

State-Sponsored Trade Unions After Democratic Transitions

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Abstract: New democracies inherit a variety of institutions from prior authoritarian regimes, including political parties, militaries and entrenched oligarchies. While these authoritarian legacies have generally been well-researched, one set of institutions has received relatively little attention: state-backed trade unions that lose official sponsorship after democratizing transitions. In most new democracies and competitive authoritarian regimes, these “legacy unions” have remained the dominant workers’ organisations despite few internal reforms. Previous research on the causes and consequences of legacy union dominance has rested on case studies of post-transition countries and small-N comparisons. In this paper, we offer a global perspective on the fates of legacy unions by introducing new data about the relative importance of legacy unions in post-Third Wave democracies. We show that most legacy unions survive democratic transitions and remain dominant in new democracies, although with significant regional variation. Our data and analyses suggest that these trade unions are authoritarian legacies which continue to influence labour politics in new democracies. Dominant legacy unions are associated with lower labour movement fragmentation and better-protected labour rights in new democracies.

Keywords: trade unions, democratization, institutional change, labour politics, authoritarian legacies

Introduction

New democracies inherit a variety of institutions from prior authoritarian regimes, and scholars have examined the continuing influence of political parties, militaries, judiciaries and elites.¹ Comparatively little attention, however, has been paid to formerly state-sponsored trade unions that survive democratic transitions.

Existing research on these “legacy unions” has suggested that they tend to dominate labour politics in new democracies, and that they weaken the power and militancy of labour due to their perceived lack of legitimacy, unreformed organisational structures, and close ties to formerly ruling parties.² “Challenger” unions, which compete with legacy unions during or after democratic transitions, are often normatively viewed as more representative of workers’ interests, although they often find it difficult to compete with the large existing memberships and material resources of legacy unions.³

While the literature on authoritarian labour legacies has made important strides in building rich theoretical foundations and showcasing the mechanisms underlying the causes and consequences of legacy union dominance in post-transition regimes, most of this work has relied on individual case studies, small-N, or within-region comparisons. One factor limiting the development of generalisable conclusions about the fates and effects of legacy unions is the lack of cross-national data on the topic. This clear gap in the literature was highlighted in a recent volume which brought together the latest research in authoritarian labour legacies and concluded that lack of cross-national data makes “both comparison and longitudinal analysis difficult.”⁴

Responding to this call, we present the first global analysis of legacy union status in post-transition regimes and tackle two interrelated questions that examine the dynamics of labour relations in countries with extant legacy unions: 1) How prevalent and dominant are legacy unions after democratic transitions? 2) How do legacy unions affect labour politics in new democracies? To answer these questions, we introduce and employ an original dataset including all cases of legacy unions from nearly all Third Wave democracies and new estimates of strikes and unionisation across 66 new democracies.⁵

We find that legacy union dominance is indeed the modal outcome for trade union politics after Third Wave democratic transitions, globally and in every region (though with significant variation) regardless of which of our four conceptualisations and measures we employ. Legacy unions have proven to be rather resilient institutions in the majority of new democracies—a finding that speaks to recent work showing that other authoritarian legacies, such as political parties, are more persistent than previously thought.⁶ The dominance of legacy unions, however, may not necessarily inhibit the power of labour: we find dominant legacy unions to be associated with lower fragmentation of labour movements, fewer strikes and better protection of labour rights. Under certain circumstances, reformed legacy unions may be better-placed to advocate for workers' interests than newer unions formed under post-transition democratic regimes.

The paper proceeds as follows: first, we briefly outline the existing literature on trade unions and labour in post-authoritarian contexts. The second section introduces our dataset and discusses the methodology used to compile it. In the third section, we employ our data to map regional and global patterns of the contemporary status of legacy unions. We then analyse how measures of labour power vary by the relative strength of legacy unions across Third Wave democracies. A concluding section summarises our findings and provides suggestions for further research.

1. The Study of Trade Unions and Labour in New Democracies

The study of trade unions has received little attention in recent research on labour in new democracies, which has focused on the development of labour market regulation, labour rights and corporatist structures.⁷ The lack of scholarly attention paid to trade unions is partly a result of the paucity of data on the subject; even basic indicators such as their membership over time and unionisation rates are irregular and inconsistent.⁸ The relatively limited amount of research on

trade unions in new democracies may also reflect the widely-held view that trade unions and other labour organisations are less powerful actors than they once were; democratization has been accompanied by neo-liberal reforms, which have weakened trade unions while reducing the role of the state in the economy, slashing social protection and increasing flexibility in labour markets.⁹

Nevertheless, regionally-focused studies have provided a rich source of scholarship on trade unions in new democracies and shown their continued political relevance. Scholars of Eastern Europe have argued that the legacy of Communist-era unions has contributed to the weakness of labour.¹⁰ African studies literature has often put trade unions at centre stage in processes of democratization, a result of the influence of state-backed and new challenger unions in recent and ongoing transitions.¹¹ Scholarship on Latin America includes classic accounts of authoritarian labour corporatism and its legacies, as well as more recent work showing that pre-democratic labour institutions have had a long-lasting effect on the role of the state in administering collective interests.¹² Meanwhile, research focusing on new democracies in Asia has shown that the form of labour incorporation under earlier authoritarian regimes can help to explain the endurance of legacy unions and their relative strength and militancy in new democracies.¹³

While existing studies vary in the precise substantive outcome analysed, they broadly converge on two common findings: 1) Legacy unions tend to remain the dominant actors in labour movements in new democracies 2) Dominant legacy unions have a negative effect on the strength and militancy of labour.

