

Crisis, Migration and Precarious Work: impacts and responses

Focus on European Union member countries

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A Research Survey

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Introduction

It is often said that migrants –like ethnic minority workers-- are the last hired and first fired. This is certainly the case today as a consequence of the global economic, financial and employment crisis.

The global crisis beginning in late 2007 led to a serious slowdown in world economic activity, particularly affecting Western Europe and North America, and to a lesser but important extent, Central and Eastern Europe. Massive layoffs occurred and continue to take place; they often affected temporary and migrant workers from the start.

As the most recent ILO Global Employment Trends Report for 2012 --subtitled “Preventing a deeper jobs crisis”-- emphasizes, the global crisis is also a still-deepening crisis of work and unemployment.¹ At least 200 million people are unemployed and 400 million new jobs must be created over the next ten years to avoid further increase in unemployment. Migrant workers in particular face not only rising unemployment but also structurally-defined shifts into more precarious work and working conditions.

At the same time, under tremendous political and financial pressures, governments themselves are *smashing the State* as it were: cutting budgets and downsizing, in particular eliminating social protection, social support and health, education and welfare programs, along with other expenditures. These cuts reduce if not eliminate services that compensated for unemployment and precarious exploitative employment by aiding workers and their families to obtain basic nutrition, housing, health care and schooling.

Despite this context, commitment and efforts abound among social actors --trade unions in particular- - to convert ever more widespread precarious work into decent work; work where basic labour rights are respected. Defence is also mounted for retaining government responsibilities for regulation, for providing a social protection floor and for ensuring respect of rights for all.

This report assembles material from a range of research reports, policy briefs and other sources not heretofore combined in one document. It does not offer new, unpublished empirical data. While

¹ ILO: *Global Employment Trends 2012: Preventing a deeper jobs crisis*, International Labour Office, Geneva, January 2012, page 9

analysis of the multiple-layered international crises is beyond the scope of this review, the deepening financial and employment crisis currently facing the “Eurozone” is noted.

The first section provides a contextual summary of main effects of the crisis on migrant workers and labour migration. The second section surveys data and analysis on effects of the crises on migrant workers in Europe, regarding:

- a) *Downsizing* employment of foreign workers
- b) Departures from contrasted with arrivals to Europe as well as stocks of foreign workers
- c) *Precarisation* of terms and conditions of work
- d) Deterioration of social protection and access to social services
- e) Incidences and apparent trends of increased discrimination and xenophobic behaviour
- f) Gender specific impacts
- g) Irregular migration

The third section reminds the global context of demand-driven growing international labour mobility and consequent policy challenges. The fourth section discusses effective policy and practice, focussing on trade union responses. The fifth section offers a range of examples of ‘good practices’ in migration governance as well as trade union action. The final sixth session presents elements for strategic approaches identified by national experiences, international organizations and the European Trade Union Confederation.

Data for this report is based on a review of literature on migrant workers focussing on precarious situations and impact of the financial and employment crises. It includes secondary data drawn from research and reports by EU institutions, European research and statistic centres as well as by international organizations including the ILO. The data available is limited and very uneven among different countries and across effects. While a flurry of assessments and research reports by a range of institutions appeared in 2009, almost no overviews of crisis impacts on migrants have been published since early 2010. However, several detailed country studies appeared in 2011.

An excerpt from the executive summary of a report on the UK accurately sums up features also described in reports on Belgium and Germany, and consistent with data from other EU member countries:²

Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them and large numbers of the general public on the other. The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between (native) born/migrant and between different groupings of labour migrants. Exploitation is linked to a hierarchy of vulnerability with the rights and entitlements guaranteed or not by a migrant’s legal status, the legal provisions between the UK and a migrant’s ‘home’ country, unionisation, racism, contract type and flexibility all affecting this vulnerability hierarchy.

With the onset of the economic crisis there has been a significant drop in the numbers of people migrating to the UK. The downturn has also led to increased levels of unemployment, but this has not disproportionately affected migrants in already working in the UK. There are serious consequences for the social protection of migrants however, especially in regards to: welfare cuts that will result in even fewer checks on employment practices and increased living costs, the increased downwards pressure on profit margins

² Ian M. Cook, *Hierarchies of Vulnerability: Country report United Kingdom; Labour migration and the systems of social protection*, Multikulturni Centrum Praha, Czech Republic, 2011, page 4

and numbers of UK-born workers ‘forced’ into the labour market due to changing unemployment regulations and cuts in housing benefits.

I. CRISIS AND GLOBAL IMPACT ON MIGRANTS

Migrants are generally among the workers most hit by economic downturns for several reasons. Migrant labour is often used as a cyclical buffer, like other macroeconomic policies aimed at maximizing growth and minimizing unemployment. For migrants, this means they are often the last to be hired and the first to be fired and their employment relationships are frequently non-standard and in poorly regulated sectors or activities. In times of economic insecurity migrants easily become scapegoats; xenophobic sentiments and discrimination against migrant workers rise. This alone presents one of the most formidable challenges for obtaining decent work, social peace and cohesion-- and therefore for governance-- in hard times.³

Some data and assessments usefully set the situation of EU countries in the global context. The ILO Global Employment Trends report (GET) for 2009 documented the dramatic increase of people sent into the ranks of the unemployed, becoming working poor or being put in vulnerable employment following the globalized descent into financial-economic crisis starting in 2007. That GET report estimated an increase in global unemployment in 2009 compared to 2007 by a range of 18 million to 30 million workers, and more than 50 million if the situation continued to deteriorate.⁴ The number of working poor – people earning below the US\$2 per person, per day poverty line in poor countries – was predicted to rise in worst case to nearly 1.4 billion, or 45 per cent of all the world’s employed while even in the best case, it would be 1.17 billion.⁵

As noted in the introduction of the most recent ILO Global Employment Trends Report for 2012:⁶

After three years of continuous crisis conditions in global labour markets and against the prospect of a further deterioration of economic activity, there is a backlog of global unemployment of 200 million – an increase of 27 million since the start of the crisis. In addition, more than 400 million new jobs will be needed over the next decade to avoid a further increase in unemployment. Hence, to generate sustainable growth while maintaining social cohesion, the world must rise to the urgent challenge of creating 600 million productive jobs over the next decade, which would still leave 900 million workers living with their families below the US\$2 a day poverty line, largely in developing countries.

A flurry of global and regional assessments of the crisis impact on migrants and migration were made in the course of 2009. Recent assessments in 2011 and data from a number of European countries generally reinforce assessments made in 2009. In aggregate terms, these assessments support the following observations:

- 1) Migrants and persons of foreign origin have been and continue to be hard hit, they were disproportionately among those laid off or rendered unemployed from the outset and they remain among the ‘hard core’ unemployed. Paradoxically, migrants employed in some sectors (health care, certain services, even construction in some countries) have been less affected, in some cases maintaining jobs at rates comparable to or higher than nationals.

³ This section draws on an assessment in 2009 by the author: *The impact of the financial crisis on migrant workers* first presented at the 2nd Preparatory Meeting for 17th OSCE (Organization for Security and Cooperation in Europe) Economic and Environmental Forum. Online at: <http://www.osce.org/eea/36454>

⁴ ILO: *Global Employment Trends 2009*, International Labour Office, Geneva, January 2009, page 24

⁵ Ibid, page 39

⁶ ILO 2012 (1), page 9

- 2) Many among those migrants who remained employed were affected by reductions in pay, working time, and worsening working conditions-- as were working people more generally.
- 3) Migrant workers –usually without access to social “safety nets” and often lacking established family support-- have frequently been compelled to take any work offered, generally at more substandard pay and abusive conditions than before. This represents a particularly urgent driver for precarisation of work and working conditions.
- 4) Many countries reduced official quotas or intake of foreign workers from early on in the crisis in 2008-2009. Some countries conducted deliberate incidences or practices of exclusion and expulsion of migrant workers. However, the latter was subsequently tempered by protests and by reluctant recognition of continuing needs for foreign skills and labour.
- 5) Most migrant workers established in Europe did not return home, unless forcibly expelled. This was the case even when offered financial incentives to voluntarily depart. Conditions in homelands from which many migrants originated were still worse or remain relatively worse. While there may be opportunities for some kind of work in host countries, none at all are perceived ‘at home’ in many cases. Furthermore, situations in origin countries have usually evolved to the extent that repatriation, insertion and (re)adaptation in homelands represent far greater challenges than staying put for those resident for several years in Europe.
- 6) The impact of already minimal social protection was and continues to be compounded by crisis conditions and cutbacks. Migrants are increasingly excluded from social safety net support; previous support for migrants in irregular situations has tended to disappear.
- 7) Scapegoating of migrants and xenophobic violence against foreigners are manifestly on the rise across the region –and throughout the world. This has been expressed in murders and lynchings of migrants in some countries, in generalized expressions of anti-foreigner sentiment, in hostile political discourse, and in calls for exclusion of migrants from access to labour markets and social protection benefits. Nonetheless, the evident increase in xenophobic violence has been understated or ignored in some official assessments.
- 8) The financial crisis affected men and women migrant workers differently as they are differently clustered in jobs and economic sectors. Male migrants were more severely impacted by job losses; women migrants tend to be employed in sectors and services less subject to fluctuations. However, female foreign workers increased their share of total foreign workforces in some countries and the proportion of migrant families supported by female heads of household is likely to have risen.
- 9) Irregular migration has been and remains a quasi-structural feature across Europe, as a consequence of sustained labour market demand for foreign skills and labour, in particular for cheap, flexible and unprotected migrant labour, in the face of restrictive immigration policies and political constraints.
- 10) Migrant remittances home declined from Europe (although not from some other regions) in 2008 and 2009; they subsequently stabilized in aggregate terms and in some cases increased. The latter may reflect sustained structural need for and employment of foreign workers as well as deteriorated situations in some home countries that compel migrants to ‘tighten the belt’ even further in order to send home larger amounts of their earnings.

II. CRISIS IMPACT ON MIGRANT WORKERS IN EUROPE

Research data and observations presented below draw out examples of the specific impact on migrants in Europe and migration to Europe; the information available generally coincides with the observations above.

The financial crisis has had a higher impact on certain sectors of the economy, some of which employ large numbers of migrant workers. Worldwide as in Europe, migrant workers are particularly concentrated in construction, manufacturing, agriculture, hotel and catering, and health and care work, including domestic services. These sectors have also been especially hit by the current crisis.⁷ The impact on migrants was more visible in countries where the crisis began earlier, notably Spain, Ireland, the United Kingdom as well as the United States. For example, in Spain, the unemployment rate of migrants rapidly reached 17 per cent.⁸

However, very different impacts continue to be the case between countries, migrant groups, and skills levels. A study at end 2009 (two years after crisis began) noted “By using data collected both in the destination and origin country, we find evidence that the economic crisis did not affect quantitatively Tunisian migration to Italy, nor impact the economic conditions of Tunisians migrants in Italy.”⁹

Context

The foreign-born in the labour force of most Western European countries represents 10 percent or more of the workforce; as of 2009: Austria 16.3%, Belgium 13.4%, France 11.6%, Greece 11.8%, Ireland 19%, Italy 11.3%, Luxembourg 48.6%, Netherlands 11.5%, Norway 9.5%, Portugal 9.4%, Slovenia 8.7%, Spain 18.5%, UK 12.9%. Several are higher proportions than the USA with 16.2%.¹⁰

Taking into account persons with a “migrant background, one or both parents being immigrants, shows the even more significant contribution of migration to work forces in most Western European countries, around 20% or more. The immigration contribution to population in a growing number of European cities is even more striking. Recent data shows that 48% of the population of Vienna is immigrant or has at least one foreign-born parent.¹¹

In Germany:

On the 31st of August 2009, Germany had a registered population of about 81,8 million people. Among these, more than 16 million people were having a “*migration background*” - that is 19,6 per cent of the total population. Among those aged below 25, the percentage of persons with migration background is even higher, reaching 28 per cent.¹²

⁷ For a detailed and systematic analysis of developments and prospects for migration to and within OECD countries, please refer to OECD Working paper DESLSA/ESLSA/WP2(2009)3 *International Migration and the Economic Crisis: Understanding the links and shaping the policy responses*.

