

# Trade unions and migration into the European Union

## ON THE OFFENSIVE

For: Social Europe  
Solidarity Sustainability



This is one of a series of training modules produced as part of an ambitious European project, *Civil Society Dialogue: Bringing together workers from Turkey and the EU through a shared culture of work*, which aims to ensure better knowledge and understanding of one another and an awareness of the challenges and opportunities of future EU enlargement.

### HOW TO USE THIS PUBLICATION

The training modules are intended to offer a short, clear introduction to the subject for a trade union audience, and each will have an educational activity that can be used in the classroom or with groups of members. A list of all the publications in this series can be found below, and copies can be downloaded from the ETUC website [www.etuc.org/r/557](http://www.etuc.org/r/557)

### PUBLICATIONS IN THIS SERIES

1. Trade unions at the European level
2. Industrial relations at the European level
3. Turkish trade unions and industrial relations
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## ETUC MANIFESTO

At its 11th Congress in Seville, Spain, in May 2007, the European Trade Union Confederation (ETUC) adopted a Manifesto for Action for the next four years. This manifesto highlights five main areas where the ETUC is committed to going 'on the offensive' on behalf of European workers:

- the European labour market
- social dialogue, collective bargaining and worker participation
- better European economic, social and environmental governance
- a stronger European Union
- stronger trade unions and a stronger ETUC.

# FOREWORD

The European Trade Union Confederation at its Congress in 2007 voted in favour of the accession of Turkey to the European Union, 'provided that it meets, in reality and not on paper, the requirements of membership and the provisions of the EU Charter of Fundamental Rights. A transformation of Turkish society with full rights and freedoms should be sought and completed during the challenging process of negotiations'.

It was on this basis that the ETUC, and its affiliated organisations in Turkey and in the European Union, agreed to step up their cooperation and launch this ambitious project *Civil Society Dialogue: Bringing together workers from Turkey and the EU through a shared culture of work*, which aims to ensure better knowledge and understanding of one another and an awareness of the challenges and opportunities of future EU enlargement.

The central elements of the project are:

- 12 exchange and mutual understanding seminars for trade unionists coming from different regions of Turkey on the one hand and from different Members States of the European Union on the other
- 9 training seminars, in cooperation with European Industry Federations.

The project has also produced this series of training modules which will provide an important tool for building capacity within the ETUC, by enabling other workers and trade unionists from both the EU and Turkey to understand the challenges ahead and to accept cultural, social and political differences more readily.



Thanks are due to:

- ETUC affiliated organisations – European Industry Federations and the national trade union confederations from the EU and Turkey that have carried this project forward
- workers and trade unionists from the national unions in Turkey and the EU who have taken part in the different training activities
- trainers from the national unions in Turkey and the EU, and Marcus Strohmeier (ÖGB) who coordinated the training activities and contributed to these booklets
- Nigel Rees (Trade Union European Information Project) who was responsible for editing the original texts for these educational booklets, and also Kazim Ates who was responsible for revising them
- Laura Fallavollita, Yücel Top and the other members of the project coordination committee (Osman Yıldız, Uğraş Gök and Kıvanç Eli Açık), who, under the guidance of Joël Decaillon and Jeff Bridgford, have brought the project to a successful conclusion.

I commend these training modules to trade unionists from the affiliated organisations of the ETUC. I encourage you to use them, so that we are all in a better position to defend workers' interests throughout Turkey and the European Union.

**John Monks**  
**General Secretary**  
**European Trade Union Confederation**

## CONTEXT

The ETUC supports the freedom of movement of workers within the European Union and a managed migration system for those outside the EU, based on the principles of workers' rights. Freedom of movement of workers within the EU is covered in training module 8 of this series. This training module will concentrate on migrant workers, that is to say, workers migrating into the EU from non-EU countries.

