# Evaluation of Cooperation Between LO Norway and the CTC Cuba

Evaluators: John-Andrew McNeish / Ajax Irías 9/13/2012

# **Executive Summary**

This report presents the conclusions of the evaluation of the cooperation between the National Confederation of Workers of Norway (LO-Landsorganisasjonen) and the National Trade Union of Cuba (CTC- Central de Trabajadores de Cuba). The National Trade Union Confederation of Norway has had sustained cooperation with the National Trade Union of Cuba 2000. This cooperation has been aimed at strengthening the capacities of the union movement in Cuba. In 2006, this relationship developed into a project aimed at the training of local union leaders in collective bargaining. The design of the project seeks to ensure the replication and spread of knowledge of strategic methodologies and negotiation techniques at the provincial level, and between local sections and union bureaus.

The evaluation mission, made up of two consultants (John-Andrew McNeish and Ajax Irías) carried out its work between the 25 and 29 of June 2011. The Terms of Reference for the evaluation stipulate the following points as its focus:

- Evaluate the results of the support provided to the CTC and its leaders
- Evaluate the form of cooperation with the CTC and offer suggestions for the improving the project, taking into account the monitoring and reports on the work of the CTC.

The report concludes in general that in the current economic and social context the support provided by LO has been essential to strengthen the capacities of the CTC and has contributed in an effective manner to the substantial improvement of knowledge about collective agreements. The results of the project indicate that it has achieved its objectives, and is effectively contributing to raising the quality of union work. Moreover, it has strengthened the formation and integrated training of union leaders.

Whilst we have captured a very good impression of the project, we present in the report a series of twelve suggestions for the improvement of its work with collective agreements and the relationship between LO Norway and the CTC Cuba.

# **Table of Contents**

1.Introduction	4
2. Methodology	5
3. Limitations of the Evaluation Team	6
4. Socio-economic context	7
Changes in the Economic Model.	8
Changes in the Day to Day Work of the Union	9
5. The Sense and Scope of Collective Agreements	9
6. Results	11
6.1 Relevance	11
Productive and Labor Relations	13
The Role of Collective Agreements	13
Implementation of the Project	14
6.2 Efficiency	15
6.3 Results	17
6.4 Sustainability	18
6.5 External Impact	19
6.6 Gender Equality	19
7. Proposals	20
Annex 1: Terms of Reference	23
Annex 2: Example of Training Materials	26
Annex 3: List of Interviews	29
Bibliography	35

### 1. Introduction

The National Trade Union Confederation of Norway (LO-Landsorginasjonen i Norge) has had sustained cooperation with the National Trade Union of Cuba (CTC- Central de Trabajadores de Cuba) since 2000. This cooperation has been aimed at strengthening the capacities of the union movement in Cuba. In 2006, this relationship developed into a project aimed at the training of local union leaders in collective bargaining. The design of the project seeks to ensure the replication and spread of knowledge of strategic methodologies and negotiation techniques at the provincial level, and between local sections and union bureaus<sup>1</sup>.

To achieve these ends, the cooperation provides financial support aimed at improving logistics and basic equipment in order to ensure that training takes place under optimal conditions. LO has donated funds to cover the costs of teaching resources and didactic materials on the theme of collective bargaining at a number of provincial training centers and to the national union school, the *Escuela Nacional Lázaro Peña*.

The regions that have been prioritized by both LO and CTC for initial training programs, include the Cuban provinces of the City of Havana, Matanzas, Sancti Espíritus and Granma. In this process care has been taken to include unions involved in different areas of the national economy. The project is given direction and leadership by the Project Committee, which includes representatives from the provincial level and relevant economic sectors.

With the aim of evaluating the cooperation between LO and the CTC between 2009 and 2011, LO decided to put together an evaluation team that would:

- Evaluate the results of the support provided to the CTC and its leaders
- Evaluate the form of cooperation with the CTC and offer suggestions for the improving the project, taking into account the monitoring and reports on the work of the CTC.

<sup>&</sup>lt;sup>1</sup> Fortalecimiento de la Formación Integral Sindical de los Dirigentes de Base para Mejorar el Desempeño en la Negociación Colectiva.

The evaluation mission, made up of two consultants (John-Andrew McNeish and Ajax Irías) carried out its work between the 25 and 29 of June 2011. The results of the evaluation are detailed in this report.

During the short period of evaluation a series of interviews with the different parts of the CTC involved in the implementation of the Project and the consultation of a series of secondary sources of information were carried out. The evaluation team was contracted to concentrate on the results of the project in the unions of Havana, and not the rest of the country.

The report concludes that in the current economic and social context the support provided by LO has been essential to strengthen the capacities of the CTC and has contributed in an effective manner to the substantial improvement of knowledge about collective agreements. It is important to consider in this period of change the role that unions play in society and in negotiation with a government currently concerned with the modification of labor relations in the country. It is also important to identify with better clarity the role played by collective bargaining in these relationships. It is also important to consider how collective bargaining agreements control the relationships between employees and employers at this time.

# 2. Methodology

The following methodological approach was established on the basis of the initial terms of reference (see annex 1) for the execution of the evaluation:

- Capture and systematize key information about the content of the project, as well as in previous reports and evaluations
- Use secondary sources and relevant documents relevant to understanding the reality of the country and union movement
- Plan and carry out meetings and visits with the centers for training including:
  - ⇒ Meetings with LO Oslo, and with the Adviser to the Latin American Section of LO.

- ⇒ Initial Meeting with the Office for International Cooperation
- ⇒ Meetings with the Bureau and Instructors of the Cuban aviation union and Ñico
  López Refinery Union
- ⇒ With the Rectory of the National Union School Lazaro Peña, the Office for International Cooperation and Ministry of Labor
- ⇒ With the Supervisory Committee comprising representatives from 18 unions, the Ministry of Labor, Office for International Cooperation and Department of International Relations
- ⇒ With members of the Provincial Committee of the CTC in Havana and a feedback meeting with the Office for International Cooperation

At the feedback meeting with the Office for International Cooperation we presented some of our initial conclusions.

For a full list of interviews see annex 3.

