



WLRI WORKING PAPER 1

Trade unions and recent migration: organising challenges in an enlarged EU.

Dr Sonia McKay

Reader

WLRI

s.mckay@londonmet.ac.uk

May 2008

The views expressed in this paper are those of the author.

Working Lives Research Institute
London Metropolitan University
31 Jewry Street
LONDON EC3N 2EY
Telephone +44 (0) 0207 320 3042
Email: workinglives@londonmet.ac.uk
www.workinglives.org

Abstract

This paper looks at trade union membership, mainly in the EU 15 States. It explains how trade unions in most EU States have seen declines in their number and consequently challenges to their role as social partners. The paper considers whether the arrival of recent migrant workers can act as a catalyst for trade union renewal and considers whether the strategies adopted by trade unions can bring this about. The paper takes much of its evidence from the UK and from new research on recent migrant workers, carried out for a UK regional authority and for a national government agency.

This paper was prepared for the Journal *Economia e Lavoro*, 2008

introduction

Union membership, in the EU 15 States can be depicted as being at a crossroads and although, after years of union decline, there have been some very small signs of union renewal, the general trend has been downward. This decline had come after what, on first analysis, appears like a sustained period of union growth, as between 1970 and 2003, union membership within the EU 15 States rose by 6.8 per cent. However, this growth was concentrated in the period between 1970 and 1980, when EU membership overall recorded an increase. There were increases in Germany, France, Italy, the UK and Ireland, for example and in that decade membership overall had risen by 28.7 per cent (Visser 2006). However, the positive picture of past union renewal is less dramatic when viewed closely. For while membership numbers today are, in most cases, higher than in 1970, for most of the period since 1980 they had been falling. As Visser notes, in each decade from the 1970s onwards, union membership: 'became progressively worse from the perspective of union organising'. Visser also notes that the problem lies not just with numbers but also with the demography of Europe's trade unions, whose members are older than the median for the workforce, creating further risk of union membership decline. As Visser notes there is 'a rather universal research finding – the decline of union membership among the young'.

More crucial than membership numbers is the figure for union density, that is the proportion of workers who are in unions. Between 1970 and 1990 - at a time when generally union numbers were rising within the EU 15 - union density declined by 11.5 per cent (Visser 2006). What this means is that the increase in numbers, even the large increases of the 1970s, were insufficient to redress the fall in density and consequently unions in the EU today may be less able to exert their influence through collective bargaining, particularly in those States like the UK, where bargaining rights are predicated on levels of union density.

Despite the election of the New Labour government 1997, in the UK there has been no substantial reversal of the previous two decades of decline in union membership. Although there was a small increase in union membership between 1998 and 1999 and again between 1999 and 2000, since that time the numbers have continued to move downwards, as the Table below demonstrates.

Table 1: Union membership in the UK

Year	Size of membership	Increase+/decrease-
1999	6.911m	+21,000
2000	6.924m	+13,000
2001	6.846m	-78,000
2002	6.840m	-6,000
2003	6.820m	20,000
2004	6.784	-36,000
2005	6.677	-107,000

Source: DTI annual statistics

The latest statistics show that union membership for employees in the UK fell by 0.6 percentage points to 28.4, down from 29 per cent in 2005. The trade unions had demanded of the new government, that it should introduce

legislation to assist them in their organising and recruitment strategies. This was attempted through provisions in the Employment Relations Act 1999, a weak and complex piece of legislation, which nevertheless has assisted some unions in getting union recognition where employers were intransigent but where membership was high. The estimates vary but somewhere between 1,500 and 2,500 new agreements were reached with individual employers in the ten-year period between 1996 and 2006. However, while these numbers may seem large, given that the average workforce size generally consisted of fewer than 200 workers,¹ the efforts brought within the ambit of union organisation fewer than 400,000 potential members. In practice the numbers who have actually joined unions are significantly lower, since not all workers in recognised workplaces become union members, making a more likely scenario that the change resulted in a gain to unions of around 200,000 members, or around three per cent of UK trade union membership, and less than is needed just to keep membership stable. Thus the overall picture remains one of concern for UK trade unions, with low union density levels, particularly in the private sector, where currently just 16.6 per cent (one in six) workers were union members in 2006. Even taking account of higher density levels in the public sector (58.8 per cent for the UK), union density in England stands at just 27 per cent (DTI, 2007).

