

SECTORAL ACTIVITIES PROGRAMME

Working Paper

**Case studies in social dialogue in the
public emergency services – Argentina**

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Working papers are preliminary documents circulated
to stimulate discussion and obtain comments

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Sectoral activities in the ILO

The Sectoral Activities Department is part of the Social Dialogue Sector of the ILO. Its objective is to promote social dialogue at the sectoral level and to facilitate the exchange of information among the ILO's constituents on labour and social developments concerning particular economic sectors. One of its means of action is practically oriented research on topical sectoral issues. This publication is an outcome of that research.

The particular characteristics of the various primary, manufacturing and service sectors account for the different form taken in them by issues such as globalization, flexible work organization, industrial relations, the implications of structural and technological change, trends in the number and nature of jobs, and the situation of special groups such as children and women workers. The Sectoral Activities Department is the ILO's interface with its constituents at the sectoral level.

Continuing attention is given to 22 industries or sectors dealing with:

- **industrial activities** (extractive, rural, manufacturing, construction);
- **maritime industries** (shipping, fishing, ports, inland water);
- **services** (commerce, financial and professional services, media, culture, graphical industries, post and communications, education, health, public service, utilities, rail, road and air transport, hotels and tourism).

These sectors are vital in virtually all national economies. Issues concerning other sectors or subsectors are addressed on an ad hoc basis.

The principal activity of the Sectoral Activities Department is the holding of international sectoral meetings that provide a forum for discussion and an exchange of views on current issues in the sector concerned. Sectoral meetings are generally tripartite, with equal participation by governments, employers and workers. Where the government is the predominant employer, however, participation reflects this. From time to time, meetings also take the form of seminars or specialized meetings of experts. An outcome of most meetings is agreed conclusions that serve as guidelines for policies and measures for dealing with the issues and problems at the national level and by the ILO.

The Department undertakes follow-up activities to these meetings and provides various forms of technical assistance, including the promotion of tripartite sectoral dialogue on priority labour issues at national level, and the provision of advisory services on sectoral labour issues. It also collects, analyses and disseminates technical sectoral information and carries out studies, such as this one, on issues of concern to particular sectors or groups of sectors.

Foreword

At its 284th Session (June 2002), the Governing Body of the International Labour Office decided that a Joint Meeting on Public Emergency Services: Social Dialogue in a Changing Environment would be held from 27 to 31 January 2003. The Meeting would review the following issues concerning emergency services: trends in working conditions; safety and health; human resource planning; coordination structures; the state of social dialogue; and rights at work. It was also recommended that the purpose of the Meeting should be to elaborate a set of guidelines for addressing the issues raised above and, in particular, best practice for safeguarding the health, rights and interests of workers dealing with emergency situation, using a report prepared by the Office as a basis for the discussions.

After a decision is made by the Governing Body on the topic of a meeting, there is usually enough lead time to obtain information from ILO's tripartite constituents to be compiled into the report prepared by the Office. With regard to the Joint Meeting on Public Emergency Services, however, there was very little time before the draft Office report was due, which gave the author no time to write to the constituents requesting for information. The Office report was therefore prepared mainly based on information and statistical data from various publications and press articles obtained on the Internet, in addition to the ILO database. Information collected on the Internet concerns largely industrialized countries.

This working paper by Laura El Halli Obeid and Liliana Betriz Weisenberg entitled **Case studies in social dialogue in the public emergency services – Argentina** has therefore been commissioned with an aim to supplement the information provided in the Office report. It examines laws, legal frameworks and existing statistical data pertaining to working conditions, occupational safety and health, human resource planning, social dialogue and rights at work in the emergency services in Argentina. Despite shortcomings in the report due to lack of statistical data and information on various issues pertaining to the public emergency services in the country, it is hoped that this report will nevertheless contribute to the discussions at the Joint Meeting and other occasions thereafter.

ILO working papers are a vehicle for disseminating information on topics related to the world of work and the evolution of social and labour policies and practices. The opinions expressed are nevertheless those of the author and not necessarily those of ILO.

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Introduction

This study investigates:

- The Argentine Federal Police and emergency services at national level.
- How the police and emergency services operate in Santa Fe and other provinces.
- The emergency services at municipal level.

It is set out in five chapters. The research relies on data from five sources:

- Laws and regulations governing labour relations in each of the sectors studied.
- Face-to-face interviews with officers and employees in each sector, and in organizations involved in human resource management at the municipal, provincial and national level.
- Research carried out by universities and specialized research centres.
- Information posted on the Internet by the institutions involved in the sectors studied.
- Newspapers and other publications.

Exact numbers and wider information about the areas under investigation are simply not available. For example, in the Argentine Republic, gender records are not usually maintained, which makes it difficult to quantify the number of women who work either in the public or in the private sectors. Added to which, information sought from some institutions was not forthcoming, as it is considered “confidential”. Thus, in some cases, the researchers were reduced to relying on the mass media for figures from which they could infer trends.

According to Article 1 of the Constitution,¹ Argentina has a federal, republican and representative form of government, with its municipal, provincial and national government being organized according to those principles. It should be noted that, in recent months, the National Government issued a Decree² that assigned to the re-named Department of Justice, Security and Human Rights new functions related to the subject of this study.

Among other things, the Department is responsible for:

- Determining criminal policy and preparing plans and programmes for its implementation, e.g. crime prevention.
- Internal security, running and coordinating the operations of the national security forces, i.e. the Argentine Federal Police, the National Gendarmerie, and the Argentine Coastguard, at both provincial and national level.
- Helping to coordinate action to deal with emergency situations in the country.

¹ Constitution of the Argentine Republic, 1853, and later versions, including that of 1994.

² National Government Decree No. 1,210/2002 changed the name of the Department, from the Justice and Human Rights Department to the Justice, Security and Human Rights Department, and altered its functions.

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- The National Police Effort, planning and coordinating the separate and joint operations of the security and police forces, and helping with their training and equipment.
 - Coordinating and carrying out actions to prevent, or cope with, man-made and natural disasters.
 - Handling the organization, training, equipment and operations of the security and police forces.
 - Working with national, provincial or private-sector organizations to carry out policies to protect the community against natural or man-made disasters.
 - Supervising the separate and joint operations of the security and police forces according to the internal security law.
 - Handling the intelligence information gathered by the security and police forces.
 - Coordinating the formulation of medium- and long-term plans for training, developing, equipping and ensuring the well-being of the interior security forces.
 - Coordinating the Federal Emergency System (SIFEM), established by Decree No. 1,250, 25 October 1999.
 - Supervising the running of the Retirement and Pension Fund of the Argentine Federal Police (an administrative body responsible for handling the retirement of federal police officers and paying their pensions).

