



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

WORKPLACE EUROPE

TRADE UNIONS SUPPORTING MOBILE AND MIGRANT WORKERS



With the support of the European Commission

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1. FOREWORD

Following its expansion, the EU has become a union of 27 countries with disparities in employment opportunities, incomes and living standards among member states. These disparities, together with the active promotion of mobility by EU institutions, have been at the origin of a growing mobility of people in search of better prospects, decent work and an improvement in their economic situation. With transitional measures, which impede free movement, coming to an end, it is now necessary to consider and reflect on how to make Europe a better workplace for all.

The European Union, taken as a whole, is one of the biggest and most prosperous economies in the world and, as such, one of the top destinations for economic migrants from third countries. Although member states have introduced restrictions on the entry of persons from third countries through migration policies, the reality is that in the last 10 years, the EU has received millions of workers from outside its borders; a great number of those coming through irregular channels.

“Widening disparities in income, wealth, human rights and security across countries serve as push factors towards migration. Migration in search of work has increasingly become a livelihood strategy for both women and men because of the lack of opportunities for full employment and decent work in many developing countries. At the same time, the proliferation of skill-intensive economic sectors, increased demand for skilled workers, reluctance of local workers to accept certain low-skilled jobs, and demographic trends such as population decline and population ageing in major destination countries act as strong pull factors.”¹

But the Promised Land is not always as expected and very often migrant and mobile workers encounter difficult situations: poor working and living conditions, including low wages, unsafe working environments, a virtual absence of social protection, a denial of the freedom of association and workers’ rights, discrimination and xenophobia, exploitation, administrative burdens, communications barriers and isolation, etc. Very often, they find themselves alone and unable to solve these problems, especially those related to work.

¹ International Labour Migration. A rights based approach. Geneva. International Labour Office 2010. ILO

European and national legislation already establish the grounds for equal treatment and non-discrimination, but the reality can be quite different - mobile and migrant workers are among those groups that experience discrimination most often. Migrant integration policies in many destination countries leave much to be desired. Despite a genuine demand for workers, numerous immigration barriers persist in destination countries. International standards exist to protect migrants, but their rights as workers are too often undermined, especially if their status is irregular.

The different cultures and traditions of workers' countries of origin can also make finding the right solutions to their problems, or the need for information, advice, support or integration much more difficult for them.

2. INTRODUCTION

Labour migration is currently a major issue that affects every member state in the EU and is at the top of the political agenda. It is also a key issue for the ETUC and its affiliates, because of the role trade unions play in promoting decent work, integration and social justice and cohesion. It cuts across labour standards, employment, social protection and social dialogue. Trade unions must work to ensure that migrant and mobile workers' rights are protected by legislation, policies and practices of member states and stakeholders, enforcing a rights-based approach to labour migration.

Although the free movement and equal treatment of workers within the EU is one of the four fundamental freedoms established in the European Treaties, the reality is often quite different... Achieving genuine freedom of movement, equal treatment and mobility within the EU 27 will demand a greater effort to integrate the new member states and their inhabitants into the notion of EU citizenship and identity. However, this will only be possible if, at both national and local levels, social cohesion is promoted and industrial relations systems and collective agreements are respected and not called into question.

This document aims to shed light on the activities and efforts of trade unions across Europe, to help migrant and mobile workers. It also seeks to highlight the success stories as well as the barriers and obstacles that unions face in their daily work in this area. It also examines 'good practices', in order to determine how to strengthen the trade union movement's capacity to participate in the shaping of migration policies and the promotion of sound labour migration practices, as well as how to reach out to migrant workers themselves. Finally, it seeks to identify a 'how to' in coordinating efforts; how trade unions should respond to new challenges in the protection of workers and social justice in a globalized world and what principles and guidelines can be developed in our strategy towards migration and mobility.

Despite the setting up of some public services by EU and national governments to help mobile and migrant workers with their needs, the bulk of the work is actually carried out by trade unions and NGOs.

It is well recognised that NGOs do a good job assisting migrants in difficult situations; irregulars, the homeless, etc., but when it comes to job-related issues, trade unions are in a better place to help migrants and are effectively doing so.

The ETUC will launch an internal discussion in order to develop a European Trade Union strategy on migration and mobility for the next ETUC Congress in 2011.

3. MOBILITY AND MIGRATION AT THE EU: ETUC POSITIONS

Free movement for workers means that every EU national has the right to work, and at the same time live, in any other EU country.

This fundamental freedom (laid down in Article 39 of the EC Treaty) entitles EU citizens to: look for a job in another country; work there without needing a work permit; live there for that purpose; stay there even after employment has finished; enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages that may enhance the process of integration into the host country.

The free movement of workers in the European Union is based on the general principle of eliminating any direct or indirect discrimination based on nationality as regards to employment, remuneration and other working conditions, access to accommodation and a worker's right to be joined by his/her family. It also provides for the implementation of a system matching job vacancies with applications via specialised services cooperating at the European level.²

However, mobile workers often face discrimination in many of the aforementioned areas. For that reason, the European Trade Union Confederation (ETUC) has demanded greater protection and fair conditions for mobility. In its **resolution** "*Conditions for free movement: more protection for workers and fair competition*" adopted on 28 April 2009, ETUC called for the full implementation of the free movement principles in the context of fair competition and that accompanying measures be in place both at the national and European level. It also called for a fair internal market, combining open borders with adequate protection for workers as well as, the revision of the Directive on the posting of workers, restoring its primary objective: ensuring a climate of fair competition and respecting workers' rights.

Trade unions at the national levels are dealing with mobile workers, attempting to advise and support them in terms of employment and social issues.

² Council Regulation (EEC) No [1612/68](#) of 15 October 1968 on the free movement of workers within the Community

According to the Commission's report on the first phase of Transitional Arrangements³, mobile workers from the countries that joined the EU in 2004 and 2007 have had a generally positive impact on Member States' economies; workers from the EU-8 as well as Bulgaria and Romania have made a significant contribution to sustained economic growth. They have not caused serious disturbances in the labour markets of the member states, nor have they significantly displaced local workers or driven down their wages. The report states that both for the EU as a whole and for most individual countries, labour flows have been limited compared to the size of labour markets and to inflows from non-EU countries.

However, the ETUC has stated that in terms of the increased mobility of workers and services, neither the social impacts of mobility nor the problems and concerns of workers and citizens (both in sending and receiving countries) have been sufficiently addressed. Such problems and barriers have been highlighted by research carried out in the ETUC project '**Workplace Europe**' through the participation of trade union members working on the areas of mobility and migration at national level.

In many sectors, cross-border labour markets are on the increase, where the mobility of labour and the provision of services are intertwined (agriculture, construction, tourism, commercial services, etc.). However, most of the cross-border workers involved have very limited knowledge of the rules and regulations that apply to their job or workplace (in the host country) and labour rights and (minimum) standards with regard to wages, working conditions and social security regulations that should be applied to them. Many live and work in isolation and – partly because of language barriers - have little contact with colleagues or host country communities. When their immigration or employment status is not clear, irregular or precarious, many live in fear of their employers and/or public authorities.

Most cross-border workers have difficulty finding people and organisations whom they can trust to give them reliable information and genuine support.

Trade unions can play a key role in providing this information and support by developing appropriate tools and instruments to reach out to these workers which are visible, available and accessible.

The ETUC has always supported the general principles underlying the European Union in terms of the free movement of workers within the boundaries of the Union, equal treatment of all

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The impact of free movement of workers in the context of EU enlargement - Report on the first phase (1 January 2007 – 31 December 2008) of the Transitional Arrangements set out in the 2005 Accession Treaty and as requested according to the Transitional Arrangement set out in the 2003 Accession Treaty [[COM\(2008\) 765](#) final]

workers in EU territory, and social and political integration of migrant and ethnic minority workers.

In March 2005, in its response to the European Commission's Green Paper on economic migration⁴, ETUC called for a *more open and pro-active EU policy on migration and integration*.

In December 2005, ETUC adopted a **resolution** on the review of the transitional restrictions applicable to the free movement of new member state workers. The resolution highlights the fact that, from the very beginning, the worker's right to free movement was complemented by the right to be treated equally to nationals of the host EU member state. Thus, recognizing the right of mobility cannot exist without the complementary recognition of social rights and social protection.

In recent years, however, trade unions and workers across Europe have faced greater difficulty in ensuring the recognition, application and enforcement of equal treatment, social rights and social protection for migrant and mobile workers (including posted workers). In turn, this has challenged the solidarity structures of social systems and the trade union movement.

In April 2009, ETUC adopted a new **resolution** on how to better protect workers' rights in the context of increasing mobility of workers and services, while preventing protectionism.

An important element of the ETUC policy is the recognition that, in a growing Europe and an ever-globalizing economy, it is high time to develop an adequate trade union response. Trade unions should, on one hand, make use of their existing and potential strengths, while on the other hand, adapt to changing circumstances – such as increased mobility – within a 'Europeanization' of the labour market. The European trade union movement covers a large part of Europe and should be able to develop cross-border cooperation, mutual support systems, innovative ways of organizing and collective bargaining, as well as solve problems related to trade union membership, which is often company or sector-based and not geared towards workers moving across regions and borders.

That is the great challenge that lies ahead for ETUC and its affiliates.

Good practices are already being developed by affiliates in several European countries and regions. In 2004, Finnish unions established an office in Tallinn to give information and advice to Estonian workers interested in working in Finland⁵, and are now developing initiatives

⁴ EN version on ETUC website: <http://www.etuc.org/a/1159>

⁵ Unfortunately, this office is now closed, not because of lack of success, but because the necessary funding could not be found

across the Baltic region; Polish trade union officers have gone to London to work together with the Trade Union Congress (TUC) in providing information and advice to Polish workers in the UK; Austrian unions have made an agreement with Hungarian unions to give legal advice and support to Hungarian trade union members employed in Austria. Italian unions are considering modernizing their old support system for Italians abroad, the Patronato, into a service for all kinds of migrant workers.

The ETUC wants to bring all these experiences together – including experiences with the IRTUC's (Interregional Trade Union Councils) – to provide trade union activists across Europe with information, training and support in developing similar actions and activities, and to help bring about more elaborate and widespread forms of cross-border information, advice and support for migrant/mobile workers.

All EU member states are affected by the flow of international migration and have agreed to develop a common immigration policy at the EU level. The European Commission (EC) has made proposals for developing this policy with the intention of revamping restrictive immigration policies in place since the 1970s in most member states. However, the latest proposals made by the Commission seem to reveal that the true objective of EU Migration Policy is simply to take advantage of the positive economic impact of migration. While opening channels for highly-skilled and non-resident migrant workers (like seasonal and intra-corporate transferees), migrant workers would be excluded from the benefits of EU residency and equal treatment with nationals and sent to their countries of origin once the European economies need them no longer. According to the Commission, the European population would be most open to a kind of migration that accepts low salaries and then leaves the country before needing any public assistance or creating additional costs for the State.

The ETUC is in favour of a comprehensive policy at the EU level on migration, integration and development; one that offers legal channels for migration while at the same time rigorously applies and enforces labour standards and guarantees equal treatment with local workers. It is also very much in favour of a level playing field of rights for all migrant groups. A more proactive migration policy is needed, offering legal channels for migration and promoting proper integration policies.

Member states must be encouraged to implement measures to protect and assist third country nationals in the territories where they were employed, and prevent a one-sided focus on attempts to send home all who have lost their jobs. The rise in unemployment levels has seen a shadow cast on the possibilities for regular immigration, as well as an increase in the numbers of third-country nationals who have lost their jobs and often the related work and residency permits. Frequently, migrants are not entitled to adequate social protection to the same extent as local workers; thus it is necessary not to underestimate the impact of the crisis on immigrants. There is a serious risk of rising levels of irregular migrants and the corresponding levels of poverty, which undermines social cohesion in certain regions with high unemployment and a high presence of migrants.

ETUC is faced with a manifold challenge: providing European citizens and workers (including its current immigrant and ethnic minority inhabitants) with the perspective of a sustainable social Europe, and contributing to a fairer globalisation process in which economic and social progress go hand-in-hand in all parts of the world. ETUC supports the adoption of a more proactive EU policy on migration and integration in the interest of Europe's current and future population, based on the recognition of fundamental social rights of both current citizens and newcomers and embedded in strong employment and development policies.

