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Migration and Its Challenges for Trade Unions in Europe

Rinus Penninx

This forum has announced itself as a dialogue between science, politics and policymakers, and practitioners in the field of integration. In this contribution I will try to take this into account. I think I will be able to do so, because I have been working in this field for many years in different capacities: as a researcher, studying the process of integration of newcomers and especially policies that relate to integration at the local, national and EU-level. However, I also have experience as a policymaker: I worked for ten years in a Dutch ministry, formulating and monitoring integration policies. Nevertheless, my contribution will be mainly one of a scientist, of an observer and a policy analyst; in this case, limiting my observations to the specific topic of trade unions in Europe and their actions and reactions to immigration and migrants. I will do this from the broader perspective of the integration process of immigrants in European societies.

I have structured my contribution in four main parts. Firstly, I want to make some broad observations on what I call the process of integration of newcomers, on the relevance of policies in relation to that process, and on the actors involved in such policies. Such observations will illustrate the perspective through which I want to look at the specific topic of trade unions and immigrants.

Secondly, I will look at the question of how trade unions in a number of European countries have dealt with immigration and immigrants in the recent past, roughly the period from 1960 until the early 1990s. On the basis of an earlier study (Penninx/Roosblad 2000), I will briefly outline how trade unions in seven Northwest European countries have dealt with the dilemmas that the immigration of workers (predominantly called "guest workers" at the time) has put on their plate. This part is strongly based on empirical studies and it teaches us, first and foremost, how trade unions can relate to immigration and migrant workers, and what the trade unions' contribution to the integration of immigrants can be.

In a third step, inspired by the analytical frame of that comparative study, I will turn to the recent period of the last two decades. What have been the major changes in the international economic order in general, in industrial relations and the position of trade unions in particular, in international migration in Europe and its regulation, and, consequently, in the position of immigrants? What are the implications of these changes for trade unions and their attitudes and actions towards migration and immigrants? This part is much less empirically-based and more speculative, particularly when it comes to the actual attitudes and behaviour of trade unions nowadays in completely new circumstances.

Finally, in the fourth step, I will draw some conclusions on the current challenges of trade unions nowadays and their potential role for immigrants and their integration in Europe.

The Process of Integration, the Logic of Policies and their Actors

The Process of Integration: An Operational Definition

At the moment immigrants settle in a country, they have to acquire a place in that new society, both in the physical sense (a house, a job and income, access to educational and health facilities, etc.), but also in the social and cultural sense. Thus, my empirical definition of integration is: integration is the process of becoming an accepted part of society.

Basically, there are two parties involved in integration processes: the immigrants, their characteristics, efforts and adaptation, and the receiving society and its reaction to these newcomers. It is the interaction between the two that determines the direction and the ultimate outcome of the integration process. These two, however, are unequal partners. The receiving society, its institutional structure and the way it reacts to newcomers is decisive for the outcome of the integration process.

This process of immigrant integration is not – as is often supposed – only taking place at the level of the individual immigrant, whose integration is then measured in terms of his/her housing, job and education, and his/her social and cultural adaptation to the new society. It also takes place at the collective level of the immigrant group. Organisations of immigrants are the expression of mobilised resources and ambitions, and mechanisms of the integration process also apply at this level: immigrant organisations may become an accepted part of civil society (and a potential partner for integration policies), or they may isolate themselves or be excluded. Finally, there is the third level, namely that of institutions, particularly general public institutions of receiving societies, such as the educational system or institutional arrangements in the labour market. Laws, regulations and executive organisations, but also unwritten rules and practices, are part of such institutions. These, however, may hinder access or equal outcomes for newcomers; they may even completely exclude them. Therefore, the functioning of these general public institutions (and the possible adjustment of them in view of growing diversity) is of paramount importance: it is on this level that integration and exclusion are mirrored concepts (see Penninx 2001 on social exclusion).

The mechanisms working at the individual, the group and the institutional level are different, but the results on each of these levels are clearly interrelated. Institutional arrangements determine the opportunities and scope of action of organisations. Institutions and organisations together create the structure of opportunities and/or limitations for individuals. The other way around, individuals may mobilize and change the landscape of organisations, and ultimately contribute to significant changes in institutional arrangements¹. Since the outcome of the integration process results from the interaction of two parties that takes place at different levels, the outcome cannot be expected to be uniform.