1. The Argentine Federal Police

The origins of the Argentine police can be traced back to 1810, when, after the events of May that year, one of the members of the Buenos Aires Council was put in charge of public safety and police chiefs were appointed for the capital.³ In 1944, the Federal Police force was created. It has security and law enforcement duties, preventing and investigating crimes covered by national laws, safeguarding persons and property, and ensuring public order.

The Federal Police School, “Ramon L. Falcon Colonel”, is the training centre for senior officers of the Argentine Federal Police. It was the first of its kind when it was founded on 17 November 1906, and has been given the honour of being chosen by INTERPOL to be the permanent headquarters for the training of police officers from Latin America and Spain. The first international course was run in 1995. The Federal School trains future officers of the Force in five different branches:⁴

- Security
- Firefighting
- Communications
- Specialist Expertise
- Women

The training is residential, with three-year courses for those who have completed secondary education and one-year courses for university graduates. On completion, the officers become Assistants, before going on to further studies and obtaining tertiary qualifications. The first female cadets joined the school in 1978. Entry depends on passing medical, dental and physical aptitude tests and some written examinations. Trainees have to be Argentines, single, without children, and between 17 and 25 years old. For those under 21, the application form must be signed by a parent and/or a legal guardian.⁵

It should be noted that the physical aptitude tests for women are less demanding than those for men, which would seem to indicate a positive discrimination policy to attract women to a police career, except in the case of firefighters. It is difficult to say for certain if ethnic and racial discrimination exists in the Force. The fact is that membership is restricted to Argentine citizens, and the press and TV have reported incidents of racially motivated violence by police officers.⁶ However, the officers who were interviewed denied that there was any ethnic or racial discrimination in the Force.

³ See web sites: www.escuelafalcon.edu.ar; www.policiafederal.gov.ar; www.universidad-policial.edu.ar .

⁴ See Argentine Federal Police web site: www.policiafederal.gov.ar .

⁵ See web site of the Federal Police School: www.escuelafalcon.ar .

⁶ Articles in newspapers, specifically, *El Litoral* and *Clarín*.

The most noteworthy characteristics of some of the branches are:⁷

Security

The Security Branch is responsible for basic security in Buenos Aires, the Federal Capital. Its members operate out of police stations, with a centralized Specialist Corps whose activities are controlled through centralized radio-electronic communication systems. In addition, there are special groups handling crimes against property, against the person, and economic crimes, while technical services are provided by specialist laboratories, experts in identification, personal documentation and railway security. In the rest of the country, 23 provincial teams perform similar functions. All the professional-grade personnel in the Security Branch have to be qualified lawyers.

Firefighting Branch

There are two types of firefighters in Argentina: *Professional Firefighters* fall under the Federal or Provincial Police. Their mission is to provide emergency protection for people and property in cases of fire, landslide, floods and other catastrophes. They operate out of a wide network of fire stations with up-to-date fire appliances and rescue vehicles. They are also responsible for planning and enforcing fire-protection measures and ensuring that firefighting equipment is fully operational in public and private buildings. One specialist section is responsible for fire safety at airports; another is the bomb squad, which deals with explosives. Professional-grade members of this branch must be engineers, architects and/or have a degree in Physics and Chemistry. *Voluntary Firefighters* are members of the community who help out in emergencies. Their functions are similar to those of the professional firefighters, but they are covered by different regulations (see Ch. 3).

Communications Branch

This branch is made up of technical specialists who are responsible for transmitter and receiver plants, telephone and telecommunications systems, and wireless communications. They are also responsible for supporting research carried out in specialist laboratories. The achievements of the branch have resulted in the Federal Police, as a member of the International Organization of the Criminal Police (INTERPOL), becoming the South American administrative centre for international communications. All the professional grades have to be engineers or have a Physics degree.

Members of the Federal Police are covered by Law No. 25,188 (Official Newsletter, 1 November 1999) that sets out the duties and rules of behaviour for all grades and divisions in the public service, and are subject to the decisions of the National Commission that enforces the code.⁸ Several higher education institutions, such as the Federal Academy of Police Studies and the University Institute of the Argentine Federal Police, have been set up to help modernize and upgrade the police force.

1(a) Structure

The Federal Police force falls under the Internal Security Secretariat of the Federal Government, and carries out criminal and security policing duties associated with the

⁷ See web site of the Argentine Federal Police: www.policiafederal.gov.ar .

⁸ Law No. 25,188, Code of Conduct for the Public Service, Official Newsletter, 1 November 1999.

policing responsibilities of the Federal Government. The rules and regulations governing its organization, staffing and procedures are framed within the National Constitution and national laws.

The Argentine Federal Police are organized as follows:⁹

- (1) Police Headquarters;
- (2) Police Sub-headquarters;
- (3) Metropolitan Security Division;
- (4) Communications Division;
- (5) Federal Aviation Corps;
- (6) Federal Division of Firefighters: Created on 2 January 1870 and comprising professional firefighters incorporated into the police structure.¹⁰ In 1997, an accelerated university-level course in Engineering, Architecture, Physics and Chemistry was introduced for both male and female cadets.

Within this division are:

- (a) *The General Department for Urban Protection*, with stations and detachments throughout the Federal District.
- (b) *The Federal Rescue Brigade*. This deals with complicated disasters that require specialist equipment or procedures throughout the country and in foreign countries if necessary. It is divided into specialist sections, handling rescues from high places or buildings, and from confined spaces, salvage and diving operations, forest fires, and also has a helicopter rescue service.
- (c) *The General Department of Federal Protection* is in charge of security at airports throughout the country and protects the Atomic Centre of Bariloche and the Presidential Residence.
- (d) *The Department for Fires and Special Risks* is represented on the Nuclear Regulating Authority; the Federal Emergency System (SIFEM); the Permanent Commission responsible for updating the Buenos Aires City Construction Code, and the Argentine Institute for Materials Control (IRAM). It comprises the following divisions: Prevention, Environmental Protection, Special Objectives, and Training.
- (e) *The Explosives Department* is responsible for finding, neutralizing, analysing, producing expert reports on, and the transport of, explosive and/or incendiary devices. It comprises the following divisions: Explosive Fires, Technical Investigation, Logistics, Detection and Training, Operations and Countermeasures, and Research.
- (f) *The Technical Research Department* produces technical reports on fires and other disasters through its different sections: Disasters, Analysis and Disaster Information, Judicial Coordination, and Expert Investigations.

