



European Foundation
for the Improvement of Living and
Working Conditions

INDUSTRIAL RELATIONS AND THE ENVIRONMENT
Spain

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1. INTRODUCTION

The environment and industrial relations: a strange sounding combination within a Spanish context. In the public's perception, "environment" conjures up images of ecologists, wide open spaces and consumption. Of course, industry has something to do with all this, being a source of pollution; but references made here are to technology, materials, products. The co-operation - conflict dynamic between the social actors of industrial relations is considered apart. "Industrial relations", for its part, is considered to be simply to do with jobs and wages; and at most involves health and safety at work. The line where the two meet appears somewhat blurred.

This situation has given rise to numerous difficulties in the composition of this report. Firstly, in relation to obtaining significant information, reference to previous studies has proved difficult, even more difficult as far as published studies are concerned, and virtually impossible with respect to any with a sociological focus. Revision of environmental and occupational legislation has revealed a uniting of the two, both relevant to our aim but a lack of specific guidelines. The review of a wide sample of collective agreements (chapter 3), at state and regional level, indicates the relatively frequent presence of matters associated with the internal environment (ie health and safety), but the absence of references to the external environment. Programmes and claims of company and workers' organisations (chapter 4) show there is evidence, on both sides, of an environmental discussion which is emerging as much more than just embryonic; but these also demonstrate that the issue is not considered to be one which overlaps into their mutual social relations.

The attitude analysis (chapter 5) adds two more difficulties. Even the most open ideology is notably cynical, and preaches - at least as an objective - conciliation between protecting the environment and the continuation of the prevailing growth model.

This makes the idea tend towards minimising conflict, and therefore, reduces the frequency and intensity of expression in the argument. On the other hand, attitudes tend towards the paradoxical. The criteria of widespread environmentalism are easily accepted, unless they reduce profits (in the case of employers) and apart from when they affect wages or jobs in a negative way (in the case of workers).

Of course, the slightly confusing presence of the object of the study surrounded by structured public arguments (collective agreements, programmes, congressional statements etc.) does not mean to say that this is always the case. There is a substantial amount of clear industrial practices in this field. However, an explanation of this characteristic would have meant having to recourse to studying cases, a task which would have led us away from the general focus of this report but an indepth explanation of these would require case studies.

We have basically used four types of sources: legislation, collective agreements, documents from union and employers conferences and meetings and last but not least, published documents. The few existing and available surveys on environmental issues opinion have been examined and several consultations have taken place with people in significant posts in the field of industrial relations.

We end this introductory note by acknowledging the cooperation of many people and organisations. We are grateful to Inés Ayala and Winni Woischnik, from the Social Action Secretariat of U.G.T (General Workers Union), to the Valencia Regional Confederation of CC.OO. (Workers Commission), to Angel Cárcoba and Joaquín Nieto from the Confederal Department of Environment and Ecology at CC.OO.; to the 1st of May Foundation, to Rafael Luengo, from the CEOE Secretariat for the Environment, the Valencia Cámara de Comercio (Chamber of Commerce). All the persons mentioned have kindly answered our questions and have given us access to many significant documents. Also to the documents service of the General Environmental Secretariat from the Public Works Ministry, for all the facilities provided in order to consult their archives. Finally to Sarah Whyte, for her patient and careful work in preparing the English version of this report.

2. THE LEGAL FRAMEWORK

2.1 Introduction

The Spanish Constitution recognises in article 37.1 the right to collective agreements, entrusting the Law with the task of guaranteeing this right in a free and autonomous way. This constitutional mandate is instituted by Law 8/80 of 10th March in the Workers' Statute in which Title III (articles 82 to 92) regulates bargaining and collective agreements. The Statute recognises in article 82 its legal status as a regulation, as does article 37.1 of the Constitution which recognises the binding force of collective agreements "which signifies the recognition of them not only as a simple contract, but as a legal standard" (Sala, T; 1990).

At the same time, the content of agreements depends to some extent on the character of collective occupational bargaining, according to article 37.1 of the Constitution. This allows the inclusion in bargaining of all those issues affecting industrial relations. The only material limit to the content of bargaining is "with respect to and coordination of those other rights protected by the Constitution with the same or greater intensity as the right to collective bargaining" (Sala, T; 1990).

Both texts, Constitutional and Statutory, leave the way open for protagonists of the conflict to project their interests on regulated specifications in the agreement, within the scope of valid laws. On the other hand, the development of the environmental collective agreement is restricted by the non-existence of a general environmental law and the consideration of the environment only as "the internal environment within the factory".

This regulatory delay and restricted perspective are important since they cause difficulties in the regulation and delegation of duties and responsibilities to different Ministries (Public Works, General Environment Secretariat; Health and Employment), Public Organisations, Autonomous Communities¹ or Environment Agencies and Local Authorities. The end result

¹ The Spanish State is composed of 17 Autonomous Communities, each comprising the former provinces or regions according to cultural identity. For example, the Autonomous Community of Catalonia is made up of 4 provinces (Barcelona, Girona, Lleida and Tarragona). Each Autonomous Community has its

is that the regulatory framework becomes more complex and the participation of the latter in prevention, correction, follow-up, intervention and negotiation in environmental issues is much more complicated.

Adhering to this restriction which links the environment with occupational health, limits the actions of employers' organisations and trades unions and takes away a great part of the content of the agreements. It is worthwhile pointing out that the "national occupational health legislation is taken from a model inherited from the previous system. It continues to be deemed as health and safety legislation, occupational as a consequence, and destined to eliminate points of conflict in companies" (Alfonso Mellado, C; 1989) and therefore stands out as a double restriction.

The constitutional mandate with regard to the environment "the right of citizens to enjoy an environment suitable to personal development" (article 45 C.E.) and occupational health which obliges public powers to guard "health and safety at work" (article 40.2.C.E.) within the "general right to health protection (article 43.1) and the right to life and physical and moral wellbeing" (article 15 C.E.) is developed by means of three regulatory channels occupational, health, and environmental.

These three regulatory frameworks present aspects which from their fields of duty allow employers' organisations and trades unions to project a global environmental consideration onto the content of collective agreements, as obviously certain responsibilities should be extended or specified.

own Parliament and Government with administrative powers covering its whole area but with responsibilities which vary from one community to the next. Certain communities possess legislative powers, apart from those who depend exclusively on the Spanish State.

2.2 Environmental legislation

The establishment of the Spanish Constitution in 1978 contains a number of essential issues as far as environmental legislation are concerned:

- a) The "constitutionalisation" of the right of citizens to "enjoy an environment suitable for personal development", as well as the duty of preserving it (article 45 of the Constitutional Text).
- b) The obligation of public authorities from the date of the constitutional order onwards "to guard the rational utilisation of natural resources, with the aim of protecting and improving quality of life and defending and restoring the environment with the support of indispensable collective solidarity". This obligation involves, amongst other things, the State exercising a policing role in environmental matters which includes the power to impose administrative and penal sanctions.
- c) The inclusion of this order in Chapter 3 of Title 1 of the Spanish Constitution "Guiding Principles of Social and Economic Policy", implies that, as this right is not considered fundamental (as it would be if it was included in Section 1 Chapter 2 Title 1: "Fundamental Rights and Public Liberties") it cannot be directly invoked but (article 53.3 of the Constitution) "must be preceded by action taken by means of positive legislation, legal practice, and public powers"².
- d) The introduction into the political-administrative system of the Autonomous Community and, above all, the possibility that these Communities take on certain responsibilities in environmental matters.

Effectively article 149.1.23 establishes that the state has exclusive responsibility over the "basic legislation on environmental protection, without the danger of Autonomous Communities establishing additional standards. For its part, article 148.1., in reference to other matters where Autonomous Communities can assume responsibilities, includes, "management in matters of environmental protection" (article 148.1.9). Autonomous Communities have started developing laws and carrying out basic State legislation.

² An example of this is that no one can demand in court that, on the basis of Article 45, a green zone be protected. The procedure is that legislative powers create a law which protects the green zone.

e) In relation to section b of article 45 of the Constitution referring to the possibility of imposing penal sanctions for failure to comply with environmental standards, it is essential to mention the nature law 8/86 of 25th June, which adds a new article to the Penal Code: 347 bis. This punishes "anyone who contravenes laws or environmental regulations, causes emissions or spillages of any type directly or indirectly into air, land, fresh or sea water, places peoples' health in serious danger or seriously endangers animal, wood, natural species or plant life".

By means of this inclusion a new type of offence is created, "the ecological offence", which according to the above article, is punished with up to six months imprisonment and fines from between 175.000 to 5 million pesetas.

Sentences are more severe where an industry is operating secretly, an order from the enforcing authority to correct or suspend a polluting activity has been disobeyed, if false documents have been presented regarding environmental aspects or if inspection has been obstructed. All these reasons could result in the temporary or permanent closure of the company and the Courts would propose that the local administration intervene in the company with the aim of safeguarding workers'rights.

Penal and legal doctrine define the environment as "maintenance of properties... and the developing conditions of species, in such a way that the eco-system maintains its subordinate systems and does not suffer harmful changes".

f) Local authorities (in particular Town Halls) are responsible for granting and supervising licenses for companies and industries, whose activities acquire "graded" status, that is to say those of unhealthy, harmful or a dangerous nature.

Of all the above, it is worth positively assessing the innovations which the Constitutional Text has brought about, one of which is the inclusion of "Ecological Offence". But it is paradoxical that responsibilities are dispersed, increasing the complexity of the regulatory system on environmental matters.

A number of environmental regulations are analysed below:

Environmental Impact Regulation.

This regulation (Royal Decree 1302/86, 26th June on Evaluation of Environmental Impact and Royal Decree 1131/88, 30th September originates from recommendations made by a number of international organisations and from the 1985 "Seveso" directive 85/377/EEC.

It establishes a procedure for assessing certain activities with the potential for pollution. Under the procedure a study to accompany the project must be carried out in certain sites, containing data relating to use of land and other natural resources by industry. This includes an assessment of the possible effects of this activity on the population, wildlife, air and so on, and the measures necessary to reduce or eliminate these effects and suggestions for possible alternatives. The relevant details of whether the project is public or private are set out in Royal Decree 1131/88 Chapter II, S section 2, articles 7 to 12.

The procedure is set out in section 3 (articles 13 to 22) and includes initiation, information, publicity, environmental impact declaration (which determines the advantages or disadvantages of carrying out the project on environmental effects), and solution of possible discrepancies etc.

Regulations on hazardous activities.

These are basically summarised in Decree 2114/61 30th November (which regulates unhealthy, harmful and dangerous activities) and Order of 15th March 1963 (instruction for implementation of the regulation), although there are some rules which are still in force but out dated. It is notable that there is no post-constitutional regulation in this matter.

This regulation defines unhealthy, harmful and dangerous activities and sets out a licensing procedure which is enforced by local authorities, together with penalties on companies who do not abide by the licensing procedure.

Guidelines for Protection of the Atmospheric Environment.

There is a law (Law 38/72 22nd December) which refers to the specific protection of the atmospheric environment developed by means of the Rule by Decree 833/75.

