

UNION PERSPECTIVES ON DUAL APPRENTICESHIP IN COSTA RICA: EXPERIENCES DURING THE TRIPARTITE DIALOGUE

PERSPECTIVAS SINDICALES SOBRE EL APRENDIZAJE DUAL EN COSTA RICA: EXPERIENCIAS DURANTE EL DIÁLOGO TRIPARTITO

Daniel Láscarez Smith

dlascarezsmi@uni-osnabrueck.de

<https://orcid.org/0000-0001-7116-0552>

Universidad de Osnabrück, Osnabrück, Alemania

Johannes Karl Schmees

johannes.schmees@uni-osnabrueck.de

<https://orcid.org/0000-0002-0983-8155>

Universidad de Osnabrück, Osnabrück, Alemania

Recibido: 08-07-2022 / Aceptado: 10-06-2023

Resumen

El presente artículo describe y analiza las principales posiciones políticas y técnicas desarrolladas por los representantes de los grupos sindicales que participaron durante el diálogo social tripartito sobre formación dual llevado a cabo en Costa Rica en el 2017 y que fue mediado por la Organización Internacional del Trabajo. El artículo describe y analiza un momento clave en la historia de la educación técnica, específicamente sobre formación dual en las que tantos sindicatos, el gobierno y los empresarios discutieron diferentes posibilidades de implementar una

Daniel Láscarez Smith, Johannes Karl Schmees

1



formación basada en el trabajo. Los datos se recabaron a través de técnicas de recolección de datos cualitativas (entrevistas y observación) que se dirigieron a tres representantes de los sindicatos que sí quisieron participar en las rondas de negociación. Una de las principales conclusiones del artículo es que los sindicatos se centraron en el desarrollo de un concepto de formación dual basado en la gobernanza tripartita y en el reconocimiento de los derechos laborales de los estudiantes durante el tiempo de formación dual, lo cual suponía un reordenamiento jurídico y filosófico sobre el papel de la educación técnica y su vínculo con el mundo del trabajo. Estas visiones contrataron con la visión tanto de los empresarios y del gobierno debido a las implicaciones económicas de reconocer a un estudiante como trabajador.

Palabras claves: modelo de aprendizaje dual; educación y formación técnica y profesional; sindicalismo; tripartismo

Abstract

This article describes and analyzes the main political and technical positions developed by the representatives of the union groups that participated during the tripartite social dialogue on dual training held in Costa Rica in 2017 and mediated by the International Labor Organization. The article describes and analyzes a key moment in the history of technical education, specifically on dual training in which so many unions, the government and employers discussed different possibilities for implementing work-based training. The data were collected through qualitative data collection techniques (interviews and observation) that addressed three representatives of the unions that did want to participate in the negotiation rounds. One of the main findings of the article is that the unions focused on the development of a concept of dual training based on tripartite governance and on the recognition of students' labor rights during the time of dual training, which implied a legal and philosophical reordering on the role of technical education and its link to the world of work. These visions conflicted with the views of both employers and the government because of the economic implications of recognizing a student as a worker.

Keywords: dual apprenticeship model; technical and vocational education and training; trade unionism; tripartism.

Daniel Láscarez Smith, Johannes Karl Schmees

2



1 Introduction

This article describes and analyzes the primary political and educational perspectives on the dual apprenticeship model developed by Costa Rican union representatives during discussions at the tripartite dialogue table in Costa Rica in 2017. This dialogue table involved business representatives, state representatives, and union representatives.

In this article, we present the reflections and positions of the union representatives who participated in the tripartite dialogue table, focusing primarily on their argumentation and concrete proposals regarding the definition and organization of dual apprenticeships. We have chosen these two dimensions because they were crucial in reaching political consensus. Thus, this article's central objective is to analyze the visions and perceptions carried out as part of the political and technical process within the tripartite dialogue table (Láscarez & Schmees 2021; International Labour Organization [ILO], 2017). It is necessary to first understand the context in which this tripartite dialogue was developed: As will be seen below, tripartism is a political tool that seeks to reach consensus on issues that are part of political, ideological, or technical controversies. However, discrepancies can be found not exclusively among union, business, and state representatives, but also within these groups. The fact that this paper refers exclusively to the visions and perceptions of the unions that indeed participated in the tripartite dialogue table is thus an analytical limitation of this paper, given that other unions did not participate at the dialogue table at all due to their disagreement with the project overall¹.

In our paper, we address the following research question: What visions and perceptions of the dual apprenticeship model did the participating trade unions develop during the tripartite dialogue table in 2017?