The Dominance of Legacy Unions in New Democracies

Pre-Third Wave authoritarian regimes supported trade unions in a variety of ways: granting them explicit monopoly status or refusing registration to competing unions; forcing workers to become union members; and providing property and financial resources with which unions could provide

benefits to workers.¹⁴ By deploying these resources, authoritarian regimes used unions as a means of controlling workers, reducing their capacity to organise and mobilise.¹⁵ But unions encountered different levels of state interference and resource allocation.

The scholarship identifies three main types of authoritarian labour organization system. In *transmission belt systems*, unions acted as a “transmission belt” between the leadership and workers, following the official party line.¹⁶ In such cases, more commonly present in Communist states in Eastern Europe and wider afield, unions were often appendages of the ruling party and membership was virtually universal. In *exclusionary systems*, trade unions were also subordinate, but not as strongly integrated into the ruling party, as in transmission belt unions. Regimes that operated this kind of corporatism—such as authoritarian developmental states in East Asia¹⁷—viewed labour as a potential threat to the regime. While discouraging unionisation, ruling parties still granted state-backed unions monopoly or near-monopoly status in an attempt to prevent the development of more independent-minded labour organisations.¹⁸ Lastly, *inclusionary corporatist systems* were those in which labour had a powerful voice within the regime and where workers generally provided a supportive constituency.¹⁹ While more concessions to workers were made in inclusionary corporatist systems (such as those of Mexico under the PRI and pre-revolutionary Tunisia), regimes nevertheless kept unions on a tight leash.

Whatever the labour incorporation system used, the establishment or co-option of a single monopoly trade union was a common strategy used by regimes to control, mobilise or sideline labour. Even in exclusionary corporatist systems in which labour was repressed and marginalised, regime-backed trade unions received significant financial backing from the regime and any potential rival organisations were repressed.²⁰

After democratic transitions, legacy unions usually retained their financial and institutional resources and their high levels of membership. When new unions formed in the wake of labour system liberalisation in new democracies, they had to compete with better-resourced legacy unions that represented most unionised workers, had links with formerly ruling parties, and were incorporated into existing frameworks of wage negotiation.²¹

The existing literature has identified cases in which a legacy union has been displaced by a challenger union. For example, Teri Carway points to South Korea and Poland as examples in which the widespread mobilisation of workers outside state-backed unions during their respective democratic transitions led challenger unions to successfully displace legacy unions.²² Nevertheless, legacy unions in these countries still represent a large proportion of unionised workers. Indeed, more recent data collected as part of our dataset suggests that the South Korean legacy union (the Federation of Korean Trade Unions) represents the majority of unionised workers as of 2016.

Several reasons may explain why challengers have largely failed to displace legacy unions. The first pertains to legacy unions' resource advantages over challenger unions.²³ Although sources of revenue can certainly affect strategies deployed by authoritarian institutions,²⁴ Smith finds that oil-rich authoritarian states managed to retain power even during times of economic downturn, suggesting that funding patronage to sustain legitimacy is not necessarily the only explanation for the endurance of authoritarian institutions.²⁵ Borrowing from Brownlee's argument about the persistence of authoritarian regimes, it is also plausible to argue that legacy unions' dominance is path dependent: once a cohesive, national organization with mass membership is established, it is difficult for challengers to overcome their hegemony.²⁶ It is also possible that challenger unions face obstacles at inception. As Smith shows, the durability of

single-party regimes may result from the obstacles that political parties face: organized opposition at a party's inception forces elites of that party to strengthen their organization and to mobilize their constituency in order to overcome the constraints of opposition.²⁷

While legacy unions have been focused on as the dominant actors in studies of labour in new democracies in a variety of regions, we do not currently know whether this trend extends beyond the individual case studies and small-N comparisons that make up existing research. By surveying the entire population of post-transition new democracies, we can explore whether the inbuilt advantages that legacy unions have over rival challengers do indeed lead them to prevail in most contexts.

The Effects of Legacy Union Dominance

A second common finding in regionally-focused studies of labour in new democracies is that dominant legacy unions tend to weaken the power and militancy of labour. Under authoritarian regimes, state-sponsored unions seldom experience the need to recruit members, adequately represent workers' interests, advocate collective action or fret over resources, and so they do not develop the institutional capacity to represent workers' interests in labour disputes. Case studies of legacy unions in new democracies have found them to make few reforms to their internal structure to adapt to the post-transition context.²⁸

In post-communist eastern Europe, it has been argued that legacy unions suffer from a lack of legitimacy, a "workplace tradition of atomization and individualism" and "an enterprise bargaining system in which unions and managers were partners," all deriving from their role during Communist regimes.²⁹ In very different regional contexts, both Lee and Paczyńska have found that legacy unions that emerged from inclusionary corporatist labour control systems in Taiwan,

Mexico and Czechoslovakia are poor at representing and mobilizing workers, making it easier for new democratic regimes to undertake neo-liberal reforms—and that new challenger unions are more effective at forcing governments to make concessions.³⁰ Challenger unions that align themselves too closely with new democratic regimes, however, may come to compromise on the implementation of neo-liberal reforms. Hartshorn and Sil argue that this was the fate of Poland’s Solidarity trade union, which gradually lost its influence over economic reforms under the post-Communist government, and warn that something similar might happen to Tunisia’s Tunisian General Labour Union (Union Générale Tunisienne du Travail, UGTT).³¹

While previous research has effectively shown how and why legacy union dominance has led to diminished labour power in small-N comparisons, our data can be used to test the hypothesis that the continued dominance of a legacy union harms the power of labour across the entire range of Third Wave democracies.