The above law states that the "deterioration of the environment constitutes, without a doubt, one of the greatest problems posed to humanity". It refers to the fact that "the concern about these issues reaches world proportions" and that there is a "need for a General Law for the Defence of the Environment". But this contrasts greatly with the reality of regulations dealing with this matter and with the enormous imbalance and task of modernisation which legislators face.

The Law makes provision for declaring "polluted atmosphere zones" and sets out municipal responsibilities; infringements and sanctions and responsibility for imposing them.

2.3 Legislation on the working environment

Law 8/80 of 10th March of the Workers' Statute, deems "physical wellbeing and an adequate health and policy" (article 4.2.d) a basic workers' right. This basic right compels the state to establish a safety policy and monitor its implementation. Workers have an obligation to self-protection and employers have a duty to protect the health and safety of the worker. The Spanish Judicial Regulation considers the employer as having a duty to protect health and safety at work and employers must:

- 1) organise work, site/workplace etc. in order that workers' health is guaranteed, taking the necessary measures irrespective of cost.
- 2) provide the worker with all the necessary measures for safety and protection.
- 3) inform, instruct and train the worker so as to carry out tasks safely and improve working conditions.
- 4) supervise the use of protective measures and respect the rules protecting occupational health, and demanding compliance with these rules. Furthermore, these duties are complemented by responsibilities which must be faced in the event of accidents or risks by means of danger money as well as compensation.

This law deems occupational health as an individual problem as well as a collective one, conferring supervision and control on workers' legal representatives within the company. Company committees and workers' representatives are the legal representatives of employees

and are able to intervene on matters of occupational health and other issues affecting employees. There are also committees for health and safety in the workplace (in companies of over 100 employees) specifically responsible for occupational health (OGSHT) who are governed by the general health and safety at work legislation (Decree 923/71, 11th March). These committees comprise of both employers and employees. Workers' representatives in these health and safety committees are designated by the company committee. Workers have participation rights and information rights.

Participation rights of a general nature fall into the following sub-groups: a) working hours, working days, shifts (art.41E.T), b) supervision of compliance with occupational regulations (art.64.1.8.b of the E.T), c) supervision of health and safety conditions, d) ability to decide jointly with the employer on situations where exposure to harmful environmental risks should be reduced, e) decision-making in the event of an accident, either by stopping production, as long as the decision is backed by 75% of company workers in companies where there is a continuous production process. This last decision has to be communicated immediately to the management who have to ratify it. f) visit work places to assess conditions and propose preventive measures, g) supervise suitable worker training programmes, h) determine specific risks.

On an individual level, information rights include medical examinations and practical training based on the number of working hours, where the work entails risks to a third party. On a collective level, company committees or staff representatives and health and safety committees have the right to be periodically informed of the statistics on absenteeism, accidents, illness, and their causes, and environmental and prevention studies which are carried out.

2.4 Health Legislation

Traditionally the Health Services Administration (HSA) has ignored its responsibilities in occupational health leaving it completely isolated, despite the fact that the Law of Health Bases 1944 allowed (or at least, was not opposed to) the development of health services responsibility in this issue. It appears that when the law talks of the population's health or of disease control, the HSA assumed that this implied all the population apart from workers and all diseases apart from those which are work related etc.

The announcement of the General Health Law of 1986 generated hopes concerning the possible development of occupational health in the National Health System with a series of explicit functions (art.21.1) and effective coordination between employment and health, explicitly prescribed in article 21.3. Furthermore this law anticipates the decentralisation of the functions of occupational health to Health Area level (art.21.2). It is therefore at this level that the previously mentioned coordination should be carried out, and Town Halls be given responsibilities in the "health monitoring of industry, services, transport and noise" (art.42.3.b). Moreover, the participation of trades unions and employers is defined in the "programming, organisation and monitoring of management related to occupational health, at different territorial levels" (art.22). Another aspect of this law is the obligation of companies to "inform the relevant health authority of substances used in production cycle" (art.21.1f) in order to create risk records. A certain inspectoral role with the power to "enter freely and without previous warning, at any time, into any centre or establishment subject to this law" (art. 31.1.a) is contained in the law.

The transfer of these responsibilities to the Autonomous Communities, since the Constitution allows the "development of basic state legislation" in health issues, gave the Autonomous Governments the ability to act.

Five years after the publication of the General Health Law and with Regional Health Services established in several Autonomous Communities with the exception of Navarra, practically none of the above aspects have been developed, and furthermore, there is a systematic failure to comply with the legal stipulations on the part of Health Service Administration on both state and autonomous level.

2.5 Summary

The first thing which needs to be pointed out is the great extent of standards which exist in this area. The non existence of a general environmental law controlling and assigning duties and responsibilities to different ministries, public organisations, autonomous communities, town halls and social agents, makes intervention in prevention, correction, follow-up and negotiation difficult.

Environmental questions can be included in matters relevant to collective bargaining, either through company committees, or through specific health and safety committees giving the latter more responsibility.

3 COLLECTIVE AGREEMENTS IN HEALTH AND ENVIRONMENTAL ISSUES.

Preservation of the environment, even when its deterioration becomes a serious threat to health, is still not a priority for Spanish employees.

The classic understanding of trades unionism, as defence of workers' rights, despite having undergone important changes, continues to be a prisoner of the wage struggle. This has meant that trades unionism has acquired a monetarist culture which pervades all aspects of the trades union struggle, and from which it is difficult to become separated.

This is not the only difficulty which trades unionism is faced with in its determination to establish a more efficient and competitive unionist model which defends the general interests of workers not just the most pressing ones, and is capable of responding to the latest challenges. Among these, deterioration of the environment is the most important in that it directly affects workers, who are both the cause and the victim of this deterioration in their dual status as workers and citizens. It is in this context that the struggle for health is presented as the most ideal way of raising workers' awareness of the environmental issue.

Of such difficulties three are worthwhile mentioning. One of a cultural nature, another more political and the third of a social kind. The first one is that workers and their unions see themselves ideologically dominated by prevailing medical conceptions about health and disease and are therefore subject to socially established practices. The second refers to difficulties and obstacles encountered when workers try to actively participate within their companies, in an attempt at improving working conditions and the working environment. The third is to do with socio-economic conditions at a time when there is high unemployment, uncertainty at work, along with an ever increasing division in the employment market, all of which condition the capacity of the workers to win demands and the negotiating capacity of their unions.

Employers and the state treat employees' health as an issue to be dealt with by medical and safety specialists rather than a negotiating issue. On the other hand, responsibility for making decisions about working conditions falls exclusively to employers and company directors who have a different understanding in this respect. "At home and at work everyone does as I say"

is a phrase often uttered by employers and stipulated in the majority of collective agreements which say "it is the company's responsibility to determine working conditions and how work is organised".

Legislation setting minimum health and safety standard has been set and enforcement authorities carrying out routine checks, but they do not have effective sanctioning powers. The application of legislation is therefore notable by its absence. This has resulted in participation by workers in preventing health risks being very low. The situation, has improved only slightly from that which existed at the beginning of the 1980s (Perez de los Cobos Orihuel, F; 1991).

The results of a survey carried out by the Occupational Health Board of CC.OO.(Workers Commission) in 1980 are significant:

- * Of those companies who are legally bound to have health and safety committees, only 60% comply.
- * Of those companies who do possess such a committee, 90% concentrate on purely consultative tasks, without powers to participate.
- * 70% of those surveyed consider these committees to be inefficient. One comment was, "all they do is put on an act and allow everything to continue the same as before".
- * 80% of committees have no means of monitoring information, and have not received training about the risks to which they are exposed, nor about environmental or health data.
- * In most small companies there is no safety supervisor. Where there are, they are chosen by the company itself.
- * None of the committees are aware of or have an input into the budgets which the company allocates to health and safety (CáRcoba, A; 1989).

This situation seems to have altered recently according to the results of the National Survey on Working Conditions (1987) carried out by the National Institute for Health and Safety at Work. In this sense the following data are significant:

- * Of those companies questioned 36.7% stated that they had a health and safety committee. Of those companies who have a legal obligation to have a committee, the percentage of those who state that they do rises to 73.6% for medium-sized companies and 84% for large companies.
- * A third of companies claim that they employ a full or part time health and safety technician. As before, this percentage rises to 58.3% among medium-sized companies and 77% among large companies.
- * With reference to the activities of the committees, the survey found that only 21% of companies have a budget specifically allocated to health and safety matters and less than a third of companies have organised training in health and safety for employees (I.N.S.H.T; 1988).

A comparison of these results with the results of a survey by CC.OO. (Workers' Commission) in 1980, show improvements in the organisation of preventive measures, particularly in medium and large companies. For companies as a whole, preventive activity and participation by employees in prevention is still scarce.

Similar considerations and conclusions can be found in the report "Action for Health in the Workplace in Spain" by the European Foundation for the Improvement of Living and Working Conditions (Moncada i Lluís, S; 1991). This is also reflected in the results of collective agreements.

The involvement of employees in prevention activities within companies is achieved by the health and safety committees (OGSHT) where both employers and employees are represented. Other committees, specific health committees, are the result of agreements between employers and employees and their existence usually shows a strong interest on the part of employees in these issues.

When health and safety is a reason for concern and becomes a clear demand by workers, this is usually translated into agreements on concrete prevention methods which are gathered in collective agreements. Among the prevention measures most often demanded by employees are medical check-ups, preventive actions of a secondary nature, which are also legal requirements.

Collective agreements have legal power, which is why the negotiation of collective agreements can be used by workers to introduce clauses which imply greater respect to those already passed. For example an increase in the rights and responsibilities of workers and their representatives recognised by the law.

If a collective agreement refers only to occupational health and the working environment within the company, it is because the environment outside the company is not negotiable, except in the State Chemical Industries Agreement.

The VII Chemical Industry General Agreement, valid for 1990 and 1991, anticipates in Chapter IX of "Health and Safety at Work", article 55.8, the creation of a mixed committee of health and safety at work and in the environment. This committee has the means to distribute reports on problems relating to health conditions in the workplace and also on repercussions from the chemical industry, in other words, "from on the inside to the outside of the chemical sector". Amongst its priority objectives are monitoring and replacement of dangerous primary materials by less harmful alternatives, follow-up of severe illnesses and changes of technology oriented towards replacing dangerous jobs and staff training activities. This point is significant amongst state agreements as it opens the way for considering the external environment as an issue for collective agreements and constitutes an example of a joint initiative between the industrial actors in this area.

In general, this indicates an advance regarding the usual treatment of occupational environmental questions in collective agreements in Spain. It establishes a periodical register of environmental data with the aim of assuring the maintenance of threshold limits of chemical substances and physical agents; it declares all work which is arduous, poisonous, dangerous or unhealthy as temporary and exceptional, emphasising substitution of safer alternatives it

introduces controls for introducing new technology; it formulates workers' information rights and risk supervision and so on.

Situation analysis.

The level of workers' participation in risk prevention in Spain is still very low, despite improvements (Carcoba, A; 1987).

Using the data from table 1 as a basis, several relevant characteristics can be used as indicators of the situation, in order to see developments over the years.