The post-war economic boom in the 1950s created acute labour shortages in Western Europe, and several countries pursued official policies of attracting migrant workers. In general the flow was from South to North, with, for example, Italians finding work in Belgian coal mines. In France and the United Kingdom the legacy of empire meant that migrants were sought further afield, principally in North Africa for the former, and the West Indies for the latter. Following bilateral agreements with Italy (1955) and Greece (1960), the West German government signed a deal with Turkey in the same year, 1961, that the Berlin Wall was erected. Mainly male, unskilled workers, often from rural Anatolia, were allowed to fill industrial vacancies on the understanding that they would return after a year or two. Similar deals were struck between Turkey and Austria, Belgium, Holland, France, and Sweden.

By the early 1970s Western European economies had slowed under the impact of oil price rises, and immigration too was much reduced. However the flow of Turkish emigration to Germany was prolonged by family reunification with those workers who had not returned. The economic growth of the 1990s coincided with the accession of 10 new Members States of the European Union in 2004, which provided another stimulus to migration, but this time from Eastern Europe to the 'old EU 15'.

How many migrants to the European Union are there? Eurostat figures for 2008 show that, out of a total EU population of 497 million, approximately 19 million

were citizens of non-EU countries (3.9%) – Germany was host to the highest number (4.7 million), followed by Spain (3.1 million), Italy (2.5 million), France and the United Kingdom (2.4 million). Seen from another perspective some countries (Austria, Germany, Greece, Poland and Spain) have more than 5% of their population made up of citizens of non-EU countries. Where do these non-EU nationals come from? The largest group comes from Turkey, with 2.4 million, Morocco with 1.7 million and Albania with just over 1 million, followed by China, Algeria, Russia, India, Ecuador and Serbia and Montenegro. As regards the distribution of non-nationals by country of residence, there are often particular Member States where a significant part of some non-national groups has settled. In some cases, such as Turkish, Algerian and Ecuadorian citizens, more than 70% of those living in the EU have settled in one specific Member State: Germany, France and Spain respectively.

In a globalised world these migrant workers provide a variety of benefits for the sending and receiving countries and play an important role as a bridge between the Member States of the European Union and their country of origin.

Taking the example from above of the largest group of non-EU nationals, from Turkey, in the country with the highest number of non-EU nationals, Germany, it is clear that the Turks have made a significant contribution – socially, culturally and economically – to modern day life in Germany.

## MIGRANT WORKER POLICIES, RIGHTS AND PROTECTION – INTERNATIONAL AND EUROPEAN RESPONSES

The International Labour Organisation (ILO), the first specialised United Nations agency, was largely responsible for instituting worldwide conventions to protect migrant workers. In 1949 'Convention No. 97 Migration for Employment Convention' stipulated

that legal foreign workers must have equal access to social security and trade union membership, good conditions of work, and equal pay compared to local employees. It also called on governments to ensure non-discrimination through fair recruitment and consultation with the social partners. In 1975 an attempt was made to extend protection to irregular migrants in the Migrant Workers (Supplementary Provisions) Convention. It enjoins governments to find out about migrant trafficking and illegal employment on its territory and to prosecute traffickers and employers. It also insists that even if a migrant has arrived illegally and his position cannot be regularised he shall 'enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits'.

By 1990 the expanding numbers of migrants were sufficient for a new measure to be agreed, the 'United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families'. The text defined a migrant worker as 'a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a citizen'. It is regarded as an advance on the basic principles laid down in the previous measures. It also calls for sanctions against smugglers and employers of undocumented migrants. The convention came into force in 2003, when twenty countries had ratified it but none of the major 'receiving' countries for migrants have so far done so.

At the European level policies of EU Member States on asylum, migration and migrant workers are complex, and laws and practice vary widely. In 2004, the EU Council of Ministers adopted the 'the Hague programme' on legal and illegal migration and asked the Commission to present a policy plan on legal migration. The Commission started a consultation process and came up with a Communication on a 'Policy Plan for Legal Migration' in December 2005, which foresaw the adoption of five legislative

proposals on labour immigration. This approach aimed at laying down admission conditions for specific categories of migrants (highly qualified workers, seasonal workers, remunerated trainees and intra-corporate transferees) on the one hand, and securing the legal status of already admitted third-country workers and introducing procedural simplifications for the applicants on the other hand.

