

**TRADE UNIONS
AND MIGRANT WORKERS:**

**Examples from the United States,
South Africa and Spain**

Marcus Kahmann

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“Trade Unions enter the new Millennium with confidence in our principles and values, and in our ability to re-fashion, re-focus and continually re-energise our movement. And we must become stronger and more effective if we are to realise our vision.”

(Extract from a Statement adopted by the 17th World Congress of the International Confederation of Free Trade Unions - Durban, April 2000.)

The ICFTU World Congress in 2000 launched the Millennium Review of international trade union priorities, strategies and structures, to stimulate a broad and inclusive debate about future directions for the international trade union movement.

The European Trade Union Institute was approached by the ICFTU to carry out research and analysis on four key issues relating to possibilities for and constraints on trade union action on a number of issues, specifically:

- the information economy
- young workers
- migrant workers
- trade union mergers

A researcher, Mr Marcus Kahmann, was contracted by the ETUI to carry out this research and produce a report on each of the themes. The reports were compiled following surveys of the available literature and interviews with trade unionists.

Given the complexity of the issues covered, and the limitations on time and resources, each report includes information from a few selected countries. The reports are not intended to be comprehensive – rather, they seek to stimulate debate and further analysis, including through the identification of aspects on which new research would be particularly useful. Comments and suggestions for follow-up work may be directed to the ETUI (etui@etuc.org), to the ICFTU (press@icftu.org) or to the author (kahmannma@gmx.de).

For information on other aspects of the Millennium Review, including research reports on other topics, please contact the ICFTU (press@icftu.org).

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Tim Noonan,
Director, Campaigns and Communications,
ICFTU

Reiner Hoffmann
Director, ETUI

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1. Introduction: outlining worldwide migration and plan of the chapter

The ILO (Zegers de Beijl 1999) estimate that the worldwide population of migrant workers – defined as persons who are economically active in a country of which they are not nationals, but excluding asylum seekers and refugees – is currently between 36 and 42 million. If dependents are added, the total population of migrant workers adds up to between 80 and 97 million. In the OECD countries alone the number of foreign nationals rose by over 13 million between 1988 and 1998 to reach nearly 57 million people, equivalent to 7% of the total population (Coppel, Dumont and Visco 2001: 9)¹.

The emergence of new patterns of the transnational division of labour, comprising a concentration of production factors such as capital, labour and raw material in Western Europe, North America and Japan (Castles 1992), as well as rapid population growth in the developing world, often combined with increasing poverty and ecological devastation, civil wars and regional conflicts, are some of the decisive factors which triggered post-war migration movements.

Three main directions of post-war migration movements may be identified (cf. Cohen 1992): first, the importation of large numbers of workers from developing countries to the western European countries and to north America. However, limited growth rates in the aftermath of the 1973 economic crisis, the rise and stabilisation of mass unemployment, as well as the more recent rise of overt xenophobia and racism in popular sentiment and government discourse, have led to the adoption of restrictive immigration policies. After net flows² rose through the 1980s and peaked in the early 1990s, tighter controls led to a decline in legal arrivals in both the EU and the United States. Both areas, however, have remained recipients of net migration as the majority of new arrivals are linked to family reunification and asylum seeking (OECD 2000). In recent years the destination countries of migrant movements extended so that traditional emigration countries, such as Italy, Spain or Portugal or some of the CEECs such as the Czech Republic, emerged as popular migration targets. Contrary to this, traditional immigration countries in Latin America, such as Mexico or Argentina, are now attracting fewer immigrants and are losing out to the USA and Canada as well as to European ‘homelands’.

The second migration pattern relates to the internal movement of migrants within developing countries, following long-established rural-to-urban routes, but also directed to finding employment in the export-oriented industries in the newly industrialised countries (NICs). Taiwan, South Korea, Hong Kong and Singapore, characterised by high rates of economic growth and the rapid process of demographic transition, are examples of countries attracting migrant labour in East and South-East Asia. Considerable regional migration can also be observed in Africa. People migrate to the Ivory Coast from neighbouring West African countries and also to Gabon from sub-Saharan Africa. South Africa has attracted migrant workers from all over Africa, but mainly from neighbouring countries such as Mozambique, Lesotho, Swaziland, and Zimbabwe (ILO 1996).

The third pattern of migrant movement is directed to the oil-rich countries. Here, managerial, professional and unskilled labour was required to develop large-scale development projects. Migrant inflows from Sudan, Chad, Tunisia and other neighbouring countries to Libya are an

¹ In Europe, the proportion is relatively low, about 5% in 1998 (but spanning a wide range), compared with about 20% in Australia and Canada and nearly 10% in the U.S.

² Net migration is measured as the difference between the total population on 1 January and 31 December for a given year, minus the difference between births and deaths.

example of this. Migration in the Gulf region is more formal as it is typically based on short-term contracts, mostly with workers from Asia (India, Pakistan, Afghanistan, Bangladesh). In some Middle Eastern countries the proportion of foreign to home workers had (before the Gulf War II) reached 50% in Saudi Arabia, 80% in Kuwait and 85% in the United Arab Emirates (Cohen 1992).

In recent years there has been a marked trend towards the feminisation of migration. Increasing numbers of migrant women workers are seen in Asia with flows of temporary workers mainly from Indonesia, the Philippines, Sri Lanka and Thailand. In Europe and North America also more women are found among the ranks of migrant workers due to the growing importance of family reunification (OECD 2000: 25)³.

In practice, migrants frequently work and live under conditions inferior to those of nationals. They tend, for example, to suffer lower standards of housing and education; they regularly hold worse paid jobs and are exposed to health and safety risks insofar as they occupy more dangerous jobs; they are often separated from their families and commonly are not fully entitled to social security. They are excluded from certain jobs in the state sector and often legally limited in their capacity to seek work outside their destination country. Although there is considerable variation according to the conditions in each country and the structure of the labour market, it is the women migrant workers who often occupy – irrespective of their qualifications – the least prestigious and most badly paid jobs in the branches of the economies where international competition is particularly fierce (such as textiles and garment industries). Considerable numbers of female migrants are employed in the rapidly growing domestic services where they suffer from the ‘invisibility’ of their working conditions, giving their employers ample opportunities to evade labour legislation. Long working hours under bad conditions and sexual harassment are typical features of this work (ILO 1996).

Given the continuing influx of foreign nationals to the labour markets and the declining birth rates among the national populations of the migrant-receiving countries, the composition of the labour force undergoes a change. The question arises whether trade unions in the receiving countries are prepared to take up the challenge of an increasingly multi-national, multi-lingual and multi-ethnic workforce, characterised by the type of social and employment conditions outlined above, to tackle the formal and informal discrimination to which these groups are regularly exposed and to overcome migrant workers’ hesitancy at the prospect of unionisation.

Historical studies on Western European trade unions (Freeman 1979; Wrench 1997; Penninx and Roosblad 2000) show us that the unions examined in their study had an ambivalent record on the issues of racism, anti-discrimination and the general concerns of migrant workers. These unions were often concerned about the negative consequences of labour immigration for their own national bargaining structures and the employment and financial interests of their members. Their concept of workers’ solidarity was (despite a discourse of internationalism) closely tied to the nation state and its concept of citizenship (Waterman 1999). This reflects the unions’ integration in the dominant post-war model of socio-economic development, characterised by an institutionalised class compromise between organised labour, state and capital as well as demand-side macroeconomic policies⁴. Penninx and Roosblad (2000: 187) discerned three typical patterns in

³ In 1997, for the European countries and the USA the share of women in the overall immigration flow (nationals and foreigners) ranged between 39% (Germany) and 60% (Greece). In most of the OECD countries, however, the percentage was around 50% (OECD 2000: 25).

⁴ This national frame of reference of unions holds for the industrialised West as for the various developing countries, which embarked on import-substitution policies, e.g. in Latin America (cf. Boris 2001).

these unions' reactions towards migrants: on the one hand, they regularly demanded at least equal wages and working conditions, including industrial rights. On the other hand, they demanded (for example in Austria, Sweden and the Netherlands) direct control over recruitment procedures (including a right to veto) or sought to ensure that migrant labour remained with a temporary status (The Netherlands and West Germany), so as to be able to be deported when necessary, and was deprived of equal social rights (Austria). At the same time it must be emphasised that trade unions have been the main actors in the application of international and European agreements to protect migrant labour. And they have, as the following case studies will demonstrate, further developed their policies concerning migrant workers in recent times.

This report will concentrate on the policies currently adopted by trade unions on the issue of migrant workers. Three questions will be central to this evaluation: What are union policies towards migrant workers on issues inside and outside the workplace? What are the problems and successes involved in their policies? In what way have unions responded to the challenge in terms of organisational change? These questions will be taken up in an analysis of trade union policies from three countries: the United States, South Africa and Spain. For a better understanding, some information on the social and legal conditions, as well as the historical background of migration in these countries, will be provided.