⁹ See web site of the Argentine Federal Police: www.policiafederal.gov.ar. This is an official site of the Government of Argentina.

¹⁰ *ibid.*

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- (g) *The Logistics Department* is responsible for the day-to-day administration of the resources, materiel and supplies of the Federal Division of Firefighters, and operates through the following divisions: Fire Stations, Specialist School, Maintenance and Supply, Civil Defence, Supplies, and Forensic Transport. (The Specialist School runs courses for upgrading firefighting personnel and staff from related organizations, both domestic and foreign.)

Other sections of the Argentine Federal Police that should be mentioned are: Internal Affairs; Institutional Adviser; Metropolitan Security; Investigations; Dangerous Drugs; Personnel and Training; Scientific Police and Well-being.

Following this look at the organization of the Federal Police Force, its functions and entry requirements, three other aspects will now be discussed: its image, its actions and what police officers have to say about it.

1(b) The image of the Federal Police

For the past ten years, public confidence in the criminal justice system has been very poor. Added to which is the belief that state organizations are actually involved in crime. Radio, television and newspapers have identified individuals and groups (in the police, prison service, gendarmerie, army, intelligence service, etc.) who have been involved in committing crime. According to a survey conducted in May 1999 by *Clarín* – the largest newspaper in the country – into opinions about police involvement in crime, 7.7 per cent of people do not believe that the police are involved in crime; 67.6 per cent believe they receive payment for protecting brothel owners and 63 per cent believe they protect drug dealers. (Pegoraro, J. S.: “The penal system against the crimes of power and authority”).¹¹

The same applies to the provincial police forces, despite their efforts, along with those of the Federal Police, to improve their public image and tighten up recruitment standards. And, when the police Internal Affairs Departments do uncover criminal activity within police ranks, the crimes are less likely to be punished than those committed by ordinary citizens.¹² It is generally accepted that the antipathies that developed during the Military Dictatorship still affect the culture of these organizations.

1(c) Police actions

According to police regulations, on entering the service, each member must adopt a “police state of mind”, i.e. they must be ready to carry out their professional duties at every moment and in every situation. They are trained to use weapons and are obliged to carry them. There are four categories of police officer: A policeman is “on duty” when working, either investigating cases or being involved in crime prevention, or “exempt”, when off duty and dressed in civilian clothes. But even when off duty, he/she must, by law, carry a weapon. The category of “guard” applies to officers working in private security agencies,

¹¹ From *Urban Security – New Problems, New Perspectives*, National University of Litoral, Santa Fe, Argentine, 1999.

¹² Investigations into the Internal Affairs Department of the Provincial Police, *El Litoral*, Santa Fe, Argentina.

either in their off-duty spare time or after retirement. “Retired” officers continue to carry weapons by reason of being permanently in the “police state of mind”.¹³

Table I. Officers killed and wounded in incidents in the Federal Capital and Greater Buenos Aires – 1998: By category¹⁴

Category	Killed	Wounded	Total
On duty	3	42	45
Exempt	27	39	66
Guard	9	7	16
Retired	10	8	18
Total	49	96	145

Table II. Federal officers killed and wounded in incidents in the Federal Capital and Greater Buenos Aires – 1998: By rank¹⁵

Rank	Killed	Wounded	Total
Sub-Officers	18	30	48
Officers	0	11	11
Total	18	41	59

Table I shows that fewer on-duty policemen are killed or wounded than exempt ones. Table II shows killed and wounded policemen by rank. It should be noted that all of the Federal Police members killed were sub-officers, and only one of them was killed on duty. If we compare these figures with data from the Buenos Aires Provincial Police and forces in other provinces, we see similar trends. The largest number of policemen killed were sub-officers and most were killed when they were off duty, retired, or doing other tasks.

It could be argued that these figures are an indication of the pressures the organization imposes on its members – by virtue of its structure, ethos and desire to improve its public image – to carry weapons and act as police officers even when they are not on duty.¹⁶ On the other hand, looking at the list of names on the Argentine Federal Police Web Page, it could be argued that the increase in the number of officers killed (shown in Table III below) is one of the consequences of the worsening economic crisis:

¹³ Rules and regulations governing both the Provincial and the Federal Police.

¹⁴ Tiscornia, S., “Police violence in the Federal Capital and Buenos Aires Province – methodological questions and data analysis”.

¹⁵ *ibid.*

¹⁶ *ibid.*

Table III. Police killed in action¹⁷

Year	Number
1997	3
1998	2
1999	7
2000	36
2001	49
2002 (1 January – 13 August)	35

The Internal Security Secretariat, part of the Ministry of Justice, Security and Human Rights, gives the following data in an extra-official report: in 1997, 21 officers of the Federal Police were killed in action in Buenos Aires City; in 1998, the figure rose to 27 and in the first quarter of 1999, three were killed. According to the same source, in 1997, 31 officers were killed in Buenos Aires Province, in 1998 the figure was 27, and, in the first quarter of 1999, nine were killed.

The few times that these figures appeared in the newspapers – as official data – they were higher than those provided by the Centre for Legal and Social Studies (CELS). Those journalists who reported the figures did not have access to the register but relied on verbal statements from various officers from different divisions (CELS, “Police killed in incidents”, August 1999).

1(d) Proposals made by police interviewees¹⁸

- Improve the public image of the police to avoid a complete rupture in the relationship between the police and the community.
- To prevent an increase in levels of violence, assess the firepower required by police officers to protect themselves and members of the public.
- Abandon rhetorical images of police officers as heroes and sacrificial lambs, as they only serve to deflect attention from the need to take concrete action to protect officers’ physical and psychological well-being.
- Conduct regular studies of, and publish periodic reports on, police action, with a view to identifying problems and improving police work.
- Democratize the relations between the employer and police officers and allow the latter to join trade union associations to negotiate on labour matters.