TABLE 1

TREATMENT OF HEALTH AND ENVIRONMENT IN COLLECTIVE AGREEMENTS Valencia Region and Catalonia 1987. (*) (**).

** % agreements*		
Aspects dealt with	Val.Comm	Catalonia
* Knowledge:		
Data records	3.1	1.5
Hazard maps	0.0	2.4
Training in occupational Health	4.1	0.0
Right to information	10.2	6.4
* Monetarisaton:		
Danger money	24.5	19.6
Explicit rejection of bonus	3.1	---
Bonus limited to part-time	1.0	---
Perceptions thro' ILO	24.5	21.7
* Participation:		
Health and Safety Committee	31.6	20.4
Company Committee	5.1	---
Specific Health Committee	8.2	---
* Prevention:		
No preventive measures	83.7	21.0 (1)
Vague general measures	7.1	---
Concrete measures	4.1	10.0 (2)
Medical Check-ups	35.7	22.0
* Compliance with Legislation:		
Legally recognised questions	30.6	16.0
Wide legal field	6.1	1.3
Nº AGREEMENTS ANALYSED	98	382

(1.) This data in the original source refers to percentage of agreements which do not cover health and safety.

(2.) Covers both general and specific measures.

(*) Own elaboration from work of Unzeta López, M. onwards.

(**) Data corresponding to 1987 is taken from Boix y Ferrando, P. 1987.

Characteristics of collective agreements in issues of occupational health and the working environment, taken from the data analysis in table 1:

- a) The agreements reflect very little concern on the part of the employees in questions of their subjection to risk.
- b) Compensation for dangerous work is widespread only in a few cases are these types of bonuses explicitly rejected.
- c) Workers' participation is centred around health and safety, committees to the detriment of company committees, which are autonomous institutions with greater negotiating capacities.
- d) The majority of agreements in the Valencia Region, over 80%, do not include preventive measures. The situation in Catalonia is likely to be similar.
- e) Culture prioritises medicalisation reflected in the fact that 36% and 22% respectively of agreements, propose health surveillance.
- f) Collective agreements have very little use in widening the legal field which workers and their representatives have already recognised.

The evolution of these characteristics over time can be established comparing the data referring to the Valencia region and the years 1987 and 1991, tables 1 and 2.

The above comparison, shows that in general things have not improved greatly from 1987 to 1991. It is worth pointing out, however, the small advance concerning knowledge of risk.

There is a greater difference in the situation if the data relating to the State is compared to that for the Valencia region for 1991, table 2. In nation-wide agreements a substantial advance can be seen for the following:

- a) Knowledge of risk and especially recognition of rights to training and information.
- b) Workers' participation through health and safety committees and the creation of specific health committees.
- c) The introduction of preventative measures, 35% of agreements include concrete preventative measures.
- d) Negotiation is also being used to widen and improve recognised legal responsibilities.

This indicates that it is the greater negotiating capacity amongst unions on a nation wide basis and in large companies, which gives rise to workers' concern for occupational health and the working environment being reflected in the text of the agreements.

TABLE TWO

TREATMENT OF HEALTH AND ENVIRONMENT IN COLLECTIVE AGREEMENTS. STATE AND VALENCIA REGION 1991. (*)

% agreements			
Aspects discussed	State	Valencia Region	
* Knowledge:			
Data records	5.8	2.8	
Hazard maps	11.8	2.8	
Training in Occupational Health	29.5	10.6	
Right to information	41.0	12.5	
* Monetatisation:			
Danger money	41.0	26.0	
Explicit rejection of bonus	0.0	0.0	
Bonus limited to part-time	0.0	0.0	
Perceptions thro' ILO	53.0	71.0	
* Participation:			
Health and Safety Committee	41.0	23.0	
Company Committee	0.0	4.8	
Specific Health Committee	17.0	10.6	
* Prevention:			
No preventive measures	64.7	82.7	
Vague general measures	11.8	6.7	
Concrete measures	35.0	5.7	
Medical Check-ups	47.0	49.0	
* Compliance with Legislation:			
Legally recognised questions	29.5	24.0	
Wide legal field	35.0	2.8	
No. AGREEMENTS ANALYSED		17	104

(*) OWN WORK

Methodological notes on tables 1 and 2

The report is limited to occupational health and the working environment taken from a sample of collective agreements using previously published studies (Boix; 1987, Unzeta; 1987) the authors own work which refers to available agreements, valid in 1991 and agreed both at State and Valencian Community levels.

Methodological and presentational differences in existing data between the Catalonian study and the remainder have made manipulating the data unavoidable so they are comparable with the others.

The meaning of the concepts which appear in tables 1 and 2 is the following:

Knowledge of risk data (e.g. levels and types of pollution) and data on the effects on workers' health (e.g. accident statistics and sick leave) is imperative for preventive action. Workers can improve their knowledge by negotiation with employers on the use of certain learning tools such as records on noise levels of different jobs, over successive years or on accidents or illness produced in different fields of work.

Hazard maps, this is an Italian methodology for studying and improving work conditions relating to health. They are studies which aim to determine what type of risks exist, where they happen, who they affect etc. and what relation they have with the dangers to health observed. In this way, it is possible to evaluate their relative importance and design a priority plan for preventive intervention.

Risk monetarisation implies the possibility of exchanging health and safety for money, accepting bonuses for dangerous work conditions.

Summary:

Collective agreements on environmental issues are practically non-existent and in health and safety there has been only a slight improvement compared to previous years. This relative incapacity on the part of unions to empower preventative activities in health and environmental issues in companies, using collective agreements has social, political and cultural causes. The above is documented with data taken from surveys conducted on employers and employees and based on the analysis of collective agreements signed in recent years.

4. POLICY STATEMENTS, CAMPAIGNS AND DEMANDS BY UNIONS AND EMPLOYERS

4.1 Introduction

For some years, employers' organisations have been putting together the rudiments of an environmental argument. For the most part, it is still a general, unspecific argument, which has emerged as a response to external pressures and conditions. This has likewise occurred within the main trades unions. In both cases, the argument seems to be maturing and acquiring more complexity and depth since 1990. However whenever the environment is discussed, employers and employees are mutually ignorant of each other. The environment only marginally emerges as an issue in industrial relations.

Employers aim their arguments at the state administration, at other employers and at consumers. It is exceptional for them to consider that workers and their unions could intervene in this type of issue.

Trades' unions in turn, direct their criticisms towards the state administration and, although the blame for the state of the environment is often placed on employers, it is very rare that this type of general grievance leads to concrete initiatives against ecological dangers or pollution generated by one particular company or another. Only very recently have environmental approaches in trades union initiatives appeared concerning collective agreements and tripartite negotiations between the government, employers' organisations and trades unions.

4.2 Employers' organisations.

Although there have been statements, study delegations and so on during the 1980's, employers' concerns on environmental issues are recent. The most significant documents date from 1992. Beforehand the greatest concern was the high cost of adapting Spanish industry. The Spanish Industry Summit, held in anuary 1990 in aragoza, with the participation of the CEOE (Spanish Confederation of Business Organisations) and the CEPME (Spanish Confederation of Small and Medium-sized Businesses), calculated the investments needed to

be more than one billion, three hundred thousand million pesetas. A CEV document (Valencian Business Confederation) from June 1990 maintained that the new (environmental) legislation compels industry to adapt, the cost of which, on a national level, is estimated at two billion pesetas. The PITMA (Technological and Industrial Environment Plan) from the Industry Ministry, calculates the above investment cost to be 1.2 billion pesetas. According to estimates made public in 1992 by the CEOE, the above investment corresponds to 6.5% of annual earnings of the sector involved. Thirty nine per cent of this amount corresponds to the chemical sector, 31% to the energy sector, 9% to the car industry and the rest to other sectors. Nearly 36% of this investment will have to be made in water treatment, 18% in emission treatment, 15.5% in fuel reduction processes, 11% in dust arrestment, 9% in the development of catalytic converters and the remainder to other activities.

Confirmation of these costs, in company statements, is usually accompanied by a claim for economic help (direct subsidies, financial exemptions, etc.) directed at central and autonomous management. The Aragoza summit (considered to be highly significant in this area, according to a paper written by the CEOE Environmental Commission's Secretary, Rafael Luengo), demanded the Government provide environmental management with adequate budgetary resources in order to establish every kind of environmental economic support, by means of agreements, either directly with large companies at national level, or with territorial or sectoral business organisations. The CEV document cited that only with determined participation and financial support from the state, whose responsibility is unquestionable, can the adjustment be brought about without endangering the viability and very existence of Valencian businesses.

Up until a short time ago, the Government and business organisations had agreed to delay both the adaptation of Spanish environmental legislation to conform with European Community (EC) legislation and their effective and practical application, in the hope that the delay would bring about a marginal competitive advantage for a time. Whilst this delay becomes politically untenable, business organisations increase the pressure on the Government to assume the greater part of investments and costs necessary for the change.

This is fundamentally a question posed in the area of relations between employers and the Government, and not between employers and the unions. However, governmental sources

have pointed out the convenience of including this item in three-way negotiations focusing on conciliation.

The PSOE (Spanish Socialist Party) paper known as Programa 2000 says ...all the processes described, both the high amount of investment needed to overcome environmental damage and the social importance this issue has in our country, force us to recognise the deterioration of the environment as a state problem. As such, it will only be resolved within the framework of a wide political debate and social accord which involves the whole of Spanish society. In conciliation processes, therefore, it is necessary for this issue to be considered along with its economic implications as a priority problem.

Besides economic help, other claims directed at the State by employers' organisations represented in aragoza are the following:

- a) although not explicitly, the creation of an Environment Ministry is demanded, by considering necessary management unity through a medium with an administrative range similar to that which exists in other EC countries, capable of integrating environmental policy with state, economy, and social policy as is advocated in the EC's Fourth Programme for Environmental Action and the Acta Unica Europea (Single European Act);
- b) the state create infrastructures to clean up rubbish dumps and industrial waste treatment plants, since competition could become distorted if Spanish industries are subject to the same regulations without the means necessary to comply with them;
- c) the state create a pollution control network capable of determining the exact amount of harmful emissions and of establishing a data base for mandatory environmental studies;
- d) participation in the initiative established by the emerging non-polluting industry sector, defending the existence of companies which include sanitation and industrial waste treatment, along with collaboration between public and private sectors in developing by-product exchanges and re-cycling plants and
- e) policy and a legislative framework which empowers the development of the generation of heat from the burning of industrial waste to produce electricity and favours natural gas consumption.

As regards the internal business arena, the guidelines outlined out in the aragoza summit were mainly:

- To include environmental management in general management duties (along with production, commercial and financial duties). It is proposed that a specific managerial post in charge of environmental matters be created in large firms with advisory committees for smaller companies.
- To carry out specific environmental audits, oriented towards improving the company's image, increasing its productivity and improving staff training.
- To establish an innovation triangle in companies, involving executives responsible for the environment, technical planning and marketing.

The conclusions of the 1990 summit and other employers' organisation papers which have been analysed, the environmental problem appears to be a factor on one hand of state relations, and on the other, although very rarely, as a factor of worker and union relations. This goes some way to explaining the scarce presence of questions concerning the external environment in collective agreements, as has previously been indicated in this report.