As the term 'migrant worker' embraces a host of socio-economic and legal situations and experiences, some qualification is necessary. In this report it will not be taken to include legally privileged labour migrants (e.g., 'denizens'⁵ of the European Union) or highly qualified third country nationals who enter the labour market on schemes designed to make up for shortages in tiny segments of the labour market. The term will refer, rather, to a) third-country nationals who have the right to residence and work; b) third-country nationals who have leave to stay on the basis of a revocable work permit issued for a fixed period of time; c) undocumented or 'illegal' workers. It is clear that, in reality, the different legal categories of citizenship are complemented and cut through by a more informal mechanism that creates inequality, namely, ethnicity and/or skin colour, which identifies a person as a member of a 'visible' minority (Wrench 1997: 8).

2. Trade unions and migrant workers in three countries

2.1. Migrant workers in the United States: The case of California farming

Please tell the boss

that you won't spend a nickel on a Mt. Olive Pickle

(Slogan of a FLOC boycott)

Historically, the working class in the USA has been comprised overwhelmingly of immigrants and their offspring. The diversity of nationalities within the United States was a challenge for union organisers from the earliest period. Organising and representing was never an easy task and in some cases was not even attempted. It was only after the triumph of industrial unionism in the 1930s that immigrants, along with the marginalised Afro-American population, became visible in the unions. Central to this development were the efforts of the Congress of Industrial Organizations (CIO) to create a "culture of unity" that transcended ethnic fragmentation, coinciding with

⁵ The term 'denizen' refers to the paradoxical citizenship rights of immigrants in many western European countries: while deprived of political rights, they usually have many social (and industrial) and extended residence rights.

economic and political conditions favourable to union-building in the New Deal era (Waddington 2001: 397). Unskilled first- and second-generation immigrants from southern and eastern Europe became the core of the revitalised American labour movement⁶.

With the amendments to the US immigration law in 1965, a new influx of newcomers poured in from Mexico and, later, Central America. Most of them were poor and had little school education, in contrast to the socially more diverse Asian immigrants who arrived at the same time. A decisive difference between this and former phases of immigration is the presence of large numbers of undocumented migrants, a category that did not exist before immigration restrictions were imposed in 1924. Contrary to the post-war economic boom period, this latest generation of migrants encountered more restricted conditions: “Deunionisation and economic restructuring combined to create an increasingly polarised social structure, with the masses of working-class immigrants concentrated in low-level blue-collar factory and service jobs as well as a wide variety of positions in the informal sector where sub-minimum wages, homework, child labor and other illegal practices are widespread. Although, for many, even the bottom of the labor market in the United States represented vast economic improvement over what they had left behind at home, future prospects for these immigrants may be quite different from those of earlier cohorts” (Milkman 2000: 7; cf. Robinson 1993)⁷.

The challenge of reconstructing the U.S. union movement after a period of accelerated decline in the 1980s and 90s (Hurd 2001) demands an effort to reach out to the vast and growing number of working class migrant workers. In many of the state’s businesses and occupations native workers left when unions were battered and terms and conditions of employment deteriorated. Subsequently immigrants replaced them. Thus even recapturing formerly unionised territories (not to speak of the new ones, where foreign workers are heavily present, too), requires unions to confront the immigration issue. The new AFL/CIO leadership has reacted meanwhile and made the involvement of migrant workers a top-priority policy issue, including some remarkable policy shifts on the question of regularising undocumented workers and promoting organising drives amongst migrant workers (Sherman and Voss 2000). The following chapter will portray union policies in farming, a sector most prominent for its big share of migrant labour. The geographical focus will be on California, where in the past 25 years the immigrant population has increased threefold and now constitutes at least a third of the State’s workforce (Lopez and Feliciano 2000: 25).

⁶ Paradoxically, the putatively oppositional industrial unionism of this era was a vehicle of immigrant assimilation, as the CIO’s successes brought rank-and-file workers, often for the first time, into the economic mainstream. The CIO also helped further the Americanisation among Mexicans in California, the Southwest and Chicago, which were by far the biggest Latino immigration group, indicated *inter alia* by the emergence of a number of Mexican American union leaders in the 1930s and 40s (Milkman 2000). But American society set limits on Americanisation in this case. Unlike the southern and eastern Europeans, who predominated among the early 20th century foreign-born population, the Mexican Americans and other Latinos (and equally African Americans) continued to be classified racially and to be subject to discrimination in many public settings. Although Mexican Americans made substantial gains in income and occupational status and educational attainment thanks to unionisation, they remained economically disadvantaged in comparison with non-Hispanic whites. The integration of black workers into the industrial unions was accompanied by increasing pressure (inspired by the moving force of social reform in the 50s and 60s, the black civil rights movement) to acknowledge unions’ tolerance and even active participation in exclusionary practices against blacks (Lüthje and Scherrer 2001).

⁷ For a more differentiated account of the national and educational composition of present migration flows to the U.S. see Waldinger and Der-Martirosian (2000).

2.1.1. Conditions of farm work

In California, agriculture is a major employer. About 800,000 people perform waged farm labour sometime during a year, representing about 5% of the Californian labour force and 40% of US farm workers (Martin 2000). Although the majority of U.S. and California farms are family operations (commonly producing crops and livestock), employment and production is concentrated in the hands of the biggest farm enterprises. The latter produce fruit and nut crops, vegetables and melons and horticultural specialities, such as flowers and nursery products, and they rely on hired workers. The home-born working population – be it the second or third-generation immigrants or Anglos – has virtually left (except for farm-owners and senior staff) the fields and orchards of Californian agriculture, with the result that most of the farm workers are of foreign origin. Half are estimated to be undocumented. In the mid-90s, 95% of the farm labour was foreign-born, including 91% born in Mexico⁸. Whilst most speak exclusively Spanish, there are increasing numbers of Southern Mexican and Central American indigenous workers who speak neither Spanish nor English and who are particularly vulnerable to racial discrimination in employment and the established communities in which they work (NCC 2001).

Instead of hiring workers directly, farmers increasingly rely on bilingual foremen or ‘farm labor contractors’ (FLCs). The FLCs, usually (male) Mexicans with very good English skills, function as the “informal personnel manager for white ranchers” (Legett 1992). They supervise, pay and select work crews (often relatives or people from the same region of origin), provide the workers with temporary housing and food, take decisions to fire them, and often organise their border crossing. Additionally, they charge the members of their work crews (usually 20% of their wage), thus leaving them, in many cases, with less than the minimum wage (Martin 2001a). Many of the most abusive cases of labour law violation can be found among FLCs hiring newly arrived, inexperienced immigrant workers. Not surprisingly, they regularly oppose any attempts to organise their crewmembers, as they fear a disruption of their exploitive practices as well as the establishment of union hiring halls.

Typically, the agricultural workers labour in crews of 20 to 40 for jobs that usually last for only several weeks on a particular farm. Overtime is not paid and harvesting often includes a 6 to 7-day working week. The Californian climate and soil allows them to find employment for a maximum of 8 to 10 months from the early winter vegetable and citrus harvest to the olive and kiwi harvest in October. Workers following the harvest of different fruits from one region to another are a common phenomenon in California and the U.S. Sanitation at work and the housing conditions are very poor.

Today’s hourly wages for crop workers in California are slightly above the minimum wage; or, to make a comparison, half of the revenue of a manufacturing worker⁹. The farm workers’ average annual earnings of \$6000 to \$8000 a year for about 1000 hours of farm work represents one-fourth of the average annual earnings of manufacturing workers. Farm work is the worst paid occupation in the US. More than 90% of migrant workers are employed in labour-intensive fruits and vegetables. Farm labour is predominantly a male occupation: 82% of immigrant farm workers are men. While men tend to do the harvesting jobs, women, children and older men

⁸ This is by no means a recent trend in Californian agriculture. From the beginning of the last century immigrant workers from China, the Philippines, Japan or Mexico have predominated among the workforce at least in the industrialised farms. A report estimated that in 1965 half of Californian farm workers were foreign-born.

⁹ Farm worker advocates emphasise that the hourly wage (calculated on the basis of a workday and a 5-day working-week) is actually much lower, as the workers labour 12 to 14 hours a day, six or seven days a week.

perform a large share of hoeing, thinning and sorting. It is also a predominantly young workforce, with more than 60% of farm-workers aged under 34, reflecting the physically often extremely demanding work in ground citrus, melons, tree fruits and piece-rate vegetable harvesting. Child labour is common: official statistics estimate that there are 300,000 fifteen to seventeen year-olds working in the fields; unionists speak of 800,000. After mining, farming is the second most dangerous occupation in the US. Pesticides as well as hazardous equipment and machinery pose a severe threat to health and safety. After 10 to 15 years of backbreaking labour, farm-workers have to start looking for less heavy tasks. Life expectancy of farm workers is 49 years, 25 years below the national average (NCC 2001).