⁸ OECD, *International migration and the economic crisis: understanding the links and shaping policy responses*, Organization for Economic Cooperation and Development (OECD), Paris, 2009, page 7.

⁹ Habibi Fourati: *La crise financière mondiale: quel impact sur l'avenir de la migration des Tunisiens en Italie?* Consortium for Applied Research on International Migration (CARIM), December 2009, abstract p 5 e-version

¹⁰ Recent figures for most EU countries are found in the OECD *International Migration Outlook: SOPEMI 2011* Statistical Annex

¹¹ Reported to author in July 2011 by August Gachter, researcher at Center for Social Innovation, Vienna

¹² Björn Jungius: *Crisis of Migrant Employment in Germany: Country report Germany; Labour migration and the systems of social protection.* Multikulturelles Centrum Praha, Czech Republic, 2011, page 5, citing statistical data report in German (available online)

Indicators of differential situations for migrants were already dramatic prior to the crisis. Unemployment rates were generally significantly higher for foreign origin workers, in many countries around two times higher than for nationals.

Also regarding Germany:

At the same time, for decades the country has not done enough to activate and use existing potentials among its resident migrant population... this has led to a situation in which migrants – no matter of what origin – generally do find themselves in a weaker and more vulnerable position on the labour market. In the consequence, and as a result, persons of migrant background are at a greater threat of unemployment and precarious work relationships than their German fellow countrymen. Accordingly, the labour market integration of migrants was problematic already prior to the financial crisis of autumn 2008.¹³

Data from discrimination practice testing studies conducted in ten European countries under ILO supervision or using the “ILO methodology” demonstrated that discriminatory behaviour by labour market *gate-keepers* resulted in high levels of unjustified differential treatment for persons of foreign origin. Job candidates of foreign origin or extraction had to make four to five times as many applications as ‘national’ candidates for job openings to land positive responses.¹⁴ This despite all candidates being equally qualified and with equivalent training and experience.

1. Loss of employment

Available data shows that general unemployment rates among foreign-born/foreign-origin workers increased significantly over their already higher proportions prior to the crisis. In Sweden for example, the number of unemployed immigrants born outside Europe jumped from 17,000 persons pre-crisis to 78,000 in 2009 and 2010. Unemployment rates are clearly graduated by origins: 21.6% for ‘third country nationals’, 12.2 percent for persons born in Europe, and 7 percent for the Swedish population.¹⁵ Data from Germany suggests that even when employment improves, the gap between ‘native’ and foreign origin workers remains huge. In 2009, 17 per cent of foreigners were unemployed – more than 540,000 people – in contrast to 7,8 percent of Germans. In November 2010, with economic recovery underway, 14,6 percent of foreigners were unemployed contrasting to 6,3 percent of Germans.¹⁶

Construction, wholesale, and hotels and restaurants are particularly sensitive to swings in employment but other sectors such as health, social work and education are not. Data from Ireland illustrates uneven impact reported in many countries by nationality and by employment sector. Unemployment in Ireland increased from under 5 percent at the beginning of 2008 to over 13 percent in the second half of 2010. While unemployment of Irish nationals increased from 4.5 percent to 13 percent; unemployment for non-nationals overall increased from 6.4 percent to 17 percent. However, unemployment of migrants from the ‘old’ EU13 (excluding Ireland and the UK) only increased from 6.5 to 7 percent; this because EU13 nationals were concentrated in sectors less affected by the crisis, such as Information and Communication Technologies. Unemployment of UK nationals went from 8 to 17 percent, whereas new EU Member State (NMS) migrant unemployment increased from 6.4 percent to almost 20 percent. NMS migrants were concentrated in hard-hit construction and in

¹³ Jungius (ibid), page 5

¹⁴ ILO, *International Labour Migration: a Rights Based Approach*, International Labour Office, Geneva, 2010, page 3 executive summary (available online)

¹⁵ Miguel Benito, *Labour migration and the systems of social protection: country report Sweden*, Multikulturni Centrum Praha, Czech Republic, 2011, page 10

¹⁶ Jungius (12) page 6

manufacturing and retail that have a high share of lower-skilled jobs and experienced significant decline in employment.¹⁷

In some countries, anecdotal evidence showed an initial increase in nationals taking up jobs usually held by migrant workers. News reports in 2009 said that, “Spaniards are lining up to pick olives for €53 (\$68) a day”¹⁸ in Jaén, Spain’s region generating one-fifth of the world’s production of olives, where employers generally hired mainly foreigners.

However, a detailed report on Italy from May 2011 notes that: “A comparison of trends in employment levels of foreigners and natives shows an important and unexpected feature of the Italian labour market: while native employment has declined substantially since the second quarter 2008, foreign employment has continued to grow, although at a slower pace.”¹⁹

Another particularity noted in the same report is that lower-skilled foreign workers appear to be weathering crisis better than higher skilled. This was consistent with earlier indications in Italy, for example the Labour Chamber of Treviso – a main industrial city and destination for migrants–declared that by early 2009, the rate of employment among foreigners was higher than among Italians – 68 percent for foreigners compared to 61 percent among Italian men and 58 percent among Italian women. Reports highlighted that the crisis affected particularly migrant workers in the industrial North of Italy; and meanwhile the Italian labour force faced taking jobs ‘nationals’ weren’t previously compelled to do.²⁰

The situation in health care and other social services is different, however. Countries in Western Europe employ significant numbers of migrants in health and social work; foreign born workers constitute 15 to 20% of those employed in health and social work sectors in several countries. Significant reduction in employment in these sectors has not been reported. A UK government Health and Safety Executive (HSE) online policy brief states that the “health and social care services sectors employ approximately 3.25 million people in Great Britain and both sectors are rapidly growing with forecasts of an additional 1 million workers needed in the social care sector alone by 2025.” The brief further notes that “health and social care sectors have faced staffing shortages resulting from factors such rapid growth in demand for services and an ageing workforce and reduction in employment retention rates. Recruitment from overseas has been a key strategy in the NHS (National Health Service) and in recent years overseas sources have contributed about 45 per cent of the new entrants registered with the Nursing and Midwifery Council.”²¹

The Jungius report on Germany emphasizes that a major factor of employment barriers for migrant labour in Germany is what may be called a *qualification* and a *recognition crisis*. According to official statistics about 50 per cent of migrants in Germany do not have a recognized vocational qualification. Most foreign-obtained vocational qualifications are not recognised in Germany. One third of unemployed *Aussiedler* and almost 50 per cent of migrants from central and eastern European

¹⁷ Torben Krings: *After the Boom: The Impact of the Economic Crisis on Migration and Migration Policy in Ireland*. Network.Migration conference paper. December 2010, page 4

¹⁸ The Wall Street Journal, Thomas Catan, ‘Spain’s Jobs Crisis Leaves Immigrants Out of Work. With Prospects Worse Elsewhere, Few Takers for Government Campaign Offering to pay Legal Foreigners Who Return Home’, January 24, 2009.

¹⁹ Ferruccio Pastore and C Villosio, *Nevertheless Attracting...Italy and Immigration in Times of Crisis*. . LABORatorio R. Revelli, Working Paper no. 106, Torino, Italy, May 2011, page 4.

²⁰ La Stampa, Fabio Poletti, “E la guerra tra poveri si posta nel Nordest”, Torino, February 3, 2009. [in Italian]

²¹ UK HSE *Health and social care*, UK Health and Safety Executive online brief, accessed 21 February 2011 at: <http://www.hse.gov.uk/migrantworkers/healthcare.htm>

states who receive unemployment welfare support do have vocational qualifications-- but not recognised in Germany!²²

2. Terms and conditions of employment

Migrant work has long been characterized as low paid and in precarious work relationships. Data shows that even before the crisis, in the OECD zone immigrants are highly represented in temporary work, notably in Belgium, the Czech Republic, Greece, Finland, Hungary, the Netherlands, Norway, Portugal, Spain and the United Kingdom. In these countries the share of immigrants in temporary work exceeded that of native-born by at least 50 per cent.²³

A detailed description of migrant concentration in low paid precarious work is in the 2011 report on Germany referred to above. Its descriptions summarize trends apparently common across a number of countries.²⁴

The recent deregulation of the German labour market (in combination with the re-organisation of the welfare system) has played an important role in creating precisely these kind of jobs and work relations, with the liberalisation of temp work in 2004 being *the* decisive step. The liberalisation of temp work has been warmly welcomed by the employing side. Just how attractive temp work is for companies is probably best reflected by its initial rapid growth in the years following liberalisation, and attempts - most notably by the drug-store chain *Schlecker* - at replacing the entire staff by temp workers.

Foreigners and people with a migrant background constitute an important pool of temp workers. For 2007, it was estimated that about 14 per cent of all temp workers were migrants, with their numbers estimated to rise. The realm of temp work was also where the economic crisis hit most heavily: From June 2008 to June 2009 their numbers were reduced by almost 40 per cent, dropping to about half a million in early 2009. With economic recovery, numbers of temp workers are currently on the rapid rise again. In 2010, the numbers of temp workers rose by 40 per cent and may by now have reached already a million, an all-time high.

What has been already celebrated as “*Jobwunder*” (the almost “miraculous” rise in employment numbers in 2010) is thus directly connected to the renewed boom of temp work. A very telling example is the situation at the 30 major German companies that are listed in the stock market index *DAX*. Here temp work has been thriving, while regular employment has been reduced: The car producer *BMW* for example has reduced 10,000 full time positions in the last three years, while simultaneously hiring 3000 temp workers. A major temp work agency like *Randstad* in the meantime employs as much personnel in Germany (50,000) as the chemical giant *BASF*.

Research reports also signal the important presence of migrant workers in informal,unregistered “black” employment (*Schwarzarbeit* in Germany, *Lavoro nero* in Italy, *Travail au noir* in France). Such work is characterized by complete absence of protection, exploitation and abuse, and, for migrants, a completely vulnerable dependence on employers for their situation. Sectors where informal work prevail include agricultural labour, low-skilled construction work, domestic housekeeping and childcare work in private homes, and personal care-taking for aged or ill persons, as well as the sex work field.

²² Jungius (12), pages 6-7

²³ OECD (8), page 12

²⁴ Jungius (12), page 7

The Jungius report on Germany argues that *Schwarzarbeit* is widespread, citing an *IW Köln* estimate “that 95 per cent of all household keepers in Germany are working illegally, their work being utilised in about four million German households.” In context of the crisis, while temporary work may have been reduced, at least for a period of time, it is asserted that irregular or informal work has risen in the aftermath of the crisis. For the year 2010, the increase was estimated at 2 per cent, with illegal work estimated at producing an output as high as 14,65 per cent of the GNP. This estimate of economic share attributable to *Schwarzarbeit* is contested, however, with critics arguing that there is no verifiable grounds for such an estimate, which may be highly exaggerated.²⁵

It should be noted, however, that the definition of unregistered and informal work vary, as does the proportion of formally recognized jobs. A general estimate for Italy is that close to 40% of all employment in the country is un or under-reported *lavoro nero* meaning that a large proportion of Italians as well are engaged in employment ‘off the books,’ including in formalized sectors and enterprises.

Also at issue is the widespread tendency to speak of informal and unregistered employment as “illegal work,” a characterisation that entirely confuses situations of hidden employment relationships in many sectors of legal activity risk with illegal activity in such as dealing drugs, money laundering or fencing stolen property.