In the UK different strategies for recruitment have been the subject of intensive debate, with practices from the Netherlands, the USA and Canada, in particular, being adopted, as unions in the UK attempted to reverse membership decline. Strategies have included the espousal of 'like for like' recruitment – based on the theory that individuals are more likely to join a union where they are approached by someone who shares characteristics – like age, gender or ethnicity – with the prospective members. Unions have also focused on 'greenfield' sites, new workplaces where there has been no previous history of trade union organisation. However, there has also been some rivalry between unions, with different organisations vying for the same membership, particularly in areas where there is nascent organisation. Unions also proposed new vehicles for organising, recruiting organisers who had been taught in specially created Organising Academies. These individuals did not necessarily have a background of involvement in trade unions, but brought campaigning and organising skills, developed through previous involvement in campaigning or student organisations. Such strategies were developed in the early 1990s with the TUC's own Organising Academy being established in 1998. More recently, again in drawing on the experiences of unions in the USA, trade unions in the UK have begun to consider whether the arrival of recent migrant workers, mainly from the A8 countries, has the potential to create new recruits. The question therefore is raised as to whether these new workers could form the core of a new wave of union renewal. Thus it has been within the debate over the future direction of trade unions that the issue over how to recruit and organise recent migrants materialises.

This shift is not unique to unions in the UK. In Spain, for example, unions have been examining their recruitment and organising strategies in recognition of their failure to deliver union gains, particularly in those sectors where recent migrants are now working. At a conference in 2006, regional representatives of the Comisiones Obreras met to discuss how the union

¹ The TUC Trade Union Trends Surveys showed that the size of the bargaining unit for which recognition was achieved was generally under 200, save in 2003 when it averaged at 471 workers, but with a significantly smaller number of agreements signed in that year.

should respond to the challenges of globalisation and the increasing diversity of the Spanish labour market. In Italy initially relations between migrants and trade unions were based primarily on welfare assistance. However, since the mid-1990s there has been a policy move towards the integration of migrant workers into the unions as *workers* (Perocco and Cillo, 2007). This transformation "was the reflection of their substantially greater numbers, of their greater employment stability, of their increased employment in medium and large firms where there are higher levels of unionisation, and primarily of the more prominent role of immigrant workers in trade-union and social conflicts" (P. Basso, 2004). Today migrant workers can be seen as a fundamental component of the trade union base, both as members - as the 526,000 members in 2006 demonstrate - and as delegates. Migrant workers who are members of the three main Italian trade-union federations (CGIL, CISL and UIL) represent 9.1% of the total membership (5,776,269) (Caritas/Migrantes, 2006). In Italy the CGIL has also looked at ways of building links in countries of migration to Italy, in a strategy that aims to recruit and organise migrant workers before they begin their migration journey. In highly regulated economies like that of Denmark, the trade unions have played a powerful role in shaping national policies on migration but in the past this was also accompanied by a resistance of large-scale migration and a conceptualisation of migrants as representing a temporary phenomena in the labour market. These positions have begun to change as a migrant presence has become more accepted as being longer-term.

Migration is also closely linked with work in the shadow economies. For example, in Italy it is estimated that around 40 per cent of migrant workers are in irregular employment and that even where employment is regular it is likely to be in those sectors where workplace risks are highest, as in manufacturing and construction (Leonardi, 2007)

