

Özge Berber Agtas, Beate Amler and Luciole Sauviat have worked for or with trade unions in Germany and Turkey. In 2007 they obtained their Master degrees in "Labour Policies and Globalisation" at the Universities of Kassel and FHW Berlin.

## DOSSIER Leben in der Illegalität

Between Organising and Exclusion: Trade Union Strategies and Undocumented Migrant Workers

Print Print

by Özge Berber Agtas, Beate Amler and Luciole Sauviat

Undocumented migrants or migrants with precarious residence status are generally also vulnerable workers. Some of the problems that these workers face are: bad pay, no accident insurance, employers withholding pay, long working hours and sexual harassment. Trade unions are organisations dedicated to defending labour's interests, however, some also deal with broader issues that concern migrant workers in general and undocumented migrant workers in particular. One of the well-known mottos of the organised working class is the notion of solidarity; ideally, this maxim should extend to all workers.

Some unions throughout the world have organised undocumented migrants, for instance the Sindicato de Obreros Del Campo (SOC) in Spain. Others have defended the rights of undocumented workers, such as the education union of Solidaires Unitaires Démocratiques (SUD Éducation) in France. There are even examples of some undocumented migrants who have founded their own unions like the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU) in South Korea. Additionally, unions in the West are slowly becoming more inclusive of migrants issues in order to ensure their future relevance (Piper w.y.). Nevertheless, more often than not, unions do not concern themselves with undocumented/precarious migrant workers or even pursue their interests.

In order to improve the situation of precarious/undocumented migrants, as well as strengthen organised labour, it is important to know the options trade unions have.

### Tensions and Challenges

Ideally, trade unions should represent workers' interests irrespective of their legal status. However, there is a long list of reasons which make the engagement of unions with undocumented workers difficult:

- \* The perception of acting illegally if engaging with undocumented workers is widespread. Furthermore, corporatist unions<sup>1</sup> try to maintain a stance close to that of the government as a source of power, making them rather unlikely to support undocumented workers (Lüthje/Scherrer 2003: 164).

- \* Many unions, historically, took part in the consolidation of the nation-state; this heritage still informs their hesitance in accepting immigration. Migrants with legal status can be welcomed by unions, but they generally oppose undocumented workers. This is particularly the case, if the national economy is performing badly (Penninx/Roosblad 2000: 3; 187; Piper w.y.).

- \* Since undocumented migrant workers are particularly likely to be offered and/or accept poor working conditions, national (skilled) workers and some unions are convinced that undocumented migrants are responsible for the erosion of national labour standards and wages; thus, they believe that migrants contribute to the deterioration of employment standards (Le Voy/Verbruggen 2005: 46).

- \* Studies conducted in Germany have shown that racism, social Darwinism and chauvinism are as widespread among trade union members, as among other parts of the population (Zeuner 2007, Bibouche/Held 2002).

- \* There are also more practical problems: it may be difficult to reach undocumented workers as they may hide their status; likewise it is not easy to keep them as reliable paying union members since they often have to switch places, jobs and sectors. As it is the case for domestic workers, the employment contracts between a family or private individual, and a domestic worker are "a-typical". In such situations, collective bargaining is difficult as there are no employers' associations to negotiate with (ETUC 2005).

- \* From the perspective of the undocumented workers, they permanently encounter pressure from employers not to join trade unions (ICFTU 2004).

## Trade Unions' Experiences

### Supportive and inclusive Approaches

Although not many trade unions express solidarity with undocumented migrant workers, the picture is not that bleak; there are examples, from all sectors, of trade unions finding ways to represent or organise undocumented migrant workers. A supportive strategy consists of helping undocumented workers to improve their situation, while an inclusive strategy goes beyond and aims at including them in unions.

The most common way to support undocumented migrant workers is to provide legal assistance, including: negotiation with legal authorities over residence and work permits, visas, information on regularisation procedures, legal and labour rights and supporting workers to appeal to the labour court. Sometimes, legal assistance is also considered an organising strategy, for example by the Inter-professional Workers' Union (SIT) in Geneva, the Workers' Commissions (CC.OO) and the General Workers Union (UGT) in Spain, the Confederation of General Workers (CGIL) in Italy, and the MTU and KCTU in South Korea. Moreover, in France, SUD Éducation, as part of the network Education Without Borders provides a system of sponsorship where one member supports one undocumented migrant and their family members in all legal issue procedures.

Social assistance implies different strategies, such as establishing immigration committees within or outside the union structure, providing food and clothes or creating workers' centres. Workers' centres raise awareness among migrant workers about their rights and unionism; they run training programmes and language courses, offer access to union services and distribute leaflets on issues such as health and safety, gender violence and xenophobia. Examples of workers' centres in Europe are the 'CITEs'<sup>2</sup>, established by the CC.OO, social centres built by the Agricultural Workers' Union (SOC) in Spain and 'Beyond Borders' formed by the CSIL in Italy. The CC.OO also organises awareness raising courses for Spanish workers, particularly those who have contact with migrants such as police and court employees. Moreover, the SIT tries to strengthen collective identity by building solidarity between migrants through regular meetings in which migrants find an opportunity to socialise with other migrants.