# 3. Limitations of the Evaluation Team

The evaluation mission was limited by not being able to visit and witness the implementation of the project in other provinces of the country. Without being able to visit other provinces it was not possible to form a comparative perspective of the advances, levels of execution, quality of results achieved, impacts and repercussions in the strengthening of union formation and improvement of performance regarding collective agreements.

It was not possible to observe training exercises whilst they were taking place. We suggest that future processes of this kind are planned to coincide with the actual activities of the project, so that it is possible to form a more qualified opinion about the quality of teaching strategies and transmission of thematic content.

# 4. Socio-Economic Context

# 4.1 Changes in the Economic Model

The economic situation affecting the country has required the political leadership to take steps towards changing the model for economic management. These are changes that inevitably have repercussions on the conditions for employment and labor relations. In making these policy changes the Cuban government aims to recover a route to nationally led development. They also aim to regain control over the balance of payments in the country that has created an over-reliance on imports. This is a situation that has been exasperated by the economic blockade of the country by the US which stops Cuba from freely entering into the markets for goods and services geographically close to their borders. The basic elements of this new politics can be summarized in the following manner:

- Redistribute unused land which currently constitutes c50% of the agricultural sector in order to elevate production and productivity
- ❖ Eliminate employment positions or "inflated payrolls" (*plantillas infladas*) in all areas of the economy and restructure employment allowing for the creation of non-state jobs
- ❖ Increase the productivity of work, increase discipline and the levels of wage motivation and encouragement, eliminate the equality between mechanisms of distribution and redistribution of income
- ❖ The previous points includes a policy of suppressing illegal gratuities and excessive personal subsidies i.e. anti-corruption policy
- \* Reduce the high level of reliance on imports by recovering exporting capacity in traditional terms, such as sustained increases in domestic output and diversification of exports
- Delegate more autonomy to companies, stimulating initiatives for sustainable economic development
- ❖ The concurrent encouragement of studies oriented to the elimination of the dual currency, widely recognized to have created problems in the employment sector.

All of these efforts aim to reorganize the traditional and centralized forms of economic management in the country, and to change methodology and organization so that space is gradually given to new forms of management and leadership.

These changes include the traditional state sector, but also the rise of a non state sector comprised of companies with mixed capital, cooperatives, usufruct users of land, and self-employed workers amongst others. Without changing the essence of a model oriented towards centralized economic planning of the country, new policy establishes a process that separates in an ordered and timely manner state and entrepreneurial functions. Whilst decentralizing and replacing part of economic management, this is to take place without the creation and legal recognition of private property.

The increase in the autonomy of companies is also associated with the delegation of increased levels of responsibility and the control of material and financial resources. This implies the suppression of subsidies and improvement in the quality of services and negotiation of contracts as an essential element in their performance.

In this context, labor relations acquire a new dimension. They will now include new economic and social subjects who operate new forms, methods and styles of relationship. This will require the revision and adaptation as well as changes in union thinking about the organization. It will also require new ways of responding and representing labor rights in the Cuban union movement.

# 4.2 Changes in the Day to Day Work of the Union

The changes highlighted above, put in relief the need to reconsider the character and breadth of collective bargaining agreements. It is clear that at this moment in time there is need to reestablish the negotiation and value of these instruments in the light of the new economic context. There is a need to gradually convert collective bargaining into a central instrument and regulatory tool for labor relations, and to see it as a means to secure the rights and duties of all parties in both the formal and informal sectors of the economy.

At the same time, these changes confront the CTC and its member organizations with great challenges. They require the development of a new logic of representation and legitimacy to develop between workers and employers. New forms of relationships have to be included in this logic, including mixed companies, privately employed individuals and cooperatives in industry, services, construction, transport and the agricultural sector, amongst others. The logic of labor and the form of negotiation will also have to change, as well as the references they include.

This is a new dynamic that breaks with the traditional forms of unionism in the country, and to which the leadership are now responding. These responses involve revision and reorganization of their organization, operations, administration and management so that they can address the new conditions of union affiliation and participation.

# 5. The Sense and Scope of Collective Agreements

On the 9th of June 1948 the International Labor Organization (ILO) passed Convention 87 focused on promoting union freedom and the protection of the right to organize. A year later, on the 1 July 1949, ILO passed Convention 98 to govern the principles for the right to organize and collective bargaining. Both of these conventions are intimately related and their value depends on the manner in which employers, employees and governments exercise and respect their observance and applicability.

Union freedom and the right to collective bargaining are fundamental to the development and protection of the labor rights of workers. Collective bargaining replaced individual negotiation, which had left individual employees in frank disadvantage before their employer in the process

of establishing the terms of work. Put differently, workers would not be able to carry out collective bargaining without the organization representing them. The union organization validates their representation and legitimates their role before their employers, and assists in the securing of better conditions of living and work for its members.

In this regard, through collective agreements workers attempt to regulate and harmonize common interests on which there is agreement, and on this basis of this establish the conditions of work in either a public or private institution or company. In addition, collective agreements are a manner to secure the redistribution of the profits collectively generated in a country and to establish the basis for participation in the establishment of norms agreed by consensus. As such, the negotiation of collective agreements has wider significance as a key element in establishing the foundations of social and economic democracy.

With respect to the characteristics under which collective bargaining take place in Cuba, we observe two particular characteristics that are key to their operation. The first is in the area of planning where the centralized nature of the economy provides a high degree of formal structure to the labor market. At this point in time, our informants have told us that the collective agreements have formal significance, but little practical effect in determining actual labor conditions, because of their standardization and homogeneity. This creates a fiction of equality. Today it is increasingly obvious that equality is not created by creating a uniform system of labor relations.

The second central characteristic is the current process of change in the country, and most importantly the political effort to encourage entrepreneurship and the transfer of responsibilities to the administration of the companies and the non state sector (informal). This has caused the destruction of previous conditions and encouraged the growth of autonomy, as well as informal means of insertion into the labor market. This has furthermore created new conditions for the relationships between workers and their employers, forcing them to acquire a more heterogeneous and diverse character.

In the current Cuban context collective agreements have increasing importance. They provide a means to respond to the contradictions of both homogenous and heterogeneous conditions that define the current conditions of labor relations. They help to define the conditions of work

according to economic sector and provide specific frames that respond and take account of all aspects of work in an economic sector. This includes recognition of particular professional profiles, type of employment, forms of remuneration and conditions of health and hygiene etc.