¹⁷ *ibid.*

¹⁸ Synthesis of opinions gathered from interviews with police officers.

2. Provincial police forces

Police forces studied for this paper include those in the provinces of Santa Fe, Santa Cruz, Buenos Aires, Cordoba and La Pampa. It is apparent there is no universally applicable set of rules and regulations governing police activity. For this analysis, a number of documents have been examined: The Constitution of the Police of Santa Fe Province, No. 7,395, 28 May 1975 (the oldest law in Argentina); Regulations for Police Personnel, approved by Decree No. 6,769, 11 January 1972; The Rule Book of the Police Disciplinary Body, approved by Decree No. 426/72; The Rule Book of Administrative Indictments, approved by Decree No. 4,055, 3 November 1977; The Internal Regulations of the General Advisory Board, approved by Decree No. 2,634, 1967; Regulations of the Regional Unit, approved by Decree No. 3,174, 29 December 1977; Regulations for Police Staff; Regulations of the Personnel Department; Regulations of the Judicial Department, and the Decree creating the Provincial Police Special Agency for Internal Affairs, Decree No. 1,359, 22 August, 1997.¹⁹

The choice of which regulation to apply in a particular case is discretionary, the result being that it is often not to the liking of the parties involved. It is noticeable that, with a few exceptions, most of the regulations were promulgated in the last few years of the democratic government of the 1970s and under the subsequent military dictatorship.

The negative aspects of the Santa Fe Provincial Police are: its military training; the strong feeling among its members that they can act with impunity; its autonomy vis-à-vis the national police authority; the anarchy resulting from individual or group objectives, legal or illegal, overriding those of the force as a whole, internal conflicts and the fact that subordinates distrust their superiors. These key aspects have led to a decline in the reputation of the police in the eyes of the public at a time when crime is rising and a feeling of insecurity is increasing. (Dr. Fernando Rosua, ex-Minister of Santa Fe Provincial Government, author of “Police reform in Santa Fe Province”, 1998. The Bill, presented in 2002, has, to date, not been approved by the Provincial Legislature).

The Santa Fe Provincial Police Force is engaged in the prevention and investigation of crime. While its administration is centralized, operationally it is decentralized, working in 19 regions that coincide with the Province’s political departments. However, the departments are of a different geographical size, and each has its own population density, demographic and socio-economic characteristics. Most police personnel work in Region I, Santa Fe City, capital of Santa Fe Province, and in Rosario, the largest, and, economically, the most important, city.²⁰

At the beginning of 1999, the provincial police numbered 11,952, at which time the Legislature approved the recruitment of 2,500 new officers. During that year, a training course for new recruits was conducted and 1,250 recruits joined up, followed by a similar

¹⁹ Information from the police, the General Register of Laws and the General Record of Santa Fe Province.

²⁰ Constitution of the Santa Fe Provincial Police.

number during 2000.²¹ In August 2001, the provincial force had 15,343 members (of whom 1,892 were women). By July 2002, the number had increased to 15,374.²²

The provincial police force falls under the authority of the Provincial Government, which exercises “political control” over it. The Governor is responsible for dismissing or suspending a member of the force by decree, at the request of the Chief of Police. The Provincial Departments of Government and Justice also have disciplinary powers and can impose sanctions on senior officers, e.g. suspension, arrest or a warning. Like most police forces in Argentina, the Santa Fe force is organized in a “two-tier system” of higher and lower grades. Similarly, among the police station staff providing ancillary administrative, professional and support services are both civil servants covered by Provincial Public Administration Law No. 8,525 and personnel covered by Decree No. 2,695.

The higher grades are ranked as follows:

- (a) senior officers
- (b) chief officers
- (c) junior officers

The lower grades are ranked as follows:

- (a) senior sub-officers
- (b) sub-officers
- (c) policemen

The higher grades have disciplinary powers, while the lower ones do not, having to refer breaches of discipline among their members to the higher grades. The Chief of Police, supported by his Police Staff, is in charge of the planning, control and coordination of all police activities throughout the Province.

The disciplinary system is responsible for identifying major and minor breaches of discipline and taking appropriate action. However, drawing the line between proper and improper conduct is difficult, given the different ways in which police regulations can be interpreted. Once a breach has been identified, administrative action is taken, but tends to drag on for years, with consequent adverse effects on the morale of the police involved. The problem is exacerbated if criminal charges are involved. When the Provincial Internal Affairs Department was created, it discovered that some cases which had been initiated ten or 15 years previously had still not been resolved, administratively or judicially. A regional chief said: “There is an arbitrary use of their disciplinary powers by senior officers and those responsible for the system.”²³ The disciplinary system is linked to those of career-pathing, qualifications, promotions and transfers, rewards and honours, etc. It is significant because it is related to the standing of the provincial police in the eyes of the community and communications between the police and the public. In 1996, the new Provincial Government instituted some changes and identified three policy objectives: “a) Improve community confidence in the police; b) Improve police training, and c) Rebuild the

²¹ Information from the Provincial Department of Human Resources, Santa Fe Province.

²² *ibid.*

²³ Interview with a police officer.

disciplinary capacity of the police and begin a clean-up of the force from the outside.”²⁴ These changes put in motion several initiatives.

The Internal Affairs Department was also concerned. It investigated the working conditions of the police, getting information about their needs in relation to their work (vehicles, health officer, protective equipment, etc.), and making recommendations to the Provincial Government. Some of the officers interviewed for this paper claimed that, even now, they still have to buy their uniforms, weapons, handcuffs, etc., because the force does not provide them. One police officer took this issue to court and the judge gave him permission to wear civilian clothes on duty until the State provided him with a uniform.²⁵

The Police School runs courses, talks, training and up-dating meetings in the Province. Attendance at such self-improvement classes is obligatory for promotion.