2.1.2. Trade union policies

At first sight farm workers may seem an attractive and easy target for union organising campaigns: there are hundreds of thousands of them, they labour for extremely low wages under very poor working conditions, are often faced with arbitrary management decisions and may, because of experiences in their home countries, be receptive to unions and their causes. But in reality, organised labour has only temporarily succeeded in making inroads into this territory. The main reason for this was, as Martin (2001b) emphasises, that most farm workers thought that the best path upwards was to exit the farm labour market for a non-farm job, and not to voice their concerns and form or join unions to negotiate with farm employers. Or, as union organisers sometimes put it: The only goal shared by seasonal workers is that they would not be working in the fields next year.

This is not to say that farm labour relations had been free of conflict over the last century, on the contrary¹⁰. But it is striking that only a few bargaining relationships persisted. Apart from the farm employers' longstanding resistance to any form of workers' organisation and bargaining relationship, at least two further factors contributed to the failure: first, union organising drives were commonly denounced as driven by 'outside agitators' and radicals, which allowed employers to unify rural residents and local enforcement agencies. Second, as federal and state administration was very slow at extending labour relations and protection rights to agriculture

¹⁰ Martin (2001b) identifies three major waves of farm worker activism in California. Before World War I, it was the revolutionary Industrial Workers of the World (IWW) that followed the goal of replacing waged labour by worker-run cooperatives. It wanted to organise all workers into one big union, including Chinese and Japanese farm workers excluded from most AFL unions at that time and educated workers about the need for radical changes in the economy and the labour market rather than negotiating contracts with employers. The second wave occurred, albeit with different actors, during the early 1930s, the time of the Great Depression, when wages on California farms decreased by 50% to 70%. In 1933, the high-water mark of California farm labour unrest, the Communist-oriented Cannery and Agricultural Workers Industrial Union (CAWIU) organised 37 strikes involving some 48,000 farm workers. The workers usually won wage increases to the pre-Depression levels. In 1934, in a wave of anti-communist and anti-union repression, the dwellings of Mexican workers were raided; numerous workers and supporters of the union as well as its leadership were arrested (Majka and Majka 1997). The third wave of farm labour activity between the mid-1960s and the early 1980s saw the rise of the United Farm Workers (UFW). The key to success derived from several consumer boycotts and an explicitly non-violent policy, initiated in a political climate attuned to civil rights movement issues and methods. The initial table grape boycott (1967-1970) resulted in 150 contracts with growers who produced 85% of California's table grapes and covered 20,000 jobs (Majka and Majka 1992). As these contracts expired, the grape farmers signed contracts with the competing Teamsters union. In response to setbacks the UFW developed a legislative strategy aiming at the exclusion of farm labour from the 1935 National Labor Relations Act (NLRA), whereby farm workers had no legal right to union representation. In 1975, under the democratic governor of California, the uniquely Californian Agricultural Labor Relations Act (ALRA) was passed, allowing for secret union ballots.

(the California Agricultural Labor Relations Act (ALRA) was established only in 1975), farm workers had to organise and bargain without any institutional support¹¹.

When in 1993 Arturo Rodriguez took over office from his father-in-law, the legendary founder of the California-based United Farm Workers (UFW), Cesar Chavez, the union had been in a profound crisis. In the late 1970s, a period that retrospectively marked the organisation's high point, the UFW had won most of the union elections and held 108 contracts with an average entry level wage of \$3.38 in 1978, at a time when the federal minimum wage was \$2.65 an hour. In 1979 the UFW achieved a settlement with some lettuce growers with minimum wages under union contracts rising to \$5 or more, almost twice the minimum wage (Martin 2000). While it seemed as if farm workers could eventually win wage parity to industrial workers as minimum wages under UFW contracts continued to increase in the 1980s, fewer union representation elections were held and those won by the union were less likely to result in contracts. As a result, e.g. in 1987 the number of contracts declined to 31, down from 162 contracts in early 1982 and 115 in 1984 (Majka and Majka 1992: 16). These contracts represented only a sixth of the operations where the UFW had won elections (from 60,000 workers covered down to 12,000 to 15,000). At the time of Chavez' death, the UFW held only a handful of contracts covering about 5,000 workers out of the 796 operations where they were certified. As a whole, the sector experienced a decline in wages of 20% to 35% during the 1980s (Majka and Majka 1997: 141).

There were three reasons for this decline, mutually reinforcing each other (in detail: Majka and Majka 1992): an internal organisational crisis that resulted in the departure of a substantial proportion of the union's organisers, legal experts, administrators and staff; the change in federal administration that rather sought to impede settling unfair labour practice charges, holding certification elections and encouraging 'good-faith bargaining'; growers applied legal manoeuvres against the election supervising Agricultural Labor Relations Board (ALRB) or filed expensive lawsuits against the UFW, which shifted the union's declining resources to fight defensive battles in the courtrooms. Some observers claim, that there had also been an increase in the use of undocumented workers in a number of localities where the UFW formerly had substantial worker support. Chavez' last campaign, called 'Wrath of Grapes', tried to force employers to sign an agreement promising not to interfere with workers seeking union representation (a right guaranteed by the ALRA). It was different from the successful 1968-69 grape boycott: Instead of noisy pickets in front of Safeway and other grocery stores selling grapes, the UFW distributed 20 to 30 million letters to Californian households. But despite the union's efforts table grape consumption grew in the early 90s, so that even sympathetic observers urged the UFW to redirect energies towards organising (Martin 2001b: 35).

Right from the beginning, the new UFW president Rodriguez announced that his organisation would return to the fields and organise farm workers and distanced himself from the strategic centrality of boycotts. In November 2000, the union officially ended its 16-year table grape boycott as it proved ineffective to deter grape sales (Los Angeles Times, November 22, 2000). Rodriguez also launched an associate member program that would give farm workers employed in non-union operations the opportunity to participate in UFW services such as help applying for government compensation programs, dealing with immigration problems and filing income tax forms, for an annual fee of \$20.

¹¹ The National Labor Relations Act (NLRA) from 1935, guaranteeing workers rights to organise and join trade unions, had never been extended to farming, as farming was considered a family business. The California ALRA is a notable exception from the general legal non-consideration of industrial rights for farm labour.

The UFW's renewed commitment to organising led to a series of election victories and new contracts. The UFW reported that it won 20 elections between 1994 and 2000 and was able to conclude a number of contracts. These included a December 1994 election win at Bear Creek Production Company, making this enterprise the UFW's largest single contract, with a peak of 1,400 workers¹². More typical, however, is the UFW's prolonged struggle with Gallo of Sonoma. Despite the UFW's electoral victory in 1994, an agreement was not reached until September 2000¹³. The UFW threatened a national boycott of Gallo wines, but the enterprise was determined to bargain hard to hinder the UFW from regaining a foothold in the largest U.S. winery.

The commodity most fully organised nowadays by the UFW is mushrooms. In 1998 the UFW claimed contracts with five firms from the Salinas-Watsonville area, where mushroom production is concentrated: Monterey Mushrooms, Campbells Mushrooms, Family Farms Mushrooms, Sunrise Mushrooms and Ariel Mushrooms. In July 1999, the UFW signed a contract with Quincy Farms (Prime Mushrooms) in Florida that boosted the pay of about 250 workers to \$5.75 an hour; another 200 piece rate harvesters earn \$8 to \$9 an hour.

In 1996, the UFW announced plans to almost double its membership by organising California's 20,000 strawberry harvesters. The union received strong support from AFL-CIO president Sweeney who said that the UFW's strawberry campaign was the most important union organising drive in the U.S. In practice, the drive which included 150 organisers and received matching funds from the AFL/CIO, proved to be difficult. Despite the efforts, no strawberry elections were held in 1997. The most important problems the UFW encountered were that some of the growers where UFW won elections went out of business; many of the workers were young, undocumented and unfamiliar with the UFW; some of the supervising foremen were anti-UFW (Martin 2001b: 39). In its campaign, the union targeted the largest employer of strawberry pickers in the U.S., Garguilo¹⁴. After the company (today named Coastal Berry) had been taken over twice a rival of the UFW, the Coastal Berry Farmworkers Committee (CBFWC), emerged in 1998 and demanded an election. When the CBFWC won by 523 to 410, the UFW challenged the election and new elections were held in May 1999, which the competitor union won again (646-577). The UFW challenged the result once more and asked the ALRB to create two bargaining units at Coastal Berry, one for Coastal Berry's 750 workers in the Oxnard area of California (UFW), and another for Coastal Berry's 1200 workers in northern California (CBFCW). The ALRB agreed to this in May 2000 and the two unions were certified. In March 2001, the UFW signed a contract for the 750 Oxnard workers, including a company paid dental and medical plan available to workers and their families in Mexico and the U.S., six days of paid holidays, a grievance procedure and a wage increase of between 7% and 15% (San Jose Mercury News, March 9, 2001)¹⁵.