A report on crisis impact in Sweden highlights that the new labour migration law adopted in December 2008 –after nearly 40 years of restricted migration “lacks control on the employers.” The report observes that:²⁶

the level of vulnerability of migrants has increased. It has brought a greater opportunity for exploitation of migrants by their employers, as the trade unions have withdrawn from the recruitment process. When an employer offers a job for more than one year the Migration Board gives work permission. The Migration Board only controls that the working conditions and the salary are correct. Once the permission is given there is no further control. It has been found out that some employers have had a big movement of people on the payrolls. Moreover, conditions such as long working days and low salaries have been common in Sweden. Those who want to complain can lose their work permits... Furthermore, undocumented migrants have been exposed to practices of exploitation to a much greater degree. Instances of slavery and dishonest practices have occurred.

3. Returns versus arrivals of Migrants

The impact of the crisis on flows of migrant workers has been notable but markedly uneven. Despite initial expectations, ‘third country’ migrants did not leave Europe in large numbers. In numerous countries, migrant stocks (population) continued to grow although considerably more slowly than before 2008. As the 2010 OECD International Migration Outlook put it:²⁷

While flows have tended to decrease noticeably in OECD countries, this has not generally meant a decline in stocks, since inflows continued and have generally exceeded outflows. Nevertheless, return migration has been notable in some OECD countries, especially those hardest hit by the crisis, namely Ireland and Iceland. These countries have also seen increasing outflows of nationals.

The most significant change was in mobility within the EU. According to the 2010 OECD report, “Migration from the countries which joined the EU in 2004, especially Poland, has slackened

²⁵ Jungius, (12) page 8

²⁶ Benito (15), Page 12

²⁷ OECD, *International Migration Outlook 2010 SOPEMI*, Organization for Economic Cooperation and Development, Paris, 2010, page 32

significantly. The number of new applicants to the United Kingdom's Worker Registration Scheme fell 26% in 2008 and 34% in 2009. In Ireland, the number of citizens of these countries registering for a social security number fell 42% in 2008 and 60% in 2009." The report further noted:²⁸

Free movement migration has been more reactive to labour market conditions than discretionary labour migration, because the jobs taken up by migrants in free-movement regimes have tended to be lesser skilled and to be precisely in those occupations and sectors that were booming, such as construction and hospitality.

In Italy in particular, migrant stocks continued to increase. A recent study (2011) notes that the legally resident foreign population in Italy almost tripled in the last decade; it doubled just over the last five years. This high rate of growth in the recent (pre-crisis) past may have only been matched in Spain; most other countries have seen a more gradual increase over a longer period. In Italy, the growth in migrant stocks has continued in the last two years. As this study notes:²⁹

The economic recession has not prevented people from migrating to Italy. Throughout 2009 and 2010, inflows have only slightly decreased with respect to 2008 and continued to outweigh outflows very substantially. The positive net migration both in 2009 and 2010 has kept the stock of foreign population growing, although to a lesser extent than in 2008.

The steady growth in stocks, until the beginning of 2011, suggests, at a first reading, that immigration to Italy has not been strongly affected by the economic crisis so far. This is not just the consequence of a fundamental (and partly physiological) rigidity of legal migration policies, which – in Italy as elsewhere - need some time to adapt to evolving constraints... the persisting immigration growth is also to be connected with a persisting, although controversial and uneven, need for foreign manpower, which has convinced decision-makers to maintain legal channels relatively open also in times of crisis.

These trends of stable if not increasing migrant stocks and fewer departures despite reductions in intakes since 2008 may reflect continuing structural changes in employment in Europe, notably a generally increasing proportion of employment of migrants in most EU countries. As the editorial in the OECD 2011 International Migration Outlook put it, "...As economies get back on their feet, the effects of ageing populations and workforces will begin to reassert themselves, and recourse to increased international migration will again look attractive as a way to help fill shortages and to help finance health and pension systems in deficit."³⁰

Further research is needed to examine the relationship of increasing international labour mobility with precarisation of employment –where more work is shifted to low paid, flexible migrant workers whose situations and conditions are precarious by definition. As a 2009 assessment of the crisis impact on migration co-authored by the International Migration Institute director Stephen Castles noted,

One result of the neo-liberal economic policies of the last 30 years has been growing inequality, even within the richest countries, and the emergence of «unwanted» jobs and informal labour markets that requires cheap unskilled labour – mainly provided by migrants. This need may well persist despite the crisis – as happened after 1973.³¹

Despite the complex employment-migration relationship and indicators of ongoing demand in some sectors and countries, many destination-country governments have persistently reiterated policies of return and expulsion as well as for stricter barriers to entry. Several European governments

²⁸ OECD (ibid), page 32

²⁹ Pastore (19), page 3

³⁰ OECD, *International Migration Outlook 2011 SOPEMI*, editorial "Migration in the Post-Crisis World" by John P. Martin, Organization for Economic Cooperation and Development, Paris, 2011, page 30

³¹ Stephen Castles and Simona Vezzoli, *The global economic crisis and migration: temporary interruption or structural change?* in *Paradigmes*, Issue no. 2, June 2009, page 71

introduced financial incentives to encourage unemployed migrants to return home, for example the Czech Republic and Spain.³² The Czech Republic government targeted migrant workers in the construction sector. However, the response to the Czech programme quickly diminished after initial interest. In 2007, Spain received 1 million immigrants from Africa, Latin America and Eastern Europe; it subsequently faced the highest unemployment in the Eurozone. Responses included legislation to cut the number of work permits, restrictions on family reunion visas³³ and introduction of a voluntary return programme for unemployed legally resident migrants. Here too, relatively few migrants took the offer.³⁴ Nonetheless, Spain's overall response may be exemplary because, while reducing intake, it explicitly rejected policy options to oblige unemployed migrants to repatriate.

While such policies may be politically popular and appease pressures from anti-migrant political parties, their economic rationality and sustainability appear dubious. As the Castles report cautioned:

It is mistaken to believe that migrants will serve as a safety valve for developed economies, by providing labour in times of expansion and going away in recession. When economic conditions get bad in rich countries they may be even worse in poorer origin countries. Moreover, migrants are social beings, who put down roots and form relationships in new countries. At times of recession, the motivation to migrate may be even higher than before, and remittances may prove a resilient form of international transfer. Finally, global economic inequality and the demographic imbalances between the ageing populations of the North and the large cohorts of working age persons in the South will remain important factors in generating future migration.³⁵

4. Social protection

As remarked in one of the few studies on the subject, migration and social protection is an understudied topic in social protection literature. Although the crisis appears to provide fertile ground for ploughing under a wide range of social services and social protection mechanisms, specific impacts on migrant workers remain little documented.³⁶

An EU Fundamental Rights Agency working paper "Protecting fundamental rights during the economic crisis" published in 2010 asserted that "EU Member States have tried to maintain the level of social benefits at pre-existing levels prior to the crisis."³⁷ It nonetheless notes that, "However, some of the measures taken have had arguably an adverse impact on the level of social protection."³⁸ The Working Paper identifies examples of maintenance of social protection benefits and instances where social security and social protection measures were reduced in some EU member countries up to early 2010.

Although documentation reviewed for this survey may not sustain a firm Europe-wide generalization, data available and considerable anecdotal evidence do indicate that migrants are both scapegoated and victimized in contemporary reforms of social protection systems.

³² IOM, *Thematic Study: Migration and the Economic Crisis in the European Union: Implications for Policy*. Jobst Koehler, Frank Laczko, Christine Aghazarm, Julia Schad. IOM. Brussels, 2010, page 24

³³ IOM (ibid). Pages 28-30

³⁴ IOM (ibid), page 24

³⁵ Castles & Vezzoli (31), page 74

³⁶ This author observes that the crisis appears to serve as justification to dismantle both the concept and the practice of State responsibility to ensure *welfare* --basic well-being-- of people on its territory, particularly those whose situation places them at risk of insufficient or altogether absent social protection.

³⁷ EU Agency for Fundamental Rights (FRA), *Protecting fundamental rights during the economic crisis*, Vienna, 2010, page 25

³⁸ Ibid, page 26

Recent studies from Germany and the Netherlands may be indicative. These reports show firstly that restrictions on social protection for migrants have been introduced over the last several years in the context of wider *welfare reform* in those countries, undertaken since before the current global crisis set in. Secondly, increasingly restrictive access to social protection and related measures have compelled migrant workers, particularly those in irregular situations, to accept more precarious work and substandard working conditions.

A report on the Netherlands summarized three mechanisms reducing social protection for migrants over the last decade:³⁹

First, the composition of migrant inflows has been changing over the past 10 years: there has been a decrease in asylum seekers, family reunifications and low-skilled workers, combined with an increase in highly skilled workers. This has led to a reduced need for migrants to use the social protection system, as highly skilled workers are generally less vulnerable to unemployment.

Second, since the 1990s, changes to Dutch Government policy have pushed large numbers of people back onto the labour market, including many migrant workers (who were over-represented among the “non-active social” benefit recipients).

Third, implementation of the Linkage Act made it practically impossible for migrants to claim social benefits, since this would lead immediately to the loss of their resident permits...

These mechanisms produced an important asymmetry in the treatment of migrant workers: Legally, migrants must pay into a benefits system, from which they are deprived of a right to profit.

A policy consequence linkage with precarious work was highlighted in a subsequent passage:⁴⁰

The Linkage Law further ensures that illegal residents cannot make use of the social security system anymore. This, possibly coupled with fiercer labour inspections on legal employment relations has furthermore led to the increase of illegal work outside the observable relations. This shows in the increase of skimpy employment intermediation bureaus that has further increased the dependency of illegal residents on them as well as family and friend networks. In practice, this has led to illegal residents pursuing the same work as before but facing worse work conditions. Illegal employment is common especially in the hotel and catering, personal services, farming and cleaning sectors where labour inspections are relatively more difficult.

A study on Germany summarized *welfare reform* there:

The first goal of the reform was to reduce welfare costs, the second, to introduce a strategy allowing for a quicker re-integration of long-term unemployed into the job market. The latter was meant to be achieved by granting only a minimum basic security whose amount is estimated according to a calculated socio-cultural minimum means of existence (as higher transfers were seen as incentive to remain unemployed). Simultaneously, pressure on recipients was intensified to take up work (e.g. any kind of job offered is “reasonable” and has to be accepted by the recipient, even if wages are undercutting official tariff wages, the job is not corresponding with the qualification of a person, or the offered workplace is located in a different federal state). A rigorous control system was introduced, so in case of violations of regulations sanctions can be executed the percentage of those getting stuck in the “ALG II trap” seems to be on average at 20 per cent. For those trapped, the social situation has mostly deteriorated. The reduced

³⁹ Siegel, Melissa & Chris de Neubourg: *A Historical Perspective on Immigration and Social Protection in the Netherlands*, Maastricht University & United Nations University, UNU MERIT Working Paper #2011-014, Maastricht, 2011, pages 10-11

⁴⁰ Siegel & de Neubourg (39), page 12

“basic security” has led to increased poverty (especially dramatic among children and juveniles).⁴¹

Specific treatment of immigrants was highlighted:

In the current debate on immigration, conservative politicians and media have been especially scandalising an alleged “immigration into our welfare systems”, claiming that the “high” transfer benefits in Germany are an incentive that attracts massive immigration – counter to all real facts....net migration to Germany is negative, and for nationals from Third countries the barriers “to prevent abuse” have been successively increased, e.g. by the possible denial of family re-union if the family member living in Germany is receiving social benefits.⁴²

Consequences that tracked people –particularly migrants-- into precarious work were also cited. The Jungius report noted that 25% of all AFGII recipients in Germany have a migrant background. The system of restructuring unemployment and minimum revenue support appears to steer people into and trap in temporary, flexible work, by definition precarious. It is reported that the introduction of ALG II also negatively affected the level of wages by changing the structure of employment relationships by promoting so-called “one-euro” and mini jobs, limited part time and temporary jobs.⁴³

5. Xenophobia and explicit discrimination

One of the first reviews of crisis impact in early 2009 already noted, “The risk of discrimination and xenophobia as migrants are mistakenly perceived as taking the jobs of local workers particularly in low-skilled sectors of the labour market.”