The lack of trade unions is one of the reasons for the deterioration in the police service in Argentina. The bad working conditions, the misuse of power by superior officers, arbitrariness and cases of injustice could disappear if the police had their own trade unions. Today, they can only rely on the good-will of the Government. The politicians should make a move on this matter, and pass a law guaranteeing the right of police officers to join trade unions (Dr. Fernando Rosúa, Government Minister in 1996).²⁶

For this reason, on 13 June 2001, members of the Santa Fe Police, both officers and those carrying out civilian duties, called a meeting and set up an association of workers – the Santa Fe Provincial Police Professional Association. Its objective is to fight to improve the work and conditions of its members. Non-active members are expected to abide by the Association’s rules and regulations, while superior officers must allow members to be active (Rule No. 1 of the Santa Fe Police Professional Association). The Association’s statutes impose a self-limitation on the right to strike.²⁷

On 1 October 2001, the Association applied to the National Department of Labour for recognition as a trade union. The Department turned it down, arguing: “The police forces are organized as vertical structures, which is essential for maintaining internal discipline, while the key characteristic of trade unions is the horizontal relations among their members.” There is, to date, no legislation allowing unions in the police or armed forces.

In spite of the rejection by the Labour Department, the Association carries on its work, providing stress management and counseling programmes for police workers and discussing the issues of excessive working hours, sick leave, accidents at work and accident-prevention measures. In Santa Fe Province, a non-government organization called “United Police Families” has been set up by the wives, husbands, parents, brothers, sons and daughters of serving police officers to publicize labour problems in the Force. It is run by the wife of a Santa Fe police officer.²⁸

²⁴ Seminar on “Police reforms in Argentina”, Centre for Legal and Social Studies, Buenos Aires, Argentina, 1998.

²⁵ Interview by Brigadier Estanislao Lopez, on Radio LT9, with the officer concerned.

²⁶ “Police reform in Santa Fe Province”, Dr .Fernando Rosúa, Buenos Aires, 1998.

²⁷ Reports by the Police Professional Association, Santa Fe.

²⁸ *ibid.*, and *La Gaceta Azul*.

On 18 April 2002, the first Congress of the Argentine Federation of Police and Prison Service Trade Unions (not legally recognized) was held to discuss trade union policy and action.²⁹ The Santa Fe Association has created a web page to carry police news and express its concerns and also publishes a journal, *La Gaceta Azul* (The Blue Gazette).

The Santa Fe Provincial Police force is divided into the following Corps: security, professional, technical, professional firefighters, junior ranks, auxiliary services and civilian staff. Each Corps is divided into branches, according to the nature of the duties carried out.³⁰ Staff completing police school or recruiting courses are deployed according to merit and seniority.

There is no gender, racial or ethnic discrimination. Eighty per cent of policewomen are in security positions, while the other 20 per cent perform administrative functions. A lot of women are in high-ranking positions. Half of the staff in the Provincial Police Computer Centre are women. All officers work eight hours a day. When they have completed 24 hours, they rest for 48 hours. If they work in off-duty hours (at the behest of superiors) they are given time off in lieu.³¹

Officers interviewed stated that they no longer wished to carry deadly weapons but did want to carry some sort of weapon: "They want weapons, not to kill, but to deter." They expressed the need for protective equipment, and more frequent psychological help, because of the tensions and pressures that increase over time. Courses in preventing addiction, weapons control, stress management, developments in the law, strategy, etc., are provided.³²

Recruits to the Santa Fe police must be between 19 and 28 years old, and, for entry into the higher grades, between 18 and 26. The joining age for these grades is lower because recruits have to attend the Police School for three years, after which they become an Assistant, as is the case in the Federal Police. Salaries in the Santa Fe Provincial Police include: basic salary, professional risk, special dedication, responsibility, seniority, degree and other supplements. Deductions are made for medical care, life assurance and pension contributions. The following table shows the monthly "take-home pay" for different ranks, in all provinces.³³

²⁹ *ibid.*

³⁰ Statutes of the Santa Fe Police and other provinces.

³¹ Comments of police officers who guard public or private buildings or act as bodyguards for politicians.

³² Interviews with police officers.

³³ Salary receipts shown by police officers and agents.

Table IV

Rank	Pesos	\$US
General Officer/General Inspector	2,013	559
Auxiliary Officer	854	237
Assistant Sergeant/Assistant, First Class	871	242
Officer/Sub-assistant	575	160
Cadet	575	160

Medical care for officers and their families is provided by the Social Security scheme of Santa Fe Province, which covers all public employees and their families. Members of the force contribute to a life assurance scheme during their service. Payouts are made for death due to natural causes or in the line of duty. The State contributes to the Social Security, assurance and pension schemes.³⁴

The following points about other provincial police forces are worth noting:³⁵

- Their regulations are more modern and advanced than those in Santa Fe because they were drawn up in the 1980s and 90s.
- They all fall under the authority of the provincial governments, being either directly under a government department or similar body.
- Like the Santa Fe force, they are organized in corps and branches.
- Police force members, except higher grades, have guaranteed job security, but are subject to a hard disciplinary system.
- All the provincial police forces have Internal Affairs Departments.
- The Chiefs of Police are political appointees and change when the Government changes.
- All officers must be Argentines, in good physical and mental health, undergo training for entry into the force, and have completed secondary and/or university education.
- In some provinces, the functions of the Security Police differ from those of the Criminal Police.
- The professional firefighters fall under Department of Police Operations and have the same conditions of service as the police.
- Law 12,155 on the Organisation of the Buenos Aires Provincial Police contains articles concerning the use of weapons. These are based on proposals made by police officers.

³⁴ Information supplied by the Provincial Department of Human Resources, Santa Fe.

³⁵ Conclusions drawn from a study of the rules and regulations of the provincial police forces in Santa Fe, La Pampa, Santa Cruz, Buenos Aires and Cordoba.

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- Article 28 prohibits officers from investigating people simply because of their ethnic, religious, cultural, social or political background, beliefs, job, nationality, gender, sexual orientation, health status, or membership of political parties, trade unions, community and co-operative organizations, or for discriminatory purposes. This Article reveals the fundamental changes in police practice that have taken place since the Military Government when such activities were commonplace.
 - Because of the vast size of most provinces, each provincial police force is organized according to the two principles of administrative centralization and operational decentralization.
 - Officers have the right to be trained in scientific and technical matters, and a special emphasis is put on training in the protection and promotion of Human Rights.
 - Promotion depends on completing the requisite training courses and on seniority.
 - Officers are entitled to a pension on retirement. This right is contained in each provincial rule book.
 - In some cases, officers are allowed to work as teachers or in the liberal professions in their off-duty hours.
 - Officers are not allowed to participate in political activities.
 - In all the provinces, new recruits join the lower grades.
 - Officers are entitled to holiday leave, sick leave, maternity leave, study leave for police or formal education examinations, and time off to get married and attend the funerals of relatives.
 - There is no bar to women entering any of the provincial police forces.
 - Officers are not allowed to strike (Article 2, Decree 843/2000, Essential Services in Argentina).