This initiative, broadly supported by the European Parliament and the ETUC as well as civil society, failed to gain the support of Member States in the Council of Ministers, and was eventually withdrawn.

In July 2006, the Commission presented a Communication on 'Policy Priorities in the Fight against Illegal Immigration of Third Country Nationals' and suggested to reduce the 'pull factors' that encourage illegal immigration into the EU, the most important one being the possibility of finding work, by ensuring that EU Member States introduce similar penalties for employers of such third country nationals and enforce them effectively. Finally in June 2009 the EU approved a Directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals – the so-called Employers' Sanctions Directive. Employers will now be required to check residence permits of all their non-EU employees and keep them on file. Penalties will range from fines to withdrawal of public funds and possible bans on tendering for government contracts. This Directive will not apply in Denmark, Ireland and the United Kingdom.

Also in 2009 the same time the EU approved a Directive on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment – the so-called Blue Card Directive, which is a reflection of the already existing green card system used by the United States of America.

The most significant initiative from a trade union perspective was a proposal for an EU Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State – the so-called Rights Directive. It was proposed that third-country workers should, amongst other things, enjoy equal treatment with EU nationals with regard to:

- working conditions, including pay and dismissal as well as health and safety at the workplace
- freedom of association and affiliation and membership of an organisation representing workers
- education and vocational training
- recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures
- the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community
- payment of acquired pensions when moving to a third country.

This Directive, which would have been the most significant, has not yet been approved however.

Aside from these proposals, migrant workers coming from specific countries, as for example Turkey, enjoy certain rights under the current Association Agreement with the EU. The Ankara Association Agreement of 1963 has put Turkish migrants in a more favorable position than other non-EU migrants, thus creating an intermediate regime for them. The joint Turkish-EU Commission of 1980 agreed to permit Turks who had at least one year's experience with their employer to extend their work permit, to obtain work permit extensions after three years' experience even if they changed employers, and after four years to have access to the entire labour market.

## THE 'SHADOW' ECONOMY

Trade unions are concerned by the fact that migrant workers can be sucked into the 'shadow' or 'black' or 'informal' economy, and particularly irregular activities that are, in themselves, legal but are hidden from the authorities for various reasons.

Often the workers involved may remain silent due to their illegal status as migrants or because they have been told that it is not legal for them to work. Sometimes they may believe that they are better off because they do not pay tax or social security contributions, but the result is exploitation both through low wages and inferior working conditions, including breaches of health and safety regulations. A case from Austria underlined this in 2002: about thirty lorry drivers were arrested and their employers charged with 'trafficking in human beings for purposes of exploitation'. It was revealed that the workers were registered in Luxembourg, which allowed migrant drivers, and then employed them all over the EU. Many of them had not been paid for months and gathered at their Austrian company's Luxembourg headquarters without money or food. The employers 'saved' 16,715 euros per driver per year in social security contributions while the maximum fine in Austrian law for not paying them was 728 euros.

The South West region of the Trades Union Congress in the United Kingdom has documented the following problems that migrant workers face:

- **Misleading recruitment of workers within their own country of origin, with false promises of good pay, conditions and housing**
- **Extremely long hours and low rates of pay**
- **Excessive deductions from pay for accommodation, transport and utilities**
- **Overcrowded and very poor accommodation**
- **Failure to provide a written contract of employment and/or pay slips**
- **Denial of basic employment rights, such as paid holidays, maternity pay and leave, sick pay**
- **Non payment by the employer of tax and national insurance contributions**
- **Insufficient regard for training and health and safety protection**
- **Summary dismissal and immediate eviction from any associated accommodation of workers who assert their right to join a union.**

## **COLLECTIVE BARGAINING, HEALTH & SAFETY AND PRECARIOUS WORK**

In Western Europe a long history of bargaining between employers and trade unions and, in many countries, a tripartite approach involving governments in discussions and planning, has produced minimum wage levels, sectoral wage norms and agreed annual increases as well as standards often legally enforced, in working conditions and health and safety. Most of this process was based on the concept of permanent, full-time open-ended contracts of labour, usually with large employers.

