



WORKERS AND UNIONS ON THE MOVE

Organising and defending migrant workers
in agriculture and allied sectors



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Catering, Tobacco and Allied Workers' Associations (IUF)

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CONTENTS

Introduction	2
Who this handbook is for and how it can be used	3
1. Agricultural and food workers on the move	4
1.1 Migrants – key to the production of food	5
1.2 The problems that migrant workers face	10
2. Unions on the move	18
2.1 Helping to inform migrant workers	19
2.2 Organising migrant workers	23
2.3 Representing migrant workers	29
2.4 Getting governments to take responsibility	35
2.5 Building coalitions and public awareness	46
2.6 Acting at the global level	49

INTRODUCTION

Why the IUF produced this handbook

In many countries, there has long been a need for temporary agricultural workers at particular seasons, especially harvest-time, and migrants have supplied this labour. Today, however, we are witnessing a massive movement of people in agriculture and allied sectors around the world.

Migrant workers now provide up to 80% of the agricultural labour force in some countries or regions, and their flows are increasing. Instead of employing local migrant labour, more and more are being brought in from other countries, sometimes from very distant places.

This huge labour mobility is being generated by neo-liberal globalisation where large-scale transnational producers and retailers are increasingly dominating the global food supply chain. They want to obtain the labour they need with maximum flexibility and at the cheapest possible cost.

For these employers, migrants best fit the requirements. Migrants can be more easily hired and fired; their poverty and vulnerability means they are more likely to accept low pay and conditions; and they have little knowledge of the laws and practices in their destination country, or where to find help when things go wrong.

This growth of migrant labour of course is having a huge impact on how trade unions can and should organise. For some unions, organising migrant workers has become a matter of their very survival. If unions do not recruit, organise, represent and defend migrant workers, their role will become insignificant and some may even disappear altogether. But for all unions in these sectors, organising migrants has become necessary if we are to halt the 'race to the bottom' which is reducing standards for all workers.

As yet, however, most migrant workers are not organised in trade unions. The challenge is not an easy one. The workers are transient; they are often employed through shady or even highly exploitative labour suppliers who keep them isolated and scared for their jobs; they speak languages other than our own, and so on.

Nevertheless, trade unions in various countries are taking imaginative initiatives towards migrant workers, as this shows. There are, for example, new cross-border collaborations between unions, helping to inform migrants before they depart about employment conditions they should expect and where to find help in their destination country. There are new organising programmes reaching out to where migrants are working and living.

Unions are doing this because they understand that a migrant worker is a worker, with all the fundamental rights of other workers; migrants are entitled to proper standards of 'decent work' and should not be exploited.

What is more, migrants are producing the very food we eat... contributing to our own survival! They are entitled to our respect for this, and our support when they need it.

There are bigger questions too. The money being sent home by migrants is often for their families' basic living costs or to educate the children; it is helping them out of poverty. But in the longer term there are also impacts on family structures and community cohesion, on child-raising and care of the elderly. There are also consequences for agricultural sustainability and food supply, as the labour force, its skills and knowledge dwindle in one place to provide manual labour for cash crops elsewhere. We need to promote alternative economic strategies that improve the lives of the poor so that people do not need to migrate to support their families.

So, the aim of this publication is to give unions affiliated to the IUF information and ideas on what can be, and is already being, done to organise and defend better the rights of migrant workers in agriculture and allied sectors. The experiences covered in this publication relate to international migration but we are aware of the large number of internal migrants and we hope the lessons learnt can also be useful to unions working with internal migrants.

Ron Oswald
General Secretary, IUF

"... in too many countries migrant workers are denied the fundamental right to freedom of association and prevented from organising and bargaining for equal treatment. This is shameful discrimination and must end."

Sharan Burrow, President, International Trades Union Congress (ITUC)

Statement to the High-Level Dialogue of the United Nations General Assembly on International Migration and Development, 14-15 September 2006

"In food and agriculture, the workforce is increasingly diverse with migrant workers from all over the world now working in British and Irish factories and farms. We are determined to ensure that migrant workers coming to our country are welcomed, and that we bring them the benefits of strong trade unionism, as they in turn strengthen us."

In becoming their champion, we are returning to our 19th century roots of the new unionism, organising those previously forgotten. Migrant workers should be organised, not marginalised."

My dad came from County Cork (Ireland) to dig roads in London in 1938. He, too, stood on the same street corners waiting for day work, cash in hand. He became a pillar of the trade union movement, as many of our migrant brothers and sisters are today."

Jack Dromey, Deputy General Secretary, Unite T&G, UK

WHO THIS HANDBOOK IS FOR

This handbook is for any trade unionists who want to help stop the abuse and exploitation of migrant workers – whether those who are leaving to work elsewhere, or those who are arriving to work in their country or region. By doing this, you will be helping maintain employment standards for all.

We hope the handbook will be particularly useful for those in IUF affiliated unions who are:

- Union organisers in the field
- Union education officers
- Union officials

HOW THIS HANDBOOK CAN BE USED

This handbook is divided into two sections:

Section 1: Why migrant labour is increasing in agriculture and related industries around the world, and **the kinds of problems that migrant workers face.**

Section 2: What unions can do, and why it is important and useful to do it, by

- Helping to inform migrant workers about their rights in the country to which they are going;
- Organising migrant workers; bringing more migrants into the trade unions;
- Representing migrant workers in negotiations with employers and governments;
- Getting governments to take responsibility by improving and implementing laws, as well as signing up to international standards;
- Building coalitions with migrants' own groups and raising public awareness of the beneficial role that migrants play, especially in helping to provide the food that sustains us all.

Throughout, there are cases which show what IUF affiliated unions are already doing to improve the situation of migrant workers. We hope these will give you ideas for what more you might do too.

Plus there are **Resources** for further useful information, from both publications and websites.

We hope this handbook will be of value to you, and we welcome your feedback.

According to the United Nations' Population Division, there are about **200** million international migrants across the world, and migration flows are increasing.

Migration Facts - 2005

- The 191 million international migrants (in 2005) are about 3% of the world's population.
- About two-thirds come from developing countries: half going to another developing country and half going to a developed country.
- Women migrants constitute nearly half of all migrants worldwide, and in developed countries they are more numerous than men migrants.
- In 41 countries (31 of them small countries with fewer than a million inhabitants), migrants constitute at least 20% of the population.
- Nearly 6 out of every 10 highly educated migrants living in OECD (industrialised) countries in 2000 came from developing countries.

Source: 'International migration and development', United Nations Population Division, 18 May 2006
www.un.org/esa/population/unpop.htm

Resources:

'Stalkers Guide to International Migration': www.pstalker.com

'Migrants in European Agriculture: Open season for exploitation'
by A. Renaut, Trade Union World Briefing, No.7, ICFTU, December 2003,
www.icftu.org/www/pdf/briefing_migrantsE.pdf

"... to put it simply, we are all in this together. More countries are now significantly involved in, and affected by, international migration than at any time in history. And they are no longer so easily divided into 'countries of origin' and 'countries of destination'. Many are now both..."

With their remittances reaching an estimated 167 billion dollars last year, the amount of money migrants from the developing world send back to their families exceeds the total of all international aid combined. And money is far from being the whole story. Migrants also use their skills and know-how to transfer technology, capital, and institutional knowledge. They inspire new ways of thinking about social and political issues. They form a dynamic human link between cultures, economies, and societies."

Kofi Annan, former Secretary-General, United Nations
Address to the High-Level Dialogue of the General Assembly on
International Migration and Development, 14 September 2006
<http://www.un.org/migration/sg-speech.html>

The production and processing of many food crops around the world have become dependent on migrant labour. This is to such an extent that migrant workers are now the majority of agricultural workers in some countries or regions of countries, changing the nature of the rural workforce there.

- **Every year, the European Union's agricultural sector employs almost half a million seasonal workers from countries outside the EU.**
- **The proportion of migrants in the agricultural workforce in Spain is now 80%, most coming from Eastern and Central Europe as well as North Africa and Latin America.**
- **In Germany, 90% of seasonal workers are migrants, mostly from Poland and Romania.**
- **The agricultural sectors of Kazakhstan and Russia use the labour of many migrant workers.**
- **In Malaysian agriculture, there is an estimated one million migrant workers, largely from neighbouring Indonesia.**
- **Production of food crops in the USA has long been dependent on labour from Mexico and other Central American countries.**

Migrants are also becoming a key part of the labour force in food processing, after the crops and animals leave the fields for the abattoirs and factory production lines. Even permanent tasks, previously done by workers with proper employment contracts, are now done by an ever-changing workforce of temporary workers, many of them migrants.

Neo-liberal globalisation emphasises producing food commodities for export, and this is driving the demand for migrant labour. The agriculture and food industries of the world are dominated by a few very powerful companies; they effectively control the production of the food that is sold; they influence what farmers and processors should produce, in what quantities, at what price, and under what time schedule. Their profits are rising but the prices paid to the producers are continually falling.

Competition is driving everyone - from the large producers and retailers to the farmers and factories that supply them - to produce at low cost. They do this by cutting labour costs, by hiring migrant workers on a temporary basis.

Then there are the 'push' factors – the reasons why so many people want or need to migrate to find a living. Lower prices mean lower incomes for farmers, agricultural workers and food processing workers. The rich countries of North America and Europe heavily subsidise their farmers to produce cheap food exports, and so they out-compete the poor countries which cannot afford such subsidies. In some countries, privatisation of land has driven down the number of farm and related jobs available, as well as the quality of the jobs.

The result is that many workers – in many poor countries - are being pushed out of their former livelihoods and have to seek a living in other places.



A Lithuanian permanent worker picks tomatoes at Alfred Pedersen and Son Company (Sweden), October 2006

Women migrant workers

As part of their efforts to drive down labour costs, more and more employers in agriculture and food industries are employing women rather than men. In Asia, for example, it is thought that half the agricultural labour force is now women.

Employers like to employ more women because widespread gender discrimination in society means they can get away with paying lower wages to women; they can more easily avoid other labour costs such as social security benefits.

Women are particularly recruited for manual tasks on farms and plantations such as weeding and hand-harvesting crops such as strawberries, mushrooms, or grapes. Gender-based ideas about what is men's work and what is women's work mean that women are rarely employed in driving tractors and operating machinery. But women are made to do back-breaking work and carry extremely heavy loads.

Women migrants are also employed in large numbers in food processing factories. Women are often to be found on the production lines that process vegetables, fruit and meat products.

Employing women migrants and then denying them access to social security provisions means denying migrant women access to maternity protection. This obviously has a very negative impact on migrant women who get pregnant and give birth. It puts them and their babies at risk.



Romanian and Polish seasonal workers pick cabbages on a farm in the Rheinland-Pfalz region of Germany, October 2006.

“Women migrant workers are particularly vulnerable. They face discrimination as women and as migrants.”

IUF Charter of Rights for Migrant Workers in Agriculture, 2004

Migrants who are children

Some 70% of all child labour in the world takes place in agriculture.