3. Voluntary firefighters

On 18 November 1998, the National Voluntary Firefighters Law, No. 25,054, was passed. This piece of legislation deals with the role and organization of the voluntary firefighter associations in the Republic and how they relate to the State through the National Civil Defence Department of the Department of the Interior's Internal Security Secretariat. It also allows for the funding to give members of the associations the training and equipment they need to improve their service to the public, provided free of charge, in times of fire or disaster.

The role of the Voluntary Firefighters Associations is to:

- Prevent and put out fires.
- Protect lives and property during disasters, whether natural, or caused by accident or intent.
- Form, equip and train an active body of firefighters.
- Educate the public about fire prevention.
- Act as Civil Defence forces at the municipal, provincial and national levels.
- Document all their procedures.

The voluntary firefighters associations are non-profit-making bodies that provide a legal public service, for the public benefit, and thus are exempt from national taxes and customs duties (Law No. 23,139). There are currently 620 corps of Voluntary Firefighters (VFF) in Argentina.³⁶ Jujuy Province (in the north of the country) has no VFF, while Buenos Aires has 206 corps, with nearly 10,000 members. Cordoba has 115 and Santa Fe has 85 corps. Each of the other provinces has between one and 32 corps.

The Department of the Interior is responsible, through a number of bodies, for the National Register of Voluntary Firefighters Associations and for the implementation of the Voluntary Firefighters Law. A cause of many problems is the fact that the funds intended for these associations are often not received by them.³⁷ Below the national level are the legally recognized Provincial Federations of VFF which represent the associations in each province, and the Board of Argentine Federations of VFF. The National Academy of VFF Training is in charge of the training courses in each province, coordinates VFF training policy and directors nationwide, and administers training resources. The Department of Education and Culture officially certifies training.

The Voluntary Firefighters Law provides for the VFF associations to receive an annual grant equivalent to 22 per cent of the fire insurance premiums paid by public and private companies. However, this grant is not being received, causing operating difficulties for the associations, who use it for general and administrative costs, equipment, training, clothing, etc.³⁸

³⁶ See web site: www.bomberos.org.ar .

³⁷ Reports from the firefighters associations on their financial difficulties.

³⁸ National Law No. 25,054/98, Voluntary Firefighters in Argentina.

3(a) Benefits³⁹

The Department of Labour recognizes voluntary firefighters as equipped to carry out specific tasks by virtue of their training and expertise. Their firefighting activities must be considered by their employer, public or private, as a public duty, which means that they cannot be penalized for absences from, or for poor-time-keeping at, their place of work.

Those who suffer accidents or illness, or lose their lives, as a result of their firefighting receive workers' compensation according to the Law on Risks at Work, No. 24,557. This compensation is paid to the victim, or dependants, by the Department of Health and Social Affairs, using funds from the National Beneficence and Casino Lottery. Active voluntary firefighters are also entitled to bonus points in any of the State housing schemes. Added to which, voluntary firefighters suffering from health problems as a result of their activities must be provided with care by all medical personnel nationwide. The following statements were made by firefighters from General Rodriguez, Buenos Aires Province:⁴⁰

- “Today we are going through one of the most difficult times for our organization and for Argentina. The worsening economic situation threatens our continued existence as we rely on the support of our communities. We have always received material help from the Municipality, which has meant a saving in equipment and maintenance costs. Previously, we received a national government grant.”
- “Everything we use, materials and uniforms, is imported or manufactured from imported materials, which means an increase in their price. To cover our costs today, we need an 80 percent increase in our annual budget. We need 200,000 pesos more each year, or about \$US 60,000.”
- “In 1990, we received donations or grants which covered petrol, oil, car-wash and oil-change costs. We did not pay any insurance because the insurance policies were provided free. Now, we have to pay for them. In some cases, we are exempt from charges for electricity, gas, the telephone, and water services.” (The work of the voluntary firefighters is unpaid, although sometimes they receive financial rewards.)
- “The Association now has about 500 ‘partners’ that donate about 12,000 Pesos (\$US 3,000) each year, but the ‘contribution bonds’ to raise funds no longer sell. We have received other donations from different enterprises.”
- “In 1997, we provided our services 1,209 times; in 1998, 1,287 times; in 1999, 1,735 (because of the drought, in one day we went out 38 times); in 2,000, 1,345 times; in 2001, 1,395 times, and in 2002, from 1 January to 17 July, 922 times.”
- “The voluntary firefighters mainly provide their services at accidents or for transporting people with health problems. These services should be provided by the organizations responsible, but they say they do not have the financial resources.”⁴¹

³⁹ Provincial Law No. 10,917/90, Organisation and Functioning of the VFF Associations of Buenos Aires Province; also National Law No. 25.054/98.

⁴⁰ Information from interviews with Santa Fe firefighters and from reports by the Buenos Aires associations.

⁴¹ See web sites: www.bahiablanca.gov.ar; www.noticiasdebomberos.com.ar .

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- “Our slogan is ‘self-denial, sacrifice and unselfishness’. Our relationship with the Buenos Aires’ Provincial Government is governed by Law No. 10,917, which says that the provincial management of Legal Organizations and the control of the Corps and its services fall under the General Department of Civil Defence. We have never received any grants from the Provincial Government and we are now conducting a campaign for a law to be passed to provide us with revenue to maintain the service.”
 - “When the National Voluntary Firefighters Law, No. 25,054, of 1998, was passed, the clauses concerning grants derived from fire insurance policy premiums were not passed.”

Law No. 10,917/90, which covers the running of the Corps in Buenos Aires Province, states that the members of the Management Committee or the Active Corps work without pay. They may receive expenses in exceptional circumstances, provided that they are properly justified. They must obey the rule-book concerning the following: raising revenue, membership of the reserve force (who only give their services in special cases, such as manpower shortages and major disasters), retirement, ranks, uniforms, training, etc. Corps members must live in the place where they work, be at least 18 years old, have completed primary education and be of good character.⁴²

The Buenos Aires VFF have an agreement with the Department of Justice and Security, similar to the one in Santa Fe, regarding health assistance. Benefits are provided for cadets and active voluntary firefighters, subsidized by Law No. 7,904 (Reserve), and dependants (wife, under-age children, student sons/daughters, or the wife and children of dead firemen). It also provides for a special allowance to members with 25 years of continuous active service, or with 20 years if they are over 60, and to the widows of such members. Under Provincial Law No. 8,467/75, compensation is paid to members disabled in the line of duty and to the widows and under-age children of those killed in the line of duty.