2. Data: Introducing a Global Dataset of Legacy Unions

In order to explore whether the findings of the existing literature hold across the population of new democracies, we first identified all countries which underwent a democratic transition during the Third Wave of democratization (between 1980 and 2010) and have maintained democratic status since. We used Haggard and Kaufman’s qualitative dataset of regime transitions to identify sixty-six countries that met these conditions.³² We then employed qualitative and quantitative historical information from the 6th and 7th editions of the International Centre for Trade Union Rights’ *Trade Unions of the World* (TUW) report to identify which countries had legacy unions that survived until (at least) 2016.³³ We also sourced information from membership reports of the International

Trade Union Confederation (ITUC) and labour market reports by *Eurofound* and *Ulandssekretariatet*.³⁴

Using these sources, we found that forty-two countries had a single state-sponsored union under the preceding authoritarian regime. Forty of these legacy unions are still operating; only in the cases of Nepal and Uruguay has the legacy union been formally dissolved. Among the forty cases of existing legacy unions, thirteen are located in Africa, six in Asia, nineteen in Europe, and two in the Americas.

Our dataset also includes an additional twenty-four cases of countries that underwent a Third Wave transition but in which the previous authoritarian regime did not sponsor a single trade union. With a total of 66 cases, our dataset thus allows for the assessment of the state of labour politics not only between cases of legacy unions, but also to compare cases with legacy unions with those that never had state-sponsored unions. A list of the countries and unions is available in the Supplemental Material.

The existing literature has assessed the relevance of legacy unions in post-transition regimes by determining whether they remain “dominant” or have been “displaced” by other unions depending on whether they have maintained the largest share of unionised workers among all other existing national-level unions within a country or not.³⁵

This binary conceptualisation of legacy unions may hide significant variation in the relative and absolute position of legacy unions in post-transition regimes. For instance, a legacy union might maintain the largest membership among all its contenders but only represent 20% of the unionised labour force. This scenario is considerably different from one in which a legacy union is the sole or overwhelming representative of unionised labour, representing 80% of all unionised workers. For example, the formerly regime-backed National Union of Malian Workers and the

Confederation of Estonian Trade Unions represent more than 85% of their respective states' unionised workforces, while the Federation of Trade Unions of Macedonia and the National Confederation of Guinean Workers remain the largest trade unions in their respective countries but represent less than half of their unionised workforces. If conceptualized in a binary manner, these unions would all be considered “dominant.”

Our data allow us to refine this measure. We start by coding *legacy union membership* as the total number of workers registered as members of a legacy union. We also code *other membership*, which refers to membership of other existing national-level trade unions; and, *unionised labour*, which refers to the total number of unionised workers in a given country.

Using these data, we derive four different measures to capture the fates of legacy unions. The first one, *largest union*, follows the existing literature and characterises “dominance” (coded 1) or “displacement” (coded 0) vis-à-vis contenders, without consideration for total number of unionised workers. Here, a legacy union is coded “dominant” if it is the largest union within a given country.

Our other measures depart from the existing scholarship by introducing nuanced measures that consider legacy unions' relative salience within a given system. Our second variable, *majority union*, characterises “dominance” or “displacement” only in relation to the total number of unionised workers in a given country. Here, a legacy union is considered “dominant” if it represents over 50% of unionised labour. Our third measure, *dominance status*, provides a more nuanced characterization of legacy union status by taking into consideration the proportion of unionised workers it represents. This is an ordinal variable with six possible values: “dissolved” for formerly state-backed unions that ceased to function during or soon after the democratic transition; “displaced” for legacy unions representing 1-20% of unionised workers; “competitive”

for legacy unions representing 21-40% of workers; “parity” for legacy unions representing 41-60% of workers; “dominant” for legacy unions representing 61-80% of workers; and “highly dominant” for legacy unions representing 81-100% of workers. This variable is used to facilitate the interpretation of a legacy union’s status in a given system, but is built from our fourth variable, *legacy union membership of unionised workers*, an equivalent measure that is continuous and captures legacy union membership as a proportion of total unionised labour.

Our dataset is cross-sectional because insufficient data are available to create a robust cross-temporal dataset. The data included are the latest available to 2016, with the earliest membership information dating from 2012. Only one country which met the criteria for inclusion was excluded from our analyses due to lack of data: São Tomé and Príncipe.

3. Mapping the Fates of Legacy Unions Globally

In this section, we employ our dataset to explore what happens to state-sponsored trade unions after regime transitions. As we show in the Appendix, each of our operationalisations of dominance sheds light onto the position of legacy unions in post-transition regimes from a different perspective—and suggest that future research should address the implications of different *types* of dominance. Yet, all of our measures point to a similar pattern: legacy unions overwhelmingly maintain their dominant status after democratic transitions.