It is with this definition of integration as a process and with these analytical distinctions that I will look at institutional arrangements in labour markets and, specifically, the role of trade unions in relation to immigrants.

The Logic of Policy and Policy Making: Observations and Lessons

Integration policies are part of the institutional arrangements in a society. Defined politically by (majorities of) the receiving society, they have the inherent danger of being lopsided, representing expectations and demands of this society rather than being based on negotiation and agreement with immigrants themself-

¹ I have illustrated the interconnectedness of integration on different levels elsewhere by comparing the development of the position of Turkish Muslims in the Netherlands and in the Federal Republic of Germany (Penninx 2000).

ves. This may lead to the outright exclusion of segments of immigrant populations (as alien non-citizens) from the formal political system; or, in cases where they are partially or fully included in politics, it may marginalise their voices. The way immigrants are perceived turns out to be a significant factor in such processes – indeed often stronger than the facts (Penninx et al. 2004). This is even more the case if the issues of immigration and the position of immigrants are turned into politicised questions. This mechanism may result either in a virtual absence of (explicit) integration policies and an avoidance of issues related to immigrants, or in one-sided, patronising policies that largely reflect majority interests and disregard the needs and voices of immigrants.

Integration processes are, by necessity, context-bound. It is implicated in the answer to the question IN WHAT immigrants are supposed to integrate. In the socio-economic sphere, for example, integration mechanisms in societies with a strong liberal market orientation (and limited welfare and social facilities) differ from those in caring welfare states that are more based on solidarity and redistribute a much greater part of the national income. Also in the cultural and religious domain, historical peculiarities of institutional arrangements create significant differences in the feasibility of policies in certain domains. By consequence, the scope, actors and instruments of policy action differ. I will later show that this is also the case for trade unions as actors in this field.

Whose Policies?

Most of the observations above pertain to governmental policies at the national or local level. If such explicit integration policies are made, a very relevant question is: Who is defined as a relevant actor in such policies? Governmental agencies themselves are often important actors, but other actors in civil society at large can also be defined and engaged in governmental policies. When it comes to labour market integration, employers, trade unions and intermediary agents are important actors who can and should be engaged. In my approach to policy analysis, one should not only look at how such actors behave in the framework of governmental policies; it is also worthwhile to look at policies of these actors in themselves. In the next section, I will do that for trade unions in Europe, particularly in a period in which governmental integration policies were still absent in most Northwest European countries.

European Trade Unions' Reactions to Immigration and Immigrants, 1960-1993

In 2000, I published an edited book with Judith Roosblad under the title "Trade Unions, Immigration and Immigrants in Europe, 1960-1993" (Penninx/Roosblad 2000). The basis of the material we used were seven chapters in which experts analysed trade unions and their reactions to immigration and immigrants in seven European countries: Switzerland, the Federal Republic of Germany, Austria, the Netherlands, France, the United Kingdom and Sweden. The crucial questions that we had asked each of these experts to answer for their particular case on the basis of empirical evidence were based on three dilemmas that trade unions have to face (Penninx/Roosblad 2000: 4-12).

The first dilemma is: Should trade unions resist the claims of employers to recruit workers from abroad to fill vacancies, or should they co-operate, and if they co-operated, what terms would they try to lay down in the case of employing foreigners? The dilemma was that, on the one hand, if trade unions co-operated, this could possibly have a negative effect on the wages of their members; and, in general, surplus labour for employers could weaken the position of trade unions. On the other hand, resisting could possibly mean

less economic expansion; and did trade unions not also have a tradition of international solidarity that would not allow for open resistance against immigrant workers?

The second dilemma arose as soon as immigrant workers actually appeared, whether they had come 'spontaneously' or had been recruited: Should immigrant workers be regarded as an integral part of the rank and file of the trade union movement and therefore actively be recruited as members, having the same rights as any worker; or should they – as foreigners or as temporary workers – be excluded partially or completely from full union membership? The inclusion-exclusion dilemma was that, on the one hand, trade unions were aware that exclusion could lead to a rift in the labour movement that would weaken their negotiation position, an argument that weighted more the longer these workers tended to stay. On the other hand, inclusion of migrant workers might be seen as a threat to nationally defined labour markets and trade union interests: it might particularly clash with the interest of native workers, at least in certain factions of the labour movement that might take this view.