An EU Fundamental Rights Agency working paper “Protecting fundamental rights during the economic crisis” summed up concerns in its introduction.⁴⁴

In 2009, the European Union Member States experienced the most severe economic downturn since the 1930s. The crisis has led to a large rise in unemployment reversing gains made over previous decades. It has also provoked fears of a rise in xenophobia and discrimination against immigrants and persons belonging to minorities, in particular the Roma. Most recently, it has placed some EU Member States under severe pressure as they struggle to deal with the large rise in public debt which has accompanied the crisis.

The perception among national and European anti-discrimination and rights protection agencies is that manifestations of xenophobic anti-migrant hostility have increased as the crisis deepened, and have remained remarkable ever since.

However, as serious as this phenomena and its consequences may be, no comprehensive research documenting and quantifying xenophobic behaviour and trends in Europe since 2007 has yet emerged. No international or European agency is mandated or enabled to consistently document and measure racist or xenophobic acts, either globally or specifically across Europe.

The existence, let alone extent, of the phenomena appears to be often ignored if not denied. A recent *op-ed* (opinion editorial) by a Human Rights Watch researcher in the New York Times in January 2012 highlighted that:

When I tell people in Athens, my hometown, that I am doing research on racist violence in Greece, I am met with disbelief. There’s no problem, they say, and even if things

41 Jungius (12), page 18

42 Jungius (12), page 17

43 Jungius (12), page 19

44 FRA (37), page 6

sometimes happen it's a temporary blip linked to the economic crisis. The Greek government seems to share their view. It recorded only two hate crimes in the whole country in 2009 and one in 2008. More recent figures are not available.⁴⁵

Nonetheless, reports in newspapers, by independent monitoring groups and by international human rights organizations clearly indicate widespread phenomena. For example, in 2011, news reports in mainstream and alternative press described a spate of highly visible attacks on foreigners and their homes and businesses in Greece in May and September 2011;⁴⁶ attacks, public threats and bombings against Eastern European and African immigrants in Northern Ireland;⁴⁷ discovery in Germany in November, 2011 of a small group that had murdered eight Turkish men and a Greek national over several years;⁴⁸ these among incidents in numerous countries. A report by the Institute for Race Relations documented a series of attacks in the United Kingdom against East Europeans –most were migrant workers-- over a twelve month period from mid-2010 to mid-2011.⁴⁹

The Amnesty International Annual Report of 2011 listed incidences of racism, discrimination and/or xenophobic behaviour, in several cases by authorities, occurring in 2010 in Austria, Belgium, Bulgaria, Cyprus, Denmark, France, Greece, Italy, Netherlands, Poland, Romania and Spain.⁵⁰

The Amnesty International Report 2010 similarly noted incidences of racism, discrimination and/or xenophobic actions against migrants and refugees in numerous European countries. The report's topical summary on discrimination for the Europe and Central Asia region read:⁵¹

A climate of racism and intolerance in many countries fuelled ill-treatment of migrants, and helped to keep them and other marginalized groups excluded from society, blocking their rights to access services, participate in government and be protected by the law. The marginalization was heightened in 2009 by fears of the economic downturn, and accompanied in many countries by a sharp rise in racism and hate speech in public discourse. The endorsement by Swiss voters in November of a constitutional ban on the

⁴⁵ New York Times, "Greece's Epidemic of Racist Attacks" Eva Cosse, The Opinion Pages, New York, January 26, 2012. <http://www.nytimes.com/2012/01/27/opinion/greeces-epidemic-of-racist-attacks.html>

⁴⁶ Examples of coverage: Bloomberg.com/news "Greek Police Detain 24 in Athens Immigrant Clash After Murder", Natalie Weeks, May 11, 2011 <http://www.bloomberg.com/news/2011-05-11/greek-police-detain-24-in-athens-immigrant-clash-after-murder.html> ; Clandestina Wordpress, "Greece: Racist attacks continue plaguing Athens," 18 September 2011 <http://clandestinenglish.wordpress.com/2011/09/18/greece-racist-attacks-continue-plaguing-athens/>

⁴⁷ Examples: Belfast Telegraph, "Migrants living in fear after racist bomb attack on Poles," Adrian Rutherford, 13 October 2011 <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/migrants-living-in-fear-after-racist-bomb-attack-on-poles-16063212.html>. Belfast Counterfire, "Racist attacks on the rise in Northern Ireland," 28 October 2011 <http://counterfire.org/index.php/articles/international/15078-racist-attacks-on-the-rise-in-northern-ireland>

⁴⁸ Der Spiegel, "Xenophobic Crimes Have Too Often Been Minimized," David Crossland, 14 November, 2011 <http://www.spiegel.de/international/germany/0,1518,797631,00.html>

⁴⁹ Jon Burnett, *Eastern European workers under attack*, Institute for Race Relations, London, 2011 <http://www.irr.org.uk/2011/may/ha000023.html>

⁵⁰ Amnesty International: *Annual Report 2011*, London, 2011

⁵¹ Amnesty International: *Amnesty International Report 2010*, London, 2010 <http://report2010.amnesty.org/regions/europe-central-asia>

construction of minarets was an example of the dangers of popular initiatives transforming rights into privileges.

Data collected by the Fundamental Rights Agency MIDIS survey and published in 2009 demonstrated that the experience of discrimination by immigrant and ethnic minority communities across Europe is, if anything, severe.⁵² The 2009 report provided for the first time robust and comparative data for all EU member States, albeit data on self-reported perceptual experience obtained by interviewing random representative samples of migrants and minorities. Control samples among majority populations were also interviewed. As highlighted in the EU working paper cited above,

The ethnic minority and immigrant groups interviewed described high levels of discriminatory treatment and criminal victimisation, including racially motivated crime. Of the nine areas of discrimination in everyday life looked at in the survey, **discrimination in employment emerged as the most significant area for discriminatory treatment.** The EU MIDIS results show that discrimination in two main areas of life, namely education and employment, is particularly problematic for some groups. This result is alarming as education and paid employment hold the key to integration and social inclusion, representing the ‘prerequisite’ for leading a dignified, free and confident life.⁵³ (Emphasis added)

Little data is readily available on overt xenophobic discrimination in the world of work. A widely remarked incident took place in the UK in early 2009 where elite petroleum and chemical industry workers across the country manifested against employing foreign –albeit EU origin-- workers⁵⁴.

However, with no baseline data, no systematic reporting nor reporting systems, no consistent data collection nor analysis on discrimination, racism and/or xenophobia regarding migrants, neither at country level nor regionally in Europe, it is not possible to indisputably demonstrate what may be widespread conditions and trends. But this author cautions that absence of research data does not negate perceptions of expert bodies and anecdotal evidence indicating real and likely increasing problems.

The threatening impact of anti-immigrant, anti-foreigner anti-minority discourse as well as physical violence ranging up to outright murder cannot be underestimated. Furthermore, *adoption of more restrictive immigration policies explicitly announced to ‘protect the local labour market’ and in response to demands for fewer foreign workers* may reinforce xenophobic attitudes by explicitly tying immigration and migrants to the crisis-related threats of or actual job losses.

Such policy measures support and are in turn fed by anti-foreigner rhetoric in political campaigns and in media reports. Certainly, hostile behaviour and outright violence --whether highly visible or discreet-- have an impact on intimidating workers. Intimidation by threats of violence and violence itself translates into pressure on migrants to accept indecent work and precarious employment conditions without protesting. It discourages affiliating in unions to demand decent conditions and remuneration. It furthermore polarizes workers into distinct camps perceived as competing with each other and with little reason to cooperate to pressure for decent work for all.

6. Gender impact

⁵² Available at: http://fra.europa.eu/fraWebsite/eu_midis/index_en.htm.

⁵³ FRA (37), page 30

⁵⁴ BBC News, “Wildcat walkout action continues. Scottish energy workers are continuing with wildcat strike action over the use of foreign labour despite call from the UK Government for it to stop”, February 2, 2009; Yorkshire Post, “Strike action over foreign workers spread”, February 3, 2009; Belfast Telegraph, “Sammy Wilson: Give UK Citizens Jobs before Migrants”.

The impact of the financial crisis on migrant workers affects men and women migrant workers differently, as they are differently clustered in jobs and economic sectors. In Western Europe as well as the USA, a larger proportion of job losses directly impacted men. Women, who tend to be employed in education, health care and other services, are less sensitive to economic fluctuations.⁵⁵ In recessions, the percentage of families supported by women tends to rise⁵⁶ OECD data showed that women migrants exceed the presence of men in the health sector, social work and education, precisely those less impacted by the earlier crisis, although more recently directly subject to massive government cuts in a number of EU member countries. In the hotel and restaurant sector, the presence of men and women is almost equal.

An IOM report on the impact of crisis in EU countries summarized evidence that the crisis affected the gender composition of recent inflows and of the migrant workforce in general:

Partly as a result of rising unemployment in male-dominated sectors such as construction and continuing demand in more female-dominated sectors such as care work, more women than men in some EU countries immigrated during the economic crisis. Due to changes in the gender composition of inflows and the higher unemployment rates for men than those for women during the economic downturn, female foreign workers increased their share of the total foreign workforce in some EU countries, such as Spain, Italy, and Ireland.⁵⁷

Current migratory and employment phenomena are extremely complex within and across EU countries, and very difficult to generalize many aspects. The Italian case again:

Since several years, Italy is going through a phase of gender rebalancing of its fast growing immigrant foreign population. Such trend has two main causes: a) a constantly expanding wave of formal family reunions (but also of unauthorised family regroupments); b) a substantial increase in the phenomenon of autonomous female migration (with female migrant workers as first migrants) addressed mostly to the home- and health-care sectors... The combined effect of these two phenomena has been an ever more marked feminization of immigrant population in Italy, with the female component overcoming the male component since 2007. It has to be stressed, however, that such overall demographic rebalancing “hides” very deep and persisting differences in the gender balance among national communities.⁵⁸

7. Irregular migration

Recent research on irregular migration in the European Union produced estimates that migrants in irregular situations number between 1.9 and 3.8 million in the EU-27, giving a range of 7% to 13% of total migrants, and 0.39% to 0.77% of total population.⁵⁹ These figures indicate that the number and proportion of migrants in irregular situations are far fewer than some politicians, government officials and media reports asserted. Clear indications of new trends in irregular migration to, from or in Europe since the crisis set in are difficult to discern.

⁵⁵ New York Times: “As layoffs surge, women may pass men in job force”, 6 February 2009.

⁵⁶ *ibid.*

⁵⁷ IOM (32), page 4

⁵⁸ Pastore (19), page 8

⁵⁹ CLANDESTINO: *Comparative Policy Brief: Size of Irregular Migration*, Eliamep, Athens, October 2009 (Research project funded by the European Commission, DG RTD, FP6, 2007-2009).

http://clandestino.eliamep.gr/wp-content/uploads/2009/12/clandestino_policy_brief_comparative_size-of-irregular-migration.pdf For more information, see <http://clandestino.eliamep.gr> (country reports & research briefs); <http://irregular-migration.hwwi.net> (database).

Most research and commentary concur that *irregular migrants respond to economic and social needs: to occupy jobs which are short of workers and keep prices low enough for continued mass consumption*. Most analyses concur that irregular migration is directly bound up in labour market demand and supply challenges, and that restrictive immigration policies exacerbate rather than control the problem. The existence of a considerable number of workers in irregular and unprotected situations is an immediate concern in addressing precarious work. Migrants in irregular situations are generally both constrained and compelled to accept employment in substandard and precarious conditions.