National Law No. 25,425, 18 April 2001 declared 2 June every year the National Day of the Voluntary Firefighter. This particular day was chosen in order to commemorate the establishment in 1884 of a body of voluntary firefighters in the Boca (a popular neighbourhood in Buenos Aires City) at the request of the Liberti Family, who realized the need to organize after they, along with a group of other Italian immigrants, had been involved in putting out a devastating fire in a poor housing settlement.⁴³

One of the aims of this study is to establish whether there is effective communication within the emergency services themselves, between them and the community, and between them and the regulating authorities/employers. During their interviews, the voluntary firefighters of Casilda, Santa Fe, raised the following complaints: the non-payment of grants provided for in Law No. 25,054 in spite of appeals to the authorities; the non-payment of compensation to the dependants of firefighters killed on duty; uncertainty about the cover provided to the 50,000 men and women voluntary firefighters under the Law on Risks at Work; the failure of the National Government to maintain and support the Civil Defence system, and the economic crisis that was contributing to its failure.⁴⁴ The Board of VFF Federations of Argentina has declared a “State of Alert and Mobilization”,

⁴² National Law No. 25,054/98.

⁴³ Resolutions and documents of the Board of the VFF Federations of Argentina, 2000, 2001 and 2002.

⁴⁴ See web site: www.bomberos.org.ar, and documents of the Board of VFF Federations of Argentina.

calling on them to demand that the National Government and Congress pass laws that will enable this public service to continue.

4. Civil defence

It is the task of the National Department of Defence to “plan and coordinate the nation’s civil defence”. In 1996, the Department of Civil Defence, along with all its staff, was transferred to the Department of the Interior and re-named the National Department of Public Safety.

Civil Defence Law No. 23,554, April 1998, refers to the role of the civilian population: “The people should participate actively in the defence of the Nation, whether in peace or in war, according the regulations covering mobilization, the military, the civil service and the civil defence” (Title III-h). Article 33 of the same law states: “The President of the Nation will approve the plans and actions required for civil defence,” while Article No. 1 of the Provincial Law of Civil Defence, No. 8,906, 30 November 2000 (promulgated 26 December 2000) of Cordoba Province, stipulates that the Civil Defence System comprises all activities and measures to prevent events, natural or man-made, that harm the population and damage public or private property and the environment, and, if they do occur, to minimize their impact and to repair the damage caused, restoring the affected area to its previous condition.

At the national level, the President is in charge of civil defence, while, in each province, it is the Governor who plans, organizes, promotes, coordinates, controls and directs it. The Intendants and Presidents of the Communes have similar responsibilities at the local level. All social, educational, cultural and sporting organizations, trade unions, mutual and co-operative associations, retail and industrial co-operatives, religious institutions and private companies must co-operate when required to do so by the civil defence authorities. At the same time, the whole population shares responsibility for civil defence preparations. Such activities are considered a public duty.⁴⁵

The costs of civil defence preparations and operations are met from the National Budget, or from provincial and municipal budgets, through laws, special laws in cases of emergency; by special contributions from the National Government, or by donations and legacies from persons or institutions. It is illegal to set up bodies or organizations whose activities would supplant those of the Civil Defence authorities.⁴⁶

Many cities and regions are affected by natural disasters, meteorological and geological, and, since Argentina achieved a certain level of industrial development, by man-made and technological disasters as well. However, the Government has improved not only the mobilization of resources in emergency situations but also the coordination and links between different areas. To this end, on 28 October 1999, approval was given to Decree No. 1,250, which led to the Federal Emergency System (SIFEM) being created. This system links all the public bodies involved in dealing with emergencies and coordinates their actions with the provincial authorities, the Autonomous Government of Buenos Aires and the municipalities to prevent or effectively manage natural or man-made disasters.

SIFEM has the following objectives:

⁴⁵ National Law No. 23,554, Civil Defence Law; Provincial statutes.

⁴⁶ *ibid.*

- To draw up a coordination plan to prevent or minimize the loss of human life, material damage and social and economic upheaval caused by natural or man-made disasters.
- To improve the Government's management capacity, by developing national, provincial and local coordination of those active in the field through the formulation of policies to prevent and mitigate disasters and to help those affected.⁴⁷

As a result, the Emergency Cabinet (GADE) has been created. It is chaired by the Head of the Cabinet Office and comprises the Ministers of the Interior, Defence, Economy and Public Works, Health and Social Affairs. GADE has several functions and is supported by a Permanent Secretariat with three coordinators:

- *Relief Coordinator:* He/she is responsible for developing a Relief Plan, sets up and runs the Information and Alert System (SIA); manages the training, education and social communication system, and coordinates programmes to strengthen vulnerable communities.
- *Response Coordinator:* He/she executes the Response Plan; sets up and runs the Emergency Operations Centre; coordinates the activities of the organizations involved, and manages the available resources.
- *Reconstruction Coordinator:* He/she draws up the Reconstruction Plan, including its evaluation and implementation; manages the resources allocated, and coordinates activities involving the provinces, municipalities and interested parties.

The Coordinators are political appointees, and serve for the life of a government (a four-year period).⁴⁸

The rest of SIFEM is made up of 56 organizations that carry out specific tasks. Their personnel at national level are protected by the National System of Administrative Professionals (SINAPA) and the Collective Agreement with national civil servants, while staff at the provincial and municipal level are covered by local statutes or collective agreements, as in Santa Fe Province. They receive monthly salaries and overtime pay, are entitled to sick and maternity leave, paid vacations, training, retirement pensions, life assurance, etc.⁴⁹ They also have the right to strike.⁵⁰

The Argentine Federal Police, the Emergency Health Department, the Voluntary Firefighters, the professional firefighters (part of the police), radio amateurs, the Scouts, and public and private medical services are all auxiliary services for Civil Defence. In 1952, 1953 and 1954, the Ministry of Defence ran training courses in civil defence. A group of students who completed these courses created the Association of Civil Defence Volunteers on 5 September 1955. They work voluntarily, providing community services that complement government activities, and undergo training continually.⁵¹ However, the *Voice of the Interior* (a newspaper in Cordoba Province) asks: "Would people know what

⁴⁷ Decree establishing the Federal Emergency System (SIFEM).

