶³.

Regarding the network of the financial sector, the organization is formed “a partir das bases de atuação de um mesmo banco internacional ou multilatino, ou seja, bancos presentes em mais de um país nas Américas ou no mundo”⁶⁴. (by operations bases of the same international bank or Latin multinationals, ie banks present in more than one country of the Americas or the world.)

In the Americas, the networks entail workers from the following countries: Brazil, Argentina, Uruguay, Paraguay, Chile, Colombia, Peru, Venezuela, Costa Rica, Guatemala, Mexico, and Trinidad & Tobago, and other ones in the Caribbean. European countries that have a greater joint action with the Latin-Americans are : Spain, Portugal

⁶² A ORGANIZAÇÃO DOS TRABALHADORES NAS EMPRESAS MULTINACIONAIS DO RAMO QUÍMICO. Publicação coordenada pela Confederação Nacional do Ramo Químico da CUT (CNQ/CUT), outubro de 2008, p. 7-9.

⁶³ Notícia disponível em: <http://www.quimicosabc.org.br/noticias/solvay-assina-acordo-mundial-com-industrial-1765/>. Acesso em 20.08.2014.

⁶⁴ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 234.

and Italy. Such networks represent employees of the following banks: Santander, BBVA, HSBC, Itaú, Brazil Bank and *First Caribbean Bank*⁶⁵.

The emergence of networks took place in 2000, through incentives of the Coordenadoria das Centrais Sindicais do Cone Sul (CCSCS) and the support of UNIGlobal (transnational organization that brings labor unions of the service sector together). Initially, the networks of Santander and BBVA banks were formed. Then other networks were found, such as the ones from the banks ABN Amro Group (merged with the work of Santander later), HSBC, Unibanco (merged with the network of Itaú workers) and First Caribbean Group. In 2006, the networks were globalized through the UNIGlobal⁶⁶.

The main claim is the signing of the Framework Agreement, which provides for the implementation of fundamental labor rights, which are provided by the ILO Conventions and the OECD guidelines, among others, as the UN Global Compact. In 2000, the BBVA signed a protocol of intentions in order to develop it into a Framework Agreement⁶⁷.

In 2011, the Bank of Brazil Framework Agreement for the Americas was signed. Thus, the Bank of Brazil made a commitment to respect, promote and make the guarantees of the ILO Declaration on Fundamental Principles and Rights at Work come true, namely: freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced and compulsory labor; effective abolition of child labor and elimination of discrimination regarding employment and occupation.

Furthermore, it is up to the bank to promote the adoption of measures to protect the health and safety of workers; training workers; the fight against moral and sexual harassment practices at work, among others, aiming at consolidating international standards to worker protection in accordance with the laws of each country.

One can see that the network organization is an important instrument for the workers' performance, particularly in the context of the multinationals, given that they “são os principais atores da globalização da economia, à medida que, detêm recursos, geram empregos e tecnologias, produtos e, cada vez mais, operam em todos os

⁶⁵ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 234.

⁶⁶ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 235.

⁶⁷ GOMES, Máira Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado, p. 235.

continentes”⁶⁸ (they become the main actors of economic globalization, as they acquire resources, create jobs and technologies, goods and increasingly operate on all continents).

According to Campos, a political advisor of FITIM, responsible for coordinating and creating new trade union networks in Multi-latin companies (multinationals of Hispanic origin) and International ones in the Brazilian metallurgical sector, the main purpose of the network is to strengthen national, regional and global trade union power. The ultimate goals are:

The improvement of general working conditions and bargaining position, the imposition of Human Rights, Trade Union and Labor, valid for all and universal, the creation of representative structures at work, earning the respect and Dialogue face the Unions and Workers, the discussion of issues of common interest, preparation of positions and strategies on these issues, the preparation of common actions and activities (bilateral, regional or international), information exchange, mutual support if you have problems (collective bargaining, strikes, anti-union behavior of boards, etc.), the development of consultative bodies and trading, such as workers' representatives and trade unions, in the face of Directors, the introduction and implementation of co-management and even the institutionalization of the networks, as an output for better forms of representation)⁶⁹.