If trade unions favoured inclusion as a solution for the second dilemma, they would be confronted with a third dilemma: that of equal versus special treatment. When immigrant workers became part of organised labour movements, these unions were confronted on a daily basis with real or alleged differences between native and immigrant workers. There were differences that related to their specific position as migrants, or to speaking a different language, or having a different cultural, religious, ethnic or racial background. There could also be specific problems for these newcomers to participate and function within the existing union structures. Whatever the source of such differences, the dilemma of the unions was: Should trade unions exclusively regard the common interests of native and migrant workers, and thus treat them all the same, or should they also stand up for the specific interests and needs of their migrant members and devise specific policies in order to attain material (and not just formal) equality of members? The first choice – general policies – could implicate injustice when not making a distinction in the treatment of cases that are not equal. The second choice carried the risk of raising feelings of resentment among native members that would resist such 'preferential treatment'.

Let me – for the sake of brevity – skip all the details of this study and jump to its conclusions; first the descriptive ones, i.e., the answers to the three dilemmas given by trade unions in the seven different countries, and, secondly, the ones that try to offer an explanation for the relatively large divergence we found in the countries concerned.

As to the first dilemma – resist or co-operate in the matter of recruiting migrant workers – we found quite a bit of consensus when it came to arguments that trade unions use: trade unions everywhere are worried about the possible consequences of labour immigration for existing bargaining and power structures in the socio-economic domain. Trade unions may commit themselves verbally in varying degrees to the international solidarity of all workers. However, the dominant frame of reference in practice is that of the nation state and the national arena. This was reinforced by the fact that after WWII, new structures of consensus decision making between employers, trade unions and the state had been installed, reinstalled or continued in order to 'reconstruct' the country's economy.

Nevertheless, reactions to immigration before 1973 differed in practice in the seven countries. For example, trade unions in Sweden, the FRG and the Netherlands, where unions were strongly involved in socio-economic policymaking with the state and employers, unions cooperated on immigration from a strong position: they

reformulated their hesitations about recruiting migrant workers on the following argumentative level: if we co-operate in importing labour, it should be done in such a way that labour relations and bargaining positions are not jeopardised. To do so, they acquired direct control over recruitment procedures (including veto rights), demanded equal wages, work conditions and industrial rights for migrants, as well as specific provisions for housing, travel and language courses that were to be provided at the employer's cost. In the case of the FRG and the Netherlands, but less so in Sweden, unions also tried to make provisions to assure the temporary nature of employment and the possibility to reduce the imported labour force, if needed.

However, in the case of Austria, the strong position of unions was used differently, particularly in the period of the 1960s and early 1970s. Austrian trade unions tried to "protect the native workers" by using their strong position in socio-economic decision making to negotiate an annual quota by defining immigrant labour as a special, temporary category that does not enjoy the same rights in a number of aspects.

In countries such as Switzerland, France and the UK, trade unions were not involved in national decision making on migrant labour, or only had a weak position. In these cases, unions could only criticise governmental labour migration policies.

The reactions characterised above were basically the trade unions' reactions before 1973. Triggered by the first oil crisis of that time, a number of more long-term changes in European societies that had developed into welfare states became clear: national economies increasingly losing their autonomy in a globalising world, a new international division of labour and restructuring of European economies, a relocation of labour-intensive industries elsewhere and an increasing demand for highly-skilled workers for capital-intensive, high-level production. What national authorities did do was to keep the number of immigrants likely to be dependent on the welfare state as low as possible by installing restrictive and selective immigration policies. In these new circumstances, the alliance between governments and trade unions in favour of restrictive labour immigration policies seemed to be a natural one: trade unions in none of the seven countries opposed such restrictive policies, and many of them actively endorsed these, although trade unions stood up against violations of the rights of established immigrants by opposing deportation and return programmes or restrictions on family reunification. Trade unions that were active in these issues in favour of migrant workers did this mostly as part of a larger social movement, and the arguments were often from an integration frame, rather than from a strict trade union frame.

As to the second dilemma – inclusion versus exclusion – we found a comparable divergence: on the formal, ideological level we did not find unions that excluded migrant workers; but the practice of inclusion did differ markedly across the seven countries.