The transition and change to society in general has, as stated above, required the renewal and promotion of collective bargaining agreements. Through this procedure stimulus is being given to the economy and effort being made to give true efficiency to the negotiation of collective agreements. This in turn has also sparked discussion on the introduction of a new official work code in the country.

# 6. Evaluation Results

### 6.1 Relevance

The assistance granted by LO to strengthen the capacity of the CTC in the techniques, methods and formation of collective agreements is essential in the current economic and social context of Cuba. It has been of relevance and continues to contribute in an effective manner to the essential improvement of capacities, allowing for the participation of members and assuming responsibility for the guarantee of their rights and duties. The project strengthens and delivers though application and its regulation the role of collective labor agreements.

In general the evaluation team recognizes the unsolicited interest and enthusiasm of the different instances that make up the union structure of the country in relation to collective labor agreements. The motives for supporting the LO-CTC project are diverse and span everything from the need to put the unions in touch with the changes to the national economic model, the ongoing re-organization of labor and modification of traditional structures founded on state protectionism, to the clear desire for training and information about collective bargaining.

Our perception on the relevance of the project has 3 central aspects: first, in reference to the new context of productive and labor conditions; second, the role played by collective agreements in this context and, third, the role played by LO-CTC in the cultivation of union expertise in the application of collective agreements and efficiency in their application.

### **Productive and Labor Relations**

A significant change in productive and labor relations is the development of a politics of wages and authorization of economic stimuli based on individual productivity in work. This new form of payment means that the unions and the workers need to negotiate their benefits based on new conditions, requiring systems in place able to calculate individual productivity, completion of work and other related issues.

Another of the aspects changing in the politics of work and labor relations is the duality between the basis of the economy and work, where payment is in part made in national currency and in other cases in what is known as convertible pesos. This has resulted in the existence of asymmetries in terms of access to imported consumer goods between workers. Workers with access to higher levels of convertible wages have more access than those with less. The unions are now trying to carefully address this imbalance in their negotiations with the state.

The political suppression of subsidies authorized by the Cuban government is now being rethought. Subsidies will now be given on the basis of necessity and capacity. This change implies a development beyond previous homogenous forms of welfare, to another based on the heterogeneity of social conditions and necessities. This is a paradigmatic change that includes labor relations and collective agreements, in that they now need to acknowledge these differences.

The process of reducing the number of employees in many companies and public institutions, the fusion of the same in the various budget posts of the national economy, and transfer of a large sector of employees previously located in the formal sector to the non-state sector, are factors that have removed the classic structures of employment in the country. According to our

interviews this process is taking place rapidly. This demands modification and adaptation in aspects of affiliation, demand making and the protection of labor rights by the unions.

In general, Cuban unionism is being transformed from a sphere of action previously focused almost exclusively on the everyday operation of state employees, and where the state had had a monopoly on employment opportunities in the country. In this new reality another form of non-state employer exists, but must continue at the same time to guarantee the function of the company and its sector, as well as relations with its employees and provide guarantees of securing basic rights.

# The Role played by the Collective Agreements

A strategic step taken in this moment and to which the CTC is responding, is the formation of discussion on proposals for a new Work Code. This new code will respond to and regulate in a flexible manner the new conditions and dimensions of the labor market in Cuba. One of the central points of this new legislation will be the insertion of requirements for collective agreements and a series of annexes that stipulate the regulation of non-state and state employment. It will also have to establish new forms of organization and affiliation that avoids the loss of union membership and draws together all workers in a manner that builds harmony between worker and employers.

Amongst the resolutions and agreements adopted during the 19th General Congress of the CTC, was a resolution aimed at encouraging and increasing the number of collective agreements at the national level. This resolution has been given significant political support as well as complementing ILO's Convention 98, ratified by the country. This guarantees the greater significance of the collective agreements than previously, and emphasizes that their value lies in formal recognition.

# Implementation of the Project

There is match between the mission and perception of CTC participants in the evaluation of the project. It widely perceived that the project arrived at just the right time i.e. when changes in labor relations require the use of collective agreements as a means to adjust and address the dynamic realities of changing relations between employers and employees. As a result the project is highly appreciated for its generation and strengthening of union capacities. Collective bargaining was an issue that was previously formal and discreet. It now has a recognized heightened relevance and is considered central to unionism given the new conditions in the country. As a result collective agreements have in general been granted a more protagonistic role.

It is possible to suggest on the basis of interviews with leaders, the project team, instructors and beneficiaries that there is significant clarity about the content and implementation of the project at different levels (base, intermediary and upper) of the CTC's union structure.

Another of the strengths of the project which has assisted its successful implementation is the provision of a national system and structure for training. This system provides teaching in centers of work, provincial schools and the national union school la *Escuela Nacional Lázaro Peña* (ENLP). ENLP coordinates a system of people, infrastructure and provides basic logistics. This guarantees the efficient function and methodology of all the elements of training within the project.

Although we were unable to take part in, or observe, concrete examples of the training activities, our interviews witnessed the high education standards of the teachers responsible for the courses and the high level of technical and professional skill on which they draw. In general the teachers who have been trained by the project express their satisfaction with the trainers responsible for the classes they received.

Our meeting with the teachers who had received training on collective agreements demonstrated clearly their high level of formal education and their capture of its relevance to the function of

their companies. They also demonstrated to us how this knowledge had been transmitted to other colleagues at their centers of work.

Another of the aspects evaluated, is the support given by the project to improve the technological capacity and logistics of the union lecture theatres and schools. In the case of Havana we observed the presence of the computers, video cannons, televisions, screens, desks, chairs and other teaching tools needed for training. These resources were highly appreciated, given that the blockade and current economic priorities of the country make it difficult to source this type of investment.