Migration for work is thus not new within Europe. Workers have migrated for work into the EU, just as workers from EU states have themselves migrated for work to countries beyond the EU. Migration has occurred within and between EU States. Individuals have always moved in search of work, whether from Scotland to the East Midlands, to work in the steel industry in the 1950s or from Ireland to England in the nineteenth century, to work in construction. From Turkey to work in Germany in the 1960s and 1970s; from Italy to work in the USA at the end of the nineteenth century and now from the Central and East European countries, mainly to the Western EU states. Often this migration has been encouraged by, successive governments. In the 1950s and 1960s the UK encouraged inward migration. Migrant workers drove buses, worked in hospitals and kept many essential services afloat then, as they do today. Countries like Turkey, the Philippines and Bangladesh actively 'exported' migrant workers, to work in the heavy industries and services' sectors of the Western EU, often under a legal regime that was encouraging of outward migration. But in many EU States, from the 1970s through to the mid 1990s, migration was more likely to occur in relation to family reunion and with the aim of settlement; migration solely for work was less evident. The notion of migrant workers, whose aim was to work, possibly only for a short period, perhaps returning regularly to their country of origin or moving on to a third country, is a relatively recent development and one for which unions were not necessarily prepared. However, it is one that is also accompanied by significant new challenges, including those of language, cultural experience and history.

Barriers to recruitment

Recent research projects undertaken by the Working Lives Research Institute at London Metropolitan University have resulted in the collection of in-depth interviews from more than 300 migrant workers. In interviews with many trade union officials, they have spoken of the challenges faced in representing recent migrants. In a minority of cases we have also been aware of the solutions they have found and of the successes they have achieved. However, in most cases there has been a gap between union policy and union practice and this is probably not unique to the UK experience. Although over the last few years, UK unions have adopted policies on the recruitment and organisation of migrant workers, in general national level unions have created these policies that have led to some membership gains but fewer than might have been anticipated. This lack of large-scale success may be attributed to the inability of unions to engage with their members at local level, who generally operate as defensive organisations, making them reluctant to engage in new areas of recruitment or, in particular, to welcome workers who are observed as a threat to their existing terms and conditions. As a consequence the overwhelming majority of recent migrant workers continue to remain unorganised.

The TUC has produced a report on migrant workers in Britain, which has highlighted that some migrant workers have a precarious legal status exposing them to abuse, such as long working hours, low pay and dangerous jobs (TUC, 2003). It had also called on the government to help improve the conditions of migrant workers, through the signing of the United Nations (UN) convention on the rights of migrant workers and their families. The TUC has also recognised that thorough, but easy-to-understand training is vital if workers are to be healthy and safe at work. With rising concerns about migrant workers' limited grasp of English, it has, in co-operation with the government appointed Health and Safety Executive, produced a leaflet translated into 19 different languages. *Your health, your safety: a guide for workers*, provides information about safety rights at work; the level of safety training that workers should expect from their employers and who they should complain to if they thought their safety was being compromised by poor workplace practices.

The TUC report provides examples of the poor treatment of recent migrants have been documented, with the report concluding that 'their weak bargaining power' contributed to their exploitation. Obviously for the TUC the means of reversing this poor treatment lies in the organisation of migrant workers into strong and effective trade unions. However, recruiting and organising recent workers presents new and additional challenges, which unions have not found it easy to resolve. In both the research we carried out for the Health and Safety Executive and in our research for the East of England Development Agency, union organisers contacted identified a number of problems inhibiting recruitment. These included:

- Fear of victimisation by employers and agencies;
- Inability to communicate due to lack of a common language;
- Mobility and the temporary nature of much of the employment available;
- Existing difficulties in organising the sectors, even in respect of UK staff;

The fact that migrants are more likely to work for agencies and less likely to work directly for the employer. Unions historically have had limited success in recruiting agency workers;

The fact that they may see their stay in the UK as temporary and therefore not see the relevance of joining a union;

They may earn such low wages that union membership subscriptions seem excessive; and

A lack of a tradition of union organisation among some groups of migrant workers, or a suspicion of unions, based on their historic role in their country of origin may also create barriers to recruitment.

Our interviews with migrant workers confirmed that few were members of trade unions. Those who were in unions had origins mainly in Portugal and Eastern Europe but their union membership was more related to where they worked than to their particular propensity to join and be active in trade unions. Those who had obtained jobs in workplaces where there was effective union organisation were more likely to join a union. Where existing union organisation was weak or non-existent then it was unlikely that migrant workers would join unions. There is thus no compelling evidence that recent migrant workers are inherently hostile to trade unions but it is the case that they were often working in sectors that were less likely to have a trade union presence. Those that had joined a union had not necessarily used the services of the union in relation to their individual employment. As with UK workers, migrants had joined out of a sense of solidarity or as insurance should things go wrong for them, with one worker describing his reason for joining the union as something that was there to help “if there is unfair treatment”.