Firstly, membership density of unions in general differed markedly in the seven countries, from the highest in Sweden (82.5%) to the lowest in France (10.8%). Although membership density of immigrants as such is often not officially registered by unions, the general tendency that can be observed is that immigrant membership does not deviate significantly from natives in the country. It means that it is very high in Sweden (where membership was made part of the recruitment contracts) and low in France. The conclusion is inevitably that the degree of migrant worker organisation is much more determined by structural (national) characteristics of the trade unions than by characteristics of migrant themselves. Thus, inclusion through membership alone cannot be taken as a good indicator of real inclusion (to be confirmed by other indicators); it is more of an advantageous precondition for it.

Secondly, the extent to which trade unions defend the equal industrial and social rights of immigrants is a much better indicator, but that indicator turns out to be directly related to how the first dilemma is answered. Austrian trade unions, for example, not only tried to keep quotas as low as possible, but also put immigrant workers in a weak position as compared to native workers: immigrants could be forced to leave the country if they could not find employment; immigrants had to be laid off before native workers; they had unequal access to unemployment benefits and no access to work councils. In Austria, immigrants were excluded from any position in the union as long as they were not naturalised Austrian citizens. Switzerland had comparable regulations, but they were instituted by the state; unions had to simply go along with them. It was only in the 1980s and 1990s that unions in Austria and Switzerland gradually moved away from such exclusionary practices.

Swedish, German and Dutch trade unions started from a different position, since they had guaranteed industrial rights for migrant workers from the beginning. Inequalities manifested themselves more in social rights, such as access to state-controlled unemployment and social assistance benefits and related rights of residence. The more trade unions became convinced that migrant workers and their families would stay, the more they became aware of these inequalities and started to combat them. They had to do this in different coalitions: the German trade unions had worked together with NGOs like *Arbeiterwohlfahrt* and church organisations in opposition to the government, which insisted on the temporary nature of stay of guest workers and on their return.

The Dutch unions saw the government's minority policies doing the job and saw themselves obliged to look at their internal ambivalence relating to minorities. Swedish trade unions had the fewest difficulties: the idea of temporary migrants has never been strong in Sweden and their rights to permanent settlement and Swedish citizenship were guaranteed at a very early stage. The situation in the UK was very much like that in Sweden, but for a different reason: migrants in the UK, the overwhelming majority coming from the British Commonwealth, had full UK citizenship and rights from the beginning.

The French case is ambivalent in several ways: immigration was mainly a state affair and integration a decentralised "laissez-faire" matter, implying lots of inequality, particularly for first-generation alien immigrants of non-European origin. Although unions defended equality on an ideological level, they had quite some difficulty bringing it into practice.

As to the third dilemma – equal versus special treatment – a general trend is observable that most national trade union organisations had to admit in the course of time that the specific situation and characteristics of migrant workers demanded some form of special attention and policies. On the practical level, this has led to such basic special measures in the sphere of communication (languages) and organisational facilities, such as special commissions and secretariats. The timing of these special policies differed: in most cases these started in the 1970s, but Swiss unions, for example, acted much later, and Austrian unions did not take such initiatives at all. Defending explicitly special interests of migrant workers in collective bargaining or in crisis situations, however, turns out to be a very sensitive matter that is not easily done.

In the Netherlands, there has been some pressure on trade unions to incorporate certain cultural or religious rights in collective agreements, such as the right of workers to take leave on their religious holidays. These rights were introduced in some of the collective agreements (but, in fact, it proved much easier for Muslim and Hindu workers in the Netherlands to realise this through jurisdiction). Labour conflicts in which

migrant workers made specific claims, such as the opportunity to pray during work hours, are documented only in a few cases in the UK and France. In one of the French cases, the trade union solved this dilemma by reformulating such claims in seemingly work-related claims of 'hygiene'.

The specific-versus-general-treatment dilemma manifests itself most clearly when it comes to the internal organisation of trade unions. The awareness that it was difficult for migrant workers to have themselves properly represented within the union organisation and to rise to positions of power has, in many cases, led to special commissions and secretariats, but, as a general rule, these have remained marginal within the unions. A more fundamental approach taken quite early within Swedish and German trade unions was to establish special training and positive action programmes that should eventually lead to migrant workers in union staff positions. In these cases, trade unions have functioned as an important social mobility route by promoting immigrant leadership within the union that often spilled over to the society at large.

Changing Context for European Trade Unions and Immigrants, 1993-2010

The general picture I have just outlined is one that is very strongly related to the post-war guest worker system in Northwest Europe, and its aftermath until the early 1990s. Since that period, things have thoroughly changed in several respects.