According to international standards (Safety and Health in Agriculture Convention, No. 184, 2001), 18 years is the minimum age for employment in agriculture in dangerous jobs, and 16 years is the minimum age for other farm jobs. Despite this, some 132 million 5- to 14- year-olds are believed to be employed in agriculture around the world. Many are exposed to dangerous work and toxic pesticides; they work long hours, sometimes in extreme temperatures. They can become trapped in forced or bonded labour. Each year, 12,000 young people die while doing agricultural work.



Uzbek school girls pick onions in on a farm in the Shymkent region of Kazakhstan

But the work that children do is often unrecognised and unrecorded. Where a piece-rate or quota system operates, children will often work alongside parents but are not formally hired.

These child labourers include many migrants. As more women migrate, more children travel with them and become part of the workforce. In Africa, children from Mali and Burkina Faso work in Côte d'Ivoire, a country which produces about 40% of the world's cocoa. In the United States, over 300,000 children work as hired labourers on commercial farms; nearly three-quarters of them are Hispanic, including migrants from Mexico. Employers use and abuse the labour of children rather than pay a decent wage to adult workers. Migrant children often have little or no access to education.

The tobacco sector in **Kazakhstan** in Central Asia is heavily dependent on migrant labour from neighbouring **Kyrgyzstan**. Many Kyrgyz children migrate with their parents and work alongside them in the

fields. Here, four Kyrgyz families and their eight children are working on a 10 hectares tobacco farm in the Shylik district of Kazakhstan. They told an IUF mission in July 2006 that they get 50% of the harvest income.

Most of the children attend school, but during summer holidays and after school hours they assist their parents with the work. Often children without proper documentation are not accepted in the local schools.



Resources:

'Bitter Harvest: Child Labour in Agriculture'
ILO, Bureau for Workers' Activities, Geneva, 1997, updated 2002
www-ilo-mirror.cornell.edu/public/english/dialogue/actrav/genact/child/download/bitterharvest2.pdf

International Programme on the Elimination of Child Labour (IPEC)
Information and resources on combating child labour in agriculture
www.ilo.org/ipec/areas/Agriculture/lang--en/index.htm



12 June - World Day Against Child Labour

“Agriculture that relies on child labour is not sustainable. Action to improve the living and working conditions of adult workers in agriculture is therefore key to the elimination of child labour, which means enforcing employment rights and strengthening the position of trade unions in the sector. Ensuring full rights for the migrant workers and access to education for their children in the host country is vital.”

Ron Oswald, IUF General Secretary

Since 2003, 12 June has been designated the annual World Day Against Child Labour (WDACL).

In 2007, the World Day focused on the elimination of child labour in agriculture, because this is the sector that accounts for the largest share of child labour in the world. Migrant children who work on farms are at even higher risk of exploitation and abuse.

On 12 June 2007, the IUF signed a Declaration of Intent with five other international organisations:

- The International Labour Organisation (ILO)
- Food and Agriculture Organisation (FAO)
- International Fund for Agricultural Development (IFAD)
- International Federation of Agricultural Producers (IFAP)
- International Food Policy Research Institute (IFPRI), representing the Consultative Group for International Agricultural Research (CGIAR).

They have committed themselves to working together for at least five years to promote the key ILO Conventions on child labour, and to eliminate child labour in agriculture. Children migrating to work or migrating with their parents will be among those given special attention in their programme.

The IUF is calling on its affiliated trade unions across the world to support the World Day Against Child Labour, and to take action to help root out child labour, particularly in agriculture, by:

- Putting pressure on employers to eliminate child labour in their supply chains
- Lobbying governments to ratify and fully implement the key ILO Conventions, and to promote rural development strategies that improve rural livelihoods and mainstream child labour concerns into agricultural policy-making.
- Raising public awareness through campaigns against child labour in agriculture.

www.iuf.org/wdacl

Migration is seriously affecting the communities and economies from which migrants come as well as those where they arrive.

On the plus side, many migrant workers are sending back home money which helps to sustain their families and educate the children. They are working to help lift their families out of the poverty which drove them to migrate.

However, there are also negative impacts of such large-scale migration. The flow of migrants, including large numbers of women, away from their families is affecting the raising of children and the care of the sick and elderly. The poor communities from which most agricultural migrants come are having to adjust to cope; grandmothers, aunts, friends and even children must step in while parents are away, sometimes for years. And with such large numbers of people on the move, there are also questions for broader community cohesion.

There are fears too that, as people leave their own

land to find work elsewhere, their knowledge of how to produce food in their own region is being lost; there are fewer of them there to work the land and pass on the skills to future generations. This brings into question agricultural sustainability in the home countries of migrants.

What is needed instead is investment in sustainable development that reduces the need for people to migrate. To be ‘sustainable’, social and environmental as well as economic aspects have to be integrated. Creating opportunities for people to earn their livelihoods through decent work at home is a better alternative to mass migration from poor countries while rich ones feel the need to guard their borders. Improving people’s lives and livelihoods will turn migration into a positive choice rather than a survival strategy.

“To be sustainable, agriculture must be economically viable, ecologically sound and socially just.”

International Workers’ Symposium on Decent Work in Agriculture, International Labour Organisation, September 2003

Moldova: Poverty pushes people to migrate

In December 2005, union delegates from Europe, Scandinavia and Central Asia attended an IUF international workshop on protecting the rights of migrant workers in agriculture and allied sectors. It was held in the Republic of **Moldova** in Eastern Europe and they took the opportunity to visit two villages in the Anenii Noi district. People in that region have been migrating to find work because, since the Soviet structures collapsed, the old regime has been replaced, not with a more sustainable economy but with privatisation without long-term investment, pushing the people into poverty.

Most of those who came to the meeting at the ‘**Basabarabia**’ **Agricultural and Manufacturing Cooperative** in Gîrbovăt village had at least one relative working abroad. They said it is mostly young people and women who leave; there are simply not enough jobs and agricultural wages are now too low to keep them there. Many children these days grow up with only one parent, or are raised by grandparents or other relatives, they said.

When asked if their relatives abroad are ‘documented’ workers, i.e. have permits to work in their host country, only one hand went up. They said their relatives live with the fear of being deported; most of the time they are isolated; and they are not aware that unions exist which could help them.

So, how did they think unions can best help migrant workers? Those present did not realise that migrant workers have the right to join a union in a host country. It would be very useful, they said, if national and international unions could provide migrants with information about their rights and how to be in contact with unions.

The village of Bulboaca in the same district has 6,000 inhabitants, about 670 of whom (over 11%) were working abroad at the time of the visit. As well as union leaders and members of the **SRL ‘AgroVin Bulboaca’** and **S.A. ‘Dacia Universal’ cooperatives**, also present at the meeting were former migrant workers.

One told how, while working as a construction worker in Moscow, Russia, he fell from the fourth floor and broke bones in his hands. The employer took no responsibility; he just paid him for the work done

and told him to leave the workplace within 24 hours. Friends paid for the worker’s hospital treatment and helped to send him home, where he needed three more months of treatment. He had gone to work in Moscow because he has four sons and his wage was not meeting the basic needs of his family. While in Moscow, he lived on the construction site; no meals were provided and he ate only the sandwiches that he and his colleagues made.



Of all those at the meeting who had worked abroad, only one man, an agronomist, had been a union member there. That was in Italy, where he worked for six years. He paid the union 50 Euros to join, and they helped him with legal support. He eventually returned home to be with his family and he now draws a pension from Italy.

The discussion led on to how unions can help workers who intend to migrate with language courses and basic information about employment legislation in the country to which they are going. This would help them to adapt more easily in the host country, they said. They also asked for union help on health and safety issues; many people return from Italy suffering from mental stress, while those coming back from Russia are often injured or even disabled, they reported. Unions need to seek out migrant workers at their workplaces, they advised, because rarely can migrant workers leave their work to go and look for union support.

Resources:

‘International Labour Migration and Development: the ILO perspective’
International Migration Programme, ILO, June 2007
www.ilo.org/public/english/protection/migrant/download/perspectiv_dev.pdf



When people migrate and find work under decent conditions, where they are paid properly, and their fundamental rights, as well as their economic and social contribution, are respected, then there are many benefits to them as individuals, to their families and communities, to their home countries, and to their destination countries. It is a win-win situation all round.

Unhappily many, perhaps most, of today's migrants do not have such a positive experience.

A costly and dangerous journey

Many migrant workers have to go into debt just to pay for the transport from where they live to their new job in a distant country. Not only that, the journey can be very hazardous. Some are abandoned en route. Some have been placed inside containers and suffocated to death. Others have been put onto ships or boats that have sunk at sea. Hundreds of Moroccans are thought to drown every year trying to cross the Mediterranean Sea to Spain, for example.

Flexible and casual jobs

Increasing competition in the global economy and promotion of neo-liberal policies lead to the deregulation of labour markets, to flexible and casual employment, and the growth of outsourcing and subcontracting. Employers like it because it gives them financial flexibility. Governments promote it so as to slow down unemployment and increase the number of available jobs.

However, this policy lowers employment standards: more jobs are casual, on a temporary or part-time basis; more work is pushed out of the formal economy – where it is regulated – and into the informal economy – where there is much less regulation.

These policies are affecting all workers today. However, migrant workers are the first to lose out. They are recruited instead of local workers precisely because they can be more easily employed without a proper employment contract with a clearly identified employer, for a permanent job on decent terms and conditions.

Little access to social benefits

Migrant workers are typically recruited on short-term contracts and paid cash-in-hand. They barely exist on labour registers and have little social protection. Employers side-step their duties to provide benefits such as holiday or sickness pay, social insurance contributions, maternity provision, and so on. This means employers get more value out of these workers at lower cost. It lowers working standards for everyone.

Workplace discrimination

Migrant workers are often the ones hired because they can be discriminated against, compared to local workers. Many receive less pay than local workers for the same work, as well as far worse benefits, for example severance pay when dismissed. Many are made to work longer hours than local workers.

“Without freedom of employment and guarantees of equal treatment, temporary migration is potentially a 21st century face of labour enslavement the world has struggled to rid itself of.”

Sharan Burrow, President, International Trades Union Congress (ITUC)
Statement to the High-Level Dialogue of the United Nations General Assembly
on International Migration and Development, 14-15 September 2006

Vulnerable to abuse

Migrants can be more easily manipulated by employers because they tend not to know their rights or what to expect in their destination country before they sign up for the job. They often have very little confidence that they might have any collective bargaining power. And the reality is that they often don't.

This is especially true of those who don't have the right documents. Many migrants arrive in a host country without a formal work permit. Others lose their documents, for example when they flee an abusive employer or labour agent who has kept their passport or permit. Such 'undocumented' workers are extremely vulnerable to abuse and exploitation.

As they are irregular, these workers cannot approach the authorities for help against an abusive employer. They have no status in the host country and so have little access to any of the welfare systems that might exist, such as medical care if they get sick or injured. They cannot call on the Police for help if they are abused, unless they are willing to risk deportation.

The very worst employers like it if their workers do not have the correct documents; they can control them by threatening to expose them to the authorities who will in turn deport them. Some employers will even purposely expose 'undocumented' workers to the immigration authorities, so as to get them deported and avoid paying their wages.

When migrants have no legal status...

“... employers are more likely to take advantage of them, paying them low wages or making them work long hours, sometimes under dangerous conditions. They also represent unfair competition for citizens, with the result that every worker loses: the migrants because they are prone to exploitation and the citizens because they are effectively barred from the jobs the migrants perform.”