Concerning the inclusive tendency, some unions organise undocumented migrants in special unions or special departments, while others include them into the existing union structure. In South Korea, after struggles against deportations, undocumented workers founded their own union (MTU) in 2005 and asked the Korean Confederation of Trade Union (KCTU) for their affiliation (Gray 2006 and 2007). This act, of undocumented migrant workers forming a union, was rather anomalous; there are other more widely used strategies to organise undocumented migrant workers in unions.

Launching organising campaigns is the most famous example for inclusive strategies. For instance, in 2001 the SIT in Geneva launched such a programme, and by 2004 nearly 5.000 undocumented migrant workers had become members. In the 1990s, organising undocumented workers in the United States was the motor of unions' revitalisation (Milkman 2000). Moreover, some trade unions - including the CC.OO, the CGIL, the SOC, the MTU and the KCTU - organise and take part in regularisation and anti-deportation campaigns, demanding legalisation of all undocumented workers as well as equal rights for migrant and national workers. A working group in the German Metal Workers Union (IG Metall) provides an example of a strategy which combines organising and assistance. They initiated the project "Legalisierungsbegleitung" (legalising council) in order to help undocumented and irregular workers with regularisation issues, to unionise them and to raise awareness of this group within the union structure. The working group was aware that undocumented workers require special strategies due to problems resulting from their illegal status. However, the project was not successful due to lack of support from union officials (IG Metall 2003, 2005; Interview with Stock 2007).

Coalition building with NGOs, political parties and community organisations is another strategy to defend undocumented migrants' rights and to organise them. In association with the syndicalist union, Confederación General del Trabajo de España (CGT) and an organisation for migrants' rights called Organización Democrática de Inmigrantes y Trabajadores Extranjeros (O.D.I.T.E.), the SOC organised

occupations of churches and demonstrations demanding residence and work permits for undocumented migrants in Huelva. In the end, they succeeded in obtaining work permits which, however, were limited to the Spanish province of Huelva.

Employing another tactic, the Migrant Trade Union in South Korea, cooperates with other unions in order to enhance the working conditions of migrants. In Turin (Italy) 35 migrant workers' groups formed the 'Turin Platform' together with unions and the city authorities. The Platform provides information and employment offers to migrant workers.

In Switzerland, the SIT works closely with NGOs, political parties, church bodies, women's groups and lawyers, among others, within a network called The Collectif de Soutien aux Sans-Papiers Genève (Geneva Support Committee for Undocumented Migrants), to put pressure on the Canton authorities. Together with the Support Committee, the Canton authorities now oblige all employers of domestic workers to conform to minimum working conditions laid down in a Model Contract including working hours, holidays, wages and sick pay. The Canton authorities have brought in a service voucher system<sup>3</sup> which makes it easier for employers to conform to the system.

In addition to the strategies above, it is sometimes necessary to take direct action, for instance organising demonstrations, going on strikes and occupying strategic places. The activities of SUD Éducation as part of 'Education Without Borders', are an illustrative example. In 2006, they occupied a building for two months, together with students and undocumented migrants who had been evicted from their homes. They also work closely with an NGO which has access to deportation centres, this way they know when someone is entering or leaving such a centre. If all legal procedures fail, they will go to the seaport or airport and demonstrate there. At times they may board the ship and distribute flyers to all the passengers in order to make them aware that they are travelling with a deported person. If a certain French company is shipping the person, the unionised sailors (CGT - another French union) will strike and the ship will not be able to leave the port. Every week, SUD Éducation also formally announces the intention to strike in case of arrests of relatives of children of the school. In this way, whenever an arrest occurs, all employees of the school can legally strike immediately.

#### Exclusive and Control Based Approaches

Trade unions' involvement with undocumented workers does not necessarily benefit them, as it can also divide the workers: Exclusive approaches apply to trade union policies which actively or tacitly exclude undocumented workers. Control based tactics refer to policies supporting restrained migration. The IG BAU case is an example, among others, showing unions' exclusive attitudes towards undocumented migrants.

In Germany, the Union for Construction, Agriculture and Environment, IG BAU, is mainly concerned with their existing members (mainly German nationals beside regular migrant members) and the national scale of employment. From IG BAU's point of view, the problems its sectors are facing can be remedied through migration control and rejection of any form of informal work, regardless of the workers' nationality and legal status - both points imply a rejection of undocumented workers. As a consequence, the IG BAU does not actively unionise undocumented workers. Of course, it would not reject them as members, but IG BAU is very critical of other unions' strategies which include actively organising undocumented workers (Interview with Schmidt-Hullmann 2007).