1 For example, regarding participation in the dialogue table, the Asociación Nacional de Educadores y Educadoras (ANDE) published on March 27, 2017 a letter addressed to the ILO in a mass media in Costa Rica: "ANDE will not sit down to dialogue on the subject, since this would mean that it would endorse any of these projects and we do not want the good name and coherent act of our organization to be used or manipulated by other entities without our authorization. <https://www.ande.cr/periodico-la-voz-de-ande> "ANDE no se sentará a dialogar sobre el tema, ya que esto significaría que avalaría cualquiera de estos proyectos y no queremos que el buen nombre y actuar coherente de nuestra organización pueda ser utilizado o manipulado por otras entidades sin nuestra autorización"



One dimension of analysis that is relevant for the study is the way in which trade unions presented their group's interests through a specific conception of dual apprenticeships and through the development of certain specific features such as governance, legal bases, and financing ("vision"). Another dimension of analysis is how the German dual apprenticeship model laid the basis of the trade unions' discussions and how the final proposals are related to it ("perception").

On a theoretical level, this article relies on categories of "social dialogue" and "tripartite dialogue" as political tools for the discussion around technical and vocational education and training. It does so to understand the dynamics surrounding the elaboration of educational policies that articulate different social actors. On the methodological level, semi-structured interviews with union representatives in Costa Rica were conducted, systematized, and analyzed.

The following section analyzes the context surrounding the research question. It describes the discussion on dual apprenticeships in Costa Rica and the institutional framework in which this tripartite dialogue took place. The third section theoretically analyzes the social dialogue as a political instrument for the development of vocational training policies. Section 4 then describes the methods used for data construction and analysis, while section 5 presents the results obtained from the interviews and the data analysis. Finally, section 6 presents the article's conclusions.

2. Context of analysis

This section is divided into two parts. First, it presents the problematization of the issue of dual apprenticeships in Costa Rica. The second part then briefly describes the configuration of trade unions in Costa Rica. The purpose of this section is to present unions' main characteristics in terms of their participation in work-based learning schemes (such as dual apprenticeships).

2.1 Problematization of the Dual Apprenticeship

Discussions on the dual apprenticeships model in Costa Rica began in the late 1970s (Láscarez & Schmees 2021). In the following decades, several pilot plans were implemented at different levels of Costa Rican technical



and vocational education and training, from here on abbreviated as “TVET” (Mittmann, 2001; Láscarez, 2017). However, from the implementation of the first dual apprenticeship pilot plan in Costa Rica’s main TVET institutions in 1996, it had not been possible to create a specific dual apprenticeships law regulating work-based learning, as the regulatory framework around work-based learning was fundamentally related to what was stipulated in Article 14 and Article 15 of the Apprenticeship Law of 1971, which determined labor-wage regulations for apprentices in the company. These two articles conceived the apprenticeship relationship as an employment relationship and defined different salary ranges, namely, the apprentice will receive 50% of the minimum wage of the occupation being apprenticed, during the first period, 75% during the second period, and 100% during the last period.

Since the early 2000s, and mainly in the millennium’s second decade, several business groups proposed dual apprenticeship bills², most of which did not get far in the legislative approval process. A turning point in the history of dual apprenticeships in Costa Rica occurred in 2016, when the then-President of the Republic of Costa Rica, Luis Guillermo Solís, and the then-Minister of the Federal Ministry of Education and Research (BMBF), Johanna Wanka³, signed a cooperation agreement on several topics, including dual apprenticeships, due to the good reputation of the German dual apprenticeship system (Láscarez & Schmees 2021).

Subsequently, relations between the Costa Rican government and the German Office for international Cooperation in Vocational Education and Training (GOVET) in the Federal Institute for Vocational Education and Training (BIBB) were initiated. Furthermore, as part of the cooperation alliances between Costa Rica and Germany in the TVET sector, it is also important to mention the Unions4VET project, which was established in 2017. The project is coordinated and implemented by the Confederation of German Trade Unions (DGB) and the Berufsbildungswerk. To this day, the project

2 It is important to mention that although the 1971 apprenticeship law was approved, it was not fully accepted in practice by employers, precisely because it was conceived as a labor contract. For this reason, several apprenticeship pilot plans have been implemented under other non-labor conceptions. In other words, the pilot plans that have been carried out are explained by the employers’ non-acceptance of the 1971 apprenticeship law; and as a way of testing new ways of applying dual apprenticeship.

3 <https://www.dw.com/es/costa-rica-y-alemania-fortalecen-cooperaci%C3%B3n-educativa/a-19041497>

is funded by the BMBF. Its goal is to strengthen the unions within the TVET sector around the world in general, though particularly in Costa Rica.

These developments, associated with the high intensity of the social conflict related to the dual apprenticeship model between business and union groups, led the Costa Rican Minister of Education to convene a national tripartite dialogue table to discuss a definition and the most appropriate characteristics of what might become the Costa Rican dual apprenticeship model. This dialogue lasted ten months and was mediated by the International Labor Organization (ILO).

The dialogue table ended due to a government change⁴ accompanied by a new political script: new ministers, new actors, new lines of work, and new political strategies. The end of the dialogue table did not lead to consensus. Rather, the law on “dual education” approved in September 2019 was the product of a political initiative unrelated to the process and the products achieved at the dialogue table. The dialogue table nevertheless generated important positions on what each representative group considered the “ideal” model of dual apprenticeships, systematized and analyzed in this paper as part of the history of the development of the TVET system in Costa Rica.