'International Migration and Development'

Report of the Secretary-General, United Nations, 18 May 2006

www.un.org/esa/population/migration/hld/Text/Report%20of%20the%20SG%28June%2006%29_English.pdf

Governments are 'hands off'

Legislative instruments to protect migrant workers are lacking or badly enforced in many countries. Governments struggle to maintain adequate work permit systems to regulate the flow of migrant labour – or in some cases perhaps deliberately fail to, in order to help provide their economies with a cheap, vulnerable labour force. Poor work permit systems increase the numbers of 'irregular' workers.

Many countries do not have proper labour inspection or, where it does exist, the inspectors do not carry out their responsibilities adequately. It is much more difficult to go to the fields to meet workers than into factories. Workers often do not talk to inspectors for fear of losing their jobs or because they fear that inspectors would denounce the 'undocumented' workers to the immigration authorities. So the quality of information that inspectors get can be questionable.

“Irregular” – but not ‘Illegal’

When migrants are working without the right documents, such as a valid work permit, technically they may be working informally, many say 'illegally'. However, the work they are doing is legitimate, not criminal, and it is valuable to the host economy and society.

So, many migrant workers and trade unionists argue that these workers should be referred to, not as 'illegal', but as 'undocumented' or 'irregular'. 'Irregular' is the formal term used by, for example, the International Labour Organisation (ILO).

How they keep workers dependent

During an IUF mission to **Italy** in November 2006, a **Moldovan** worker explained how vulnerable migrant workers in the mountains farms in the Piemonte and Valle D'Aosta regions of Italy are to abuse, and how their employers keep them dependent by not paying wages on time.

Anatol (not his real name) works on a mountain farm in the region of Valle D' Aosta. Working alone, he takes care of 60 milking cows, 80 younger cows and 250 sheep, for 500 euros a month. He works seven days a week, with no regular working hours. Usually, he wakes up at 3.30 a.m. to milk the cows; then he takes care of the animals through the rest of the day; and sometimes he has to assist with births at night.

Working out his hours against his pay, Anatol calculates he gets about 0.80 cents an hour. He lives amongst straw in the attic while the rest of the two-floor house belonging to his employer remains empty. Because he can seldom leave the farm, Anatol eats only what the employer brings him, and he is still working in the clothes he brought from Moldova.

Anatol complains that farm workers in the mountains are isolated, and treated with little respect; their wages, accommodation and food are very poor. Italian employers keep migrant workers dependent, he says, by not paying on time: because wages are owed, the workers tend to stay, hoping for payment. Farm workers are also very dependent on their employers for food and clothing.

Anatol tells how a friend from Moldova, who used to work on a farm in the same region, broke his leg. But he was forced to return to Moldova to get treatment when his Italian employer failed to help him, and didn't want the 'bother' of a disabled worker on his workforce either.

Unscrupulous agents and gangmasters



A serious problem facing many migrant workers is that they are hired through labour supply agents. Some are legitimate employment agencies, but many are 'gangmasters' and thugs linked to criminal operations.

Some charge migrants extortionate fees to get a job. Some compete to win contracts by undercutting each other: they cut wages, sometimes even to well below the legal minimum in the destination country. They over-charge for transport, housing and food; and they unilaterally change the terms and conditions of employment. The result can be to put migrant workers deeply in debt so they have to continue working; they have no money to go home. It is debt bondage.

Many migrant workers find themselves at the end of long subcontracting chains, passed from one agent to another, each one making a profit from them and leaving them with almost nothing.

In the worst cases, migrant workers are purposely subjected to abuse and violence so that they remain scared and captive. Or they flee, and become undocumented, living in the shadows of their host country.

Debt bondage and scams

Migrant workers often have to pay significant amounts of money to get a job in a foreign country. Labour agents charge travel and accommodation costs and impose other charges, for example for work permits or for 'security' of goods and person; some of these charges may well be bogus, but people desperate to seek a living find themselves with few other options than to pay.

Migrants often have to borrow the money for these upfront charges from moneylenders at a high interest rate, and it remains a debt that hangs over them and their family. If then they are poorly paid, it can push them into a type of debt bondage that lasts for years.

There are numerous 'scams' being operated by criminal gangs that deal in migrant labour. Some gangmasters will sell jobs to 'undocumented' workers, then call the local police to get them deported, and then resell the same jobs.

Many farmers pay the workers' wages directly to gangmasters, as the supplying agent, rather than directly to the workers.

This money manipulation gives the gangmasters a lot of power over the workers. If the workers do not accept the situation, they may be further threatened with violence.

It puts migrant workers into a type of forced labour, and this violates one of the most fundamental international labour standards: the right of all workers to be free from forced labour.

MODERN FORMS OF SLAVERY

"No-one shall be held in slavery or servitude; slavery and the slave-trade shall be prohibited in all their forms."

Universal Declaration on Human Rights Article 4

www.un.org/Overview/rights.html

In the worst cases, migrant workers are treated like slaves - beaten, kept isolated, and not paid at all. For women migrant workers, there is the added vulnerability to sexual violence and rape.

TRAFFICKING

Human trafficking, particularly of women and children for the sex trade, is the dark underbelly of migration. Many women migrants, promised a job in a field or a factory by people whom they hope are honest labour agents, then find themselves at the mercy of thugs and criminal gangs, forced into prostitution, sold from one employer to another.

Those at high risk include those without the right work permits or visas, and those who have deliberately been put into debt by their 'agents'. Some are threatened with violence to their families at home. Their own power to refuse the thugs' demands is almost non-existent.

RACISM, XENOPHOBIA, DISCRIMINATION, CRIMINALISATION

There is increasing xenophobia and racism in many societies towards migrant workers. Local workers tend to say 'they have come to take our jobs', even though the work done by migrants often adds to the economic well-being of the country, increasing the level of jobs available.

When workers are 'irregular', they face even more discrimination. They have no legal status and they become called 'illegal', which criminalises them. Even trade union members in the destination country can take a hostile attitude towards them.

Yet, the work they are doing is not criminal; it is legitimate work. It is just that they do not have the right documents to be doing it. Often that is through no fault of their own; for example, their documents may have been seized by an employer who has failed to give them back.

When an 'us versus them' situation develops, local workers may turn a blind eye to discrimination in pay or working hours or other forms of exploitation of migrants. It is 'their' problem, they say. But it is not; it is a problem for all, because such discrimination drives down the terms and conditions for **all** workers. It is the duty of trade unions to step in and counteract it, for the benefit of their own members as well as other workers including migrants.

Slave-like conditions in Russia

In 2005, 134 migrant workers from **Uzbekistan** were found in slave-like conditions on a 90-hectare plantation close to Moscow, **Russia**. They had been recruited by a gangmaster called Shavkat, who promised them good earnings. He took groups of ten to Moscow and was paid by the farmer, 1000 rubles per worker including compensation for transportation and food.

As soon as the Uzbek workers arrived at the farm, however, the farmer seized their documents, saying he would return them after they had repaid their debts for transport and food. But there was a fine system operating in the plantation, and no worker had so far managed to pay back the debt. What is more, security guards on the plantation had cruelly beaten those who did not obey orders.

The slave plantation was discovered by 'Andrey' (not his real name), another farmer in the region who was looking for seasonal workers. Two Uzbek workers agreed to work for him; but he could not employ them officially because their documents were still with the other farmer. When Andrey contacted him for the documents, the farmer assaulted Andrey, demanded \$1000 compensation for 'stealing' the two workers, and threatened him with the mafia if he did not pay up. Andrey promised to pay but contacted the police instead.

Source: RBC (Ros Business Consulting), 31 August 2005, www.rbc.ru

Anti-Migrant Crackdown in Malaysia

To be a migrant worker in **Malaysia** is a difficult life. There are rules saying you are not allowed to open a bank account, change jobs, or travel freely. Employers are allowed to keep your passport, and to use physical punishment against you such as whipping.

There are thought to be over one million migrant workers in the country, making about 11% of the workforce. The majority come from neighbouring **Indonesia**, followed by **Bangladeshis**, **Nepalis**, **Indians** and **Vietnamese**. They work on the plantations and in many other industries.

For several years there has been an increasing crackdown on undocumented migrants in Malaysia. In early 2005, a four-month amnesty ahead of a mass deportation operation was announced. Thousands of volunteers were enlisted to help expel them, earning 50 ringgits (10 euros) per 'illegal' migrant discovered. As a result, half a million migrants left the country to avoid possible fines, jail and whipping. Employers then complained of a shortage of labour, and so more migrants arrived to fill the jobs, many still without proper documentation.

In February 2007, the Malaysian Government announced a new plan to confine migrant workers to their living quarters, in or near their workplaces, on the grounds of rising crime. Employers were to be required to keep a logbook detailing the daily movements of their foreign employees for inspection by police. Migrants are often unfairly blamed for the crime rate in the country. Yet their labour has helped Malaysia become the region's most successful economy after Singapore.

A. Balasubramaniam, Vice-President of the **Malaysian Trade Union Congress (MTUC)**, says that migrant workers have the right to join any trade union in Malaysia. The only restriction is that they cannot hold leadership positions. Of course, many migrants are scared of joining for fear of losing their jobs, or their work contract states that they must not, which is an infringement of the law, he says. But migrants do turn up at union offices for advice. They hear about the unions through the MTUC's press work and public meetings. *"We are supposed to focus on our members but we also spend time on migrants' problems and make sure they are treated correctly, since otherwise local workers would be affected"*, he adds.

The MTUC signed a cooperation agreement with the **Indonesian Trade Union Confederation (KSPI)** in September 2006 to exchange information and strategies on migration. They also want to provide more information to Indonesians about Malaysian culture, laws, unions, etc. before they depart.

Additional information: Interview with A. Balasubramaniam at www.ituc-csi.org/spip.php?article570

Exposed to dangerous working conditions

Agriculture is one of the three most hazardous industries along construction and mining. Some **170,000 agricultural workers die each year** as a result of an accident at work.

Migrant workers are particularly at risk, being in unstable working relationships with employers who are less likely to take responsibility for providing a safe and healthy workplace. Those employed through shady or criminal labour agents are at extreme risk.

23 migrant Chinese workers drowned in the UK

On 5 February 2004, 23 undocumented cockle-pickers from **China** drowned in the **UK**, when they were trapped by the in-coming tide in Morecambe Bay. They were working for gangmasters who were paying them slave wages as low as £1 (under 1.50 euros) a day for nine hours of work. Their working hours depended on the tides, and so they were made to work and rest in unusual day/night patterns. The tragedy so shocked the British public that it directly led to new legislation in the UK to combat exploitation by unregistered gangmasters.

'Ghosts', a film by Nick Broomfield, 2006, is a moving portrayal of the lives and deaths of the Chinese cockle-pickers who died at Morecambe Bay.

www.nickbroomfield.com/ghosts.html



Made to buy their own protective clothing

An IUF mission to Germany in October 2006, found Romanian seasonal workers working for the agricultural company Renner who have to buy their own protective clothing and gloves. A pair of gloves cost them 1 euro and clothing 20 euros. Workers complained that the gloves split very fast, especially when they are tying carrots. As a result, they get skin infections from the pesticides. One woman had an inflamed finger, and said that some other workers had their whole hands become red and swollen from the pesticides.



