

Unions, social dialogue and the representation of labour migrants in Central and Eastern Europe: Reflections on the Findings of the BARMIG project

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Trade unions' representation of migrant workers has in recent years become a key question for the future of the labour movement, and for the protection of the rights of migrant workers (cf. Marino et al., 2017). Migration to CEE countries is no doubt in part a reflection of outward migration of CEE workers to wealthier EU member states, because this westward outmigration creates a demand for more workers. However, there are other drivers as well, including the Russian attack on Ukraine, and generally lower wages and living standards outside the EU's borders. The focus on inward migration to the CEE countries is therefore welcome, as the topic of labour migrants and trade union representation strategies in Central and Eastern Europe has not been extensively researched. The report shows that migrant workers present a challenge to unions and collective bargaining in CEE countries, and that CEE unions are only beginning to realize this and respond in a limited and fragmented way. Hopefully, these results can help spur and inform discussions about how to more effectively organize and represent migrants in CEE countries and elsewhere.

BARMIG's methods mainly relied on social partners as informants, with only very limited discussions with workers, due to the exigencies of researching during the COVID period. This is an important limitation, since it means the results are filtered through the perceptions of social partner representatives. However, it does give us an important window into how these actors view the situation and frame the problem, which is an important advance; one hopes that there will be more direct field research in the future to build on BARMIG's success.

The challenges faced by the unions described in the BARMIG project are similar to those faced by unions in other EU countries and around the world. The literature on union organizing and representation of migrants often notes the ambivalence of unions vis-a-vis migrants, due to their . Virdee (2000) shows that UK unions were initially motivated by racism and a desire to exclude migrants from the labour market and union protection, and only over time came to

embrace the idea that migrants should be organized and included for the benefit of all workers. Marino et al (2017) note that unions remain caught between the partially contradictory imperatives of representing migrants, and of protecting native union members from foreign competition. Organizing and representing migrants is resource intensive, and existing members may not understand or agree with the need to expend resources to represent migrant workers, who may never become members. As with other forms of precarious workers, unions' first impulse is often to ignore or exclude the migrants, and focus on defending the 'core' workers, who are usually the unions' most active constituents. One might be led to assume that for CEE unions, resource constraints, inertia, and short-term thinking will conspire to prevent them from organizing and representing migrant workers.

The notion that a relative weakness of CEE unions has led to "illusory corporatism" (Ost 2000) or "PR corporatism" (Bernaciak 2013), has been a recurring theme of research on labour politics in Eastern Europe. To some degree, these themes seem relevant for the unions looked at in BARMIG. Where they are included in national discussions about labour migration policy, they were often reacting to employer proposals. Their views sometimes not to be taken into account, while those of employers were. This sort of social dialogue outcomes were seen in Poland and Estonia. However, in other cases, unions did believe that they had managed to shape policy through social dialogue, to a greater or less degree. This suggests that CEE corporatism is not always entirely a PR illusion. It is not clear, however, how important union influence over migration policy and industrial relations decisions really have been, however, since the social partner actors may over- or under- report their influence for political reasons.

Union weakness is the implicit backdrop of much that happens in BARMIG's cases, although this varies a good deal across countries and sectors. BARMIG's results suggest union political influence is weak at the national level, which makes sense given that overall membership numbers are low. Most of these unions seem to lack strategy or sense of direction, particularly where migrant worker representation is concerned. These issues are certainly not unique to CEE unions, however. Even if some unions in Western Europe have adopted multicultural rhetoric and migrant organizing strategies, others struggle. Furthermore, it is

not the case, as is often portrayed, that CEE unions are universally weak, while unions in Western Europe are strong: union strength between sectors and firms within countries varies as much as it does between countries. However, the overall picture seems to reflect poorly resourced unions, with little strategy or influence.

BARMIG's comparative research design in over several CEE countries gives us a good picture of what kind of labour migration flows are occurring and the challenges these present for the maintenance of local labour standards and union representation. Some migration policies, such as that of Poland towards Ukraine, are permissive, while others, such as those of Hungary or Czechia, seemed designed to increase migrant worker exploitation, through restrictive measures. This can be via the measures themselves which are directly restrictive of migrant labour rights, or through ensuring that migrants come illegally, or in are in a legal grey zone, which *de facto* undermines rights access. For example, as the BARMIG report notes, posted workers from Ukraine have been found working in the Czech and Estonian labour markets under very precarious and exploitive conditions. These workers were re-posted from Poland, by employers who took advantage of the workers' vague legal status to intensify their exploitation.

