

TOWARDS A STRATEGY FOR THE INCLUSION OF MIGRANT WORKERS IN TRADE UNIONS

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STRONGER TOGETHER

CONGRESS

Irish Congress of Trade Unions

EQUALITY
IN THE WORKPLACE

PREFACE

Congress is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 797,399 working people. Women now make up 51% of the membership. There are currently 55 unions affiliated to Congress, north and south of the border. Congress seeks to achieve a just society - one which recognises the rights of all workers to enjoy the prosperity and fulfillment which leads to a good quality of life. Quality of life embraces not just material well-being, but freedom of choice to engage in the arts, culture and all aspects of civic life. This vision applies in the context of Ireland, Europe and the wider world and challenges the existing economic order. Congress strives to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality.

Even a casual glance backwards at history will inform of the many gains and advances that have been won for all in society, by trade unions - safer working conditions, paid holidays, maternity leave, the minimum wage, paid overtime, to name but a few. The list is virtually endless and many of the most basic rights that people now take for granted have been hard won over many years. Of course the greatest danger is that we begin to do precisely that - take them for granted. The single most effective way to protect established rights and break new ground in pursuit of greater equality for all in society is through

the trade union movement. A single voice can be drowned out or dismissed. That becomes a little more difficult when over 797,399 people speak out as one.

Congress would like to acknowledge the work of Siobhan Philips in pulling this document together for us and the financial support of the office for the promotion of integration of migrants in the Department of Justice and Equality.

INTRODUCTION AND APPROACH

In 2010, the Irish Congress of Trade Unions (ICTU¹) received funding under the Workplace Diversity Initiative, funded by the Office of the Minister for Integration and managed by the Equality Authority to:

- To develop a strategic approach within Congress to the inclusion of black and minority ethnic members. The development of the strategic approach will include research and consultation with bodies representative of black and minority ethnic organisations.

This report addresses the commitment to develop a strategic approach to the inclusion of black and minority ethnic members.

The approach to the assignment incorporated the following key elements:

- Initial clarification of research needs and expectations in consultation with ICTU.
- Analysis of good practice and effective campaigns with migrant workers in the Irish and UK Trade Union movement
- Active consultation with the Migrant Rights Centre of Ireland (MRCI), Akidwa, SIPTU, Mandate, the Communication Workers Union and other trade unions that have experience of successful approaches to the organization and recruitment of migrant workers

The consultations addressed:

- Knowledge about and involvement in Irish trade unions.
- Perceived trade union strengths and weaknesses and barriers to membership.

- Migrant worker concerns and advocacy needs.
- Perceived opportunities and threats with regard to protecting and strengthening.
- Black migrant and minority ethnic workers representation and rights.
- Views on how the trade union commitment to protecting workers rights and equality can be best fulfilled in respect of black and minority ethnic workers.
- Analysis of gaps in trade union's capacity and/or capability to deliver their respective mandates to migrant/ethnic minority workers and the training and development implications that arise.

The literature and consultation material was analysed and fed into the design of a strategic framework that addresses the barriers and enablers of trade union involvement amongst migrant and minority ethnic workers.

¹ The terms 'Congress' and 'ICTU' are used interchangeably throughout this paper.

BACKGROUND TO THE STRATEGY

In this section the position of migrant workers in Ireland is outlined together with the evolving response of the trade union movement to their difficulties and those experienced by low paid workers generally.

Overview of Irish Migrant Worker's Employment Situation

Apart from small groups of officially invited programme refugees, Ireland was not a chosen destination for asylum-seekers or other migrants until the mid-1990s (Begley *et. al.* 1999¹). In less than a decade, Ireland changed from being principally a country of emigration to a country of immigration. As pointed out by the International Organisation for Migration² (IOM) in a report for NESCC (2009³), the growth

in immigration to Ireland was strongly influenced by Ireland's economic boom and subsequent policy responses that facilitated immigration and the return of Irish nationals living abroad. In the year up to April 2005, over 70,000 people moved to Ireland, resulting in net immigration of just over 53,000, nearly double the net level of 2000 (*op. cit.*).

This trend continued until the downturn in 2008 when net migration into Ireland dropped, and has continued to contract since. According to a paper by the OECD⁴, between Q1-3 2008 and Q1-3 2009 the unemployment rate of the foreign-born has increased markedly in all OECD countries and most particularly in Ireland (eight percentage points compared to three percentage points in the EU-15). The OECD (*op.*

cit.) noted that in all countries, men and workers of African origin fared were more affected than other groups. In addressing the question as to why migrants suffer more in a downturn, they concluded that migrant workers:

- Tend to be concentrated in sectors which are more sensitive to business cycle fluctuations;
- Have on average less secure contractual arrangements and are more often in temporary jobs i.e. the first to be let go in a downturn;
- Have on average less job tenure;
- May be subject to selective layoffs.

Not only are migrant workers more exposed to unemployment in a recession, they experience more difficulties seeking employment than their national counterparts. In 2008, the Equality Authority and the ESRI's analysis⁵ of the Quarterly National Household Survey confirmed that discrimination is a reality for non-Irish nationals and particularly in relation to employment.

According to the authors (*op. cit.*), some

24 per cent of non-Irish nationals felt they had been discriminated against over the preceding two years, just over twice the rate for Irish nationals. The higher likelihood of perceived discrimination among non-Irish nationals was reported in relation to work and four of the service domains (housing, shops/pubs/restaurants, financial services and transport), but was particularly pronounced in relation to job search.

The recession has impacted disproportionately on Irish migrant workers. In a paper to the European Migration Network⁶ Barrett and Kelly (2010) found that while the employment of Irish nationals fell by about 10 percent since the onset of recession; the fall for immigrants was 26 percent. The most severe impact appears to have been for the new member states (NMS), which is consistent with a general finding of poorer labour-market outcomes for this group. This finding, when combined with others, suggests a very weak attachment to the Irish labour market for this group, which wasn't replicated in the UK.

1 Begley, M., Condon, M., Garavan, C., Kelly, I., Holland, K. Staines, A. (1999) *Asylum and Public Health in Ireland*. Dublin: Department of Public Health Medicine and Epidemiology University College.

2 International Organisation for Migration, (2006) *Managing Migration in Ireland: A Social and Economic Analysis*; Dublin: NESCC Report No. 116.

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4 Dumont, J. (19 November 2010) *The Crisis and its impact on migrant employment and movements: Drawing lessons for the recovery phase*. EMN Ireland Research Conference: 'Labour Market, the Crisis and Migration' International Migration Division Directorate for Employment, Labour and Social Affairs, OECD.

5 Barrett, A. (IZA and the Irish Economic and Social Research Institute [ESRI] and McCarthy, Y. (2006). *Immigrants in a Booming Economy: Analysing their Earnings and Welfare Dependence*. Institute for the Study of Labour (IZA) Bonn.

6 Barrett, A. and Kelly, E. (October 2010) *The Impact of Ireland's Recession on the Labour Market Outcomes of its Immigrants*. Economic and Social Research Institute, Dublin.

Data from the ESRI on educational level indicates that over a half of immigrants (54.2%) have third level qualifications, compared with just over a quarter (27.3%) of the Irish born population. Despite migrant workers being more highly educated than Irish workers⁷, the ESRI⁸ found that immigrants earned 18% less than Irish nationals. It also made the observation that high-skilled immigrants are not employed at a level that reflects their educational attainment.

“I felt that because my qualifications were not from here I wasn’t given a second look. I was completely ruled out of jobs. If there are systems in place and people to go to and get support, that is a big step” (Tayra McKee, cited in ICTU, Equality Commission NI and Community Relations Council (2011). *I Came Here For...*).