Observations made in a FRONTEX report on the impact of the crisis on irregular migration illustrate recognition in EU law enforcement circles of what migration itself is about for Member States:⁶⁰

Illegal migration is clearly migration on a scale affected by immigration policies in receiving countries. In addition, illegal migration is in vast majority of cases related to income-generating/labour migration. This conclusion is partly empirically based, partly derived from available intelligence and partly logically deduced. Consequently, generating income in the destination country is the *raison d'être* for the major part of illegal migration to occur in the first place. As illegal migration to Member States is mainly income-generating migration, regardless of the initial causes or push factors, the focus of the analysis in this assessment is put on the nature of the relationship between illegal migration and labour demand indicators.

The report explicitly observed:⁶¹

The employment crisis, given its impact on public opinion, political decisions and social cohesion, is considered the central factor linking the current recession with illegal migration, both influx and efflux, in the EU and border management as a part of immigration policy. The influx of illegal migrants is likely to be much more susceptible to the worsening employment opportunities in Member States than the efflux. Specifically, more illegal migrants are likely to postpone their migration decisions, while those already present in the EU are likely to weather the crisis there. Paradoxically enhanced border management probably keeps in Member States a number of illegal migrants who would have otherwise left. Increased border enforcement at external borders represents a clear disincentive to return, given that possible re-entry would be riskier. This is especially true for those illegal migrants who have entered the EU illegally. Visa overstayers are less likely to be affected by this factor. Unsurprisingly, the first half of 2009 has seen a sharp overall decrease in all relevant indicators of illegal migration apart from asylum applications. However, the decrease in the number of illegal border crossings cannot be attributed to reduced availability of work in Member States alone, given the existence of cooperation arrangements significantly affecting likelihood of being returned on particular routes⁶²

A research report on Belgium provided further perspective consistent with data from other countries on characteristics of employment of migrants in irregular situations. Employment stratification by ethnic/national origins as well as legal status has been widely remarked in EU countries and elsewhere:⁶²

Generally jobs taken before getting permission to remain are casual jobs. This kind of work is often tied to the size of the 'community' to which the individuals belong and the networks connecting them. A degree of ethnic stratification may be seen: construction workers are often from Eastern Europe, North Africa or Central Africa; service workers

⁶⁰ FRONTEX: *The impact of the global economic crisis on illegal migration to the EU*. Warsaw, August 2009, page 8

⁶¹ Frontex (ibid), page 4

⁶² Massimo Bartolini: *Labour migration and the systems of social protection: country report Belgium*, Multikulturni Centrum Praha, Czech Republic, 2011, page 22

are for the most part African; in “HoReCa” (hotels, restaurants, catering) we found people from South Asia, the Near and Middle East, and Eastern Europe; cleaners are generally from Central or South America, Eastern Europe or Asia; farm workers are from Central Africa, South Asia or the Balkans.

In many European countries it has been observed that workers often lose their jobs after getting permission to remain: their employers do not want to give them an ‘official’ job. Still there are many who continue to work in the unofficial economy. Thus while illegal migrants are in competition with one another in the unofficial jobs market, they also enter into competition with all the country’s workers once their residence becomes legal.

8. Main Concerns

Certain trends related to labour migration are of particular concern regarding precarious work. Several phenomena suggest a generalized coincidence between crisis conditions and accelerated restructuring of work activity and organization towards more precarious terms and conditions:

- △ massive layoffs, plant and operations closures in Europe –notably in higher wage areas
- △ increasing proportions of employment of migrants, both in 3-D jobs and in higher skilled areas, but at low if not lower than prevailing wages and conditions in those sectors
- △ combining of labour inspection with immigration control functions, with consequences that:
 - a) manifestly intimidate migrant workers –especially those in irregular situations--
 - b) undermine effective protection by labour inspection in non-discriminatory enforcement of ‘decent work’ conditions for all workers –especially those in precarious situations
- △ recent legal decisions and policy initiatives that:
 - a) reduce application of trade union rights in cross-border enterprise activity,
 - b) facilitate social dumping
 - c) maintain established trends of deregulating working conditions

Migration --immigration for EU countries-- is a key factor facilitating division of labour markets into dual markets with a higher-paid high skilled sector on one side and on the other, an expanding sector of low-paid, unprotected “flexible” and precarious work. This is a structural transformation that is *precarising* a large part of work and the work force.

The recent Bartolini report on Belgium cited above summarized it thusly.⁶³

We also find that very poorly regulated sectors, such as the agricultural sector, often have a rapid turn over, employ immigrants from specific backgrounds and may go through cycles of employing certain nationalities. Along the same lines we find that there are industries that cannot function without new immigrants: agriculture, construction, domestic work, hotels and catering, for example.

The globalization trend with its international competition and extensive offshoring also affects the Belgian job market. Sectors that cannot be offshored – essentially people centred industries and services – can now only function because these jobs are being ‘offshored internally,’ to workers within Belgium.

Furthermore, the requirement for flexibility that is affecting more and more workers in the rich countries means that, if employees are to be more flexible and more available to their employers, some of their own household and family duties have to be taken on by others.

⁶³ Bartolini (62), page 21

Taken as a whole, this powerful trend is creating a two-tier job market and a proliferation of worker classifications of different statuses (e.g. part-time work, temporary jobs and service vouchers). Keeping up the indigenous employment rate depends, among other things, on this structural need for foreign workers employed on unregulated conditions, allowing prices to stay low enough to maintain consumption.

In sum, the overall challenge was aptly posed in the Jungius report on Germany:

However, regardless of whatever the direct effects of the economic crisis on migrant employment may have been, it needs to be stressed that the structural crisis of migrant employment in Germany long pre-dated the events of September 2008. In a nutshell, **this means is that if one is interested in improving the labour market position of migrants in Germany, it is mandatory to address those structural factors that cause the overall weaker and more vulnerable status on the labour market.** (Emphasis added)⁶⁴

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Jungius (12), page 23

III. A GLOBAL CONTEXT OF INTERNATIONALIZED LABOUR MOBILITY

ILO estimated that 105 million of the total 215 million people living outside their countries of birth or citizenship in 2010 were economically active, engaged in the world of work. This involved most working-age adults, taking into account that the migrant population includes children and aged dependants, meaning that today, some 90% of migration is bound up with work and employment.⁶⁵

Migration today is about internationalized labour and skills mobility to meet labour market and economic development needs. Cross border labour movement serves as instrument to adjust the skills, age and sectoral composition of national and regional labour markets. Migration provides responses to fast-changing needs for skills and personnel resulting from technological advances, changes in market conditions, industrial transformations and changes in the organization of work itself. In countries of ageing populations, migration replenishes declining work forces and injects younger workers, increasing dynamism, innovation and domestic workforce mobility.

Due to economic, demographic and technological changes, increasing numbers of jobs in industrialized economies simply cannot be filled by native-born workers. This remains the case despite the crisis. Ageing of native work forces combined with declining populations is an important factor. By current projections, the populations of Italy will be 25% less in 2050 than in 2000. Latvia and Lithuania have already seen reductions of nearly 10% since 1989 –almost entirely of working age adults. Fertility rates in most of the European Union countries are at or below replacement; in Spain for example, it is about 1.4 children per woman, far below replacement. France is a rare exception.

Migrants remain perceived as exploitable and expendable, a source of cheap, docile and flexible labour, apt for the 3-D -- dirty, dangerous and degrading-- jobs nationals are unavailable for and/or unwilling to take. The vulnerability of migrant workers makes them attractive for some employers, because they can be underpaid, provided with little or no workplace safety and health protections, hired and dismissed on a moments notice, and union organizing is rendered impossible. The crisis seems to make migrant labour even more attractive for some employers who seek advantages in paying vulnerable foreigners less than prevailing wages and ignoring safety and health protections. Before the crisis as well as since, underpayment or non-payment of wages, physical abuse, sexual harassment and violence against women workers, denial and repression of trade union rights have been commonplace for foreign workers.

ILO estimated that, globally, ten to twenty percent of international migrant workers are in irregular situations, without legal authorization or undocumented. Migrants in irregular situations are even more vulnerable to exploitation and abuse. However, the presence of migrants in irregular situations appears to remain tolerated by authorities in certain circumstances in some countries. This coincides with the fact that absence of legal recognition heightens the exploitability and lowers the costs of migrant labour, in some cases allowing marginally competitive economic activity to remain in business.

Flows of low-skilled migrants remain channelled by clandestine means precisely because of the non-existence of legal migration categories that would allow for their legal entry and stay in countries of employment. Once in host countries, these migrants remain confined to jobs in unstructured or informal sectors, in irregular work and under exploitative conditions of employment.⁶⁶ In contrast, ILO research underlines that legal labour migration channels contribute to reducing both trafficking and the smuggling of migrants.

⁶⁵ ILO 2010 (14), page 1

⁶⁶ M.I. Abella,, "Mondialisation, marchés du travail et mobilité", in *Migrations et avenir*, CIEMI, Paris, Vol. 14, No. 79, January-February 2002.

Historical experience shows that regulating migration and ensuring protection for migrant workers can never be left alone to market mechanisms. Migrant workers are not commodities or just “factors of production”; they are human beings, with all of the attributes and vulnerabilities that that implies.

Recognizing the need for legal protection and regulation, specific international and European legal instruments were long ago elaborated to set minimum standards relating to the protection of migrants, their families, and refugees as well. These instruments also set incentives and parameters for international co-operation on migration.

International law established three fundamental notions that characterize protection for migrants, particularly migrant workers and members of their families:

- Equality of treatment between regular migrant workers and nationals.
- Core universal human rights apply to all human beings, including all migrants.
- A broad array of international labour standards providing for protection in treatment and conditions at work (including occupational safety and health, maximum hours of work, minimum remuneration, non-discrimination, freedom of association, and maternity leave) apply to all workers.

However, protecting migrants –and national workers—and ensuring functional labour markets while upholding social cohesion requires deliberate policy attention and a comprehensive set of measures and institutions to achieve.

Policy and action need to cover administration of immigration, legal protection measures, labour market regulation, labour inspection, social security, and much more. In short, an array of measures are needed to prevent abusive practices and promote decent and productive work for women and men migrants in conditions of freedom, equity, security, and human dignity. Addressing comprehensively these areas is all the more urgent in these disruptive times of crisis.

The ILO articulated useful guidance for developing, strengthening, implementing and evaluating national, regional and international labour migration policies and practices. Guidance for law, policy and practical action in accord with international norms is provided by the [ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration](#).⁶⁷

Migration and increased labour mobility represent long term solutions to labour and skills needs in evolving economies across Europe. Crisis responses need to be taken in context of reinforcing the long term efforts to ensure adequate protection, institutionalised regulation of labour migration, and integration of migrants in decent work.

⁶⁷ ILO, *Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, International Labour Office, Geneva, 2006.

IV. EFFECTIVE ACTION AND PRACTICE

The nexus between global economic changes, increased international labour mobility and precarisation of work poses huge challenges for trade union action and organization. Implementing responses from a union perspective requires addressing both the policy context and the specific roles and responsibilities of trade unions. While it is beyond the scope of this paper to elaborate in detail, the findings above amply describe the challenges for the trade union agenda.

As a recent European Trade Union Confederation (ETUC) booklet highlights:⁶⁸

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.

This brochure is cited at length below; it summarizes lines of action for trade unions in organizing, protecting and mobilizing migrant as well as native members; it also proposes trade union action on national and European policy and legal agendas. Many actions consistent with these lines are already underway.

A flurry of national and European-wide conferences and consultations as well as new reports and studies reflect growing trade union engagement on migrants and migration. Examples include initiatives by unions and federations in public service, building and construction, agricultural, hotel and restaurant and other sectoral unions, as well as by European and international confederations.

Reporting on a wide survey of trade union confederations across the EU, the ETUC publication highlights the considerable and growing trade union activity with migrant workers and on migration policy. Many of these interventions complement and support those necessary to combat precarious employment and transform it into decent work.⁶⁹

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.

⁶⁸ ETUC: *Workplace Europe: Trade Unions Supporting Mobile And Migrant Workers*, European Trade Union Confederation (ETUC), Brussels, 2011, page 4

⁶⁹ ETUC (ibid), pages 12-13

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.