Likewise, migrants were often employed by labour market intermediaries to a greater extent than local natives. This, plus the fact that certain sectors seem more difficult to regulate and subject to labour cost pressures, means there are "migrant" labour market segments emerging.

One example is the platform "sector," in which the almost total lack of union presence also means there is almost no union strategy for representing migrants. Platform work is not really a "sector," but rather a way of mediating the management relationship. BARMIG focused on personal transport platforms, which has certain common characteristics which make it possible to treat it as a sector. In transport means that certain unions – i.e. those representing taxi drivers – should have an interest in organizing or excluding personal transportation platform workers. Platforms are particularly open with low barriers to entry making them attractive for migrants, but also increasing competition and making regulation

difficult. Workers are dispersed because they do not necessarily share a physical work location, and because the specific work they engage in does not necessarily share commonalities with other platform jobs. Unsurprisingly, unions had little success in organizing these workers and for the most part have not really tried.

Responses in the construction sector show a high degree of variation from one country to another. Croatia has strong construction unions, that also represent migrants assertively, while Estonia has no construction union at all, and migrants are left to their own devices. Some construction unions seem highly interested in representing migrants, while others deny their importance.

The auto manufacturing sector is a union stronghold in most countries, and in the BARMIG cases, there is also a union presence in autos. As in many Western European countries, the use of temporary and agency workers has been a frequent theme, which has provided an opening for employers to introduce more a precarious workforce, on a lower tier of labour standards. As a result, there has been a growth of temporary work agencies as a source of labour supply. This means that migrant workers tend to come in through TWAs, and therefore the issue of migrants is largely dealt with through the frame of negotiating about TWAs. The pressure from employers is to segment the labour market, so that TWA workers, and by implications most migrant workers, receive poorer working conditions. Overall, unions have been somewhat active in addressing migrant worker concerns, even if *de facto* two-tier agreements are common.

In services, union activity among migrants has been limited by the lack of capacity to act which characterizes service sector unions. In the health sector, in contrast, there have been relatively few migrants, because of the language and national certification requirements inherent to health sector work. However, there is pressure to compromise these standards because of skill shortages. There are some migrants, however, even if the number is limited. Unions are also present, and tend to have collective bargaining agreements, and influence. Migrants are therefore covered, although their status is often “special” in one

way or another. While there is a segmented the labour market, certification and language requirements tend to limit the number of migrants, anyways.

BARMIG establishes that union strategies for addressing the labour market position of migrants in CEE countries are relatively weak and poorly development. There is a problem that the cause of this overdetermined, in that social dialogue is weak, and also unions seem relatively uninterested and conflicted in many cases. Social dialogue processes have not presented many opportunities to strengthen the labour market position of migrants. In many CEE countries, regulation of TCN migrants presents firms with an opportunity to create an underclass, which can be exploited due to their “shallow, instrumental labour market integration.” While this is not a solidaristic attitude, many core, native workers may feel it is in their interest to allow such a labour market segment to develop, or at least it is not worth opposing it.

Many unions in central and eastern Europe are small and poorly resourced. Observing that they fail to organize migrants or protect their rights in certain cases may simply reflect that they are failing to protect precarious workers generally. BARMIG research does suggest that CEE unions tend to be caught in the classic dilemmas of being caught between an impulse to exclude, and to represent. Representational efforts appear to more as initiatives of individual unions, rather than representing patterns across sectors or countries. It therefore makes sense, BARMIG, to separate out sectors, as well as to discuss specific small scale initiatives. These, while not representative, do point to developments in mindset and strategy, which may point a way forward.

BARMIG maps out the ways in which social dialogue in Central and Eastern Europe has regulated, or more frequently, failed to regulate migrant employment, and the emergence of segmented labour markets which is resulting. This is not fundamentally different from the situation in the EU generally, although the fact that CEE industrial relations institutions are, on average, weaker than those in Western Europe, means that efforts to organize and represent migrant are less common. Trends in migrant employment, such a two-tier

agreements in autos, or employer avoidance of regulation through platform work, are also trends in CEE countries.

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