The use of chemical pesticides and fungicides in agriculture is a major health hazard. The World Health Organisation puts the total number of cases at 2-5 million a year, of which 40,000 end in death.

The most common impacts of toxic chemicals are skin diseases, respiratory infections and nervous problems. Women are especially vulnerable to the effects of chemicals on their ability to get pregnant and give birth to healthy babies.

Migrant workers are less likely than regular workers to be provided with proper protective clothing and so they suffer more from the pesticides and fungicides to which they are exposed.

"My breakfast and lunch is Gromoxon. It's very nice if you get use to it ... except that it caused me to lose two babies through miscarriages. It makes your skin itch and makes it difficult to breathe at night."

Barjiah, a worker on a palm oil plantation, North Sumatra, Indonesia

Being imposed to lift and carry very heavy weights and the increasing pace of work are other work hazard faced by many migrant workers. Few are provided with the necessary handling equipment; or, if they are, are not trained in a language they can understand on how to operate it. So they suffer from muscle strain and chronic back pain. For pregnant women, there is the extra risk of miscarriage. The increasing pace of work, particularly in food processing factories, is causing widespread problems of repetition strain injury (RSI).

Migrant workers are also very vulnerable to violence, including sexual violence. This applies to both men and women, but women are more at risk.

Sexual harassment is a union issue

Migrant workers are vulnerable on the journey, where they work, and where they stay; they are dependent on the agent that finds them work, and at extreme risk if that agent turns out to be a predator or a trafficker linked to the sex trade; if they are 'undocumented' (do not have the correct immigration/work permit), migrant women cannot appeal for protection from the authorities.

Women do not take sexual harassment lightly, and nor should men, particularly in the union movement. Sexual harassment in the workplace is a union issue, not a women's issue, nor a 'personal' issue.

From 'All for One = One for All: A gender equality guide for trade unionists in the agriculture, food, hotel and catering sectors', IUF, June 2007

HIV/AIDS

At least 40 million people are infected with HIV/AIDS in the world, and all countries report cases. In 16 countries in Sub-Saharan Africa the prevalence rate exceeds 15 %.

The disease has very seriously implications for migrant workers. Those discovered as infected are usually not accepted into host countries. But most of all, migrants to other countries are not usually allowed to travel with their partners; so they develop new, often casual relationships and risk infection; they may be so poorly paid that they do not have money to buy condoms.

Many migrants do not have access to the public health systems of their destination countries. If they get sick, they may not be entitled to healthcare, or they may not be able to access it because they don't know how to or they have become undocumented.

Being found out as infected with HIV/Aids can mean they will be abandoned by their labour agent or expelled from the host country and so lose their job, even though this contravenes international labour standards. Many migrant workers return home with the infection, increasing the spread of the disease.

Additional information: Garbalo, M., "Risk factors and HIV/AIDS in the context of migration", ICMH, 2002



HIV/AIDS is not just a public health issue but a Workplace issue

The IUF Africa Regional Secretariat has launched a campaign aimed at sensitizing workers and their families to HIV/AIDS issues. The campaign wants to help unions integrate HIV/AIDS issues in Collective Bargaining Agreements, build their capacity through peer education, and create systems for treatment and psycho-social support.

Sub-standard living

Many migrant workers have to live in extremely poor conditions: in decrepit old buildings, shacks, broken down caravans, and so on. Sometimes the housing does not meet even their basic needs – there is no running water or proper sanitation. Rooms are often overcrowded and there is no privacy.

Overcrowding also increases the vulnerability of women and children to sexual abuse, from other workers as well as gangmasters. Where and how women and child migrants are housed is important for their safety and security.

If services such as cleaning are laid on, the migrant workers may be charged a lot – perhaps as a compulsory deduction from their wages.



*This makeshift shelter is largely made out of paper. It is home to a **Kyrgyz** family of five working on a tobacco farm in the Shylik district of neighbouring **Kazakhstan**. The parents, their two ten year old sons and a 16 year old daughter have been working in the tobacco fields for two years. During the winter months, they have to move into the farmer's house for warmth. The boys do not attend the local school because they lack proper documents; the parents, who have an employment contract, say they forgot to bring the documents when they left Kyrgyzstan.*

They live in the greenhouses where they work

Thousands of **Chinese** and **Korean** migrant workers work in Krasnojarski Kraj, a region of the **Russian Federation**. Most of them are recruited by gangmasters to work in agriculture or sell goods in the open-air markets, and they are treated like slaves.

The migrant workers largely come for the growing seasons of spring and summer, but some stay on to work in the greenhouses during winter. They are provided with neither protective clothing nor accommodation and have to live where they work. In the winter months they live in the greenhouses, where the temperature rises to over 40°C. At the same time, they are not provided with warm enough clothing or hats to face the Siberian winter outside, which can go as low as minus 40°C.

The sad fact is that much of the abuse detailed in Section 1 is happening to migrant workers because they have too often been neglected by trade unions.

However, there is much that trade unions can and are already doing to help migrant workers to organise and defend themselves against abuse.

- **Unions in countries of origin are helping to inform migrant agricultural workers about their employment rights in the countries to which they are going, before they depart.**
- **Unions in countries of destination are developing organising programmes among migrant workers.**
- **Unions are being proactive with governments to achieve better legislation that protects migrant workers.**
- **Unions are negotiating with the employers of migrants on the level of pay, hours of work, workplace health and safety, accommodation standards, and so on.**
- **Unions are cooperating across borders and at a global level to strengthen respect for the rights of migrant workers.**

Workers, whether migrants or local, have a common interest – to maintain and, wherever possible, improve labour standards – rather than compete with each other, which only undermines standards for all. This is why organising migrant workers strengthens the labour movement.

Unorganised migrants are very vulnerable to exploitation. They are often unaware of their rights in their destination country. Sometimes they think that the laws in their destination country are only for the citizens of that country and don't apply to them; they think that they are only due respect for the rights of their home country.

They may well not know to whom they can turn if they are abused or exploited. They tend to compare living and working conditions and wages with those they had at home and then, if the employer is offering something better than that, just accept it.

So it is in trade unions' interest to explain to migrant workers what the working and living standards are in their country, what, for example, are the legal minimum wage levels, and why migrant workers should not accept less. They should explain what the benefits are of joining a union, the kinds of protection that this can offer the migrants. Unions do well to make it clear to migrants too that they and the contribution they make to the economy and society are welcome.

“Everyone has the right to form and to join trade unions for the protection of his interests.”

Universal Declaration on Human Rights Article 23, Paragraph 4
www.un.org/Overview/rights.html

All migrant workers, whatever their legal status, also have fundamental rights to organise and represent themselves, according to the 'core' Conventions of the ILO.

What your union can do

- **Build cooperation between unions from origin and destination countries to help inform migrant workers before they depart**
- **Produce leaflets in the languages of migrant workers**
- **Provide information for migrant workers on websites**
- **Organise seminars/get-togethers for migrant workers about what to expect in the country/workplace to which they are going**
- **Encourage governments to provide better pre-departure information**
- **Use the press and media to raise awareness**

The first step unions can take is to help to inform migrant workers – before they leave their home country, and then when they are in their destination country.

At present, most migrant workers are given very little or even no information about their rights in the foreign country to which they are going; they do not know the employment laws, the social security and taxation systems; they have little awareness about who might help them if they get into difficulties, and the role that unions play in their destination country.

However, there is an increasing number of initiatives being taken by unions, in home and host countries, and collaborating together, to provide much more information to migrants.

In the languages of migrant workers

A good first step is to provide information in the languages used by most migrants. This may mean many translations of the same leaflet. Sometimes it can be frustratingly hard to keep up with all the languages needed as labour agents shift between the nationalities they supply to particular worksites.

Collaboration with others can help provide the languages needed. This may mean collaboration between unions across borders, between origin and destination countries, or perhaps with local social organisations set up by and for migrant workers.

Sweden: Leaflets handed out at the ferries

Kommunal, the Swedish Municipal Workers' Union, has produced a brochure for temporary agricultural workers from other countries working in **Sweden**. It contains information on minimum wage levels in Swedish agriculture, including overtime, payment for weekends and holidays, and the right to work in a safe environment. Migrant workers are also entitled to sick leave for up to 14 days and can benefit from several insurance policies covered by Kommunal's collective agreement.

The brochure is available in six languages: Latvian, Lithuanian, Ukrainian, Russian, Polish and English. It can be found on Kommunal's website: www.kommunal.se



One of Kommunal's distribution strategies is to hand leaflets out to migrant workers as they get off the ferries.



Cyprus: A good example from the hotel sector

“You have the right to be a member of a union”

“You are entitled to at least 11 hours rest from one day to another”

“You have the same rights as Cypriot hotel employees”

These short messages and many others are written in a small booklet, in five languages, issued by the **Cyprus Hotel Employees Federation (OEXEV-SEK)** for migrant workers who intend to work in their sector. Migrant workers, whether they are full-time or part-time employed, are entitled to all benefits in the Collective Agreement that the OEXEV-SEK has negotiated.

The OEXEV-SEK produced a second booklet summarising what the Collective Agreement contains. It includes information about wage scales, and the minimum wages that a migrant worker should expect, as a newcomer and after 4 or 6 months' work.

Before the migrants set off from Estonia

Estonians form the second largest migrant community in **Finland** (after Russians) and, in a joint initiative, trade unions in Finland and Estonia have set up an Information Centre in the Estonian capital Tallinn. At the Centre, Estonians hoping to work in Finland can get advice and information on working life there, free-of-charge.

Under Finnish law, migrant workers are entitled to the same rights and working conditions as their Finnish counterparts. These rights are generally respected in the construction and transport sectors but not in agriculture, according to Kaili Kaurson, President of the Women's Committee of the **Confederation of Estonian Trade Unions (EAKL)**. “Many workers are exploited because they are unprotected; they are not aware of their rights”, she says.

So, the **Central Organisation of Finnish Trade Unions (SAK)**, the **Finnish Union of Salaried Employees TU**, the **Confederation of Unions for Academic Professionals in Finland (AKAVA)** and the EAKL set the Centre up to provide information on what Estonians can expect – and have the right to - in Finland. Financial support for the Centre was obtained from the European Union (Interreg III A Programme).

The Centre provides information on Finnish wage levels, taxation, terms of employment, and labour legislation. It also explains about trade unions in Finland: how they work, what they offer, why it is important to join a union, and where to find them. The information is given

out in a leaflet ‘Guide for Foreigners Working in Finland’ in three languages - English, Russian and Estonian. The Centre also holds seminars, information days and other events in Estonian and Russian.

Ms Kaurson continues, “*It is useful to know, for example, that the collective agreements in Finland also cover migrant workers, unlike in Estonia.*”

The Centre says, “*There are many significant differences between the Finnish and Estonian labour markets and the labour laws of these two countries. It is easier to manage in working life if you already know about conditions in Finland before you arrive. By providing reliable and impartial information we also help to prevent exploitation of migrant workers and other problems of irregular employment in the grey economy*”. Thousands of people have already received advice but “*a pressing need for advice and information remains*”.