Our third variable, *dominance status*, is the one that provides greater insight into the patterns of legacy unions’ fates in post-transition regimes. Figure 1 summarises the status of legacy unions across these categories (and as measured by our fourth equivalent continuous variable, *legacy union membership of unionised workers*).³⁶ The modal legacy union fate is highly dominant: 38% of legacy unions maintain membership of the overwhelming majority of unionised

workers in post-transition democracies. This confirms the assumptions of the existing case study literature that legacy unions tend to remain very significant organisations despite losing their sponsorship from authoritarian regimes. This finding also speaks to the broader literature on historical institutionalism, which highlights the stickiness of institutions and their path-dependent trajectories.³⁷ The second most frequent category reinforces this finding: ten of the forty-two unions (23.8%) are “dominant.” A further five unions (11.9%) retain parity with their competitors. This means that only eleven unions (26%) fall below parity: seven of them (16.7%) remain competitive; two (5%) have been displaced; and two (5%) were completely dissolved after the fall of the authoritarian regime.

Highly dominant legacy unions stand out across all regions, as we can see in Figure 2. In Africa, legacy unions tend to be either highly dominant or displaced with few being dominant—as many are in Asia or Europe. The variation in legacy unions’ fates in Asia shows a higher tendency for the maintenance of legacy unions, with only a small percentage of unions being displaced, meanwhile all other unions retain significant statuses of either parity or higher. In Europe, 26% of legacy unions have either been dissolved or displaced, with a small proportion of unions maintaining parity (9%) and the overwhelming majority (65%) of unions remaining dominant or highly dominant. Patterns for the Americas are not interpreted as data are based on only three observations.

Why are some legacy unions more persistent and dominant than others? The small number of cases (N=42) prevents rigorous quantitative tests to answer this question. Nevertheless, we provide some initial analyses that can serve as the basis for future explorations. As the existing literature conveys, the financial, structural, and soft resources (e.g., know-how), as well as *de facto* worker memberships state-backed unions acquired during authoritarian regimes, place them in an

advantageous position upon which to compete with potentially emerging contenders in post-transition periods. The extent of resources received, however, varied across systems: type of labour incorporation pre-transition thus granted unions higher or lower levels of competitive advantage post-transition.

Preliminary analyses conducted using our Labour Incorporation Index do not provide support for the idea that unions which enjoyed greater state-support and access to resources pre-transition are more successful in remaining dominant in post-transition times—as indicated by a statistically non-significant (and negative) correlation coefficient of -0.04 between this Index and *dominance status*.³⁸ We also assess the correlations between the individual components of our Index and *dominance status*. This analysis also does not yield statistically significant results.³⁹

A second explanation of the fate of legacy unions is posited by Caraway, who finds that worker mobilisation outside of state-sponsored unions early in the transition weakens legacy unions in post-transition regimes by allowing a single challenger union to secure a strong membership and remain united during the early process of transition.⁴⁰ Employing binary variables that measure mobilisation of workers from within and outside state-sponsored unions during the transition period), we find that the mobilisation of workers outside state-sponsored unions is negatively and statistically significantly correlated with *legacy union membership of unionised workers* (coefficient: -0.339, $p < 0.05$).⁴¹ Although the produced correlation coefficient is not substantively large, the statistically significant relationship supports Caraway's notion that worker mobilisation increases the political relevance of challenger unions in post-transition times.

In sum, we find that, despite regional variation and regardless of the conceptualisation and measurement employed, one overarching pattern is clear: legacy unions retain considerable levels of membership among unionised workers, thus remaining a significant actor in labour politics

across regions. We also find that in transitions in which workers mobilise outside the state-sponsored union, challenger unions seem to be more likely to develop strongly to contest the dominance of legacy unions. But are challenger unions better placed than legacy unions to represent workers' interests? We now turn to investigate this question and to explore the effects of legacy union dominance.

4. Effects of Legacy Union Dominance

As discussed above, existing scholarship posits that legacy unions have contributed to the weakness of labour in many new democracies.⁴² In earlier research, however, there has rarely been a comparison of outcomes between new democracies in which legacy unions do and *do not* operate.

Our global dataset of legacy union outcomes allows us to examine the implications of legacy union dominance for labour politics across all cases of Third Wave democracies—those with experience of single regime-backed trade unions (N=42), as well as those in which the previous authoritarian regime did not sponsor a single trade union (N=24). While the strength of labour is a difficult concept to measure, we can proxy for it with measures that capture different aspects of labour organisation. Specifically, we assess the relationship between the level of dominance of legacy unions in post-transition regimes (as measured by our continuous variable, *legacy union membership of unionised workers*) and three types of labour politics outcomes: 1) trade union fragmentation; 2) strike activity; and, 3) labour rights.

First, we examine whether legacy unions with high membership rates are indeed more successful in stirring away competitors and constraining the number of players representing organised labour. While fragmentation could be a source of useful militancy—a larger number of trade unions may increase competition for membership, creating a need to attract new members

by enhancing their representation⁴³—it is more likely to be a handicap; a large number of small unions will likely have less clout and resources to negotiate on behalf of workers and governments can play competing unions against each other.⁴⁴ Very fragmented labour movements may also find it more difficult to work together through formal bargaining processes to pressure governments to adopt labour-friendly policies.⁴⁵ Due to their organisational and material resources, legacy unions may have greater power to mobilise substantial sections of the population and thus be in a better position to lobby for workers' interests. Since our dataset also includes twenty-four cases of countries that underwent a Third Wave transition but in which the previous authoritarian regime did not sponsor a monopoly trade union, we can explore whether unions that did not inherit resources have managed to retain low trade union fragmentation, or whether legacy unions have been critical to centralising worker mobilisation. To explore this, we employ the variable *trade union fragmentation*, which measures the number of existing national-level trade unions in a given country. This is a continuous variable that ranges from 0 (Bhutan) to 17 (Senegal), has a mean of 4 and a standard deviation of 3.2.