Concerning policy making, it extensively lobbies, to the greatest extent possible in the existing European Union legislative framework, against migrant workers' access to the labour market. Additionally, in the agricultural sector it collaborates with state authorities in order to distribute work to German nationals (IG BAU w.y.). It also closely cooperates with state authorities to detect undeclared work, for instance by dispatching construction site detectives who give hints to customs. Previously, it had installed a telephone hotline for denouncing irregular workers, many of whom were undocumented (Cyrus 2002; Rakowitz 2002).

#### Conclusion

For trade unions it is a challenge to support and organise undocumented migrants. Most trade unions forget them, while some act against their interests. Nevertheless, as many of the above examples have shown, trade unions can, and sometimes, do, engage in supportive measures towards undocumented migrants. Moreover, undocumented workers can organise themselves in unions or be organised by unions. For undocumented migrants supportive measures are of utmost importance, but due to its empowering properties, to be organised is equally important. In this way, they are less the objects of social action and more the subjects of migrant workers' struggles. However organising undocumented migrants is not just about organising members within unions; it is also very important to question the legal system and states' practices. Therefore, it requires political will and consent of the trade unions to support and organise undocumented migrant workers.

## Notes

1 The corporatist union type refers to a form of unionism which consolidates its broad aims and strategies by supporting the state and the employers. It is mainly concerned about the national scale of employment or the economic performance at company level.

2 The CITEs (Information Centers for Foreign Workers) were established in Spain in 1986, now there are nearly 200 CITEs (read more here) and information points throughout Spain. Although the CITEs are run by the CC.OO, they do have an autonomous legal status.

3 Service vouchers give domestic workers a kind of official status and recognition by authorities. They are considered as a type of employment contract which can be used, for example, if a worker is unfairly dismissed. Under the voucher system domestic workers can get social insurance. This system is valid in some European countries such as France, Belgium and Switzerland.

4 They are looking for contacts with North African unions in order to cooperate in the same way. They were once able to occupy an Algerian ship, since the ship could not leave as long they were on board they tried to agitate the Algerian workers.

## References

- \* Bibouche, Seddik; Held, Josef (2002) "Die IG Metall-Jugendstudie: Jugend 2000. Neue Orientierungen und Engagementformen bei jungen Arbeitnehmer/innen", (10.11.2007).
- \* Cyrus, Norbert (2002): Unterstützung statt Kontrollen: Über alternative Strategien zum Umgang mit den Illegalisierten, (15.07.07).
- \* ETUC (2005) Out of the Shadows: Organising and Protecting Domestic Workers in Europe, the Role of Trade Unions, Brussels: ETUC Publication.
- \* Gray, Kevin (2006) Migrant Labor and Civil Society Relations in South Korea, Asian and Pacific Journal of Migration, 15(3): 381-390.
- \* Gray, Kevin (2007) From Human to Workers' Rights: The Emergence of a Migrant Workers' Union Movement in Korea, Global Society, 21(2): 297 - 315.
- \* ICFTU (2004): Trade Union World Briefing, June 2004, issue 4, (27.05.07).
- \* IG BAU (w.y.) Saisonarbeit: Neuregelungen im Jahr 2006, (14.08.07).
- \* IGMetall (2003): Menschen ohne Papiere bei der Legalisierung begleiten, (17.07.07).
- \* IGMetall (2005): Die Legalisierungsbegleiterinnen, (17.07.07).
- \* LeVoy, Michele; Verbruggen, Nele (2005) Ten Ways to Protect Undocumented Migrant Workers, PICUM, (15.06.2007).
- \* Lüthje, Boj; Scherrer, Christoph (2001) Race, Multiculturalism, and Labour Organizing in the United States: Lessons for Europe, Capital & Class, 73:141 - 171.
- \* Milkman, Ruth (2000) Immigrant Organizing and the New Labor Movement in Los Angeles, Critical Sociology, 26 (1/2):59-81.
- \* Penninx, R.; Roosblad, J. (eds.) (2000) Trade unions, Immigration, and Immigrants in Europe: 1960 - 1993: a Comparative Study of the Attitudes and Actions of Trade Unions in Seven West European Countries, New York and Oxford: Berghahn Books.
- \* Piper, Nicola (w.y.) Social Development, Transnational Migration and the Political Organising of Foreign Workers, (12.02.2007).

\* Rakowitz, Nadia (2002) Die IG BAU und die illegalisierten Bauarbeiter, (17.07.07).

\* Zeuner, Bodo; Gester, Jochen; Fichter, Michael; Kreis, Joachim; Stöss, Richard (2007)  
Gewerkschaften und Rechtsextremismus, Münster: Westfälisches Dampfboot.

#### Interviews

Interviews with Wol-San Liem (Migrants Trade Union - Korea, 17.08.07), Frank Schmidt-Hullmann (IG BAU - Germany, 23.08.2007), Alke Stock (IG Metall - Germany, 02.11.2007), Christine Jousset (SUD Éducation - France, 23.10.2007) and with Spitou Mendy (SOC - Spain, 27.08.07)

December 2007