Firstly, the economic world, industrial relations and the position of trade unions have significantly changed in Europe. Economic and financial globalisation has increasingly challenged the national framing and steering of economies. These national economies themselves have furthermore changed considerably, particularly in terms of their labour markets: the primary sector has shrunk in terms of jobs to insignificant proportions; the secondary sector of manufacturing has significantly decreased in terms of the number of jobs and the qualifications demanded; the tertiary sector of services has grown to become the major supplier of jobs needing a great diversity of qualifications.

In the wake of these changes of economies and labour markets, 'industrial relations' have also changed significantly. Whereas early trade union efforts aimed very strongly at the regulation of regular work, the flexibility of labour relations has become the buzzword and the practice. This new trend includes many more shorter-term changes in work, flexible contracts, part-time work and the phenomena of sub-contracting in general, and that of the self-employed worker as a subcontractor in particular – the latter being somewhere between a small entrepreneur and a regular worker.

As a consequence of these changes in the economic world and industrial relations, the position of trade unions has also changed. In general, trade union membership has declined. In many countries, relations between state employers' unions have also changed. In most countries, trade unions have experienced a decrease in their influence on socio-economic decision making as a general consequence of the declining steering capacity of national economies, and in some cases, such as in the UK, as a special consequence of neo-liberal governments that have clamped down on trade unions.

Secondly, the general picture of Europe in terms of international migration has changed completely, both in terms of the facts of migration and in terms of its regulation. Let us look at the level of facts first. While the number of international migrants worldwide increased nearly two-and-a-half times between 1965 and

2005 (IOM 2008: 2; GCIM 2005), such figures for the European continent show an even sharper increase: in a 15-year period, their number grew from an estimated 23 million in 1985 (United Nations 1998: 1) to more than 56 million, or 7.7 per cent of the total European population in 2000. Historically, immigration started in the early post-war period in Northwest European countries. However, other countries such as Italy, Spain, Portugal, Greece, Ireland, Norway and Finland, which had been emigration countries until the 1980s, started to experience significant immigration in the 1990s and 2000s. Still other countries, among them, most of the twelve newest EU member states, are experiencing emigration, transit migration and immigration at the same time. Europe has factually become an immigration continent.

A novel characteristic of recent migration lies in what is called the new geography of migration. The pattern of origin of migrants in Europe up to the 1980s could conveniently be grouped under three headings: a) migration with a colonial background that connected certain European countries (UK, France, Portugal and the Netherlands) to their former colonies; b) labour migration that connected a number of 'recruiting countries' to a limited number of 'sending countries', and c) refugee migration that was strongly dominated by Cold War refugee migration from East to West Europe. In terms of the origins of immigrants, this led to geographical migration patterns that embraced Europe and the Mediterranean countries, plus a limited number of (former) colonies. This picture has changed completely since the mid-1980s. Nowadays, immigrants are coming to Europe from all over the world in significant numbers: expatriates working for multinational companies and international organisations, skilled workers from all over the world, nurses and doctors from the Philippines, refugees and asylum seekers from African, Middle Eastern and Asian countries, from the Balkan and former Soviet Union countries, students from China, undocumented workers from African countries – just to single out several major immigrant categories.

Apart from the diversification of origin, the gender composition has also changed considerably: a feminisation of migration has taken place. One special form is particularly relevant for trade unions, namely specific female migration flows for special labour market niches, such as domestic services, care and nursing, as well as the sex industry.

The new migration to Europe is not only much more diverse in origin and gender, the type of mobility of people has also changed significantly in the globalised context: increased short-term stays, such as those for seasonal work in agriculture or tourism, for study, sunbelt migration of pensioners, but also for longer stays of employees of international organisations, multinational enterprises and highly-skilled people in general. One could place them together in the category of "wanted travellers and migrants". Their mobility is facilitated, if not promoted. However, this is not necessarily the case for others, who, as a consequence of the same process of globalisation, decide by themselves to look for an economically better and/or politically safer new destination. Paradoxically for these unsolicited migrants, national borders and the sovereign right of states to decide on admission of non-nationals have gained importance. For uninvited migrants, new and increasing barriers have been erected.