In a recent study Hughes, (2011⁹) confirms that Ireland’s experience of immigration has been strongly positive. He identified the following as the most important lessons learnt from the immigration of accession state nationals to Ireland:

- Immigration is beneficial to the host country provided migrants enjoy the same employment rights as indigenous workers.
- The principle of freedom of movement of labour within the EU protects migrants from the kind of exploitation, which is possible where work-permits are controlled by the employer.
- The necessity to grapple with the implications of large-scale immigration provided an opportunity for Ireland to tackle issues within its labour market that benefited all workers.
- The existence of the minimum wage and Registered Employment Agreements for low-skilled workers provided benchmarks, which made it difficult for employers to exploit low skilled workers by paying them less than agreed wage rates.

7 Barrett, A. and D. Duffy (2006), A Note on the Educational Profile and Occupational Attainment of Immigrants in Ireland, in Barrett, A., I. Kearney and Y. McCarthy (eds.) *Quarterly Economic Commentary*, Autumn, ESRI

8 www.eurofound.europa.eu/ewco/studies/tn0701038s/ie0701039q.htm

9 Hughes, G. (2011) *Free Movement in the EU, the Case of Ireland*. Friederich Ebert Stiftung International Policy Analysts Berlin.

- The exploitation of the Irish Ferries workers highlighted the weaknesses of Ireland’s employment laws, their lack of enforcement and the necessity for legislation, which would prevent such occurrences in the future.

It is difficult to get a detailed understanding of the labour market profile of migrant workers because the Central Statistics Office (CSO) has not yet released the census analysis of migrant employment trends at a detailed sub-sectoral or occupational level. These data are only available infrequently from census information and for the first time in 2011. From the aggregated data it appears that non-Irish national workers are over-represented in the hotels/restaurants sector and under-represented in the public service, agricultural and education sectors.¹⁰

10 www.eurofound.europa.eu/ewco/studies/tn0701038s/ie0701039q.htm

A recent (2011) release from the CSO showing sectoral breakdown in 2005-2009 of non-Irish nationals issued with social security (PPSN) numbers in 2004 provides a useful, if broad indication of migrant worker employment activity.

The Table below shows the EU 15-27 and Rest of the World (RoW) concentration in certain sectors by comparison with Irish nationals for 2009.

EU 15-27 and Rest of the World Nationals (RoW) Sectoral Distribution by Comparison with Irish Nationals (2009)						
SECTOR¹¹	EU 15-27 and RoW 2009	%	Ireland All Q3 2009	%	Ireland Excl EU 15-27 and RoW Q3 2009	%
Agriculture	5,753	2	94,000	4	88,247	5
Manufacturing	33,722	12	249,000	11	215,728	11
Construction	17,983	7	150,800	7	132,817	7
Accommodation and Food	55,874	20	119,700	5	63,826	3
Retail and Dist.	49,660	18	270,500	12	220,840	11
Admin and Support services	37,038	13	63,900	3	26,862	1
Total EU15-27 and RoW	275,052	67	2,180,000	42	1,905,000	38

As can be seen, nearly 70% of EU 15-27 and RoW nationals are employed in six sectors that tend to be associated with lower than average wage rates, compared to 38% of Irish nationals. There are significantly more EU 15-27 and RoW nationals (20%) employed in the accommodation and food sectors compared to Irish nationals (3%), in retail (18% compared to 11%) and administration and support services (13% compared to 1%). Sub-sectoral or occupational analysis would probably show other significant differences, in agriculture for example, where the high proportion of Irish nationals are farm owners as distinct from farm labourers.

Qualitative and informal studies together with the work of representative bodies indicate that migrant workers are highly concentrated in lower paid jobs in particular sub-sectors of agriculture, retail, catering and domestic services.

Some migrant workers, particularly in the agriculture and domestic services sectors are from outside the European Economic Area. According to the Department of (the then) Enterprise, Trade and Employment (DETE) statistics in 2009, there were approximately 30,000 non-EEA migrant workers holding employment permits in Ireland. Approximately one out of three of these permits were held by those employed in the services sector, and one out of five to those in the catering sector. Other significant sectors include medical and nursing, agriculture and industry (Migrant Rights Centre of Ireland (MRCI) Policy Paper 2010). These workers can be particularly at risk because their work permit is tied to a particular employer making it difficult for them to complain especially if they have family to support or if family members work for the same employer.

¹¹ Note, figures do not tally with total as all sectors in economy not included.

Moreover, Irish based migrant workers are typically not members of trade unions. Jason Heyes and Mary Hyland, point out in their forthcoming book that unionisation of Irish nationals is more than twice as likely as their non-Irish national counterparts, bearing in mind that migrants generally work in the least unionized sectors of the economy and work in negligible numbers in the public service, the most highly unionized sector. Heyes and Hyland (forthcoming) note that ICTU adopted an 'inclusive and rights-based' approach to immigration and sought equal rights and entitlements for migrant workers. This position is articulated in an ICTU policy document (2005), which states that '*the philosophy of trade unionism is that all people are born equal, are endowed with certain fundamental rights and that their labour cannot be treated as a mere commodity in the market system*' (ICTU p3¹²).

The lack of monitoring combined with the difficulty of organizing workers in highly fragmented sectors – typically private homes and farms, nursing homes, small restaurants and retail outlets together with the work permit restriction all makes for extreme vulnerability in the event of employee rights being infringed. Research and campaign work by the MRCI, in particular, has brought a dark underbelly of Irish life under scrutiny. Commonly reported abuses include:

- Being paid less than the minimum hourly wage.
- Irregularity of work.
- Not being allowed rest breaks.
- Not receiving overtime pay.
- Not receiving annual leave entitlements.
- Not receiving a pay slip.
- Not receiving a contract or terms of employment.

There has been a strong trade union response to these issues, examples of which will be outlined and discussed in the following sections.

BACKGROUND TO CHANGING TRADE UNION INVOLVEMENT WITH MIGRANT WORKERS

Trade Unions in Ireland as elsewhere have been facing considerable challenges including sharply declining membership levels¹ (although declining at a slower pace than the fall in employment in recent years) linked to the accelerating pace of globalization, the prevalence of neo liberal policies and wide-ranging changes in the economic production methods that dominated from the turn of the last century until the mid-1970s.

The declining membership of Trade Unions has been responded to globally by increased interest in atypical workers who were traditionally employed in non-unionised workplaces, including migrant workers² and in new models for TU recruiting and campaigning/organizing. The organizing model

emerged from a USA based conference in the late 1980's, which sought to develop strategies to address the dramatic decline in union membership during the Reagan era. Other strategic reasons for better inclusion of minority ethnic workers in trade unions include tackling exploitation and maintaining the minimum or agreed wage rates for all workers.

According to Heyes and Hyland (forthcoming), in the UK and Ireland, it has been recognised that traditional servicing approaches are insufficient to reach the majority of migrant workers or to serve their particular needs. They note the growing awareness that no one measure in itself is sufficient to ensure that migrant workers are accorded their employment entitlements and that a combination of active unionization, regulation and enforcement is most likely to protect migrant workers from abuses.

1 Walsh, F. and Strobl, E. *Recent Trends in Trade Union Membership in Ireland*. The Economic and Social Review, Vol. 40, No. 1, Spring, 2009, pp. 117-138

2 Oxenbridge, S. 2000. *Trade Union Organising Among Low-Wage Service Workers: Lessons from America and New Zealand*. ESRC Centre for Business Research, University of Cambridge.

12 ICTU (2005) *Migration Policy and the Rights of Workers*. Dublin ICTU.

The organising model is characterised by Unions seeking to empower workers to find collective solutions to work based problems (Hurd, 1995 cited in Oxenbridge, op. cit). This is achieved though cultivating union commitment and worker linkages through:

- One to one organising.
- Visits to workers homes.
- Informal small group meetings.
- Establishment of workplace representatives.
- Education and leadership development programmes to promote self-confidence, collective problem solving skills, activism and self-sufficiency.