Their current lack of union membership was partially due to the fact that they were frequently changing factories or agencies and were moving around the country, thus making them more difficult to organise. Migrant workers’ low wages also played a part in their decisions not to join a union, as the cost of membership had to be considered. Additionally some of the workers we interviewed were sceptical about unions and not clear what benefits would accrue to them from joining.

In our interviews with trade union officials the conditions under which newly arrived migrants had to work were reported as of great concern – both as injustices against the workers themselves and also representing the risk that increased deregulation posed to the established pay and conditions of the existing workforce (TUC, 2003: 17). Union officials did tell researchers that they believed that unions did have an important part to play in the provision of employment-related advice and advocacy to migrant workers and that there was a need to build trade union organisation amongst these workers. For example, the campaign for a *Gangmasters Licensing Act*, to curb some of the worst practices of gangmasters who provide teams of migrant workers to employers, was organised and pursued by the UK’s largest union Unite. Inability to communicate with migrant workers in their own languages was also identified as a barrier to recruitment. Some unions have been attempting to address problems of communication, by translating recruitment literature into the languages of the main migrant groups and through working with community organisations and representatives from different migrant communities. In the East of England this has been most successful in relation to the Portuguese communities, where links with trade unions in Portugal

have also been established and where as a result some recruitment has taken place, but again mainly in those factories where union organisation had already existed and where there was a tradition of recruitment.

Recent research by the TUC concludes that the geographical distribution of recent migrants 'marks a departure from earlier waves of migration, which were predominantly to urban areas' (TUC, 2004b). This points to the spread of migrants to rural areas and to small towns as well as to large cities all over the country. Our research for the HSE found that migrant labour was no longer present only in large urban areas. These changes in patterns of migration have encouraged the spread of recruitment strategies into new, and in particular rural areas. For example, in the South West of England, a predominantly rural region, one union has established a Polish workers' union branch and has viewed this as a key way to organise and recruit recent migrants. In terms of sectoral spread there are also changes, connected with recent migration. According to a survey conducted by the T&G union (now Unite) (T&G 2004), the food, drink and tobacco and agricultural sectors employ a high number of migrants, particularly Portuguese and from the new Eastern European Accession countries. The survey found that most of the workplaces employing migrant workers used agency or casual labour and language issues were a major concern. Significantly, less than one in four migrant workers were in a trade union and the rate was even lower for newly arrived migrants. Only one in ten Central and Eastern European workers were found to be in a union and the ratio was lower still for workers from South America and the Middle East (T&G, 2004). Recognizing that migrant workers were usually employed in the lowest paid sectors of the economy, such as retail, distribution, hotels and catering, some unions said that they had started focusing their attention on organising workers from these sectors. This has mainly been through union learning and training initiatives and direct recruitment with the help of migrant workers who were hired to work as community organisers or union representatives. Some unions were providing training in English; in an attempt to provide migrant workers with the skills and confidence they needed to access basic rights and entitlements. In 2004 the Unite union undertook a survey to assess its organising strategies for migrant workers. The survey found that the union did organise migrant workers in all industrial sectors and from a wide range of nationalities and that it had been active in uncovering exploitation at work (T&G, 2004). The union now works with migrant workers in the agriculture and food processing industries. For example, workers from a poultry-processing factory near Swindon (South West) have been organised by the union. It also has a record of working with Portuguese migrant workers in Northern Ireland and East Anglia and Filipino care workers in Cambridgeshire and recently campaigned to organise low paid, mostly migrant cleaners at London's Canary Wharf complex and also at the House of Commons, where industrial action took place among mainly migrant cleaners towards the end of 2005.

