Trade union responses towards immigration in Europe: Policy, politics and the language of inclusion

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INTRODUCTION

This paper looks at trade union responses to immigration in Europe, with a focus on how responses are developing at the European level and how the language of inclusion has evolved. McGovern (2007) has argued that the literatures on immigration and trade unions have rarely come together and that an important avenue for research is to better understand the approaches that trade unions take towards immigrants and ethnic minorities. This can be achieved by considering the ways in which unions frame the discussion about immigration, how this relates to policies on discrimination and to the structure, values, and political orientations of trade unions generally. Although rare, cross-national comparisons, such as those of Krings (2009), Meardi (2009), Penninx and Roosblad (2000) and Wrench (2004) have all contributed considerably to our understanding of trade union responses to migration. This paper contributes to this debate by exploring how trade unions are framing responses to immigration at the European level. Much of the mainstream Industrial Relations debate – especially in the Anglo-Saxon context - does not tend to reference these debates preferring a more institutional discussion.

The first part of this paper explores the reasons for the current turn towards the theme of immigration in the field of Industrial Relations. There have been increasing pressures on industrial relations actors to develop effective and coherent responses to immigration. These pressures include: new types of immigration, for example the rise in asylum seekers during the 1980s and 90s and the eastward enlargement of Europe from 2004; and new forms of xenophobia, manifest in the rise in support for far right political parties with anti-immigration stances and racist discourses (for example the BNP in the UK, and the Wilders Party for Freedom (PVV) in the Netherlands). Furthermore, in a context of trade union membership decline, the possibilities of organising migrants represents a means for union renewal: and with the current challenges to social provision, there is an increasing need to organise workers internationally in the face of globalisation. Finally, at the European level, the continued role of the social dimension – at least in rhetorical terms – and the language of social inclusion and cohesion have encouraged and supported union activity to develop coordinated responses and best practice in the area of immigration. However, trade unions are confronted with an increasingly complex and sensitive set of dimensions from which to formulate responses to immigration – as well as competing national level approaches.

Secondly, this paper looks at frameworks for analysing comparative and supranational trade union responses to migration. This paper draws on the work of Penninx and Roosblad (2000) who argue that union responses to immigration can only be understood if we map the traditions and politics of trade unions within the
particular national contexts and they propose a framework for understanding responses. Using this framework we begin to see competing meanings and understandings at national level and that public discourse is important for understanding union responses. This section presents some of the different national approaches observed by the authors of the paper in the UK, the Netherlands and Spain. The differences in responses has important implications for the study of trade union responses at the European level given the challenges of bringing together and coordinating responses from countries which have a diversity of contextual and historical trajectories. If we are to understand the responses of trade unions to immigration at the supra-national level we need to look at European level developments in relation to immigration and other contextual factors.

The third part of the paper considers the way in which policy has developed at the EU level around social inclusion and immigration. The issue of immigration is exacerbated at the European level by the search for a common framework of meaning and initiatives. At the European level, supranational institutions’ frame issues of immigration around border control and security and preventing illegal immigration. Trade unions at the EU level have developed responses around the definitions of legal and ‘illegal’ workers, calling for a change in language to abolish all reference to ‘illegal’ immigrants. The European Trade Union Confederation (ETUC) has taken up the language of ‘social integration’, and ‘social cohesion’, which has evolved from European Commission discourse, to soften the legalistic and protectionist discourse of border control and security. Moreover, there has been a shift to using terms such as ‘vulnerability’ and ‘decent work’ in order to provide a basis for addressing the common problems of migrant and non-migrant labour – and to underpin a common reference point between what are divergent union views and experiences.