This model evolved to organize contingent service workers who, in Ireland as in most countries, are likely to be female, migrant, working in small, service-based areas with little exposure to trade unionism and often living in accommodation provided by their employer.

Oxenbridge points out that organizing models are not just about organizing workers around collective campaigns, they also incorporate methods for enhancing the organizing of campaigns, namely:

- Research.
- Planning.
- Goal Setting.
- Evaluation of Outcomes and other methods associated with strategic planning processes.

Of relevance to this study, organizing models are intrinsically strategic in terms of their reliance on evidence based planning, stakeholder participation in problem identification, analysis and development of customized solutions.

It is against this background that ICTU wishes to develop a strategy to meet the needs of migrant workers, which takes account of and build on the groundbreaking achievements of recent campaigns. In the next section the barriers and identified by migrant groups and Trade Unions are outlined.

ISSUES AND CHALLENGES FOR MIGRANT WORKERS

The barriers to migrant workers' involvement in trade unions identified by representative bodies and endorsed in the literature and media reports are outlined in this section.

Misperceptions about Trade Unions

Many migrant workers come from countries that have very different and sometime frightening associations with trade unions. According to Akidwa, an Irish based migrant led organization (during an interview for this strategy), *'mistrust of trade unions by migrant workers is a major challenge'*. In some countries, union membership is equated with political involvement and can be seen as anti-establishment.

The importance of trust building, awareness raising and clear understandable information about the purpose and functioning of trade unions was emphasized by all those working in a supportive/TU capacity with migrant workers.

Fragmentation of workers and workplaces

A high proportion of migrant workers are employed in small, non-unionised workplaces in the hospitality, domestic services and agriculture sectors, making traditional collective recruitment methods inappropriate and ineffective. The representation of agency workers was also identified as being highly problematic (Hyland, 2010). Engaging with agency workers is difficult because these workers feel vulnerable and afraid of victimization by agencies if they approach unions.

Cost of Union membership

For low paid and occasional workers, a union subscription can be a significant amount of money and hence a barrier to membership.

Language barriers

The efforts made by trade unions to translate key documents and the rights based information of workers is welcome and was necessary initially. However, the focus probably needs to shift from translation (which can more easily be achieved with the better online translation services now available) to supporting proficiency. It can be assumed that many of those migrant workers who have remained through the recession thus far, will probably stay. Migrants with poor language skills who came here during the boom were able to survive because the demand for labour – particularly in construction was so great that employers were willing to work through their colleagues with good English. This is no longer the case and those with poor English are vulnerable to exploitation, isolation and poverty. Hence there is a need to focus on and support continuing English language proficiency. Mandate has run basic English language courses as have a number of other trade unions.

Lack of visibility of migrant workers in paid union roles

While SIPTU and other unions have made progress in recruiting a small number of migrant workers to paid (organizing) positions, generally migrant workers could be more proportionally represented in trade union structures beyond the lay organizing level. This under-representation is largely because migrant workers only started arriving in large numbers to Ireland in last ten years and because the push by the TU movement into local migrant/new communities is relatively recent. A recent ICTU survey (Hyland, 2010) showed that while numbers are small, progress is being made. Fourteen unions (68%) had migrant workers in positions such as shop stewards and workplace representatives. The majority of those, six unions, had less than 5 people in such positions while three unions had between 5 and 10, two had between 10 and 20 and three, SIPTU, the IMO and the IBOA, had more than 20.

Up to 62% of unions had migrant workers represented on their decision-making bodies in 2010, although again the numbers were generally very low. Only three unions had migrant worker representation on their national executive, while six had representation on branch committees. Some 73% of the union survey respondents had migrant workers as delegates to their annual conference, though the level of representation varied from just one delegate in two cases and more than twenty in others.

Centralised/shop steward based decision-making

Traditional TU hierarchical decision-making processes can be experienced as slow, bureaucratic and inappropriate to the types of workplace low paid migrant workers occupy.

Need to strengthen organizing ways of working to complement good servicing capabilities

A need to recruit/second or train specialist organizers was raised by a number of those interviewed in the course of this work as was the need for cultural/structural internal changes that will support/embed the expression of an organizing approach alongside servicing approaches. The skills and

qualities required for organizing are different but complementary to traditional trade union recruitment and representation (servicing) competencies. Migrant bodies noted the excellence of TU officials in negotiation and advocacy.

Recognition of Qualifications

Migrant workers can experience difficulties in having their qualifications recognised, forcing them into poorly paid and unregulated areas of work. This is compounded (or in some cases caused) by a lack of English language proficiency.

Lack of Data

Most Trade Unions do not gather data on the country of origin of their members making it difficult to do trend analysis or evaluate the effectiveness of different activities/strategic approaches. A 2010 survey by ICTU of its members found that the vast majority of unions (71%) do not know what proportion of their membership is made up of migrant workers.

In the next section, different approaches to dealing with these issues are presented. These take the form of case study good practice examples from Ireland and elsewhere.

GOOD PRACTICE IN DEALING WITH DIFFICULTIES EXPERIENCED BY MIGRANT AND OTHER LOW PAID WORKERS

Successful recruitment and organization of migrant workers and campaign outcomes have a number of features in common, namely grass roots organization of lay activities, combined with traditional TU negotiation and deal making skills. Some high profile examples of good practice in Ireland, the UK and the US are presented below.

Fair Deal for Cleaners Campaign - Integration of Migrant Workers

SIPTU targeted the contract cleaning industry for a strategic organising campaign in late 2009. It made an evidence-based decision to target cleaners in metropolitan Dublin in the first instance. From mid-2010 to mid-2011 SIPTU focused on base building through activist identification and development and building membership density. The campaign was launched publicly on International Justice Day for Cleaners, June 15th 2011.

The contract cleaning industry is an industry with one of the highest proportion of migrant workers (see Central Statistics Office statistics at www.CSO.ie). The industry is characterised by low pay, irregular and unsocial hours, lack of respect from managers and clients and worker exploitation (see NERA annual review 2010 and mid-year review 2011.¹)

The first phase of the on the ground organising campaign (July to Dec. 2010) involved a wide scale membership outreach the goal of which was twofold:

- Reconnect with members and find out directly from cleaners which issues they wanted their union to organise and campaign around.

¹ NERA mid year review 2011 - [http://www.employmentrights.ie/en/aboutnera/publicationsdownloads/and 2010 Review - http://www.employmentrights.ie/en/media/Nera%20Review%202010%20\(4\).pdf](http://www.employmentrights.ie/en/aboutnera/publicationsdownloads/and%2010%20Review%20-%20http://www.employmentrights.ie/en/media/Nera%20Review%202010%20(4).pdf)

- Identify and develop new workplace leaders.

The second goal was in response to the fact that the contract cleaning industry has generally been stalled by weak organisation and activist infrastructure. In this phase SIPTU conducted one-to-one (and less frequently very small group) meetings with members primarily in their homes. This consultation involved some 500 cleaners from 22 different countries across 46 different work sites in Dublin.

SIPTU's membership in contract cleaning in Dublin is far more ethnically diverse than the membership in comparator cleaning campaigns, for example in the United States, the Netherlands, Germany and Australia.

SIPTU recognizes that its main challenge is to ensure that migrant workers are proportionately represented at all representative and decision-making levels in the union. This is part of a wider TU challenge to ensure that representative and decision-making structures are reflective of membership and indeed the workforce generally in terms of gender, age, nationality, sexual orientation, ability and so forth. In the first year of its campaign, SIPTU put an enormous effort into building effective workplace and industry activist infrastructures in the cleaning industry in Dublin. It is implementing the most advanced strategic organising techniques and strategies (learning from international best practice) to identify and develop new leaders and it has seen a tenfold increase in the number of workplace leaders (from 9 to 89). SIPTU has also succeeded in changing the demographics of the activist base most notably in terms of the age profile of activists but also in terms of nationality and gender.