Turning policies into practices

Our research has also pointed to real difficulties in having union policies implemented in practice. In some cases it is clear that union full-time and lay officials at local and regional level have been less enthused by the adoption by their unions of policies aimed at addressing the needs of recent migrants. Busy full-time officials were not always purposively implementing union policies locally. This was not necessarily due to opposition to them in

principle, but due to the time and energies they would have needed to assign to the type of recruitment that the policies encouraged. Thus when examining what was actually happening on the ground, we found fewer examples of locally adopted policies addressing successfully the recruitment of migrant workers than might have been anticipated, given the unions' national profiles on the issue. Such recruitment was thus seen as labour intensive, requiring of officials that they devoted large amounts of time to locating and engaging with recent migrants who were often employed in far-away factories or farms where there was no existing union presence and therefore were seen as particularly hard to unionise. One way that this was demonstrated was in the very low response rates to requests for information from unions on what they were doing both locally and regionally. In each of the research projects we made concerted attempts to ensure that the union experience was fully documented. This was done primarily through targeted questionnaires to regional officials in unions that had well-developed national policies on the recruitment of recent migrant workers. But in every case the response rates we achieved were low, and indeed lower than the response rate to similar requests to employers. This suggested an ambivalence among trade union full-time officials and activists as to their relationships with recent migrants and was in contrast to responses we have obtained from unions on other workplace issues.

In the East of England research, of the 19 national and regional unions that completed our postal questionnaire, the main issues they raised, in relation to migrant workers were:

Language and a lack of knowledge of English and how it was a major barrier in the workplace, leading to communication problems, not just between managements and the workforce but within the workforce itself;

Exploitation and racism encountered by migrant workers, with at least one union reporting having frequently received complaints about bullying and harassment;

Problems that migrant workers raised with the unions included those related to family issues, banking and religious issues;

There were problems over a lack of clarity over pay slips and unions believed that employers should be obliged to provide a clearer explanation of pay slips and pay deductions; and

Migrant workers required training in how to raise grievances with their employers.

The research has also documented evidence of good practice. For example, SERTUC, the regional TUC for the East of England, was providing free one-day courses for its members on employment rights but also permitting access to non-members. It had translated the course materials into Spanish and Polish and planned to produce them in Portuguese. The TUC has established a website (www.worksmart.org.uk) that provides accessible advice on rights at work (TUC, 2004). The TUC has also been involved in various initiatives relating to welfare issues and migrant workers. For example, it has produced a simple leaflet, *Starting to work in the UK*, on understanding the rights that workers had at their workplaces, which the Home office sends out with every Registration Certificate for Central and Eastern European migrant workers. Similarly in Austria the trade unions provide counselling on workers' rights. In Italy, along with the churches and NGOs, trade unions represent the main support bodies for migrant workers. However, our interviews with migrant workers also suggest that in some cases unions had not made sufficient

efforts to locate and recruit recent migrants. One migrant worker whom we interviewed had been working in a workplace where there was a significant union presence but had never been approached by the union and was unaware of it being there.

In the health and safety research, as in the earlier East of England research, we also had a relatively poor response from trade unions to our postal questionnaire, with just nine unions responding from the more than 60 unions currently affiliated to the TUC. From the replies we did receive most stated that only a very low percentage of total union members were migrant workers. Where unions were able to provide information on countries of origin they suggested that a significant majority of migrant workers were from Central and Eastern Europe (mainly Polish). Other nationalities included Caribbean (Jamaican, Portuguese and also migrants from the Middle East (Iraq and Morocco) and recent migrants from South Asia, Philippines and Sub Saharan Africa (Somalia, South Africa). Major sectors in which migrant workers were noted to be working included call centres, docks, construction (Irish and Central and Eastern European workers), bakeries, farming (seasonal workers), fruit picking, taxi driving, small take away shops, food manufacturing and hotel ancillary staff. Union respondents perceived most migrant workers to be facing greater risks at work, as compared to the non-migrant UK work force and were mostly thought to be unable to raise their health and safety concerns with their employers. Union respondents were likely to perceive migrant workers as being at risk at work. Employer respondents in contrast, told researchers that in their view recent migrants were at no greater risk at work than other groups of workers. However, in common with employers, trade union respondents associated risks with language difficulties (in communicating with fellow workers as well as supervisors or managers), and with a lack of understanding of health and safety norms in the UK. They also believed that migrants were not provided with adequate training about health and safety and had less experience of the type of work they were doing, which contributed to the health and safety risks they faced. Some respondents also referred to the long working hours and unsociable working shifts being undertaken by migrant workers.