However, regardless of the above, this paper argues that there are challenges to finding common ground at the EU level as some national trade unions, in line with their national debates, have different understandings of the nature of migration and have made calls for stricter immigration calls, a policy which acts against the ETUC’s argument that there is a need for ‘managed’ immigration. The paper argues that, in common with much discussion around migration at the EU level, there has been a form of de-politicisation of the language around immigration within formal institutions which is evidenced in the ETUC’s shift towards using the language of ‘mobility’ and ‘mobile workers’ as opposed to just ‘immigration’ and ‘migrant’ workers – thus a less contentious approach is taken due to constraints. There has been greater use of terminology such as vulnerability/decent work/social exclusion/poverty (e.g. 2010 as year for ‘combating poverty and social exclusion’). The paper will look at the way framing trade union responses is an issue and a complex and shifting dynamic: it is the outcome of a range of political and organisational calculations concerning feasibility as well as being a response to social realities. The paper draws on preliminary data from a three-year comparative project on the development of trade union responses in relation to migrant populations. The aim is to analyse how and why responses vary between countries. The research compares Britain, the Netherlands and Spain, and also aims to understand to what extent trade union responses are coordinated at the European level. The methodology is qualitative, with a focus on semi-structured interviews and participant and non-participant observation. The research to date has included over 70 interviews with trade union officials and activists from various levels within the union movement and a number of interviews with voluntary sector organisations, particularly those working in the area of migrant rights and Black and Minority Ethnic (BME) issues. Interviews have also been carried out with representatives at the EU level, including union officials from the European Trade Union Confederation (ETUC), and several of the European
Sectoral Level Federations – UNI-Europa (services and communication sector), European Metalworkers Federation (EMF), European Federation of Trade Unions in the Food, Agriculture and Tourism (EFFAT), and European Federation of Public Service Unions (EPSU).

INDUSTRIAL RELATIONS AND THE STUDY OF IMMIGRATION

Both within Europe and the USA research on issues of immigration and industrial relations has developed at a rapid pace during the past decade or so. There are various reasons for this. Firstly, new waves of migration and new forms of immigration began to raise levels of interest in regards to questions of social inclusion and social exclusion. This new wave has emerged in part due to the changing nature of capital and the way it had begun to globalise and organise production across various borders in a more concerted manner. It has also emerged due to the failures of capital to develop the economic and social infrastructure of developing countries. What is more, labour market shortages in developing countries, and the rapid demand for specific jobs with a low level of labour supply, have created a basis for new forms of immigration. Within the EU the free movement of workers is a key pillar of the European political project and the enlargement eastwards has led to an increase in economic migrants coming from Central and Eastern European countries towards the ‘old’ member states. Secondly, there are also new forms of xenophobia emerging around East Europeans and Muslims in the case of the United Kingdom and in quite socially oriented welfare states as in Denmark (Wrench, 2004). With the economic recession there has been a backlash against migrant workers and governments who are seen to be ‘soft’ on immigration policy. This has brought forth a new dimension to the anti-racist strategies that trade unions had - with variable degrees of success and commitment - developed in the UK and the USA. Secondly, the debate has been spurred on not just by social and economic structural factors, but institutional factors. The declining levels of trade union membership within both the UK and USA, where this debate has been developed more extensively, along with problems of coverage in terms of trade union roles within various parts of the economy, means that the issue of renewal began to take on a central dynamic within the industrial relations discipline (Frege and Kelly, 2003). In political terms trade unions were confronted by new groups of workers within the knowledge economy and the new leisure economy – and even in traditional industries such as the construction sector - which were in many aspects outside the remit and influence of the labour movement. Within these new groups, immigrants had substantial presence. Many of these new groups of immigrants were therefore finding issues related to gaps in their voice and representation, even in contexts where migration (external and internal) was a feature of such national contexts. Thirdly, although less apparent, there appears to be a link between the need to internationally organize the labour movement in a context of globalization and the need to realize the significance of transnational labour flows and not just capital ones by using the social capital of immigrants in these international labour relations – although the debates appear to be quite separate in many cases both academically and within the labour movement. Finally, in the European context, the language and social policies around social inclusion which have developed since the Lisbon summit in 2000 have encouraged recognition of the need for a strengthening and co-ordination of responses from trade unions at the European level. The enlargement of the European Union eastward in 2004 also opened up discussions on the issue labour mobility and migration, with some ‘old’ member states (Germany and Austria) supporting transitory periods. The Lisbon Treaty, which has now been ratified by the Member States and came into force in December 2009, reinvigorates the social dimension of the EU, with new social objectives for the ‘social market economy’, such as full employment, the
combating of social exclusion and discrimination, and social and territorial cohesion between Member States. But at the same time, there is a discourse at the European level around borders and security and issues of 'illegal' migration. Trade unions at the European level are dealing with the tensions within the language and policy around social inclusion, which includes tensions with their own members in relations to levels of support for migration and integration. This ‘sensitivity’ to organisational differences has increasingly framed the way responses have evolved – and since the early 00s when Penninx and Roosblad (2000) were writing have become increasingly acute.