SIPTU/MRCI Collaborative Organising Strategy in the Mushroom Industry

SIPTU has a long history of supporting workers in the mushroom industry. In January 2006, seventeen mushroom pickers walked off their jobs in Co Cavan, and claimed they had been working between 80 and 100 hours per week for around €250, with no entitlement to holidays or days off.

In discovering that sweatshop conditions were widespread and that no mushroom farms fully complied with the Employment Regulation Order for Agricultural Workers, SIPTU made representations to the Department of Agriculture and Food and the Labour Inspectorate to apply pressure to force employers to comply with the law. Unfortunately, there appears to have been very little official responsiveness to remedy the plight of these workers.

The Migrant Rights Centre of Ireland (MRCI) had also been working on the ground with migrant groups in the sector. In 2006 it brought mushroom workers together and initiated The Mushroom Workers Support Group (MWSG) to provide a forum for mushroom workers to communicate their concerns and begin to address the conditions in the industry and their social and economic rights. In 2009, MRCI collaborated with SIPTU to organize and improve the position of mushroom workers in Ireland, the majority of whom are migrant women. SIPTU dedicated a staff member from strategic organizing to the sector in recognition of the level of exploitation being experienced. Detail of abuse in the sector as presented in an MRCI report² includes mushroom workers:

- Being paid at rates less than a third of the minimum rate of pay.
- Becoming ill after being exposed to chemicals sprayed on mushrooms.
- Labouring in excess of 16-hour days with no overtime provisions.
- Being expected to be on call around the clock, seven days a week.

² MRCI (2006) *Harvesting Justice - Mushroom Workers Call for Change*. MRCI Dublin.

SIPTU and MRCI partnership worked to build and develop leadership within the MWSG, and to empower workers to take action to ensure that their rights at the workplace were respected. Between February and September 2010, almost 1300 mushroom workers participated in collective activities and more than 700 attended group meetings in union offices, on the farms and in each other's homes. More than 500 workers took collective action to directly challenge their management about exploitation and concerns with the conditions of employment.

As a result of the campaign, a Registered Employment Agreement for mushroom workers was established, which clearly sets out terms and conditions, rates of pay, holiday entitlements and sick pay for the industry. Mushroom pickers also won the transfer of hundreds of thousands of Euro in unpaid wages. Conditions and pay for workers have improved dramatically, and SIPTU recruited 1700 mushroom farm workers.

Key learning from the campaign included:

- The importance of properly resourcing involvement at grass roots level.
- The value and added leverage enabled by trade union and NGO collaboration.
- Prioritizing local activism over negotiation and lobbying of state agencies, government and employers' organizations.

Organising Irish Nurses and Midwives

The Irish Nurses and Midwives Organisations (INMO) established the Overseas Nurses Section in 2002 to help overcome challenges experienced by migrant nurses, including language difficulties, lack of access to promotion and tension between the employment of newly qualified Irish graduates and migrant nurses. INMO has a full-time non-Irish organiser and has one migrant executive member. Its mission is 'to support the integration of overseas nurses into the Irish health service thus facilitating social, cultural and political integration and to ensure equality of treatment and industrial harmony' (<http://www.inmo.ie>). The INMO overseas nurses section won a MAMA Award (Metro Eireann Media and Multicultural Award) 2006 in recognition its success in integrating mainly non-EU nurses and midwives into the Irish healthcare system.

Northern Ireland (NI) Migrant Workers Support Unit (MWSU)

The MWSU was established in 2007 in response to the report of Migrant Workers and their Families in NI by Robbie Mc Veigh and commissioned by ICTU. Its aim is to pursue the implementation of Congress policies by working towards the elimination of racism, discrimination, exploitation and barriers to accessing services for migrant workers.

MWSU developed *A Shared Workplace, A Shared Future* project, which is a comprehensive approach for developing and disseminating new ways of delivering integrated and representative mechanisms for migrant workers and their families, rooted in the principles of equality and social justice.

Through the development of strategic partnerships, accredited training, outreach programmes and research it aims to promote inclusion and combat discrimination and inequality experienced by migrant workers by building the capacity of the trade union movement to make informed and equality-proofed policy decisions.

The project complements the ongoing work of the Unit in providing expert employee representation for migrant workers, a crucial service which is not provided by other support agencies.

Because of great demand for advice and representation, the Belfast office is now operating as a permanent Migrant Workers Employment Rights Centre. In the last year, the unit has dealt with over 300 clients through a combination of advice centre, clinics and information sessions. The centre also runs a dedicated telephone line, which in the last year received over 200 queries. The Unit has also supported individual migrant workers in organising their entire workplaces.

Its work includes:

- Taking cases to the industrial tribunal – one such case was on behalf of a Polish female who was sexually harassed and racially discriminated against by her employer. The worker received an award of over £50,000 in a case that received wide publicity.
- Campaigning for migrant workers rights in partnership with employers, trade unions and black and minority ethnic groups.
- Conducting research on key migrant issues including forced labour and the operation of migrant employment agencies.
- Providing employment rights information sessions, clinics and seminars.

- Organised residential Trade Union leadership training for migrant workers.
- The Unit has become one of the key partners of the newly established Belfast Migrant Centre, a one-stop shop for foreign nationals, and within that project the Unit supports the centre with the expertise on employment issues.
- Published 'Your Rights at Work', a pocket-size guide to employment rights and trade unions, available in English, Polish, Lithuanian, Portuguese, Slovak, Russian, Chinese, Romanian and Bulgarian.
- Developed a myth-busting leaflet and training tool "*I'm not a racist, but ...*" aimed at workplace representatives and shop-stewards to assist them in challenging racism and building more inclusive workplaces.

SIPTU's Workplace Integration Project

A workplace integration/leadership project was set up in 2009. It was designed for agricultural/factory settings where migrants of different nationalities were in the majority, most of whom did not speak English. The aim of the project was to build good relationships between migrant activists and to develop their leadership skills so as to ensure management could not take advantage of underlying tensions between different nationalities.

The premises where workers were employed were, in most cases at some distance from large cities making it crucial to draw in, as SIPTU did, local organizations, faith groups, activists and politicians. SIPTU also co-operated with UNITE to improve coverage and the terms and conditions of workers. An effective and efficient workers committee was established, which was responsible for negotiation, representation and communication on a local (factory) basis. A three-day seminar was run in the summer 2009, attended by ten participants from different countries. The positive outcome led to the project being implemented in other factories and SIPTU's successful application to the Workplace Integration Fund for

support. This helped more migrant workers develop the skills to participate more actively in trade union structures and activities and to organize within their workplace.

Early indications are that the project's aim has been achieved. Outcomes include organizing colleagues into the trade union, running collective activities and the initiation of productive communications with management.

UNITE's Organising Strategy

In the UK, UNITE (TGWU) established a National Organising Strategy in 2004 that involved a phased recruitment and intensive in-house training programme for over 100 dedicated organisers. It used corporate and economic research to map different sectors, identify growth and priority areas and forecast where it needed to be in the economy in two, five and 10 years time. The strategy has resulted in significant organising growth, meeting a target of 10,000 new members a year, along with recognition wins in difficult sections of the labour market (such as at the airline company Flybe) where 94% voted for recognition on a turnout of 89%. (Simms, 2010³).

3 Simms, M. (2010) *Trade Union Strategies to Recruit New Groups of Workers*. Eurofound: European Industrial Relations Observatory and Warwick University, UK.

Of particular relevance, was UNITE's success in the white meat processing industry, where thousands of migrant workers were recruited and where a successful partnership was established with over 50 senior lay activists from the three big companies that dominate the industry.