Prior to this project, in 2021, we systematized certain reflections on the political and technical positions on the dual apprenticeship model by representatives of the business sector, within the framework of this same national tripartite dialogue (Láscarez & Schmees, 2021).

2.2 A brief characterization of unionism in Costa Rica

The study of trade unionism in Costa Rica is the study of the development of the labor movement, an expression of the labor contradictions indicated by the development of capitalist relations of production around coffee production. This is supported by Rojas (1978, pp.13-14), who explains how labor conflicts produced by the coffee industry in the middle of the 19th century and the introduction of some contracting regulations transformed

4 The government of Luis Guillermo Solís was between 2014-2018 and the government of Carlos Alvarado Quesada from 2018 to 2022. With the new government of Carlos Alvarado there was a tripartite session to present the progress of the different points that the dialogue table reached, but after that meeting the government did not continue convening more meetings (interview with tripartite actors).

the labor movement into a union movement. The subsequent development of the union movement was influenced by different philosophical, political, and economic inspirations, as well as by certain visions of social development. Of course, the major political, military, and economic processes (the First and Second World Wars, the Cold War, and their geopolitical impact on the American continent) played an important role in the configuration of the trade union movement in Costa Rica, as well.

Problems associated with industrialization in rural areas based on economies of agrarian exploitation (and later the industrialization process in urban areas) brought with them important demands from workers. For example, the 1930 banana industry strikes over the transnational United Fruit Company's noncompliance with labor contracts were central to the deployment of workers' organizational initiatives (Rojas, 1978, p. 18). Rojas (1978) analyzes how, starting in 1943, the labor movement in Costa Rica began to divide into different "central unions," experiencing different "anti-union" dynamics associated with ideological factors such as anti-communist practices. These anti-union practices are part of the economic and social contradictions generated by the industrialization process in Costa Rica that started in 1960.

Romero (2012) develops an important analysis on freedom of association in the Costa Rican private sector from 1991 to 2011. The author refers to the effectiveness of the exercise of freedom of association at a time when Costa Rica was transitioning to a development model based on labor deregulation and the attraction of transnational capital, under free trade zone regimes that saw trade unionism as a great disadvantage. This had a negative impact on the already-depleted union organization in the private sector in Costa Rica (Romero, 2012, pp.17-18). On this point, Aguilar (2022)⁵ writes that as a result of the establishment of the neoliberal model, from the 80s of the twentieth century the economic structure begins to vary, and already by the last decade of that century, Costa Rica enters a very different process, when it abandons production for the domestic market and the rulers adhere to the neoliberal model, which is dedicated to production for the external market, privileging multinational companies, which acquire a large part of the Costa Rican industrial park, but which demand a series of conditions

5 Rodrigo Aguilar is a Costa Rican trade unionist who was interviewed to find out how trade unions are structured in Costa Rica.

of freedom, the privilege of not paying taxes and protection to prevent the development of the union movement, creating parallel organizations for this purpose. According to Article 342 of the Costa Rican Labor Code (MTSS, 1943, pp. 127–128), unions are: (1) trade unions: those formed by individuals of the same profession, trade, or specialty; (2) company unions: those formed by individuals of various professions, trades, or specialties, who render their services in the same company; (3) industrial unions: those formed by individuals of various professions, trades, or specialties, who render their services in the same company as well as those formed by individuals of various professions, trades, or specialties rendering their services in two or more companies of the same class; and (4) mixed or miscellaneous trades: those formed by workers engaged in various or unrelated activities (these unions may only be formed when in a given company the number of workers in the same union does not reach the legal minimum).

The labor code also provides for the possibility of forming second- and third-degree organizations. It establishes the possibility of forming federations, which must be integrated with two or more unions, and confederations, which may be established with two or more federations (MTSS, 1943, pp. 133–134, article 358). Currently, there are seven trade union confederations: (1) Confederación De Trabajadores Rerum Novarum (CTRN), (2) Central Del Movimiento De Trabajadores Costarricenses (CMTC), (3) Confederación Unitaria De Trabajadores (CUT), (4) Confederación Costarricense De Trabajadores Democráticos Rerum Novarum (CCTDRN), (5) Confederación De Trabajadores De Costa Rica (CTCR), (6) Central General de Trabajadores (CGT) and (7) Unión Nacional De Empleados De La Caja y La Seguridad Social (UNDECA)⁶. Within each confederation, there are different affiliated trade union organizations, each with different political agendas and programs.

According to Encuesta Continua de Empleo (INEC, 2021⁷), Costa Rica's labor force in the third quarter of 2021 was composed of 2.47 million people, which includes 1.46 million men and 1.01 million women. The

6 (1) Confederation Of Workers Rerum Novarum (CTRN), (2) Central Of The Costa Rican Workers Movement (CMTC), (3) United Confederation Of Workers (CUT), (4) Costa Rican Confederation Of Democratic Workers Rerum Novarum (CCTDRN), (5) Confederation of Costa Rican Workers (CTCR), (6) General Workers' Union, and (7) National Union Of Employees Of The Social Security Fund (UNDECA).