The expectation that legacy unions may be beneficial to labour politics is at odds with some existing research which contend that dominant legacy unions tend to be poor at representing workers' interests since they were initially founded to reduce militancy and prevent workers from threatening authoritarian regimes. Another way in which we can explore legacy unions' impact on labour politics is to examine their effect on strikes. If dominant legacy unions mostly fail to reform and remain politically quiescent, we would expect them to be associated with fewer strikes.

Cross-national data on strikes are irregular, especially in new democracies. We address this by expanding on strikes data collected from media reports following a similar methodology to Robertson and Teitelbaum's *High Profile Strikes Dataset* which includes data on strikes from 1980

to 2005.⁴⁶ Specifically, the variable was coded from the number of discrete strikes reported by the Associated Press and *Agence France-Presse* and found using a comprehensive search of the Lexis-Nexis archive. This first measure, *high profile strike activity (2013-2016)*, ranges from 0 (Latvia, amongst others) to 22 (Brazil), has a mean of 2.5, and a standard deviation of 4.1. To verify the robustness of results, the Supplemental Material includes analyses with a second measure of strikes derived from the Cross-National Time-Series Data Archive.

Finally, we also employ a direct measure of labour rights. As we posited above, dominant legacy unions may be well-placed to advocate for workers due to their greater access to resources and ability to mobilise large numbers of members. To examine this, we use the combined labour rights in law and practice indicator from Kucera and Sari's Labour Rights Indicators.⁴⁷ This is a weighted index of labour rights enshrined in law based on expert coding of the restrictiveness of legal regulation of labour and labour rights in practice coded by the number of violations of labour rights found in a variety of textual sources. Higher scores indicate greater infringement of labour rights, so lower scores equate to better-protected labour rights. The variable ranges from 0.17 (Suriname) to 7.97 (Pakistan), has a mean of 3.34 and a standard deviation of 2.07.

Analysis

The small number of cases, the cross-sectional nature of the data, and the reliance on self-reported union membership data mean that we must be careful about interpreting the results; we cannot assert causality between legacy unions and labour politics outcomes. Nevertheless, exploratory analyses may point the way to further research questions.

We begin by providing an overview of whether legacy unions are an important institution for labour politics across Third World democracies. Overall, as shown in Figure 3, democracies with no legacy unions have more fragmented union systems, greater strike activity, and more

labour rights violations. In other words, the mere presence of legacy unions seems to be associated with important labour outcomes.

To examine whether legacy union dominance is an important factor in shaping these outcomes, we conduct regression analyses with a number of control variables. First, we expect unions to be stronger and have greater bargaining power in systems where a greater share of the formal workforce is unionised, so we control for this. Unions also tend to be less effective at mobilizing workers in agricultural sectors of the economy, so we include the percentage that agriculture contributed to GDP. Broader economic conditions may also play a role in work conditions and the need for greater worker mobilisation, so we include measures of inflation, GDP growth, and GDP per capita. Foreign investment can play an important role in determining governments' attitude towards labour organisations; for example, open economies face greater competition and thus tend to lower labour standards.⁴⁸ To capture this, we include a measure of net inflows of Foreign Direct Investment (FDI) as a percentage of GDP. Organisational capacity is easier to develop in urban settings and larger populations, so we include a log of population size and the percentage of the population living in urban areas. Government-union relations can also be influenced by general levels of political openness which we measure by Freedom House political rights scores. Descriptive statistics and data sources for employed variables are available in the Supplemental Material.

Our key explanatory variable measures the percentage of unionised workers who are members of the dominant legacy union, as described above. The results displayed in Table 1 provide further evidence of the relationships illustrated in Figure 3: more dominant legacy unions are associated with lower union system fragmentation, fewer strikes and fewer violations of labour rights. Results are more strongly significant (both statistically and substantively) in our models of

union system fragmentation and labour rights violations, as illustrated in Figure 4. These results suggest that the relative dominance of legacy unions may have important effects on labour politics in new democracies.

As we expected, dominant legacy unions are associated with lower labour movement fragmentation. We suggested above that low fragmentation may help unions to more effectively represent workers' interests. Fragmentation, however, operates in conjunction with other factors in new democracies. Where there is high competition between labour unions and ties with political parties are weak, for example, the result can be powerful waves of worker contention: in Bulgaria, the Confederation of Independent Trade Unions of Bulgaria, the country's legacy union, and its main challenger union, the Confederation of Labour "Podkrepa," have both overthrown, rather than worked with, parties in power. Where there are strong links with political parties, fragmentation may result in a divided labour movement: in Poland, because labour unions have traditionally been tied to political parties, these unions have generally placed party loyalty ahead of workers' demands and mobilizations have largely been a function of political alliances. The Solidarity Union, for instance, one of the only successful challenger unions in Poland, remained loyal to its political party in the 1990s, despite the significant decrease in worker support as a result of its ties to the government, while the legacy union, the Polish Trade Union Alliance (PTUA), pursued a strong opposition campaign. Yet, when the PTUA's political allies came to power, their opposition turned to accommodation, changing again with the ouster of their allies from government in 1997. When both union fragmentation and links with political parties are low, as in Russia, the labour movement may be weak and isolated. Though worker discontent certainly exists in Russia, attempts to build a coherent challenger union have failed, and the legacy union, the Federation of Independent Trade Unions of Russia, remains a politically weak loyalist organization