¹² The Bear Creek relationship is unusual as the UFW has an exceptionally close relationship with management and workers are involved in efficiency gain programs. Bear Creek in turn has developed a Cesar Chavez rose and the UFW is helping to market this rose to the Latino population.

¹³ In the negotiations guided by a state labour mediator the UFW reached a three-year contract that covered 450 vineyard workers in Sonoma County and guarantees modest wage increases; hundreds of Gallo's employees in other locations are not covered by the contract, though (Los Angeles Times, September 2, 2000).

¹⁴ The company produces 11% of the strawberries eaten in the U.S.

¹⁵ Together with the 1998 contract for a handful of farms belonging to Swanton Barry Farms in Santa Cruz County (the largest producer of organic strawberries) the UFW now holds two contracts in strawberry farming.

Between 1996 and 2000 the UFW has increased its membership from 26,000 to 28,000 and in 1998 it announced that it held 40 contracts. Although this is a remarkable success, the self-proclaimed goal of doubling its membership was far from having been achieved. Undoubtedly, the UFW's focus on farm labour organising has contributed to a new dynamic within the organisation; moreover, the UFW president Rodriguez has a more visible role in public as well as in union politics since he was appointed to the AFL/CIO executive committee. Whether these successes can be maintained and extended remains to be seen. The history of California farm labour struggles shows that successes can be short-lived, as the structural problems of organising farm workers remain remarkable: high mobility among the workforce combined with a continuing labour surplus creates an inherent tendency to depress working conditions; single farms contracted by the big agribusinesses have limited individual possibilities to pass over wage increases to them; price-sensitive (inter)national competition; regularly hostile employers and state administration. The success of future organising efforts will also depend on how the UFW responds to the new problems and issues facing today's farm worker generation: they are younger; they are more than ever foreign-born and to a considerable extent undocumented; and they are poorer as a result of depressed wages and partly denied access to public welfare and health care. Undoubtedly, the UFW's present campaign for legalisation of farm workers is a crucial element in the strategy. To meet the concerns and needs of the new generation of farm workers, some union organisers have begun to turn to broader social issues of housing, education and environment – an approach resembling the UFW's strategy in the 1960s when it cooperated with organisations (such as the church, legal advice or football clubs) in local Mexican communities, trying to create local union-friendly cultures and networks that could eventually serve as a basis for worker struggles, also in other industries (Majka and Majka 1997). The UFW's recent move into areas other than farming, concluding an agreement at a Bakersfield furniture factory in August 2001, might indicate the birth of a new strategy to move into industrial sectors in which Latino (ex-farm) workers are present and which are possibly easier to organise thanks to the legal provisions of the NLRA and the relative employment stability¹⁶.

In Ohio and Michigan another farm worker organisation, the Farm Labor Organizing Committee (FLOC), founded by Baldemar Velasquez in 1979, achieved considerable successes with boycotts from the 1980s on. The structure of agricultural production as well as labour rights in the Middle West is different from California. Every year the farmers conclude contracts with big food companies such as Campbells and Heinz, which guarantee to take the whole harvest. Prices as well as conditions of production are determined in the contracts, so that the individual farmers are left with little space for pay bargaining with a union. After many attempts to conclude agreements with single farmers, FLOC decided to seek recognition by the food companies. When in 1979 Campbells refused to negotiate over working conditions, the union called for a boycott of the firm's products. During the campaign the goal of the boycott shifted away from simply exerting economic pressure to attacking the company's image by a publicity campaign. FLOC managed to get support for the boycott from more than 200 religious, union and other organisations. For example, in 1985 the association of catholic bishops in Ohio called on their schools and hospitals to refrain from buying products of these two companies. Though Campbells

¹⁶ In a newspaper interview UFW president Rodriguez commented on this move: "It's time to take Cesar's (Chavez) vision and his values and beliefs and go beyond what we've traditionally done and diversify ... Many of the workers were Latinos, and they were sons and daughters of people who had been in our union," he said. "They knew of the UFW, and they wanted to work with us" (San Francisco Chronicle, August 30, 2001). This emphasis on ethnicity as an organising principle is, as Ganz (2000) emphasises, not new to the UFW's agenda. Chavez had already strategically combined elements of ethnic labour associations (reminiscent of earlier attempts to organise black farm workers) with community organising.

accepted negotiations with the FLOC, a collective bargaining agreement between Campbells, the farmers association Campbells Tomato Growers Association and FLOC was signed only when the biggest national association of protestants was about to join the boycott (Majka and Majka 1997).

The unique three-year agreement contained guaranteed hourly wages of \$4.50, the coverage of the health insurance contributions and the wages of two full-time union representatives as well as setting up commissions charged with investigating the use of pesticides, the state of health provision and childcare. About 800 workers in tomato and pickle farms in Ohio and Michigan were covered. In 1989 Heinz and the Campbell subsidiary Vlasic Pickles signed similar agreements with the FLOC, which covered 3,300 workers and have been extended since then. At the same time, FLOC's membership has grown from 4,000 members in the early 1990s to 7,000 in 2000 (Martin 2001b: 46). A more recent and still ongoing campaign, started in May 1999 in North Carolina, calls for the boycott of Mount Pickle Olive & Co., the second largest US pickle company after Vlasic, as the company has so far refused to enter into three-way contracts. The extension of FLOC activities to the pickle and tomato farms in other states such as North Carolina has to be partly understood as a means for the union to level off production costs in the Middle West in order to prevent the big food companies from picking cheap, non-union farms.

2.2. Migrant workers in South Africa: The case of miners

Cross-border migration is nothing new in Southern African history. In its modern form, migration to South Africa dates back at least 150 years. At the one end there is the highly formalised and regulated contract labour system of the mines; at the other end various kinds of informal, unregulated or clandestine border crossings. Census data shows that South Africa's foreign-born population was always considerable and increased in the course of the twentieth century. Before turning to the situation of foreign contract mine-workers, I will briefly outline some quantitative, political and social aspects of current migration to South Africa.

After 1994, the first democratically elected South African government initially took a strong anti-immigration stance, couched in arguments of job-protection for the citizens in the face of a very high unemployment rate (currently 36%). As a result, legal immigration dropped to an all-time low (less than 10,000 per annum in the late 1990s)¹⁷. Temporary residence and work permits became harder to obtain. This policy shift did not, however, prevent the strong increase in non-contract migration to South Africa. Africans mostly from the region, but also from as far away as Ghana and Somalia, come to South Africa to visit friends, look for work, get medical treatment, sell or buy goods, etc. Documented border crossings from the countries of the Southern African Development Community (SADC)¹⁸ have increased almost seven-fold to over 3 million visitors a year since 1990. The fall of apartheid as well as deteriorating social and political conditions in the sending countries, e.g. in Lesotho or Mozambique, most likely contributed to the new attractiveness of these border crossings. Undocumented migration appears to have been on the rise, too. Estimates range from 500,000 to 12 million undocumented migrants living in the

¹⁷ Former apartheid immigration policies were not so much characterised by their restrictiveness as by their highly selective character. Following racist criteria, all immigrants had, according to the Aliens Control Act, to be "assimilable by the white population" and not to threaten "the language, culture or religion of any white ethnic group". In the minds of white South Africans and their governments, immigration was the key to survival. For the black population immigration was thus another instrument of racial oppression.

¹⁸ Currently the members of the SADC regional integration project are: Angola, Botswana, DR Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

country at any one time (out of a total South African population of around 38 million people). Though these figures are likely to be exaggerated, there is no doubt that there is an increase in the number of people overstaying their visas and entering without adequate documentation (McDonald *et al.* 2000).

In response to the changing patterns of migration to South Africa, the government is in the process of redrafting immigration policy. The release of the White Paper on International Migration in April 1999, followed by a migration bill by the South African Department of Home Affairs, mark a departure from the current Aliens Control Act, dating back to the apartheid era, and is an attempt to make immigration policy more consistent with the country's human rights legislation. As the name indicates, the former act reflects the tradition of control-and-expulsion and South Africa's reliance on short-term contract labour that could be expelled if no longer needed. The debate over the new bill has been highly contested. It is marked by a decisively negative streak against (African) immigrants in the popular press, politics and public sentiment. Several incidents of (racist) xenophobia such as physical attacks on street vendors in Johannesburg by South African traders in 1996 or the death of three foreign citizens at the hands of South Africans returning from a rally of the unemployed in Pretoria in 1998 have been accompanied by allusions in the mainstream press to a "flood of illegal aliens" that bring disease and crime to the country and threaten its social and economic stability (McDonald *et al.* 1998; Human Rights Watch 1998)¹⁹.

