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Chapter

The autonomy or heteronomy of cooperative worker ownership

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The autonomy or heteronomy of cooperative worker ownership

- INTRODUCTION
- THE PROTECTION OF WORK BY LABOUR LEGISLATION
 - Delineating the concepts of work and worker
 - Autonomy and heteronomy in work
 - Labour rights in non-salaried work
- AUTONOMY AND HETERONOMY IN WORKER COOPERATIVES
 - Cooperative autonomy
 - Heteronomy of cooperative worker ownership
- THE CASE OF SPAIN
- CONCLUSIONS

INTRODUCTION

From its origins, cooperative work was conceived to improve dependent or salaried work, which would connect with the human nature of creativity and personal development and as a fundamental resource for the livelihood of people and their families. (Fourier, Owen, S. Mill, etc.).

In the future, cooperative work must be decent work, with rights and social protection.

But also, a work committed to the objectives of the 2030 Agenda for Sustainable Development of the United Nations. The nature of the cooperative itself contains the elements that allow it, integrating a large part of these objectives into its Principles and Values, and can contribute to its implementation to face the two major challenges:

- Precarization of work.
- Environmental deterioration and global warming, as a result of human action.

However, today, in many parts of the world there are, for many reasons, people who work in their own cooperatives in unacceptable conditions. In addition, there is an instrumentation of the cooperative formula "used for non-compliance with labor law, violating workers' rights".

AUTONOMY AND HETERONOMY IN WORKER COOPERATIVES

The democratic establishment of certain working conditions forms part of the autonomy and self-governing essence of worker cooperatives; however, just as many wage-earners are obliged by necessity to accept non-permitted working conditions, some cooperatives are obliged to accept contractual conditions that make it impossible to maintain 'decent' working conditions, respectful of labour rights.

- In such circumstances, can it be claimed that a worker cooperative is autonomous and independent?
- Is it really the case that the members freely decide to adopt certain working conditions that are inferior to basic standards, or are they forced by need, or are they used by other companies and business people?

International guidelines on cooperative work

That cooperative work can not be left out of fundamental rights, is evident in Recommendation 193 (ILO, 2002) which, in guiding national policies, marks, among others, the following guidelines:

- Promote the ILO fundamental labour standards and the ILO *Declaration on Fundamental Principles and Rights at Work* (ILO, 1998), for all workers in cooperatives without distinction whatsoever;
- Ensure that cooperatives are not set up for, or used for, non-compliance with labour law or used to establish disguised employment relationships, and combat pseudo cooperatives violating workers' rights, by ensuring that labour legislation is applied in all enterprises;

Heteronomy of cooperative worker ownership

On the basis of the Declaration on Cooperative Identity of the ICA and ILO Recommendation 193, CICOPA, 2005, adopted the *World Declaration on Worker Cooperatives*, of which we highlight the following elements that shape the employment relationship in the cooperative, which in the chapter is described as heteronomous:

1. *The worker cooperative is an employer.* Its corporate purpose is to create and maintain jobs for its worker-members, who can also be employed as wage-earning workers. It is the cooperative – acting as an entity with a legal status distinct from that of its members – that creates and maintains the jobs.

2. *The worker cooperative is an employer.* Its corporate purpose is to create and maintain jobs for its worker-members, who can also be employed as wage-earning workers. It is the cooperative – acting as an entity with a legal status distinct from that of its members – that creates and maintains the jobs.

3. *A majority of worker-members.* The potential exists for the presence of non-member workers (wage-earners), in respect of whom the cooperative is, without a shadow of a doubt, an employer.

4. *Worker-members' relations with their cooperative should be considered as distinct from those of the conventional salaried worker and that of the individual self-employed worker.*

- In this sense, researchers from Ibero-America and Spain have been working on the elaboration of a self-management worker charter.

5. *Internal regulation democratically determined and accepted by the worker-members.* This acceptance entails submission to the cooperative's managerial, control and disciplinary powers, exercised by the persons designated for that purpose.

6. *Independent labour relations before the State.* Cooperative work differs from other types of work, and its principles and values should be respected. However, the complete independence and autonomy of labour relations in worker-owned cooperatives could eliminate the state's role in the protection of rights, social protection, health and safety.

CONCLUSIONS

1. The aims and guidelines set out by the ILO (2002, 2015) and CICOPA (2005) cannot be met in the absence of labour law, because the work of the cooperative members is not autonomous; nor, in certain circumstances, is the cooperative itself. Otherwise, cooperatives run the risk of being relegated to residual employment, a refuge at times when formal employment is not available, rather than a model of organization and enhancement of work.
2. Whilst worker ownership is in many circumstances heteronomous, autonomy could be restored – however paradoxical this may appear – via the legal safeguard of labour rights; once minimum rights are guaranteed, further enhancements may be introduced when conditions are favourable.
3. The limits of cooperative autonomy are found in the rights of cooperative members and in the satisfaction of their needs in the best conditions. That's where your success lies, beyond the income statement.
4. Whilst acknowledging its principles and values, labour law should extend to cooperative worker ownership as simply one more form of work, and in accordance with the concept of decent work, furnish it with employment rights as human rights enjoying the protection of international law.