A positive impact is also being felt among the Estonian unions themselves. “*Some Estonian workers contact us on their return from Finland, after having been helped out by the unions there*”, Ms. Kaurson adds. The unions in the two countries have been looking at the question of mutual recognition of each other's union cards.

www.sak.fi/tallinn

‘Guide for Foreigners Working in Finland’

English: netti.sak.fi/sak/pdf/guidefor.pdf

Russian: netti.sak.fi/sak/pdf/guiderus.pdf

Estonian: netti.sak.fi/sak/pdf/guideest.pdf

Advice for Polish seasonal workers in Germany

90% of seasonal workers in Germany are migrants, many come from neighboring Poland. The **Union of Construction, Agriculture and Environment Workers (IG-BAU)** in Germany and the **Agricultural Workers' Union (ZZPR)** in Poland have together produced an information booklet for Polish seasonal workers hired to work on German farms. The booklet is in German and Polish.

IG-BAU has also assisted the Agricultural Professional Association (Landwirtschaftliche Unfallversicherung) with the production of leaflets in German and Polish. These give guidance on occupational health and safety when harvesting crops such as asparagus, cucumbers and fruit.

Additional information from www.saisonarbeit.org



Using the Internet

The number of Internet users is increasing and unions can and are using websites as a means of informing migrant workers about their rights.

BalticTu.net

This is a website created by trade unions from the Baltic countries of **Lithuania, Latvia** and **Estonia** in cooperation with those from the Nordic countries of **Denmark, Sweden, Finland** and **Iceland**. One of their goals is to develop an information network for migrants.

As well as those going from the Baltic countries to work in Nordic countries, many workers also move from **Belarus** and **Ukraine** to fill the resulting labour shortages in the Baltic countries.

BalticTu.net provides these different types of migrants with information about the trade unions and labour laws in the various countries and at the European Union level, as well as recent developments in investment and the labour market between the regions.

www.baltictu.net

TV too

In Italy, the **Italian Confederation of Workers' Unions (CISL)** has put out television programmes for migrants in various languages.

Unions working together across borders

In some countries, the migrants who arrive are largely from just one or a few other countries. In these situations, it is possible for unions from these countries to get together and develop programmes of joint action.

Such programmes may well start with information for the migrants before they leave and when they arrived. This provides a good building block for more activities. This might mean placing union organisers from one country in the other. They might jointly lobby their governments to reach bilateral agreements. They might track the cross-border activities of the worst labour agents to bring a legal case against them, and so on.

To protect Ukrainian students working in Denmark

On 25 May 2006, the **Agro-industrial Workers' Union of Ukraine (AWUU)** signed an agreement with the **United Federation of Danish Workers (3F)**. Their aim is to protect Ukrainian students who are working as trainees in agriculture, forestry and horticulture in Denmark.

Under the agreement, those students who are members of the AWUU, and have a Danish work permit, automatically become members of 3F, and they have the right to the same collective insurance provision as Danish students.

After the agreement was signed, a seminar was organised for student union members at the **Agricultural University of Ukraine**, where they were told how to contact the 3F and what their rights in Denmark are.

Spain: Information and support leads to union recruitment

The Agriculture and Food Federations of the UGT and CCOO have both produced brochures in several languages including Romanian, Arabic, Polish, French, Bulgarian and Spanish. The brochures generally set out the wage levels for different tasks such as picking or working in greenhouses, as well as the daily and monthly maximum working hours, how overtime is calculated, and overtime rates of pay and explain that migrant workers are expected to pay social insurance contributions each month as well as income tax.

These publications are part of a much bigger effort by unions in the Spanish confederations CC.OO and UGT to help migrant workers.

The first information centres for foreign workers (CITEs) were set up by the CC.OO in 1986 in Catalonia, a region in which a large number of Africans had come to work. Now there are hundreds of CITE migrant information centres throughout Spain. They provide advice and

support for migrant workers on labour legislation and issues such as work permits, social security and accommodation. They run public awareness-raising campaigns. They run training, both for migrants to learn Spanish, jobseeking procedures, etc., and also for public sector employees and the police who come into contact with migrants.

The UGT also has centres in regions with large immigrant populations; and where there are no UGT centres, migrants are encouraged to contact the local trade unions.

Many migrant workers still fear that joining a union will cause them to lose their jobs. But there are also many successes. In the agricultural sector of the Murcia and Almeria regions, 80% of the CC.OO's members are migrants from Morocco, North Africa.

Now the CC.OO, trade unions in Morocco, and the Association of Moroccan Migrant Workers in Spain (ATIME) are collaborating on a joint strategy on immigration to Spain.

Central Asia: Kazakh and Kyrgyz union cooperation agreement

In August 2006, IUF representatives, together with colleagues from agricultural unions of the neighbouring countries of **Kazakhstan** and **Kyrgyzstan** in Central Asia, traveled to the fields to talk with migrant workers about their problems. As a result of the visits, a cooperation agreement was signed between the **Agricultural Workers' Union (AWU) of Kyrgyzstan** and the **Agroindustrial Union of Almaty region in Kazakhstan** in the following November.

Under the agreement, the AWU in the Kyrgyz regions of Osh and Djalabad is now informing any union members intending to migrate to work in Kazakhstan about their employment rights, health insurance, accommodation, taxes, transfer of remittances, and likely travel costs, as well as about their right to join a union there, giving also the union contact details.

For its part, the Agroindustrial Union of the Almaty region of Kazakhstan has agreed to inform Kyrgyz migrant workers in its region about their rights under Kazakh law and to organise them in the local union. The union will represent migrant workers in negotiations with employers and the government, and will be

active against any discrimination of the migrants in relation to gender, religion or citizenship.

Since April 2007, the Kyrgyz AWU has also placed a representative in the Almaty region, giving the migrant workers a wide range of support, including making sure they have proper employment contracts with a bona fide employment agency, accommodation, and also access to local schools for the children they bring with them.

What is more, there is also now a bilateral agreement between the governments of the two countries on the rights of migrant workers, see page 38.



2.2 ORGANISING MIGRANT WORKERS

What your union can do

- *Organise all migrant workers, regardless of their legal status*
- *Recruit and train organisers from among migrant workers*
- *Collaborate with migrants' own organisations*
- *Use the IUF International Union Card*

Agriculture, food processing, abattoirs and meat factories – in many countries these industries now depend on migrant workers. So, if unions are to represent workers in these sectors effectively, there is no alternative but to recruit, support and organise migrants.

'Unity' is one of the most important trade union principles. But it is not only a slogan. It is the only way in which unions can overcome the 'divide-and-rule' cheap labour policy of employers, and defend workers' common interests.

First, in the countries from which many workers leave to find work, trade unions can reach out to recruit them before they depart. This union membership can be used to encourage them into the unions in the country where they go to work, for example by using the IUF International Union Card.

Then there is the action that unions in destination countries can take. Sometimes, a union's own Constitution or even the law may say that trade unions are not allowed to have migrant workers as members, or that migrant workers are not allowed to become elected representatives of the union. In such cases, it is wise for unions to change their Constitutions, or press hard for changes in the law. In the meantime, unions can form alliances with migrant workers' own organisations to start cooperating and building mutually supportive activities.

It is not a simple thing to organise migrant workers. Their working days are long, and many cannot easily leave the workplace to seek help. Many employers deliberately keep them isolated. Migrants may not know much about the society to which they have come, what support organisations exist and how to find them. They may not know much of the local language.

So it is up to unions to reach out and provide the assistance and information that migrants need. The actual strategies to use will depend on the local situation, and indeed on who the migrant workers are and what they want or need.

Many unions are finding that one of the most successful strategies is to recruit and train migrant workers to become the organisers of other migrant workers. In the UK, the phrase for this is: 'Like organises like'. This means that the best person to approach and support Polish women working in an English meat factory, for example, is a Polish woman; or, for Moroccan men on Dutch flower farms, a Moroccan man.

The benefits to unions of reaching out in this way are immense: it means strength not division; migrant activists often bring new life and vigour into the trade union movement too, boosting morale for all. In some cases, it may be key to the very survival of the union.

‘Like Organises Like’

Organisers from the **Transport and General Workers’ Union (Unite T&G)** in the city of Birmingham, UK, targeted the Two Sisters Food Group during 2006. The company runs poultry farms and processing factories, employing around 500 workers. Prior to 2006 there was no union there, and the company was paying less than comparative employers.

Unite T&G organisers talked to workers at the factory gates, went to people’s houses, approached migrant communities, and invited workers to the local Unite T&G office to discuss their problems. Workers complained, that they had to share 250 pairs of boots between 500 people. Health and safety issues were particularly important for them.

As a result of the organising campaign, a union was established at the company and the union membership rose to 300 members, and the company was forced to recognise the union. Now there are nine union shopstewards at Two Sisters, including three Polish workers, two Lithuanians, one Kurd and one Pakistani. At the sites where the workers are organised, pay has gone up by about 12%.

The Unite T&G’s ‘Organising Campaign’ is based on the principle that ‘Like Organises Like’. The union believes that when organising, say, Polish workers then the best people to do this are Polish organisers. Being able

to talk to workers in their native language is a huge advantage, the Unite T&G says. Organisers can explain to migrant workers that, while the payment they get is more than they would at home, it is below the rate in Britain. The organisers can help counteract any misunderstandings or misinformation; for example, when the employment agency says that the union is “not recognised” this does not mean it is forbidden to join a union. “They see we can help them and see the point of being in the union. Then they develop themselves”, says Natalia Wardle, a Polish organiser for the Unite T&G.

Natalia has been helping the workers of S&A Produce, which employs 4,000 temporary migrant workers, mainly from Poland, on producing strawberries. Through Natalia, the workers gave hundreds of examples of bullying, excessively long shifts, problems with basic supplies of water and electricity, and other very bad conditions.

In mid-2006, the S&A migrant workers staged a protest picket, which was the largest agricultural demonstration in the UK since the 1920s. A few weeks later, Unite T&G activists in several British cities organised a campaign in front of the supermarkets Tesco and Sainsbury, who are major customers of S&A. Over 3,000 customers signed a petition for the fair treatment of workers in the Tesco and Sainsbury supply chains. This led the supermarkets to put pressure on S&A. As a result, S&A started to negotiate with the union. Agreements on health and safety, bullying and harassment, and overnight accommodation were reached, with a full union recognition agreement due to be signed in mid-2007.

Andrej, one of the S&A workers on the 2006 picket, said, “It felt great to be able to stand up for ourselves, to raise our voice and to be united in the name of one cause. We are really happy that there is a union like the Unite T&G that wants to help us.”

www.tgwu.org.uk/landworker



“We will be re-energised”

Martin Sieker, a union organiser with the **FNV Bondgenoten**, describes attempts to organise migrant workers in the **Netherlands**.

“In 2001 a police raid on two large vegetable growers near The Hague led to the arrest of 110 ‘illegal’ workers, or 70% of those employed there. It was a big shock to the country. The Minister, from the Labour Party, said that such employers should be punished and, if they do it again, be stopped from running their business. But in the end the Government deported the workers and just fined the employers.

Attitudes have been changing. Nearly all migrant workers are now labelled ‘illegal’ and dehumanised. From the early 1990s, it became harder for them to be covered by social security. No papers meant no rights, no housing or health facilities, even though they paid taxes.