The ETUC articulates a direct relationship between day to day organizing and defense of migrant workers and acting to shape the policy, legal and societal context:

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 of 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.

V. PROFILES OF POLICY APPROACHES

This section offers profiles of several comprehensive agendas to remedying areas of risk and vulnerability of migrant workers to discrimination, exclusion and precarious work.

The first example, from Belgium, reflects a policy success story of implementation of non-discrimination measures at all levels, federal, regional, local, by government, employers and civil society actors. These consist of mutually reinforcing legal, policy and practical measures at all levels, with main emphasis on access to and integration in employment. Development of many of the

measures long pre-dated the crisis; their existence reflects the long development time required to put in place an extensive anti-discrimination agenda nation-wide. While no comparative measure is available, it can be postulated that the existence of these measures has impeded wider discrimination under conditions of crisis aggravated by aggressively anti-immigrant political forces with considerable political following and visibility in the country. These measures, among others, were listed in the report cited earlier: *Labour migration and the systems of social protection: country report Belgium*.⁷⁰

1. Belgium: A Broad Approach to Non-Discrimination, Equality of Treatment

The examples below show that a relatively comprehensive and mutually supporting set of policy interventions and practical measures have been intentionally developed over time. Mutually reinforcing activities have been implemented at federal, regional and local levels. A sample and non-evaluative listing of salient initiatives includes:

Federal Level government measures

Diversity in Government: 2009-2010 Action Plan

This diversity action plan set out actions to be undertaken by the unit in charge of diversity FPS Personnel and Organisation, the diversity team at Selor, and the Training Institute of the Federal Administration in 2009 and 2010. A number of high priority actions were identified. These revolved around five areas: awareness of leaders, recruitment and selection, reception and integration, training and development and support of HR and diversity.

http://www.fedweb.belgium.be/fr/publications/broch_po_plan_action_diversite.jsp?referer=tc:m:119-79055-64

Charter for Diversity

Signed in March 2006 by the Presidents of all the Federal Public Services (FPS – the equivalent of ministries in Belgium), the Charter requires that the executives pledge to promote equality of opportunity and diversity within the federal government.

Selor

Selor, the Recruiting Office Administration, encourages people of foreign origin to participate in the selection of potential job candidates, in order to increase their representation in the administration. This requires a commitment to objectivity and a focus on the skills of the candidate, therefore selections are anonymous. Free testing for discriminatory elements is available and the Selor staff receive diversity training. The emphasis is put on the legal framework on discrimination and managing diversity. The training also helps to develop practical skills for managing diversity in the selection procedure by providing practical tools. <http://www.selor.be/>

Regions

A sample listing citing distinct measures in different regions; each of these generally has counterparts in all three regions.

Employment: The project 'Integration of the Newcomers'

Since September 2001 the project 'Integration of the Newcomers' supported by the European Social Fund, was conducted in three regions. As its name suggests, this project was aimed at social and professional integration of newcomers. This manifested itself in initiatives to support employment. This project was coordinated by the regional placement agencies (ACTIRIS VDAB FOREm) which enabled local partners to gain expertise in diversity coaching and in the legal and administrative issues raised by employing foreigners.

<http://www.diversite.be/index.php?action=onderdeel&onderdeel=80&titel=Primoarrivants>

70

Bartolini (62)

Charter of Diversity in Business: Brussels Region

On 19 December 2005, the first entrepreneurs in Brussels signed the Charter which committed them to encouraging more diversity in their businesses. Currently, some 140 companies have signed this Charter. <http://www.diversite.irisnet.be/La-charte-de-la-diversite.html>

Assistance for Diversity Planning Wallonia

Assistance for diversity planning is available to human resources departments of public and private employers; this strategy is used to manage diversity and fight against discrimination in hiring and employment in the Wallonia region. The Walloon government uses this and the *Priority Action Plan for the Future of Wallonia* to support equality of opportunity in economic development. <http://diversite.wallonie.be/que.html>

VESOC actieplan Evenredige Arbeidsdeelname in Diversiteit: Flanders Diversity Plan

Each year the Flemish Social and Economic Council set up a 'Diversity' action plan. This supports the establishment of diversity in large enterprises by encouraging internal promotion and provides administrative support on-line. The fight against discrimination is carried out through training and coaching staff, and in collaboration with the Centre for Equal Opportunities and the Fight against Racism.

Anti-discrimination

In October 2007 the 'Action Plan Against Discrimination' was implemented by all public services and also by private contractors working for the government (temping agencies, etc.). Special attention was provided about target groups, including migrants, regarding ways to enable and support these groups. Specifically, this involved four types of action: linking diversity and (anti-) discrimination, recording and reporting complaints, monitoring and research training and the exchange of expertise.

Employment in the social sector

With the inter-departmental agreement of 2006-2010, the social partners committed themselves to the promotion of the employment of foreigners, and persons of foreign origin, in the social sector. Specifically, it was projected that between 2006 and 2010, 10% of jobs would be allocated to foreign persons or persons of foreign origin. To achieve this work was undertaken to make the sector more attractive, through better information and support for potential candidates

2. Germany: Practices to provide social protection and to prevent mistreatment

The Jungius report on Germany cited elsewhere in this paper⁷¹ aptly identifies need for measures to reinforce equal treatment, facilitate labour market integration, and in particular allow workers to take up work in fields of their expertise and training, issues for nearly all EU Member States. Based on domestic experience, several measures and practices are proposed to improve the situation of migrants on the labour market and obtain a higher level of social protection for migrants. Among these:

Protecting temp workers:

An important factor in addressing the issues of job insecurity and mistreatment is a re-evaluation and stronger control of the practices of temporary work agencies. The DGB national union confederation identified as prerequisites, among others, that the principle of equal treatment should be guaranteed from the first day of work on regarding payment and working conditions, that labour contracts should be applied for work in companies with lower standards or no existing tariff regulations, that tariff regulations need to be effective on the Employee Sending Act in order to be applicable to foreign workers sent to Germany, an extension of the co-determination of temp work councils, as well as

⁷¹ Jungius (12)

measures such as not limiting contracts only to one concrete assignment and offering qualification measures for temp workers in periods of “no lease”.

Addressing qualification deficits:

A major challenge is lack of vocational qualification and language skills, that drastically limits chances of finding decent work and obliges people to accept precarious work relationships. In Germany, important steps are continuing reforms of the three tier school and pre-school educational system in order to achieve a system allowing children of migrant background to perform well; increasing the level of vocational skills of adults by individual special training, language courses and so on, especially among those receiving welfare support. Re-structuring of practices in job centers needs to take into account coherent training of staff in job centers, including legal trainings in residence and social law, offering of interpreting services as necessary, recruiting and training personnel with migrant backgrounds as case workers, as well as a re-evaluation and improving of qualification measures according to migrant recipients’ specific needs.

Acknowledgement of foreign-obtained qualifications and experience:

A key factor to reduce unemployment or under-employment of migrants is validating their professional/vocational training, qualifications and experience obtained elsewhere or ‘on the job.’ The most important components are:

- ▲ facilitate recognition of educational/vocational degrees or certificates obtained in the country of origin, and/or facilitate “re-taking” of a qualifications examination according to German standards,
- ▲ a coherent system of special qualifications equivalency training including legal information and training on specific vocational language and techniques used in Germany.

3. United Kingdom: Social Protection

The research report *Hierarchies of Vulnerability: Country report United Kingdom; Labour migration and the systems of social protection*⁷² cited earlier presents a clear and substantial agenda to address social protection vulnerabilities of migrant workers and family members. It notes by definition that:

Social protection... [is] all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalised; with the overall objective of reducing the economic and social vulnerability of the poor, vulnerable and marginalised groups (citing Devereux, Ntale, and Sabates-Wheeler)

The report emphasizes the need to ensure that 'social is put back into social protection', recognizing that social and economic vulnerabilities are intertwined with gender inequality, restricted *citizenship*, and racial, ethnic and class discrimination. Four parts of the broad definition are highlighted: 1) formal social protection access i.e. social security; 2) the portability of such formal social protection; 3) the conditions in the labour market; 4) informal networks and support. These distinctions address underlying structural determinants of the vulnerability of migrants, notably those going beyond the boundaries of the nation state.

Addressing social protection requires not just important reactive programmes that aim to minimise the risks faced by individuals and groups. In broad terms policy measures need to challenge the underlying causes of vulnerability. The two most obvious transformative policy measures would be:

- ▲ *Regularization* of the legal status of the estimated more than half a million migrants in irregular or undocumented situations

⁷²

Cook (2), page 5

▲ *Stricter enforcement of workplace rules and regulation*, meaning enhancement of capacity and reach of labour inspection.

However, in the current evident absence of political will to obtain either of these, the economic crisis and deep cuts in public spending mean vulnerabilities are exasperated. Pending what will be a long and hard struggle to generate that political will for transformative measures, the most effective palliative measures may be in the hands of trade unions and social agencies that promote and administer social protection. Two examples of current action include:

Trade Union Guides

Two information and orientation projects by the Trades Union Congress (TUC) directly address social protection of migrants: “*Working in the UK: Your Rights*”⁷³ for labour migrants from EU member countries and the *Safety & Migrant Workers: A Practical Guide for Safety Representatives*.⁷⁴

A pamphlet, *Working in the UK: Your Rights*⁷⁵ is targeted directly to migrants and aims to inform them about their rights in the workplace. It is published in Czech, English, Estonian, Hungarian, Latvian, Lithuanian, Polish, Russian, Slovak, French and Spanish. Editions are updated due to perceived need, for example a Russian edition was introduced after TUC encountered many ethnic Russians from the Baltic States. The 16 page pamphlet includes basic workplace rights information (minimum wage, entitlement to sick pay etc.) a section for agency workers, information about the role of unions and advice on how to enforce rights that are not being upheld.

The *Safety & Migrant Workers: A Practical Guide for Safety Representatives* is aimed at unionists and offers practical advice on how to deal with the changed make-up of the workplace. It focusses on informing migrants of their rights in areas of health and safety.

Legal Challenge to the Interim Migration Cap

Advocacy for obtaining more appropriate and viable government policy is also a key endeavor. An important social actor, the Joint Council for the Welfare of Immigrants (JCWI) launched a legal and public advocacy challenge to a restrictive government policy, seeking to improve the social protection of migrants by reducing insecurities and thus vulnerability. The first interim and now established arbitrary “immigration cap” appeared flawed on several levels: it cannot promise to lower the numbers of migrants because it cannot apply to EU migrants, it may leave skill shortages in key areas of the economy like healthcare, and it will lead to further insecurities for many migrants who need to renew their visas or change conditions of their stay. As the JCWI chief executive Habib Rahman noted:⁷⁶

“We usually represent lower income bracket migrants – care workers, nurses, those kind of skilled people – and when their visa needs to be renewed, they will be seen as a new application once the cap comes into place. Another example is when a student comes here and they change their course of study or their university, they will have to apply to renew their visa and if the quota is full then it will not be given. These are just some of the examples of the indirect ways that the cap will affect people and that's why we're interested in fighting it as a way of protecting those migrants who are already here.”