So, if in collective agreements, external environmental problems are notable by their absence, in generally termed green declarations, exactly the opposite occurs. The bridge between external and internal is seldom crossed, not even when the crossing point is obvious: handling of dangerous substances, noise levels etc. Things like this do not appear to be environmental problems in business theory.

4.2.1. Chamber o Commerce Initiatives.

The Chamber of Commerce and Industry (a traditional institution providing services for and co-ordination between employers) has developed a series of initiatives on the theme we are dealing with. They offer consultations to companies by means of expert committees who work for the Chamber. These offices possess a data base on State, Autonomous and Community regulations, they facilitate information about different subsidies and grants, carry out environmental studies, organise meetings and conferences and so on.

One of the most relevant activities has been the development of the so-called Plan Cameral (Chamber Plan) covering: educational policy, training, help and advice to the PME, state-chamber of commerce working groups, data bank, by-product exchange and dissemination and adoption of initial guidelines on environment for industry.

In educational policy two activity channels are proposed. On the danger of certain products and production techniques, and close collaboration with the State to negotiate of financial support and an adjustment period to new needs in environmental matters.

The training stage is mainly centred on disseminating activities aimed at training environmental experts, establishing alternative technology for each industrial sector and encouraging the inclusion of environmental specialisation as a University discipline. It is expected that this training programme will be carried out in collaboration with the state and the universities.

As far as advice and help for small and medium-sized businesses (PME) is concerned two aspects can be distinguished, one of a legislative nature including offering advice to companies on matters of environmental regulations, and another financial aspect informing company executives on matters of subsidies and credit that allow development of new investments.

State collaboration can be found specifically in the Plan Cameral, which proposes a working group consisting of two representatives designated by the high chamber council and others, and two representatives from the Public Works and Town Planning Ministry. The working group would be responsible for developing regulations, finding out the costs of new investments into clean technology, creating funds to deal with EC legislation and developing a follow-up to the adaptation of different industrial sectors to EC legislation.

The previously cited stages will be preceded by the establishment of a data bank on financial and legislative matters, allowing the private sector to find the level of investment in environmental control, the cost involved and information on new technology. Such information will be strictly confidential, any intervention by the state will be rejected given the distrust that could arise in the business sector.

The creation of a by-products exchange becomes a necessity when faced with the application of legislation on dangerous and toxic waste, and the implementation of a National Plan for treatment of industrial waste. The by-product exchange allows contact to be made between buying and selling companies, in such a way that the latter would avoid paying withdrawal and treatment tax, and the former would obtain prime materials at a reduced cost. The business sector reiterates the importance of state grants which would facilitate the by-product exchange's creation and the development of the previously mentioned stages of the Plan Cameral.

4.2.2. Policy versus practice

Public image in company policy, in fields such as publicity and dissemination of information, is becoming important with regard to the environment. But there is sometimes a contradiction between public image and company practice. For example the Spanish Association of Aerosol Manufacturers, because of the strong presence in the mass media of information about ozone depletion and the ratification by the Spanish Government of the Montreal Convention, edited and distributed material justifying the role of this industry and presented it as being highly aware of its responsibilities. In 1990 a widely distributed leaflet assured consumers and the public that more than 90% of aerosols manufactured in Spain do not contain CFC'S, and that the industry was 10 months ahead of schedule in complying with international commitments.

This publicity campaign tried to combine an image of this industry as responsible and concerned with the need to stop damage to the ozone layer, with the insistence of multiple use of aerosols in order to increase the consumption of their product. No mention was made of the negative ecological effects which have been detected in some propellents used as a substitute for CFC'S.

This campaign is an example of the change of tactics in certain sectors. No longer do they deny or ridicule the ecologists arguments, instead they attempt to present an ecologically-sound image of the company or sector in question. Although the campaign leaflets insisted the breakdown of the ozone by chlorine in CFC'S has not been totally caused in the laboratory process, the emphasis was placed on publicising the rapid fulfilment of commitments demanded by the Montreal Convention.

4. Union organisations.

Union forces have opened the way for formulations on environmental matters, in part owing to the extent of public opinion on the green movement. From the 1940's until 1975 (death of Franco) official trades unions were not by definition organisations which made demands in areas such as improvements in working conditions.

For their part, secret trades union organisations concentrated on the fight for freedom, and, above all, for workers' rights, from the point of view of wages and maintaining jobs.

It was at the end of the 1970's, once unions had been made legal, that they began to take on claims from other social movements including pacifists, ecologists and feminists. With regard to the environment, these early years saw them opposed to the lack of effective legislation on pollution, nuclear power stations and so on. There have also been numerous initiatives on working conditions which have environmental implications for example on noise and dangerous substances.

The VII FEMCA-UGT Congress (1980) passed a resolution on Occupational Health in which the federal executive was ordered to develop a project on the controlled use of asbestos. In 1981 this union published a text entitled asbestos kills, and were threatened with libel action by the employers. There has also been union involvement in citizen mobilisations provoked by the high pollution level caused by industries in districts inhabited by workers. The most well known was in Erandio (Basque country), where in 1969 there was a powerful conflict caused by gas leaks from factories in that zone, which lead to strikes).

In recent years there has been a tendency among the trades unions to address environmental problems are less directly connected to living or working conditions. For example, references are made to deforestation and consequent geological erosion, pollution of the Mediterranean and there has also been union involvement in campaigns against nuclear power promoted by the green movement.

At policy level at least, there are tendencies to prioritise the environmentalist perspective. In the resolutions made at the International Environment Conference held in Barcelona in February 1988, organised by the inter-regional Pyrenees-Mediterranean Trades Union Council, with the

UGT represented by Catalan delegates, it is maintained that workers should reject dangerous work and should not accept technology which is too noisy, involves high temperatures or exposure to toxic substances.

The positions of the UGT (General Workers' Union, a traditionally socialist trades' union), and CC.OO. (Workers Commission, a traditionally communist trades' union), the two largest union federations are examined below. (The less influential organizations, such as the CGT anarchosindicalist tradition has for many years been open to receiving ecological approaches).

4.3.1. Comisiones Obreras (Workers' Commissions)

This union has been holding meetings between trades unionists and ecologists, since 1978, with the purpose of debating and finding out their respective points of view. Even before being legalised in the 1970's some factions linked to the union participated in people's protests on pollution or poor environmental conditions in workers' districts in numerous cities. Sporadically, there have been initiatives to denounce poor safety or hygiene conditions in the workplace (uash-Tierras in Almeria, FESA, in construction and nuclear power plants), to denounce pollution caused by industry (Bazn de San Fernando, baha de Algeciras, on hospital waste, incineration for example), often linking workers' health with the impact of the external environment (paper factories in Miranda de Ebro and Ferronor).

At the National Conferences of 1983 and 1987 motions relating to occupational health and work conditions were debated. In 1983 reinforcement of occupational health committees was demanded, attributing them with the capacity to carry out research into the working environment. In 1987, the deaths of 26,299 employees in accidents at work in the previous ten years were denounced and numerous measures for improving work conditions were demanded.

In more restricted territorial areas, CC.OO. conferences have occasionally debated ecological problems. The 1983 CC.OO. Congress in the Valencia Region, for example, presented two basic lines of action in this field opposition to nuclear power, demanding less polluting and cheaper power; and the demand that unions be able to take part in areas such as town planning and motorway design.

The 1986 Congress in the same region introduced an analysis of economic, agricultural and service costs. It proposed organising courses and study conferences to raise workers awareness of ecological issues and dispel possible fears about the introduction of clean technology, with the aim of convincing trades union delegates that this would not mean job losses. It advocated the creation of a study commission made up of experts in environmental matters and denounced the serious deforestation of land and the increase in dumping of waste in the Mediterranean.

Union spokespersons place particular importance on environmental initiatives included in the ISP (Union Progress Initiative), a platform established jointly with UGT. This document refers to energy problems and the management of environmental resources. In the first field, the relative inefficiency of Spanish industry is described as a competitive disadvantage, and energy planning which favours energy saving, clean sources and strengthens renewable energy (the production of electricity from industrial waste fuel) is demanded. The report defends the indefinite moratorium affecting the construction and operation of new nuclear power stations and recommends a drive towards renewable energy sources and research into clean coal combustion processes. And it advocates compatibility between reducing energy consumption and economic growth. In the second field, the principle of sustainable development and planning for use of natural resources is demanded and the trend of postponing or reducing levels of compliance with pollution controls demanded by the EC is condemned. It demands the strengthening of the rail network, a Natural Resource Law which determines and widens the range of ecological offences, an inventory of natural resources and the conversion of highly polluting industries without job losses.

However the CCOO only formulated programmes on environmental issues at the highest level at the end of 1991.

In the above Congress, the general secretary was opposed to the union accepting the creation of highly polluting companies in exchange for the corresponding jobs. He favoured sustainable development and demanded the conversion of occupational health committees into environment and health committees.

The Congress also passed two resolutions, on energy policy and union action and the environment. The first was in favour of energy saving and the use of renewable energy. The Congress was also in favour of the closure of all Spanish nuclear power stations over the next ten years, The problem can no longer be considered by means of more moratorium. Faced with the confirmation of pollution caused by nuclear power stations, the enormous volume of radioactive waste they generate, their applications in the military field, their high risk of accidents the only response is renunciation of such a source of energy (CC.OO., 1991:3). The second resolution demanded the right for unions to participate in and be consulted at all decision-making levels, concerning health and the environment and proposes the creation of a network of union environmental representatives in small and medium sized businesses.

The Congress also voted for the creation of a department of ecology and environment within the union. This department has taken various initiatives and has promoted contact between the union and a wide range of ecological groups.

In the criteria for collective agreements for 1993, the CCOO suggests the possibility of introducing clauses committing companies to facilitate information and accept union participation in environmental matters. It proposes, also, the carrying out of eco-audits, adaptation plans to conform with EC legislation, energy saving, water purification and waste reduction, and so on all with the participation of the union.

4.2. General Workers' Union UGT

The UGT has established a framework for its environmental policy resolutions made at its V Confederal Congress (1990). In general, ecological concern is introduced without perceiving a fundamental conflict with commitments relating to economic growth and employment. The ecological defence of the environment is defined as one more element of new industrialisation which guards against the false contradiction between ecology and economy. The resolutions maintain that the the polluter, pays principle is insufficient and priority should be given to pollution prevention; that environmental training of union members is necessary; that an environmental section in the leadership of the union should be created. The resolution also announced the notice of a future conference on trades unionism and conservationism and denounced governments who,

regardless of their ideology, have allowed pollution, toxic chemical products, indiscriminate felling of forests, development of nuclear energy, and so on. These denunciations are linked to the lack of preventive measures to protect workers who have to handle polluting products.

The union sees protection of the environment as an opportunity for job creation it demands a General Environment Law and the creation of a State Council to advise the government on issues such as the non-production of toxic waste and the replacement of nuclear energy with alternative forms. The resolutions of the V Congress include an informative annex on the industrial origin of pollutants such as SO₂ and NO_x, ammonia, surface ozone, heavy metals, dust, and CO₂ and their effects on eco-systems and human health.