Trade Unions without Borders

At the 1999 Helsinki Congress, ETUC approved a **resolution** ("Trade Unions without Borders") to develop mutual, cross-border support systems on a bilateral and multilateral basis, thereby bringing about solidarity and mutual understanding, while contributing to social cohesion within an enlarging European Union.

It was a call for the 'Europeanization' of trade unions and for a further increase in their capacity to act at the European level through the ETUC and the European Industry Federations. It also demanded the development of cross-border solidarity so that the rights of workers on professional placements would be guaranteed and defended irrespective of their national trade union affiliation.

In 2007, during its 11th Congress in Seville, ETUC confirmed its commitment to work towards achieving a true, "border-less" European trade union movement. In 2010, the ETUC is engaged in discussions on how to further develop this issue and recently launched an enquiry, with the help of the European Trade Union Institute, on the various experiences of national and sector-based unions with cross-border recognition of membership.

4. Making Europe a better workplace for all: WORKPLACE EUROPE PROJECT

'Making Europe a better workplace for all' means that trade unions must undertake major efforts and invest resources in activities dedicated to assisting and supporting migrant and mobile workers from both a horizontal approach and on all levels.

Through the research carried out by the project, we have tried to map out all activities in order to determine strong and well-developed areas of trade union action as well as weak or difficult areas.

Although this project was initially focused on actions directed towards mobile workers, it has been stated during the research that trade unions rarely differentiate between EU and non-EU foreign workers in terms of support and assistance. Therefore, it was difficult to separate both scopes in terms of different activities carried out. However, this fact has added an important complexity to the analysis.

In general terms, the main objectives of the project were:

- To gather information about trade union activities to support migrant and mobile workers and their families, increasing their chances and opportunities for access to decent jobs and inclusion and integration in workplaces and host societies.
- To seek innovative ways of informing, supporting, protecting and organising migrant/mobile workers and their families.

In order to:

- Help migrant/mobile workers (including temporary and posted workers) to overcome barriers and obstacles to full and equal participation in labour markets across Europe.
- Inform trade unions across Europe about good practices and take up similar actions and activities in other countries/sectors.
- Develop good practice models that can be disseminated and duplicated throughout Europe.

In the initial approach, we observed that it was a very broad area of study with very many differences in terms of carrying out activities. The perspectives from origin and destination countries were widely varied and contradictory on occasions. Some countries were, at the same time, both origin and destination and even transit countries for non-EU nationals. We found countries with a high number of immigrants whose organizations were more conscious and active in this area than those where the number of migrant and mobile workers was very low.

In all cases, however, the strong existing international cooperation between unions has been evident, not only intra-EU but also within organizations from third countries, which adds richness, as well as complexity, to the area investigated. International cooperation has been revealed as a key factor for the success of any trade union action dealing with migration and mobility, as mutual help and understanding are extremely important issues in this regard.

Finally, it is important to consider that the differences in trade union activities at the national level can also vary depending on a series of facts. One of these is the position of unions in terms of strength and influence. For example, due to their relevant positions in their respective countries, Italian and Spanish and Greek unions have developed an extensive network of information centres around the country to provide advice and support to migrant and mobile workers. On the other hand, trade unions in a less powerful situation have often complained that it is impossible for them to develop special activities in this type of area, due mainly to their lack of resources and the reluctance of their own members.

Other contexts like the different economic and labour market conditions in EU member states, the national contextual and historical factors and/or the characteristics of immigrants in each country must also be considered, although they have not been considered for this investigation.

4.1 Trade union horizontal approach to migration and mobility

Trade unions in Europe are and have been very active in helping migrant and mobile workers. Through years and experience, they have understood migration in a horizontal way, developing actions at all levels of intervention.

The first level of action is normally focused on the direct intervention with mobile and migrant workers and their initial need for support. This is carried out mainly by federations and local branches. Helping workers at this phase means:

- Offering information about their rights, the labour market and the country in different languages to overcome the initial communications barriers that may exist.
- Supporting work-related claims.
- Giving advice and providing legal services in the case that legal representation in work-related judicial processes is needed.
- Helping workers to organize and fight for their rights.
- Incorporating workers into the union.

However, these activities must be complemented by others involving employers, companies and workplaces and typically developed by federations, but also by confederations. The activities at this stage involve:

- Negotiations to introduce systems of respect and the protection of mobile and migrant workers rights into collective agreements and to remove barriers and burdens.
- Agreements to improve integration and non-discrimination, including managing diversity.
- Monitoring workplaces to ensure labour law is respected and cooperation in labour inspections.
- Raising awareness of social dialogue at different levels regarding specific migrant and mobile worker issues.

Due to the close relationship between the situation of migrant and mobile workers and the state of play of migration policy, trade unions have been involved in and developed mechanisms to influence government and public administration decisions affecting these workers. As social partners, trade unions are the driving force in the improvement of labour and living conditions of migrant and mobile workers by:

- Participating in the creation and/or modification of immigration laws: regular and irregular migration, integration, labour market regulations, etc.

- Being part of the labour market and social observatories dedicated to migration issues.
- In some countries, being involved in the decision-making process to determine labour market shortages.
- Developing joint programmes with governments and public authorities for the welcoming, informing and supporting or migrant and mobile workers.
- Negotiating and demanding that public authorities remove obstacles and burdens to mobility.
- Working on the recognition of qualifications to avoid brain waste.

Migration and mobility have a serious impact on societies and trade unions understand that to work with local populations in countries of origin and destination is extremely important as well. Therefore, efforts and resources are dedicated to activities such as:

- Awareness of local populations to counter racism and xenophobia and promote integration and equal rights: demonstrations, cultural events, sport activities, etc.
- Organising cooperation agreements with civil society organizations to help in non-work related migration issues.
- Supporting community initiatives and demands related to migrant and mobile persons.
- Being actors in development cooperation with third countries to help avoid the negative consequences of migration in the countries of origin: youth drain, brain drain, labour market shortages, children left behind, etc.

4.2 Searching for a common language

It was made clear at the beginning and during the initial discussions of this project that there is no agreement on basic definitions related to mobile and migrant workers and that there are different uses for the same terms. The agreed definitions used for this project, and understood as the most commonly accepted, were as follows:

- **Mobile worker:** person of nationality from one of the 27 EU member states working in another EU member state. Based on mobility rights: free movement of persons within the EU.
- **Regular migrant worker:** a person with third-country nationality (= non-EU) legally residing and legally working in an EU member state.
- **Cross-border worker/commuter:** person working in one EU member state but having his/her main residence in the territory of another EU member state to which he/she goes back regularly (at least once a week).
- **Posted worker:** a person who, in the framework of the provision of services (i.e. as a worker of a foreign subcontractor, as a worker of an intermediary or as a worker of a service provider), and for a limited period of time, carries out his/her work in the

territory of an EU member state other than the state in which he/she normally works.
(Not to be confused with posted workers from third countries whose undertaking is in a third country)

However, the regional seminars showed that 'migrant' and 'mobile worker' are concepts often used to describe the same situations, especially in cross-border regions with a high presence of commuters, where mobile and migrant workers are considered as identical: worker from another country, outside the border region, regardless of whether the country of origin was an EU or non-EU member State. This repeated confusion reveals: 1) the lack of differentiation in trade unions regarding their activities backing foreign workers; 2) the lack of assumption that mobile workers are like national workers in terms of rights and legal status; 3) the need to find a consensus on fundamental terms.

4.3 Gender mainstreaming

Since the beginning, the gender dimension has been relevant for the project, taking into account that:

- A growing percentage of migrant/mobile workers are women.
- Mobility creates specific problems for female workers and their families because of the fact that women are still the main caretakers with regard to children and dependent relatives, but that increasingly male migrant workers are faced with similar problems.
- Information, advice, supports and protection of female migrant workers must be geared to their specific needs.

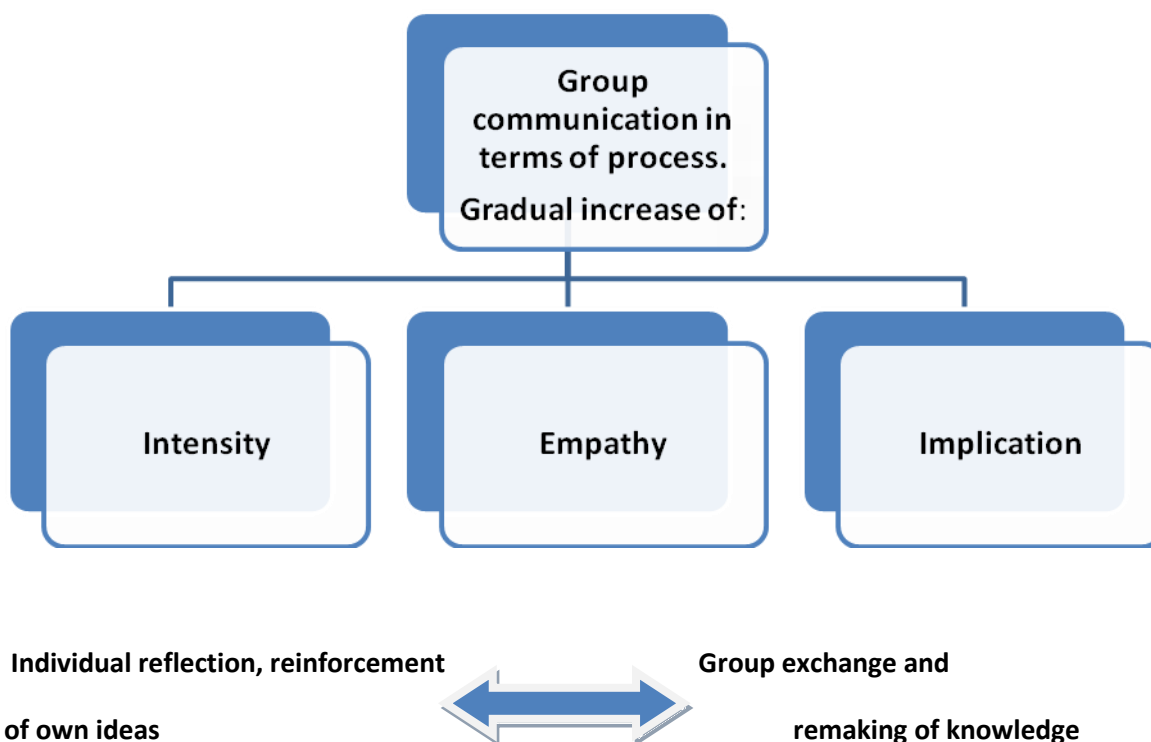
With the aim of paying special attention to women and their specific needs, we tried to research specific trade union actions regarding female mobile and migrant workers. The query sent for the collection of good practices included several questions regarding women.

However, no action regarding specific needs of migrant and mobile women was found and during the discussions at the regional seminars, no specific issues were raised regarding this topic. Although reasons could be put forward in order to explain this lack of action (i.e. there is no need to set up specific actions for female migrant workers because they face the same problems as men), the fact that there isn't any research on this topic makes it to explain and leaves the door open to further discussion.

4.4 Methodology

The methodology used for this project combines different techniques which complement each other.

PARICIPATIVE METHODOLOGY: TO BUILD IN GROUP



The aims of this project were:

- ① to map and investigate innovative ways and instruments of cross-border trade union action and activity to help migrant/mobile workers (including temporary and posted workers) to overcome barriers and obstacles to participate fully and equally in labour markets across Europe,
- ② to inform trade unions across Europe about good practices developed by colleagues elsewhere, and discuss with them how they can take up similar actions and activities in their countries and/or sectors,
- ③ To develop a model (or several good practice models) that can be disseminated and multiplied throughout Europe.

These aims correspond to the goals pursued by the participatory action research, which are focused on improving the performance quality of the community or an area of concern, in other words, improving the performance quality of trade union actions on mobility and migration to better help those workers.

The participatory action research is both a research methodology and a social intervention process through which the participants are both active subjects and main figures of the transformation projects of the social, institutional or organizational environments which they are part of. This method does not offer a list of solutions but rather encourages exchanges among persons and groups, who, after reflexion processes, contribute to the improvement of their performances.