Since the 1980s the three developing trends of privatisation, deregulation and globalisation have intertwined to undermine this model. As large firms and public sector bodies have outsourced and sub-contracted work, governments have relaxed controls.

Migrant workers, themselves a consequence of globalisation, have entered this scene in recent years and become another factor in its development. As we have seen some migrants may be employed irregularly in undeclared work and these jobs may exert a negative influence on the rest of the labour market, especially in times of high unemployment. There may also be a concentration of foreign workers in legal but temporary, badly paid posts. Statutory wage minima may act as a maximum for migrants, while the growth of 'precarious work' in general has led to 'more insecurity, low pay, lack of training, poverty & inequality' according to the ETUC.

## Things to find out

**Do you come into contact with workers in the informal economy?**

**What can your trade union do to support them?**

## THE TRADE UNION RESPONSE

Trade unions have responded in different ways to the challenge of increased migration.

In Italy, for example, the Confederazione Generale Italiana del Lavoro (CGIL) joined with hundreds of other organisations in a movement to combat racism which organised a large-scale demonstration in October 2009 in Rome, and the Confederazione Italiana Sindacati Lavoratori (CISL) has also taken part in demonstrations in support of a law to reform citizenship for immigrants.

The Belgian trade union confederations Algemeen Christelijk Vakverbond/Confédération des Syndicats Chrétiens (ACV/CSC) and the Algemeen Belgisch Vakverbond/Fédération Générale des Travailleurs de Belgique (ABVV/FGTB) have also mobilised on numerous occasions to support immigrants' rights, notably concerning the right to stay legally in Belgium for all foreign workers, whether in employment or unemployed, who have lived in Belgium for five years or more.

At the European level the ETUC has emphasised the need for policies with regard to migration and integration at EU level, based on the recognition of fundamental social rights of current citizens as well as newcomers and embedded in strong employment and development policies, both in countries of origin and in countries of destination.

A common framework of EU rules on admission for employment is urgently needed. However, the ETUC considers that this framework should not be aimed unilaterally at the demand for temporary migration, as this would favour precarious jobs and hinder sustainable integration.

Labour market shortages should be primarily addressed by investing in the capacities and qualifications of unemployed and underemployed EU citizens (including those from a migrant or ethnic

minority background) as well as long term resident third country nationals and refugees.

In addition, possibilities should be created for the admission of economic migrants, by providing for a common EU framework for the conditions of entry and residence, based on a clear consensus between public authorities and social partners about real labour market needs, preventing a two-tier migration policy that favours and facilitates migration of the highly skilled while denying access and rights to semi- and lower skilled workers.

Such policy should prevent the increasingly negative effects of the global competition for skilled labour: the potential devastating effects of the brain drain and youth drain on countries of origin, as well as the potential 'brain waste' in terms of the under-use of skills and qualifications of migrants in the countries of destination.

More proactive policies should also be developed to combat labour exploitation, especially of irregular migrants, demanding recognition and respect of their trade union and other human rights, and providing them with bridges out of irregularity. While there is a need to be tough on employers using exploitative employment conditions, more effective policies should be developed to prevent and remedy such exploitative situations.

This must be linked to external (trade, development) policies that promote raising living standards and opportunities in sending countries, which would offer (potential) migrant workers and their families proper job opportunities at home. Cooperation and partnership with third countries, in particular developing countries and the European neighbourhood countries, should be strengthened.