7 Costa Rica: Población nacional según indicadores generales de la condición de actividad III Trimestre 2021.



employed population included 2,093,648 people, and the unemployed population included 378,130 people. By 2022, 86.68 % of the employed population will work in the private sector and 13.32 % in the public sector (INEC, 2022). As mentioned by Aguilar (2022) in the interview conducted and, in a study, conducted by him in 2019, 82 % of workers unionize in public sector unions, while 4 % do so in private company unions. The rest of the total number of members do so in other forms of union organization.⁸

2.3 Social dialogue and tripartism

Social dialogue and tripartism emerged as political concepts of scientific relevance in the second post-war period. In this global political scenario, it was important to achieve binding social agreements in the new democratic systems. The use of both concepts reached their peak in Europe in the 70s and 90s during several scenarios of discussion on the new commercial and labour relations and the creation of new legal-administrative figures such as the European Union. The concepts were emancipated through organizations that had great legal weight at the regional level such as the International Labour Organization (ILO), North American Free Trade Agreement (NAFTA) and European Union (EU) (Ermida 2006; Prosser & Perin, 2015).

From a scientific perspective, social dialogue is an ambivalent and imprecise term, the content of which is determined by the ideological and political context of its issuers and the interests of its implementers. As Pulignano; Martinez & Whittall (2012, p. 1) point out, the dialogue may be restricted to specific areas of the employment and social dimension. In other words, social dialogue can be thought of as a concept that can be present in various societal issues, which means that forms of political representation can take on different forms and can be identified from different models of scientific analysis.

Some authors García (2002) and Valverde (1994) differentiate the concept of social dialogue from other concepts such as collective bargaining and social concertation. For these authors, social dialogue is a strategic negotiation that involves actors with competences for such negotiation and has

⁸ Unfortunately, no updated studies on union composition were found with reference to current data on the employed population and members affiliated to union organizations in Costa Rica. That is why the work of Aguilar (2019) is important, although he does so take 2018 population and membership data as a reference.

as its objective the achievement of joint agreements. In contrast, social dialogue is limited to channeling the information and reflections of social actors on a specific issue. The fundamental difference for these authors is that social concertation is a formal means and dialogue is not necessarily formal (García 2002, p. 18).

On the other hand, the differentiation between simply conversing (informal medium) and social concertation (formal) is inadequate for other perspectives, conceiving dialogue as a broad social process, where formal and informal mechanisms of communication are possible. That is to say, social dialogue can be expressed in different social spaces, social levels and both formally or informally.

The cultural and political tradition of social dialogue in a democracy is also determined by the socio-economic profile in which the conditions for the development and success of dialogue are developed. The socio-economic profile as a general framework for social dialogue includes the study of the cohesion between the parties and the economic and ideological interests that drive these actors (Prosser & Perin, 2015, pp. 3-15).

Social dialogue can be expressed, for example, in discussions on abortion, on the fiscal situation or on migration, since it can be expressed by different social actors in different spaces designed for dialogue (not any space is good for dialogue, and not all of them can dialogue): universities, politicians, sectoral forums and can also be discussed and resolved in national and tripartite consultation tables in a formal and binding manner. This will depend on the socio-economic profile, legal possibilities, levels of cohesion and participation in society.

The critical approach to the concept of social dialogue often has a philosophical basis of social relations: the ethical dimension of dialogue. Botero y Obregón (2011) analyzes different approaches to social dialogue, and when he questions the role of dialogue for social change, he includes an ethical and political dimension that occurs in public deliberation and communicative action.

Chaves (2002, p. 155) says that the principle of dialogue, as a key ethical constituent, and not only as a social and political element. Conformed by rational rules of communication, respectful of all the participants, that guarantees that the conceptions, points of view and interests of all of them will

be valued, according to the standards of fairness, inclusion, and reciprocity. It is not only a social democratic practice, but also an ethical principle that bestows an ethical character to the procedure itself and then an ethical unity to the participants who might have a very diverse conception on the material content of other ethical values.

For the ILO (2013, 2018). tripartism is understood as the interaction of government, employers and workers (through their representatives) as equal and independent partners in seeking solutions to issues of common interest. It refers to institutions, mechanisms and processes for consultation, negotiation and joint decision-making, in accordance with arrangements agreed between the parties concerned. These provisions may be special or institutionalized.

For Ermida (2006, p. 5) tripartite social dialogue presupposes the existence of strong social actors, where certain conditions must prevail for true social dialogue, such as freedom and protection of trade unions, respect for collective freedom and self-reliance. From the author's perspective, certain historical conditions must prevail for tripartite social dialogue to be strong, however, in Costa Rica there are structural conditions that limit this form of social dialogue, which will be analyzed in this paper through the specific case of tripartite social dialogue in dual education.

3. Methods

The following section present the strategies of data selection and data collection, as well as the data analysis.

3.1 Data selection and data collection

Our research objective was to describe and interpret a conjunctural process of social dialogue around the discussion of the definition and characteristics of dual apprenticeships in Costa Rica. The actors involved were very specific and were selected according to their degree of participation in this process of dialogue. The union representatives that participated in the tripartite dialogue table were (ILO 2017; interviews with unionists 2018): CTRN, CUT, CGT, CMTC and SEC.