Thus, it can be said that through the consolidation of international networks, the globalization of trade union becomes essential to guarantee the social rights of workers provided for in international rules that ensure standards of living for (and not mere survival) the working man.

IV. CONCLUSIONS

Taking back the reins of globalization is a matter of social justice. The effects that have already been materialized in local realities due to the global scale of exploitation of human labor, ask for an equally global solution. If the local level has to

⁶⁸ A ORGANIZAÇÃO DOS TRABALHADORES NAS EMPRESAS MULTINACIONAIS DO RAMO QUÍMICO. Publicação coordenada pela Confederação Nacional do Ramo Químico da CUT (CNQ/CUT), outubro de 2008, p. 7-9.

⁶⁹ “(...) a melhoria das condições gerais de trabalho e da posição de negociação, a imposição dos Direitos Humanos, Sindicais e Laborais, válidos para todos e universais, a criação de estruturas de representação no local de trabalho, a conquista do Respeito e do Diálogo face a Sindicatos e Trabalhadores, a discussão de temas de interesse comum, elaboração de posições e de estratégias sobre estes temas, a preparação de ações e atividades comuns (bilaterais, regionais ou internacionais), a troca de informações, o apoio recíproco em caso de problemas (negociações coletivas, greves, comportamento antissindical de diretorias, etc), o desenvolvimento de órgãos de consulta e de negociação, tais como representantes de trabalhadores e Sindicatos, face às Diretorias, a introdução e implementação da Cogestão e até a institucionalização das próprias redes, como saída para melhores formas de representação”. CAMPOS, Manuel. Entrevista disponível em: <http://www.cnmcut.org.br/verCont.asp?id=27002>. Acesso em 28.08.2014.

solve the effects of the events that have global roots, there will be an absolutely disastrous imbalance. As far as the legal force of the measures is concerned, the three circles suggested by Delmas-Marty seem to provide a necessary output: State responsibility (with the international legalization of social protection); transnational corporations' responsibility and the rediscovery of a globally mobilized citizenship⁷⁰.

The struggle expressed in international reality starts to be guided by the continuous and plural transformation of all the relations and structures of a society in a democratic direction, with the combination of social partners that keep the demands in this direction. Thus, the flags become even wider just like the global aspects that shape the world of work, such as: the fight against authoritarianism, racism, sexism. All of this would result in an active and civil syndicalism, which uses the field of education, culture and communication and stimulates the worker's local, national and global participation, thereby rekindling a transnational solidarity among workers and other democratic forces with flexible, open and innovative alliances⁷¹.

As mentioned above, the efforts of a current and effective international unionism still face the underlying issues and some people are still uneasy about the normative effects that can result from the working activities beyond national realities. Mozart Victor Russomano, for example, expressed his “melancólica impressão (...) de que o importante, para o sindicalismo [*internacional*], é a luta política, sendo a atuação sindical, tipicamente sindical, capítulo secundário no rol de suas preocupações”⁷² (melancholic impression (...) that the important thing for [*international*] trade unionism is the political struggle, with union activity, typically union-like, which is a secondary chapter in the list of their concerns)

At the same time, it was Russomano himself who saw a new perspective for trade unionism through the processes of economic integration, as he realized that “para o exame das questões suscitadas pela integração, precisa ser convocada a sociedade das nações envolvidas no *processus*, inclusive os sindicatos”⁷³ (In order to examine the issues raised by integration, the society of the nations involved in the *processus*, which

⁷⁰ DELMAS-MARTY, Mireille. *Le travail à l'heure de la mondialisation*. Paris: Bayard, 2013, p. 57-61.

⁷¹ WATERMAN, Peter. *Trade union internationalism in the age of Seattle*, Global Solidarity Dialogue, 2000. Disponível em: <http://www.antenna.nl/~waterman/ageSeattle.html>. Acesso em 5 de setembro de 2014.

⁷² RUSSOMANO, Mozart Victor. *Princípios gerais de Direito Sindical*. 2 ed. Rio de Janeiro: Forense, 2002, p. 137.

⁷³ RUSSOMANO, Mozart Victor. *Princípios gerais de Direito Sindical*. 2 ed. Rio de Janeiro: Forense, 2002, p. 138.

include the unions, must be summoned and there should be room even for collective labor conventions at the international level.