We decided to use this method also because the participatory research proceeds through repeated cycles, in which researchers and the community a) start with the identification of major issues, concerns and problems, b) initiate research, c) originate action, d) learn about this action and e) proceed to a new research and action cycle. This way of working perfectly matched the intentions of this project and should be in the base of the project follow up.

To identify the major issues, concerns and problems as well as to map the area of action, a questionnaire was designed following the DELPHI model: a systematic, interactive forecasting method which relies on a panel of experts. In this case, trade union experts on mobility and migration were asked to fill out the questionnaire. The outcomes were then analysed and presented to the participants as feed back in the regional seminars, to allow them to revise their earlier answers in light of replies from the rest of the group, with the goal of converging towards the correct or agreed upon answer.

During the seminars, the participants were able to:

- examine trade union actions for migrant workers
- discuss and exchange about trade union strategies aiming at improving those conditions
- identify areas of cooperation between trade unions
- put together proposals for future trade union actions/strategies at national and EU level

Working on the above mentioned goals through knowledge construction in groups, the final aim was to produce recommendations and proposals on how to better adapt trade union actions to the new reality of mobile and migrant workers in the EU. Although some of these proposals were suggested during the seminars, the final proposals and recommendations will be elaborated in the working groups which will take place during the final conference.

5. Collection of good practices

An inventory of good practice examples and experiences with trade union actions in the area of migration has been carried out, updating information gathered in 2006 in an enquiry among

member organisations of ETUC and specific (trade union and other) structures in which trade unions participate around mobility (IRTUC's).

The questionnaire was divided into three main areas of action:

1. Providing migrant/mobile workers with information, advice and support:
 - a) In their home country (before leaving) and/or
 - b) In the host country

2. Organising and recruiting migrant/mobile workers:
 - a) Affiliating them to the unions established in the host country and/or
 - b) Recognizing their membership in unions established in the home country.

3. Integrating migrant/mobile workers into the trade union movement, workplace and working life of the host country.

It included a set of questions to gather information about the main barriers faced and the most relevant achievements reached through the actions developed. This information was very important to identify future action strategies.

In addition, it incorporated several questions designed to gather information about hot topics considered as significant factors for researching what trade union policies and practices on mobility and migration are, such as:

- questions on the recognition of membership and the requirements for the affiliation of mobile and migrant workers
- Questions about trade union policies related to the integration of mobile and migrant workers in the workplaces and labour markets through collective bargaining and social dialogue practices.

6. Outcomes of the questionnaire

In the questionnaire, there were three separate areas to answer, and the participants were asked to fill out only the ones they had developed actions on.

The complexity and wideness of the topic (mobility and migration in the EU), in addition to the aim of collecting as much information as possible, made the questionnaire longer than

intended and sometimes difficult to fill out. Nevertheless, the amount of responses obtained and the quality of the information gathered have made it useful and worthwhile.

In total, we collected 112 responses⁶. This number has been considered as a great success in total terms and also compared to the collection in 2006, but several problems in the distribution channels were noticed and the questionnaire did not always reach the lower levels of the organizations. Although the instructions clearly asked for the questionnaires to be forwarded to trade unions (federations) and regional and local branches, we received very few answers from those levels. It was assumed that these structures were in close contact with mobile and migrant workers and unfortunately, the collection of their practices would have been very useful for the research, adding a sector and reality-based perspective.

Fifty-three per cent (53%) of the answers referred to the area of **information, advice and support** of mobile/migrant workers. These results shows that trade unions do care about assisting migrant workers in their needs, as more than half of the answers explained activities that have been dedicated to this subject. It is also worth highlighting that in general, unions tend to be highly satisfied with the results of these activities in terms of investment-achieved results.

With regard to the activities on **organizing and recruiting** mobile and migrant workers, 24% of the answers described practices in this area. Many participants in the regional seminars expressed great difficulty in recruiting migrant and mobile workers due to a series of barriers such as language, culture and because in many cases they are concentrated in precarious sectors with poor working conditions where recruiting is difficult in general. Due to these difficulties, the low probabilities of success and the lack of resources, trade unions face several impediments in terms of developing specific activities to organize mobile and migrant workers. However, the lack of participation from sector unions (federations) could also explain that organizing and recruiting activities represent only a quarter of the total amount of answers.

On the topic of **integration** of mobile and migrant workers into the trade union movement, workplaces and working life of the host country, the answers represent 23% of the total. There are several aspects that could explain this lack of action in collective bargaining, labour markets and societies. Once again, while it could be related to the lack of sector experiences received, it could also be due to a lack of assessment and data about the integration of foreign workers in societies in EU, and especially in the labour markets. Managing diversity is an emerging subject which many unions are learning how to deal with.

The analyses of the questionnaires, as well as the discussions held in the regional seminars, showed that in general, trade unions realize that their actions taken with regard to

⁶ Each area answered counts 1

information, advice and support are integral activities covering the three areas. The participants agreed that providing information, advice and support to migrant and mobile workers:

- Helps to bring them closer to the union movement, by showing them in advance what a union is, what it can do for them and why it is important to belong to it.
- facilitates the organization and recruitment of those workers, who have been previous users of services provided and have been in touch with the organizations
- Helps them integrate into the labour markets, workplaces and trade unions, since they receive information and training about important issues concerning laws, regulations, languages, customs and traditions and they are also assisted in their process of adapting to new host society.

6.1 Participation in the questionnaire

We received answers from all EU member states except for: Sweden and Romania. We also received answers from Croatia -which was included in the project as an accession country- and from Norway.

The two most participative countries were Spain (17 answers) and Italy (14). Other countries who participated well were Germany (9), Finland (9) and Belgium (8).

Looking at the different trade union structures and their participation in the questionnaire, the confederations sent 60% of the total amount of responses. The second biggest group were IRTUCs with 20%. On the other hand, only 10% of the answers came from regional branches and 10% as well from sector unions.

6.2 Target group

Originally, the target group for the research was mobile and migrant workers, including posted workers, nationals from EU member states and accession/candidate countries. However, it was agreed that migrant workers from third countries on EU territory should not be excluded, taking into account the ETUC's aspiration - as also guaranteed in the EU treaties and policies - to treat all workers on EU territory equally.

From the responses to the questionnaires, it can be extracted that trade union actions try to cover all types of foreign workers, without making a distinction based on nationality, EU citizenship or administrative situation. In most of the cases, it has been stated by the participants in the seminars that it is very difficult to establish this kind of distinction in terms of action.

However, the highest scored was the group of EU nationals, which in the area of information counted 75% of the answers, 15 points higher than the option “all migrants” due to the fact that many of the activities on information within the IRTUCs relate only to mobile workers, that is, nationals from an EU member state.

6.3 Level of action

Once more, the answers to this question indicate that the activities try to cover different levels. The most common are activities at national level and regional level. This is related to the type of structures which sent the biggest number of replies: IRTUCs and confederations.

The most uncommon are local and sectoral structures, because the participation of local branches and sector unions (federations) was significantly lower, in part because of some difficulties in the dissemination of the questionnaire.

On the other hand, there is a significant cooperation in cross-border regions, taking into account the high number of activities at this level. However, the international cooperation is very low outside the IRTUCs structures.

6.4 Type of action

Regarding the variety of action forms, the most common type used consisted in publications. Seminars, conferences and services are also amongst the most used.

Other types of actions also common are networks, union training and campaigns.

On the other hand, open days and cultural events are the less used, taking into account that those forms are the furthest ones from the traditional trade union ways of action.

6.5 Cooperation with other organizations

Out of a total of 112 responses, 90 were declared to be actions in cooperation with other trade unions, -especially in the area of information, advice and support of migrant workers-, while in the other two areas the cooperation between unions was less than half.

Around 40% of the answers were in cooperation with Non-governmental organizations (NGOs), although if the contents of the actions are taken into account, the result might more realistically reflect a wish or an intention of those polled than any type of real cooperation.

6.6 Cooperation with other countries

The level of international cooperation on the grounds of migration and mobility seems to be less than expected, especially with third countries.

The cooperation in the border regions through the IRTUCs structures is nevertheless an example to be followed in the future.

In analysing the answers, some cooperation trends can be identified, corresponding to migration flows and historical links, for instance:

- IRTUCs in the European border regions
- Baltic Sea Region: Finland, Sweden, Norway, Denmark, Germany, Poland, Lithuania, Latvia, Estonia
- Hungary, Romania, Serbia
- Spain, Morocco, Senegal, Mauritania, Ecuador, Colombia, Bolivia, Peru
- France, Spain
- Spain, Portugal, Morocco
- Finland, Estonia
- Latvia, Ireland, Sweden, Denmark, Germany
- Estonia, Poland
- Greece, Albania, Egypt

6.7 Resources financing the actions

One of the most important barriers declared by the participants in terms of carrying out trade union actions on migration and mobility is the lack of resources, mainly economic ones.

Regarding the answers, 83 of the 112 declared to be self-financed by the union, but 41% of the total also used European funds. National and regional funds were employed by 35% of the actions and only 13% declared to have used other resources, like funds from employers.

This indicates the great effort that trade unions are making in dedicating part of their resources to this type of action, in some cases even facing the reluctance of their own members.

7. Analysis of the three areas of action

An important part of the questionnaire aimed to collect information about the contents of the good practices developed by the organizations. The study of the answers revealed some interesting outcomes presented here.

7.1 Area 1: Information, advice and support of mobile and migrant workers

As it has been previously said, the activities on information, advice and support of mobile and migrant workers tend to present an integral character, aiming to cover the three main areas. After an in depth evaluation of the contents of these kinds of practices, a distinction can be made between:

- **Actions intending to prepare and adapt the trade union to give adequate answers to migrant and mobile workers** (around 20% of the total number of actions gathered for area 1): like the Baltic Sea Labour Network⁷ or the Mobilnet Project from Eurocadres.

In general, these actions include activities like cross-border meetings between unions and cross-border employment observatories (IRTUCs) research investigating the stay of play prior to developing any actions (Leonardo projects); cooperation between union networks from different countries to share information and knowledge to better develop activities supporting migrant and mobile workers (BSLN); meetings to build relationships with other organizations active on the field like migrant organizations, NGOs, migrant media, etc. (LBAS Latvia, EKA⁸ Greece).

In particular, the activities developed within the IRTUCs referred to the creation of transnational employment observatories regarding the labour markets, qualifications and competences, training needs, social data, seasonal work, etc. The IRTUCs are strong and effective structures for trade union cooperation in the form of meetings, training courses, studies and creation of networks, which are vital to prepare the trade union response on mobility and migration.

- **Actions to provide information and support directly to mobile and migrant workers** (around 80% of the total of actions gathered for area 1): the most widely-developed action by the majority of the unions is the publication of information brochures in different languages as well as campaigns and sessions providing information about social and labour rights for foreign workers.

The Spanish, Greek and Italian unions have developed a national network of contact points for migrant and mobile workers, which offer information on labour and social

⁷ Baltic Sea Labour Network Project is describe in depth in Area 1 Model 1

⁸ EKA : ATHENS LABOUR UNIONS ORGANIZATION (Member of the Greek General Confederation of Labour- GSEE)

issues and legal advice services⁹, notably starting this support in the countries of origin. For example, this is the case of the CCOO CITES¹⁰ in Spain.

Some unions have signed bilateral agreements to support migrant workers (LTU Lithuania with Ukraine, Russia and Belarus, Greece and Bulgaria) providing legal assistance for problems related to labour relations.

The use of interpreters or officers able to provide information and support to foreign workers in their own language has also been developed as an action for some unions as a way to overcome linguistic barriers (such as, the Finish Metal Workers Federation, the Greek EKA)

It is important to highlight that actions have been taken in two especially vulnerable categories of mobile and migrant workers: posted workers and undocumented workers. Regarding posted workers, in the building sites of the Loire At antique region (France), CGT¹¹ organized an action plan to localize subcontracted foreign companies, monitor the living and working conditions of the posted workers and contact them and distribute information in their language, ???. They created an information and coordination network in the trade union and among local and posted workers, cooperating simultaneously with NGO's and other associations to raise awareness in public opinion and to provide these workers with human and material support in case of conflict.