with little influence over its members. Without alliances with significant political parties and mass memberships that can be delivered for these parties, unions have found it difficult to make much political headway or to gain any traction among workers. Finally, where there are strong ties to political parties and union fragmentation is low, the result is incorporated labour. In Argentina between 1983 and 1989, for example, union fragmentation was low, and the main union, the Confederacion General de Trabajadores (CGT), had strong links to the Peronist party. Because the Peronist party was in opposition at that time, the CGT was highly mobilized against the reforms proposed by the Radical government under Raul Alfonsin.⁴⁹ Thus, while we find that dominant legacy unions are generally associated with lower trade union fragmentation, further research should explore the conditions under which lower fragmentation can be positive or negative for the labour movement; for example, the extent to which legacy unions reform themselves in the democratic era, the links they form (or do not form) with political parties and the nature of competition or collaboration with challenger trade unions.

We also find that more dominant legacy unions are associated with fewer strikes—a finding that is not aligned with existing research which highlight the overall negative influence of dominant legacy unions on the power and militancy of labour. One possible explanation for this is that by conducting a cross-sectional analysis, we are unable to distinguish between strikes that result from strongly organised labour and those that signal labour weakness rather than strength. If unions are unable to adequately represent their workers in corporatist bargaining, for example, militant factions may rebel. If, however, collective bargaining agreements are negotiated in ways that leave workers satisfied, then there would be no need to call strikes. Strikes may also be a function of dominant unions being too entrenched in post-authoritarian regimes. If union elites have close ties with their respective regimes, unions may fail to adequately represent workers

because their loyalties instead lie with the state. In such a scenario, militant workers could be pushed to participate in wildcat strikes to apply pressure to the state and their unions in order to safeguard their interests.⁵⁰ In other cases, a lack of labour militancy in the early post-transition years is not necessarily due to cooperative unionism, but rather because workers are too anxious about losing their jobs to take risks associated with engaging in wildcat strikes, especially during the extreme uncertainties of the immediate aftermath of transitions.⁵¹

There is, however, an important distinction to be made between wildcat strikes—where unionised workers rebel without the union’s authorization or leadership—and union-organised strikes that follow official regulations governing strikes; both are signs of militancy, but have fundamentally different significance. Indeed, considerable worker mobilisation has occurred outside the framework of trade unions, such as in Poland and Ukraine in 1993, and in Russia in 1998.⁵² In the case of the Federation of Independent Trade Unions of Russia (FNPR), for example, Russia’s dominant legacy union’s activity, including strikes, has often been in coordination with managers of enterprises and employers’ organisations, which, according to Kubicek, questions the extent to which the Russian trade union actually represents its workers.⁵³ As a result, in this and similar cases where trade unions are used for control rather than representation, strikes often occur outside of organised labour and are most likely to take place when economic conditions are desperate.⁵⁴ There can also be considerable variation in workers’ strikes across specific locales or sectors in a country, despite the apparent latency of labour at the national level, and general strikes to put pressure on governments to enact certain social or economic reforms are very different to sector-specific strikes over pay and conditions.⁵⁵ Further research should disaggregate the type of worker strikes—wildcat versus union organised, national versus local, general versus sector

specific—and their aims in order to delve deeper into the dynamics between legacy unions and organised labour militancy.

One of the more surprising findings is that continued post-transition dominance by legacy unions correlates with fewer labour rights violations, suggesting that many formerly authoritarian unions become effective defenders of worker's rights in post-transition contexts. One reason for this may be that legacy unions' inherent advantages over challenger unions—large memberships and organisational resources—can be used to successfully mobilise workers (or threaten to do so) in order to gain concessions from governments in new democracies. In cases in which the authoritarian regime chose to repress labour rather than control it through a legacy unions, existing unions are likely to be weak, fragmented and have smaller memberships at the time of transition. Thus, legacy unions often have advantages over both challenger unions and unions in new democracies with no legacy union. Furthermore, those legacy unions which remain dominant can only do so by proving their effectiveness to their members. For example, the previously state-sponsored UGTT played an important role in the National Dialogue following political instability in the wake of the Jasmine revolution, ensuring a powerful voice for workers in the newly democratic Tunisia.⁵⁶ Labour rights improved significantly, and no significant challenger has emerged to the UGTT's dominance. The largest challenger union is the Tunisian Workers' Organisation, which broke away from the UGTT in 2012 over the UGTT's anti-Islamist stance, but it has to date failed to dent the dominance of the UGTT due to its perceived closeness to Islamist political parties and lack of support from the international labour movement.⁵⁷ Further research should examine the conditions under which legacy unions become more or less effective defenders of workers' rights.

In sum, our findings point to mixed results: the large memberships of dominant legacy unions may curb competition and hamper mobilisation, but may also decrease the likelihood of labour rights violations. In other words, in conducting the first cross-sectional analysis of all cases of legacy unions in Third Wave democracies, we find that dominant legacy unions may, perhaps unexpectedly, use their large memberships and substantial resources to successfully advocate for improve workers' rights in new democracies.

