Trade unions face multiple challenges at the beginning of the twenty-first century, including economic internationalisation, the rise of the service sector, new forms of ‘atypical’ employment and an erosion of collective forms of activism. Although countries continue to follow distinctive adjustment paths to globalisation and Europeanisation (Frege/Kelly 2004; Gumbrell-McCormack/Hyman 2013), unions in most European countries continue to struggle to adapt to contemporary processes of social change that have strengthened the position of capital vis-à-vis labour. Whereas globalisation and the Single European Market have provided capital with new ‘exit’ options, trade unions continue to be organised primarily at the national level. It is not only the transnationalisation of labour markets but also the rise of service sector employment that have undermined their bargaining position (Dølvik/Waddington 2002). As organised labour is less capable of organising an increasingly diverse workforce, union density is in decline in most European countries. In the context of a changing workforce, migrant labour poses a particular challenge to organised labour.

This paper investigates the determinants of migrant union membership across Europe. It first reviews the literature on trade unions and labour migration. It then outlines the particular challenges of contemporary, often transnational labour mobility in Europe. When presenting data on union membership the paper shows that migrants have lower levels of unionisation than native workers across Europe. However, multivariate analysis suggests that the length of time spent in the host country can account to a large extent for this difference. Long-term migrants are almost as likely to join a trade union as native workers. In turn, more short-term migrants are far less likely to be unionised. This has important implications for unions. As cross-border mobility in Europe has become more transient and multidirectional, unions have to become more alive to the transnational dimension of labour mobility and engage in new ways of co-operation and organising beyond the nation-state.

Trade unions and migrant labour

Generally, trade unions in the industrialised world have an ambiguous relationship with migrant labour that can be situated ‘on a continuum ranging from exclusion to inclusion’ (Kahmann 2006: 186). While the labour movement has a tradition of international solidarity, established workforces have often displayed hostilities towards the inflow of new workers (Milkman 2006: 118-119). The economic rationale for such exclusionist attitudes is to limit the number of workers which was traditionally regarded as the most efficient tool of organised labour to keep wages high as ‘this ensured an artificial scarcity of their specific category of labour so that the “higgling of the market” operated in their favour’ (Hyman 2001: 7). On the other hand, a surplus of workers on which employers can draw tends to have a depressing effect on wages. Furthermore, an untapped pool of non-unionised workers weakens the bargaining position of organised labour. Thus, it is often assumed that an inflow of migrant labour inevitably strengthen the position of employers vis-à-vis organised labour (Avci/McDonald 2000: 118-119; Goldthorpe 1984: 330; Kindleberger 1967).

The recruitment of workers from abroad adds not only to the quantitative supply of labour but also brings about qualitative changes in the workforce. Historically, employers frequently deployed immigrants as strike-breakers which undermined the possibility of effective industrial action (Milkman 2006: 118). As many immigrants are from countries with lower
wages and living standards, they tend to be more willing to accept lower wages which in turn could undercuts the wages of indigenous workers or lead to job displacement. Furthermore, as a result of labour migration the workforce becomes more fragmented due to language and cultural differences between native and migrant workers. These differences can be exacerbated by the hostile behaviour among sections of the domestic workforce towards the newcomers. This may lead to a situation in which migrants who often come from countries with no strong tradition of trade unionism may be even less inclined to join a union (Castles/Kosack 1973: 128).

When most Western European countries began to recruit foreign labour in the 1950s, unions were generally concerned about this move. However, in most countries they transformed their initial reservations towards labour migration into a position that if immigration takes place, it should not harm labour relations and employment standards. Hence, one of the core demands of unions was ‘equal pay for equal work’ to ensure that migrants do not represent a cheaper alternative to domestic workers. In most countries unions succeeded with this demand, often in the form of legislation (Castles/Kosack 1973: 128; Wrench 2000a: 318).

Apart from this core demand, union policies towards migrants differed considerably across Europe. Whereas trade unions in some countries became one of the first institutions in the host society in which migrants could integrate into at a time when they were still excluded from full citizenship rights, other union movements pursued their integration less urgently (Cachón/Valles 2003; Vranken 1990; Wrench 2000a). However, as labour migration became permanent and ‘guestworkers’ transformed into ethnic minorities, there has been a certain convergence in union attitudes insofar as they increasingly aimed to recruit migrant workers into unions and eventually also recognised the need for some special policies tailored towards the needs of migrants (Penninx/Roosblad 2000).