Also in Berlin, DBG has reported a new project which is working to create a contact point for posted workers. In addition, LO Norway provides information and organises these group.

Regarding undocumented workers, CSC/Belgium has organised a committee for undocumented migrant workers in the Bruxelles Hal Vilvorde region to support and advise them. They even organised a demonstration for undocumented migrant workers rights and regularization.

Model 1: Baltic Sea Labour Network

The Baltic Sea Labour Network (BSLN) is a transnational cooperation project of 22 partners and associated partners from 9 countries in the Baltic Sea Region (Finland, Sweden, Norway,

⁹ This practice is described in depth in Area 1 Model 2 and 3 respectively.

¹⁰ Centros de Integracion del Trabajador Extranjero

¹¹ Confédération générale du travail (France)

Denmark, Germany, Poland, Lithuania, Latvia and Estonia). In the context of the recent enlargement of the EU countries and the technical and social consequences for the labour market and mobility, new coordination policies to ensure the implementation of all the steps, rules and rights are necessary for handling this process. The area is especially prolific in worker flows, making the elaboration of trade, union, and social and political plans so important. The project started in October 2008 and will continue until 2011.

The Baltic Sea Labour Network was born with the purpose of creating a platform in the region area to have coordination.

One of the main objectives of the Baltic Sea Labour Network (BSLN) is to develop a political agenda for Sustainable Labour Markets in the Baltic Sea Region. The Agenda will be prepared in cooperation with employer organizations, trade unions, politicians, academics and various labour market experts.

Another aim in the thematic area is to look for solutions to the consequences of the economic crisis and mobility of labour in the Baltic Sea labour markets by using social dialogue and active labour market policies.

The Baltic Sea region faces economic disparities causing a significant migration of workers. There are substantial differences in wage levels, labour market policies, social and working conditions and industrial relations and traditions. Migrant workers often work below their qualification levels and under in worse conditions than local workers. Among the consequences of this is a loss of competence and qualification in the work force. These issues have to be seen in the context of an increasing international competition for labour.

In order to counteract negative developments in labour markets, the policies- which until now have only been handled on a national level – need to be better organised on a transnational level. In its efforts to achieve this goal, the project BSLN will create a network that will identify improvements in existing labour market policies. BSLN will facilitate interaction among non-governmental organisations, politicians, public officials and experts. In particular, the project will address demographic changes and migration processes.

Activities, processes and steps involved:

Under the framework of the Baltic Network, the BSLN project has created a huge structure in the labour market.

Since October 2008, many tools for coordination have been created. There are two levels of action – national and transnational. At the transnational level, there are seminars, meetings, research, networking and lobbying. At the national level, for instance, our colleagues in Finland have made developments under the Umbrella of BSLN. Akava, STTK and SAK¹² have conducted qualitative interviews based on the attitude of immigrants regarding trade unions, network with public authorities and affiliates, as well as other actors that work with immigration and cross-border mobility, publish material and conduct training on trade unions and migrants for trade union officials. Another example of bilateral transnational coordination is in the border region between Poland and Germany which is marked by differences in economic structures and the varying degree of economic development. Cross-border mobility in this region is expected to increase after the restriction on free movement comes to an end in 2011.

Currently, these programs are limited by objective barriers as well as by a lack of data on the respective labour and vocational training markets, on working conditions in enterprises, by qualification requirements, and by different social insurance systems.

The aim of the BSLN project is to develop a concept for an information and competence centre, which would address these challenges and develop strategies as well as approaches. The idea will be developed in a collaborative effort by the German partners Nordmetal Employers' association of the metal and electronics industry, the Education and Training Centre for Hamburg Businesses (BWH) and the Confederation of German Trade Unions Northern Region (DGB), together with the Polish partners NSZZ 'Solidarnosc' and The All-Poland Alliance of Trade Unions (OPZZ).

During the entire project, the BSLN has had a structure similar to a normal national social dialogue paying close attention to transnational relations work to provide a comprehensive picture of the challenges facing the Baltic Sea labour markets in the BSLN Network of

¹² STTK The Finnish Confederation of Professionals; SAK Management workers and AKAVA Academic Employees

Knowledge. In addition, a forum was created for policy and decision makers to combine knowledge and ideas in order to come up with strategies and practical solutions.

In summary, the BSLN has the following;

- A Steering Committee (strategic and political decision-making body of the project) consisting of 8 representatives from trade unions, employer organisations and political bodies to influence and shape Baltic Sea labour market policies.
- The project manager group with the support of a facilitator team, coordination centres and a project coordinator in each of the twenty-six countries involved, to reach the common goals of the project.
- A development forum for decision and conferences
- A network of professional experts, researchers and academics to provide a comprehensive picture of the challenges facing the Baltic Sea labour markets.

Model 2: Information Centres for Foreign Workers CITES-CCOO

CITES is an organization created by the union Comisiones Obreras (CCOO) that supports migrant workers. The CITES was founded in 1986 in advance of incipient flows migration flows and in the wake of the first immigration in order to adapt Spanish national law to EU framework law regulations. In that context, CITE promotes, offers and gives services in all fields of immigration law and rights law and rights, including information, advice, support and most commonly, consulting services for immigrants, as well as work and resident permit processes. The CITE is the first point of contact between the immigrant and trade union movement.

Currently, the SIGES-CITES has eighty-six offices where the CCOO staffs provide a great quantity of different services for immigrants.

General activities:

1. Support and provide information to immigrant groups in labour and foreign national issues.
2. Provide legal services for immigrants who may be the object of exploitation and harassment and could present claims and formal complaints in accordance with current legislation.
3. To combat discrimination and intolerance that damage labour and social integration.

4. To support those in an irregular situation by providing legal assistance with the objective of regularizing workers and defending their fundamental rights.
5. To update and provide permanent legal information to ensure the full recognition of rights in particular labour cases.
6. To provide legal support in the following legal actions: deportation orders, problems with irregulars, undocumented migrant workers, work and residence permit renewals.
7. To maintain the SIGES-CITES system in order to manage dossiers, visits and consultations of users, in order to create profiles on problems and assist in speeding up the integration process
8. To develop actions that tackle the fight against undeclared work and develops awareness of the employer sector.
9. To develop campaigns about labour market shortages and hiring in origin.
10. To design informative campaigns and hold conferences, seminars, etc.

Relevance:

- The primary institution between the immigrant and the Union throughout the nation in one of the biggest trade unions in Spain.
- The CITE provides the union infrastructure for the migrant workers national department and local / regional support offices.
- The SIGE-CITE generates a single database where unionist can communicate with all parties interested in migrant policies
- The SIGE-CITE provides a link between migrants, NGOs and the Trade Union to develop social programmes related to migrant issues
- To help improve migration policies by sector, target group and area, in order to make programmes and policies efficient

Positive impact:

- To increase the social value of the trade union
- To improve the social relation between migrant workers and local in terms of union perspective.
- To assist in social inclusion

Model 3: GSEE Greek “Observatory and Structures Network for the Strengthening of Economic Immigrants and Refugees in the Job Market”

(In the framework of the 2nd round of implementation of the EU Initiative EQUAL). The aim of the project was the support of refugees and immigrants in an effort for equal and full exercise of their labour rights, through the development of an organized supportive network.

Development and continues function of seven Regional Supporting Centres for immigrants and refugees in matters of labour issues and social security rights.

Their actions are focused at:

- **Providing services for information support counselling**, forwarding solving working problems, etc. in immigrant group or individual cases. From 2006 up to 2010, about 10.

000 immigrants have visited the respective office for immigrants operating at the Regional Labour Unions Organization of Athens – EKA, for several purposes such as: residence permit, work, health, security, etc.

- **Developing and expanding a network in a local level with:**

- A) **Collective agencies of the employed** (Unions, Regional Labour Unions Organizations, Federations)
- B) **Collective agencies of the immigrants** (organizations, communities)
- C) **Public and private agencies** which provide services to immigrants such as: Municipalities, peripheral organizations, hospitals, NGOs, embassies, foreign and Greek Mass Media in Greece and abroad, etc.
- D) **Actions:**

- **Innovative training program for the counsellors of immigrants**

The training contributed to the development of a core of specialized counsellors that, after this, became the staff of the centres. The training lasted 400 hours (280 hours theory and 120 hours of practice) and addressed to 15 Greek and immigrants, unemployed and employed.

- **Actions of dissemination of the project on a local level**

- **Research of registration and evaluation of the provided supporting services on immigrants and refugees**

There has been a qualitative research in which 3 questionnaires have been developed in order to perform interviews relative to the provision of services to immigrants and to the registration analysis and evaluation to the policies that are related to the induction of the immigrants. The questionnaires were addressed to agencies that provide supporting services to immigrants, to refugees and to representatives of migrant organizations.

- **Training of cultural mediators**

The duration of training has been 150 hours and the participants have been 17 people, mainly with a different ethnic origin who received the necessary training in order to help immigrants and refugees to enter the host society and to achieve to provided services and goods. 4 of these people started working after the training, in relevant services.

- **Training of counsellors of services for the support of immigrants or socially vulnerable groups**

There were 2 groups of trainers (Athens and Thessalonica) with 27 counsellors taking part in them. The duration of training has been 30 hours for each group.

- **Staff exchange between structures for supporting immigrants**

- **Organization of 11 local workshops in the city that the centres are activating**

Participants in these workshops have been representatives of the public and no public agencies, executives of employers' organizations, employers, immigrants and journalists.

- **Organization of 5 one day conferences for dissemination of the project, information and sensitization of the public opinion.**

There have been 5 conferences that were held on a local level in the areas of the activation of the centres. The subject of the conferences was: «Immigrants, labour rights and Trade Unions». More over, there have been publications in the Press and announcements in the TV and radio.

- In the framework of this action one TV spot 3 radio spots have for the dissemination of the project and the centres.

- **Organization and function of a Multicultural Education Centre**

In the framework of this action, a Centre of Multicultural Education of the Greek Refugees Council was established, hosting activities. These agencies were staffed by 4 people who previously took part in the seminar of cultural mediators

- **Dissemination of the project, information and sensitization of the public opinion, social partners, the target group, counsellors, etc.**

In this action there has been a leaflet produced and printed in Greek and other languages about the centres for supporting immigrants. Also a website is being constantly updating with information about the project development.

- Organization of 4 local workshops with Media Greek and Foreign representatives.
- Development of cultural events with the active participation of the immigrants and their communities

Positive impact:

- **Development and feedback of observatory for the labour of immigrants**

The Observatory is a part of the website of the Centre of Vocational Training of the GSEE and of the web site of the project with articles about the immigration phenomenon in Greece, the current legislative framework for economic immigrants and refugees (laws, Presidential orders and Ministry decisions of the national legislative framework, announcements, community guidelines, etc.)

Moreover within this action there were 3 questionnaires developed, which are addressing to immigrants- beneficiaries of the centres and are being filled out by the counsellors who work in the 7 supporting centres. Data for these questionnaires is a feedback for the relevant data base that has been created. Their procession is providing material for the drawing of 3-month reports, for making conclusions and for developing proposals in order to deal with the problems of the immigrants.

- Many migrant worker activists were recruited as a direct result of the project.

Model 4: Interregional Trade Union Councils (IRTUCs)

The IRTUCs, which currently number 45, bring together all the regional organisations of the national confederations affiliated to the ETUC, in the border regions concerned.

Under the ETUC's coordination, the IRTUCs are continuing to develop and strengthen their three main thrusts, namely the free movement of workers and the EURES Cross-border; employment policy and the Structural Funds; and, to a lesser degree, the social dialogue.

With regard to the free movement of workers, the ETUC coordinates the IRTUCs to ensure the coherence of our participation within the EURES Network, to keep abreast of any obstacles to the free movement of workers and to define the common priorities. The ETUC stages an annual seminar designed for all the EURES trade union advisor's on topical issues with regard to the free movement of workers and social security.