We based our data collection on qualitative research techniques. The main sources of data applied here were semi-structured interviews, participant observation, and analyses of various documents pertaining to trade unions' political position(s) on dual apprenticeships. The author participated in a trade union meeting between Costa Rica and Germany in January 2018 in San José, Costa Rica, a meeting in which the main lines of debate of the trade union sector on the issue of dual apprenticeships were drawn. He also attended the Unions4VET conference “Trade Union Cooperation for good VET” held by the DGB together with the Berufsbildungswerk on July 12th and 13th 2018 in Berlin, Germany. In a presentation, a trade union representative who participated in the tripartite dialogue table in Costa Rica presented the trade union sector's positions on dual apprenticeships. Furthermore, the first author also participated in discussion sessions at the tripartite dialogue table as an expert representative of a public university on vocational training Costa Rica between March and September 2017. He was also invited to participate in the national assembly of a union participating in the dialogue table in which some positions on the issue of dual apprenticeships were presented.

In addition, in October 2018, the authors of this paper conducted semi-structured interviews with two union sector representatives who participated in the tripartite dialogue discussions to make a general assessment of the process carried out since 2017. It is important to mention that the union, business and state representations were made up of three or four representatives each. In the case of the trade unions, two representatives who participated actively throughout were interviewed. In 2022, an additional interview with an expert union representative was conducted, with the aim of understanding union organization and structure in Costa Rica. In addition to the observed discussions in Costa Rica and Germany, the article's authors had access to a document that summarizes the trade union positions during the dialogue table.

3.2 Data analysis

The interview and the position documents were analyzed using discourse analysis, specifically through argumentation strategies (van Dijk, 2005; Sayago, 2014). For van Dijk (2005) “discourse” is a social and cultural phenomenon that develops in a specific historical context, giving meaning to the use of language, interests, and actions. This theoretical

position, together with the contributions previously presented on tripartite social dialogue (as a political instrument but also as a manifestation of a social conflict process), made it possible to categorize and analyze trade union positions on the subject. MAXQDA 2020 was used to support this analysis.

The coding was based on the following categories and descriptors (Table 1). These categories were applied both to the interviews and to the policy position documents found in different media, as well as at the unions' web pages.

Table 1.
Categories and descriptors of analysis

Categories	Problem statement	Conceptual definition of dual apprenticeships	Dialogue and social conflict	Union proposals
Descriptors	Union positions	Practical characteristics of the possible dual system	Justification, description of possible solutions	Definition, argumentation, acceptance, and negotiation

The results are the product of the abstraction of the empirical results and the theorization of the processes of dialogue that occur around TVET. The contributions that the results can offer are related to the strengthening of the incipient scientific research in the field of TVET in Costa Rica and to the systematization of the processes of elaboration of educational policies on TVET, that is, as part of the history of the first law on dual education in Costa Rica.

4. Policy positions of trade union representation on dual apprenticeships

As indicated in Interview 1 (2018), internal conflicts between union groups based on the form and content of negotiations on the nature of labour and apprenticeship contracts were the basis for defining not only the actors who would participate in this process, but also the relevant issues to be discussed in this dialogue process. A trade union leader pointed out that the ground rules for entering into the tripartite dialogue process were that the ILO would support the discussion process and that agreements would



be based on consensus. Therefore, the trade union sector followed the principle that nothing is agreed until everything is agreed.

4.1 Identification of Problems

For the unions, growing social inequality, high youth unemployment, and poverty were the problems that gave meaning to the discussion on dual apprenticeships (Interview 1, 2018; Interview 2, 2018). The argumentation outlined was that apprenticeships and dual apprenticeships should serve to expand the opportunities for people - especially young people and in conditions of greater vulnerability - to develop their skills for work and for life, with a view to facilitating their acquisition of a decent job (where they can perform adequately and exercise their labor rights) and/or continue their training process within the National Education System (Interview 1, 2018⁹).

The problem of youth unemployment in the context of high vulnerability was the center of the trade union political discourse justifying the need for a dual apprenticeship policy. The association made between poverty and vulnerability on the one hand and dual apprenticeships on the other hand in a social policy vision contrasts to the business groups, who connected an economic vision with dual apprenticeships (Láscarez & Schmees, 2021). This is also identified in different political positions published in different media and in the conducted interviews.

4.2 Definition of Dual Apprenticeships

The context of dialogue was conflict-ridden due to the employers' and unions' diametrically opposed respective approaches to dual apprenticeships. Thus, one of the most important ideas proposed by both actors was to establish an ultimately agreed-upon definition of dual apprenticeships: A proposed definition of dual apprenticeships was to provide dual model participants with the qualifications, knowledge, skills, abilities, and aptitudes required to adapt to a changing environment through quality, structured, and comprehensive training that enables participation and responsible participation in society and the world of work (Interview 1, 2018).