The lack of reliable quantitative and qualitative data makes it impossible to say anything conclusive about the South African migrant population as a whole. In one of the first attempts to close this gap the South African Migration Project (SAMP) interviewed 501 migrants from 10 different African countries in three provinces (McDonald *et al.* 1999)²⁰. Key findings of their survey are:

- Migration to South Africa is still male-dominated. SAMP samples from the main migrant countries Lesotho, Mozambique and Zimbabwe show, however, that women are an increasingly important feature of cross-border movement, as migration routes become more established (cf. Dodson 1998);
- Migrants are motivated, educated and skilled. The majority of them are documented;
- Though they find work easily, they do not earn high wages. 78% of the sample was working part or full-time, with 38% of those employed in the informal sector and 62% in the formal sector. Of the 22% who were not employed, 8% claimed to be students. 78% of respondents were previously employed in their home countries, suggesting that foreign migrants bring employable skills²¹.
- They often have substantial responsibilities at home, mostly including house and family. Few have the desire to settle permanently in South Africa.

¹⁹ In 1998 the Southern African Migration Project (SAMP) published a survey of public opinion in relation to migration and immigration that shows the extent to which South Africans are unfriendly to outsiders (cf. Southern African Migration Project/ South African Human Rights Commission 2001). Nearly 80% favour a total ban or very strict limits. One in five feels that everyone from neighbouring countries living in South Africa (legally or not) should be sent home. Accordingly, the more liberal migration initiatives by the government have not enjoyed much public support: Between 1996 and 2000, the government offered legalisation amnesties to various longstanding contract workers, ex-Mozambican refugees and others. Over 350,000 people benefited from this effort. Antagonism against these measures was particularly intense amongst white respondents (76% opposed this, compared to 59% of the black population).

²⁰ As truly random sampling was not possible, the SAMP pursued a 'snowball sampling' within different communities. Therefore the sample was not representative.

²¹ There is no data available on the gender wage gap in the migrant population.

2.2.1. Conditions of contract mining work

The mining industry – the basis of South Africa’s economic development in the 20th century and one of the country’s biggest employers – has for a very long time relied on male²² migrant workers. 150 years ago, migrants from Mozambique, Malawi and Lesotho marched all the way to the Kimberley diamond mines. When in the 1890s the Witwatersrand gold mines opened, migrants from these areas were joined by migrants from many other parts of the region: Angola, Zambia, Zimbabwe, Botswana and Swaziland. Within the region as a whole, labour migration to the major employment centres such as the Zambian copper belt, the Zimbabwean coal and gold mines, the South African mines and the commercial farms of Malawi, Mozambique, Swaziland and South Africa created a system of overlapping regional migration streams. In the late nineteenth century the South African mining industry, supported by the Portuguese and British colonial governments, created a regional labour market for mine labour that included most of the countries that now comprise the SADC (Crush 1997).

As a result, throughout the twentieth century more than 40% of the mining workforce was non-South African. This figure peaked in the late 1960s at over 80%. “Thus over the years hundreds of thousands of male migrants throughout Southern Africa have spent the greater parts of their working lives in South Africa. Few parts have been untouched by the involvement of young male migrants in mine labour in South Africa” (Crush 1997). It has to be noted that during white domination, the mining industry was probably one of the most repressive institutions with its migrant labour system, influx controls, single-sex compounds, the colour bar, anti-unionism and low wage policies. Today’s documented workforce of the mines consists of almost 50% of foreign miners²³. The Employment Bureau of Africa (TEBA) still recruits the mine companies’ contract workforce throughout the Southern African region. Lesotho and Mozambique are the most important countries of origin, with much smaller numbers from Botswana and Swaziland²⁴. To a large extent the workers continue to live in hostels. They are largely employed on annual contracts and must return home on their expiry or, alternatively, stay illegally in the country until they find a new contract. The major change is that in the old days, miners could go home only once a year, whereas now they are allowed to return more regularly - if they can afford to do so (Crush *et al.* 1999).

The South African gold mining industry has been in a crisis for more than a decade as the gold price stagnated, reserves declined and costs rose. Since 1987, major restructuring has been the response of the handful of powerful mining conglomerates that control the mining companies. As a result, the industry has since then shed over 50% of its workforce. Between 1987 and 1993 an estimated 160,000 jobs were lost. Data shows that many more South Africans than non-South Africans were laid off during this period (ratio 2:1). Workers from Swaziland and Mozambique were hardly affected by the dismissals (Crush 1997); employers however failed to give an explanation for this. The downsizing of employment continues today: in 2000 alone approximately 50,000 workers were dismissed (NUM 2001).

²² Less than 5% of the industry’s employees are women.

²³ This number is likely to have fallen after the government’s miners’ amnesty in 1995-6 that now classifies Mozambican and Lesotho miners as South Africans. Originally pushed for by the NUM and designed to make the new permanent residents eligible for the same social benefits as native workers, provisions in the 1992 Social Assistance Act deprived the new permanent residents of old-age and disability coverage (ILO 1997).

²⁴ Not surprisingly, national, regional and household economies in these countries show a heavy dependence on the contract workers remittances (Crush 1999). In the case of Mozambique and Lesotho, home country legislation compels migrants to transfer home 60% and 30% respectively of their wages.

However, growing numbers of retrenched miners have been re-hired by sub-contractors, often to do the same job at a greatly reduced pay. In the past, sub-contracting was confined to mine development work such as shaft sinking and construction. In the last decade mines began to systematically contract out functions such as cleaning or catering. More recently, sub-contracting has been introduced into core functions of production. The National Union of Mineworkers (NUM)²⁵ recognised from a very early stage the threat this strategy posed to the union and to workers' rights, hard-won in the 1980s, such as reducing costs (wages tend to be lower; employees are not covered by mine death and benefit schemes and retirement saving schemes), avoiding unions (most contracted workers are not unionised), circumventing protective regulation (such as the collective agreements between the NUM and the Chamber of Mines) and legislation and increasing flexibility and productivity (most workers are exclusively paid at piece rate schemes) have been at the heart of the subcontracting policy (Crush *et al.* 1999).

The proportion of miners working for contractors has been growing steadily since the early 1990s and today is estimated at 10%. Contractors reportedly show a strong preference for labour from Mozambique and Lesotho (McDonald *et al.* 2000). These are recruited either through the TEBA or through engaging undocumented migrants (often ex-miners) from within South Africa. The existence of two 'classes' of mine-workers has regularly led to hostility and at times violent conflict. Miners feel that the subcontracted workers undermine the basic employment standards they attained and that their jobs may be the next to be sub-contracted, while many subcontracted workers feel that documented employees are lazy and pampered and use them as scapegoats (NUM 1998; Crush *et al.* 1999).

2.2.2. Trade union policies

Historically, the position of the NUM towards migrant workers cannot be understood without considering its 'double role' in the South African anti-apartheid liberation struggle and the regulation of workplace-related matters as a union. The notion of 'workers unity' has been central to the South African union movement – a fact that becomes fully comprehensible only if set in the context of the systematic divide and rule tactics ('racialisation') employed by the white ruling class in all aspects of social, political and economic life. On the mines, for example, certain functions were attributed only to workers with the same national/language background; mineworkers' hostels were equally separated along ethnic and language lines, etc. To overcome these divisions, right from its start in 1982 the NUM fought for an agreement with the Chamber of Mines to have the right to enter mine property and access the overcrowded and isolated black workers' compounds, try to organise them and get them to participate and join, irrespective of their origin. As the NUM was a very small union in terms of full-time officials, unionists who lived in the hostels would do the biggest part of the recruiting work. A further advantage was that these activists knew the mine from the inside, so that they were aware of the particular problems workers were exposed to, the health and security conditions and the way management worked. The problem of organising a multi-lingual workforce was overcome either by union-minded people who spoke the same language as the recruiting target workers or simply by agitating them in the typical mine dialect consisting of a mixture of several regional languages.

The NUM's participation in the national liberation struggle normally would not pose a problem to the foreign contract workers. On the contrary, for many the NUM became their political home, as they believed that the South African struggle was a part of a bigger struggle to liberate the Southern

²⁵ The NUM is the biggest affiliate of the national centre COSATU. After NUM's merger with CAWU (Construction and Allied Workers Union) in September 2000, its membership rose from 245,000 to 267,000 members.

African continent. The fact that by far the majority of them accrued many years of service in South Africa probably furthered the identification with the union's as well as the South African cause.

Although the NUM didn't create – for the reasons already mentioned – particular structures for migrant miners, this didn't prevent the union from pressuring in many ways for the cause of their migrant worker membership:

- The NUM campaigned against the obligation to renew contracts of the migrant miners on an annual basis. Under the contract labour system, service is not accrued and miners are prevented from building up seniority.
- The NUM pressured for the creation of the Mineworkers Development Agency (MDA). This institution, funded by the big mining employers, aims to give retrenched people from the neighbouring countries 'a life after mining' through training programmes and micro-loans to set up businesses.
- For many years, the NUM has been criticising the system of compulsory deferred pay for migrant workers, obliging Mozambican and Basotho workers to send the major proportion of their salary to their home countries.
- The NUM fought for a dignified return of dead miners' bodies to their home countries, including sending delegations, travel and funeral expenses to be paid by the mine.
- As black workers were not entitled to pension benefits until 1989, the 1987 miners' strike led to an agreement with the Chamber of Mines to create a retirement fund accessible to all miners, regardless of their nationality.
- Through hard bargaining with the government, the NUM won the right for those workers to be regarded as citizens or permanent residents who had lived and worked up to 1986 as citizens of the country.
- The NUM has broadly succeeded in de-racialising the hostels system by making sure that there is no language distinction in the way rooms are allocated. It also aimed at democratising a system that was similar to a jail with entry access controls and denied the workers the right to live in family units.