The UGT is in favour of more industrial expansion and more economic growth, with the proviso that companies apply necessary measures to curb environmental deterioration. The tone of conciliation between both elements is very high. It has even been said that industry ought to maintain present production without any pollution or wastefulness.

The occupational health resolutions at this same Congress attempt in some way, to connect the working environment with the external environment. They demand the right of workers to self-protection, information and participation in everything relating to the definition of working conditions. They request a General Occupational Health and Working Conditions Law to implement the EC Framework Directive 89/391 and International Labour Organisation (ILO) Agreement 155. The trend of subcontracting dangerous jobs is denounced and it was pointed out that industrial pollution affects areas and districts where employees live more intensely. It sets out that all the aforementioned should be translated into collective bargaining and into action amongst companies by means of occupational health committees (preferably in large companies) and of territorial health and safety representatives (centred more on smaller companies). These committees should replace existing ones and monitor pollution control and so on.

Union tasks with regard to the environment are summarised as: acting as a social and political sensitisation agent together with other similar organisations to reorient economic order and contributing to society as a whole and to organisations defending the environment.

The aforementioned resolutions have begun to be translated into practice. The UGT's instructions for collective bargaining in 1991, recommend that agreements be included relating to information and consultation on all environmental issues which companies are involved in; participation in decision making on changes in production processes and investments, monitoring of waste; knowledge of compliance with environmental legislation on the part of the company and all levels of company policy to have an environmental aspect.

The UGT has organised varied debates and has designed a course on health and the environment for its staff training school.

The issue has also emerged in sectoral and regional programmes. Thus, in 1990 in Extremadura the UGT announced that it was against nuclear plants on regional territory, and in favour of conservation of indigenous forests. That same year, a state federation congress of chemicals and energy connected occupational health matters with the external environment. The UPA (Small Agricultural Union) linked to UGT, is in favour of strengthening biological agriculture and in general, cultivation techniques which reduce pollution.

At these more specific levels, however, tensions begin to show. The Extremadura congress criticised those ecologists who claim to maintain the region as a bird airport. Union representatives from the chemical industry contrasted the growing social concern for the environment with the scarce concern for workers' health: regulations relating to protecting the environment are much stricter than those pertaining to the defence of citizens' and workers' health... it seems strange and incredible that society, which goes deeply into improving the environment, does not assume the defence of workers' health with the same emphasis.

4.3.3 The Environment in the Priority Union Proposal (PSP)

In the preparation of the 14 December 1988 general strike, and since then, there has been a powerful tendency to unite in action between CCOO and UGT. The 1989 Priority Union Proposal (PSP) outlines the joint position of both unions in view of negotiation with the government and the employers.

Although the environment occupies a secondary place in the PSP, it is the first time that a union platform concerning immediate practice and planned at such a high level contains relevant environmental criteria.

The PSP advocates public subsidies for investment and research, so that environmental impact can be considered a priority in relation to economic-monetary interests. It demands that workers' rights should be recognised so that they be consulted before decisions are taken concerning investments or changes to the production system. The right to information on the degree of compliance with environmental legislation is also demanded. The PSP defends the application of the principle the polluter pays along with the immediate stoppage of any activity which generates a high level of pollution. Finally, planning is defined for growth, involving workers and unions, inspired by the prevention (not reparation) of ecological damage.

4.4 Summary

Until recently, employers' organisations trades unions had paid very little attention to environmental problems. From 1990 onwards, the situation has begun to change and there are more and more programmes and statements, and the arguments are increasingly complex.

The main point of interest for employers is the adaptation of Spanish industry to the EC environmental legislation. They demand help from the Government to pay for this adaptation, improvements in the coordination of the various environmental authorities. They propose the integration of the environment into management functions of companies.

Trades unions have denounced the dangers of the nuclear power industry, the risk of desertification in Spain and the pollution of the Mediterranean for example, tending to adopt the positions of the environmental movement. But only on very few occasions have they included environmental grievances in their negotiations with companies or or the government, although this is changing slightly.

Employers consider environmental management to be their exclusive responsibility and that unions should not have decision power in this field. Unions, for their part, demand rights in this area, despite the fact that efforts to achieve this in practice are very scarce.

ATTITUDES OF INDUSTRIAL RELATIONS ACTORS TOWARDS THE ENVIRONMENT

1 Introduction and methodological clarifications

Analysing the attitudes of industrial relation actors in Spain entails numerous difficulties owing to the limited information sources. On one hand, reports on attitudes and opinion carried out by business or trades union organisations are scarce and of a fairly irregular nature and often give a 'snap shot' picture rather than reflecting long term practice. This is the case with a number of surveys carried out at the request of employers' organisations. These studies survey very specific aspects and in many cases do not allow sectoral or regional generalisation to be made. There are recent studies on attitudes to EC legislation or on the inclusion into the company of staff specialised in environmental matters but these are not published and their circulation is often restricted.

Secondly, surveys on attitudes and opinion which are carried out by the general Environment Secretariat, resolve to a certain extent the problem of irregularity, as since 1986 three large surveys have been carried out (1986, 1988 and 1990, the latter completed in February 1991).¹

In this way, the information available allows comparison as the questionnaire used is virtually the same on all three occasions. However, these surveys present some obstacles firstly, on dealing with a survey aimed at the entire population, difficulties arise when it comes to differentiating between employers and unions. In the case of employers, it is possible to separate their attitudes from the rest of the sample thanks to the responses indicating profession of the person surveyed (although this is not possible in the most recent study). Also the design of the questionnaire, conceived for the population as a whole, is not ideal for specific themes, and there are problems with the representativeness for employers within the total sample.

¹ See IDES: Estudio sociológico sobre medio ambiente en España. Madrid. 1986
 EMOPUBLICA: Actitudes de los españoles hacia el medio ambiente. Madrid 1988.
 RABIDA CONSULTORES: Opinión pública y Medio Ambiente. Madrid. 1991

Other document sources have therefore been used including: publications by claimants, declarations, proposals and programmes, conversations and interviews, press archives. It has therefore been possible to look more in depth at the attitudes of Spanish employers and unions and evaluate how they are applied in practice. Press archives have been very useful² as they have allowed an exploration of the conduct of industrial relations actors, allowing them to speak for themselves and comparing the level of declaration with the level of practice.

.2 Attitudes o employers towards the environment.

Documents from employers organisations aimed at spreading environmental good practice and rules of conduct amongst employers and promoting individual company policy have been reviewed. And information has been used which appeared in the Spanish press, mainly from March 1991.

These two document sources, one of a more formal nature and manifest in the business environment, and the other closer to actual events provide a view of employers' attitudes towards the environment whose essential feature is duality, or even, paradox.

Employer policy tends to underline solidarity between producers and consumers concerning protection of the environment, and the harmony between development and the environment by means of innovative technology. The paradox is created between values which make up this argument and the production process itself, which is often revealed by the media as environmentally damaging. The protection of the environment is used by companies, particularly in highly polluting industries such as chemicals and energy as something that sells and tends to create a modern and competitive image.

² Collaboration of those in charge of Environment Secretariat documents service, National Hygiene and Safety Institute and 1st May Foundation (CC.OO.) facilitated our work very much.

The common feature which characterises the employers' position on environmental issues, is the insistent inclusion of this variable in their management strategies. The change of focus moves away from defensive stances maintained previously in order to include new elements of initiative and coordination.

Industrial growth is not questioned, but it has to be linked to respect for and commitment towards the environment, even more so when social demand is growing in this field. The question that employers pose is how to manage in a world concerned about ecology and this leads them to prepare themselves for a clash against the destruction of the planet, to look closely into the costs of pollution and to extol traditional values tinted green.

The following references illustrate this remarkable change, and are examples of employers connected with particularly polluting sectors (chemical, power, car industry):

It is possible to state that, socially speaking, we are submerged in an (ecological era), on which no society, country or community can turn their back (Empresa y Medioambiente, Bulletin n 52; Page 44. President of Administrative Council SEAT).

The attitudes of employers as regards the economic role of the environment has evolved in a rapid and important way. The old fashioned idea of considering conservation as an unproductive burden has come to be a (socially responsible commitment) which implies efficient management of programmes and resources (Empresa y Medioambiente, Bulletin n 52; Page 140, Administrative Commission REPSOL UIMICA).

Along with this, it is considered that industry is an essential part of the protection policy of the environment, the vanguard of progress:

I think that the industrialist of our time should be aware of the degree of deterioration which our planet is undergoing and although there are those of us who know that industry is just one more cause, and not the main one, this should not be anything other than a stimulus for being the vanguard of environmental protection. (Large industry can become the locomotive that, with its example, can pull the train in which the state will undoubtedly have to place

the necessary energy) (Empresa y Medioambiente, Bulletin n 52; Page 114, President of CEPSA).

However, the above mentioned stances often clash with practice.

There are numerous examples of recurring infringements of standards. Illegal dumping is so widespread that compliance with the regulations is an exception. Everyday practice does not comply with the law, and the pollution continues even after companies have been reported, sanctioned and fined.

There is a trend towards proposals for corrective measures, which instead of requiring modifications to the production process, displace pollution to another location. For example a number of paper factories base their waste strategy on disposing of industrial waste out at sea.

The case of dumping is the one which most often demonstrates anonymous conduct, when it is difficult to determine the polluting substance after it has been dumped. The case of the Albufera de Valencia can be cited here, which suffered an unknown spillage in April 1991 causing the death of thousands of fish (a 24.4.91), and the case of the Gernika estuary, which had similar consequences, on 2nd April 1991 (Correo Espaol 3.4.91). Two toxic spillages took place in the same estuary in une 1991, but it has proved impossible to clearly identify the substance which caused the pollution (Deia 12.6.91).

There is a problem of lack of reporting to authorities. This practice is exemplified by non-declaration of dumping within the time limit set by the authorities. The lack of reporting occurs where normal regulations are involved and in accident or emergency situations.

The annual production of toxic waste by Spanish industry substantially exceeds the capacity it is able to sustain. (According to MOPU, toxic and harmful waste production in 1989 was 1.8 million tonnes. On the other hand, by 1995, capacity for sustaining waste will be only 200.000 to 400.000 tonnes, 20 of the present level). Despite this some companies still import toxic wast from abroad.

There have been a number of cases where companies have shown no cooperation towards the state in developing campaigns for protecting the environment and have avoided their responsibilities.

For example, the battery collection campaign called *botn*, organised by the General Environment Secretariat this year following the polluter pays principle, needed manufacturers' cooperation in collecting batteries but met with a very negative response despite the low cost of this initiative (El Pas 18.3.91).

These contradictions between stated policy and practice are accompanied by a profound defensive attitude. For example employers deny that processes cause environmental damage or argue that damage is minimal.

This attitude is usually supported by scientific arguments to refuse investigation which offers contrary conclusions. Sometimes the argument is presented in comparison with other damage socially considered normal. Some employers minimise the damage that their activity is causing and compare it to car pollution or central heating systems.