As to the Structural Funds, the IRTUCs participate actively in the debate launched by the Commission on the future of the policy for economic, social and territorial cohesion. It is particularly important to note that the Council has adopted the Commission's proposal, on the basis of the experience with the INTERREG initiative, to create a new objective devoted to the pursuit of the harmonious and balanced integration of the Union's territory by supporting cooperation between its various component parts on issues of Community important at cross-border, transnational and interregional levels. The positive trade union experience of the actions conducted by the IRTUCs, including in the regions bordering the new Member States, has shown that this was the way to go.

As to the sector work, some IRTUCs are collaborating with the regional and sector unions, specifically in the case of mergers and/or restructuring of border businesses, to define proposals at territorial level that might prevent dumping in the case of mobility, favour flexibility and security with regard to working conditions and social conditions, the recognition of skills and qualifications at professional level, and avoid problems in terms of social service provision.

Some IRTUCs are also contributing to the running of cooperation structures which can allow the creation of cross-border or interregional competitiveness beacons, adapting to, and even anticipating, changes on the employment market.

7.2 Area 2: Organizing and recruiting mobile and migrant workers

After analysing the responses, three subcategories have been identified taking into account the type of activity developed and its objectives, which are as follows:

- **Non-specific organising actions seen as tools for affiliation of mobile and migrant workers:** usually information sessions, campaigns, brochures and meetings are used as a way to show workers the importance of being part of the union, reinforcing the idea of the worker's association as a solidarity-based system and also highlighting the benefits and services provided by the union.

In general, the message of joining the union is part of almost every single union activity and the practices in this subcategory represent the majority of the answers in the area of organising and recruiting (almost 50% of the total amount for this area).

However, other types of activities such as lobbying public authorities or signing agreements, are also seen as like instruments for affiliation, due to their positive public repercussions. For example, important benefits for workers that have been reached by social dialogue processes or by lobbying authorities in border regions

(IRTUCs, CFDT Rhone Alpe¹³). Other practices considered to have a positive impact in affiliation are appearances in migrant media and cooperation with NGOs

ICTU (Ireland) presented their activities on migration and mobility at the confederal level also as a way to help organising and recruiting through: lobbying for the rights of cross-border workers; supporting affiliated unions to develop services for migrant workers; negotiating with employers and government on labour standards, for instance, domestic workers code of practice, regularization scheme for undocumented migrants or work permit system.

- **Specific actions for affiliation:** representing more than one-third of the responses for this area, these experiences come into view as the most difficult ones to establish and unpredictable in terms of results.

Many unions, like CGT France, EKA Greece, offer training courses on organizing and trade union issues to officers and to future members in an attempt to recruit migrant and mobile workers. Others use the traditional way of organising through membership marketing campaigns directed at foreign workers, although the success of those campaigns has been different, according to reports from ETUC affiliates. In this regard, UIL (Italy) reported an important success in terms of reaching objectives (increasing affiliation of foreign workers) while the Finnish SAK stated that although their campaign targeting young people and migrant workers had positive results in the first group, very modest results were obtained concerning the second group.

A specific project focussed on organising Polish workers was set up by FNV in The Netherlands, with a target goal of affiliating 2500 new members among the Polish community. The Dutch reported that only 500 new members were recruited from Polish workers and they considered that to be a failure. However, after the discussion with Polish colleagues from OPZZ during the Bristol seminar, the results turned out to be very positive, from the Polish point-of-view, considering it a great success while taking into account their major difficulties in recruiting workers in Poland. This different approach to the results drew attention on the importance of considering other perspectives when it comes to evaluating this type of practices.

Among all the actions within this group, there is one particularly special due to the nature of it: the agreement that UGT Portugal signed with the High Commissioner for Immigration and inter-cultural dialogue, in the form of partnership to encourage affiliation of foreign workers as a way of labour rights protection and social integration.

13

Collective Agreement of Club Med, describe in depth in Area 3 Model 2

To be able to measure the migrant workers' presence in the union and to monitor this evolution, some organizations modified or created data bases including questions like place of origin or birth. This experience clashed with the debate on protecting personal data and with the question of to what extent the place of origin or birth is relevant determining whether a person can be considered as a foreigner in terms of integration in the host society (dilemmas such as first or second generation, recent or long term migrant). At the same time, this was an attempt to try to solve the problem of lack of data that appeared as one of the barriers when carrying out these sorts of activities.

Lastly, the practice of using organisers of migrant origin who are able to communicate with foreign workers in their own language and who know the culture and traditions has been reported by other unions with high levels of satisfaction based on the achieved results. In the case of the British UNISON, there is a Polish organiser seconded by the union OPZZ¹⁴, or Bulgarian origin- EKA Greece.

A relevant detail to be underlined here is that many of the actions collected in this category were focussed on the affiliation of workers from Poland, as a consequence of the large number of Polish workers living in countries like England, The Netherlands, Denmark or Germany. It is evident, that the experience acquired from working with the Polish community abroad and in cooperation with Polish trade unions will serve as a base to build future actions for organising workers from other countries. On other hand, the Greek example shows that the group of immigrants affiliated in the Trade Unions may be quite various with origin from more of 40 countries.

- **Recognition of membership in host countries:** follow up to the Helsinki declaration "Trade union without borders", the questionnaire included a question about agreements with other unions to support mobile/migrant workers affiliated to unions in their home countries. In addition, this topic was included as a type of action in the organising and recruiting area. As a result, less than 20% of the practices gathered for this area described different types of cooperation agreements including the recognition of membership or mutual support. This kind of cooperation between unions is more common in neighbouring countries and has been reinforced by the activities of the Interregional Trade Union Councils (IRTUC's). The goal of a European membership card for trade union affiliates is still far from being reached and no steps on that direction have been reported at the European level.

¹⁴

This practice is describe in depth Below in Area 2 Model 1

The British TUC reported to have signed an agreement on the recognition of membership with Portuguese and Polish unions and the Irish union SIPTU also mentioned a close cooperation with Polish organizations in that sense.

Informal agreements in the frame of historic relations between different organizations seem to have been in practice for a long period, like the one cited by CFDT NPDC and a Christian Belgian union.

Organizing and recruiting mobile and migrant workers is the area which presents the most difficulties for trade unions. Several barriers and circumstances affect the developing of activities directed toward the affiliation of foreign workers to unions.

Among the most common we could mention¹⁵;

- Linguistic barriers, which stand out initially as a difficulty in approaching these workers
- The concentration of migrant and mobile workers in sectors traditionally affected by a high precariousness, or rather, sectors in which recruiting has always been a challenge.
- The background tradition of this group of workers regarding the trade union movement. Those coming from countries where unions are in a very weak position or with an anti-union climate (for instance, Eastern Europe) are often reluctant to join a union, although once they are affiliated, it has been proved that they are shown to become active members, to act as a voice to attract more members and to hold a more positive view of unions once back in their countries of origin.
- The lack of resources and the reluctance of own members: trade unions often refer to this fact as a barrier when it comes to intensify their efforts to organize mobile and migrant workers.
the lack of data regarding the presence of migrant and mobile workers in the labour markets, economic sectors, companies and trade unions, which complicates the task of affiliating foreign workers and evaluating the achievements.

Nevertheless, despite the complications in building up organizing and recruiting activities, almost a quarter of the total answers collected referred to this subject which means that trade unions are dedicating efforts and resources to this topic. The lack of specific actions directed towards affiliating foreign workers corresponds in some cases to the lack of enough researching, assessment and planning of unions. There is a need to dedicate stronger efforts and more resources to protect mobile and migrant workers by integrating them into the workers associations.

¹⁵ See chapter:8 obstacles and barriers.

Model 1: Migrant Workers Participation Project UNISON

Objective: Encourage migrant workers to become active members of the union

Over a two year period the project aimed to talent spot migrant workers and support and encourage them to become active in the union. Working through migrant worker campaigns and community organisations the Project was able to reach out to workers who are frequently overlooked and under-represented in the union. One of the Project workers was from outside the EU and the other was a Polish seconded from OPZZ, this helped ensure the Project was able to engage with key community groups.

Activities, processes and steps involved:

The first step was research aimed at identifying both the size and composition of the migrant community workforce and their membership of the trade union. This confirmed that migrant worker members were under-represented amongst activists.

Working with campaigns for migrant rights and migrant community groups, potential activists were talent spotted and offered training and support to help them become active in the union. The aim was to overcome cultural and language barriers by building an understanding of how UK trade unions worked and showing how migrant worker members could engage. The training was an essential element of the project, as it helped both to build understanding and confidence. By reaching out to migrants in this way the union showed that they were welcome in the union.

Other aspects of the work included

- work with existing activists and organisers to encourage and support them in recruiting migrant workers,
- publication of material in 21 different languages
- establishing a specialist immigration helpline to provide advice for members on immigration matters,
- campaigning for migrants rights,
- campaigning for regularisation for paperless workers,
- issuing guidance on immigration checks in the workplace and how to deal with immigration raids
- developing links with migrant workers community organisations

Organising techniques that worked with migrants

1. Community engagement through migrant workers' community organisations and networks was particularly valuable because it helped identify potential activists, helped to give those potential activists the confidence to become involved and contributed to a culture where trade unionism was seen as a valuable mechanism for ensuring fair treatment for migrants within their workplaces;

2. Talent spotting potential activists and reaching out to them to encourage them to become active was crucial to the development of new migrant activists. Some branches and regions, especially those that were already active in this area, were effective in talent spotting. UNISON campaigning around issues that are important to migrants, such as work permits for senior care workers, was also important in identifying potential activists.

3. Good communication was critical in ensuring that migrant worker members were aware of the union's campaigns on behalf of migrant workers. Dedicated web pages were established for migrant workers on the UNISON website. There were over 12,314 visits to the migrant web pages between 1 August 2008 and 28 October 2009. In addition UNISON sends out a newsletter in English, Polish and Filipino to around 670 people most of whom are migrant worker members of UNISON.

4. There was an increased engagement on migrants' issues in regions and branches where there is a lead person who was responsible for migrant worker members. This is evidenced by the experience in a number of regions, for example the West Midlands region supporting the senior care workers network, and some branches, such as the Newcastle City branch project and Glasgow City Health branch support for the Overseas Nurses Network.

5. Open, inclusive and informal meetings dealing with issues faced by migrant workers are particularly effective in encouraging migrants to become active and ensuring they feel supported by the union.

6. Over the life of the project UNISON ran seven Pathways into UNISON courses specifically designed for migrant workers. Specifically the courses demystified UNISON in a way that was accessible for people who had English as a second language and at the same time sought to empower participants by building their self-confidence. The course was independently evaluated by an academic from Lancaster University¹ as more than fulfilling its goals. Participants were mentored after attending the course and encouraged to network. Pathways was attended by 92 potential migrant activists of whom around 26 later reported some level of activism in the union.

Outcomes

1. Overall the project was a success. About 70 new migrant worker activists were recruited as a direct result of the project.

2. The project helped to increase more informal types of activism, so that as a result of the work of the project more migrants felt comfortable recruiting other migrants or giving informal help and advice even though they felt reluctant to become actively involved with the formal structure of the union, often because of their concerns over migration status.

3. UNISON developed a number of services that are directly aimed at migrants as a result of the project including an immigration advice helpline and ESOL training. In addition, in at least one branch in the Midlands an agreement has been reached with the employer regarding citizenship training for migrant workers.

The key achievement of the project has been the engagement of a cohort of migrant workers, developed through the Pathways into UNISON course, which has been met with enthusiasm by participants. These activists have recruited substantial numbers of members into the union, largely through their community networks. Many had already taken up positions in the union and others were keen for further involvement and to undertake training for union representative roles.

Model 2: Organising Polish migrant workers. FNV¹⁶

The objective of the project is to organize and fight for the rights of Polish workers, to make them members of the union and to integrate them into the organization.

From 2009-2010, three meeting points were created to assist Polish workers in order to inform them about their rights and to organise them if there was a problem affecting at least five migrants of this nationality. The procedure was as follows: make an appointment for discussion with the group in order to reach understanding for all and finally to establish a plan for problem solving – always maintaining the philosophy “with the migrants for the migrants”.