TRADE UNIONS AND IMMIGRATION: DEVELOPMENTS WITHIN THE SHELL OF THE NATION STATE

After the Second World War there was an influx of large numbers of foreign workers in Europe, mainly because indigenous workers were reluctant to take low paid low status jobs. The period between 1960 and 1973 saw an influx of migrant workers from countries bordering the Mediterranean Sea. The migration and employment of these workers was viewed as a temporary measure to act as a buffer for industries that were on the verge of being exported, or where there were shortages of unskilled and semi-skilled workers. However, the majority of migrant workers stayed, and these workers became a structural part of the Western European labour markets. From the late 1960s discussions around the need for the regulation of migration took place and after the first oil crisis of 1973 restrictive measures were put in place to limit migration. Since the 1970s, in spite of restrictive policies, immigrant populations in all major Western European countries have grown, mainly through family reunion and increasing numbers of refugees and asylum seekers.

Ambivalent attitudes towards ethnic minorities have been a common feature of trade unionism and trade union activities (see Bhavnani and Bhavnani, 1985; Dickens, 1997; Grint, 1998; Luthje and Scherrer, 2001; Mayhew and Addison, 1983; Wrench and Virdee, 1996). Trade unions developed, during the 20th century, a politics of solidarity which was sometimes constrained by established, ethnic understandings of the workforce and by labour market regulatory mechanisms (internal and external). At specific moments it was common for trade unions to support specific groups of workers vis-à-vis both employers and ‘outsiders’. Trade unions have at different times had different objectives with regards to immigration. The result is that these strategies can appear incoherent or even contradictory (Martens, 1999). Penninx and Roosblad (2000) argue that trade unions have faced three dilemmas in terms of their response to migrant workers: firstly, whether to resist immigration or cooperate and try to influence state immigration policy; secondly, whether to include migrant workers as union members once they have arrived; and thirdly, whether special union policies should be established for migrant and minority ethnic members over and above those policies for white members. Through these dilemmas the main concern for trade unions has been the consequences of labour immigration for existing bargaining and power structures in the socio-economic domain. Also, although trade unions may commit themselves verbally in varying degrees to the international solidarity of all workers, the dominant frame of reference for unions has been the nation state and the national arena.

In the 1970s trade unions were relieved to an extent of the first dilemma through restrictive policies on migration but were then faced with two further dilemmas in relation to the admission of migrants, firstly in relation to family reunion and secondly in terms of the increase of refugees and asylum seekers in the 1980s. In relation to the second dilemma of whether to include or exclude migrant workers, Penninx and Roosblad argue that the ideological base line for most unions is the inclusion of
migrant workers, but that there are degrees to which inclusionist policies are practised. As to whether unions should offer special treatment for migrant workers, Penninx and Roosblad show that in the course of time, but at different points in time, most of the national trade union organisations (with the exception of Austria, where labour immigration is defined as a temporary phenomenon) had to admit that the specific situation and characteristics of migrant workers required special attention and policies. Nationally, we see that trade unions are pursuing a wide variety of innovative initiatives in their pursuit of representing immigrant workers, ranging from traditional workplace approaches, new forms of internal representation and like-for-like recruitment, to linking into community networks and voluntary initiatives and placing an emphasis on the emergent learning agenda.

In the UK, trade unions have focused their responses around learning (the provision of ESOL English language course for example) and organising (see Martinez Lucio and Perrett, 2009). Organising campaigns have attempted to represent the interests and encourage union involvement of migrant workers – examples include UNISON’s Migrant Worker Participation Project and UNITE’s Migrant Worker Support Unit. Learning strategies have included setting up learning centres with the aim of helping the most vulnerable groups of workers to access basic training. The living wage campaign in London is a key case example of unions and community organisations working together to improve working conditions for a mainly migrant group of workers. Recently, in response to the Union Modernisation Funding (UMF) round on ‘vulnerable’ workers, the TUC and member unions have shifted their language from ‘migrant workers’ to ‘vulnerable workers’, which arguably allows unions to continue the work around migrant workers in a manner which downplays the racism dimension.

In the Netherlands, the trade union movement is relatively more centralised, which has helped with the coordination of policies at a national level. In the FNV – the largest confederation in the Netherlands with over 1 million members – strengthening migrant workers and ethnic minority participation was adopted as one of the key priorities during the congress of 2005. Various initiatives have been taken on since. The FNV has organised 50 information meetings in collaboration with immigrants’ organisations; it successfully lobbied for lifting unnecessary restrictions for elderly immigrants who receive social assistance. Alongside a more traditional corporatist approach to the issue of migrant workers, trade unions have adopted a strategic level organising approach with dedicated organisers in different sectors (mainly agriculture, cleaning, domestic workers) with specified targets for membership amongst migrant workers (this concerns mainly Polish migrants). This organising strategy has been influenced by the approach to organising adopted in the American union, Services Employees International Union (SEIU). The service sector union, FNV Bondgenoten, launched a successful organising campaign among cleaners – many of whom are migrant workers. Recently there have been strikes and direct actions in the sector. Much of the discussion around migrant workers is framed in terms of ‘Decent work’ and the FNV strategy has been to mainstream issues of equality and diversity into all activity.

