

# Comparing French and German trade unions' responses to labour migration: The example of CGT and IG BAU

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# Changing patterns of labour migration to Europe

- Since the late 1980s, migration flows to Europe diversified (Castles/Miller 2009)
- These evolutions relate to
  - changes in the political economy both in the sending and receiving countries
  - the breakdown of the former Soviet Union and successive EU-enlargement
- But: Migration flows are strongly patterned, both in time and place (Sassen 2007).

# A dual labour migration regime

## **'Internal' migration (mobility of service providers and workers in the Single market)**

- The free movement of workers (individual migration)
- The freedom to provide services (temporary posting of workers)

## **'External' migration (immigration of third-country nationals)**

- Temporary labour migration programmes for specific industries and jobs
- Favourable admission systems for the highly qualified
- Continuous pressure on family and asylum migration rights
- Increasingly restrictive regularization policies

# Questions, methods

- Considering this distinction, what are the strategies national trade unions deploy with regard to migration and migrant workers?
- A binary and contrasting comparative strategy (Dogan/Pelassy 1982), focussing on a comparison of trade union responses to posted and irregular workers
- Case study objects: IG BAU (German construction and agriculture union) and CGT (French trade union confederation).
- An ongoing research project, based on 25 semi-structured interviews with French and German unionists, movement activists and migrant workers

# Posted and irregular migrant workers: Two sides of the same coin?

## Posted EU-workers

- Itinerant migration patterns dominate
- Member states are not entitled to intervene in these flows or discriminate against them
- Applicability of collectively agreed or legal provisions of the receiving country
  - minimum pay rates (including overtime) and paid annual holidays
  - maximum work periods
  - health & safety provisions
- But: compliance is low

## Irregular migrant workers

- Migration of temporary intent, but leading to (highly insecure) settlement (students, tourists, illegal border crossers, asylum seekers ...)
- Employment is regulated by national labour law and social security provisions
- But: compliance is low due to the dangers of migrant 'voice' (expulsion)

## IG BAU searching to regain control over the labour market under the pressure of Europeanization

- The posting of workers as a mass phenomenon in German construction occurred in the early 1990s
- “Corporatist” rule-based strategy: including EU-workers by creating a collectively agreed minimum wage floor in 1996 (Posted Workers Act)
- Eastward EU-enlargement (2004/07) gave rise to fears of an invasion; IG BAU successfully lobbied for a maximum transitory period of 7 years before the opening of the construction labour market to CEE-countries.
- Subsequently, dominant union strategy was to enforce existing employment regulations by cooperating with labour inspectorates.

# Reaching out to posted workers? The European Migrant Workers Union

- In 2004, IG BAU launched the European Migrant Workers Union (EMWU), a support and advice centre for itinerant posted workers
- Initial project was abandoned in 2008 as
  - other European unions did not participate
  - EMWU became neither organisationally nor financially viable
- Initial question remained open: Are itinerant migrant workers organisable (trans)nationally?

## CGT responses to irregular migrant workers: confronting a political and societal stake

- Immigration rising irresistibly into the centre of the French political and societal debate in the 90s
- Increasingly repressive policies against “undesirable” migrants and, from 2006 on, cautious opening towards economically “desirable” migrants
- Continuous mobilizations of irregular migrants as a human-rights movement marginalized CGT; also union lacked efficient means to intervene



# Reaching out to migrant workers? – The 2008/2010 strike movement

- Conflict evolving from local experiences where local administrations granted permits to irregular workers on strike
- The 2007 *Hortefeux* immigration law opened the possibility to exceptionally regularize third-country nationals in certain industries; the strike emerged as a means to force employers to support the regularization of their workers
- CGT triggered two strike waves (2008, 2009) of irregular workers involving successively some 7,000 workers.
- Objective: Engage in negotiations with the government over regularization criteria

## Issues emerging from the confrontation of the two cases

- Importance of the mobilization of migrant workers in union strategies
- Organizing migrant workers?
- Overcoming the “virtual” relationship with migrant workers?