When recognition of an infringement becomes impossible to avoid, some companies have justified the infringement in accordance with three types of argument:

- A. - Failure to report to authorities.
- B. - Lack of sites to deposit waste.
- C. - Lack of economic resources for decontamination (accompanied by a request for State financing).

Many industrialists consider that financing the changes that Spanish industry has to go through should be a priority responsibility of the State.

Companies have also attempted to evade responsibilities for environmental damage. Employers have argued that manufacturers and consumers are equally responsible for pollution (although clearly employers have the power to change production processes). In this vein the claims of *os Mara Cuevas*, President of the Spanish Confederation of Business Organisations (CEOE), are of great interest. It concerns the whole of Spanish society, including employers. *Expansion* (22.12.90) The claims of the most important representative of Spanish employers do not show much determination to take on this responsibility.

Employers are managing to evade compliance with environmental legislation, by means of threats of jobs losses if the company were to close down. Fear of job losses caused by closure of a polluting site, appears to have an effect on the Governments' caution when it comes to creating drastic measures for companies.

The official employers' argument proposes the signing of an environmental pact, as a political measure to undertake the reconversion necessary to environmentally clean up industry. This says Our country is still not organised well enough administratively to promote and coordinate environmental policies and plans. However, major infrastructure deficiencies and leave Spanish industry at a disadvantage when it comes to complying with more and more demanding community regulations. For this reason, the promotion of environmental pacts becomes more and more necessary, so that solutions can be based on shared responsibilities between legislators, regional and municipal authorities, industry and, finally, consumers (Empresa y Medioambiente, Bulletin n 52; Page 143 President of Administrative Council REPSOL UIMICA).

The pact is understood as a way of nationalising responsibilities with other agents, of acquiring leadership, and of establishing subjects for negotiation (unions and green organisations are excluded from this type of proposal). Likewise, the pact could be used as a way of channeling different types of aid requested of the State.

However the majority of agreements achieved do not exceed a nominal level of commitment and are without agreements or concrete guarantees. For example in Tarragona, where the local authority, the Chemical Employers Association, Asociacin umica de Tarragona and fifteen companies from the chemical sector located in the area, signed a document of responsible conduct in February 1991, in which companies committed themselves to reduce pollution to the minimum, to improve security measures, and to collaborate with the authorities in informing the public about the potential effects of the chemical industry on the environment. (Diari de Tarragona 8.2.91). The Mayor of Tarragona, recognised that the document could have been much more committing for industry. Together with the non binding nature of the commitments, the parties who signed this document are companies and local authorities, with the exclusion of other social bodies such as neighbourhood associations, unions, and green organisations.

Technology is a key concept in the environmental argument among employers, as it is only by technological innovation that a link between development and the environment can be created. The same argument marks the path of a traditional technological concept, defined as a means of dominating and transforming nature towards a new concept, where technology is conceived as a means of balancing production with environment through innovation in manufacturing, material and re-cycling processes. The traditional concept of technology considered deterioration as a necessary cost, inherent in the industrialisation and economic development process.

But the new image of technology which employers defend is about combining economics and the environment, An alternative use of technology will serve to repair forests and rivers, to condition marshland for breeding aquatic birds, to adapt new and existing public works not to disturb animal development, to repair indigenous woodland, to make wildlife return to our rivers, reduce wildlife mortality from plagues or epidemics; to sum up, to restore the planet to equilibrium. (Empresa y Medioambiente, Bulletin n 52; Page 207. Administrative Council ERCROS).

Employers are optimistic about technology resolving present environmental problems in the future, offering a technical solution to environmental problems. However, despite the existence of alternatives to polluting production systems, in many cases technological solutions have not been developed for dismantling sites constructed in the past. This is the case of a uranium factory in Andjar, whose closure plan was opposed by the local community and ecologist groups, as they considered shutting down the factory could increase radioactivity in the zone. The company ENRESA recognised this in its dismantling plan (El Independiente 11.4.91).

The same has happened with the nuclear plant Vandells I, where the high cost of dismantling (around one hundred thousand million pesetas), combines with the fact that all the structural materials of the plant have undergone a process of radiation, which signifies the generation of enormous quantities of radioactive waste. In Spain there is no specific regulation for dismantling. (ABC 3.4.91).

So although technical solutions can offer better environmental management, the alternatives for high polluting processes are still limited. Technology, alone, does not deal with the great quantity of toxic and harmful waste which has already been produced and continues to be produced.

Also, the so called new non-polluting industry does not consist of replacement of polluting production processes with non-polluting ones, but rather it is a sector which concentrates on producing purifying and recycling systems, far from eradicating the presence of polluting industry, bases its cost-effectiveness on this industry's existence. Thus, it is found that the majority of companies who create subsidiaries dedicated to environmental engineering cause pollution themselves. And even where facilities such as waste disposal are available, companies may still illegally dispose of waste. In 1983, there were three treatment plants, but within a few years two of them closed down due to lack of cost-effectiveness (El Independiente 26.2.91).

On the other hand, despite the expectations expressed by employers with respect to the opportunities of technology in environmental protection, there is no sign of a transformation within the organisational structures of companies. A survey carried out at the end of last year, to find out about specialist staff assigned to this area within the company, shows that only 29 of Spanish companies entrusted this task to high executive posts, and 13 placed it in hands of personnel departments. (La Gaceta 6.10.1990).

Frequently, companies consider that the authorities are responsible for a major part of the costs of pollution reduction or relocation projects. In the case of PEARROA (a chemical company), which had to invest 4000 million pesetas in the construction of a new sulphuric acid plant, the directors believe a subsidy of 50 is necessary. Management and unions are of the opinion that without subsidies, the multinational group Metal Europ, which controls PEARROA, will not only not build the new plant, but will not even keep the present factory structure in Cartagena. (Cinco Dias 17.1.91).

In the removal of factories which are situated close to the urban centre and store dangerous waste, businesses often ask the authorities for indemnities. For example, UIMICA IBERICA (another chemicals company situated close to a school in San Fernando de Henares) directors refused to dismantle the factory without first negotiating an adequate indemnity. (El Pas).

The transformations which Spanish industry will have to undergo in order to adapt itself to environmental legislation are varied and numerous, concerning employers. The Energy and Industry Ministry estimates the cost of adapting Spanish production at 1.2 billion pesetas. The paper and chemical sectors would absorb 39% of the total investment and the power sector 31%, car and construction would also take up 9% and 6% respectively.

Employers request a flexible attitude by the State when the time comes to implement the regulations; It is necessary to underline this serious problem which could arise from the establishment of generalised demands and immediate implementation. It is foreseeable that if the same demands are required by each company, problems of adaptation will be numerous both in costs and in possibilities of tackling them, which in turn could cause serious harm if excessively rigid action is favoured. 1 (Page 181 Presidente del Circulo de Empresarios Vascos) (Basque Employers' Organisation).

Companies also criticise the state for failing to provide suitable sites for industry, The country must offer similar infrastructures to those of other community countries in as far as rubbish tip sanitation and industrial waste treatment plants, since, if not, Spanish companies will be disadvantaged if they are required to comply with the same regulations but with less means of doing so (Empresa y Medioambiente, Bulletin n 52; Page 141, President of REPSOL UIMICA).

In the case of smaller companies, like UIMICA IBERICA, criticism of the State for absence of toxic waste incineration plants, is cited as the reason which makes compliance with regulations impossible, because the low volume of waste generated makes its possible treatment expensive.

As regards employers' attitudes towards EC regulations, the newspaper *Expansin* (15.5.91), cites a survey carried out in petrochemical, mining, plastics, car and iron and steel sectors; all of which are greatly affected by the implementation of legislation. According to this newspaper, the survey contributed the following data:

- 29 of industry feels that new legislation will have negative repercussions;
- 24 think that it will affect them positively;
- 35 say they are unaware of environmental legislation and
- 76 state that they have plans to improve their environmental situation. Of these, 54 within a period of five years, 33 in one or two years, and 13 within less than a year.

In summary, with regard to the technological concept, there was optimism, perceiving infrastructure reform for less polluting production as a challenge. With regard to legislation the attitude is one of fear and pessimism. Many reservations appear when it comes to applying pragmatic plans to non-polluting technology.

The investment Spanish industry needs to make in environmental conversion to prepare for EC environmental legislation in the next two years, is considerable (1.2 billion pesetas). This has given rise to the industrial world seeing in this reform an open field for business.

However, very few Spanish firms offer services in this field. According to the Minister for Industry and Energy in the magazine *Mercado* (2.1.91): Spanish industry is insufficiently supported. At present there are 300 medium-sized companies who could be the embryo of this type of industry. According to this magazine, the principle characteristics of this industry are scarce specialisation in the industry in team working, scarce specialisation by engineering companies, who could channel an important part of their business into environmental activities; and the absence of companies who could contribute to systems, to prevent or treat waste products. According to *Cinco Dias* (17.3.91), foreign companies have the most opportunity to enter the Spanish market, due to the wide range of environmental services on offer.

However, there have recently been Spanish investment projects: the opening of the company *Tecnoambiente*, by the EULEN, IBERDUERO, Diputacin de Len and the Spanish water company group, whose aim will be to introduce environmental activities related to the water cycle. (*Expansin* 21.2.91); or the new subsidiary of the chemical group ERCROS dedicated

to the promotion of environmental industries and services (Prisma) (Expansin 20.2 91). Regarding waste treatment, in May 1990, Emgrisa was created, a public company centred on treatment of industrial waste, a State initiative set up in view of the lack of private initiatives (Cinco Dias 28.1.91).

Despite these examples, there is no business development suitable to confront the needs of industry in this area. Moreover a trend can be perceived on the part of companies belonging to the most polluting sectors, towards the creation of subsidiaries dedicated to the business of eco-industry. This does not end polluting activities, but merely provides more benefits for the parent company both in economic and symbolic terms.

The press has reported that employers are making investments in clean up measures. But where these are dictated by compliance with regulations or sanctions, it does not mean that they are part of a preventative environmental concept which guides the planning of production.

For example Rio Tinto Mining invests four thousand million pesetas in the environment (Expansin 4.3.91), refers to with investments in work being done on a slag treatment plant, and repairs aiming to reduce the emission of sulphuric acid. These are internal corrective measures within the Huelva Corrective Plan carried out by the Junta de Andalucía's environment agency and thirteen large and medium-sized companies. This plan involves the investment of ten thousand million pesetas, 95% of which corresponds to internal corrective measures by companies, standing out amongst these Rio Tinto Minera and the Empresa Nacional de Celulosas (ENCE).

The Basque investment into the environment will be 95.000 million pesetas (Expansin 11.4.91) refers to investments for adapting to European environmental legislation, according to a Confederación Empresarial Vasca plan. According to this plan, the main expenditure will take place in paper, chemical and steel work sectors.

Eighteen companies invest 19.000 million pesetas to end pollution (Diario 16 11.1.91) refers to a case where the majority of investments are those undertaken by the companies FESA, PEARROA, REPSOL PETROLEO and PORTMAN GOLF, all situated in Cartagena, one of the industrial pollution blackspots in Spain, and all associated with environmental infringements

to such an extent that two of them have been repeatedly closed down this year. The companies will count on anticipated subsidies from the Industrial Environmental Plan, of the Industry and Energy Ministry, and will be carried out over the next three years.