4. Ireland: Trade Union/Social Partner action

⁷³ Extensive guidance on employment and work issues available in various languages at the UK TUC

“WorkSmart” website: http://www.worksmart.org.uk/rights/migrant_workers

⁷⁴ Available at: www.unitetheunion.org/pdf/MigrantWorkerSafety.pdf

⁷⁵ Download at: <http://www.tuc.org.uk/tuc/workingintheuk.pdf>

⁷⁶ Cook (2), page 17

Social Partnership Accords on protecting migrants and combating discrimination

The Irish social partnership agreement *Towards 2016 – Ten Year Framework Social Partnership Agreement 2006-2015*⁷⁷ concluded in 2006 deliberately included a number of measures aimed at strengthening compliance with employment rights that, to the extent implemented, would both enhance protection and decent work for migrant workers as well as impede precarization of work. Broad measures in the agreement included “establishment of a new, statutory Office dedicated to employment rights compliance; a trebling in the number of Labour Inspectors; greater coordination among organisations concerned with compliance; new requirements in respect of record keeping; enhanced employment rights awareness activity; the introduction of a new and more user friendly system of employment rights compliance; increased resourcing of the system; and higher penalties for non-compliance with employment law.” The comprehensive agreement reflected long and arduous tripartite negotiations. It built on the previous social partnership agreements; precedent editions had explicitly enumerated workplace and legal measures to prevent racial and ethnic discrimination, including addressing migrants. Inclusion of these elements reflected initiative and strong advocacy from the trade union partners.

In Part II of the 2006-2015 agreement, Section 24 on “economic migration policy” sets policy and administrative parameters for work visas, including stipulations such as “employment permit applications are not approved for wages below the ... National Minimum Wage.” Section 23 specified need for measures and a code of conduct to protect “employment rights of persons employed in other people’s homes.”

Trade Union Strategy on migrant workers

The national trade union confederation, ICTU (Irish Congress of Trade Unions)⁷⁸ and sectoral union federations such as SIPTU (Services Industrial Professional and Technical Union) have elaborated a deliberate strategic approach to migrant workers and labour migration in Ireland over more than a decade. The union movement in Ireland sought from early days of labour immigration beginning in the 1990s to address issues of labour migration, to organize and incorporate migrant members, extend workplace support and protection to migrant workers, to advocate appropriate government policy, to take up migration issues with employers and in collective bargaining, and to reach out and influence public opinion.

As a consequence of visibility of the issues and its advocacy, the ICTU received funding in 2010 under the Workplace Diversity Initiative funded by the Minister for Integration to develop a strategic approach on inclusion of “black and minority ethnic” members –meaning in Ireland particularly migrant workers. Key efforts involved analysis of good practice and effective campaigns with migrant workers in Ireland and the UK and consultations with unions and other civil society groups on successful approaches to organization and recruitment of migrant workers. Results were fed into designing a strategic framework that addresses barriers and enablers of migrant involvement in trade unions, identifies key processes and tactics, and summarizes the practical and strategic steps to mobilize migrant workers as well as existing membership. The successful approaches and analysis together with the framework of processes, tactics, practices and strategic steps have been published by the ICTU in cooperation with the Irish Equality Authority as a booklet: *Towards a Strategy for the Inclusion of Migrant Workers in Trade Unions*.⁷⁹

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Download at:

http://www.taoiseach.gov.ie/attached_files/Pdf20files/Towards2016PartnershipAgreement.pdf

⁷⁸

See ICTU webpage and resources on Migrants and Ethnic Minorities at

<http://www.ictu.ie/equality/race.html>

⁷⁹

Siobhan Philips, *Towards a Strategy for the Inclusion of Migrant Workers in Trade Unions*, Irish Congress of Trade Unions & Irish Equality Authority. Dublin, 2011.

Organizing Mushroom workers in Ireland

SIPTU (Services Industrial Professional and Technical Union) together with the Migrants Rights Centre Ireland (MRCI) carefully developed an outreach, empowerment and organizing campaign among mostly migrant mushroom workers, who were paid €4 per hour, had no time off and faced “slavery like working conditions.” Between February and September 2010 almost 1300 mushroom workers contacted informally through their churches, community groups and informal networking participated in collective activities; more than 700 attended group meetings in union offices, on the farms and in each others’ homes. More than 500 workers were mobilized to take collective action to directly challenge their management about exploitation and conditions of employment. As a result, mushroom pickers obtained hundreds of thousands of Euro in unpaid wages, 440 workers received proper pay previously withheld, working conditions were improved, and workers obtained the right to meet union representatives at their workplaces. A Registered Employment Agreement was established for the industry with clear terms and conditions, rates of pay, holiday entitlements and sick pay.⁸⁰

V. STRATEGIC IMPLICATIONS

However the future is designed in Europe, labour migration will be ever more important. And, if it is to be a means for development and well-being rather than a vehicle for expanding precarious employment and exploitation of workers, its governance will have to be brought fully under the rule of law. Obtaining this requires dedicated and arduous strategic efforts by trade unions and their allies.

New evidence based on more accurate forecasting indicates that the world may be on the eve of far greater international mobility as factor of viable economic activity. At the same time, migration has become the key zone of contention between labour and capital regarding the division of wealth between return on capital versus salaries and benefits for working people, regarding terms and conditions of employment, and regarding the extent to which working people can remain organized to articulate and defend their interests and welfare.

As highlighted elsewhere by this author, labour migration –labour and skills mobility—is not being addressed as the primary factor of economic and political integration and thus engine for obtaining development and social welfare. Instead, it is all too predominantly characterized as a problem of national security, as threat to employment and welfare of ‘nationals,’ as a challenge to social and national cohesion, as economic and social cost, etc. Official responses are thus restrictive and nationalist measures precisely when circulation of nearly all other aspects of economic and human activity –capital, goods, services, technology, knowledge-- are internationalized and liberalized.

Migration governance regimes based on control and restriction measures thwart a deliberate, regulated response to growing needs for labour and skills mobility. When labour does move as it must, it is – perhaps not accidentally-- subject to abuse, exploitation and draconian repressive measures. Those who suffer most are the many persons simply obeying –often with little choice—the laws of supply and demand of the globalized capitalist market economy. In this situation, the basic dignity and rights of migrants as workers and human beings are undermined, especially for those in irregular situations.

As evidence above implies, addressing the challenge of precarious work means taking a deliberate and comprehensive approach to shaping migration policy and practice. Useful and appropriate lines for policy intervention were succinctly identified in the 2009 IOM assessments of crisis impact on

⁸⁰ Access video on this campaign at: <http://www.ituc-csi.org/organising-for-change-and-equality,8593.html>

migrants and migration, issued in January and March. The second report concluded that policies should ensure that:⁸¹

- ⤴ Migrants are not stigmatized for job losses that occur and are protected from discrimination and xenophobia – this also calls for measures to inform the general population and raise awareness in destination countries about the valuable economic and social contributions made by migrants.
- ⤴ The rights of migrants are effectively protected, for example in terms of their working and living conditions and in the event of loss of employment. In particular, discrimination in respect of dismissal from employment needs to be avoided.
- ⤴ Specific consideration is given to occurrences of multiple layers of discrimination (e.g. women migrants who are discriminated against as women and as migrants).
- ⤴ Active labour market policies to stimulate employment are also applied to unemployed migrants in destination countries as well as returning migrants in countries of origin.
- ⤴ Measures aimed at the integration of migrants and funding supporting such measures are continued during the economic crisis with a view to guaranteeing an appropriate level of social cohesion. A strong case may also be made for strengthening integration measures given that migrants' economic and social integration is likely to be hindered by job losses and ineligibility for welfare benefits

While posed in the context of crisis analysis, these recommendations echo those emerging from ILO research as well as tripartite consultations. They are consistent with comprehensive legal, policy and practical lines for a rights based approach to migration policy articulated in the ILO Multilateral Framework on Labour Migration.⁸²

Based on recommendations from constituent unions and federations as well as its own research, the ETUC poses a regional policy advocacy agenda consistent with recommendations by international organizations and expert analysts. These recommendations focus on four main themes: (1) the fight against racism and xenophobia; (2) avoiding social dumping and ensuring labour inspections; (3) influencing the European migration policy agenda; and (4) mutual recognition of union membership. This agenda explicitly links a rights-based approach to governing labour migration with the fight against precarious work in Europe. Key elements are summarized below:⁸³

In the fight against racism and xenophobia ETUC emphasizes the importance of maintaining a clear position to avoid protectionist reactions which can occur inside the unions' structures and calls for promoting proper action campaigns. It notes need to take on and struggle against "the increase of conservative positions in the national migration policy." Consistent with upholding a rule of law approach to migration –and labour-- policies, the ETUC calls for ensuring that the EU Charter on Fundamental Rights will be applied equally to third country nationals. It also proposes organizing campaigns to abolish use of stigmatizing language and discourse, notably to underline that "the migrant is not illegal."

In focusing on fighting social dumping and ensuring labour inspections against illegal practises, ETUC emphasizes that **unions must stress the importance of fighting precariousness:**

- ⤴ Launch a specific campaign focused on the decent salaries of posted and agency workers;
- ⤴ Research illegal practises, such as trafficking of human beings;

⁸¹ IOM: *The Impact of the Global Financial Crisis on Migrants and Migration*. International Organization for Migration Policy Brief, March 2009, pages 6-7

⁸² ILO (67). Available at: http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

⁸³ ETUC (68), pages 54-57

- ▲ 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.

On European Migration Policy, ETUC frames –appropriately-- the trade union advocacy agenda as “finding the right model to protect migrants, demanding the respect of the regulation and create a new legal framework on a better migrant protection.” It calls for:

- ▲ Putting 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.
- ▲ Monitoring the transposition into national law of EU regulations,
- ▲ Promoting 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 procedures referred to in Articles 24 and 26 of the ILO Constitution.
- ▲ Intensifying actions and campaigns for ratification of ILO Conventions 97 and 143 on migrant workers and the (UN) International Convention on rights of migrant workers and their families, and relevant Council of Europe instruments.

In proposing *Mutual Recognition of Membership* as a fourth main focus, the ETUC-trade union agenda highlights the importance for unions of migrants in the world of work. It emphasises “we must tackle the issue of lack of solidarity among Member States and EU institutions regarding mobility, migration and social policies,” and stresses that “recognition of membership is one of the most important flagships of the ETUC and its union members.” This is rightly portrayed as a basis for European trade unionism to achieve common positions in order to enhance economic and social governance, “giving priority to a social Europe.” In ETUC’s words:

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.⁸⁴

In conclusion

As this report illustrates, deregulated migration and deteriorating treatment of migrant workers across Europe in crisis fuel expansion of precarious employment and exploitative work. However, expanding trade union solidarity and action, together with identification of coherent policy responses, offer hope. Maybe not of reversing current trends in the near future; the correlation of forces between labour and capital foretells otherwise. Nonetheless, findings in this report show that there are concrete elements to build the long term, concerted fight necessary to restore *decent work for all* as the norm throughout Europe.

* * *

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⁸⁴ ETUC (68), page 57

Selected Background, Policy and Practice References

Economic Migration, Social Cohesion and Development: Towards an Integrated Approach. Patrick Taran (editor) with Irina Ivakhnyuk, Maria da Conceição Pereira Ramos and Arno Tanner. Council of Europe, Strasbourg. 2009 Order from: http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2402

Guide to ratification of the International Convention on rights of migrant workers. Steering Committee, Geneva, 2009: Available in English, French, Russian, Spanish. English version at: http://www.migrantsrights.org/documents/ICRMWRatificationGuide_December2009English.pdf

Handbook on Establishing Effective Labour Migration Policies, Mediterranean edition. OSCE-IOM-ILO, Geneva & Vienna. 2007. Available in Arabic, English and French. English edition at: <http://www.osce.org/item/28725.html>

ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. ILO, Geneva. 2006. http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

In Search of Decent Work: Migrant workers' rights: A Manual for Trade Unions. ILO, Geneva, 2009. Order at: http://www.ilo.org/global/publications/books/WCMS_120113/lang--en/index.htm

International Labour Migration, a Rights Based Approach. ILO, Geneva. 2010. Executive summary at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_125362.pdf

International Migration Outlook: SOPEMI 2011, Organization for Economic Cooperation and Development (OECD), Paris, July 2011. Preview and order at: http://www.oecd.org/document/40/0,3746,en_2649_37415_48303528_1_1_1_37415,00.html

Refugee Survey Quarterly; Special Issue Human Rights and Mobility. Volume 28, Number 4 2009. Oxford Journals. Content and abstracts at: <http://rsq.oxfordjournals.org/content/28/4.toc>

Resolution and Conclusions on a Fair Deal for Migrant Workers in the Global Economy, International Labour Conference, 92nd Session, June 2004. (ILO, Geneva) http://www.ilo.org/migrant/download/ilcmig_res-eng.pdf

Strengthening Migration Governance. OSCE-ILO, Geneva & Vienna. 2010. Download at: http://www.ilo.org/public/english/protection/migrant/download/osce_ilo_2010.pdf

Ten Ways to Protect Undocumented Migrant Workers, PICUM (Platform for International Cooperation on Undocumented Migrants) Brussels. <http://www.picum.org/sites/default/files/data/PICUM%20Ten%20Ways%20to%20Protect%20Undocumented%20Migrant%20Workers.pdf>.