Appreciation was also voiced in interviews with regards to the manuals and educational materials made possible by the project. It was evident to us that these were of high quality and excellent content (see annex 2 for example), and therefore constitute important tools in the process of both replication and the as sources that can be consulted in everyday union life. Mention was, however, made of the current dismay with the number, and decay through use, of these materials. Given what they see as the high costs of printing there simply are not the resources to distribute these throughout all of the base organization

It is noted that the training provided by the project has served to improve communication between the different base organizations, as well as at the municipal, provincial and national levels. The project is widely seen as valuable in that it has strengthened democratic relations between leaders and bases at different levels. As a result a common position and discourse has developed according to those interviewed. This demonstrated the positive flow of information between and within different union entities.

# 6.2 Efficiency

In general the project is carried out under the conditions established by its own terms of reference. There is a relation of work in the project based on trust and mutual respect.

In our meeting with union leaders, from the 7 sectors of the national economy, satisfaction was voiced with regards to the degree to which the project had encouraged the formation of collective agreements in each area. We were informed that they had managed to gain instruction for between 68-100% of instructors depending on sector. They assured us that with the continued encouragement and planning of ENLP each sector would complete its process of training.

The work of replicating instruction in the provinces and local unions includes training at the level of sections, bureaus and other local groups. There is clearly a strong culture for formulation, negotiation and application of collective bargaining and agreement being developed. This is evident in the strength of organization, support and formation provided by the CTC, and is further supported by current conditions and needs in the country.

There is significant recognition of the irreplaceable role played by LO's Christine Parker. It is widely recognized that Christine is a person who is highly committed to the union cause and has great knowledge of union politics in the world. At the same time, it was also mentioned several times that communication and face to face contact with Christine was not always as regular as the CTC would have liked. Mention was made of the case of 3F where as a result of more regular contact closer follow up and evaluation has been possible.

We note that at time the execution of some aspects of the work has been affected by the late arrival of bank transfers. Bank transfers are difficult in Cuba and these difficulties are out of the hands of project members. The supervision of the project by LO has largely been limited to evaluation and monitoring through electronic correspondence and telephone communication. LO has no local or regional office or personnel able to visit the Havana on a more regular basis. Despite these limitations, the evaluation team observes on the basis of its achievements that the project has been executed correctly.

One of the weaknesses expressed in the interviews is the inexperience of the unions in dealing with problems and conflicts in the informal sectors of the economy, and the lack of regulation available as a guide. As a result it is difficult to identify the employer charged with the responsibility of resolve the problems that arise. Currently, the affiliation of the workers in the non state sector has been determined by their relationship to related forms of labor in the state sector. It is now evident that there is need to better understand the experience of other countries where unions have advanced in this regard. It is also evident that in the non state sector collective bargaining is difficult, and that other conditions and instruments need to be applied to guarantee the rights of workers in this new sector of the economy.

### 6.3 Results

The results of the project indicate that it has achieved its objectives, and is effectively contributing to raising the quality of union work. Moreover, it has strengthened the formation and integrated training of union leaders.

With regards to the education and formation of new instructors, the evaluation team was able to interact with and verify that they have received training and had assimilated the knowledge needed to work with collective agreements, and transfer this knowledge to their base organizations.

All of those interviewed coincide in their praise for the didactic materials distributed by the project and the importance of their content for formation on the issue of collective bargaining. Nonetheless mention is made of the late arrival of this information as a result of printing costs.

The project has delivered the equipment and created the basic required conditions in the classes and teaching locals of the union schools. These resources have improved the comfort and quality of the environment in which training is given.

According to the instructors we consulted, the conditions for training are dynamic and combine a mixture of theory and practice, individual and group work. The use of audio-visual resources and textual sources has contributed to create a quality environment of learning that assists the academic development of the participants.

# 6.4 Sustainability

CTC operates a system of training that is well structured, well founded and based on relevant experience at different levels within Cuban labor structures. This has allowed them to closely accompany the instructors chosen to carry out the task of spreading knowledge and learned methodologies. This is a process established in such a way that it responds to the leadership of CTC and includes the human resources available for the permanent implementation of their training programs and coordination by ENLP.

The only issue that negatively affects the maintenance of this dynamic is the migration of trained leaders to positions within the administration of companies or retirement from union work as a result of the reduction of staff in their centers of work. The common reemployment of trained leaders makes it difficult to accumulate desired experience or consolidate knowledge in a permanent fashion. Moreover, it creates a tendency directing resources away from their intended purpose. It is not the purpose of the project to assist the technical formation of employers. We suggest that action be taken to address this problem.

A significant number of workers have been trained in the centers of work. As a result there is a need to give attention to the specific processes of collective bargaining, and train instructors accordingly.

### Suggestions

The thematic contents of training are the same for all instructors. We suggest that in the future consideration is made of the particular challenges faced by unions in different sectors of the economy.

# 6.5 External Impact

The changes in the country play a decisive role in the reform of labor relations. This has required the CTC to place its knowledge of negotiation at work in the advisory boards of companies, the ministries and popular assemblies. In this context a new Work Code is being discussed, whereby the insertion of processes and requirements for collective agreement are to be stipulated. By placing union issues on the official agenda, the CTC have retained support for a permanent role in decision making regarding labor.

# 6.6 Gender Equality

There are clear signs of advances being made in the systems for the protection of women in Cuba. New laws and policies in the country have stimulated increasing levels of equality in the country. The presence of women in key positions of the union movement and participation on the leadership and political orientation of these offices for the promotion of female workers was evident throughout the visit of the evaluation team.

With this said it is also evident that as much as formal participation, the issue of gender also has a series of cultural connotations which test the limits of unionism in their implication for families and society. Cultural barriers in Cuba continue to assign a position of subordination and domesticity to women inside the home. Whilst the union movement may contribute to reducing the gap between rights at work and at home, recognition must be made of its dual structural and cultural nature.