From 2010-2011, the project was changed. The main goal is now to integrate the Polish migrants into the organisation of FNV Bondgenoten. There are seven Polish organisers working in diverse sectors like agriculture; metal; meat; and shops. There is coordination between the groups and new types of information are being developed, as well as education, organising and individual services. An additional objective is to investigate why the Polish migrants leave the union so quickly and what can be done to make membership better for them. Lastly, the goal is to make the individual services better; more effective and efficient. The second half of the project will start in October or November.

¹⁶

www.FNVBondgenoten.nl

The following criteria have guided the actions: with the migrants for the migrants; to inform and to organise; good common work; empowerment; active participation; solidarity.

Activities, processes and steps involved:

2009 – 2010:

Community organising, Rotterdam and Schiedam

- Organising at the meeting points with visiting hours
- Information at diverse locations which Polish people visits
- Event evening where Polish people get information about AOW; pensions; tax problems and legislation on labour
- Informational brochures
- Polish language version of the FNV Bondgenoten website
- Meeting points with visiting hours for information and/or organising
- Phone services for information and/or organising. In 2009, this service was solicited 3,870 times.

Relevance

All kinds of organisation are relevant, for example:

- Community Organising: a very large network in Rotterdam and Schiedam was built because a regular presence in the community was established; visits to all the Polish shops, bars, restaurants and churches to inform Polish migrants about our activities.

- Meeting-point organising

- Factory, shop and cleaning sector organising: engagement in this type of organising in the cleaning sector and having the longest strike ever recorded in this sector because of our organising method. A project in the shops sector – in distribution – was also developed, organising Polish migrants.

Positive impact

This project raised awareness on the position of Polish people in our labour market. Polish migrants are not invisible anymore. There is more respect for them, but keeping them as members in the union is still a challenge.

Concrete ways of meeting, informing and organising Polish people have been developed and are starting to become integrated into traditional working methods.

In addition, a number of Polish advisors are going to be maintained in order keep the “know how” in these areas.

This project is currently in the second stage, trying to integrate new methods.

7.3 Area 3: Integration of mobile and migrant workers into the trade union movement, workplace and working life of the host country

Within the actions to facilitate the integration of mobile and migrant workers, the variety of activities is slightly wider than in the other two areas. In the questionnaire, it was specified that the research was looking for practices to help these workers integrate in the workplaces, labour markets, trade union movement and societies of the host country or in the country of origin for returned migrants.

As previously mentioned, almost one-quarter (25%) of the practices gathered in the first phase were related to the integration area, and the majority of them were linked to the integration in workplaces, labour markets and trade unions, while only a few referred to society in general. On the other hand, no activities were collected concerning returned migrants.

Among the answers, a distinction regarding the contents can be made between:

- **Practices on integration through collective bargaining:** collective agreements, including clauses related to the specific situation of foreign workers, have been reached by unions, such as the agreement achieved by workers representatives (CFDT France) and employer in the company Club Méditerranée, about labour fundamental rights and transnational mobility in the zone Europe-Africa¹⁷.

¹⁷ This practice is describe in depth in 7.3 Model 2 Below

Other unions like UGT¹⁸ Spain have established – in collective bargaining – the introduction of aspects related to the needs of migrant and mobile workers. The guidelines for trade union negotiators include: equal treatment, hiring in countries of origin and ways of transnational mobility; methods of work organization that respects diversity; and specificities of posted workers, among others.

For its part, the Belgian union ACV-CSC has trained officers on diversity and equality issues and on the negotiation of diversity plans seeking the integration of these workers, creating a whole team of trade unionists working on these issues.

However, the lack of responses from sector unions (federations) explains that we have not collected many practices in this area, contrary to what was expected, taking into account that collective bargaining is the most typical form of trade union action.

- **Practices on social and labour insertion through professional and occupational training:** the Spanish CCOO reported that they have annual plans of professional and occupational training through which they have developed personalized itineraries of labour insertion for migrant and mobile workers, to aid in their integration into the labour market. This training includes language instruction, employment searching techniques, social abilities and accompanying measures.
- **Training, information and education activities:** education is understood by unions as an important and effective integration method, considering that the majority of the actions on integration can be classified in this category. Language courses, training programmes on employment, rights and entitlements, information meetings on social security issues, have been offered by several organizations to mobile and migrant workers. SIPTU (Ireland) and FNV (The Netherlands) regularly provide this kind of training for foreign workers to facilitate their adaptation to the new labour environment.

The project Welcome to Denmark, developed by LO in cooperation with local authorities, presents a wider approach to receive, welcome, integrate and maintain newly arrived foreign workers and their families. The project tries to identify the barriers that migrant and mobile workers face, to find ways to handle and overcome them, focussing on four thematic areas: authority contact, language and culture understanding, workplace relationship and well-being of family.

To make integration possible, however, especially in the workplaces and labour markets, the host society also needs to adapt to newcomers and eradicate discrimination. For those reasons, training courses have been provided by CGIL (Italy), EKA-Greece to its unionists from different sectors in order to address equality at the

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Union General de Trabajadores

workplace and be aware of discrimination issues. In that line, DGB Bildungswerk (Migration and Qualification Department) works on integration of foreign workers in the labour market, equal treatment and intercultural competence, as well as on providing information on the legal and social situations of migrants geared towards works councils, stakeholders and policy makers.

- **Activities to raise awareness on migration issues:** all kind of events and practices have been developed by unions in their aim to raise awareness insociety on questions concerning the integration of migrant and mobile workers and to fight discrimination and racism. Among those activities, the most common are the organization of conferences, seminars, round tables to discuss not only mobility and migration issues at the internal level but also the gathering of social partners, public authorities and NGOs

DGB Berlin Brandenburg, through the Berlin Alliance against Human Trafficking, tries to raise awareness about human trafficking in cooperation with the International Organization for Migration (IOM), the International Labour Organization (ILO) and the Department for Integration of the Berlin Senate. The EKA- Greece directly cooperates with the Greek Police and embassies in this case. Also, the victims of trafficking have a special support (including translation) in their labour rights.

DGB described that in the IRTUC Elbe Neisse, they have developed activities to draw attention to the difficult living conditions faced by migrants (conferences and networking meetings with politicians) and to promote more intercultural openness among authorities and administrations (i.e. training for public administration staff).

The Belgian union FGTB has been very active as well in tackling discrimination, monitoring the regularization process of undocumented migrants and organizing a mobilization in favour of regularization. It has set up a unit to fight discrimination, providing training on stereotypes and discrimination and developing sensibilization campaigns.

In regards to campaigns, the National demonstration organized by CGIL has to be highlighted. It was called “Unequal rights = fewer rights for everyone” and demanded the regularization of immigrant workers, the reform of citizenship rules, the right to vote in local body elections, the reuniting of families and a concrete policy on asylum, along with other objectives. Other campaigns concern the 2nd and 3rd generation and the affiliation of the young immigrants. The Greek Trade Unions organised 2 campaigns named: “No to the racism since the cradle” and “Tunnel 14” - concerning the birth certification of the immigrant children born in Greece.

However, fighting for the rights of the most vulnerable workers, like migrant workers in household sector, has not been forgotten. UGT Andalucía (Spain) organised a regional conference on domestic employment which tackled the subject of migrant women in this sector. The EKA- Greece organises Sunday meetings for different groups of immigrants in their own languages. Most of them concerning the household personnel.

Finally, as a way of raising consciousness inside the trade union movement on the question of mobile and migrant workers, CGT Portugal organised an international meeting of trade union representatives, activists and leaders to deal with issues related to these group such as labour and social rights, discrimination, regularization processes, labour exploitation and irregular work, unionising, the creation of migrant structures inside trade union, and integration through participation in unions.

This question about the integration of migrant and mobile workers into the trade union has been a subject of debate in the seminars, posing the dilemma between integrating these workers into the regular trade union structures for creating specific structures or committees for migration issues. The National Immigrant Committee of CGIL is an example of the second type of integration

- **Other trade union activities on migrant workers as a way of integration:** in analysing the responses sent by different organisations on integration activities, it is evident that many unions understand their work with foreign workers as a mode also of integration, due to the fact that their services offered and activities developed facilitate the adaptation of these workers to the new labour market and society. This is the way UGT Portugal understands the role played by its information centres for immigrants. The same can be seen with SEK (Cyprus), EKA- Greece when describing the general trade union strategy to achieve equal treatment for all workers and non discrimination.

Putting strong pressure on the policy arena to legislate on decent living standards for migrant workers has been exposed by ZSSS (Hungary) as a mode of helping to achieve the right conditions for the integration of foreign workers.

- **Cultural and sport activities:** trade unions have also implemented activities outside of their traditional scope of work, understanding that their presence is important as well in other kind of actions like participating in or organizing sporting events to reinforce inter cultural exchanges. For instance, CGT France reported to have organised football games with migrant workers. The hosting of cultural events like exhibitions or cinema sessions related to migrant issues has also been seen. The EKA- Greece reported of organizing a yearly workers cultural Festival in Athens “Kaleidoscope” with a high participation of immigrants.

As a final point, some conclusions can be extracted from the set of questions regarding union policies on the integration of mobile/migrant workers in the workplace/labour market.

Regarding the incorporation of migration issues into collective bargaining and the negotiation of diversity plans at the workplace, several unions have developed some steps in that direction, such as CGIL (Italy), ACV-CSC (Belgium) or FNV. However, the majority of them answered negatively to this question.

A similar situation has been observed concerning the agreements with employers on integration and non-discrimination issues and as well as about the special needs of migrants. Only a few organizations affirmed to have reached these types of agreements. For instance, DGB Saxony (Germany) reported that it signed an agreement on combating racism with the regional chamber of commerce. In the same way, SIPTU (Ireland) reported its agreement regarding the equal treatment of agency workers. Regarding the introduction of the special migrant needs in collective agreements, only UGT (Spain) and CGIL (Italy) mentioned several aspects that have been included (i.e. different management of holidays, meals, languages, health assistance, subcontracting conditions, etc.)

The last question of this set made reference to the participation in labour market observatories dealing with mobility and migration issues. In general, IRTUCs detailed quite a few experiences on cross-border observatories and organizations like FNV (The Netherlands), SIPTU (Ireland), CGIL (Italy), SEL (Cyprus), UGT (Portugal) among others, declared that they were part of this kind of body.

Model 1: National Committee of Immigrants – CGIL¹⁹

Objective

CGIL is the biggest Italian trade union, with more than 5 million registered members, half of whom are pensioners; the total number of registered immigrant members in the CGIL is 387,000 – 14% of active members (there are very few immigrant pensioners). This figure makes us the most representative organisation for immigrants in Italy.

The commitment of CGIL with regard to immigration policies involves:

the setting-up of hundreds of foreigners' offices, to help immigrant workers to deal with administrative procedures (renewing residence permits, family reunification, access to vocational training, recognition of educational qualifications) etc.;

¹⁹ Confederazione Generale Italiana del Lavoro

the introduction of specific needs of immigrant worker into national labour contracts (possibility of accumulating holidays so as to take advantage of longer periods over a two-year period of work) or in company contracts (canteen menus that take religious rules into consideration) etc.

Furthermore, CGIL also plays a leading role in the fight for the rights of immigrant workers, against racism and xenophobia, through the organisation of and the participation in :national and local demonstrations; deals with Ministries on matters falling under their competence related to immigration; preparation and presentation of dozens of territorial platforms on immigration; a national platform demanding rights for immigrants living and working in Italy.

Description

CGIL is a multi-ethnic trade union and it protects immigrant workers both as workers and as immigrants:

- regarding workers through national bargaining agreements, it defends the social and economic rights of all workers, Italians and immigrants, and in second level bargaining, in the workplace; it introduces specific claims for immigrant workers such as the possibility to generate holiday allowance over two year periods, prayer times, company canteens, etc.
- regarding immigrants, it intervenes through our immigrant offices which have the role of liaising with local institutions to resolve individual cases for immigrants; in addition our system of services carries out the procedures for the renewal of resident permits (134,000 procedures in 2009) for family reunion (8,327 cases in 2009).
- the system of services was also involved during the regularisation of family assistance workers which took place last year (33,000 regularisation cases).

The National Committee of Immigrants participates to bargaining tables with the Government for the realization of policies approved by the National Congress of CGIL, it relates to associations promoting immigration and to the world of work as well as to society in general and it coordinates categories and local structures of CGIL.