9 The union representatives who participated in the dialogue table created and presented a document with the union positions on the progress of the dual training discussion. The interviewee constantly refers to the document presented at the dialogue table and explains why they took that position.

For labor unions, the construction of the concept of dual apprenticeships was based on a series of philosophical, educational, and labor principles (see Table 2):

Table 2.

Principles of dual apprenticeships within the trade union proposals

	Philosophical principles	Educational principles	Underlying decent work principles
organizational	Humanistic vision	Quality	Gender equality and equity
personal	Integral vision of the self	Relevance of the offer	Fair income
social	Social concertation	Lifelong learning	Job security

Source: Elaboration of the author based on interviews conducted and documents reviewed.

As can be seen, though the proposed definition of dual apprenticeships is general, upon breaking down the principles surrounding the definition, unions opt for a “labor” view of the training process. This is most evident when they relate principles around “decent work” to the idea of dual apprenticeships.

According to the interviewees, dual apprenticeship is regulated by law and based on a contract that includes a compensatory payment and adequate social protection, emanating from the labor and social legislation in force in the country. The construction of the dual apprenticeships proposal is based on four pillars: social dialogue, clear definition of roles and responsibilities of the actors, an adequate legal framework and a shared financing scheme (Interview 1 2018; Interview 2, 2018). As can be seen in the definition and established principles, dual apprenticeships are associated within the conceptualization of a work-based learning process in an alternating modality (two learning environments) regulated by the corresponding labor legislation.

4.3 Promotion of Tripartism

Tripartism in dual apprenticeships is understood in two senses for the trade unions: First, it is understood as a political tool for dialogue. For union representatives, it is important to maintain tripartite dialogue to resolve technical and political differences and create consensus proposals on the subject.



As a political tool, the diversity and representativeness of union, state, and employer actors must be maintained in a balanced and transparent manner. The ILO as a central actor in the promotion of the tripartite dialogue – along with its national and international experience – is the guarantor and a legitimate actor in achieving the proper development of the dialogue on vocational training.

Secondly, tripartism in dual education is understood as a process politically driven by the state and by workers' interests. The state directs and coordinates public policy with the support of the private sector. The governing body of a dual apprenticeship system would be the Ministerio de Educación Pública (MEP) in coordination with the Instituto Nacional de Aprendizaje¹⁰ (INA). According to the unions, dual apprenticeships should be a matter directed and coordinated by the state, following the existing legal framework that empowers the MEP and the INA to implement this modality under the criteria set in the 1971 Apprenticeship Law. As can be seen, the proposed dual learning system is statist in the sense that the dualization process is managed by public institutions, and that public institutions play the central and most active role.

During discussions at the dialogue table, as well as in some forums and other discussions, union representatives wanted the process of selection and recruitment of apprentices in the companies to be carried out in a tripartite manner through a tripartite technical commission, so that the union side could oversee the selection processes in compliance with the agreed-upon principles. For example, they supported the idea of having a single register of dual apprenticeships contracts at the Ministry of Labor, though employers reacted negatively to this idea. For union representatives, the central objective of the dialogue was establishing the principles and definition of dual apprenticeships via consensus, establishing a training model based on the principles, interests, and motivations of all stakeholders. Interestingly, for the unions, tripartism around a possible dual apprenticeships policy ended via consensus (not just simple dialogue, or simple exchange of ideas). However, as pointed out, the employers did not have the same opinion, because they did not want, initially, the governance to be tripartite. If the governance of the dual apprenticeship system was not tripartite then

¹⁰ By law, the MEP regulates formal technical education and the INA coordinates vocational training in the non- formal system. Therefore, these two institutions should coordinate these processes.

it was a sufficient point for the unions not to participate in the dialogue process (Interview 2, 2018).

4.4 Characteristics of the Apprenticeship Contract

According to a union representative, the problems began when the nature of the dual apprenticeship contract began to be specified, as there were two opposing positions, the business sector and the union sector. While the union sector said that the apprenticeship contract should be regulated by a labor contract that includes proportional salary, social protection, and labor rights as understood in Germany, the business sector and the government said that it should be a tripartite civil or special contract, employer-institution-student, or bilateral as institution-student (Interview 2, 2018). According to the union representatives' arguments, Costa Rica did not need a dual education law because the legislation that existed before Law No. 9728 "Dual Technical Education and Training Law" was understood as sufficient to adapt to this modality. However, according to a union representative, for the employers, a new law was necessary, in addition to different institutional reforms. The unions perceive institutional reforms of the MEP or INA as not only unnecessary, but also negative, since they could reformulate aspects that have nothing to do with dual apprenticeships and that could affect workers and the educational processes and bases to favor private interests.

With respect to the salary issue, it is possible to visualize the union position and the differences with the business representatives, for example, the unions speak of dual apprenticeships protected and regulated by a framework of labor relations, and the employers speak of scholarships or stipends. While the unions talk about wage progressivity (50%, 75% and 100%) the employers do not see clear wage compensation schemes. (Interview 1, 2018) From the unions' point of view, a salary in proportion to time worked would help employers, especially small companies that could not pay high salaries, without abandoning the social security that regulates protection for workers – for example, medical insurance against work-related accidents, vacations, and pension contributions. For this reason, the unions opposed any form of regulation of dual apprenticeships not framed within the framework of labor regulation– e.g., the company proposal to implement student health insurance instead of an occupational health insurance.