# 7. Proposals for Improvement

- 1. Almost all of the people and offices we consulted reiterated the need to emphasize basic economic skills (micro-economy) in addition to existing training. It is proposed that training be given in the calculation of productivity, forms of encouraging productivity and different forms of wage payments amongst other issues. It is therefore suggested here that ENLP revises and adjusts its curricular model to include this kind of content. This is content seen by many as indispensible in the relevant negotiation of collective agreements.
- 2. Faced by concerns regarding a double politics in regards to the form of wage payments, where in some cases workers are paid in convertible currency and others not, it is important to make use of the spaces for training generated by the project. These issues need to be studied and alternatives proposed that avoid asymmetries and result in exclusion and limitations of access to goods and services.
- 3. With regards to the structural changes and transformation of employment regulations in the country, in which new subjects and economic sectors have arisen, there is need for seminars considering alternatives, as well as the function and promotion of union leadership to meet the new realities of employment.
- 4. Processes of collective bargaining should respond to the interests and necessities of a variety of interests and economic sectors. We suggest therefore that the content of training develops to consider new employment scenarios and sectoral requirements.
- 5. Another of the adjustments seen as important in the current context is the definition of strategies and operative mechanisms to secure unionization in the non-state sector. It is obvious that collective agreements are instruments that cannot respond to the particularities of this sector of work. It is therefore necessary to identify other forms of demand making and assurances of rights. This should include identification of the parties and partners required to ensure response to demands.

- 6. Unions entering into the negotiation of collective agreements need to carefully define the limits of responsibilities and capacities of administrative units in companies. This will help avoid the formation of agreements that functionaries later fail to respect, or belong in the area of a higher instance of state administration. This obliges unions to exercise influence at all levels, internally and externally, given that that without doing so the ability to negotiate will be precarious.
- 7. LO and the CTC need to consider options and mechanisms for improving communication and more frequent and fluid attention to issues of common interest. We are concerned that this is an issue affecting the dynamics of execution and the follow up of cooperation.
- 8. CTC needs to identify effective mechanisms for the retention of trained instructors, and avoidance of losing investments as result of cooption by company administrations.
- 9. We suggest that further support be given to the improvement of equipment, logistics and educational materials used in the training and practice of collective bargaining. We suggest that the CTC are assisted in accessing these resources so that they are available at the time when they are needed in training exercises.
- 10. We furthermore suggest that future evaluations are planned to take place during the period in which active training is taking place so that it is possible to consider the performance of all teachers and students. We also suggest that evaluations include other prioritized provinces, with the aim of assisting a comparison of advances and the characteristics of instruction in different geographical locations.
- 11. The evaluation team concludes that the project has had very significant impacts and adheres closely to the necessities of the current economic, social and employment context. This is a context that demands the promotion of collective agreements. Analysis should be made of how to extend the experience of the project into other provinces so far not covered by the project.
- 12. As a concluding recommendation we suggest that it is appropriate to continue the support provided by LO. On the basis of analysis of the processes and impacts taking place in the Cuban union system, and of its remaining weaknesses, we think it important to extend the

project under similar terms to those established, and with a view to improving the content and reach of the CTC's capacities.

# **Annex 1. Terms of Reference (In Norwegian)**

# MANDAT FOR EVALUERINGEN AV SAMARBEIDET MELLOM LANDSORGANISASJONEN I NORGE OG CTC, CUBA

### Bakgrunn:

Siden 2000 har Landsorganisasjonen i Norge (norsk LO) støttet Central de Trabajadores de Cuba (CTC) i arbeidet med å styrke den cubanske fagbevegelsen.

Fra 2006 har prosjektet fokusert på skolering av lokale tillitsvalgte i kollektive forhandlinger og avtaler. Dette emnet omfatter mange underemner, som for eksempel HMS, kvinnelige arbeidstakeres rettigheter, cubansk lovverk og internasjonale konvensjoner.

Programmet drar veksel på eksperter fra forskjellige avdelinger i CTC, norske tillitsvalgte og CTCs nasjonale skole Escuela Lazaro Peña, som også har lokale skoler i alle Cubas fylker. I prinsippet er dette et prosjekt for skolering av instruktører. De nasjonale instruktørene deler informasjon med fylkesinstruktørene slik at det når tillitsvalgte i foreninger og lokale ledd. Det er også utarbeidet brosjyrer og annet undervisningsmateriale om kollektive forhandlinger og avtaler som instruktører og tillitsvalgte kan bruke.

CTC sentralt har en oppfølgingskomité som består av representanter fra Internasjonal avdeling, de relevante avdelingene or strukturene, og skolen Lazaro Peña.

Samarbeidet mellom CTC og norsk LO er basert på gjensidig respekt og begge organisasjoners rett til å utvikle sin egen politikk, ansvarsområder og innsyn.

Norsk LO vil evaluere samarbeidsprogrammet med CTC i løpet av juni – juli 2012 for å anslå gjennomføring og utvikling i prosjektet og for å undersøke om de generelle og spesifikke målene for prosjektet oppfylles. Evalueringen skal være grunnlaget for beslutninger i norsk LO om prosjektet skal fortsette eller avsluttes. Evalueringen bør omfatte samarbeidet i perioden 2009 – 2011

### Formålet med evalueringen

- Evaluere resultatene av støtten som er gitt til CTC og deres tillitsvalgte.
- Vurdere formen på samarbeidet med CTC og komme med forslag til forbedringer i prosjektet, på grunnlag av blant annet kontrollen CTC har ført og deres arbeidsrapporter.

Evalueringen bør omfatte, men er ikke begrenset til en vurdering av følgende områder:

1. Har støtten vært <u>relevant</u>, det vil si om den har vært rettet inn mot de behov organisasjonene og dens medlemmer har? Er prosjektet blitt endret underveis i samsvar med endringer i samarbeidspartens behov?

- 2. <u>Effektiviteten</u> i prosjektgjennomføringen. Hvor effektivt har norsk LO og CTC arbeidet under gjennomføringen av prosjektet. Hvordan har de arbeidet? Er de økonomiske og menneskelige ressursene brukt på en velegnet og effektiv måte?
- 3. Hvilke resultater kan prosjektet vise til fram til slutten av 2011? Er det sannsynlig at målene vil være oppnådd ved utgangen av 2013? Dersom svaret er nei, skyldes dette at målene ikke har vært klare eller realistiske nok, eller skyldes det eksterne eller interne årsaker? Er forslagene fra begge organisasjoner blitt fulgt opp?
- 4. <u>Bærekraft</u>. Vil CTC og deres instruktører være i stand til å videreføre prosjektet når norsk LO avslutter sin støtte? Er CTCs kapasitetsøkning permanent? Dersom svaret er ja, hvilke indikatorer er det som viser dette?
- 5. <u>Virkninger på omverdenen.</u> Har det vært mulig å øke CTCs påvirkningskraft på regjeringen, arbeidsgiverne og folket, som følge av prosjektet? Har prosjektet påvirket CTCs politiske innflytelse? Har respekten for arbeidstakeres rettigheter økt, er arbeidslovgivningen bedre etc. som direkte eller indirekte resultat av prosjektet?
- 6. <u>Annet.</u> I tillegg til det som er nevnt ovenfor, kan evalueringsgruppa inkludere relevante vurderinger, som for eksempel likestilling og hvordan dette er innarbeidet i prosjektet.