This brings me to another fundamental change: that of the regulation of international migration. Since the middle of the 1970s, restrictive policies have been justified by a simultaneous decrease of demand for migrants, particularly for lower-skilled ones, and an increase of supply-driven migration presenting itself under the policy categories of family reunion and formation, and refugee and asylum flows. Particularly since the early 1990s, increasing barriers of entrance have been created through visa policies, increased requirements for legal residence, and increased refusal rates of asylum seekers. In a spiral pattern, new

measures of restriction and control solicited 'innovative' new forms of entrance (such as smuggling and trafficking), which, in turn, led to new, control-oriented requirements and procedures (as in asylum and family migration), etc.

New dynamics thus developed; new actors were brought into play. Immigration was increasingly criminalised: the tougher the regulations, the more they led by definition to more illegality and irregularity. International political terrorism has furthermore put migrants into focus from a security perspective. Such policies have primarily been governmental initiatives – without the direct involvement of employers, trade unions or other civil society organisations. To implement them, however, increased outsourcing of control was practiced: controls at the borders of the country of origin, liability of carriers (airlines, sea ferries and transport firms), etc.

Furthermore, political unification in the new European Union (since 1993) has created a completely new context for the regulation of migration that has turned out to be a double-edged sword: on the one hand, the EU created a fundamental right for the citizens and residents of its member states to move and settle within the EU area. On the other hand, EU member states have developed common restrictive and defensive immigration policies (since the Treaty of Amsterdam, 1997) to keep out unasked-for migrants. This was done particularly through the harmonization of asylum and immigration policies in the EU. This amounts to the paradoxical trend of 'free mobility' for those within the EU, and increasing closure for those outside the EU.

This harmonization of immigration policies² was developed on the basis of the experience of the early members of the EEC-EU, mostly West European countries, but the framing of the problem and the instrumentation to be used for restrictive immigration policies were also imposed later on the new EU members through the *acquis*: the acceptance of such policies – and thus the establishment of the required legislation and instrumentation for implementation – was simply made a *conditio sine qua non* for joining the EU, no matter if such an approach fit the new situation or whether the instruments could actually be used.

In the wake of these restrictive measures relating to immigration and the regulation of legal residence, measures have also been introduced to regulate access to the labour market (and to other institutional domains of welfare states, such as health and education). These regulations, such as the Linkage Law in the Netherlands, actually function as a new border for illegal resident immigrants within (welfare) states. Whereas illegality used to be constructed around admission and residence initially, we begin to see that European countries additionally construct illegality in relation to work and labour market accession, with increasing controls on both workers and employers.

Conclusions

What are the consequences of the changes outlined above for trade union action? If we recall the three basic dilemmas of trade unions from this earlier study, are these still relevant and how do they work today? As to the first dilemma, that of cooperation or resistance, we have to conclude that it is much less relevant than it used to be. Trade unions are simply much less included in corporate decision making nowadays,

² According to Groenendijk and Minderhoud (2004, 139 ff), some 50 proposals for Directives were made during the first four years after the enactment of the Amsterdam Treaty in May 1999. Of these 50, only 23 have become binding regulations. These 23 relate to borders and visa (11), illegal immigration and expulsion (6), asylum (5), and only one to legal migration. The topics of this list reflect the dominant preoccupation with control-oriented migration regulation at the EU level.

particularly when it comes to immigration. Now the dilemma is whether trade unions, as civil society actors, try to influence restrictionist regulation of immigration and access to the labour market and facilities of the welfare state for undocumented immigrants.

The second dilemma – inclusion versus exclusion – is still a valid one for regular immigrant workers, but it has additionally gained a completely new face when it comes to the significant number of immigrants who are irregular and undocumented (as a consequence of increased and restrictionist state regulation): Do trade unions include and mobilise undocumented immigrants? And for certain branches of unorganised, vulnerable work (as a consequence of changed labour relations): Do trade unions include and mobilise such (immigrant and native) workers who do not fit in the traditional structure of trade unions?

In those cases where trade unions have taken action, such as the assistance to undocumented workers in France (ASPLAN 2010; Julliard 2010; Nicholls 2010), or the mobilisation of domestic workers in trade unions (Günther 2010), the third dilemma gets a new face, too: trade unions have to take the special characteristics of immigrants into account as a pre-condition for cooperation. In these cases, these special characteristics are not so much related to cultural characteristics, but rather to the immigrants' structural/legal position in society.