The Justice for Cleaners campaign is also of interest. It is part of an international alliance of unions representing mainly migrant workers. The campaign has succeeded in dominating media headlines in London, enabling negotiations to take place on local agreements by way of minimum standards for thousands of cleaners throughout central London.

Since this campaign, TGWU has organised workers into lay activist groups that have fought and won for increased pay and conditions at: The House of Parliament, Canary Wharf (Morgan Stanley, Citigroup, Lehman Brothers, Clifford Chance, and HSBC) The City of London (Linklaters, Nomura, KPMG, Barclays, Merrill Lynch, The Gherkin, Deloitte, Price Waterhouse Coopers, Slaughter and May). On the London Underground, the campaign resulted in one company (Blue Diamond) losing its £21m contract.

Development of Strategic Partnerships With Grass Roots Movements

Another dimension of successful approaches to organizing migrant workers has been the growth in strategic partnerships between grass roots movements and trade unions. One such example is London Citizens, a grassroots charity working with local people on a number of social justice issues, including the 'London Living Wage' campaign, launched in 2001. It trained people of different backgrounds to take action together for change, linking up over 100 organisations across the city including trade unions, faith groups and community groups. Several studies have shown how the links between these groups have effected notable success in achieving a 'living wage' above the national minimum wage for many groups of workers in London. By 2011, the campaign had won over £40 million of Living Wages, lifting over 6,500 families out of working poverty.

Another relevant UK example is the 'Let Them Work' campaign, run jointly by the TUC and the Refugee Council. It was launched April 2008, and aims to change UK government policy by restoring permission to work for people seeking asylum who have been in the UK for six months or more and are complying with immigration control.

Californian Multi Site Agreements⁴

In California USA, trade unions negotiated large multi site contracts covering workers in several of the largest grocery chains in the state. The contracts eventually came under threat because of competition with smaller, non-unionised independent stores. During the organizing process over the course of the 1990's, target companies were identified and organisers made contact with workers through home visits and off site meetings. Rank and file leaders were identified, signed up and trained in worker to worker organizing techniques. Active members formed voluntary organizing committees (VOCs) and identified issues to organize around. VOC members and organisers then persuaded workers to sign petitions and confront employers in delegations seeking a union contract.

If employers refused to negotiate a contract with a union, members used consumer boycotts, community organizing and direct action to force their hand. Civil disobedience actions (blocking roads, bridges etc) were used extensively in janitorial and care worker campaigns and attracted considerable media interest, as did community delegations and union/commissioned research on illegal or unethical employer activities. Pickets were used very effectively to deter consumers from patronizing non-union premises. Research was also used to bring evidence of corruption to county officials when these companies tendered for contracts or applied for planning permission. VOCs were actively supported in campaigns by politicians, students and academics, along with religious groups, immigrant and human rights groups. The campaign resulted in the involvement of dispersed employees and the benchmarking of industry wide minimum standards. The end result of the organizing campaign was the passing of legislation to control the number of (non-union) super centres operating in the state of California. However, in 1999 the legislation was vetoed and a union campaign for its reintroduction commenced.

⁴ See Oxenbridge (*op. cit.*) for more detail.

UNISON Migrant Workers' Unit UK

Migrants comprise a large and growing body of public service workers in the UK: the number of UK care workers, for example, will grow over the next 20 years by 400,000 and nearly 20% are migrants. UNISON recognises that Europe is ageing and so the need for non-EU migrant labour is likely to increase significantly in coming years. It has embarked on initiatives to encourage greater migrant worker participation in the union. In noting that nearly half of UNISON's branches (1,200) had at least some migrants in membership, yet only 12% of UNISON branches had migrant worker activists, it recognised that it had a representation gap. UNISON decided to map the membership in order to raise awareness and identify relevant issues such as:

- Number of migrant worker members.
- Number and country of origin of active members.
- Barriers to migrant membership.

Amongst the union participation barriers identified were:

- Cultural Differences.
- Linguistic Difficulties.
- Reticence and fear.

Barriers within UNISON included:

- Migrants being concentrated in private/small workplaces where TU representation/organisation is weak.
- Meetings being experienced as inaccessible.
- Use of jargon.
- Lack of focus.

UNISON embarked on a programme of work with migrants to build confidence and understanding and an education programme, which included English for Speakers of Other Languages (ESOL) and Pathways. It began to network with migrant workers and seconded an organiser from the Polish trade union OPZZ. This greatly assisted the development of links with migrant Polish, Filipino and other community groups. Talent spotting was used to identify people to go on a community development and networking course, which was delivered by colleagues with relevant language skills, who avoided using jargon and complex written material. This activity led to:

- The development of over 70 new migrant worker activists.
- Around 600 new migrant worker members being recruited.

- Migrant workers becoming more actively involved in the conferences and other democratic processes.

In 2009, UNISON in Northern Ireland did a survey to gauge how the current economic climate affects their migrant worker members. Entitled *'Migrant Workers and the Recession'*, the key findings were:

- UNISON migrant worker members have been deeply affected by the recession.
- Almost half of its members felt that their jobs were under threat (and this is likely to increase given the proposed cuts in the health service that employs 2/3 of the respondents).
- 77% of migrant worker respondents felt they will be more likely to lose their job than their local colleagues because jobs will be ring fenced for 'local' people.
- The threat of job losses and the devastating consequences of losing employment are heightened for people who do not have a permanent resident status. They might either be forced to return to their home country or to face destitution without the safety net of any social protection.

- Migrant workers have been particularly affected by the fall in the value of the Pound as the vast majority support a family in their home country. They have to send more money to compensate for the lower exchange rate at a time when their cost of living has drastically increased.
- Most migrant workers (in April 2009) remained unsure about whether they would stay in Northern Ireland and only 4% had definite plans to leave.

Recession and Racism

- With the recession, the vast majority of respondents have been exposed to comments about migrant workers taking local people's jobs.
- Racism and racist bullying predates the recession and although 66% felt there has been an increase in racist attitude from the general public, racism and racist harassment in the work place have remained at a similar level.
- 54% of respondent have been personally exposed to racism at work and 83% have encountered racism in their workplace.

- 80% of respondents working in the private care sector have experienced racist bullying, discrimination and have felt humiliated at work.
- Many reported that migrant workers were disproportionately scrutinised and disciplined – "they can notice your smallest mistake".
- When people challenged racist incidents, 51% were satisfied with their employer's response in the NHS, against 40% in the private care sector.

UNISON NI and migrant workers

- 52% of respondents felt involved in their union
- Migrant workers would like UNISON to provide more practical support and in particular greater access to solicitors and advice -including immigration advice.
- Respondents praised the support currently provided by UNISON to migrant worker members and a majority would like to see further support available.
- Respondents also mentioned a need to have UNISON to further act as a champion for migrant workers issues and to continue to provide information on migrant worker issues.

The lessons learnt included basic facts about migrants, their importance in the workforce, their need for union protection and how migrant activists bring in more migrant worker members through their community network.⁵

Congress Guidelines on Combating Racism

Congress Guidelines on combating racism and promoting interculturalism were published in 2005. In 2011, the Northern Ireland Congress of Trade Unions, supported by the Equality Commission and the Community Relations Council, launched guidance and a video for trade unions to raise awareness about race equality and to encourage the development of strategies to achieve equality for workers and customers in a diverse Northern Ireland. The trade union and community guide is available at: <http://www.ictu.ie/equality/race.html>. It:

- Consolidates the knowledge and learning gained during Race Equality Month.
- Continues mainstreaming equality into the society in which we live and asks fundamental questions about the type and nature of the society we wish to establish.

⁵ www.unison.org.uk/migrantworkers

Guidelines such as these are useful ways of raising awareness about the incidences of racism and discrimination experienced by migrant workers and the need for trade unions to respond to such issues.