Based on this programme of action, the ETUC Congress in 2007 adopted the following action points:

- work towards a more proactive Europe migration

policy geared towards managing not preventing migration, combined with strong integration efforts and the enforcement of human rights, labour standards to combat the exploitation, especially of irregular migrants.

- intensify actions and campaigns at both European and national level in favour of ratification and application of all conventions and important instruments of the ILO, UN and Council of Europe conventions on the protection of the rights of all migrant workers and their families.
- support policies that recognise the fundamental social rights of all workers and which favour social cohesion by preventing the creation of two-speed migration channels and the exploitation of workers in irregular administrative situations and the recruitment of migrants in precarious working and social protection conditions.
- combat all forms of human trafficking.

As John Monks, the ETUC General Secretary, has said 'Immigration cannot be an easy solution for dealing with labour market shortages and demographic change. The social partners must be involved in assessing real labour market needs and investment in training of unemployed workers – including those from a migrant or minority ethnic background – is a first priority. We will also have to make jobs in sectors where there are shortages more attractive to the locally unemployed in terms of wages and working conditions.'

## Activity

### Dig where you stand

#### AIMS

To enable you to:

- find out why people move to another country
- counter myths and misinformation about migration

#### TASK

Speak to people in your family and amongst your friends at work. Find out where they came from and whether they have moved to find work. Use the following headings:

#### Where you live?

#### How you came to be there?

Parents

Grandparents

Great grandparents

Friend 1

Friend 2

# FURTHER INFORMATION

The European Trade Union Confederation (ETUC) was set up in 1973 to promote the interests of working people at European level and to represent them in the EU institutions. The ETUC's objective is an EU with a strong social dimension that safeguards the wellbeing of all its citizens. At present, the ETUC has in membership 82 national trade union confederations from 36 European countries, as well as 12 European Industry Federations, plus observer organisations in Macedonia, Serbia, and Bosnia and Herzegovina. Other trade union structures such as EUROCADRES (the Council of European Professional and Managerial Staff) and EFREP/FERPA (European Federation of Retired and Elderly Persons) operate under the auspices of the ETUC. In addition, the ETUC coordinates the activities of the 45 IRTUCs (Interregional Trade Union Councils), which organise trade union cooperation at a cross-border level.

The ETUC is one of the European social partners and is recognised by the European Union, by the Council of Europe and by EFTA as the only representative cross-sectoral trade union organisation at European level.

**[www.etuc.org](http://www.etuc.org)**

# PROJECT PARTNERS

	Algemeen Belgisch Vakverbond – Fédération Générale du Travail de Belgique – ABVV-FGTB	<a href="http://www.fgtb.be/">www.fgtb.be/</a>
	Algemene Centrale der Liberale Vakbonden van België – Centrale Générale des Syndicats Libéraux de Belgique – ACLVB-CGSLB	<a href="http://www.aclvb.be/">www.aclvb.be/</a>
	Algemeen Christelijk Vakverbond – Confédération des Syndicats Chrétiens – ACV-CSC	<a href="http://www.acv-online.be/">www.acv-online.be/</a>
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	Unione Italiana del Lavoro – UIL	<a href="http://www.uil.it/">www.uil.it/</a>
	Konfederácia Odborových Zväzov Slovenskej Republiky – KOZ SR	<a href="http://www.kozsr.sk/cms/">www.kozsr.sk/cms/</a>
	Landsorganisationen i Sverige – LO-S	<a href="http://www.lo.se/">www.lo.se/</a>
	Türkiye Devrimci İşçi Sendikaları Konfederasyonu – DİSK	<a href="http://www.disk.org.tr/">www.disk.org.tr/</a>
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Civil Society Dialogue – Bringing together workers from Turkey and the EU through a shared culture of work

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## **ETUC**

International Trade Union House (ITUH)  
Boulevard Roi Albert II, 5  
B-1210 Brussels  
Belgium

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