Then in 1998 the law on temporary employment agencies was revised to make the labour market even more flexible. The number of agencies increased dramatically from 10 to 2000, all of them supplying labour cheaply. Now anyone without a permit can work through a temp agency. Wages for migrant workers directly employed used to be 12-15 guilders an hour, just above the minimum wage level. Through the temp agencies, it has gone down to just 4 guilders or about 1.8 euros an hour, or even worse. Where at first formal employees were pushed out by migrants, now even lower paid migrants are pushing out migrants.

Formally, if you work in the Netherlands you can become a member of the union, irrespective of your legal status. But the union struggles with what we can offer. Migrant workers want legal status, but it is not our role to grant them that. But we are starting to give more support to people at the bottom of the labour market, whether ‘legal’ or ‘illegal’. For example, there is a law that could grant six months wages to a person who has been working in the Netherlands for 1.5 years, even if they are caught without papers. Migrant workers vulnerable to being expelled cannot themselves fight for this. So we are taking a test case to court.

In another project, the union employed a Moroccan activist who was trying to organise agricultural workers. The results were very positive because he was from the same background, experience and religion. Then financial support for the project ran out and we lost these members again. However, it was a lesson in what we can do if we try.

Migrant workers are different from the majority of FNV activists. Because they have to struggle to find a place in society, they are often more dynamic and creative. They could help bring vigour back to the union movement. I believe that those who risk so much to come to Europe to work want to do something to combat the abuse. If the union is willing to include them, we will not only grow in numbers. We will be re-energised.”

www.bondgenoten.fnv.nl

From: ‘From Marginal Work to Core Business: European trade unions organizing in the informal economy’, FNV, May 2003

www.etuc.org/IMG/pdf/FNV_brochure-3.pdf

Organising irregular migrant workers

Migrant workers do not lose their human rights when they lose their legal status in their host country. They should still be treated with dignity, justice and respect. ‘Irregular’ migrant workers still have the right to join a union.

One of the most useful things that unions can do is to help migrants get proper papers. Having documents that give a migrant an official identity is a service of huge value to that individual. They are no longer ‘invisible’ or in the shadows of society.

Doing this has proved to be a worthwhile organising tool, helping to attract migrants to the unions. Unions in **France** have found this, as have those in **Spain** and **Argentina**, amongst many others.

Sometimes even just a union membership card can be the first ‘official’ document that a migrant worker has in the host country – the first sign that they are recognised and respected. Sometimes they can even use it to gain more official identity.

France: Union support for undocumented workers results in victory

Poorly paid and routinely pressured to perform unpaid or inadequately paid overtime, undocumented migrants employed at the French-based fast food chain Buffalo Grill fought back in 2007, and won.

The migrants, mostly of African origin, had many years of employment at the chain. In 2006, one of them announced he would stand for workplace representation elections. But a few months later, someone anonymously denounced his irregular employment status to the police, who then proceeded to control the employment papers of the chain's more than 600 foreign workers. Four were fired and others pressured to resign.

In response, a group of twenty undocumented workers, supported by the **Commerce, Distribution and Services Federation of the CGT (FCDS-CGT)**, occupied the Buffalo Grill restaurant and parking lot located in Viry-Chatillon, in the south of Paris. The FCDS-CGT demanded the reinstatement of all Buffalo Grill workers fired or forced to resign, along with regularisation of their employment status and an end to all legal and police measures. The IUF issued an international call for supporters to write to the employers, Buffalo Grill and Colony Capital management, a US property investment fund which has owned Buffalo Grill since 2005.

After a month-long occupation, the local authorities yielded to the groundswell of support. The workers were expelled from the parking lot on 3 July, but two days later – and after three rounds of negotiations – the local authorities finally granted the union's demands. The twenty workers were reinstated, and their employment status was regularised.

Resources:

For educational activities for trade unionists about organising for migrant workers' rights, see:

'In Search of Decent Work: Migrant Workers' Rights:

A manual for trade unionists', International Labour Organisation, 2008 forthcoming.

Working with migrants' own organisations

In some countries - especially where migrant workers are not allowed by law to be union members, or where unions have been slow in organising migrants – migrant workers have formed their own mutual support organisations.

Migrant workers often organise themselves. They set up groups where they can meet, socialise, swap stories and exchange information. They may be helped to do so by concerned religious or other social groups. To think of migrants only as individuals, or as mostly victims of their fate, is to ignore how they often get together to find solutions to the problems they face; it risks denying their humanity.

It is worth unions finding out about migrant workers' own groups in the locality, to hold discussions with them to see in what ways you can work together. To find migrants' own organisations may mean some research on the ground; they may deliberately not seek publicity.

At the same time, there are many cases where migrant workers' groups are the ones to reach out to the unions. They may invite local trade unionists

to a social gathering, to get a discussion going and make friends.

Sometimes migrants' own organisations have the potential to become unions themselves, within the broader union movement. Sometimes the members of migrant groups might be encouraged to become union members; sometimes they may not want to, though. Sometimes, it just makes sense for all parties to work together, developing a mutual understanding about what each can provide to the other.

As a first step, trade unions might provide meeting space, access to computers, photocopying, printing or other resources that the migrants' groups lack. Unions might well provide the public face for campaigning when migrants may want to stand back from publicity.

Meanwhile, migrants' groups can provide translation, help with access to worksites and advise on cultural issues. Some of their members might, with training, become union organisers. In these ways, a working alliance can start to provide the unity that is needed for all.

Ireland: Unions and the Migrants Rights Centre

The **Migrant Rights Centre Ireland (MRCI)** is an NGO that works with migrant workers in **Ireland** in various sectors, for example domestic/household workers, hotels and catering, and agriculture.

One of the groups set up by the MRCI is the Mushroom Workers' Support Group, based in Cavan-Monaghan, which currently has 50 members. Workers from different mushroom farms within a 50-mile radius are brought together so that they can discuss their issues. The organisation cooperates with the **Services, Industrial, Professional and Technical Union (SIPTU)** and, as a result, many migrants join the union which then assists them in negotiations.

The MRCI publishes a newsletter in several languages for these migrant workers on mushroom farms. In it, they inform migrant workers about

their rights, health and safety on the farms, about the meetings and activities of Mushroom Workers' Association, and news about cases that migrants have won against employers with the help of the MRCI and SIPTU. It also provides information about wage deductions and informs workers that is illegal for an employer to fire workers who join the union or those who ask for the correct minimum wage. Any employer who has dismissed a worker for these reasons is liable to pay a worker compensation of up to two years' salary.

Meanwhile, in Northern Ireland, the **South Tyrone Centre Programme (STEP)** is a community development NGO that works with migrants to secure them equal rights. STEP believes this is an important element in building a fairer and a more equitable society.

Most STEP employees are at least bilingual.

When migrants enter the STEP office they are asked first to look at a poster and point to the language they speak; then a person who speaks that language approaches them. At the moment, STEP provides services in Lithuanian, Portuguese, Polish, Ukrainian, Russian, Italian, and Tetum (Philippines). In addition, it has contacts with interpreters of 23 languages, who work on contract when their assistance is needed. STEP gives the migrant workers information about what a union is and how it can help them, and advises them to join one such as the **T&G**.



South Korea:

Migrant Workers' Union wins after crackdown

The **Migrants Trade Union (MTU)** was founded in **South Korea** in April 2005 through the merger of the Migrants branch of the Equality trade union in the country and several migrants' organisations. The President of the new union is Anwar Hossain, a migrant worker from **Bangladesh**.

The MTU organises and fights for the rights of migrant workers. However, it has had to face a serious crackdown against its members. A few weeks after its founding, the MTU tried to register as a union, but the Korean Government rejected this, and ten days later had the MTU President arrested. Unions and supporters worldwide sent messages to the Government, asking for the recognition of MTU and calling for the release of Anwar Hossain. After eleven months in the Cheonju Detention Centre, he was finally set free in April 2006.

The MTU is affiliated to the **Korean Confederation of Trade Unions (KCTU)**, and together they filed a complaint against the Government for refusing to recognise the MTU. On 1 February 2007, the High Court in Seoul decided in favour of the unions and said that the Labour Office should recognise the MTU. The Court's decision was a victory after two years of struggle, and gives new hope to the 400,000 migrant workers in South Korea who suffered under the crackdown.

www.migrant.nodong.net/ver3

IUF International Union Card

Going back as far as the 1920s, the IUF has been aware of the need to assist its affiliates to organise across borders.

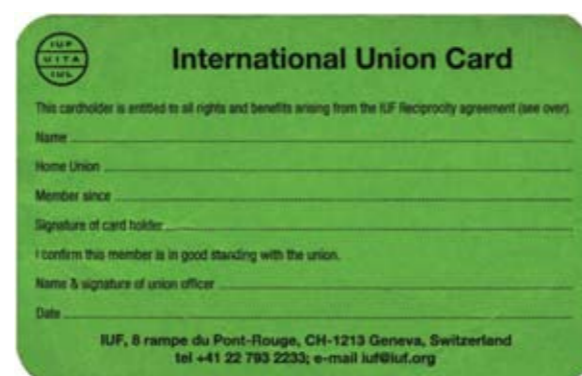
Since that time, there has been an agreement in the IUF Rules (Appendix 1) called the ‘Reciprocity Agreement’. This says that a member of an IUF affiliated union in one country, who then migrates to another country, can automatically become a member of an IUF affiliate in that destination country. He or she does not have to pay an entrance fee, and is entitled to the same support as the host union’s own members.

The agreement applies to all unions affiliated to the IUF, and the IUF would like to see more of its unions take it up and use it. To make this even easier, the IUF has developed an “International Union Card”. It says:

“Host unions are requested to give every possible help and assistance to this IUF member.”

IUF affiliates are encouraged to give the card out to their members before they migrate, and direct them to the appropriate trade union in the host country. The card holder can then make himself or herself known to the host country union, join in, pay membership dues and take part with the same rights and benefits as any other of that union’s members.

By using the card, IUF affiliated unions can keep their members within the global union movement, and so help to defend their rights.



23

REPRESENTING MIGRANT WORKERS

What your union can do

- **Include equality principles for everyone in CBAs**
- **Make principal employers responsible for all in their workforce**
- **Promote direct employment rather than contract hire**
- **Demand compensation for violations of rights**
- **Provide legal advice and support to migrant workers**
- **Represent migrants in negotiations and the courts**
- **Assist migrant workers to get legal status**
- **Fight employers promoting illegal forms of employment**
- **Help improve migrant workers' accommodation standards**

Migrant workers need unions to represent them in negotiations with employers and in legal cases. It is the union role to reach collective bargaining agreements (CBAs) with employers. Unions have far better knowledge of the local legislation in force and legal procedures such as industrial tribunals. Most migrants cannot be expected to have this kind of knowledge of their destination country. Many may not know the host language well enough to represent themselves in formal situations.

The actual steps for unions to take will vary because the nature of collective bargaining varies from country to country. However, a basic principle is to include non-discrimination clauses in all agreements, ensure that migrant workers are included in the scope of the agreement, and of course take action if the agreement is violated.