In Spain, unions have driven a policy of establishing advice centres for immigrants which have become the most extensive and co-ordinated set of immigrant support networks in the country. They have created a service that allows those groups of immigrants – there are other more settled communities who are the majority – who follow the seasonal trends of harvesting across the country to find an information service centre throughout different part of the country which can sustain systematic and effective support. In part funded by regional governments these allow organisational spaces to develop that support the emergence of campaigns and
hands on support for immigrants and their needs. Increasingly they work alongside
the embryonic organisations that are representing immigrant interests directly. There
are also national tripartite bodies where public agencies, unions, employers and
immigrant groups consider and reflect on policies and state sponsored services
related to immigration. This institutional template can be uneven at times and
dependant on the state for funding yet it has evolved very quickly since the 1990s.

What factors help us to understand these responses to migration? Penninx and
Roosblad (2000) identify a set of factors to account for national differences in union
policies towards immigrants: the social position of the union movement, its power and
its structure; the economic and labour market situation; the broader institutional
context – the political structure, legislation, national ideologies, and public discourse;
and the characteristics of the immigrants themselves. The authors suggest that
national contextual factors are important for understanding national variation and
lead to different outcomes, a proposition supported in recent research (Krings, 2009).
Wrench (2000) has shown that in European countries there are differences in the
way the issues are defined and the policies that are deemed appropriate. Many
northern European countries (for example, the UK and the Netherlands), with long
histories of immigration, have been more concerned with racial discrimination, its
implications for the opportunities of an established second or third generation of post
war migrant origin, and the equal opportunities strategies to combat this. This has
been combined with more recent strategies to organise new sets of migrant workers
coming from CEECs. In contrast, Southern European countries (for example, Spain)
have tended to be preoccupied with the issues of a relatively recent influx of immigrants, working precariously on short term work permits, and with a large
problem of undocumented workers suffering from extreme exploitation. This has
important implications for the study of trade union responses to immigration at the
European level and the possibilities for coordination and even shared understanding
of the issues. There are fissures and differences which frame responses within
countries.

THE ROAD TO SOCIAL INCLUSION IN THE EUROPEAN UNION: RESPONSES
AND INITIATIVES ACROSS AND BETWEEN STATES

The issue of social inclusion is itself a political construct, and as such is constructed
and moulded due to material and ideological reasons. The following section looks at
three dimensions of these developments in union approaches in terms of the social
and regulatory context: the context of welfare debates, the social policy frameworks
of immigration, and the union led construction of languages and processes of
solidarity across borders.

The Context of Welfare Debates and the Question of Exclusion: creating
templates for welfare strategy

Before looking at the nature of union responses to migration and social inclusion at a
European level it is first important to trace the historical evolution of policies relating
to social inclusion and immigration within the European Union. The aim is to be able
to link the wider literature on social exclusion and EU policy development –
particularly relating to immigration – with debates in industrial relations. Industrial
relations debates have largely ignored the emerging and dynamic nature of language
and terminology surrounding social exclusion at the EU level and its impact on trade
unions policy and discourse. Firstly, this section looks at the way in which social and
immigration policy has evolved in Europe. Secondly, this section looks at how the
language around immigration has become depoliticised – where there is increasing
use of terminology such as ‘freedom of movement’ and ‘mobility’ of workers rather
than the more politicised and sensitive terms of ‘immigration’ and ‘migrants’. This is particularly the case with intra-EU migration which is seen as the free movement of people within a common European area. Thirdly, this section argues that trade unions in Europe have increasingly been framing issues of immigration in terms of social inclusion (or equally social integration/cohesion) in response to EU level policy and discourse.