The NUM is a major affiliate of the largest trade union confederation in South Africa, the Congress of South African Trade Unions (COSATU)²⁶, which has made significant contributions to the development of Government policy on immigration, particularly in the context of the current debate on the South African migration bill. COSATU demands "a rational and coherent labour migration policy", to address the following elements :

- A strategy for the reconstruction and economic development of the entire Southern African region;
- A policy to regulate the position of different categories of people migrating to South Africa, including migrant workers here for some time, refugees, and people who have only come into the country recently;
- A policy to upgrade migrants, and to ensure that they work under the same conditions as South African workers;
- A policy to deal effectively with employers exploiting people here illegally; and
- An agreed approach within the region to the movement of people and border controls."

²⁶ COSATU has 19 industrial unions in affiliation, organising a total of just over 1.8 million members.

COSATU demands that Government migration policy “must not compromise the interests of workers in Southern Africa” and that it should be part of a broader regional economic development plan aimed at overcoming problems of poverty, insecurity and skewed development and improving the living conditions of all who live in the Southern African region. It calls for “fair and proper control of entry of migrant workers into South Africa” a migration policy which must ensure humane treatment and “promote the formalisation of migrant workers coming to South Africa from other countries”.

2.3. Migrant workers in Spain

There is a widespread recognition in recent academic and political debate that Spain has developed from an emigration to an immigration country over the two past decades. Massive labour migration is by no means a new phenomenon in the country; much as south-north migration was central to Italy’s industrialisation, the massive influx of cheap labour from other regions of Spain (particularly Andalusia, Extremadura and Galicia) was crucial to the country’s economic development in the 1950s and 1960s²⁷. What is new is the unprecedented level of immigration from outside the country. In fact, from the 1950s to the 1970s there was a negative external migration balance in Spain, which became positive in the late 1970s. These migration movements included large numbers of returning Spaniards from northern Europe and Latin America as well as EU citizens. In addition, rapidly increasing numbers of migrants from developing countries entered Spain from the beginning of the 1980s. This group is of particular interest here, as they do not enjoy the political, residential and labour market advantages of EU citizens and returnees (Calavita 1998).

In 2000, foreigners made up about 2.5% of the Spanish population²⁸. 600,000 of documented migrants are non-EU citizens, including 200,000 Moroccans, 30,000 Ecuadorians, 30,000 Chinese and 10,000 Poles. Between 150,000 and 200,000 migrants are believed to be in Spain without valid residence permits (Salvatierra 2001)²⁹. While the gender ratio between EU nationals is more or less balanced, in the non-EU population (with the notable exception of Dominicans, Cape-Verdians and Filipinos) the majority are male (Escrivá 1997; Gimenez 1998).

The economic and political integration of Spain into the European Community (EC) played a major role in the shaping of modern Spanish immigration regulation (Escrivá 1997). Around the time (June 1985) Spain joined the EC, five EC member countries (Germany, Luxembourg, Belgium, France and the Netherlands) signed the Schengen agreement to dismantle their internal borders. With this step in EC policies, security and external border control became central themes for the Schengen countries. In this broader context, and indeed as a result of the negotiations surrounding Spain’s accession, the *Ley Orgánica sobre Derechos y Libertades de los Extranjeros en España* (LOE) (‘Organic Law on the Rights and Liberties of Foreigners in Spain’) became effective a few days after Spain’s accession to the EC. This law represents the

²⁷ By 1970, for example in Catalonia (the region which has Barcelona as its capital) 38% of the population was born elsewhere, with 16% coming from Andalusia (Calavita 1998: 534).

²⁸ However, Spanish emigration to Europe and America still remains numerically superior to the foreign population in Spain.

²⁹ Calavita (1998: 531) makes the point that a distinction between legal and illegal migrants isn’t useful, not only as it creates ‘outlaws’, but overlooks the fact that within Spanish Immigration law (this holds true for South Africa, too) the boundaries between legal and illegal populations are porous and in constant flux, as people continuously move in and out of legal status in the context of linking their residence right to work permits.

first legal attempt in Spain to systematise and regulate immigration and was, despite its liberal rhetoric, very much akin to the German model, whereby non-EC migrants were viewed as temporary guests (Apap 1999) and citizenship was based on 'ethnic' criteria (Huntoon 1998)³⁰.

As the LOE took up barely five pages in the Federal Bulletin, subsequent immigration policy has been hammered out almost entirely by administrative policies and official decrees (Calavita 1998). The most substantial of these were, in 1991, the one-year regularisation of illegal aliens who could prove that they already been living in the country before 15 May 1991 and either held working contracts, were self-employed or had previously had a valid residence and work permit. Secondly, in 1993 the national Council of Ministers established annual quotas for foreign workers in agriculture (10,000 workers), unskilled construction work (5,000) and various services (8,500). The quota programme has since then become an integral element of Spanish immigration policy. Thirdly, in 1996 another regularisation programme was directed at those workers who had work permits and residence but who, for a variety of reasons, could not renew them. The government decree created a permanent residence and work permit for those who could prove that they had remained with an uninterrupted status for at least six years. Restrictions on family reunification were also eased (Calavita 1998; Watts 1998; Mendoza 2000).

2.3.1. Conditions of migrant work

The Spanish labour market is marked by its dual structure: on the one side there is the technologically advanced primary sector which is covered both by state regulation and collective agreements (75% of its workforce), overseen by the two largest trade union confederations, the *Union General de los Trabajadores* (UGT) and the *Comisiones Obreras* (CC.OO.). On the other side there is an extensive informal economy that is traditionally concentrated among home workers, farm workers and the self-employed. It expanded dramatically in the course of the economic restructuring and take-off of the Spanish economy in the 1970s and 1980s and is today considered as a central component of Spain's industrial development policy. Calavita (1998) reports that in 1997 the informal economy contributed to some 14% of the gross national product. Other sources give an estimate of 25% (Watts 1998). Some specific industries are believed to rely almost exclusively, primarily by subcontracting, on the informal economy. Here, social insurance contributions are evaded; taxes are not paid, labour laws and collective bargaining agreements are violated (ibid.). Taking into account the limited employment opportunities available to migrants from developing countries or their frequently irregular legal status, it comes as no surprise that several studies have shown that the large majority of these migrants are employed in the informal economy.

Migrant workers tend to be concentrated in five different sectors of the Spanish economy: domestic service, hotel and restaurant industry, agriculture, building and retail trade. These areas of employment account for 65% of the immigrants' employment (Solé *et al.* 1998)³¹. It is usually

³⁰ A privileged status was created for foreigners from Latin America, Portugal, the Philippines, and Equatorial Guinea and for Sephardic Jews, Andorrans and natives of Gibraltar. While these countries were given preference because of their historical ties, it is significant that no such treatment exists for Moroccans coming from the region that was a Spanish protectorate until 1956 (cf. Apap 1999).

³¹ As various studies have emphasised, migrant workers do not compete with Spanish employees, as native Spaniards refuse to work in these sectors. Hence, Spain can be taken as an example of a national labour market with a high-level of unemployment (14.9% in 2000) combined with labour shortages in specific areas. Watts (1998) claims that this particular (ethnicised) segregation of the labour market is one of the reasons why trade unions did not encounter resistance by the membership against their immigration and anti-discrimination policies.

female migrant workers who enter domestic services. As the UGT (2001) notes, domestic labour has become the decisive entrance door for female migrant workers into the Spanish labour market³². Domestic work is also an urban occupation, concentrated almost exclusively in Madrid and Barcelona. Most of the employees are live-in servants, though an increasing number work on an hourly basis. The largest number of domestic servants is from the Philippines, the Dominican Republic, Morocco and Portugal. Only a tiny minority of the women hold permanent work contracts; it is also common that domestic servants pay their own social security contributions. Long working hours (8 am to 11pm) are usual as well as payment delays or being dismissed without receiving any severance pay. The absence of witnesses in the domestic setting makes them particularly vulnerable to all kinds of abuse, particularly as they depend on their employer to keep their work permits. The social security scheme to which they have to adhere neither provides unemployment benefits nor does it recognise accidents at work (in detail: Veiga 1997; UGT 2001).