4.5 Financing the System

The previous topics on the nature and characteristics of the apprenticeship contract and the labor regulations of dual apprenticeships led the discussion to another topic on which there was no consensus: the financing of a dual apprenticeships system. According to those interviewed, and according to the proposal formally presented at the tripartite dialogue table, the proposed financing was broken down as follows:

The company must guarantee:

- (1) The payment of the salary and other benefits of the student-apprentice agreed upon in the apprenticeship contract, according to current labor legislation and the corresponding training program,
- (2) time for training and certification of trainers in companies,
- (3) the student-apprentice's occupational safety equipment, and
- (4) differentiated incentives to support the opening of apprenticeships in companies operating in relatively less-developed areas.

To this end, a collaboration scheme was proposed by the unions, combining partial and progressive financing with the characteristics of the company, given its location in areas of lower development, the establishment of local production chains, compliance with blue flag standards, and compliance with gender equity principles, among others to be considered.

It is important to mention that the issue of the apprenticeship contract and financing were issues on which there was no political consensus. On the one hand, the unions argued the need for labor legislation around dual apprenticeships to continuously ensure the payment of wages and the protection of apprentices' labor rights, given that this would happen under a tripartite shared financing scheme, and on the other hand, the employers proposed a contract of a civil nature, financed by the state.

Through a public statement, an educational union expressed its opposition to the approval of the dual education law does not strengthen public education, but affects technical education in addition to the work and functions of education workers, weakens social security, defunds the INA by recharging its

regular budget for the granting of scholarships generates a lot of cheap labor for the benefit of companies and does not provide for the protection of labor rights due to the civil nature of the dual education agreement (APSE, 2019).

5. Conclusions

At the technical level, the dual apprenticeships model proposed by the trade union sectors during the tripartite dialogue moderated by the ILO was based on principles of the German dual apprenticeship model in terms of two fundamental objectives. One of these was a work-based learning model in which the apprenticeship contract would be regulated by labor legislation. Another was that the student would be understood as a person working in a job to acquire skills. Contrary to the business proposal, the trade unions argued that the reduction of unemployment through dual apprenticeships should be achieved through the incorporation of students into the labor market under the idea of decent work. In its second objective, it was argued that state governance under tripartite participatory processes was fundamental to the success of dual apprenticeships, which emphasized shared financing responsibilities with strong private investment during the training process.

These principles were borne of a context in which the need to reduce youth employment, especially among young people in vulnerable areas of Costa Rica, was of the utmost importance. This idea is a critical component of the conceptions of the union sector in terms of what inspired the development of a labor-based model, which entertains the possibility of reducing inequality gaps given that Costa Rica has high levels of inequality, expressed especially in the youth population.

At the political level, the trade union discourse was in general differentiated between those unions that did not want to negotiate at the dialogue table because they rejected *ad portas* any dual apprenticeships initiative in Costa Rica (considering it a mechanism of labor exploitation) and those that did indeed sit down to negotiate. The configuration and representativeness of business, state, and union representatives around the discussion of TVET policies should be studied, since, although the dialogue table generated important inputs to strengthen the system, these inputs were not ultimately considered in the final drafting of the law.

Since there are practically no unions in Costa Rican private enterprises, the interests of workers in different industries or professional guilds were not fully represented within these tripartite discussions. Conversely, although they ensure compliance with labor regulations, given the preponderance of unions in the public sector, these were not able to present a discussion focused on the present and future qualification needs of all Costa Rican workers. In any case, for the trade unions that participated in the dialogue table, it was an opportunity to raise the problems and possible solutions on an issue that has acquired much political relevance, but little technical commitment for a successful implementation.

References

- Aguilar, R. (2019). *El movimiento sindical costarricense a partir de la década del 40 del siglo XX, sus dificultades, avances, aciertos, debilidades y perspectiva futura*. <http://www.relats.org/documentos/ORG.RodrigoAguilar.mayo.pdf>
- Asociación de Profesores de Segunda Enseñanza (APSE, 2019). *Educación dual trampa laboral*. <https://apse.cr/2019/03/educacion-dual/>
- Botero, A. & Obregón, R. (2011). Un análisis crítico de las perspectivas de diálogo en la literatura sobre comunicación para el desarrollo y cambio social: abordajes y desafíos. *Signo y Pensamiento*, 58 (enero–junio): 190–205. <https://www.redalyc.org/articulo.oa?id=86020038014>.
- Chaves, J. A. (2002). Economic Democracy, Social Dialogue, and Ethical Analysis: Theory and Practice. *Journal of Business Ethics*, 39, 153–159. <https://doi.org/10.1023/A:1016356723071>.
- Ermida, O. (2006). *Diálogo Social: teoría y práctica*. Boletín Técnico OIT/Cinterfor 157. Colección Boletín técnico interamericano de formación profesional. Uruguay: OIT/Cinterfor. <https://www.oitcinterfor.org/node/5706>.
- García, M. C. (2002). *Diálogo social sobre formación profesional en España*. Uruguay: OIT/Cinterfor. <https://www.oitcinterfor.org/node/6142>.