There has been a noticeable ethical turn towards social inclusion in Europe. The EU’s concern with social inclusion and cohesion stems from the viewpoint that ‘social exclusion’ is unjust and damaging and that ‘social cohesion’ is essential for an efficient, productive and globally competitive economy. Social inclusion involves both the social and economic conditions necessary for the effective human functioning that makes for an efficient economy and also a process of inclusion in the political decision-making process to ensure social and political stability (Walby 2004). The term ‘social exclusion’ emerged in the 1970s in France in response to the problem of sustaining social integration and solidarity (Cousins, 1999; Haan, 1998). The idea of ‘exclusion’ was initially used by Lenoir (1974) as a means of referring to people who were failed by existing networks. For Lenoir, the excluded were people who were left out of the system. The roots of the idea in France are based on the concept of ‘solidarity’, which is a guiding principle of the social security system (Dupeyroux and Ruellan, 1998). The French social security system developed after 1944 through a principle of ‘généralisation’, or the progressive extension of solidarity to people who were otherwise unprotected.

The concept of social exclusion as a challenge to European stability and justice was taken up in Europe during the French Presidency under Jacques Delors. Since the 1980s the concept has spread very rapidly and European Union policy has moved away from the concept of ‘poverty’ towards social exclusion since the early 1990s (Evans, 1998). Where ‘poverty’ emphasises a lack of economic resources, and ‘relative deprivation’ stresses the conditions of living, ‘social exclusion’ refers not only to the economic hardship of relative economic poverty, but also incorporates the notion of the process of marginalisation – how individuals come, through their lives, to be excluded and marginalised from various aspects of social and community life. There is no accepted European-wide definition of social exclusion, but it is generally considered to include a number of dimensions:

Exclusion processes are dynamic and multidimensional in nature. They are linked not only to unemployment and/or to low income, but also to housing conditions, levels of education and opportunities, health, discrimination, citizenship and integration in the local community (European Social Policy White Paper (1994), cited in Oppenheim and Harker, 1996, p: 156).

Social exclusion is about multidimensional disadvantage – there is no one specific form of ‘social exclusion’ but many ‘social exclusions’ (Room, 1995) and as with social class and relative economic deprivation, there are degrees of exclusion. White (1998) refers to four aspects of social exclusion: exclusion from civil society through legal constraints or regulation (for example second generation migrants in Germany who remain foreigners in legal terms); failure to supply social goods for groups with specific needs (language services, accommodation for the homeless); exclusion from social production (for example gypsies and travellers who are considered as undesirables); and economic exclusion from normal social consumption – i.e. not having access to normal prerequisites, routines and experiences of everyday life.

The processes leading to social exclusion in Europe include economic change (increased unemployment and widespread job insecurity), demographic change
(increased proportions of single households, lone parents, and elderly), changes to welfare regimes (cuts and withdrawal), and specific spatial processes of segregation and separation (stigmatisation and marginalisation of certain groups, often leading to spatial segregation of minorities) (White, 1998). The spread of social exclusion as a concept coincided with a worsening economic climate, higher social and demographic profiles of ‘need’ and high fiscal pressure on welfare provision. The concept has continuing political significance, but in the EU, with the economic crisis, there has been a return to the language of poverty with 2010 being the year for combating social exclusion and poverty.

**Developing policy on social inclusion and immigration in Europe: negotiating the nuances of the transnational state**

There have been a varied set of policy responses relating to social inclusion at the EU level. In 1974 a resolution of the Council of European Ministers contained, for the first time, specific measures to combat poverty. In 1975 the Council implemented the first pilot project to combat poverty – and a definition of poverty was also issued where we see begin to see the language of exclusion within European discourse:

> Individuals and families are considered to be poor, when their resources are so low that they are excluded from the minimum lifestyle acceptable in the Member State in which they live. Resources are understood to mean income in cash, goods or available services in the public and private domains (Council Decision, 1975).

The second action programme to combat poverty was decided in 1984, and the third in 1989. Also, in 1989, all participants (except the UK) adopted the ‘Community Charter of Workers’ Social Rights’ at the Strasbourg European Council under the French Presidency. In 1992 the Council adopted a ‘Recommendation on the common criteria concerning sufficient resources and social assistance in the social protection systems’ and invited the Member States to ‘recognise, in the context of a comprehensive and systematic drive to combat social exclusion, a fundamental individual right to sufficient and reliable resources and benefits to live in a manner compatible with human dignity, and to adapt their social protection systems accordingly’.