Medlemmene av evalueringsgruppa skal vurdere prosjektets og partenes sterke og svake sider og legge fram anbefalinger om fortsatt prosjektsamarbeid eller avslutning av prosjektet etter 2013.

## Gjennomføring

To eksterne evaluerere skal brukes til å beskrive evalueringen av samarbeidet mellom CTC og norsk LO. Evalueringen skal gjennomføres i juni-juli 2012. Kostnadene ved evalueringen skal dekkes av det globale evalueringsprosjektet 2012NDWEVA.

• Evalueringsgruppa skal besøke Cuba for feltbesøk til CTC i de relevante fylkene FRA OG MED 24. juni til 1. juli. Intervjuer med valgte ledere i CTC sentralt og i fylkesorganisasjonene, og med instruktører og lokale tillitsvalgte vil være svært viktighet. Det skal også finnes skriftlig informasjon om samarbeidet. Intervjuer med andre organisasjoner og med prosjektets revisor kan være nyttige.

Evalueringsrapporten bør ikke overstige 20 sider pluss sammendraget.

Det anslås at evalueringen bør ta 14 arbeidsdager. Dette inkluderer besøk på Cuba, en gjennomgang av dokumentene og skriving av rapporten til LO. Evalueringsgruppa skal sende et utkast på engelsk og spansk før 10. august 2012. Med utgangspunkt i CTCs og LOs kommentarer til rapporten, skal den endelige rapporten være LO i hende senest tre uker etter at evalueringsgruppa mottok organisasjonenes kommentarer.

Med vennlig hilsen,

Diis Bøhn

Fungerende seksjonsleder

Christine Parker

Rådgiver, Latin-Amerika

# **Annex 2: Example of Education Materials**

Algunos de los elementos a tener en cuenta en la estructura que debe tener el CCT:

- Identificación de las partes.
- 2. Nombre, dirección, teléfono y email de la entidad laboral, sus establecimientos y el Objeto Social.
- 3. Alcance de aplicación que tendría, período de vigencia y fecha de terminación.
- 4. Reproducción, distribución y divulgación del Convenio.
- 5. Las formas de control que se utilizarán y su periodicidad.
- 6. Reflejar las causas de modificación o terminación del Convenio.
- 7. Las cláusulas o capítulos (con acciones objetivas, medibles y bien definidas con su responsable y la fecha de cumplimiento). Si es una empresa en Perfeccionamiento Empresarial, sugerimos se correspondan con los Subsistemas del Perfeccionamiento.
- 8. Los anexos dispuestos por la Ley y otros que se consideren necesarios.

### ¿Qué asuntos pueden ser convenidos?

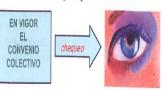


El CCT es irrepetible, y debe constituir el traje a la medida de la Entidad laboral. Será objeto de concertación todo lo que favorezca al mejoramiento de las condiciones de vida y de trabajo en función del incremento de la eficiencia en general, entre ellos

- Las especificaciones sobre el ingreso, promoción y permanencia de los trabajadores en la entidad.
- El régimen de trabajo y descanso, las vacaciones anuales pagadas, período de prueba. Las reglas para la evaluación del desempeño.
- Los sistemas de pago a aplicar, los sistemas de estímulos en MN y CUC. Día de pago del salario.
- Las condiciones de trabajo.
- La Seguridad y Salud en el Trabajo, El levantamiento de riesgos, el programa de medidas de prevención de riesgos laborales. La Inspección Sindical y el Plan de Inspección
- El plan de ahorro.
- El Plan Temático de la ANIR en la búsqueda de mayor eficiencia, calidad y ahorro. Los CIR,
- La capacitación y superación técnica, política y sindical.
- Las facilidades para el trabajo sindical.

Elaborado el CCT no estará listo hasta que el Proyecto sea consultado con los trabajadores y sea aprobado por ellos en la Asamblea General de afiliados y Trabajadores, según se norma en el artículo 10 del Decreto Ley 229 del 1 de abril del 2002.

### Chequeo y control



DÓNDE EFECTUAR EL CHEQUEO CUMPLIMIENTO.

- CONSEJO DE DIRECCION
- REUNION DEL EJECUTIVO SINDICAL.
- ASAMBLEA DE AFILIADOS.
- ACTIVO SINDICAL.
- ASAMBLEA DE REPRESENTANTES.
- CONTACTO PERMANENTE ENTRE LAS PARTES.

ANTE DISCREPANCIAS EN LA ELABORACIÓN Y EN EL CUMPLIMIENTO



CONCILIACIÓN - ARBITRAJE

### ¿EN QUÉ RADICA EL ÉXITO DEL CCT?

En convenir los asuntos que son de interés del colectivo, que los mismos contribuyan a mejorar las condiciones de trabajo, en función de elevar la eficiencia en general de la Entidad, que se chequee sistemáticamente y se cumpla lo pactado.

Esfera de Asuntos laborales y Sociales



ELEMENTOS BÁSICOS PARA ELABORAR Y CHEQUEAR EL CONVENIO COLECTIVO DE **TRABAJO** 



EL CONVENIO COLECTIVO DE TRABAJO UNA HERRAMIENTA SINDICAL FUNDAMENTAL.

PROYECTO LO-NORUEGA

2011

El Convenio Colectivo de Trabajo: Es el acuerdo concertado y suscrito por el representante de la administración, de una parte y la organización sindical correspondiente en representación de los trabajadores, de la otra, a fin de establecer las condiciones de trabajo que regirán las relaciones laborales individuales y colectivas, los derechos y obligaciones de las partes, así como impulsar la ejecución de los planes técnicos económicos mediante la gestión administrativa y el amplio desarrollo de la actividad e iniciativa creadora de todos los trabajadores. (Artículo 1, Capítulo 1, Decreto -Ley 229/1de abril del 2002).