Workplace Europe: Trade Unions Supporting Mobile And Migrant Workers, European Trade Union Confederation (ETUC), Brussels, 2011. http://www.etuc.org/IMG/pdf/WPE_Final_Brochure_EN_final_doc.pdf

Documents, reports and publications consulted:

Agramunt, Pedro: *L'impact de la crise économique mondiale sur les migrations en Europe*
Council of Europe Parliamentary Assembly Report. Strasbourg, April 2010.
<http://assembly.coe.int/Documents/WorkingDocs/Doc10/FDOC12200.pdf>

Amnesty International: *Annual Report 2011*, London, 2011
<http://amnesty.org/en/report-2011>

Amnesty International: *Amnesty International Report 2010*, London, 2010
<http://report2010.amnesty.org/>

Awad, Ibrahim: *The global economic crisis and migrant workers: Impact and response*.
International Labour Office, Geneva. 2009
http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_126183.pdf

Bartolini, Massimo: *Labour migration and the systems of social protection: country report Belgium*,
Multikulturni Centrum Praha, Czech Republic, 2011
<http://www.migrationonline.cz/e-library/?x=2309798>

Benito, Miguel: *Labour migration and the systems of social protection: country report Sweden*,
Multikulturni Centrum Praha, Czech Republic, 2011
<http://www.migrationonline.cz/e-library/?x=2309792>

Burnett, Jon, *Eastern European workers under attack*, Institute for Race Relations, London, 2011
<http://www.irr.org.uk/2011/may/ha000023.html>

Castles, Stephen and Vezzoli, Simona: *The global economic crisis and migration: temporary interruption or structural change?* in *Paradigmes*, Issue no. 2, June 2009
http://www.gencat.cat/diue/doc/doc_86200114_3.pdf

Cook, Ian: *Hierarchies of Vulnerability: Country report United Kingdom; Labour migration and the systems of social protection*, Multikulturni Centrum Praha, Czech Republic. 2011
<http://www.migrationonline.cz/e-library/?x=2289984>

Council of Europe: *The impact of the global economic crisis on migration in Europe; Reply from the Council of Ministers*, Council of Europe, Strasbourg, January 2011
<http://assembly.coe.int/Documents/WorkingDocs/Doc11/EDOC12478.pdf>

Dadush, Uri and Falcao, Lauren: *Migrants and the Global Financial Crisis*, Carnegie Endowment for International Peace. New York, November 2009.
http://carnegieendowment.org/files/migrants_financial_crisis.pdf

ETUC: *Workplace Europe: Trade Unions Supporting Mobile And Migrant Workers*, European Trade Union Confederation (ETUC), Brussels, 2011.
http://www.etuc.org/IMG/pdf/WPE_Final_Brochure_EN_final_doc.pdf

Fourati, Habibi: *La crise financière mondiale: quel impact sur l'avenir de la migration des Tunisiens en Italie ?* Consortium for Applied Research on International Migration (CARIM), December 2009
http://cadmus.eui.eu/bitstream/handle/1814/12992/CARIM_ASN_2009_37.pdf?sequence=1

FRA: (European Union Agency for Fundamental Rights). *Factsheet: Combating racial discrimination* (regarding the EU Racial Equality Directive (2000/43/EC)), European Union Agency for Fundamental Rights, Vienna, n/d
http://fra.europa.eu/fraWebsite/attachments/FRA_Factsheet_RED_EN.pdf

FRA: *The European Racial Equality Directive: application and challenges*
European Union Agency for Fundamental Rights, Vienna, 2011
http://fra.europa.eu/fraWebsite/attachments/FRA-RED-synthesis-report_EN.pdf

FRA - *The impact of the Racial Equality Directive: Views of trade unions and employers in the European Union*, European Union Agency for Fundamental Rights, Vienna, October 2010.
http://fra.europa.eu/fraWebsite/attachments/Racial-equality-directive_conf-ed_en.pdf

FRONTEX. *The impact of the global economic crisis on illegal migration to the EU*. European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union -Frontex. (Risk Analysis Unit). Warsaw, August 2009.
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/frontex_/frontex_en.pdf

Global Migration Group (GMG) *Fact-Sheet on the Impact of the Economic Crisis on Female Migration*. Global Migration Group and UN Fund for Population Activities (UNFPA), Sept. 2009.
http://www.globalmigrationgroup.org/uploads/gmg-topics/econ-crisis/UNFPA%20Fact%20Sheet_final.pdf

GMG *Fact-Sheet on the Economic Crisis, Labour Migration and Migrant Employment*, Global Migration Group and ILO, September 2009.
http://www.globalmigrationgroup.org/uploads/gmg-topics/econ-crisis/ILO_FactSheet_1_final.pdf

GMG *Fact-Sheet on the Impact of the Economic Crisis on Human Rights of Migrants*, Global Migration Group & Office of the UN High Commissioner on Human Rights (OHCHR), Sept. 2009.
http://www.globalmigrationgroup.org/uploads/documents/OHCHR_Fact-Sheet_final.pdf

Green, Tim and Winters, L Alan: *Economic Crises and Migration: Learning from the Past and the Present*, Department for International Development (DFID) and University of Sussex, Working Paper T-31, Sussex UK, March 2010
http://www.migrationdrc.org/publications/working_papers/WP-T31.pdf

ILO: *International Labour Migration, a Rights Based Approach*. International Labour Office, Geneva. 2010. Executive summary at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/documents/publication/wcms_125362.pdf

IOM: *Thematic Study: Migration and the Economic Crisis in the European Union: Implications for Policy*. Jobst Koehler, Frank Laczko, Christine Aghazarm, Julia Schad. IOM. Brussels, 2010.
<http://www.labourmigration.eu/research/report/12-migration-and-the-economic-crisis-implications-for-policy-in-the-european-union>

IOM. *The impact of the global financial crisis on migration*, IOM Policy Brief, International Organization for Migration, Geneva, January 2009
http://www.cmsny.org/doc/policy_brief_jan2009.pdf

IOM. *The impact of the global financial crisis on migrants and migration*, IOM Policy Brief (revised) International Organization for Migration. Geneva, March 2009
http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/policy_documents/policy_brief_gfc.pdf

Jungius, Björn: *Crisis of Migrant Employment in Germany: Country report Germany; Labour migration and the systems of social protection..* Multikulturelne Centrum Praha, Czech Republic, 2011
<http://www.migrationonline.cz/e-library/?x=2309800>

Kim, Anna Myunghee: *Foreign Labour Migration and the Economic Crisis in the EU: Ongoing and Remaining Issues of the Migrant Workforce in Germany*, IZA- Institute for Labour Studies, Discussion Paper No. 5134, Bonn, August 2010
<http://ftp.iza.org/dp5134.pdf>

Koser, Khalid: *The Global Financial Crisis and International Migration: Policy Implications for Australia..* Lowy Institute for International Policy. July 2009
<http://www.lowyinstitute.org/Publication.asp?pid=1077>

Krings, Torben: *After the Boom: The Impact of the Economic Crisis on Migration and Migration Policy in Ireland..* Network.Migration conference paper. December 2010
http://www.network-migration.org/rethinking-migration-2010/papers/rethinking_migration_krings.pdf

Markova, Plamenka: *Bulgaria The Impact of the Financial Crisis on Bulgarian Migrants*, European Social Watch National Reports 2009.
http://www.socialwatch.org/sites/default/files/ESW2009_bulgaria_eng.pdf

Mohapatra, Sanket and Ratha, Dilip: "The Impact of the Global Financial Crisis on Migration and Remittances"; Chapter 17 of *The Day After Tomorrow: A Handbook on the Future of Economic Policy in the Developing World*, published by World Bank, September 2010
http://siteresources.worldbank.org/EXTPREMNET/Resources/C17TDAT_297-320.pdf

OECD: *International Migration Outlook: SOPEMI 2011*, Organization for Economic Cooperation and Development, Paris, July 2011
http://www.oecd.org/document/40/0,3746,en_2649_37415_48303528_1_1_1_37415,00.html

OECD: *International Migration Outlook: SOPEMI 2010*, Organization for Economic Cooperation and Development, Paris, 2010

Papademitreou, Dimitrios and Terrazas, Aaron: *Immigrants and the Current Economic Crisis; Research Evidence, Policy Implications and Challenges*, Migration Policy Institute, January 2009.
http://www.migrationpolicy.org/pubs/lmi_recessionJan09.pdf

Pastore, Ferruccio and Villosio, Claudia: *Nevertheless Attracting...Italy and Immigration in Times of Crisis*. LABORatorio R. Revelli Working Paper no. 106 Torino, Italy, May 2011.
http://www.laboratoriorevelli.it/_pdf/wp106.pdf

Philips, Siobhan: *Towards a Strategy for the Inclusion of Migrant Workers in Trade Unions*, Irish Congress of Trade Unions, Dublin, 2011.
http://www.ictu.ie/download/pdf/ictu_migrant_workers_a5.pdf

Siegel, Melissa and Chris de Neubourg: *A Historical Perspective on Immigration and Social Protection in the Netherlands*, Maastricht University & United Nations University, UNU MERIT Working Paper #2011-014, Maastricht, 2011
<http://www.merit.unu.edu/publications/wppdf/2011/wp2011-014.pdf>

Taran, Patrick (ed), Irina Ivakhnyuk, Maria da Conceição Pereira Ramos, Arno Tanner: *Economic Migration, Social Cohesion and Development: Towards an Integrated Approach*, Council of Europe, Strasbourg. 2009.

Taran, Patrick (ILO): “*The impact of the financial crisis on migrant workers*”, 2nd Preparatory Meeting for 17th OSCE Economic and Environmental Forum conference paper, Organization for Security and Cooperation in Europe (OSCE), Tirana, March 2009
<http://www.osce.org/eea/36454>

Tedesco, Laura: *Immigration and Foreign Policy: The Economic Crisis and its Challenges (Spain)*, Fundación para las Relaciones Internacionales y el Diálogo Exterior Policy Brief, Madrid, Jan. 2010
<http://www.fride.org/publication/712/immigration-and-foreign-policy:-the-economic-crisis-and-its-challenges>

Tejera, Arcadio Diaz: *Migration in Europe and the Economic Crisis – Facts and Policies*, Churches Commission on Migrants in Europe (CCME) Speaking Notes at Parliamentary Assembly Council of Europe Hearing, June 2011.
http://www.ccme.be/fileadmin/filer/ccme/01_WHO_WE_ARE/10_Assembly/2011-06-17_Speech_Diaz_Tejera-Economic_crisis_and_migration.pdf

UN-ESA: “*The impact of migration on families around the world*” Background note for International Day of Families 2010. United Nations Department of Economic and Social Affairs (UN-ESA), 15 May, 2010. <http://www.un.org/esa/socdev/family/idf/2010/backgroundnote.pdf>

Working Lives Research Institute: *Undocumented Migration Overview State-of-the-art country reports* Work Package 2. International Centre for Minority Studies and Intercultural Relations, Working Lives Research Institute and Université Libre de Bruxelles, July 2007
http://www.undocumentedmigrants.eu/londonmet/library/u34090_3.pdf