Contradictory positions

There are thus complex reasons that may account for low levels of recruitment that go beyond those identified by union full-time officers and discussed above. One such issue is whether migrant workers are perceived as a 'shield' protecting other workers from having to undertake unacceptable forms of work. Employers may see the use of migrants as a way of having work performed, in conditions that might otherwise be contested by organised workers. Organised workers for their part may consciously or unconsciously feel that so long as migrants are not union members, there is no obligation to defend their interests. Particularly where, in the absence of sufficient strength of organisation, that can successfully challenge their employer's power, such unacceptable forms of work would have to be shared by all workers, local and migrant. At the same time, and contrary to this scenario we know that unions are also more likely to gain new migrant recruits in workplaces where union activists already exist. Thus on the one hand there is a policy imperative to recruit such workers into the union and additionally an organisational advantage in recruiting in already organised workplaces, but there are also

recognised contradictions which unions face, between the protection of their existing membership and the accommodation of recently arrived workers.

But there are other issues that should be discussed in relation to union policies on migrant workers. Union strategies seem to focus almost exclusively on recruitment and on the measures that need to be taken to ensure recruitment, which may in some cases include offering protection to migrant workers who join the union. Alternatively they may see themselves as organisations offering advice and support in a manner more identified with welfare-based organisations. However, their policies in relation to recruitment rarely stray beyond the raising of basic issues of pay and may ignore other, but equally important and pressing issues for migrants, such as, for example, regularity of employment, recognition of qualifications and access to suitable work based on those qualifications. Our research found fewer examples that included use of a more rounded strategy, focusing on wider terms and conditions' issues, although of course there are notable exceptions, for example, the campaign for a living wage among London's cleaners. But these high profile campaigns are not necessarily typical of union activities with migrant workers. In particular, in relation to our research on health and safety, very little information was provided to the researchers on strategies in relation to migrant worker health and safety, in contrast to the willingness of unions, at national level at least, to publicise their recruitment and organising campaigns that generally were not so focused on specific issues.

In some cases it is individual migrants who end up approaching the union rather than the other way about. But as a consequence migrants may be joining unions as isolated individuals rather than in a group. And due to their mobility as they change employers frequently and are therefore not in a position themselves to organise in their workplaces.

One conclusion that we can draw from the research is that there is still a gap between the policy position which most unions have adopted and which is welcoming of the recruitment and organisation of migrant workers and the practice locally and regionally which sees barriers to recruitment and organisation and cannot construct simple and low cost methods of overcoming these barriers. But if recruitment ideals cannot be translated into effective organisation that not only brings migrant workers into unions but also brings unions into workplaces from which they are currently absent, then it is difficult to see where unions can go to reverse their membership decline.

Bibliography

- Basso P. (2005) *Razze schiave e razze signore*. Vecchi e nuovi, Angeli
- DTI (2007) Union membership statistics, DTI 19 April 2007
- Caritas/Migrantes (2006).
- Perocco, F and R. Cillo (2007) *Undocumented Worker Transitions: Compiling evidence concerning the boundaries and processes of change in the status and work of undocumented workers in Europe*, Undocumented Worker Transitions, Workpackage 2 report. www.undocumentedmigrants.eu
- Visser, J. (2006) 'Union membership statistics in 24 countries' *Monthly Labor Review*, January 2006
- Leonardi, S (2007) *I'l lavoro degli immigrati nella contrattazione collettiva e nella concertazione territoriale*, Veneziani, B.

TUC (2003) Overworked, Underpaid and Over Her, Migrant workers in Britain,
TUC website: http://www.tuc.org.uk/h_and_s/index.cfm?mins=403e
T&G (2004) Organising migrant workers – report of T&G survey, August 2004,
Women, Race and Equalities Department
TUC (2003) Overworked, underpaid and over here., pg. 17.
TUC (2004) Registering migrants will get TUC advice on rights at work. TUC
news.