Later, Articles 136 and 137 of the Amsterdam Treaty which came into force in 1999 provide that the fight against social exclusion should be one of the EU social policy goals. Article 137 authorises the Council to ‘adopt measures designed to encourage co-operation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences in order to combat social exclusion’. The EU has made commitments to make a balance between economic growth, social cohesion and social inclusion and to eradicate poverty and social exclusion. The Lisbon summit of 2000 agreed to make a clear impact with regard to the eradication of poverty by 2010 and the Lisbon European Council decision in March 2000 adopted the goal for the next decade of becoming ‘the most competitive and dynamic knowledge-based economy…with more and better jobs and greater social cohesion’. The juxtaposition of social cohesion with the ambition of becoming a competitive and dynamic economy marked the revival of the European social agenda.

At the Lisbon summit it was also agreed that to advance social policy on the basis of the ‘open method of co-ordination’ (common objectives, national action plans, a joint Commission/Council report) – an approach that recognises that under the principles
of subsidiarity, social policy remains the responsibility of Member States. This resulted in National Action Plans for Social Inclusion (NAPs/Incl) where European guidelines were translated into national and regional policies by setting targets and adopting measures which would be monitored and evaluated. It was decided that each Member State should implement a national two-year action plan for combating social exclusion. In December 2000, at the Nice European Council, the Member States agreed four objectives to be accomplished in the framework of national action plans for social inclusion, namely: to promote the participation in employment and access for all to resources, rights goods and services; to prevent risks of social exclusion; to act in favour of the most vulnerable in society; and to mobilise all actors.

In 2004, the Council and the European Commission conducted a mid-term review of the Lisbon strategy. The resulting report concluded that little progress had been made and recommended that the EU place a greater emphasis on growth and employment. In 2005, the Lisbon Strategy was re-launched, with a greater focus on employment as a way towards greater social cohesion. Public policy in Europe in general continues to view social exclusion from a perspective of individual deficits rather than institutional or socially constructed obstacles. Social policy tends to focus on supply side notion of economics which state that through training and ‘work-for-welfare’ programs the problems of the labour market can be overcome. At the level of the European Union, the White Papers on European Social Policy point to integration in terms of paid work. Yet, such a prioritisation of the labour market as a solution to social exclusion fails to account for the structural inequalities within the labour market. In the past decade, the European Union has introduced directives committed to fighting discrimination. The passing of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing the general framework for equal treatment in employment and occupation represent major advances in promoting equal opportunities. The Employment Directive implemented in 2006 extends the range of employees against whom it is illegal to discriminate (gender, race, disability, sexuality, age). Yet running through much of this view of inclusion has been the role of training and supply side factors (Greenwood and Stuart, 2006).

Yet, Member States within the EU vary in the extent to which social inclusion has been a core part of their own development of social, political, and economic institutions. If we look at the literature of varieties of capitalism (Hall and Soskice, 2001) and welfare state regimes (Esping-Anderson, 1990) – alongside the fact of the open method of coordination – we soon begin to understand that issues of social inclusion will be understood and experienced differently in European countries. There has also been a tendency in the EU towards minimum regulation. Furthermore, the focus for combating social exclusion has been reintegration of the long term unemployed into the labour market, which ignores the social and cultural dimensions of social exclusion (Atkinson and Davoudi, 2000).

Running parallel to the development of policies around social inclusion, there has been an evolution of policies around immigration which have been in response to political and economic shifts in Europe. As discussed above there have been restrictive policies on immigration in most Member States of the EU since the 1970s. However, in spite of these restrictive measures, large numbers of legal and undocumented migrants have continued to come to the EU, alongside asylum seekers. Realising that a new approach to managing migration was necessary, the leaders of the EU set out at the October 1999 European Council in Tampere (Finland) the elements for a common EU immigration policy. The approach agreed in Tampere in 1999 was confirmed in 2004 with the adoption of The Hague programme, which sets the objectives for strengthening freedom, security and justice in the EU for
the period 2005-2010. There have been policies around: economic migration; integration; illegal immigration and return; and migration and development. The Hague programme highlights integration policy as a priority linked to the EU's emerging immigration policy and created 11 Common Basic Principles for Integration – a framework of guidelines for Member States to develop their national policies which has become the cornerstone of integration policy at EU level. The free movement of workers is a pillar of the European Union and the majority of policy coming out of Europe has been around the regulation of the movement of EU citizens and in the management of forced migration from outside the EU. Morris (1997) presents migration policy in the EU as a 'cluster of contradictions' with the policies to strengthen border controls and national policies on immigration contradicting commitments towards integration and non-discrimination. Also the emphasis on labour market access does not always sit clearly with labour market and workplace justice.