The majority of workers in the construction industry come from Morocco. Their conditions of work are very poor and dangerous. “They have no job contracts and are therefore not entitled to social security coverage. They are paid less and can be fired at any time. Some of them live in makeshift housing adjacent to the construction site and ‘rent’ is deducted from their salaries” (Solé *et al.* 1998: 335). The number of work permits for the construction sector has been falling with the decline in national construction after the World Exhibition in Seville and the Olympic Games in Barcelona in 1992, with the result that today the majority of temporary work licences are issued for domestic servants³³.

Migrants working in the farming industry predominantly also come from Morocco. It is assumed that the majority of them are undocumented (Solé *et al.* 1998). With the exception of workers in the year-round farming jobs, e.g. in the greenhouses on the Andalusian coast, these predominantly young farm workers are usually employed on a seasonal basis. The majority therefore lead an itinerant life, taking them from the strawberry fields of Huelva to the orchards of Lleida and the Maresme, the orange groves of Valencia and Murcia, the potato and asparagus fields of the Rioja and even over the Pyrenees to pick grapes in Southern France. Two recent events have shed light on the appalling working and social conditions of migrant farm workers. In February 2000, after the murder of a Spanish girl by a Maghrebi farm worker in El Ejido (Almería), several Spanish inhabitants of the small Andalusian town “chased the moors” in their cafés, severely injured around 60 workers, burned their cars, looted Moroccan shops and destroyed their makeshift housing (*chabolas*). After the incident, which had to be halted by military presence and has sometimes been described as a four-day “pogrom-like action” by the Spanish population, the Moroccan farm workers (80% of El Ejido’s migrants) went on strike to force the Spanish authorities to provide new housing facilities and guarantee compensation for the victims (cf. Vincent 2000). In another incident on 3 January 2001 in Lorca (Murcia) a train crashed into a lorry overloaded with undocumented Ecuadorian farm workers when the lorry driver tried to evade paper checks by the police by taking a country road. Twelve farm workers died in this incident (cf. Castellanos and Pedreno 2001).

The wages of migrant workers vary widely, depending on the region as well as the sector. While female domestic servants are reported to earn around \$550 per month, Moroccan construction workers can make as much as \$60 a day. Those who distribute butane gas tanks make, depending

³² The second dominant area of female migrant occupation is agriculture.

³³ In 1997, out of a total of 161,900 work permits 104,300 were signed for the service sector (including a majority for domestic services), 14,295 for the construction industry, 24,666 for agriculture, 11,277 for the industry and 7,412 for other sectors (UGT 1998).

on the tips, only \$60 per week. Despite this variation migrant workers' wages are consistently less than those paid to Spanish workers in any sector. A study carried out by the Catalan government found that the hourly pay of indigenous workers was 21% higher than that of migrants (18% in construction, 40% in industry, 50% in the service sector where most migrant workers are concentrated) (Calavita 1998: 542).

Discrimination in the labour market against migrants from developing countries also exists in relation to job application. A recent ILO study (Zegers de Beijl 1999) found, using the 'situation testing method'³⁴, direct discrimination of migrant workers in one in three recruitment opportunities. The research indicated that the Moroccan applicants chosen for the study were often denied the chance to present their applications. The authors assume that these findings also apply to other 'visible' migrant groups, with the possible exception of Latin Americans. The levels of discrimination were highest in Barcelona and Malaga and lower in Madrid. Concerning the sectoral incidence, discrimination was found to be most widespread in the hotel and catering branch of the service sector, followed by, in declining order, industry and the remainder in the service sector³⁵.

2.3.2. Trade union policies

In this section I will deal with the policies and – to a lesser extent – politics of the most representative Spanish confederations at national level, CC.OO. and UGT³⁶. The CC.OO. has paid considerable attention to the migration issue ever since its founding congress in 1977, when it set up the *Secretaría de Emigración* (Emigration Office) within the highest executive body of the organisation. At its 1987 congress, with the change of direction in the migration flow, the CC.OO. decided to change the department's name to *Secretaría de Emigración y Inmigración* (Emigration and Immigration Office), which again was changed in 1991 to its current form, *Secretaría Confederal de Migraciones* (Confederal Migrations Office). In 1990, at its 35th Congress, the UGT set up the *Secretaría Confederal de Acción Social* (Confederal Office for Social Action) to take responsibility for union policies on immigration (Cachón 1997). In line with the generally cooperative relationship of both confederations since the mid-1980s (cf. Miguélez 2001), these two offices coordinate each other's immigration, migrant worker and anti-discrimination policies.

Both the UGT and the CC.OO. have set up special bodies to deal with the specific problems of migrant workers when the first Maghrebi and sub-Saharan African migrants arrived in the 1980s. Problems shared with the Spanish workers are to be delegated to the general structures of the

³⁴ Put briefly (for details see Zegers de Beijl 1999: 78-80), the project was methodically based on choosing pairs of Spanish and Moroccan male testers with identical qualifications and similar appearance (same height and weight, conventional dress and hairstyle). The two test persons then applied in a standardised way for the same semi-skilled jobs. The total of 552 valid tests was carried out in three Spanish provinces (Malaga, Barcelona, Madrid).

³⁵ The level of discrimination in the construction sector was too low to be statistically relevant. Given the fact that the Moroccan testers showed no supply-side disadvantages such as a poor command of the Spanish language, it is likely that the level of discrimination observed in the study is higher than established.

³⁶ Their representativeness is reflected in terms of membership – about 75% of union members belong to their affiliated unions – as well as in the number of delegates in elections for work councils. UGT and CC.OO. account for some 80% of delegates voted for by workers. In two specific regions other confederations are as representative as these: the *Sindicato de Trabajadores Vascos* (ELA-STV – Basque Workers' Union) and *Confederación Intersindical Gallega* (CIG – Galician Multi-Union Confederation). Unionisation in Spain (17.7% in 1997, with women and young people under-represented) is relatively low rate in European comparison (Miguélez 2001).

unions. Both confederations have a network of special centres for migrants, the CC.OO.'s CITEs (*Centros de Información para Trabajadores Extranjeros* – Information Centres for Foreign Workers) and the UGT's *Centros – Guía de Inmigrantes y Refugiados* (Advisory Centres for Immigrants and Refugees)³⁷.

Since the 1960s, the Catalan CC.OO. had been engaged in supporting internal migrants from all over Spain. Based on these experiences, the first CITEs emerged in 1986 in Catalonia, where a large number of African workers had settled. In the late 1980s, the Confederal Executive Committee decided to extend the concept to all the Autonomous Communities. Thus, by 1997, there were more than 100 CITEs and information points throughout Spain. Today, more than 150 people work in these centres; either they are employed by the CITEs, they are volunteers (mostly migrants), or they are unionists with time-off rights for union activities. Although the CITEs are run by the CC.OO., they do have an autonomous legal status. The CITEs' activities can be divided into three basic fields (cf. Cachón 1997):

- Advice and support on administrative and labour law issues: This includes matters which concern migrant workers individually, such as negotiations with the administrative or legal authorities on issues connected to residence, family re-uniting, obtaining Spanish nationality or work permits, information and negotiations concerning visas, labour issues and social security, complaints about discrimination, access to labour markets, etc.
- Providing ongoing information by means of publicity campaigns, media announcements or leafleting. For example, in 1996 the CITEs organised an information campaign for domestic workers; the CC.OO. has its own publications on immigration as well as publications aimed at immigrants (e.g. concerning regularisation and re-uniting of families). Regarding the latter, the CC.OO. publishes the *Cuadernos de Migraciones* (Migration Notebooks), which cover the main provisions concerning migrants. Some CITEs or regional unions of the CC.OO. irregularly publish periodicals for migrant workers and the Spanish membership. These publications run to about 12 pages and are published in various languages.
- Training for immigrants (Spanish language, professional training and job-finding courses e.g. through CC.OO.'s *Fundación Formación y Empleo 'Miguel Escalera'* (FOREM) ('Training and Employment Foundation 'Miguel Escalera'')) and awareness-raising for various groups of Spanish workers, particularly those who have contact with migrants (such as public employees, including the police) is another focus.

The CITE data base that keeps information on the cases and personal profiles of the migrant workers gives the CC.OO. the opportunity to channel the actions undertaken in the various centres, share experiences between the centres more easily and respond quickly to newly arising needs of the migrant workers³⁸; furthermore, the files stored in the database easily allow other CITEs to use this information should the person change his/ her place of residence or work³⁹.

³⁷ Both institutions are financed by a mixture of trade union and local, regional and state government funds.

³⁸ Moreover, it presumably also helps the union head-office to shape and ground its policies on immigration in the national arena, particularly in the *Foro Para la Integración de los Inmigrantes* (Forum for the Integration of Immigrants), created in 1995, and informal contacts with politicians.

³⁹ In 1996, the CITEs managed 29,000 files and held more than 70,000 interviews. It is estimated that almost a third of the documented (migrant workers from developing countries) resident in Spain regularly visit the CITEs. As evidence from Valencia collected in 1996 shows, 48% of cases involve information provision alone and 52% involve opening a file and/or negotiating with the administrative or legal authorities (Cachón 1997: 20).