Campaign to Secure the Rights of Domestic Workers

Irish trade union interest in the rights of domestic workers began in 2005 with the production in English and French of the Congress Guide *Homes and Workplaces: The Rights of Domestic Workers*⁶.

Congress stayed in regular contact with The Domestic Workers Action Group (DWAG), established by MRCI in 2004 to respond to the exploitation and unfair treatment that many domestic workers experience in Ireland. It is notable that union involvement in the domestic worker campaign was largely motivated by solidarity as distinct from a recruitment aim per se.

Problems highlighted by the DWAG, included:

- Pay below the legal minimum.
- Excessive working hours.
- Unfair and illegal wage deductions.

⁶ http://www.ictu.ie/download/pdf/domestic_english.pdf

- Disrespectful and threatening treatment.

The domestic workers action group campaign featured:

- High profile demonstrations outside embassies that treated domestic workers badly.
- Use of novel campaigning strategies including a photographic collaboration between members of the Domestic Workers Action Group and artist Susan Gogan, showing the value of domestic and care sector work and *Blurred Boundaries*, a creative textile and multimedia installation created by 45 member of the Domestic Workers Action Group.
- Publication and presentation of personal testimonies of exploitative treatment of migrant workers employed in peoples' homes.
- Taking cases to the Rights Commissioner.
- Securing the agreement of the National Employment Rights Authority to actively target employers of domestic workers for inspections under a pilot campaign.

MRCI's Domestic Workers Action Group (DWAG) joined forces with trade unions and other organisations in Ireland and around the world in a global call for action to mobilise support for an ILO Convention for Decent Work and Rights for Domestic Workers. SIPTU also sought to secure an Employment Regulation Order, which outlines core-working hours, overtime payments and protected working conditions to help ensure that workers are treated fairly.

In 2007, Congress negotiated employer (IBEC) and government backing for an *LRC Code of Practice for Protecting Persons Employed in other People's Homes*. This spelled out existing rights and entitlements and ended the repeated questioning of 'are domestic workers really workers?'. SIPTU and MRCI have subsequently taken cases and developed important case law on foot of that code.

By 2008, Congress had secured a commitment from the Irish government, who were at that time on the Governing Body of the International Labour Organisation (ILO), to support the proposal for the adoption of an ILO Convention on the Rights of Domestic Workers. At the time the Irish code was influential as it had the benefit of being a tripartite agreement: it had

been negotiated and agreed by unions, government and employers.

In 2009 the work at the ILO began on the process of development of the first international standard to protect domestic workers. In 2010 the ILO took a giant step forward in the fight to create workplace justice for domestic workers around the world by winning the vote for such a convention, which was finally passed in 2011. The Convention on Domestic Workers ensures that workers in informal and precarious jobs have the same rights as other workers. ICTU has called on the Irish Government to take a global lead in being the first to ratify the treaty.

Once ratified, the Convention has the potential to take millions of workers out of the shadow economy and formalise their employment.

It has important elements including:

- Freedom of association and the effective recognition of the right to join trade unions, engage in collective bargaining and be protected from forced labor,
- The abolition of child labor in domestic work and the elimination of discrimination.

Fair Hotels

The hospitality sector has one of the highest densities of migrant workers employed in Ireland. Fair Hotels is an initiative of hotel workers employed in hotels throughout Ireland and their trade union representatives.

Hotels were invited to participate in the Fair Hotels campaign by their own staff and their representatives. The objective is to support and promote quality employment in the hotel industry in Ireland. Fair Hotel members understand that the hospitality industry is a people industry and that in order to attract and retain a skilled and committed workforce; staff must know that their work is valued.

Fair Hotels pay a fair day's pay for a fair day's work. They respect the fundamental human right of workers to a voice at work. They engage in collective bargaining with staff and ensure that workers have a voice in minimising potential risks to their health from accidents and injuries.

Fair Hotels recognize that client satisfaction depends on excellent customer service and know that workers who are well treated will go the extra mile to for customers.

Both collectively and individually, workers in Fair Hotels strive to protect their livelihoods by securing the viability of their hotel. See more at www.fairhotels.ie

DISCUSSION OF ISSUES RAISED

In this section the overarching lessons from good practice and stakeholder insights are drawn out. The risks and opportunities presented by a more strategic approach to involving migrant workers are highlighted, as is learning from efforts to improve women's participation in trade union decision-making. A set of processes, tactics and practical steps or successful involvement is presented in Section 6.

There are two broad strategic issues that need to be addressed. Given that migrant workers are significantly less likely to be unionized than their Irish counterparts, there is a continuing need to develop effective ways to increase the unionization of workers in vulnerable/low paid sectors and forms of employment, a high proportion of whom are migrant workers.

There is a corresponding need to develop the structures and systems of trade unions to encourage the meaningful participation of migrant workers in all aspects of trade union activity including organizing, servicing and direct action, and in a variety of leadership and lay positions.

Both of these strategic issues are discussed in detail below.

Responding to Migrants' Need for Trade Unions

Migrant workers are highly concentrated in insecure forms of employment including agency work and work permit enabled positions, and low paid forms of work that are inadequately regulated in agriculture, cleaning, restaurants and domestic homes, for example. They also feel more vulnerable to job losses in a recessionary environment and that they are more likely to be singled out because of their immigration status:

“The ideas of people like “local people first” puts us migrant workers at a disadvantage. Having no residency or citizenship status puts us more into danger of being affected by any job cuts; not being a member of the EU makes us more vulnerable.”

(Filipino nurse cited in Unison NI, 2009, Migrant Workers, Racism and the Recession, Survey Results).

“If there is redundancy I might be first one to go”

(Bulgarian migrant worker cited in Unison NI, *op. cit.*).

According to migrant groups, fear and mistrust are amongst the biggest barriers to unionization because of negative cultural/political associations and because migrant workers often have less security of tenure and a greater risk of poverty in the event of their becoming jobless. For example, many agency workers do not join trade unions despite being typically paid less than regular workers, enjoying little or no job security and having little or no access to sick pay or pension entitlements or to other non-pay benefits.

Notwithstanding the enormous difficulty of reaching and representing these workers, the trade union movement in Ireland – often in solidarity with trusted representative groups has had remarkable successes in overcoming exploitative and sometimes illegal practices in dispersed workplaces.

Collaborative partnerships with migrant representative bodies has been a very effective way of building capacity and political/public leverage in addition to overcoming fear and distrust barriers. Notable wins include:

- Successful campaigning role in securing the passing of ILO Convention on Decent Work for Domestic Workers.
- Securing JLC/ERO compliance for low paid sectors with high densities of migrant workers including catering, contract cleaning and retail.
- Securing a Registered Employment Agreement for mushroom workers, which dramatically improved pay and conditions in the sector.
- Mounting novel and successful campaigns and cases for exploited migrant individuals and workers including the Fair Hotels Campaign, Davenport Hotel, many restaurants, fast food outlets and other workplaces.

- Dramatic successes in organising cleaners to improve conditions including the establishment of the first Responsible Contractor Agreement in the contact cleaning industry in Ireland ensuring both respect for workers and an even playing field for business.

These kinds of collaborative partnerships and high profile, grass roots/migrant involved campaigns are successful and need to be continued.

A continuing TU focus on overcoming exploitation and unethical behaviour is likely to enhance the public perception of trade unions, improve internal coherence with activist principles, and maintain the relevance of trade unions to the social justice agenda.

Overcoming Fragmentation and Scale Issues

The organizing model is particularly suited to the difficulties of recruiting and representing agency workers and workers from highly fragmented, small scale employment sectors, where many migrant workers are concentrated. There are strong social justice and recruitment rationales for trade unions to continue to develop their organizing capacity.

Many of the low pay service sectors where organisation is most needed are the largest and fastest growing in the economy. They are also probable sites of ongoing exploitation in the absence of trade unions and effective advocacy. The extent to which existing rights of low paid workers have been ignored in the absence of effective representation is disturbing.