**European trade union responses: building coherence in a context of uneven resources and engagement**

Trade unions at the European level have developed their positions on migration in response to policies developed by the various EU institutions. With the increase in importance of the issue of immigration in the late 1990s, the ETUC adopted the resolution ‘Trade unions without borders’ about mutual recognition of trade union membership at the ETUC congress in Helsinki in 1999. The ETUC recognised the need to develop a European trade union membership card to provide workers who are members of an ETUC affiliated union in one country with easy access and support from an ETUC union in another country. The ETUC adopted the position that open borders and transnational mobility can be beneficial for workers if embedded in a proper protective framework that provides them with equal treatment and social protection. In Seville for the 2007 congress the ETUC reinstate its commitment to work towards achieving a European trade union movement that overcomes borders.

However, the challenges for the European trade union movement in the area of social inclusion and migration appear to be three-fold. Firstly, there are external challenges relating to the institutional structures for dealing with migration at the European level. The issue of immigration comes under the Directorate of Freedom, Security and Justice whereas issues of diversity, non-discrimination and mobility come under Employment, Social affairs and equal opportunities Directorate. This has meant that one strategy for the ETUC has been to lobby for the softening of the language surrounding ‘illegal’ immigration in Europe. The ETUC’s position is that ‘illegal employment of irregular migrants’ should not just be an issue for DG Freedom, Security and Justice but also for DG employment, as it has ‘a strong connection to the functioning of labour markets and to undeclared work in general, and cannot be solved by focusing only on sanctions for employers’ (ETUC, 2007a). The ETUC has complained about the labelling of people as illegal migrants and has made calls for the EU to provide bridges out of irregular situations and that ‘every person - with proper documents or not - is to be valued and respected as a human being and should be entitled to the basic human rights and minimum labour standards (including decent working conditions, freedom of association and protection against forced labour) that all citizens should enjoy’ (ETUC, 2006). In a joint statement in 2007 with PICCUM and Solidar, commenting on the Commission’s proposals to fight illegal employment, the ETUC argued that European Union institutions should ‘adopt a language that is consistent with the standards set by international and regional organisations and many civil society actors in referring to undocumented migrant workers and refrain from using terminology such as ‘illegal workers' and 'illegal migration’” (ETUC, 2007b).
Secondly, the European trade union movement has limited influence in the EU political process. Gobin and Dufresne (2009) have recently argued that there is a dynamic of consensus rather than confrontation at the EU level, and that the ETUC and European sectoral level federations have participated in the social dialogue process mainly to enable them to enter the EU political process and acquire the subsequent legitimacy (see also Hyman, 2005). Also, the ETUC is reliant on funding from the EU commission to support much of its work. European trade unions are also able to obtain funding for projects which run under headings prioritised by the European Commission. The ETUC has developed structures and projects dealing with issues surrounding social inclusion and migration, many of which are subsidised or funded by the EU commission. The Working Group on Migration and Inclusion was set up in 2003 (which was previously the Working Group on Migrants and Ethnic Minorities) which meets around twice a year. The EU commission provides funding for one representative per country to attend the meeting. So trade unions in Europe are caught by having to work in a complex and minimalist framework of EU policy and processes. It is a minimalist mode of tripartite political negotiation.

Thirdly, there are internal challenges within the European trade union movement in relation to the co-ordination of varying national (and sectoral) responses and understandings of the issues surrounding migration and social inclusion. A key example is the different status of migrant workers within different countries, where in countries such as Latvia, there are restrictions for migrant workers becoming members of a trade union. In 2009 the ETUC obtained funding for the European Commission to conduct a project under the heading of 'Workplace Europe' with the objective of providing 'information and training to trade union activists: tools and instruments for trade union activity to support migrant and mobile workers and their families, increasing their chances and opportunities for access to decent jobs and inclusion and integration in workplaces and host societies, thereby facilitating positive labour market mobility'. The aim is to develop cross-border cooperation, mutual support systems, innovative ways of organizing and collective bargaining, and solve problems related to trade union membership, which is often company or sector based and not geared towards workers moving across regions and borders. More practical elements include the search for innovative ways of informing, supporting, protecting and organising migrant/mobile workers and their families; to help migrant/mobile workers (including temporary and posted workers) to overcome barriers and obstacles to participate fully and equally in labour markets across Europe; to inform trade unions across Europe about good practices and to take up similar actions and activities in other countries/sectors; and to develop a model (or several good practice models) that can be disseminated and duplicated throughout Europe.