USA: A CBA for workers on temporary permits

It is still technically illegal for migrant farmworkers in the **USA** to join unions. So the AFL-CIO union centre set up the **Farm Labor Organizing Committee (FLOC)** to give them a voice and fight for their social and economic justice. In North Carolina, for example, FLOC now represents some 7,000 Mexican farmworkers who are on H2A ‘guest workers’ temporary work permits, and has reached a collective bargaining agreement on their behalf with the North Carolina Growers’ Association.

www.floc.com

“Everyone, without any discrimination, has the right to equal pay for equal work.”

Universal Declaration on Human Rights
Article 23, Paragraph 2
www.un.org/Overview/rights.html

Latvian mushroom-pickers in Ireland

Twelve **Latvian** women, who worked in the mushroom industry in **Ireland**, joined the **Services, Industrial, Professional and Technical Union (SIPTU)** to fight for their rights but were then dismissed. They worked on a mushroom farm in Carrickaboy for 16 hours per day, seven days per week, and were paid only about 250 euros each per week. No overtime was paid and the workers did not have a day off. The farmer employed an assistant from Latvia who told the workers, wrongly, that they would not receive overtime pay because it was not standard practice in the region. She was also guilty of many mistranslations.

SIPTU defended the workers at an employment tribunal. The tribunal found the dismissal of mushroom pickers to be unfair and awarded them 338,000 euros in compensation, or 26,000 euros each.

Many women come from Latvia through the agency “Eco Tur” on one year contracts. They paid 500 euro for a contract. Some women who came through this agency had no work available when arrived to farms.

Compensation won in Sweden

A **Lithuanian** called Johan was employed to train horses in **Sweden**. When Johan joined the **Kommunal** union, he received a copy of the collective wage agreement and realised that his employer violated the CBA and was not paying him properly. Johan contacted Kommunal, who began negotiating with the employer’s representatives. At first, the employer disputed Johan’s version of his working time, but when presented with written evidence, settled out of court, paying Johan the equivalent of 12,000 euros before tax.

Kommunal also assisted three workers from Poland on a vegetable farm, after they found out that their salary of 800-1000 euros per month was much less than they were entitled to. They had tried to raise the matter with their employer, showing him documents from the union, but were immediately dismissed, and only given ten minutes to leave the farm and the caravan they lived in. Kommunal took up the case, putting in a claim for the outstanding wages and overtime pay due according to the CBA. In the settlement, the parties agreed on 2,250 euros (before tax) to be paid to each worker over a period of six months.

Sweden’s collective bargaining automatically includes migrant workers

For over 75 years, since 1930, the unions in **Sweden** have had an agreement with employers and the State that the social partners (employers and unions) decide on general working conditions and employment benefit funds, without interference from the Government.

A collective agreement negotiated by a union and an employers’ organisation covers all workers in companies, or farms, who are members of that employers’ organisation, or that have agreed to a local collective agreement, regardless whether the workers are union members or not, and whether they are migrant or local workers. Seasonal and permanent workers are paid the same wage, at the level negotiated in the agreement. After the agreement has been signed, each employer has to respect it.

In addition, the **LO** Swedish union confederation reached an agreement with the Swedish Employers’ Confederation in 2005 which says that when an enterprise sets up in Sweden and joins the Confederation then the collective agreements apply in that enterprise.

The aim of the **Kommunal** union is to encourage migrant workers to join it so that they can benefit from their membership, as well as to strengthen – and not undermine – the CBAs that it has won. Kommunal is very active in demanding that the CBAs apply even if it has no members in a particular company, and in ensuring equal pay in order to stop employers from undermining wage levels.

Negotiating for the same rights for all

Many migrant workers get their jobs through employment agencies, or other third parties such as labour agents or gangmasters. By and large, those who work through an agency are paid less than direct employees, often getting only the minimum wage. Agency-hired workers also rarely get the additional allowances, bonuses and benefits that permanent workers get, such as shift allowances, overtime pay, paid holidays, or sick pay, let alone benefits such as maternity leave. Sometimes, agencies even like to claim that the workers on their books are technically ‘self-employed’, thereby avoiding employer’s responsibilities.

Employers often say that they need agency labour to overcome a labour shortage. But this does not explain why agency workers are almost always paid less, with fewer benefits. In fact, agency-hiring provides companies with a way to reduce costs and, above all, maintain budget flexibility – having workers on and off the payroll to suit their cash flow.

The response of many unions is to try to get agency-employed workers turned into permanent employees, and so included in the terms and conditions of collective bargaining agreements.

Other unions accept the use of agency-hired labour under certain conditions, but try to reach an agreement with the principal employer about what proportion of the labour force they comprise, for how long they can be employed before they must be made into permanent employees, or that they must get the same wages and conditions as direct employees. Principal companies should be made to take responsibility for all those in their workforce.

“Under no circumstances must a meat company be allowed to disclaim its responsibility for its workers, especially not by ‘passing the buck’ to a foreign workers’ agency or subcontractor. It is the meat company’s own responsibility that ALL workers in the company have decent and appropriate working conditions, both national and foreign workers.”

European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT)
Resolution ‘European meat sector: How free movement of workers must not take place’,
Madrid, 3 November 2006.

Finnish unions get employment agencies to sign an agreement

So as to ensure that the movement of workers between **Estonia** and **Finland** is better regulated, the **Central Organisation of Finnish Trade Unions (SAK)** and the Employers’ Confederation of Service Industries (PT) have reached an agreement with the Private Employment Agencies Association in the country.

The Agencies Association has accepted that contracts concluded between an employment agency and a migrant worker should comply with Finnish employment legislation. Estonian migrant workers must be paid a Finnish wage for the work done in Finland, as laid down in the Finnish collective agreement. Any agencies failing to comply will find their payments from the employers frozen.

The Agencies Association has also promised to advise people seeking a job through their agencies about the opportunity to join a union in Finland. At the same time, SAK will advise those who come to the Information Centre in Tallinn, the capital city of Estonia to seek employment in Finland through employment agencies that are members of the Association rather than through any that are not members.

UK: Turning agency workers into direct employees

A Polish agency in Exeter, UK, charged each worker J40 (60 euros) a week for accommodation, placing 10 people in a 2-bedroom house. The **Unite T&G** union got to hear about it and helped the workers end their contract with the agency and become direct employees at the meat-processing factory where they worked.

In Northern Ireland, Unite T&G organisers developed a strategy of targeting the four big poultry companies in the region, all at the same time. Their aim was to raise employment standards in all four, rather than let one undermine standards through cheaper competition. They circulated information in several languages to the workers. The organisers managed to achieve an agreement with companies, limiting agency labour to 20% of the workforce, with the remaining 80% directly employed. Agency-hired labour was also limited to a specific time period (for example, 13 weeks) after which, if the employer still needed their labour, he had to employ the workers directly.

Then in mid-2007, the employment rights of all agency workers in the UK were greatly improved by an industrial tribunal verdict in the union's favour. It ruled that Polish workers at Welsh Country Foods in Winsford, Cheshire, should be considered employees rather than self-employed.

France: 'Welcome to Agriculture'

This is the title of a booklet for migrant seasonal workers produced by the **CFDT** agricultural union federation in cooperation with employers representatives in **France**. It contains information sheets on hiring procedures, contracts, working hours, payslips, health and safety, social security, etc. Different versions are produced around the regions, to reflect local realities.

The CFDT has also joined forces with the **Force Ouvrière** union confederation and employers and local authority representatives in the south the country to open several 'seasonal work centres' for workers from North Africa and Eastern Europe, brought in on temporary contracts by employment agencies. The centres provide information on where to find accommodation, how to become a registered worker, and even on training opportunities, to both workers and employers so that skills can be generally upgraded.

A key focus of the centres is finding ways to convert temporary seasonal work into lasting employment. They help to feed agricultural workers from one contract into another when their contract ends. The aim, according to Bertille Genthial, Assistant General Secretary of the agri-food union SGA-CFDT in the Hérault region, is to offer continuous employment. Working with groups of employers, "We have even managed to create permanent employment contracts", she says. Employers benefit as it makes their search for employees easier.

Information from: ICFTU Trade Union World Briefing, No.7, December 2003

Improving living conditions

Where and how migrant agricultural workers are housed is a very important aspect of their welfare and well-being. Some unions in host countries are taking up this issue, including it in the things to address when trying to improve the situation of migrant workers.

- Getting negative publicity for those employers who fail to provide decent accommodation; and highlighting good practices where they find them.
- Developing minimum standards for cooking, storage, water supply and sanitation facilities, as well as room layout and construction materials, sometimes in collaboration with public authorities and employers' organisations.

Proper accommodation has a particular significance for women migrant workers. As we know, women are very vulnerable to sexual predators, whether from their employers or from co-workers. Where and how women are housed is important for ensuring their safety.

Germany: Model housing for migrant workers

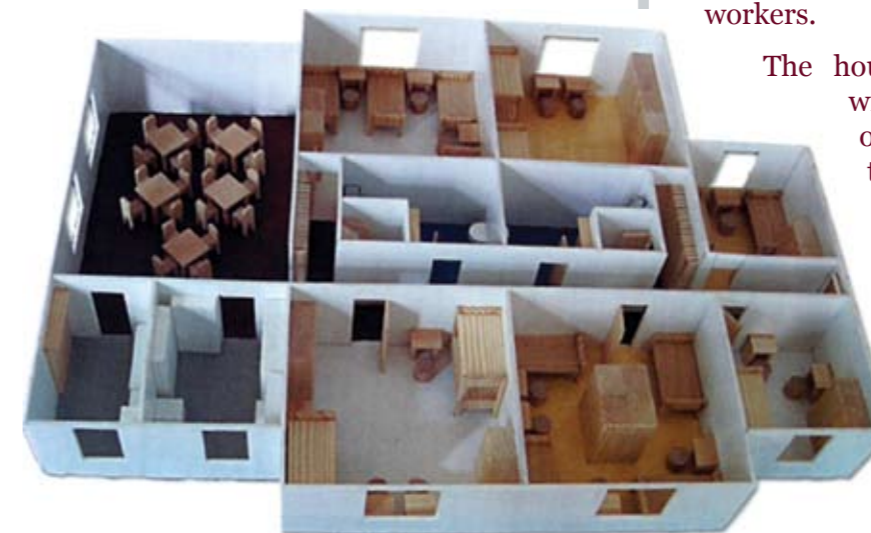
"We found eight Polish workers tightly housed in a container. It was filthy and stinking.

The floor was black with dirt and it lacked the basic sanitary facilities... The reality is that many seasonal agricultural workers don't have proper accommodation at all. They are more likely to be found sleeping in cars, barns or cellars without toilets or access to water."

Veit Wilhelmy, General Secretary, IG-BAU union for workers in the building, agriculture and environmental sectors, Germany

The response of the **IGBAU** union has been to try to improve the living conditions of seasonal migrant workers in German agriculture. Working with the architect Anja Seeger, the union has developed a 'model housing project' that sets some minimum accommodation standards for rural workers.

The housing model they came up with can be made from plastic or wood, and accommodates twenty people. They recommend rooms of at least 2.30 m high, with no more than four beds in a room or a minimum of 6 square meters per person. The floor, walls and ceiling should be damp-proofed, and there should be heating that ensures a room temperature of at least 21C in winter. Men and women should have separate bathrooms and toilets. The employer should also provide a dryer for drying work clothes, and a wardrobe for storing clothes.