⁴⁸ National System of Administrative Professionals (SINAPA).

⁴⁹ Employment laws covering municipal and provincial employees.

⁵⁰ National Decree No. 843/2000.

⁵¹ See web site: www.avdc.org.ar.

to do in these cases to protect themselves?”, raising the question of the adequacy of the current civil defence system.

5. Emergency health services

In Argentina, there are public and private paramedic emergency services. The private ones are controlled by Social Security organizations, trade unions, private hospitals, etc., and are called on by the authorities in disasters.⁵²

The Department of Emergency Health Services (DIESA) is part of the Sub-Secretariat in the Health Ministry responsible for Prevention and Public Awareness Programmes. In disasters and emergencies, it helps the responsible authorities by providing health teams and equipment, and, most importantly, aircraft. DIESA operates a 24-hour communication system and collaborates with the Federal Emergency System (SIFEM), attending public events, transporting patients, etc.

The Santa Fe Provincial Department of Accidents and Emergencies (DIPAES)⁵³ was set up in 1984 under the Sub-Secretariat of Health within the provincial Health Ministry. Its function is to study epidemics to determine their significance, frequency and consequences in order to set priorities and formulate action programmes to prevent, control and treat them. Its areas of responsibilities are:

- *The Administration of Human Resources and Equipment* – administering purchases, payments to service providers, salaries, etc.
- *Communications* – the provincial network of Inter-Hospital Communications began operating on 21 June 1985. It provides radio coverage for the whole province, with each ambulance having equipment with a power of over 100 watts. It is responsible for the transfer of patients from one hospital to another within the province and also outside the provincial boundaries.
 - A toll-free emergency telephone system, known as SYSTEM 107 has been set up. When 107 is called, the emergency system is immediately mobilized and the operator provides advice and tries to calm the caller until trained specialist personnel arrive.
 - The Department also has a call system, with communication centres in Santa Fe and Rosario, and sub-centres in Reconquista, Rafaela and Helvecia, which operates daily, even at weekends and during public holidays.
- *Coordination and Ambulance Division* – with three sections responsible for:
 - managing the ambulance services on land, by water and in the air;
 - maintaining vehicles, coordinating the work of the ambulance services and ensuring they operate efficiently;
 - transporting poor patients in the care of the Santa Fe medical assistance service of Santa Fe to more specialist health-care centres elsewhere in Argentina;
 - providing air transport when considerations of time, distance or poor roads make it necessary;

⁵² Federal Emergency System.

⁵³ See web site: www.dipaes.gov.ar .

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- keeping a check on the health status of the island populations and evacuating acute or chronic patients to the nearest hospital, and
 - providing health cover for water sports.
 - In other provinces, like Entre Rios, it is also responsible for transporting corpses.
- *The Ambulance Administrative Section* – keeps up-to-date files on 250 ambulances belonging to the Santa Fe Provincial Health Ministry, recording their state of readiness, journeys and deployment. There are three types of ambulance: high, medium or low technology. Each has one driver and an emergency paramedic. In Rosario city, the staff are accompanied by a doctor. In some municipalities, they work with the firefighters.
 - *Emergency Services* – the ambulances of the Santa Fe Emergency Services (SUSFe) and Rosario Emergency Services (SIES) are posted at strategic points in both cities. They attend incidents in public places, make house calls and convey patients to hospital for examinations and treatment.
 - *Statistics* – collect data at national, provincial and municipal level for planning the emergency system's operations and preventive measures.

The Director in charge of the Santa Fe Provincial Department of Health and Emergency Accidents (“107”) told the interviewers:

There is no ethnic or sexual discrimination or inequality of opportunity among the work force. Of the 150 employees in the province, ten per cent are women. The monthly average income is 420 pesos (\$US167) and staff work 40 hours per week (five more than other Public Administration employees). They are not paid for overtime, but receive time off in lieu. Nor is there an early retirement system. When they are 65 (men) and 60 (women), they are entitled to retirement benefits if they have 30 years of service. They are not consulted about occupational safety and health, prevention measures or the training available to workers, nor are they always provided with protective clothing, like gloves. Prevention programmes dealing with communicable diseases and epidemics are provided for the general population.

The staff of this public organization are affiliated to the UPCN Santa Fe, the trade union that assists them through Collective Agreement Law No. 10,052, Law No. 8,525 and Decree No. 2,695 which covers all workers in similar organizations in other provinces or at national level. They are offered training in different subjects and provided with uniforms and protective clothing. During 2002, a campaign to improve their working conditions and environment has been waged by UPCN.

All public employees have the right to strike. However, according to Decree No. 843/2000, they are regarded as providing an essential service and are, therefore, required to provide a minimum level of service.

The Centre of Operations, Brigades and Municipal Emergencies (COBEM), run by Santa Fe City municipality, offers a 24-hour service. It employs 60 men (in the emergency service) and 12 women (as administrators/radio operators). They have at their disposal items of bio-security: gloves, hooks and protective equipment. COBEM is divided into three sections: emergencies, logistics and operations. It uses high-, medium- or low-technology ambulances with trained paramedic staff, and forms part of the Provincial, Municipal and National Civil Defence System. Its members are protected by the

Association of Municipal Employees and Workers (ASOEM), whose employment conditions are regulated by legislation⁵⁴ which ensures: job security, premiums, training, holidays, clothing allowances, etc. Working conditions and salaries are negotiated with the authority through the union.

Average earnings are about \$US150 per month. Staff work six hours a day and are given time off in lieu for overtime. They have the right to strike, in which case they must provide a minimum service. Their retirement and pension conditions are similar to those for provincial public employees – 65 years of age for a man and 60 for a woman, provided they have completed 30 years of service, with pensions paid from the Municipal Retirement Fund. If a male pensioner dies, his pension rights are transferred to his wife or partner.

⁵⁴ Provincial Law No. 9,286/83 concerning staff grades in communes and municipalities in Santa Fe Province, and Law No. 9,256, concerning staff contracts in municipalities and communes, Santa Fe Province.

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