The Workplace Europe project demonstrates a real commitment of the ETUC to the issues surrounding mobility and migration. The project supports the commitments set out in the Helsinki and Seville congresses to build up cross-border recognition of trade union membership and to achieve a European trade union movement that overcomes borders. However there are several internal challenges in relation to develop common policies and language facing the union movement at the European level. This is evident if we look at the national level reactions to the enlargement of the EU to include 10 Central and Eastern European countries (CEEC). There were differences between existing EU countries in restrictions to freedom of movement of workers from these countries. In 2004, the first round of enlargement, transitional arrangements were in place in the majority of countries, and it was only the UK, Ireland and Sweden which did not impose restrictive measures. In 2007, during the second round of enlargement, when Bulgaria and Romania joined the EU, Finland and Sweden were the only two countries not to impose restrictions on access for
labour migrants. The ETUC adopted a policy of promoting ‘managed migration’ provided that it was ‘based on the principle of equal wages and working conditions for equal work in the same territory’ (ETUC, 2005). But national trade union confederations were divided in their responses to the free movement of labour in the EU and certain union movements – particularly Germany and Austria, who are geographically close to the accession countries – supported transitional arrangements. Other union movements argued that the best way to protect employment standards was by the enforcement of rights, and not restrictions, but German and Austria unions continued to be against unrestricted movement (Krings, 2009).

However, the initiative of the German trade unions to set-up a European Migrant Workers Union in 2004 aimed at organising posted and seasonal workers in all countries, suggests that outside broader policy making at EU level, unions have accepted that there is a need for special structures for migrant workers. Other initiatives at the European level include the setting-up of Interregional Trade Union Councils (IRTUCs) which bring together the regional trade union organisations of national ETUC-affiliated confederations in cross-border regions. There are 44 IRTUCs, ranging from the northern tip of Sweden to southern Spain, from Ireland in the west to Hungary in the east. The aim is to help develop greater cooperation between unions within different regions, with a particular focus on issues around migration and free movement of labour within these particular regions. There have also been initiatives from the European industry federations, including the EMF ‘Solidarity Pact’, which aims to support the rights of migrant workers and to organise them.

DISCUSSION: BUILDING COHESIVE POLICY IN A CONTEXT OF POLITICAL DIFFERENCE AND CONTRADICTORY REGULATIONS

This paper begins to show that trade union responses are, to varying extents, forming around a number of binary opposites and terminological issues (‘axes of immigration’): legal/illegal migrants (or documented/undocumented, regular/irregular migrants – depending on preferred terminology); political/economic migrants; BME/non-BME or visible/non-visible migrants; EU/third country migrants. Responses towards migrants fall under issues of: race and discrimination; equality and diversity; vulnerability and decent work; inclusion and exclusion; cohesion and integration. In the countries under investigation and at the European level we are beginning to see different experiences and challenges – which illustrate the difficulty of developing consistent and progressive union responses. In spite of the internationalisation of economic processes – which mean that unions in different countries are confronted with the same kinds of dilemmas and situations – this has not lead to a convergence of attitudes and responses in different countries. The responses at the European level, however limited, help provide the resources for unions across Europe to share practices compare possibilities and challenges around migration and social inclusion.

However, what is apparent is that union responses evolve in terms of particular arguments, concerns, and contexts. We cannot simply think in terms of a union-immigrant nexus and different ways these can be organized (Martinez Lucio and Connolly, 2009). Calculations are made about the development of union policies which need to be appreciated as we see common transnational templates of action emerge. Firstly, unions are marked by internal and external problems of co-ordination: that is to say that there are political and sectoral cleavages which mean challenges and innovation are read and understood in a variety of ways. Secondly, there are issues in relation to the uneven absence of immigrants and immigrant representatives within unions – as well as the uneven political spaces they are
provided. Thirdly, the paper has argued that these differences are in great part crystallized in the different national contexts which remain and continue to play an important role in mediating strategies (Lange et al, 1982; Locke and Thelen, 1995). Fourthly, alongside these contextual factors, there are the institutional processes and idiosyncrasies of the EU state as a partially evolved and uneven state system. It is a state system with a variety of rituals and highly truncated forms of engagement that absorb political resources that require plasticity in the language and strategies of the social actors engaged with it. In effect, the language and components of social inclusion are therefore the outcome of political contingencies (Ferner, 1987) as they are rational and strategic calculations. There is a series of concepts and terms within Europe which have evolved in part due to the context and politics of institutions – and the way democratic processes within the state and social partners are compromised by complex bureaucratic and legitimation problems.

REFERENCES


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