Since the late 1980s there has been a surge again in migratory movements towards Western Europe. Not only South-North migration has increased but, especially after 1989, East-West migration too. While in the immediate aftermath of the collapse of state socialism and the ensuing political turmoil many migrants arrived as asylum-seekers, since the mid-1990s East-West migration was mainly work-related (Favell/Hansen 2002; Wallace/Stola 2001). Especially EU enlargement in 2004 and 2007 has triggered a new wave of cross-border mobility that now accounts for the bulk of labour migration in Europe (EU Commission 2011). Much of this migration is rather transient, including frequent border crossings, short-term mobility and circular migration (Favell 2008). This transnational labour mobility confronts trade unions with a number of issues as is discussed now.

The Transnationalisation of labour markets and challenges to “equal pay for equal work”

During the time of the ‘guestworker’ era the regulation of immigration was largely left to the respective nation-states in Europe. Then, the official recruitment programmes were set up often in cooperation between national governments and the social partners (Penninx/Roosblad 2000). Thus, in terms of immigration policies, as in other policy fields, the nation-state was, and remains, the main frame of reference for unions.

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1 In reality, however, immigrants usually worked in the lower, or lowest segments of the labour market with little prospect of upward mobility. Nonetheless, their social rights in the workplace where often more advanced than their political rights especially in countries like Germany where the reformed Betriebsverfassungsgesetz (Works Constitutional Act) of 1972 enshrined the principle of equal treatment regardless of descent, religion, nationality or ethnic origin in the workplace (Hunger 2001: 42).
However, in the context of the transnationalisation of labour markets, traditional forms of state sovereignty have eroded. This is especially the case in relation to intra-European mobility where „the European nation-state’s supreme early-twentieth-century control over migration and population dynamics was being voluntarily dislodged” (Favell/Hansen 2002: 585). Although states may be able to restrict access to their labour markets, as happened during EU enlargement in 2004 and 2007, these are only temporary measures which do not fundamentally alter the free movement regime. The right to free movement poses a challenge to trade unions in particular as it takes place in a transnational mobility space characterised by significant differences in living and wage standards.\(^2\)

Unions face the dilemma that for migrants, who often assess their situation on the basis of a ‘dual frame of reference’ (Waldinger/Lichter 2003: 40), relatively low pay in the destination country still appears as relatively high compared to their home country. Hence, the latter may be more prepared to “trade off” (Anderson et al. 2006) harsh working conditions and infringements on their rights for short-term economic gains. This is, of course, not an entirely new development as labour migration was always fundamentally driven by inequality (Martin et al. 2006). However, during the ‘guestworker’ era, unions managed to ensure that the principle of ‘same pay for same work’ would apply in the context of labour migration. Although migrants usually occupied jobs at the bottom of the labour market, they were mainly paid in accordance with existing collective agreements (Lillie/Greer 2007: 555). In turn, contemporary labour mobility takes place especially in those sectors of the economy such as private services that have a weak union presence or in construction where the work-process has become more fragmented through the increasing usage of subcontracting arrangements (Krings et al. 2011). Thus, unions face no small challenges to ensure that migrants become integrated in the workforce to the same terms and conditions as those that apply to domestic workers.

These difficulties have been compounded by an increase in the posting of workers and agency labour that has raised concerns about its impact on labour standards (Anderson et al. 2006; Hunger 2000). The spread of such subcontracting arrangements is linked to the deregulation of the economy and a new institutional framework for temporary labour migration. What is particularly problematic from a trade union perspective is that in the context of such arrangements a two-tiered workforce has emerged in some employment sectors that runs counter to the trade union philosophy of ‘equal pay for equal work’ (Wills 2006).