Despite still embryonic, the experiences already indicate possibilities for significant advances. The perception that only a workers' global cooperation can balance the forces in a capitalism that traces its strategic goals on a global scale , naturally allows one to conclude that transnational collective bargaining is not only important but absolutely necessary for labor protection nowadays.

REFERENCES

- BURAWOY, Michael. The public turn from labor process to labor movement. *Work and Occupations*. Los Angeles, v. 35, n. 4, p. 371-387, 2008.
- CARDOSO, Adalberto Moreira. O sindicalismo no Brasil: breve excuroso sobre mudanças e permanências. In: CARDOSO, Adalberto Moreira; SANTANA, Marco Aurélio; CAMARGO, José Márcio *et all*. *Sindicalismo e relações trabalhistas*. Rio de Janeiro: Fundação Konrad Adenauer, n.2, julho de 2002.
- CASTELLS, Manuel, A sociedade em rede: do conhecimento à política. In CASTELLS, Manuel; CARDOSO, Gustavo. *A sociedade em rede: do conhecimento à ação política*. Lisboa: Imprensa Nacional – Casa da Moeda, 2005.
- CASTELLS, Manuel. Empleo, trabajo y sindicatos en la nueva economía global. *La Factoría*, n. 1, 1996. Disponível em <http://www.revistalafactoria.eu/articulo.php?id=12>. Acesso em 4 de setembro de 2014.
- DELGADO, Mauricio Godinho. *Curso de Direito do Trabalho*. 6. ed. São Paulo: Ltr, 2010.
- DELGADO, Mauricio Godinho. *Direito Coletivo do Trabalho*. São Paulo: LTr, 2003.
- DELMAS-MARTY, Mireille. *Le travail à l'heure de la mondialisation*. Paris: Bayard, 2013.
- ELIAS, Norbert. *A sociedade dos indivíduos*. Trad. Vera Ribeiro. Rio de Janeiro: Jorge Zahar, 1994.
- FRANCO FILHO, Georgeonor de Sousa. As empresas transnacionais e as entidades sindicais no Mercosul. *Revista do Tribunal Superior do Trabalho*, Brasília, n. 64, p. 60-67, 1995.
- GERNIGON, Bernard, ODERO, Alberto, GUIDO, Horacio. ILO principles concerning collective bargaining. *International Labour Review*, Genebra, v. 139, n. 1, p. 33-55, 2000.
- GOMES, Maíra Neiva. *O sindicato reinventado: possibilidades de construção do sindicalismo cosmopolita no século XXI*. Belo Horizonte: PUC Minas, 2012, dissertação de mestrado.
- MARGINSON, P., MEARDI, G. *Big players, different rules? Multinationals and collective bargaining in Europe*. Paper for the XX SASE Annual Meeting, Paris,

jul. 2009. Disponível em:
http://www2.warwick.ac.uk/fac/soc/wbs/research/irru/publications/recentconf/pm_gmsase09.pdf. Acesso em 4 de setembro de 2014.

MERCKLÉ, Pierre. *La sociologie des réseaux sociaux*. Paris: La Découverte, 2011.

PRADO, José Luiz Aidar. A naturalização da rede em Castells. In *Anais do XXIII Congresso Brasileiro de Ciências da Comunicação*, 2000, Manaus.

RUSSOMANO, Mozart Victor. *Princípios gerais de Direito Sindical*. 2 ed. Rio de Janeiro: Forense, 2002.

SANTOS, Boaventura de Sousa, COSTA, Hermes Augusto. Introdução: para ampliar o cânone do internacionalismo operário. In SANTOS, Boaventura Sousa (org.). *Trabalhar o mundo: os caminhos do novo internacionalismo operário*. Porto: Afrontamento, 2004.

SILVA, Sayonara Grillo Coutinho Leonardo da. *Relações coletivas de trabalho*. São Paulo: LTr, 2008.

WATERMAN, Peter. *Trade union internationalism in the age of Seattle*, Global Solidarity Dialogue, 2000. Disponível em: <http://www.antenna.nl/~waterman/ageSeattle.html>. Acesso em 5 de setembro de 2014.