Conclusion

Trade unions have historically held crucial roles in political and economic processes. Due to their institutional power to organise and mobilise workers, unions have often been used by authoritarian regimes to contain opposition. While many of the authoritarian regimes that employed trade unions as a means of control have since democratised, many legacy unions have survived transitions. Previous work has emphasised such dominance and argued that legacy unions may be detrimental to the strength and effectiveness of labour politics. Most existing literature, however, has relied on single-case or small-N studies to make such claims.

In this article, we approached the study of comparative labour politics from the opposite end of the spectrum to reveal broader patterns across a large number of cases, yielding results that cannot be captured by disaggregated studies. Specifically, we sought to examine the extent of legacy union dominance in Third Wave democracies and the consequences of such dominance for labour politics in democratic times. We introduced the first global dataset of the fates of all legacy unions in new democracies. We demonstrated that legacy unions remain the labour organisations with the largest membership in the overwhelming majority of Third Wave democracies, although with significant regional variation. Our preliminary analyses suggest that the extent of labour

incorporation played little role in shaping post-transition trajectories; events during the critical juncture of the democratic transition is a more promising explanation.⁵⁸

We have shown that authoritarian legacy institutions have important consequences for organised labour in new democracies. Countries with more dominant legacy unions tend to have less fragmented labour movements, fewer strikes, and fewer labour rights violations. These findings are tentative, but they suggest that legacy unions do not necessarily lead to negative outcomes for workers. In fact, legacy unions may in some cases be well-placed to shape post-transition labour politics in workers' favor. They can use their large memberships and the resources bestowed upon them by previous authoritarian regimes to effectively lobby new democratic governments, which may be more difficult with a fragmented trade union movement or challenger unions with fewer organisational and material resources. A key area for future inquiry is thus to understand why some legacy unions reform themselves into effective democratic forces that aim to further workers' rights, while others stagnate, fail to represent their members' interests, and become a drag on the power of organised labour.

Crucially, we hope that our new dataset can be used to bring trade unions back into studies of labour politics in new democracies. An important area to investigate in future is the relationship between legacy unions and the extent of neo-liberal reforms in new democracies. The broader trend of labour politics since the Third Wave of democratization has been towards increased labour market flexibility, reduced social protection and lessened trade union influence in line with the globalising and neo-liberal policy prescriptions of international financial institutions. Our dataset could inform case selection to explore whether dominant legacy unions have enhanced or mitigated this trend. In particular, we urge future research to employ our data in search for a middle ground,

taking insights from the context-specific findings found in case studies, and use them to refine the mechanisms behind the broader patterns demonstrated in this article.

Existing case study literature has suggested that the fates of legacy unions vary based on a dichotomous dominant or displaced analytical framework. Our global dataset has highlighted that there are in fact very few cases of displacement: legacy unions almost exclusively dominate the post-democratic transition labour union landscape. In post-communist Eastern Europe, only Poland and Romania have seen legacy unions displaced. In Asia, none were displaced, and in the Americas, only the Nicaraguan legacy union was displaced. Only in Africa was there considerable variation, suggesting that transition dynamics on that continent may indeed be distinct from those in post-communist Europe and Latin America.⁵⁹ Why, in almost all cases, do legacy unions remain dominant? What strategies makes them resilient? Why are competing unions unable to apply pressure to legacy unions and overtake them? We cannot take for granted the extent to which legacy unions have remained dominant. Recognizing this pattern is the first step towards understandings the effect authoritarian relics, like formerly state-sponsored trade unions, have on democratization and consolidation.

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1. Herz, *From Dictatorship to Democracy*; Casper, *Fragile Democracies*; Grzymala-Busse, *Redeeming the Communist Past*; Hite and Cesarini, *Authoritarian Legacies and Democracy*.
 2. Crowley and Ost, *Workers after Workers' States*; Lee, *Militants or Partisans*; Caraway, Cook and Crowley, *Working Through the Past*.
 3. Caraway, "Dominance of Legacy Unions," 1371-1397.
 4. Caraway, Cook and Crowley. *Working Through the Past*, 232.
 5. Our dataset will be made freely available on publication of this article.
 6. Loxton and Mainwaring, *Life After Dictatorship*.
 7. For example: Neumayer and de Soysa, "Globalization"; Mosley and Uno, "Racing to the Bottom"; Greenhill, Mosley, and Prakash, "Diffusion of Labour Rights"; Mosley, *Labour Rights*
 8. Data on labour rights is provided by: Mosley and Uno, "Racing to the Bottom"; Teitelbaum, "Measuring Trade Union Rights"; and Kucera and Sari, "New 'Labor Rights Indicators.'" Robertson and Teitelbaum, "Foreign Direct Investment," offer data on strike activity worldwide. The only study to have collated (limited) data available on unions in new democracies is Visser, "Trade Unionism."
 9. Ost, "Does Neoliberalism Marginalise Labour?"
 10. Crowley and Ost, *Workers after Workers' States*; Crowley, "Explaining Labour Weakness"; Kubicek, *Organised Labour in Postcommunist States*.
 11. Rakner, *Processes of Democratisation*; Kester and Sidibé, *Sustainable Democracy*; Kraus, *The Coming of Democracy*; Bishara, "Legacy Trade Unions"; Hartshorn, *Labor Politics in North Africa*; Buehler, *Why Alliances Fail*; Karreth, "Schools of democracy".
 12. Stepan, *The State and Society*; Collier and Collier, "Inducements versus Constraints"; Collier and Collier, *Shaping the Political Arena*; Buchanan, "Preauthoritarian Institutions"; Bensusan and Cook, "State-Corporatist Legacies."
 13. Caraway, "Dominance of Legacy Unions"; Lee, *Militants or Partisans*; Hutchinson, "Authoritarian Legacies."
 14. Caraway, "Dominance of Legacy Unions"; Caraway, "Dominance and Displacement."
 15. Buchanan and Nicholls, "Labour Politics"; Lee, *Militants or Partisans*.
 16. Kubicek, "Post-Soviet Democratisation."
 17. Deyo, *Beneath the Miracle*.
 18. Davis and Coleman, "Labor and the State."
 19. On exclusionary and inclusionary corporatism, see Stepan, *The State and Society*. For a specific application to labour incorporation, see Davis and Coleman, "Labour and the State".
 20. Deyo, *Beneath the Miracle*.