Particularly since EU enlargement controversies about the provision of services and the ‘host country’ principle have increased in construction and food-processing as companies from the new EU member states (NMS) increasingly make use of their ‘comparative advantage’, that is lower labour costs, when providing their services in other EU countries (Bosch/Weinkopf 2013). In a number of controversial cases involving service providers from the NMS (Laval, Viking, Rüffert, Luxembourg) the European Court of Justice ruled that industrial action and the insistence on collective agreements constitute a restriction on the freedom to provide services. These rulings have caused considerable concern among the European trade union movement (ETUC 2008).

From a trade union perspective, the best way to ensure that pay and working conditions are protected is to get migrant workers organised. This is even more so the case as a restrictionist position towards EU migrants is no longer a viable option in the new European mobility space that has the right to free movement at its core. However, the organisation of migrants poses a number of challenges to unions.

\(^2\) Even in 2012 the per capita income of the eight 2004 accession states from Central and Eastern Europe was only 60 per cent of the ‘old’ EU-15 average in purchasing power parity, whereas in the case of Bulgaria and Romania it was only 40 per cent (Eurostat 2014).
The organisation of migrant labour

The organisation of new groups of employees is an essential requirement for unions not only because they are membership-based organisations, but also because any section of the workforce that remains outside of the remit of unions undermines their bargaining position. This reasoning also informs their approach towards migrant labour. While trade unions may sometimes oppose the inflow of foreign labour, after the latter have entered the country it is essential to organise them. This is not only for ideological reasons (workers’ solidarity) but also self-interest as unionised migrants are less likely to undercut established terms and conditions of employment (Castles/Kosack 1973; Penninx/Roosblad 2000).

During the ‘guestworker’ era the level of unionisation among migrants did not differ significantly from the one of the majority population in most countries. As former ‘guestworkers’ and post-colonial migrants settled down and transformed into ethnic minorities, they began to join trade unions in greater numbers. This has been facilitated by the fact that migrant workers were over-represented in those industries such as automobile that were heavily unionised. Therefore, the experience from the period of post-war labour migration would suggest that migrants are quite willing to join trade unions, particularly if they see their stay as long-term and work in establishments that already have a union presence. However, these conditions are not necessarily in place anymore.

In the context of economic restructuring, labour migration has assumed more of a ‘postindustrial form’ (Held et al. 1999: 304) as migrants are increasingly located in private service industries. Union density in these sectors is traditionally weak and unions have so far found it difficult to organise an increasingly heterogeneous workforce which includes the young, women, and increasingly migrants (Dølvik/Waddington 2002: 358). Furthermore, as labour mobility often assumes a temporary and circular character, the possibility of trade union organisation may be seriously diminished. This is succinctly summarised by Schmidt (2006: 194):

[O]rganizing temporary migrants is not always an easy task since there is a high turnover of workers given that the workers are only in their host country temporarily. By the time workers are organized and integrated, they might already have to leave the country. They often do not know the language in the country of their temporary residence and may live in isolated settings near their workplace rather than in towns or cities where the unions are more visible. As a number of workers depend on obtaining a temporary job abroad each season, they might be afraid that that they will be sacked or not be selected the following year if their employers finds out that they are unionized or if they are seen to be active in unions.

In particular subcontracting arrangements such as agency labour or the ‘posting’ of workers seriously diminish the possibility of collective action at work (Heery 2004). While in the past migrants were usually directly employed by the firm for which they worked, nowadays many are employed and managed by a separate contracting company and tend to have a high staff turnover. According to Wills (2006: 6-7), subcontracting has

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3 For instance up until the 1990s foreign workers had a union density of 34 per cent in Germany, broadly reflecting the average union density at that time (Kühne 2000: 55). In Britain some ethnic groups like Afro-Caribbeans (44 per cent) and Indians (38 per cent) had a higher union density than white employees (35 per cent), while some other groups like Pakistani (33 per cent) and African-Asian employees (28 per cent) had a slightly lower rate than the white majority population (Wrench 2000b: 137). In Austria foreign workers had a union density of 56 per cent in the 1980s, again broadly reflecting general levels of union membership (Gächter 2000: 76). However, in the latter country migrants were largely consigned to a passive form of membership, as unions made little efforts to adequately represent their interests. This shows that the organisation of migrants is not necessarily an indicator for inclusive union policies (Penninx/Roosblad 2000).
a devastating impact on trade union organisation. When a company directly employs the
staff on whom they depend, there is the potential to negotiate over matters of work...But
in relationships of subcontracted capitalism, those with real power over the contracting
process – the ultimate employers of all those involved in any particular supply chain or
business operation – are generally not accessible to the workers doing the work...Market
forces as exercised through subcontracted employment have thus had a powerfully
disciplining impact on workers, eroding the space for trade union organisation.