These changes in how the three dilemmas work out nowadays imply that trade unions have to operate much more than before as a civil society actor in favour of immigrants than as a strict, labour-related interest body. Most of the actions of assistance to immigrants, and particularly the undocumented, are related to other aspects of life (assistance in the regularisation of residence and/or labour market access; in housing and access to general facilities of the state, such as health and education) than strict labour relations issues. These have to be solved first, and the assistance of trade unions may help to increase trade union membership and, in time, may strengthen the position of trade unions.

The documentation of trade union action in France cogently illustrates this point: undocumented workers in France started to strike in their struggle for the legalisation/regularisation of their residence and work status (rather than for improving their work conditions). Thus, the strike and actions were not aimed at their employers, but at governmental agencies that decide on their legal status. Trade union assistance in this struggle involves a complete rethinking of strategies and coalitions (Julliard 2010).

The scarce empirical evidence suggests that trade union action along this line is not evenly taken in Europe. In countries where unions are not strongly involved in tripartite decision making (either no more or they never were), more of such a new approach is visible: in Italy and Spain among the new immigration countries, and the UK and France among the old ones. This often goes hand-in-hand with more decentralised and bottom-up-organised unions: Marino's comparison of the discourse and actions of Italian and Dutch trade unions illustrates this point (Marino 2009).

Finally, going back to the original question on the relevance of trade unions for the integration of immigrants, we may draw some general conclusions. Firstly, on the theoretical level: yes, one can safely say that work is the most basic element in the integration process of newcomers; by extension, one can conclude that policies of an important institutional actor in this field, namely trade unions, are of crucial importance for immigrants (positively or negatively); by further extension, it is clear that trade unions are potentially a major coalition partner in efforts and policies to promote the integration of immigrants. For that potential to

materialise, inclusion policies of trade unions are crucial, though not always strategically convenient. Such inclusion of immigrants has two dimensions: the first is that these newcomers are taken in (and recruited) as regular members and their work-related rights and claims are equally protected.

The second is – if that is done consistently within the ranks of the unions – that trade unions may turn out to not only become a major integration force (irrespective of the question whether society at large embarks on policies promoting integration of these workers), they may also turn out to become a major channel for the social mobility of immigrants, through training and eventually taking positions as leaders within trade unions. The German trade union DGB was a good example during the guest worker period and has been one since then.

However, in the new era in which industrial relations have undergone significant changes, the immigrant population has diversified, and state regulation of immigration and the legal residence status of immigrants and their access to the labour market have changed significantly, the practicalities of inclusion have changed dramatically, and trade unions have to do quite different things to practice inclusion:

a) For illegal or undocumented immigrant workers, inclusion requires a complete rethinking of strategies and coalitions. It requires much more engagement of trade unions as civil society actors (in relation to immigration policies, residence procedures and policies of the state, rather than in relation to employers). Towards the undocumented themselves, it primarily requires assistance in relation to non-work-related issues (to eventually win them over as regular workers).

b) For workers in sectors that are traditionally not or only partially organized, such as domestic work and some parts of the cleaning and care sectors, and for those who are workers in forms of subcontracting and semi-independence, inclusion also requires new strategies. In principle, the actual non-inclusion of these workers (immigrants and natives alike) stems from historical legacies of the trade unions themselves and new developments in industrial relations (and not from immigration and residence policies). In actual practice, however, there is a strong overlap (or double vulnerability) in many of these sectors.

c) For regular immigrant workers in traditionally organised sectors of work, the classical third dilemma that was formulated earlier, the equal versus special treatment dilemma, is still valid. In times of strongly politicised and polarised discussions on immigration in most European countries, however, the equal treatment argumentation seems to triumph over the special treatment one, but the question then remains in how far equal treatment procedures lead to equal material outcomes for newcomers. This is particularly questionable when it comes to characteristics or migrant statuses that relate to immigration and residence policies.

To end on a positive note, we actually see that some trade unions in Europe – following their North American counterparts – are actively taking up action for and with undocumented workers and workers in non-organised sectors as a strategy for the survival of the unions themselves. There is a growing awareness that these groups not only should be part of the labour movement, but that they can also contribute to its growth and revival. The practice of such a new, inclusive growth strategy – by necessity a local one – makes it clear that to gain new members from these sectors, special action is necessary.

Bibliographic References

ASPLAN, *Travailleurs sans papiers: la précarité interdite*. Paper for the ESF-seminar on Migrant Legality and Employment in Contemporary Europe, Amsterdam, June 10-11, 2010.