So the main motive of Spanish industry's environmental investments is compliance with, fundamental EC legislation.

Employers frequently have the difficulty of reconciling their economic interests with the environment issue, and this leads to contradictory actions.

Table 3 is a summary of the types of employer attitudes to environmental issues, based on ideal lines of action which represent conceptual models and combine business practices.

5.3 Union attitudes towards environmental issues

The wave of complaints about working conditions in Europe in the 1970's reached Spain a little late. However, the efforts of unions to produce successes in health and improvements in working conditions has rapidly increased the level of discussion about this issue. The concept working environment and its linkage to a complex argument with external environmental problems, is still being debated.

The adoption of an environmental language, does not imply the internalisation of its meaning or its verification in practice. In the case of unions, the extent of concern about the ecological issue is growing and the strengthening of this new solidarity may strengthen traditional union action, and initiate links between outside and inside of factories.

Although pacts have been established between the two largest union federations CC.OO and UGT,³ there remain divergent stances can be observed among leaders of each organisation. The differences in opinion between these and the activists or group of workers are shown, fundamentally in cases where the latter see their jobs threatened by pollution and closure.

There are two trends in union positions ecological and pragmatic trade unionism. These demonstrate the ideological situation and union action and depict a tension within trades unions which may give way to important innovations in attitudes.

The first trend is represented by minority sectors, even by personal actions by those in charge of areas relating to environmental issues. However, the growing importance of ecological content may make the second tendency increasingly open to these propositions. The second focus (pragmatic), is predominant and maintains a point of view which is more connected to the working environment and unwilling to abandon a stage which has produced important victories and which is perceived as particularly adapted to union action.

³In recent years we have witnessed, if not complete unity between UGT and CC.OO., joint action in many aspects. This collaboration, although it does not dispel particular visions of each one, allows lines shared by both and declarations made to be used in this report as principal documents for the study of attitudes. This will not lead to a specific study of each organisation, but to proposals which originate from their present joint activity and the tensions they both share.

"Ecological" trade unionism develops a more innovative argument within the trades unions, integrating issues of health and work within a global concept and removed from the environment. Only after criticism of conditions which worsen the state of the surroundings and natural resources, will it be possible to pose an integral conception of health prevention in workers. This approach suggests the incorporation of political ecology into trade union action, with the consequent tensions produced, specifically criticism of productivism and of the capitalist economic growth model.

"The present social system of capitalist production is irreversibly destroying the health and natural basis of human activity. Undoubtedly, the ecological crisis forms part of one of the dominating systems of the present crisis in the capitalist system. The impossibility, which has been scientifically demonstrated, of spreading the capitalist social and economic system to the planet as a whole implies the confirmation of the need for a profound change in the economic industrial system and a simultaneous transformation of the social models which support it". (Eduardo Gutierrez, Area de Medio Ambiente. Fundación 1 de Mayo).

In this sense, the starting of a system which takes account of environmental issues, with resources for cleaning-up industry or closing down polluting companies, are considered as urgent and necessary. Special emphasis is put on the necessity for spreading this ecological awareness so union and other workers' representatives think about the risk of an anti-ecological job, and value the right to work and the right to a healthy environment in the same way. This implies training aimed at changing attitudes assumes ecological complaints on the part of workers. An "ecological literacy campaign" in the words of one of the trades unionists interviewed.

A more continuous and less radical attitude characterises the second focus. In it the environment and safety at work take prime position, although elements of the previous focus are included with the aim of updating its content. "The health-environment term, from a trade union point of view, has to be tackled from the inside of the company where specific problems rise everyday and in the industrial evolution of work centres." (Paper 5th Congress. CC.OO. 1991).

An integral concept of workers' health prevention cannot be confined solely to the prevention of effects which may be caused by work conditions: the environment and safety at work have to transcend these limits and achieve the totality of factors which may influence health, amongst these are the living environment of workers, generally situated close to work and, therefore, influenced by the industrial activity carried out by the company by whom the worker is employed. (Paper presented at 5th Congress CC.OO 1991).

Criticism of productivism by ecological trades unionists is limited, and instead a more reformist attitude is adopted. The restricted position of closure of companies is replaced by emphasis on corrective measures or harsher measures when there is no alternative.

Concern over costs owing to the growing number of environmental regulations, affects unions in different sections of policy in such a way that the policy attempts to balance out different factors to the detriment of more critical attitudes. The following quote refers to this issue.

"The growing concern of industrial societies about economics as a whole, more particularly about ecology and specifically the entry in May into the Single European Market will involve the establishment of more restrictive environmental regulations over a short period, and consequently will compel companies to adopt costly adjustment programmes at their industrial sites. This may lead to survival problems in certain companies, with serious repercussions on the level of industrialisation in our country, and, consequently, on employment". (Paper presented at 5th congress, CC.OO. 1991).

Finally, there is a demand for training of union members and workers, prioritising expert knowledge or training for new jobs related to the environment.

There is often distance between official policy and opinions of the membership of union organisations. Closure of polluting factories is, in this respect, of great testimonial value, because, in view of the fear of job losses, the attitude of workers does not coincide with that of their leaders.

In view of the problems caused by a number of chemical companies in Cartagena (already referred to in previous sections) a member of the chemical federation of CC.OO. expressed

his opposition to the frequent closure of polluting industries, "A factory cannot be closed down every time the wind changes, what is necessary are definitive measures for each company" ("El Independiente" 16-4-91).

A workers' representative and member of CC.OO. expressed the same opinion in view of the problem of INQUINOSA "pollution indices found in our blood are not so alarming. INQUINOSA has recognised that all workers have traces of pesticides. It is the same as if in flour was detected in a baker or cement in a builder it is a consequence of our work. Besides, the analyses were not serious, we want the local Aragon authorities to carry out more comprehensive tests on us, along with a detailed medical check-up, and for them to respect our jobs" ("Interviu" 27th May 1991).

The threats which business often employs and which hang over workers, leads the union to a dead end and turns it into a "hostage" compelled to confront a difficult contradiction: continue with their complaints about pollution or content themselves with keeping jobs.

The unantagonistic nature of "pragmatic trade unionism" is owed to the assumption of this problem, which leads to structuring demands towards correction and reforms as regards the state of the environment, trying to liken itself to that producer-citizen, worker-consumer who sees the threat of unemployment in the factory, and outside sees the threat of harmful surroundings.

The dilemma is inherent, therefore, in the heart of the organisation. Demands for extending the ecological offence law, measures against pollution and the consumption of resources would intensify the threat of companies and for this reason they have to be cautiously developed in order to avoid causing greater discord. These precautions, on the part of trades union leaders, are exemplified by the lack of press coverage of accusations in environmental matters.

There is also frequent disagreement between the union movement and the "green" movement. Contact between these two groups has been marked by mutual misunderstandings, by reciprocated ignorance of each others problems and by conflicts in interest. However, contacts have been made in some areas, and ecologists have participated in compiling union

programmes in the environmental field. The activities taking place up to now are the result of the efforts of individuals or small groups. Mistakes and disagreements still occur, but this attitude at least goes some way to reducing the distance between these two sections of the movement so that their collaboration will bear fruit in the future.

5.4 Summary

The most insistent and well defined feature of industrial actors' opinions advocate conciliation between protecting the environment and the continuation of the prevailing growth model. Within this framework there are significant differences. Business opinion tends to attach more importance to technology putting aside political solutions. Trades union opinion tends to give more priority to political interventions, on understanding environmentalism as a potential ally.

The dominance of a conciliatory ideology is related to the complex display of attitudes. Contradictions emerge between environment and growth and actual conduct tends to be paradoxical or simply inconsistent. In the majority of cases, it is the economist motive which dominates the management of conflicts.

However the table presented is not static, but dynamic and there are signs of a change. The group of "eco-responsible" employers is a minority but which is tending to increase. There is also a noticeable increase in "ecological" trade unionism.

6 SUMMARY AND CONCLUSIONS.

In an analysis of Spanish regulations regarding the environment, there are numerous standards as a result of the non existence of a General Environmental law controlling and assigning duties and responsibilities. This makes intervention in prevention, correction, follow-up and negotiation difficult. The nearest thing to this law is perhaps the environmental impact regulation, although this is not intended as a unifying law.

Also, law 38/72 on Protection of the Atmospheric Environment (December 1991), indicates that "the criteria of action would be to prepare a general law in defence of the environment". This "postponement" was justified with phrases such as and "the lack of experience in many aspects" of an economic nature and "the necessary dosage of economic measures which have to have an effect on these affairs."

Secondly environmental questions can also be included in matters relevant to collective bargaining, either through company committees, or through specific committees like health and safety and in so doing give the latter more responsibility.

Despite the Spanish Constitution recognising the right to enjoy "a suitable environment for personal development", post-constitutional regulations are fairly scarce on this subject (the only law worth mentioning is the Environmental Impact law and the development regulation). This has resulted in environmental legislation being somewhat obsolete and inefficient.

However, despite the limited development of constitutional mandates in these matters, it seems that concern is emerging about public powers, owing perhaps to the enormous deterioration which the environment has undergone. This limited concern materialises in the environmental impact regulation and, above all in the creation of a specific environmental offence (articles 347 and 348 of the Penal Code) which even though it lacks force is an important advance in legislative development in this issue.

The incidence of environmental problems in the more immediate practice of industrial relations has been traced by the examination of a wide sample of collective agreements (almost five hundred state or autonomous agreements). Collective bargaining is very significant in this area

and allows what is happening in practice to be examined, and why it is necessary to establish specific agreements or regulations. Environmental problems were hardly found to have entered into collective bargaining (external environmental problems even less). Apparently, such problems are not considered as an essential element of industrial relations.

The path by which it seems to be more feasible to introduce aspects relating to ecological responsibility in collective bargaining, as shown by the state agreement with the chemical industry, consists of giving a wider than normal interpretation of health and safety regulations in the workplace. The steps of this path would be, firstly, to increase the importance given in collective bargaining to questions related with health. Secondly, to promote preventative health measures, which would open the way for internal environment regulations. And finally, to give way to more general environmental considerations, outside the factory framework.

However, in practice there are two obstacles which are socioeconomic and cultural. The frailty and fragmentation of employment markets (a distinguished feature in Spanish economic reality of recent years), with high rates of unemployment and many temporary jobs, places unions in a defensive position, against new problems. Employers want to limit bargaining to those aspects most directly linked to wages and jobs, keeping the management of other industrial dimensions exclusively to themselves.

There are also cultural restraints. The strong medicalisation of occupational health standards (and, in general, of the social perspective of health problems) blocks the development of perspectives based on prevention and on appropriate management of the surroundings. The domination of monetary culture, the commitment of growth ideology, minimises the social perspective of ecological costs.

Less weakness and fragmentation in employment markets, less medicalisation in health management, less monetarism would seem to be the conditions for ecological responsibility to become part of industrial legislation.