Arguably unions need to devote more time and resources to building up their presence in these areas of membership potential and scope to overcome blatant exploitation.

However, there are a number of challenges and risks commonly associated with an organizing approach. These include the:

- Difficulty organising migrant workers who typically work in small, dispersed non-unionised workplaces and who may have English language difficulties and misperceptions about the role of trade unions.
- High turnover of lay leaders.
- High, resource intensive costs of external organizing campaigns on dispersed non-union sites.
-

- Need to build competencies in organizing ways of working through lay and professional recruitment, training and through alliances with community/migrant support groups.

SIPTU and MRCI have pioneered approaches to organizing that have overcome these kinds of challenges and are worthy of mainstreaming or replication by other trade unions.

Servicing the Particular Needs of Migrant Workers

Trade Unions have invested considerable resources in servicing the needs of migrant workers over the last ten years in particular. Much of the focus has been on information and rights related to employment but also in relation to accommodation, education, welfare and other issues where lack of information can heighten vulnerability.

According to Hyland and Heyes (*op. cit*) fifty percent of Irish trade unions campaign regularly on migrant issues while forty percent engage in a range of migrant support practices; twenty-five percent employ staff with special responsibility for migrant worker organization and representation and thirty three percent have made links with migrant originating country unions. Trade unions routinely produce employment rights, union membership and advice based materials in languages other than English, which is vitally important given the knowledge gap in the migrant worker community of their basic rights and entitlements under Irish law.

“As a migrant, I often don’t understand my rights in my workplace. After joining Mandate, I feel protected and have a safe place to go to find out about my rights. I would encourage all workers, especially migrant workers to join a trade Union to stop employers abusing them at work”
(Eastern European retail service worker, five years in Ireland).

“I don’t feel confident to approach management to address my issues. I joined a union to help me get my entitlements”
(Eastern European retail service worker, four years in Ireland).

More recently, some Irish trade unions (SIPTU, MANDATE and the Bakers, Food and Allied Workers Union) have supported migrant workers that have settled through the recession, to improve their English language proficiency and literacy so that their integration in the workplace and in Irish life generally is facilitated. However, unions in the UK are generally more active in doing so according to Hyland and Heyes. Supporting English language proficiency, workplace literacy and numeracy needs more resourcing/ support given the impact lack of proficiency can have on employment opportunities, trade union involvement, progression and social inclusion/ mobility generally.

Need to Improve the Representation of Migrant Workers in Internal Trade Union Structures

Better organizing and servicing efforts need to be complemented by a commitment to improve the visibility of migrant workers in a variety of trade union roles. While there are difficulties enumerating migrant membership of trade unions, trade unions recognize that migrant workers are under-represented in decision-making positions. The need for more proportionate involvement of migrant workers in trade union activity beyond lay organizing level has been noted in the Irish and international literature and by activists and contributors to this strategy.

In some ways the position of migrant workers in trade unions is not dissimilar to that of women. The lessons that have been learnt in fostering women’s progression into TU leadership positions (both vertical and horizontal) have potential for wider application amongst under-represented groups.

The ICTU LIFT programme helped bring about positive change for women in trade unions and led to an increase in women's representation in decision-making roles. LIFT piloted an innovative and holistic approach to examining gender inequalities focusing on organisational structures, strategic planning and leadership development.

These lessons learnt included the need to:

- Quantify, discuss and address the women's representation gap in TU leadership roles.
- Actively encourage/support women into leadership.
- Address barriers including long hours/macho culture, lack of leadership training and preparation including mentoring.
- Build trust and good communications systems within and between different unions, management and women at all levels.
- Collaborate on women's progression across trade unions;
- Encourage women's networking and mentoring by senior colleagues;
- Mainstream successful approaches to women in leadership.

Many, if not all of these lessons can be applied to the position of migrant union members. In addition, proportionate targeting and strategic partnering activities should be considered.

KEY PROCESSES AND TACTICS TO CONSIDER IN ADDRESSING IDENTIFIED CHALLENGES AND DEVELOPING AN EFFECTIVE MIGRANT INVOLVEMENT STRATEGY

Trade union planning, development and organizing while working closely with trusted migrant support groups, appear to be key elements in building collaboration across disparate groups of workers in non-unionised workplaces and ultimately securing better work conditions and enforcement of existing rights. Establishing trust is a necessary condition, as the work that has been done to date clearly demonstrates. A number of other key actions are required. These are outlined and summarized below.

Quantifying Migrant Worker Involvement in Trade Unions

The first step in any strategy to improve migrant's TU participation and progression is to ensure that the extent of migrant TU involvement is known. Most trade unions do not know how many migrant workers are members, making it difficult to set goals or targets for proportionate representation in decision-making roles, for example. The most efficient way to overcome this difficulty would be to upload a common template on each trade union's website and social/trade networking sites while simultaneously promoting its completion at member level via email and/or text i.e. Short Message Service (SMS). Better knowledge about TU membership will allow more informed planning and targeting of recruitment and leadership development campaigns and actions.

Trust Building, Partnership and Development of Workers Fora

It is equally important to raise awareness and build trust with migrant workers ensuring that they understand that trade unions are there to represent all workers and that all workers have a right to representation.

Trust will continue to be developed through existing and future employment rights campaigning and through the lending of intensified trade union support to migrant issue equality and social justice campaigns at grass roots level.

Burning migrant worker related issues in this regard include:

- The lower rates of pay and poorer conditions of agency workers.
- Retaining the JLC and similar formal protections/agreements in respect of workers rights in low paid and dispersed sectors.
- The inconsistency and lack of transparency in the recognition of non-EU qualifications and associated procedures for registration and accreditation.¹
- Prevention of ethnic profiling.

¹ Ni Murchú, A. (2007) *Recognition of Professional Qualifications*. Integrating Ireland and European Refugee Fund.

- The need to reform the work permit system and to regularise the status of those migrants who become undocumented after entering Ireland through the work permits system.

The literature and migrant groups make it clear that continuing the work of clarifying the role and purpose of trade unionism and the associated rights and freedoms in the Irish context is necessary because of a lack of migrant knowledge about these important areas, and from an equality, trust-building and confidence development perspective. This is particularly the case for those who come from more oppressive regimes.

Trade unions' forming strategic alliances and partnerships with migrant, community and rights based organizations has been a defining feature of successful awareness raising campaigns. Joint/collaborative sessions have greatly helped to clarify migrant's understanding of their rights and their access to the service and support functions of trade unions.

Organising Dispersed Workers

One of the biggest challenges in trying to include migrant workers in TU activity is the typically dispersed nature of their employment.

An effective starting point is to establish fora for different groups of workers in dispersed sectors/industry segments (e.g. domestic workers forum, mushroom workers forum etc). SIPTU has considerable expertise in this area and can advise individual unions and MRCI has produced a useful guide summarizing what it believes are the key steps in terms of organizing a workers' forum (MRCI p 70²):

- Regularly producing simple flyers and posters in advance of each migrants forum so that migrant workers know the date and topic of each forum.
- Compiling a database of migrant workers who can be contacted by text message about each forum.
- Organising fora outside of usual working hours e.g. on weekends/evenings and at the same time and place to make it easier for people to remember.

² MRCI in association with the Community Workers Cooperative and the Department of Applied Social Studies, National University of Ireland, Maynooth. (2008). *Tools for Social Change*. MRCI Dublin.

- Ensuring information delivery is accessible, jargon free, engaging and relevant to the lives of migrant workers and their families.
- Supporting the development of a core group of migrant workers to support the organisation of the Forum, and enabling people to take up spokesperson and leadership roles.
- Continued active participation and celebration points.