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21. Caraway, “Dominance of Legacy Unions.”
 22. Caraway, “Dominance and Displacement.”
 23. Caraway, “Dominance and Displacement,” 279.
 24. Escriba-Folch “Authoritarian Responses to Foreign Pressure.”
 25. Smith, “Oil Wealth and Regime Survival.”
 26. Brownlee, *Authoritarianism in an Age of Democratization*.
 27. Smith, “Life of the Party.”
 28. Caraway, “Dominance of Legacy Unions.”
 29. Pollert, “Labour and Trade Unions,” 14. See also Crowley and Ost, *Workers after Workers’ States* and Kubicek, *Labour in Postcommunist States*.
 30. Lee, *Militants or Partisans*; Paczyńska, *State, Labor, and the Transition to a Market Economy*. Similar arguments have also been made to explain the post-transition survival of other authoritarian institutions, including political parties (Loxton and Mainwaring, *Life After Dictatorship*).
 31. Hartshorn and Sil, “The Fate of Labor.”
 32. Haggard and Kaufman, *Dictators and Democrats*.
 33. International Centre for Trade Union Rights, *Trade Unions of the World*; Blackburn and Cross, *Trade Unions of the World*.
 34. International Trade Union Confederation, “List of Affiliated Organisations.” Ulandssekretariatet has produced a series of Labour Market Profiles for new democracies including significant amounts of data and historical information on trade unionism: see <http://www.ulandssekretariatet.dk/content/landeanalyser>. Eurofound country reports contain useful information about the development of trade unionism in post-Communist states in central and eastern Europe.
 35. Caraway, “Dominance and Displacement”; Caraway, Cook and Crowley, *Working Through the Past*.
 36. Figures in this paper were created using the Stata graphics scheme developed by Bischof, “New graphic schemes for Stata.”
 37. Thelen, “Historical institutionalism.”
 38. Our Labour Incorporation Index was coded according to: 1) whether the trade union was formally linked to the ruling party/state apparatus; 2) whether there were trade union representatives in the executive or legislature under the authoritarian regime; 3) whether the authoritarian regime ratified the ILO governance conventions; 4) whether the regime provided significant material backing for the trade union; 5) whether institutionalized tripartite bargaining structures existed. Each of these was coded on a 0/1 basis, apart from the ILO ratifications, which were coded 0 if none were ratified, 0.5 if one was ratified and 1 if both were ratified. We combined the scores of these five measures to create the index.

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39. Interestingly, however, when testing the correlations between the Index's components and our other measures of legacy union dominance, we find that trade union representation in the executive or legislature under authoritarian regime produces a negative coefficient (-0.383) that is statistically significant ($p < 0.05$) when correlated with *largest union*.
40. Caraway, "Dominance and Displacement," 279.
41. We hand-code these variables as binary measures based on information from Haggard, Kaufman, and Teo's 2016 dataset. Our first variable measures "worker mobilisation outside the state-backed union". Eleven cases were coded as positive for this. We also coded those cases where there was "worker mobilisation inside the state-backed union"; there were eight in total, all but two in sub-Saharan Africa. Only one case had mobilisation both inside and outside the regime-backed trade union: independent unions including Kilusang Mayo Uno were important in leading protests against the Marcos regime while the state-backed Trade Union Congress of the Philippines also turned its back on the regime and provided election observers to pressure the regime into allowing free and fair voting.
42. Crowley and Ost, *Workers after Workers' States*; Kubicek 2004; Caraway, Cook and Crowley, *Working Through the Past*.
43. Robertson, "Leading Labour."
44. See, for example, Connor, *Tattered Banners*.
45. Avdagic, "State-labour Relations."
46. Robertson and Teitelbaum, "Foreign Direct Investment."
47. Kucera and Sari, "New 'Labour Rights Indicators'"
48. Neumayer and de Soysa, "Globalization."
49. Robertson, "Leading Labour."
50. See, for example, Kideckel, "Winning the Battles."
51. Sil, "Labour's Travails."
52. Kubicek, "Civil Society," 604.
53. *Ibid.*, 608.
54. Robertson, "Strikes and Labour Organisation."
55. *Ibid.*
56. Bishara, "Legacy Trade Unions"; Hartshorn, *Labor Politics in North Africa*.
57. Hartshorn, *Labor Politics in North Africa*, 137.
58. Caraway, "Dominance and Displacement."
59. Bratton and Van De Walle, "Neopatrimonial Regimes," 454.

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