Another factor which could result in a change in the situation described by agreements analysed is external pressure. More pressure from the ecological movement and from consumers on one hand, and more political willingness in the development and implementation

of environmental laws on the part of political parties or the government would force industrial actors to include this issue in industrial relations. Changes would also be needed to make external pressure effective. Relations between ecologists and employers and between ecologists and trade unionists need to be built, as currently relations between ecologists and industry even though not intense, are frequently openly confrontational.

With unions and the green movement relations tend to be cordial, despite the existence of undeniable conflicts which both sides attempt to minimise. The prevailing attitude of the enforcing authorities is one of tolerance and environmental legislation is not as effectively enforced as it could be.

There has been a perceptible increase in recent years of environmental issues in the ideology and activities of employers' organisations and the unions, even if it has been at fairly basic levels.

The point of interest for employers is the adaptation of Spanish industry to EC environmental legislation. Pressure is put on the authorities to assume the largest part of adjustment costs, both financial charges and investments in infrastructure. Secondly, employers demand more coordination in environmental administration and the creation of more complete data bases on the state of the eco-systems and the impact of economic activities on these. It is suggested that the environment be integrated into management duties of companies, thereby associating it with technological innovation and the creation of an ecologically sound image aimed at consumers and public opinion. Activities are centred fundamentally on offering employers information on environmental regulations and help in management to get monetary subsidies for adjustments.

On the part of the unions, the gradual introduction into their argument of ecological issues such as the danger of the nuclear power industry, desertification, and pollution of the Mediterranean, can be found. These tend to be close to the point of view of ecological movements. However, only on very few occasions do these approaches get to appear on specific demand platforms. It is very rare that trades union practice includes environmental elements even though these are present in the policy.

A distinguishable feature, in policy and practice is mutual ignorance. The spokespersons of employers in this field are the government, other employers and, sometimes, consumers, but very rarely workers and their unions. One example is the 52nd Bulletin of the Circulo de Empresarios (business circle). This is a notable initiative aimed at increasing environmental culture in the employers' world and defining strategies for this purpose. Out of 218 pages filled with speeches of 19 distinguished business leaders, amongst them the most knowledgeable people in this field, there is only one reference to trade unions (referring to the safety and hygiene committee of the General Motors factory in Figueruelas).

Trade unions, for their part, regret the limited ecological willingness of the government and denounce companies as being responsible for pollution, but it is very rare that this denouncement is interpreted into specific initiatives, either in protest and mobilisation, or at the negotiating table. For this reason the mention of ecological problems in the Propuesta Sindical Prioritaria, aimed towards negotiation at the highest level with the government and employers' organisations.

It seems that, in this area, the creation of scope for meetings, debates and confrontation if necessary, where industrial agents would be able to exchange their respective views regarding the ecological crisis, would be a step worth considering.

The most insistent and well defined feature of industrial actors opinions is the presence of an ideology of conciliation between productivism and ecologism. "Economic growth has to be made compatible with protection of the environment" this is the phrase which summarises the social and political consensus. Only the most active minorities of the ecological movement, on one hand, and the most anti-ecological groups from the economic world, on the other, questions this consensus.

However business opinion tends to attach more importance to technology putting aside political solutions (a view which contrasts with the limited investment made up to now in the so-called "eco-industry" sector). It tends to perceive the environment as a mediator of social consensus ("we are all responsible for the state of the environment, we should all collaborate in finding a solution"). Trade union opinion, especially on the left wing, tends to give more priority to

political solutions, on understanding conservationism as a potential ally in the fight against capitalism.

The dominance of a conciliatory ideology is related with the complex display of attitudes. Given inevitably, that contradictions emerge, actual conduct tends to be paradoxical or simply inconsistent. In the majority of cases, it is the economist motive which dominates the management of conflicts. Thus, a revision of the available information shows that dumping unpurified waste is an almost generalised practice; infringements of environmental regulations abound; incomprehensible information is widespread; the tendency to minimise of ecological costs is very strong; the argument that limits cannot be put on polluting products because it would involve job losses continues to exist and industry's ecological commitment normally refers above all to those businesses in the so-called "green-industry" sector. Expressed in another way ideology preaches harmony between production and the environment but in practice it is taken for granted that the environment can cope with everything.

The distance between opinions and actions can be observed in employers and workers although responsibility is unfairly distributed. Workers have little opportunity to participate in the management of aspects of industrial life, aside from those of wages and jobs, such as technological decisions, the definition of productive processes, or the orientation of investments.

The distinction made in analysing attitudes does not originate from the taking of sides in the internal conflicts of the industry. The attitude of unions could only be put to the test if it held more weight in the decisions relevant to the field studied. The research does not allow conclusion that more intensive union participation would lead quickly to a more ecologically sound industry. Rather there are reasons to suspect that the differences would not be substantial.

Finally, the table presented is not static, but dynamic - there are signs of a change. The most noticeable is that which marks an internal split in the respective cultures of social actors. Thus, business attitudes can be classified into four groups (of greatest to least ecological commitment), of which the first, that of "eco-responsible" employers, is a minority but which is tending to increase. And there is noticeable tension between "ecological" and "pragmatic" of trade unionism, within a framework where the second is clearly dominant (but relatively pervious) and where the first one tends to define and assert its stance more than the other.

APPENDIX 1:

Regulations relating to environmental issues.

General guidelines with rules concentrating on the Environment.

- Spanish Constitution 27-XII-1978: articles 45;148.1.9 and 149.1.23.
- Civil code: articles 389 to 391: 1907 and 1908
- Penal code: articles 347a and 348
- General Health Law 44/86 15th April: articles 19; 39; 40.1 and 42.

Specific Regulations.

- Royal Legislative Decree 1302/86 28th June, Evaluation of Environmental Impact.
- Royal Decree 1131/88 30th September which develops Royal Decree 1302/86.
- Decree 1131/88 30th November through which the Regulation of Unhealthy, Harmful and Dangerous activities; and by Order 15-III-63 implementation of above Decree.
- Law 38/72 22nd December of Protection of the Atmospheric Environment and decree 833/75 which develops it. Decree 1613/85 1st August which partly modifies the previous one and Royal Decree 717/87 27th May which modifies Decree 833/75.
- Order of 18th October 1976 of Protection of Atmospheric Pollution originating from Industry.
- Decree 3025/74 on Limiting Vehicle Pollution.
- Royal Decree 2024/75 23rd August where the characteristics, qualities and conditions of use of fuel are set out.
- Law 29/85 2nd August: Water Law (articles 2 to 12; 38 to 44; 84 to 103; 105 and 108 to 112). Royal decree 849/86 11th April which develops the Water Law.
- Coastal Law 22/28: articles 1 to 6; 20 to 42; 44; 51 to 65; 72; 85; 88; 90 to 115 and Royal Decree 1471/89 1st December which develops the Coastal Law.
- Royal Decree 258/89 10th March on Tipping dangerous substances from land into sea.
- Law 21/74 27th June on Research and Usage of Hydrocarbons and rules of its development.
- Order of 26-V-76, on Prevention of Marine Pollution caused by spillages from ships and aeroplanes.
- Law 4/89 27th March of Conservation of Green Spaces and Wildlife.

- Law 25/64 29th April on Nuclear Pollution and Royal Decree 2519/82 of 12th August: Regulation on Health Protection against ionizing conditions.
- Law 42/75 19th November on rubbish and solid urban waste.
- Law 20.86 14th May on Toxic and harmful waste. Royal Decree, and Royal Decree 833/88 14th May on execution of this law.
- Royal Decree 2216/85 23rd October: Regulation on declaring new and classified substances packaged and labelled as dangerous substances.
- Royal Decree 199/90 16th February by which the General Environment Secretariat is created within the Public Works Ministry.

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DEAL POSITIONS	Process of awareness	Technology	The State and EEC	Regulations and guidelines	Environmental Industry
Eco-reticent	<ul style="list-style-type: none"> - Very low awareness level. - Nature = Storage/Rubbish dump. - Business predator. - Rejection and negligence of information. 	<ul style="list-style-type: none"> - Obsolete and polluting technology. - Conflict between industrial and social ends. 	<ul style="list-style-type: none"> - Exclusive responsibility for the environment held by the state. - Protection against impunity due to lack of State control. 	<ul style="list-style-type: none"> - Premeditated disregard. - Reluctance towards auditing and payment of levies for dumping. - Non-fulfilment under the threat of closure. 	<ul style="list-style-type: none"> - Unnecessary for company's workings as perceived by those businessmen. - Not considered a genuine concern. - Domestic operation.
Eco-resigned	<ul style="list-style-type: none"> - Slight openness. - Low awareness and achievement level. - Pessimistic perception of changes in the improvement of the environment. - Passive attitude. 	<ul style="list-style-type: none"> - Confidence in technological innovation. - Corrective technology. - Predominance of productive ends. - Strong dependence on the exterior. 	<ul style="list-style-type: none"> - Victimist attitude. - Complaints due to lack of facilities. - Request for more subsidies in order to deal with State demands. 	<ul style="list-style-type: none"> - Begrudging acceptance of environmental costs. - Fear of rules and regulations. - Critical of the State for not having agreed a moratorium on the fulfilment of European regulations. - Pessimism about not overstepping the pollution boundaries. - Fulfilment of regulations puts the financial workings of the company in danger, and in many cases its continuation. 	<ul style="list-style-type: none"> - Restricted use. - Introduction in Spain in order to reduce foreign dependency. - Scarce involvement in initiatives.
Eco-receptive	<ul style="list-style-type: none"> - Much discussion. - High level of information. - Search for business initiative. - Over-optimistic perception of the environmental issue. - Active position, although the environment is not included in the business organization. 	<ul style="list-style-type: none"> - Technology as a solution for the environment. - Technology as a means of strengthening business innovation on the theme of the environment. - First steps towards technological research and application, guided by foreign companies. 	<ul style="list-style-type: none"> - Environmental decree between State and companies. - Recognition of State interest. - Positive assessment of State contributions (I+D, global willingness, sanctions). - Request for positive action (financial incentive). 	<ul style="list-style-type: none"> - Inclusion of environmental costs within the company's accounts. - Need for flexibility within the regulations. - Specific attention to cases. - Worry about costs. - Recognition of Spanish industry as opposed to European. Optimism in fulfilment. (Challenge) 	<ul style="list-style-type: none"> - Use of these services as an ideological alibi: make the company image green. - Environmental reforms disguised as investments initiated by the company. - Promising sector for new gains.
Eco-active	<ul style="list-style-type: none"> - Internalization of the issue. - Complex perception of the environmental question. - Fusion of external and occupational environment. - Environment: another rank of the business system. - Committed businessman. 	<ul style="list-style-type: none"> - Concept of prevention. - Research and development in the application of innovative and non-contaminating technology. 	<ul style="list-style-type: none"> - Critical assessment of scarce organization and framework of a State environmental policy. - Critique of the lack of infrastructures. 	<ul style="list-style-type: none"> - High preoccupation with legislation. - Inclusion of the environment in the company's code of conduct. 	<ul style="list-style-type: none"> - Complement to required system of non-polluting technology. - Habitual use of consultancies, technical studies.



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