GICM (2005). *Migration in an interconnected world: New directions for action*. Global Commission on International Migration, October 2005. [Http://www.gcim.org/en/finalreport.html](http://www.gcim.org/en/finalreport.html)

Groenendijk, C.A. and P.E. Minderhoud (2004). 'De Nederlandse invloed op nieuwe Europese regels betreffende migratie en asiel'. In: W.A. Brusse, D. Broeders and R. Griffith (eds), *Immigratie en asiel in Europa. Een lange weg naar gemeenschappelijkheid*. Utrecht: Lemma BV, pp 137-162.

Günther, S. *From double illegality to double regularization: the unionization of (un-)documented migrant domestic workers into Dutch trade unions*. Paper for the ESF-seminar on Migrant Legality and Employment in Contemporary Europe, Amsterdam, June 10-11, 2010.

IOM (2008). *World Migration 2008: Managing Labour Mobility in the Evolving Global Economy*, IOM World Migration Report Series, No. 4. Geneva: International Organization for Migration.

Julliard, E. *The CGT and the French illegal immigrant workers' movement 2008-2009: When a union has to cope with the administrative criteria for legalization*. Paper for the ESF-seminar on Migrant Legality and Employment in Contemporary Europe, Amsterdam, June 10-11, 2010.

Kraal, K. J. Roosblad & J. Wrench (2009) *Equal Opportunities and Ethnic Inequality in European Labour Markets: Discrimination, Gender and Policies of Diversity*. Amsterdam: AUP/IMISCOE-series.

Marino, S. (2009). *Trade Union Representation of Migrant Workers. A Comparison between the Dutch and Italian Cases*. Settore Scientifica Disciplinare SPS/09. Manuscript. Milano: Università degli Studi di Milano.

Nicholls, W.J. *The contradictory pathways to political integration: the case of France's undocumented immigrant movements*. Paper for the ESF-seminar on Migrant Legality and Employment in Contemporary Europe, Amsterdam, June 10-11, 2010.

Penninx, R. (2001). 'Immigrants and the dynamics of social exclusion – Lessons for anti-discrimination policies'. In: Flip Lindo and Mies van Niekerk, *Dedication and Detachment. Essays in Honour of Hans Vermeulen*. Amsterdam: Het Spinhuis 2001, 193-211.

Penninx, R. (2005). 'Integration of migrants: economic, social, cultural and political dimensions', pp. 137-152, in: M. Macura, A.L. MacDonald and W. Haug (eds), *The new demographic regime. Population challenges and policy responses*. New York/Geneva: United Nations.

Penninx, R. (2007). 'Integration processes of migrants: research findings and policy challenges'. in: *Migracijske I Etnike Teme*, Vol. 23 (2007), no. 1-2, 7-32.

Penninx, R. M. Berger & K. Kraal (eds) (2006). *The Dynamics of International Migration and Settlement in Europe. A State of the Art*. Amsterdam: AUP (IMISCOE Joint Studies series).

Penninx, R. K. Kraal, M. Martiniello & S. Vertovec (eds.) (2004). *Citizenship in European cities. Immigrants, local politics and integration policies*. Aldershot/Burlington: Ashgate.

Penninx, R. & J. Roosblad (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/Oxford: Berghahn Books.

Rea, A. *Beyond legal and illegal migration. Theorizing migratory careers*. Paper for the ESF-seminar on *Migrant Legality and Employment in Contemporary Europe*, Amsterdam, June 10-11, 2010.

Roosblad, J. (2002). *Vakbonden en Immigranten in Nederland (1960 – 1997)*. Amsterdam: Aksant.

Sabater, A. & A. Domingo. *Earned legalisation by means of attachment to Spain: a socio-demographic perspective*. Paper for the ESF-seminar on *Migrant Legality and Employment in Contemporary Europe*, Amsterdam, June 10-11, 2010.

United Nations (1998). *Population Distribution and Migration. Proceedings of the United Nations Expert Group Meeting on Population Distribution and Migration, Santa Cruz, Bolivia, 18-22 January 1993*. New York: United Nations.

Vermeulen, H. (ed.) (1997) *Immigrant policy for a multicultural society. A comparative study of integration, language and religious policy in five Western European countries*. Brussels/Amsterdam: MPG/IMES.