El Convenio Colectivo de Trabajo se concertará, en cada entidad laboral, por la administración y la organización sindical correspondientes en: Organismos de la Administración Central del Estado y órganos estatales, y en ambos casos sus dependencias administrativas, así como las demás unidades presupuestadas; Empresas estatales y las organizaciones que agrupan un conjunto de empresas y unidades empresariales, con independencia de la denominación que reciban; Empresas y unidades dependientes de las organizaciones políticas, de masas y sociales; Sociedades mercantiles cubanas; Entidades empleadoras de las inversiones extranjeras; Otras entidades con capacidad jurídica para establecer relaciones laborales, que se determinen por el Ministerio de Trabajo y Seguridad Social.

Las unidades presupuestadas; actividades productivas y de servicios de los organismos, sectores, ramas o actividades con características homogéneas, podrán suscribir, excepcionalmente, Convenios Colectivos de Trabajo, cuando la similitud o semejanza de las condiciones de trabajo lo aconsejen, si así lo acuerdan el jefe del organismo y el Sindicato Nacional correspondiente, previa aprobación del Ministerio de Trabajo y Seguridad Social. (Artículos 4 y 5, Capítulo 1, Decreto -Ley 229/1de abril del 2002).



PARA LOGRAR UNA BUEN CONVENIO COLECTIVO DE TRABAJO DEBES CONOCER Y CUMPLIR LAS SIGUIENTES ETAPAS:

 La Preparación Integral: contempla la búsqueda y análisis de la información necesaria, conocer la situación económica real de la entidad laboral, y lo relacionado con los recursos humanos y materiales. Constitución Comisión encargada de elaborar el CCT.

- La Preparación del Equipo Negociador: Plantearse las cuestiones esenciales a tratar, conocer con el poder que cuentan, así cómo en qué momento presentarán sus exigencias, su autoridad.
- Relación con los trabajadores: En la interrelación y consulta con los trabajadores conocer sus necesidades y demandas. Elaborar el DIAGNÓSTICO.
- 4. Determinación de los contenidos de la negociación: Contempla la negociación de los asuntos más complejos que son del interés de ambas partes. Los asuntos contenidos en el DIAGNÓSTICO (más adelante nos referiremos a estos asuntos).
- Desarrollo de la negociación: Introducción; Acuerdos iniciales entre las partes; Negociación.
- Trabajo en Comisión para elaborar el Proyecto de CCT. Circular y consultar a los trabajadores.
- 7. Elaboración final del CCT.
- Aprobación y firma del CCT por las partes en Asamblea General de Trabajadores.
- 9. Chequeo del CCT.

La consulta permanente con los trabajadores debe ser priorizada, tener en cuenta que en la Asamblea de Afiliados se adoptan acuerdos de solución inmediata y otros que pueden ser objeto de concertación en el CCT. Este método propicia un mayor vínculo entre el sindicato y sus afiliados, lo que facilita la existencia de sindicatos funcionales, informados y participativos.

Previo a la concertación del convenio colectivo de trabajo es necesario:

- Diagnosticar las condiciones de cada puesto y área de trabajo.
- Analizar toda la información de la que dispone la empresa, evaluando las causas de los incumplimientos y las medidas correctoras.
- Auxiliarse con especialistas y asesores de organización del trabajo y los salarios, política de empleo, seguridad y salud en el trabajo para indagar sobre el contenido de las Normas Jurídicas y Técnicas, relacionadas con las Condiciones de vida y de trabajo.

En la redacción del Proyecto de Convenio Colectivo de Trabajo se tendrá en cuenta:

- El estudio y conocimiento de los Lineamientos Generales acordados por el Secretario General del Sindicato Nacional, y la máxima dirección del OACE e Institución que corresponda.
- Los asuntos contenidos en el diagnóstico del centro y otros que surjan en cualquier momento teniendo en cuenta las opiniones, iniciativas y necesidades de los trabajadores.
- La redacción debe ser simple, concreta y medidle, utilizando el lenguaje propio del lugar.
- Es necesario tener clara la respuesta a las siguientes interrogantes;
  - Qué necesitamos resolver. ¿Qué conveniar?
  - Cómo, resolver cada problema. ¿Cómo solucionarlo?
  - ¿Quién, es el responsable de dar solución a cada problema?
  - ¿Cuándo se le dará solución a los problemas? (fecha).

Estos elementos tienen que estar presentes en cada cláusula. No se debe convenir lo que es imposible de cumplir y siempre debemos tener en cuenta la realidad de la entidad laboral.

### 

Las partes deben tener presente que las demandas a plantear y a convenir deben considerarse intimamente ligadas al desarrollo de la Entidad, al mejoramiento sistemático de las condiciones de vida y de trabajo del colectivo, que favorezcan la elevación de la eficiencia y la competitividad de la entidad laboral.

### 0000000000000

¿Cuál es el ámbito de aplicación del Convenio?

La Entidad y todos sus establecimientos, por lo que el CCT será uno sólo y se confeccionará a ese nivel, previendo que se reflejen en el mismo los intereses de todos los trabajadores. De ser necesario cada establecimiento puede elaborar un Anexo que formará parte del Convenio General de la entidad laboral.