INEC (Instituto Nacional de Estadística y Censos) (2021). *Encuesta Continua de Empleo al tercer trimestre de 2021*, Costa Rica. <http://sistemas.inec.cr:8080/bininec/RpWebEngine.exe/Portal?BASE=ECE&lang=esp>

Instituto Nacional de Estadística y Censos (INEC) (2022). *Encuesta Continua de empleo*. Principales indicadores interanuales del mercado laboral costarricense FMA 2022

International Labour Organization (ILO) (2013). *National tripartite social dialogue: an ILO guide for improved governance / International Labour Office, Social Dialogue and Tripartism Unit, Governance and Tripartism Department*. Geneva: International Labour Organization. https://www.ilo.org/ifpdial/information-resources/publications/WCMS_231193/lang--en/index.htm

ILO (International Labour Organization) (2017). Inicia diálogo tripartito sobre formación dual en Costa Rica, https://www.ilo.org/sanjose/sala-de-prensa/WCMS_549387/lang--es/index.htm.

ILO (International Labour Organization) (2018). *Social dialogue and tripartism*. Report VI. Geneva: International Labour Office. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_624015.pdf.

Martinez, M; Pulignano, P; Whitthall, M & Ittner, H (2012). Participation and dialogue: engagement in a context of change. In *Ten steps to empowering employee representatives in the new European industrial relations*, editado por Lourdes Munduate, Martin Euwema y Patricia Elgoibar, 1–6. Madrid: McGraw Hill, 1-6.

Mittmann, F. (2001). *La educación dual en Costa Rica. proyecto piloto mecánica automática del Colegio Vocacional Monseñor Sanabria 1996–1999*. Instituto Nacional de Aprendizaje.

MTSS (Ministerio de Trabajo y Seguridad Social) (1943). *Código de trabajo de Costa Rica*. https://www.mtss.go.cr/elministerio/marco-legal/documentos/Codigo_Trabajo_RPL.pdf.

- Láscarez, D. (2017). *Análisis de viabilidad para la implementación de la educación dual: Propuestas de mejoramiento para el sistema de educación técnica en Costa Rica*. Tesis de Maestría. Universidad Nacional, Heredia, Costa Rica.
- Láscarez, D. & Johannes K. S. (2021). The Costa Rican business sector's concepts of the transfer of German dual apprenticeships. *Revista Actualidades Investigativas en Educación*, 21(2), 1–30. <https://doi.org/10.15517/AIE.V21I2.46792>
- Ley de Aprendizaje (1971). Ley No. 4903 de 17 de noviembre de 1971. <https://www.ilo.org/dyn/travail/docs/891/Ley%20No.%204903.pdf>.
- Ley Educación y Formación Técnica Dual (2021). Asamblea Legislativa. http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.asp?x?param1=NRTC&nValor1=1&nValor2=89820&nValor3=118020&strTipM=TC.
- OIT/Cinterfor (2015). Notas. *La formación profesional y el diálogo social Revisión del estado de situación en países seleccionados de América Latina, España e Italia*. N° 1 Febrero Año 2015. https://www.oitcinterfor.org/publicaciones/oitcinterfornotas_1.
- Prosser, James y Emmanuelle Perin (2015). European tripartism: chimera or reality? The 'new phase' of the European social dialogue in the light of tripartite theory and practice. *Business History*, 57 (3): 376–397. <https://doi.org/10.1080/00076791.2014.983481>.
- Rojas, M. (1978). El desarrollo del movimiento obrero en Costa Rica. en *Movimientos sindicales en Costa Rica*. *Revista de Ciencias Sociales* numero 15–16.
- Romero, Erica et al. (2017). Improving social dialogue: What employers expect from employee representatives. *The Economic and Labour Relations Review*, 29 (2): 169-189. <https://doi.org/10.1177/1035304617739506>.
- Romero, M. (2012). *La Libre sindicalización en la empresa privada costarricense posterior a la ley N°7360, como derecho humano*. Tesis para optar por el grado de licenciatura. Facultad de Derecho. Universidad de Costa Rica.



- Sayago, S. (2014). El análisis del discurso como técnica de investigación cualitativa y cuantitativa en las ciencias sociales. *Cinta moebio*, 49, 1–10. <http://dx.doi.org/10.4067/S0717-554X2014000100001>.
- Van Dijk, T. (2005). *El discurso como interacción en la sociedad. El discurso como interacción social. Estudios sobre el discurso II. Una Introducción multidisciplinaria*. España: Gedisa Editorial. <https://libroschorcha.wordpress.com/wp-content/uploads/2017/12/el-discurso-como-interaccic3b3n-social-teun-van-dijk.pdf>.