Thus, there are many obstacles that unions face when trying to organise mobile workers.
Nevertheless, as past experience has shown, migrants are far from unorganisable. What is the
contemporary experience? Figure 1 presents evidence from four waves of the European Social
Survey (2002-2008) on union density of native and migrant workers in 12 ‘old’ EU member
states. What becomes apparent is that while unionisation levels of migrants are lower
everywhere, they broadly follow national patterns, especially in the Scandinavian countries.

Figure 1: Trade union density of native and migrant workers (European Social
Survey 2002-2008)

In following normal convention, migrants were defined as those born abroad.
What are now the determinants of migrant union membership? To examine this, logistic regression analysis is carried out (dependent variable: trade union membership). The results show that it is the duration of time spent abroad which is the most important factor in accounting for the likelihood of migrants to become a union member. As can be seen from Table 1, long-term migrants (those who are in the host country for longer than 10 years) are almost 90 per cent as likely as native workers to join a trade union. In turn, short-term migrants (those who have arrived within the last 5 years) are far less likely (17 per cent) to become unionised (Model 1). These results broadly hold true even if we include control variables such as employment sector or the size of the workplace (Model 2 and 3).

Table 1: The determinants of migrant union membership (European Social Survey 2008)

<table>
<thead>
<tr>
<th>ref: Natives</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B(log odds)</td>
<td>Sig.</td>
<td>Exp(B)</td>
</tr>
<tr>
<td>Migrants short-term (&lt; 5 yrs)</td>
<td>-1.761</td>
<td>.000</td>
<td>.172</td>
</tr>
<tr>
<td>Migrant medium (6-10 yrs)</td>
<td>-1.983</td>
<td>.000</td>
<td>.374</td>
</tr>
<tr>
<td>Migrants long-term (&gt; 10 yrs)</td>
<td>-1.155</td>
<td>.067</td>
<td>.856</td>
</tr>
<tr>
<td>ref: Manufacturing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>-1.920</td>
<td>.000</td>
<td>.399</td>
</tr>
<tr>
<td>Construction</td>
<td>-3.466</td>
<td>.000</td>
<td>.707</td>
</tr>
<tr>
<td>Wholesale</td>
<td>-1.738</td>
<td>.000</td>
<td>.478</td>
</tr>
<tr>
<td>Hospitality</td>
<td>-1.395</td>
<td>.000</td>
<td>.248</td>
</tr>
<tr>
<td>Transport</td>
<td>1.120</td>
<td>.199</td>
<td>1.127</td>
</tr>
<tr>
<td>Business Services</td>
<td>-0.505</td>
<td>.000</td>
<td>.604</td>
</tr>
<tr>
<td>Public Administ.</td>
<td>0.170</td>
<td>.046</td>
<td>1.186</td>
</tr>
<tr>
<td>Education</td>
<td>0.437</td>
<td>.000</td>
<td>1.549</td>
</tr>
<tr>
<td>Health</td>
<td>0.295</td>
<td>.000</td>
<td>1.344</td>
</tr>
<tr>
<td>Other Services</td>
<td>-0.775</td>
<td>.000</td>
<td>.461</td>
</tr>
<tr>
<td>ref: Size of Workplace (&gt;99)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workplace (1-24)</td>
<td></td>
<td></td>
<td>-0.596</td>
</tr>
<tr>
<td>Workplace (25-99)</td>
<td></td>
<td></td>
<td>-0.057</td>
</tr>
</tbody>
</table>

These findings have important implications for unions. On the one hand, if migrants settle down in the host country, they are almost as easy (or as difficult) to organise as native workers, relegating any talk of their ‘unorganisibility’ into the realm of myths. Indeed, union membership of migrants can be quite a strong indicator for the integration of migrants into the host society (Penninx/Roosblad 2000). On the other hand, unions have serious difficulties in organising more short-term migrants. This raises a number of issues for unions especially against the background of more transient forms of European labour mobility.