# **Annex 3: List of Interviews**

Date 2012	Location/Institution	Participants  Svein Mortensen. President of the International Committee		
20.06	LO Oslo			
22.06	LO	Christine Parker. Latin America Advisor LO		
25.06	CTC International Cooperation Office	Maria Rodriguez Reyes, Coordinadora  Ada Benitez Cola, Especialista  Moyomy Averhoff Arteaga, Especialista  Xiomara Enrique Cruz, Funcionaria Assuntos Laborales		
25.06	Buro Sindical Cuba de Aviación	Ernesto Eiras Valiente, Secretario, Viceprecidencia Tecnica  Luis Angel Power Diaz, Sec General Buro Sindical  Nancy Dominguez Rowen, Sec Org  Luis Romalio Salazar  Oneida Castaneda Bosuelto, Sec General Sind. Boqeros  Lilian Palomosa Expe B Bestuon		
26.06	Visit to Escuela Nacional Lázaro Peña	Maria Rodriguez Reyes,		

	Coordinadora	
	Xiomara Enrique Cruz,	
	Funcionaria Assuntos Laborales	
	Moyomy Averhoff Arteaga,	
	Especialista	
Refineria Nico Lopez	Emilio A Pareque Campoalope,	
	Sec Gen Seccion Sindical	
	Mercedes Aguitera Batista,	
	Laborotorio Combustible	
	Gloria Rogriguez, Especialista	
	Miebol de la Torre Rivero,	
	Instructor de Convenios	
	Colectivos	
	Iran Exposito Rassi, Sec Gen	
	Zulma Pila Galvez, Sec	
	Emulatora de Buro Sindical	
	Teresa Tamayo Castro, Sec.Gen	
	Tecnologia	
	Clara Padilla Leonard, Dir de	
	Capital Humano de la Empresa	
	Barbara Miranda, SNTG	
	Guillermo Gonzalez Acevedo,	
	Jefe Grupo Proteccion, Higiene y	
	Salud	

		Miguel Salas Suarez, Dir Adjunto
27.06	Project Committee, Las Olas Hotel	Ada Benitez Calar, Especialisata
		Barbara Miranda Peroso,
		Tecnica SNTIGWE
		Jorge Ojido Saurez, MS SNT
		Construc
		Clara Reyes C, MS SNTAP
		Jorge Luis Fafido Casas, Sind
		Alimentacion
		Niurkys Escalante Sanchez, M/S
		Sindicato Cultura
		Manuel Fernandez Perez, M/C
		de SNTAF
		Odalia Aguiler Fuente, M/SMAC
		del SUTHT
		Mindrey Marrero Zamora, Mbro
		del SNAC SNTECD
		Vilma Rojas Rojas, Mbro Sec Nat
		de Ciencia
		Xiomara Enrique Cruz, Funcionaria Assuntos Laborales
		Maria Rodriguez Reyes, Coordinadora
		Maria Cabrera Cardes, Mbro

		Sec Nac Comercio
		Virginia Cruz Otega, Mbro Sec Comercio
		Juan Ignacion Quintana Loaces, Mbro Sec Azucarero
		Ernesto Garcia Quintero, Mbro Sec Metalurgico
		Moyomy Averhoff Arteaga, Especialista
		Pablo A Colo Benitez, SNT Salud
		Ruisa Salazar Gif, SNTTP
		Alberto Fuentes, DPTO ALS
		Carmen Rosa Lopez Rodriguez, Mbro Sec GC
		C Roriguez Reyes, Gen Sec Coord Ofic Coop
28.6	CTC Havana	Gilberto Prieto Socias, Mbro Sec CTC Prov Esfera Asuntos Economicos
		Agustin de la Peña Quijano, Mbro Sec CTC Prov Esfera Organisación
		Pedro Navarro Arguelleo, Mbro Sec Prov Esfera Asuntos Sociales
		Maria Gonzalez Quesada, Esfera Relaciones Internacionales,

	Educacion y Propoganda	
	Cira Mernandez Febles,	
	Profesora Escuela Provincial de	
	la CTC	
CTC Intructors and Union Leaders	Victor Calderon Perez,	
	Metalurgica	
	Santiago Valdez, Ciencia	
	Barbara Jimenez Valdez,	
	Metalurgica	
	Sirilo Herrera, Salud	
	Jose Paes, Agropecuario	
	Agustin Sosa, Tabacalero	
	Tania Cruz, Salud	
	Marcelino Gil, Comercio	
	Alejandro Arauego, Azucarero	
	Fuastina Pedro, Ligera	
	Paulina Hernandez, Tabaco	
	Fernando Montalvo,	
	Construcción	
	Cosalis Romau, Comunicaciones	
	Floriendo Toledo, Construcción	
	Juan Feliz Alvarez,	
	Administracion	

		Maria Elena Garcia, Transporte		
29.6	Feedback Meeting, CTC	Maria Rodriguez Reyes, Coordinadora		
		Moyomy Especialist	Averhoff ta	Arteaga,

# **Bibliography**

### **Internal Documents**

Mandat for Evalueringen av Samarbeidet Mellom Landsorganisasjonen i Norge og CTC, Cuba

LO Samarbeid med Landsorganisasjonen CTC-Cuba, Saks NO: 09/00331-012

Møte med Representanter for den Cubanske Landsorganisasjonen CTC. Saksno: 08/02007-024

Programa Organizativo Para el Curso de Actualización de Instructores Sindicales Sobre Convenios Colectivos de Trabajo.

Convenion de Colaboración entre La Central de Trabajadores de Cuba y la Confederación Nacional de Trabajadores de Noruego (LO Noruega)

Auditors Report. Consultores Auditores. 2011

Project Budget 2010-2013

Project Contract: Fortalecimiento de la Formación Integral Sindical de los Dirigentes de Base para Mejorar el Desempeño en la Negociación Colectiva.

Spanish Translation of Ernst & Young Accounts Report (2009)

Rapport fra Prosjektreise til Cuba 04-07.01.2010. Saksno: 09/00331-006

Rapport fra Prosjektreise til Cuba 27.04-02.05 2011. Sakno: 2011000638

Landnotat-Cuba. 12.02.2009

### Secondary Sources

Anner, M (2011) Baseline Study: Cuba. LO Norway.

Arce, M & Ranestad, P (2005) Evaluaringsrapport: Proskektsamarbeid Mellom LO og CTC-Cuba.

Hershberg, E (October 2011) Cuba: Salvaging a Revolution. NACLA: North American Congress on Latin America

Prieto, M (October 2011) Changes in the Economic Model and Social Policies in Cuba. NACLA: North American Congress on Latin America

Hansing, K (October 2011) Changes from Below: New Dynamics, Spaces and Attitudes in Cuban Society. North American Congress on Latin America

De la Fuente, A (October 2011) Race and Income Inequality in Contemporary Cuba. North American Congress on Latin America