Empresas Legales? Argentine Recovered Restaurants and the 2011 Bankruptcy Law

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In Argentina, workers occupied bankrupt businesses and created horizontal cooperatives in order to keep working and producing. This movement of empresas recuperadas ("recovered businesses") has long outlasted the economic turmoil that produced its initial prominence after Argentina’s 2001 sovereign debt default. In the years since, legal reforms have gradually legitimized the practice under certain circumstances, culminating in 2011 reforms to Argentine bankruptcy law which create a legal path for recovery within the bankruptcy system. Initial survey results from 2014 showed the bankruptcy system to be underutilized and ineffective. The goals of this project, combining field interviews with workers, lawyers, and academics in Buenos Aires and analysis of survey data, are: 1) To characterize the practical application of the 2011 Argentine bankruptcy law on newly-recovered businesses after 2011, focusing on six Buenos Aires restaurants, and to determine the effect this has on “institutionalization” of the movement by the state; and 2) To study work in restaurant cooperatives, which have been under-studied in recent years, and compare with organization and work in previously-studied cooperatives in the movement. Preliminary findings show that the bankruptcy law has been negatively interpreted, but precedent-setting favorable decisions have begun to come from higher appeals courts, and that more companies find success in recovering the business and purchasing the goods necessary to keep their business functioning than were suggested by the first studies of the law’s effect.