The National Committee of Immigrants has the task to analyse and develop proposals.

Recent activities also include:

- the CGIL's Anti-Racist Campaign called "Stesso sangue, stessi diritti" (Same blood, same rights), to which all CGIL branches were committed in the lead-up to 21 March 2009 – the International Day for the Elimination of Racial Discrimination
- The Campaign "Don't Be Afraid, Open Up to Others, Be Open to Their Rights" ("Non aver paura, apriti agli altri, apri ai diritti") which, in collaboration with another 26 trade union groups and international, lay and religious organisations, started on 18 March 2009.
- CGIL is working to extend article 18 of law 40 consolidation text on immigration (this article safeguards women who are the victims of prostitution trade) to cases of work exploitation. We ask that foreign workers who report those that exploit be able to count on a residence permit in order to safeguard their position. This could have been achieved through the ratification of EU directive 52, which has been in force since 18th June 2009, but unfortunately the Senate cancelled the relevant article prior to ratification.

Positive impact:

The activity of the National Committee of Immigrants has increased affiliation to the union. Thus, the trade union acquired more power in demanding the Government more rights for immigrants.

Model 2: Collective Agreement on fundamental labour rights and transnational mobility in the company Club Med , zone Europe-Africa CFDT

The specific objective of this action is to ensure the equal treatment and recognition of union rights in the company, no matter the geographic origin of the workers; ensuring conditions for the mobility of seasonal migrant workers in resort areas around the Mediterranean and Africa, with areas at winter alpine resorts. To reach this a Global Agreement was signed by International Federations UITA and EFFAT and the transnational company Club Méditerranée about labour fundamental rights and transnational mobility

The final result of the negotiations was a text that includes all international, EU and regional dispositions in accordance with labour, union and fundamental rights:

- Right to create a union or to join a union without being discriminated
- To allow contacts between workers and their representatives

- Prohibition of forced work and child work
- Equal treatment and non-discrimination on employment issues
- Equal salary for men and women
- Transnational workers mobility only when hiring local people is not possible
- Equal employment conditions between posted and local workers
- To inform the union about workers mobility criteria and conditions
- Social security coverage in the country of work
- Annual visit to the workplaces where workers are posted from EFFAT/UITA representatives
- A commission to monitor the agreement

It reinforces migrant worker rights by:

- respecting the ILO conventions on the subject
- regulating transnational mobility, which will make the defence of migrant workers rights more clear and feasible.
- Introducing a set of measures to support seasonal migrant workers who come to work in alpine resorts.

The agreement was also positive regarding to:

- Respect for labour unionist freedoms
- Forced or obligatory work is not tolerated
- Respect for the effective abolition of child labour.
- Equality principles seen in employment practices, i.e. no discrimination based on race, sex, political/religious opinion.

This action had a positive impact on the following aspects:

- Priority given to local labour force
- Worker's conditions based on the framework of national regulations
- Information is supplied to employee representatives.
- A wage increase in Mediterranean Club towns.

The creation of interregional and international agreements between different partnerships, sector unions and federations, shows that it is possible to coordinate different bodies active in labour relationships in order to reach multilateral agreements for the assurance of equal treatment and fundamental right.

8. . BARRIERS

In terms of research and study, the areas of mobility and migration are extremely broad as are the differences in the way trade unions carry out their activities.

This diversity in terms of approach, problems and responses is also affected by different perspectives according to the realities of each member state. Being a country of origin, destination and/or transit affects the way in which trade unions react. Organizations from countries with a high number of immigrants face a different set of circumstances to those faced by unions from countries with a very low number of foreign workers.

These differences make it difficult to find common ground regarding the identification of obstacles and barriers. However, through the discussions, a number of similar concerns were raised.

8.1 General obstacles

- Migration is very often seen as a **marginal issue** in trade unions. However, a new trend tending to give more importance to issues related to foreign workers appears to exist. The political discourse against migrants together with the difficulties posed by EU legislation on posted workers have raised the profile of mobility and migration to a higher level on the unions' agenda.
- Nevertheless , the economic crisis, increasing unemployment and the austerity measures – all leaning towards the introduction of **protectionist ideas** at the political and by the other hand at union level- have relegated migration issues in favour of “more urgent matters”
- It is a fact that parties of the extreme right are gaining ground in the political arena of the member states, as well as at the European level. **Racism and xenophobia** are increasing amongst local populations and union members are not isolated from this. Trade unions have encountered internal reluctance from their members in developing activities for migrant and mobile workers, and have had to break down **negative stereotypes and hostility** from native workers and to raise awareness levels
- However, once unions decide to develop activities targeted at assisting foreign workers, the first and main obstacle is usually language. To be able to communicate with migrant and mobile workers, unions have to work very hard to overcome this barrier by organizing language training, translating important information (brochures, web sites, collective agreements) and/or recruiting trade union officers who able to communicate in the language of the migrant communities.

- As explained in point 4.2 of the brochure, there is no agreement on the basic **definitions** related to mobile and migrant workers and same terms are often used to describe different situations. This confusion reveals: 1) the lack of differentiation in trade unions regarding their activities backing foreign workers; 2) the lack of assumption that mobile workers are like national workers in terms of rights and legal status; 3) the need for finding a consensus on fundamental terms.
- **Administrative burdens and barriers** on areas like pensions, social benefits and social security make trade union actions very difficult in terms of achieving equality for cross-border, mobile and even migrant workers.

8.2 Technical difficulties in developing actions

- The major obstacle to carrying out projects in this area the lack of funds and resources needed. The trade union perspective is often not included in the guidelines for the funding for programmes or/and projects.
- Finding ways to ensure the proper follow up to the actions and projects once they have come to an end, represents a challenge for trade unions, who often find it difficult to linking their actions to the right people and at the appropriate levels. Developing a project is a very time and resources consuming process and often entails heavy administrative burdens and bureaucracy,
- Identifying the target group regarding migrant workers can also be very challenging due to the lack of data and statistics about migrants on the labour markets and about migrant membership in the trade unions. Debates on the ethics of collecting personal data related to place of origin have been part of the discussions.
- Frequently, the guideline criteria for funding projects do not meet the needs or perspective of trade unions, as they are often either only for migrants -which creates reluctance among national members- or are only for regular migrants. Sometimes, the funding sources require the creation of separate structures for migrants, independent from the union.
- It is not easy to find models that work due to the very different situations at national level regarding migration issues. In that sense, it is important to have more information and good practice exchanges.
- Many organizations remarked that there is still a lack of coordination, networking and exchange of experiences on migrant issues.

- Although Unions have specific responsibilities related to the labour market, close cooperation with the NGOs in this area is important. While some good practices have been shown during the projects, there is still some work to do in order to find cooperation models and/or agreement between trade unions and NGOs targeting migrant workers.

8.3 Obstacles to organizing

- One of the main obstacles to organizing migrant and mobile workers is the fact that they are affected by high levels of precariousness: fixed-term contracts, irregularity, poor working conditions, low salaries, labour exploitation.
- Migrant workers need to keep their job in order to maintain their working and residence permits. This creates situations of labour exploitation and harassment and makes organising even more difficult. Trade unions reported that very often migrants are fearful about possible reprisals if they decide to join a union.
- The concentration of particularly vulnerable workers in some sectors (building, agriculture, bars and restaurants, domestic services etc.) where it is traditionally difficult to recruit is another barrier that unions face when they try to recruit and organize these workers.
- The lack of union penetration with posted workers makes organizing this group very challenging. Trade unions have difficulties in entering workplaces where posted workers are (for instance, in shipbuilding companies).
- Sometimes, the problem is that there is no trade union tradition in some countries of origin or the union may have been related with previous public administrations in the state structure. Therefore migrants have to be informed and educated about the trade union and the benefits they can obtain prior to joining.
- It is important to elaborate a trade union strategy targeting specific groups with specific characteristics like migrant and mobile workers. The fact that in some countries, trade unions use the normal strategy to organize all workers may explain that it might not be very successful in approaching workers from other countries.
- Undocumented migrants are a group who are particularly difficult to organize due to the fact that in some countries it is not possible to join a union if the worker falls under an irregular administrative situation. Also, this group is the most vulnerable and therefore even more problematic to organize.

During the project, some concrete examples on barriers to recruiting and organizing mobile and migrant workers were raised;

- In Cyprus trade unions cannot accept undocumented migrants as members because it is illegal to be undocumented. If a trade union accepts them as members then it is part of an illegal action. The system does not allow trade unions to recruit those workers, so trade unions support them without recruiting those. Cross-border workers from Slovenia do not have any legal possibilities to change their administrative situation and become regular migrants. Trade unions tried to negotiate agreements between regions to regulate cross-border work between Italy and Slovenia no coordination agreement has yet been reached. Cross-border workers from Croatia are irregular too because it is a third-country and according to Italian migration law, third-country workers have to reside in Italy.

Trade unions reported cases of mafia organizations trafficking agency workers. Artificial or letter box companies are the starting point of exploitation. Temporary agency workers are trafficked by facilitators from migrant origins.

8.4 Cross-border recognition of membership²⁰

Throughout the project, the recognition of membership has been addressed as a common approach for multilateral agreements. Attention has been paid to the obstacles and barriers that unions face in order to make progress in this area. Besides the ETUI²¹ research on the matter²², some examples about the difficulties to achieve this recognition were reported by participants:

- UIL²³ agreements for dual membership are for cross-border workers not for migrant workers residing in the host country, but seasonal and posted workers do not reside in the host country, however they should also benefit from those agreements.
- Italian agreements with British Trade Unions are not respected in UK. It is clear that where there is a greater tradition of collaboration is easier to implement at

²⁰ See point 3 part “Trade Union without Borders” on the Bottom of the Brochure

²¹ European Trade Union Institute

²² An explorative study on cross border agreements for migrant workers. A report on the survey results of the ETUC members made by the ETUI

²³ Unione Italiana del Lavoro

agreements. Greater efforts to increase the understanding and solidarity between the unions with different cultures should be made.

- Problems in implementing agreements on mutual recognition of affiliation between unions: some unions are not allowed, by law, to recruit undocumented workers, The FGTB²⁴ pointed out the need for affiliates to be protected in different countries of Europe, Trade unions need to make major efforts to ensure the recognition of members from other trade unions.

8.5 Dilemmas on integration

Nowadays, integration is becoming crucial across the EU and it is going to be even more important to cushion the negative effects of the crisis on social cohesion in our societies. However, implementing effective integration strategies is not always easy and indeed within some unions, there is reluctance to develop actions seeking to integrate mobile and migrant workers.

- One dilemma discussed during the project concerned integration of migrant workers in the trade union structure versus the creation of specific structures for them. The intermediate solution was the preferred choice by many of the participants agreeing that the best way to integrate migrants in the trade unions was to combine both: specific structures to deal with the main difficulties migrant workers face when they first arrive in the host country combined with the progressive integration of these members in the regular structure.
- Another dilemma that will have to be addressed is the integration strategy versus the protectionist position: guaranteeing equal rights, equal treatment and equal conditions while at the same time avoiding social and wage dumping to strengthen social cohesion.
- The lack of effective integration policies addressing the real challenges and tackling inequalities in the host societies.
- Problems with the recognition of qualifications. We have to ensure the value of skilled migrant workers, in order prevent possible increases in social dumping, and low salaries in certain sectors, often caused by the non recognition of studies, diplomas and/or training, by employers and the administration.

²⁴ Fédération Générale du Travail de Belgique

9. PROPOSALS AND RECOMMENDATIONS

Briefing Remarks

The proposals and recommendations are classified in two main groups concerning the purpose of the project: actions proposals and policy recommendations. They aim at tackling in particular the mobility of workers; cross-border issues, migrants' conditions and actions developed by the unions. These proposals and recommendations help to strengthen the ETUC's and national union's position regarding its migration policy strategy.

The first part concerns all specific activities, including the data collected through the questionnaires answered during the seminars and the final conference. Many unions reported on a number of specific actions carried out, all with a common objective. They can be classified in the three main groups of the questionnaire (information, organization, integration) and they can be achieved at different levels (international, regional, national). There are in general more substantive proposal actions in a national, regional, local and individual level, corresponding to technical and specific actions. The result of these actions may lead to a general position concerning migration issues and trade unions.