Applying Organising Approaches to Recruitment

The following organizing principles, processes and tactics are endorsed by the literature and trade union good practice, and are worthy of consideration:

- Understanding the importance of social networks and kinship ties amongst recent immigrants. Often such bonds and links are very strong amongst particular cultural groups and can be used very effectively to organize groups of workers.
- Being prepared to listen, spend time building relationships and developing analysis, and yielding power to enable workers solve their own problems.

- Recognising that different groups of workers will be starting from different places and will need different levels and types of support in the form of training, mentoring, leadership development, provision of work shadowing and work placements etc.
- Delegating and devolving decision-making to sectoral lay leaders, mindful of turnover issues.
- Organising campaigns fronted by workers with strong external support from trade unions, migrant organisations and other influential bodies.
- Ensuring the existence of transition paths from lay leadership into paid organizing or other union roles in terms of visibility and fairness, but also to ensure continuity.
- Trade union commitment to data collection on migrant demographics – as an aid to planning and a means of assessing the effectiveness of strategy but ultimately to ensure that paid leadership structures are becoming representative of membership constituencies.

Recognising the Cultural Shift Required by Organising Model

In terms of the Irish situation, Hughes (2011, *op. cit.*) indicates that the lead given by the ICTU in issuing guidelines on what should be done to protect migrant workers resulted in significant initiatives by the larger trade unions to recruit migrant workers and in consequence develop and resource their organising capacity.

It is important to recognise that organising approaches are characterized by empowerment of workers to seek collective remedies for their situation with the active support of Trade Unions and other relevant bodies. The ultimate outcome of this model is membership control of union leadership and decision-making structures (Conrow 1991³):

'We as a labor movement need to change to reflect who we are. Workers relying on the truths of our own lives, and not the information provided by management, are what organizing is all about. Servicing from an organizing model simply means that we continually examine how every action we take can increase participation in the union. Once we reflect who we are, we will be strong. (p.59)'

³ Conrow, T. (1991) Contract Servicing From An Organizing Model: Don't Bureaucratize, Organize! *Labor Research Review*, Volume 1 (17).

From a practical point of view, the delegation and community/leadership development skills that are needed for effective organising are different but complementary to the high skill levels of trade unionists in handling grievances, bargaining and negotiation. In the UK, USA and elsewhere, including Ireland, organizers have typically received specialised training by external parties. Organisers have also been recruited in to trade unions, often from community based lobbying groups. They have typically brought new energy and diverse campaigning tactics to incorporating novel forms of protest, street theatre, gospel/rap singing, and other art forms.

Effective Campaigning Tactics

Hughes, (2011, *op. cit.*) points out that the combination of recruitment, regulation and enforcement offers the best prospect for ensuring that migrant workers enjoy the same terms of pay and conditions of employment as Irish workers and that society as a whole benefits from immigration rather than suffering from damaging racial and social tensions.

The following tactics have been used here and elsewhere to achieve strategic goals relating to fair pay and conditions:

- Use of pickets and lobbying suppliers, customers and members of the public to gain recognition/support of campaigns.
- Promoting ethical companies/those that respect workers rights – see the Fair Hotels section outlined above.
- Use of novel media friendly campaign strategies incorporating the arts, street theatre, food etc to highlight particular issues.
- Producing and promoting research on illegal/unethical employer activities and the lived experience of migrant's exploitation and its consequences.
- Community delegations to and lobbying of employers' bodies, government, etc.

CONCLUSIONS AND STEPS TO INCLUDE IN STRATEGY

In broad, terms, successful trade union campaigns to involve migrant workers in trade unions have been anchored on the position of low paid workers generally i.e. integrated approaches to securing the rights of migrant workers, rather than separate 'migrant workers' campaigns. This approach has merit and should be continued because it minimizes the risk of racist backlashes against migrant workers in the event that they are singled out as a distinct group, while also underpinning the rights of all workers.

Trade union work with migrant workers, many of whom are difficult to reach because of the dispersed nature of their employment and for other practical reasons including language difficulties – has led to the resurgence of organizing approaches to representation and recruitment – as one TU leader interviewed in the course of this project put it:

'It's a much needed back to basics approach'.

In Ireland, for structural and internal reasons, successful organizing to date has been largely confined to the workplace level¹ with some notable exceptions including the mushroom sector. In order for organising to have wide-scale sectoral or national impacts, there needs to be strong internal TU commitment to the approach and the values that underpin it together with notable wins.

The building of external trust in and renewed support for trade unionism is an intrinsic parallel requirement, and difficult given complex structural constraints, but achievable in a context where trade unionism is fully understood and accessible to all workers regardless of gender, ethnicity or any other variable.

¹ For more detail see: <http://www.eurofound.europa.eu/eiro/studies/tn09010285/uk0901029q.htm>

The organizing model in its purest form, incorporating community coalitions, grass roots organizing and corporate research can be a very effective approach to involving difficult workers in trade unions, including migrants. Particular Irish trade unions have been instrumental in securing migrant workers' existing rights when working in partnership with activist organizations using community work principles/ organising models of recruitment.

The organizing model has potential for wider TU application, assuming strong internal commitment to the proportionate participation of under-represented and dispersed TU constituencies, the willingness to devolve and share power, and ultimately deepen and democratise membership control.

The willingness to share and devolve power goes to the heart of the internal/ organisational reform, decentralization and modernisation agenda of many trade unions. It is generally recognized that if trade unions are to attract new members and retain their importance in civil society, their structures and systems need to become more accessible to and inclusive of an increasingly diverse constituency. Important groundbreaking work has been done to recognize and respond to inclusion barriers and improve the position of women and migrant workers in some trade unions. This type of organizational equality seeking work needs to be continued and intensified.

The following practical steps reflect good practice generally and are in response to the identified barriers and needs of migrant workers in terms of encouraging greater TU participation and involvement.

Summary of Practical Steps that Need to Be Taken to Improve Migrant Participation in Trade Unions

- Conduct online/SMS surveys of union members within unions that have a significant number of migrant workers. The survey should include questions on gender, country of origin, number of years in Ireland, occupation, workplace sector and size, position/role in trade union, English language proficiency, level of activism and level of interest in progression into leadership positions.
- Map the number of migrant worker activists in trade unions as a proportion of migrant worker members and potential migrant worker members.
- Address barriers through strategic alliances with migrant organisations, as appropriate, including mistrust, fear of political association, need for leadership training and mentoring and supporting English language proficiency.
- Set goals and targets for the representation of migrant workers in decision-making TU roles.
- Actively encourage/support migrant workers' involvement in all aspects of TU activity including education, health and safety, branch work, shop stewarding, advocacy and leadership.
- Support and develop English language training opportunities for migrant workers as well as encouraging/referring migrant workers to language classes and online courses.
- Disseminate practical examples of how trade unions helped support workers' rights in high density migrant sectors including domestic workers, nursing homes, agriculture, construction, telesales etc. through road shows, presentations to faith groups and networking and collaboration with NGOs.
- Continue and further develop the grass roots activism and leadership development pioneered in Irish trade unions through training and networking across unions.
- Disseminate successful approaches to organizing and servicing migrant workers across and within trade unions.
- Use novel campaigning tactics that are media friendly and appealing to a wide public audience (see 7.6).
- Continue campaigns to keep the minimum wage at a level that supports a living wage, protecting low earners - many of whom are migrant workers - from exploitation and poverty.
- Continue to campaign for transparent and consistent/fair system for recognition of non-EU12 qualifications.
- Continue to support and develop anti racism campaigns and equality activities in the workplace.
- Continue to collaborate on campaigns and otherwise providing support for migrant equality issues including citizenship and the difficulties experienced by undocumented workers, those seeking asylum who have been in Ireland for two years or more and are complying with immigration policy and agency workers.
- Encourage networking and mentoring by senior TU colleagues and NGO associates.
- Mainstream successful approaches to migrant organization and internal representation in trade union structures.



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