The UGT's network of *Centros – Guía de Inmigrantes y Refugiados* was first set up in 1991. Meanwhile, the UGT has established 11 centres, situated in the Autonomous Communities with the largest immigrant populations. Where there is no *Centro*, the union's welfare departments will offer special help and advice. The union's legal services cover renewal of work and residence permits, quota procedures, visas and visa exemptions, asylum, information and guidance on occupational issues. Leaflets on these issues are also available (sometimes multi-lingual). Furthermore, the *Centros* help in negotiations with the administrative or legal authorities. Their social activities include (free) courses in Spanish language and culture taught by volunteers, workshops on health promotion and prevention; social and legal guidance courses, run by UGT officials; and awareness campaigns against racist and xenophobic attitudes in the local communities and unions. In 1995 the *Centros* dealt with 7,600 immigrants; approximately 70% of the interviews deal with legal issues, whereas 30% concerned social issues (Cachón 1997).

In terms of their broader stance on immigration and related labour market policies, trade unions have reacted quickly to the immigration challenges and developed policies based on a discourse of active solidarity and equal rights: regarding the question of undocumented workers Spanish unions have constantly been promoting the regularisation of migrant workers instead of their deportation. Both regularisation campaigns and enforced employer controls and sanctions are viewed as the best way to combat irregular employment. A struggle against the highly exploitative conditions found in the informal sector is believed to benefit both regular (Spanish nationals) and irregular (foreign) employees (CC.OO. 1998; Watts 1998). Another argument is that regularisation will stabilise the undocumented migrant worker's bargaining position vis-à-vis the employer. In terms of the regulation of the immigration flows, Spanish unions have taken a moderately open position by promoting the extension of family-uniting rights. They don't oppose the quota system as such, but want to participate in its negotiation, extend the sectors included and oppose the sometimes excessive reduction of the year-to-year quotas.

Concerning the integration of migrant workers into the labour market, unions have been calling for equal rights in terms of access to jobs and recruitment procedures. They have also tried to integrate anti-discrimination clauses in collective agreements, albeit without much success to date (Vincent 2000). One of the reasons might be, as Cachón (1997) assumes, that there is a difference between the declarations of the confederations and the practical application of these principles by their sectoral affiliates. "This is probably a question of changing priorities rather than ignoring strategies", he concludes (ibid: 32)⁴⁰. Unions also try to push authorities to grant migrant workers (irrespective of their legal status) access to basic social services such as education, health provision and certain social benefits. Watts (1998) attributes the legal improvements of the rights of migrant workers in the 1996 (see above) to the trade unions' strategy of intensive formal and informal lobbying, which they combined with efforts of mass mobilisation (e.g. a union-organised nationwide demonstration in Madrid in November 1994 mobilised tens of thousands protesters against Spain's restrictive immigration policies).

In terms of organisational change, the commitment to anti-discrimination has led to several campaigns, e.g. in the context of the campaign of the European Trade Union Congress (ETUC) against racism and xenophobia, and regular seminars on immigration-related matters. They also offer internal programmes on anti-discrimination and the immigration issue. The CC.OO., for example, has developed – in collaboration with the CITEs – awareness-raising courses for particular groups, such as Spanish unionists and public sector employees, particularly local police and court employees (Cachón 1997). Reportedly, the number of immigrants employed at various

⁴⁰ From the perspective of the practical outcome, the result, however, is the same.

levels of the UGT and the CC.OO. is rising, too. They remain however concentrated in areas specifically occupied with migration issues, such as the *Centros* or the CITEs; official positive discrimination policies regarding the employment of union staff of migrant origin don't exist.

Although both the UGT and the CC.OO. have tried to encourage migrant workers to become members, the results seem variable. One of the biggest obstacles to organising migrant workers in Spain is a widespread mistrust of unions that views them as being part of the national institutions; herein lies a major challenge for any union work with migrant workers. Another central obstacle is, of course, the conditional connection between the holding of a work contract and the residence rights that makes any employer resistance by the migrant worker a highly risky task: "Without work, they will not get a permit and, without a permit, they are virtually doomed to deportation" (Cachón 1997: 30). It is for this reason that migrants prefer, in the words of a CC.OO. representative, "to work longer hours, receive lower wages, do the worst shifts and the hardest jobs – because at least they are working" (ibid.). The fact, that immigration is a recent phenomenon and that there are not many migrants in the country might also to some extent help to explain the reluctance⁴¹. Generally, migrants tend to be weakly organised, except in certain areas: in the agricultural communities of Murcia and Almería, the CC.OO. claims that 80% of its membership is Moroccan.

To sum up, the Spanish trade unions have developed a remarkably positive and active attitude towards the immigration issue, even though the country's immigration experience is only recent and labour market problems are considerable (high rates of unemployment, large informal sector, excessive proportion of short-term contracts, particularly amongst women and youths, etc.); other national trade unions operating in comparatively better regulated labour markets are politically far more passive and/or have chosen more restrictive policies. It seems as if today the trade unions play an important role in articulating migrant worker demands as well as in their 'integration' into Spanish society⁴².

At the same time their work is vital for Spanish society itself: to promote "the spread of positive attitudes and a social climate that will foster acceptance of immigrants" (Cachón 1997: 32). In this sense the CC.OO. and the UGT perform an important anticipatory function: as long as the gap in wealth and opportunities between the countries and regions 'inside' the global markets and those cut off persists, if not widens, people will try to find a better living by migration.

3. General conclusions

The gradual transformation of the European Union into a fortress against unskilled and semi-skilled migrants from developing countries will not so much prevent such migrants from entering as it will multiply the channels by means of which they seek to gain access to Spain or, indeed, other 'islands of wealth and peace' in the global economy. In this context experts already speak of an 'immigration control crisis' and, indeed, politicians and bureaucrats charged with immigration matters reportedly have less confidence in regulating flows than they did 15 or 20 years ago (Cornelius *et al.* 1994). With immigration as a fact of life, the development of a more

⁴¹ Furthermore, Cachón (1997) mentions a lack of class consciousness, a general distrust of institutions, lack of knowledge of trade unions' functions and activities or a passive attitude towards unions. One could add the lack of language skills (on both sides).

⁴² It should be mentioned that they fulfil this function in (sometimes tentative) cooperation with a variety of evolving non-governmental organisations focusing on the migration issue (ranging from migrant support groups to radical 'open border' groups).

balanced economic and political world order still a long way off, and the increasing reliance of national labour markets and social security systems on migrant workers, it is increasingly important for trade unions to develop strategies that take these factors into account and develop new ways to fight with and for migrant workers and their rights.

The first pillar of such a strategy should be to oppose the humiliating and divisive effects of racial discrimination. There is often a tendency amongst unionists to ascribe racism and discriminatory acts to society at large, while denying their existence in the workplace (Caglar and Javaher-Haghighi 1998). Evidence also shows that union membership does not preclude voting for anti-immigration and racist right-wing parties. Awareness-raising campaigns and non-discriminatory training are important, therefore, in workplaces, the civil society and within the unions themselves. The question of how to close the common 'participatory gap' between native and migrant unionists must equally be addressed. In cases where employers have discriminated against immigrant workers, e.g. during the selection process, legal actions should be taken and trade union workplace agreements should be more frequently used to promote anti-discrimination policies (Wrench 1996).

Nonetheless, trade union policies on the immigration issue cannot stop at promoting multicultural and anti-discriminatory policies, since the situation of the migrant workers as well as discriminatory attitudes of the recipient society are at least equally conditioned by 'objective' factors such as the characteristics of the labour market, the existence of the informal economy, access to social benefits or the legal status (Solé *et al.* 2000). Outreaching to migrant workers therefore has to confront, as a second strategic pillar, these issues also. This can be achieved only by the implementation of positive, active and credible union policies which move beyond a narrow definition of the interests of the local/native workforce and open up to the realities of immigration and develop a more inclusive model of solidarity (cf. Fichter *et al.* 2001) promoting equal rights and equal opportunities for all participants in the labour market.

Trade unions have a lot more to gain from such policies than possible membership gains, more global justice or even greater equality and solidarity. The shift in AFL/CIO policy on the question of undocumented migrant workers may illustrate this point: here, trade unions saw themselves confronted with a situation where the government authorities were incapable of or unwilling to combat the employment of undocumented workers. The unions' traditional position on the question of undocumented workers, however, hindered any organising attempt amongst them and therefore implied threatening consequences for the workers both in the informal and formal economy.

The AFL/CIO's call to regularise the 6 million undocumented migrant workers and grant them work permits (cf. Bacon 2000) is a way out of this political deadlock. Although it is still too early for a definite evaluation of the success of this new, challenging and exciting strategy, it promises to more effectively halt segmentation and exploitation and will ultimately benefit both undocumented migrant and local workers.

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