The second part of the proposals contains policy recommendations which underpin the substantive actions and are mainly focused on the unions' migration position taking into account the EU agenda.

In accordance with the two set of recommendations, boosting the unions' actions on migration is a key element.

9.1 Proposals for specific actions

International Level

Actions related to information, advice and support:

- The ETUC and ITUC²⁵ shall coordinate migration issues with the support of the ETUC. In so doing, they shall strengthen the role of the unions in third countries in order to support the management of migrant flows, including circular and seasonal migration. Actions, campaigns and steering committees must ensure progress in the dialogue in this field.

²⁵ English Acronym International Trade Union Confederation

- The ETUC should reinforce the role of the national unions on the free trade agreements concluded with the European Union.

European Level

Actions related to information, advice and support:

- In order to complement the actions, it is recommended that federations and cross-border councils launch campaigns and actions in different areas with a view to dealing with the outsourcing of manpower in the companies. This can be done with the support of the European federations, i.e. EFFAT, EFBWW, EMF, etc.²⁶
- Unions shall raise public awareness on migrant workers' issues by using media channels in countries of origin and destination, maintaining close cooperation with a network of NGOs across Europe as well as third countries.
- The ETUC must be on the offensive and develop its own proposals on job creation and demand a European minimum wage. Actions related to the organization and recruitment of mobile and migrant workers:
 - There are many questions related to mobility and the qualification of workers within the territory of the EU, thus cooperation among Member States is necessary. The harmonisation of skills and academic studies, in particular low-skilled jobs, is essential to ensure fair treatment among national and foreigner workers. Low-skilled workers are generally the most affected by distortions of a non-harmonisation within the EU territory. A proposal to enhance actions and campaigns on cross-borders and migrant workers in specific sectors will be lead by the EURES (European mobility network)²⁷, which will also provide language training and technical courses. For instance, the food industry requires the strict respect of standard regulations which need to be followed in the national language by the worker.
 - Underpinned by national unions, the ETUC must promote activities for migrant workers at a local level in order to compensate for the lack of organized data on migration, and it must strengthen the cooperation, especially on recruiting members in the migrant areas.
 - An information system at EU level is needed, in order to make social funds available for migrants in an integrated manner.

²⁶ English Acronym of European Federation Food Agriculture and Tourism , European Federation of Building and Wood Workers, European Metal Federation.

²⁷ The European mobility job portal

National Level

According to the type of proposal, most of the actions could take place at national level, considering that these actions are more efficiently implemented at this level.

Actions related to information, advice and support:

- Trade Unions should promote multilateral dialogue with governments and employers so as to establish good working conditions, fair remuneration, transparency, and respect for human rights.
- Training and information for members and representatives of trade unions in order to raise awareness of sensitive information on migration issues.
- Implementation of a joint political awareness between the unions and civil society in order to improve migrant workers' living conditions.

Actions related to organizing and recruiting mobile and migrant workers:

- Trade Unions must have clear access to information about the subcontracting conditions between national or transnational companies.
- The proper implementation of collective bargaining accompanied by measures to be taken regarding migrant workers must be promoted.
- Implementation of a specific sector on mobility and cross-border workers within the migration department in the national unions. This sector can be in line with the Migration Department of the ETUC.
- Unions shall launch innovative campaigns to associate affiliates. These campaigns must target specific types of professional contracts. For instance, to promote the affiliation of seasonal migrants.
- Considering specific national circumstances coordinate the establishment of a migrant worker statute with migrant associations.
- Establish concrete actions in labour inspections in order to avoid social dumping. This implies a 2 pronged approach: actions and policies. The specific actions at national trade union level underpinned by a common strategy directed at the European institutions, national public authorities and employers. Moreover the full protection of migrants' labour rights must be ensured, thereby ensuring that the labour inspectorates' actions do not result in migrants being the only victims of these measures adopted.

- The action should increase the coordination with unions, notably the inter-regional committees, for cross border immigration in order to reach collective agreements (i.e. Club Méditerranée with CFDT-EFFAT-UITA); secondly, public administrations must ensure better labour inspection supported by the unions (Baltic Sea Labour Network, IRTUC Galicia-North Portugal with Regional administration).

Integration of mobile and migrant workers into the trade union movement, workplace and working life of the host country

- Brain drain is part and parcel of mobility and migration. Trade unions must tackle the negative consequences of this phenomenon by raising awareness on ethical recruitment, proper training in countries of origin and harmonisation of labour law in Member States.
- Trade Unions shall address governments in order to ensure that migrants' rights are included in their national legislation.
- Positive discrimination measures may be adopted in order to integrate the migrant workers in trade unions' structures.
- The workplace plays a key role in the integration of the migrant in the host society. It can be the scenario where interaction between nationals and migrants takes place. Therefore, structural discrimination should be prevented in the labour market.
- In this context, national administrations must provide the creation of information structures/centres where the mobile and migrant workers will have access to useful information and advice concerning different aspects of social and work life in the host country.
- It is essential to involve the migrants in all initiatives undertaken. They are aware of the real needs and weakness found on the ground. They must be empowered in order to be better integrated in host societies.

9.2 Policy Recommendations on Migration Policy

The majority of the recommendations on migration made by the unions are related to the objective of overcoming obstacles which appeared during this project. These recommendations contribute to enhancing the dialogue between the confederation and other actors involved in developing migration policies. The policy recommendations deal with following themes:

- the fight against racism and xenophobia;
- avoiding social dumping and labour inspections;
- influencing the European migration policy agenda;

- Mutual recognition of membership.

The fight against Racism and Xenophobia

It is extremely important to maintain a clear position so as to avoid protectionist reactions which can occur inside the unions' structures. We must be aware of changing perceptions whenever we are hit by difficult situations.

In this framework, we must **fight against racism and xenophobia** and turn our attention towards promoting proper action campaigns. Unions shall struggle with the **increase of conservative positions in the national migration policy**. The ETUC should be in the offensive to ensure that the EU Charter on Fundamental Rights will be applied equally to third country nationals.

It is important to highlight of **Definitions**²⁸ and **stereotypes** to combat racism and xenophobia

The role of the unions is demolishing the myths surrounding migration, labour market and social benefits. The fight against these stereotypes is extremely important as the achievements on integration are left empty if stereotypes are still alive in societies.

Therefore, it is necessary to define a clear position by launching campaigns that seek to abolish stigmatized language and should clarify the terminology used in this area (i.e. the migrant is not illegal, , but on the contrary there are illegal acts such as trafficking of human beings and smuggling of migrant workers).²⁹

Regarding cross-border workers a unique definition is needed at European level to ensure equal treatment in terms of labour rights regardless of the origin of the workers. The European mobility of workers means the possibility of free movement of workers. Considering the EU-27, if a person chooses to move to seek a better life, leaving behind the precariousness of his/her situation, this demonstrates the inefficiency of the European labour market. The freedom of mobility cannot be in conflict with the right to live and work in the place where we were born.

In this sense, we must fight the misconceptions which are currently increasing and are completely false. Some examples which we must combat:

- *“The so-called battle between the migrant (regular and undocumented) workers and national workers. As a result of the crisis, the national workers lose their jobs because the migrant workers are in competition in the national labour market”.*
- *“Wages are decreased in specific sectors due to the presence of migrant workers”.*

²⁸ Look up the point 4.2 of the Document

²⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0095:FIN:EN:PDF>

- *“Migrants are a burden to the States. The social benefits disbursed by States to assist migrant workers and their families explain the economic and financial crisis Europe suffers”.*

These are only some examples of misconceptions. We need to be ready to distinguish realities from false conceptions, in order to benefit from migrant flows.

The fight against the social dumping & labour inspections against Illegal practises

A sound labour market is important to maintain the social cohesion. The undocumented workers are unprotected and their labour rights are continuously flouted. This leads to an increase of fake self-employment, forming a part of the black economy in the host society. This is not a minor issue (i.e. 4% of current GDP³⁰ in France is from black economy). Avoiding social dumping and fighting tax fraud are actions that demonstrate the viability of a sound public system, and a fair social model is not wishful thinking.

Unions must stress the importance of fighting precariousness:

- Launch a specific campaign focused on the decent salaries of posted and agency workers;
- Research certain types of illegal practises, such as trafficking of human beings and smuggling of migrant workers;
- Avoid social and labour exclusion by supporting initiatives to integrate migrant workers;
- Tackle circular migration considering the difficulty in ensuring labour rights and social security rights of migrants, as well as the difficulty in managing labour data.

European Migration Policy

Put migration issues at the top of the agenda in the European Commission, the European Parliament, and the Council to push regulations and directives in favour of mobile and migrant workers. Ensuring equal treatment inside its territory is a duty of the EU. We need to monitor the transposition into national law of EU regulations, such as: Third Countries Directive Seasonal Workers³¹, Intra-corporate Transfers³², Single work permits for third country nationals³³. Regulation 883/2004 regulates social security of third country national workers. There is also a revision of mobility in the framework of EU directive on posted workers and the right of citizens of the Union and their family members for reunification

³⁰ Gross Domestic Product

³¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF>

³² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0378:FIN:EN:PDF>

³³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0638:FIN:EN:PDF>

We need to promote the use of legal instruments to pursue the human rights of migrant workers, such as the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints as well as the procedures referred to in Articles 24 and 26 of the ILO Constitution.

We need to intensify actions and campaigns, calling for the ratification of ILO Conventions 97 and 143 on migrant workers, and the UN Convention 1990 on migrant workers and their families, and the relevant Council of Europe instruments.

We need to ask for accountability in the implementation of sanctions that protect migrants. We must also find the right model to protect migrants, demanding the respect of the regulation and create a new legal framework on a better migrant protection. We advocate the harmonisation of the directives on migration and mobility in order to overcome obstacles in the labour market.

Mutual Recognition of Membership; The path way to the European Membership Card

The recognition of membership is one of the most important flagships of the ETUC and its union members. In the context of a financial and economic crisis, European trade unionism must be able to achieve a common position in order to enhance economic and social governance, giving priority to a social Europe.

It is well known that the recognition of membership benefits the unions' policy; it increases the number of affiliates; and it does not entail major financial increases. On the contrary, the increase of affiliates boosted by membership card campaigns reinforces the base of the unions with sustainable growth in a more efficient manner than other possible affiliation. We must tackle the issue of lack of solidarity among Member States and EU institutions regarding mobility, migration and social policies.

- **Suggestion for the next ETUC Congress in Athens, May 2011** Solidarity is an important issue which will be debated in the congress, in order **to realise the European Trade Union Card**. This will demonstrate to the public, employers, affiliates and workers that the European Solidarity Model is possible even though we are going through difficult times.
- Create a **network for the recognition of membership**.
- Progress towards a legal instrument in addition to the bilateral agreements that already exist. Promote a **European Membership Convention**. Members of Trade Unions have to be assisted by all Trade Unions in Europe.

9.2.6 Outcomes and Next steps

To reinforce our actions, we need to ask ourselves what it is necessary, such as:

- Recollecting the migration data regarding membership. It will be a difficult task since there are undocumented and seasonal workers for instance. We have a lack of data in some workers groups and we need to stress the importance of this information.
- Inform and exchange successful actions (best practises) on mobility, cross-border and seasonal workers, integration of migrants, etc.
- Support and promote the migration working groups; better define and influence the agenda.

Afterwards we should create:

- Specific panel website on migration³⁴. Once achieved, promote a close collaboration, cooperation and coordination.
- Information and database about trade union actions on past and on-going projects; dissemination of good practises; promotion of awareness campaigns of integration etc.
- Database of bilateral and multilateral agreements on the recognition of membership of migrants (between Unions, IRTUC cross-border agreements etc.)
- Creation of a Blog in order to promote/monitor the debate about the guidelines on migration; meetings held in order to discuss the issue in one or two days (i.e. LO/DK Denmark blog and weekly discussions in several topics).
- Creation of the specific social net on migrant issues together with the migration and inclusion working group to monitor Workplace Europe Area and to organize an annual meeting with the results of the latest developments.

³⁴

Current website: <http://migration.etuc.org/>