Unfortunately, the variable ‘union availability at the workplace’ was only included in the first questionnaire of the 2002 European Social Survey but not in later waves. It can be assumed, however, that migrants are less likely than native workers to work in unionised establishments as they are over-represented in private service sectors that have a comparatively low union density (Turner et al. 2008: 483).
Trade unions and migrant labour in the twenty-first century

For unions the nation-state is likely to remain their main frame of reference for the foreseeable future. It is at the national (or the local) level where they can conclude wage agreements with national employer organisations and enforce labour standards in co-operation with government agencies (Erne 2008). However, in response to the growing transnational character of much of contemporary labour mobility, solely national responses no longer suffice. To put it bluntly, unions have to transnationalise their strategies to protect local labour standards.

There is already some evidence of this happening. For instance, unions in the UK and Ireland have intensified co-operation with the two Polish trade union confederations OPZZ and Solidarnosc in the context of large-scale migration from Poland. This co-operation included the signing of agreements and the exchange of organisers with a view of improving the situation of migrant workers (Fitzgerald/Hardy 2010: 143-145). According to the largest Irish union, the Services, Industrial, Professional and Technical Union (SIPTU), the aim of such agreements is to ‘co-operate to ensure that they effectively counteract attempts to use competition between workers (especially migrant workers) to drive down and reduce levels of pay and working conditions’ (SIPTU 2007).

In countries such as Germany and Austria that share common borders with some new EU member states, unions have intensified co-operation with their counterparts from the NMS in Interregional Trade Union Councils (ITUCs). The role of these ITUCs is, among other things, to facilitate cross-border mobility in regions characterised by significant wage gaps and different socio-legal employment systems. This co-operation, however, was not without some disagreement as unions from the NMS would have preferred full mobility rights from day one of enlargement which German and Austrian unions opposed (Krings 2009).

The most ambitious project yet to organise mobile workers was the 2004 founding of the European Migrant Workers Union (EMWU) by IG BAU, the German construction union. The EMWU specifically aimed to organise posted workers in the European construction industry who are usually out of reach for national unions. Its aim was not to conclude separate collective agreements but rather to improve compliance with existing wage agreements and employment standards. However, the project did not develop as envisioned as it did not attract a sufficient number of new members to become self-sustaining. Moreover, EMWU did not receive the support of other European construction unions who were more inclined to view it as a possible ‘competitor’ in their respective national spheres of influence (Greer et al. 2013). Nevertheless, it represented an innovative organising project that took seriously the transnational character of much of today’s labour mobility in the enlarged European Union.

Besides co-operation at the national or regional level, unions increasingly utilise transnational union structures such as the European Trade Union Confederation (ETUC) and industry-wide European federations to deal with cross-border mobility issues. For instance, the European Federation of Building and Wood Workers (EFBWW) and the European Federation of Food, Agricultural and Tourism Trade Unions (EFFAT) have recently intensified their efforts to combat social dumping practices in the EU and to enforce local labour standards. Particularly attention has been paid to the 2014 EU Enforcement Directive which is supposed to improve compliance with labour standards for posted workers (www.stopsocialdumping.eu). Another more recent transnational union project is the multilingual European Construction Mobility Information Net (ECMIN) that provides

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As examples for this transnational union co-operation see for instance the Interregionale Gewerkschaftsrat Elbe-Neiße (www.igr-elbe-neisse.org) or Zukunft Grenzraum (IGR) (www.igr.at).

In 2008 EMWU has been restructured within IG BAU and since 2011 has become part of a new trade union network in Germany in support of mobile workers (www.faire-mobilitaet.de).
information on national labour standards in the European construction industry in twelve different languages (http://ecmin.efbww.org).

Thus, the aim of much union activity in the context of cross-border labour mobility is to defend national bargaining institutions and ‘to relocalize labor relations’ (Lillie/Greer 2007: 562). This, however, increasingly requires transnational co-operation and new ways of organising to reach out to an increasingly mobile migrant workforce in Europe.
Bibliography