'Saisonarbeiterwohnungsbau: Lösungen für die Wanderarbeitnehmerin der Landwirtschaft'
IG-BAU, Berlin
www.igbau.de

Spain: Union negotiates to improve migrants' housing

As part of its efforts to support migrant workers, the **Agriculture and Food Federation CC.OO in Spain** in the region of Andalusia signed an agreement in 2006 with the regional government and the employers' association there, aimed at improving housing for migrant workers who work on the farms there. The agreement sets out the housing standards that employers should meet, and the government provides them with some funding support to do this.



The orange-growing farm 'Citroluz' in the region is one that does now provide migrant workers with good standard accommodation, free of charge. The women workers, mostly from Romania and Poland, live 2-4 per room and have a well-furnished kitchen and bathroom. There is also a common room, where workers can watch TV or hold social events such as birthday parties.



Sweden: A company provides quality accommodation



In **Sweden**, the herb-growing company SWEGRO, based in Stockholm, employs 50-55 workers, of whom about half are migrants, both men and women, largely from **Poland** and **Baltic** countries. Some 15-20% are seasonal workers. They are members of the **Kommunal** union.

SWEGRO is a company that is treating its migrant workers far better than most. It provides them with high quality accommodation. For about 30 euros per week each, the migrants share one room between two. There is a well-furnished common kitchen, washroom, bathrooms, public telephone, fire extinguisher and a TV room where workers can watch Polish channels. Also, at the workplace, the company has provided a kitchen where workers can heat up food brought from home or pizzas bought from vending machines on-site. There is also free fruit, coffee and juice for the workers.



2.4 GETTING GOVERNMENTS TO TAKE RESPONSIBILITY

What your union can do

- **Lobby for improvements in the laws, including fair and transparent work permit systems and worker registration schemes**
- **Lobby for regulation and strong enforcement against unscrupulous employment agencies and gangmasters**
- **Put pressure on your government to ratify UN and ILO Conventions**
- **Encourage bilateral agreements between governments that improve conditions for migrant workers**
- **Encourage governments to implement sustainable development policies that create more, better quality jobs rather than migration out of poverty**

The situation for migrant workers would be so much improved if governments took up better their responsibility to promote 'decent work' for all workers. Governments rarely do this, however, without active involvement by the trade union movement. These are the kinds of measures that are needed to support migrant workers:

- **Ensuring that migrant workers are included in whatever protections the government provides for workers.**
- **Protective policies in home countries that look after the welfare and security of their citizens abroad.**
- **Fair work permit schemes in host countries to make sure that migrants are not left open to abuse.**
- **Registration schemes for recruitment and employment agencies, to support the legitimate ones and to clamp down on those that engage in exploitative, even criminal behaviour.**
- **Sustainable economies that are built on providing decent jobs for all, particularly in traditionally low wage sectors such as agriculture and food processing.**

"The founding principle of trade union policy in this area must remain that of equal treatment for migrant workers, both in migrants' own interest and to ensure that employers cannot abuse migrants' often vulnerable situation so as to undercut the situation of national workers, in a form of social dumping... Equal treatment must apply, not only in respect of terms and conditions of employment, but also to all areas of human rights, social security, housing and education. Migrant workers have a right to family life and so to be joined by relatives."

ICFTU (now ITUC), Congress 2004

Including migrant workers within the law

One important area of work for trade unions is to ensure that migrant workers are included in the scope of protective employment legislation. If not, they can be used to undermine the protections for all other workers.

Of course, this also means arguing strongly for a strong enough labour inspectorate to ensure that the legislation is enforced – and this in turn means the right kind of training and resources for labour inspectors to include migrant workers within the scope of their work.

Argentina: the RENATRE registration scheme

When the National Employment Fund was created in **Argentina** in 1991, workers in the agricultural sector were excluded from the unemployment insurance scheme. In response, the trade unions pushed for a new registration scheme for agricultural workers. As a result of their efforts, the National Registry of Rural Workers and Employers (RENATRE) was created under a law passed in 1999.

RENATRE registers rural workers and gives them access to social security benefits. The registration scheme covers all agricultural workers, whether they are local or migrants, and whether on permanent, temporary or transitory employment contracts.

A representative of the **Argentine Union of Rural Workers and Stevedores (UATRE)** sits on the RENATRE Board of Directors, along with representatives from four employers' associations. The Chair of the Board rotates between union and employers' representatives. It is independent of government, though two auditors from the Department of Labour also attend.

RENATRE obliges rural employers to register their workers and contribute into the RENATRE fund the equivalent of 1.5 per cent of the monthly wage paid to the employees.

Employers who do not register their workers face penalties. RENATRE has inspectors who check if workers are registered.

Workers registered with RENATRE receive an Employment Record Card, which is proof of employment (where she/he worked, for how long, at what salary) and when the worker is 65 years old, she/he can receive a pension.

RENATRE helps to stop unfair competition created by any unregistered labour market. It brings rural workers out of the informal and into the formal economy, guaranteeing them and their families' access to health insurance, retirement benefits, the Unemployment Insurance System, and family allowance payments.

Since it was set up, around 400,000 workers have been registered with RENATRE, including 4,000 migrants. In Argentina, migrant workers come mostly from Chile and Bolivia to the southern part of the country, and from Paraguay and Uruguay to the northern part.

All workers registered with RENATRE automatically become UATRE members, including migrant workers.

www.renatre.org.ar/ley25191.html

Action to stop abusive labour agents

As long as unscrupulous recruitment and employment agencies are allowed to get away with abusive employment practices, individual migrant workers will be at extreme risk, and the employment terms and conditions for all are driven down.

The situation is usually too dangerous for individual workers to make a formal complaint about the criminal activities of their bosses. They first have to be provided with a safe framework in which they can come forward, and not be victimised.

It is possible to build such a framework. Governments can be lobbied and even shamed into action. There are decent employers who cannot survive the unfair competition from the criminal elements. It is possible to build a coalition with both to build a regulated migrant labour market.

UK: The 2004 Gangmaster Act

The agricultural sector in the UK is dominated by casual and temporary labour supplied by labour providers, commonly termed 'gangmasters'. Gangmasters use almost entirely migrant workers to meet the demand for labour in pack-houses, and among growers and food manufacturers.

Gangmasters are notorious for abusing the basic rights of the workers they supply. Many make unfair deductions from wages for basic needs such as transport and accommodation, often leaving the workers with almost nothing from their pay packets; they keep migrant workers isolated from other workers and the local community; they threaten those who are 'undocumented' with being reported to the Police and thence deportation. All this keeps 'their' workers in a state of dependency, highly vulnerable to abuse and exploitation.

The terrible plight of migrant workers in the UK under the control of abusive gangmasters was highlighted by the death in February 2004 of Chinese cockle-pickers being made to work at night on the dangerous sands of Morecambe Bay (see page 14).

The public concern generated at these deaths was taken up by the Transport and General Worker's Union (T&G). Working with other concerned groups, including legitimate employers, they campaigned for a new law to regulate the unregistered and shady gangmasters, particularly behind Britain's agricultural and food production workforce.

The Gangmasters Licensing Bill became law on 8 July 2004. Under the Act, a labour provider is not allowed to work without a licence, and the food growers or manufacturers are not allowed to use labour supplied by unlicensed gangmasters. To do so is now a criminal offence, punishable by a prison sentence. Only labour providers who respect minimum employment provisions are granted licences.

The new body which issues licences is the Gangmasters Licensing Authority, which includes representatives of employers, trade unions, government and police. It sets the conditions of the licence, processes applications and collects fees, runs a public register of licensed gangmasters, and has the power to investigate infringements and suspend or revoke licences. The GLA also has a phone line where anyone can report, in confidence, any suspicions they have about labour providers. Its website has information for workers in six languages other than English.

It is hoped that, with the Gangmasters Act in place, the UK will never see again such events as the deaths of the Chinese cockle-pickers in Morecambe Bay, and that the day-to-day exploitation of migrant workers will be ended.

tgwu.org.uk

Gangmasters Licensing Authority: www.gla.gov.uk

Spain: tripartite convention

The Agriculture and Food Federations of the UGT and CCOO signed a tripartite convention on July 18, 2006 in Madrid. The main objectives of the convention are to analyse the internal market and identify the number of required migrant workers, and so manage the process of labour migration from origin countries. Within this convention assistance is given to agricultural migrant workers to integrate into both society and the labour market and to ensure social protection.

Fair and transparent migration policies

Work permit and visa schemes vary a lot from country to country. Some schemes are almost a recipe for abuse. For example, in some countries permits are only given to migrants for a job with a specified employer; then, when the employer turns out to be exploitative, the worker will face a choice: suffer the abuse, or leave the employer and go into the shadows as an 'irregular' worker, at risk of detention and deportation.

Even where schemes are fair on paper, governments may not put in enough resources to make sure they are administered properly.

The key point is that labour migration policies which are fair and transparent, and properly implemented, help to reduce exploitation. It is the role of trade unions to promote proper migration schemes that are based on the concept of 'decent work'.

Resources:

'Handbook on establishing effective labour migration policies in countries of origin and destination'

Organization for Security and Cooperation in Europe (OSCE), International Organization for Migration (IOM), International Labour Office, Vienna/Geneva, 2006.
www.osce.org/item/19187.html

Promoting a 'rights-based' approach

Linking work permits and entry visas to employment with a named employer is a charter for exploitation. Migrant workers must be allowed to change employers without adverse consequences. ILO Convention 143 provides for this right...

...Governments do not generally manage migration very well. Policies of destination countries are often driven by racism and xenophobia. Democratic parties have failed to provide unbiased information and transparent policies on migration as they often fear that by lacking "firmness" they will be open to criticism by the extreme right.

Countries of origin are often more interested in the foreign exchange and remittances that migrant workers send home than in their welfare. Policies and laws often discriminate against women, prevent them from migrating legally.

Migrant workers who suffer the most extreme forms of exploitation, such as trafficking, are frequently treated as criminals, not victims. They are expelled, and suffer mistreatment in their country of origin....

... Trade unions must become involved in the policy debate about managing migration - so that the benefits are maximized for workers, and the costs minimized. This means a rights-based approach to migration for labour. The trade union position is that migration and migrant workers are not to be seen as 'problems' - they are part of the solution. "

Extracts from:

'In Search of Decent Work: Migrant Workers' Rights: A manual for trade unionists'

International Labour Organisation, 2008 forthcoming

Agreements between governments

Where there is a large flow of labour between two countries, it is possible to get the two governments to sign a bilateral agreement aimed at fostering better conditions for the migrant workers. The role of unions is to make sure that the agreement is based on respect for the rights of the migrant workers involved and then that the agreement is properly implemented.

Kyrgyz and Kazakh governments reach bilateral agreement

*Kyrgyz migrant workers working in Kazakhstan have long complained about their treatment, especially their living and working conditions. At home in Kyrgyzstan, most agricultural workers are union members. So the **Agricultural Workers' Union (AWU)** there took the matter up with the Kyrgyz Government, asking them to help improve the situation of Kyrgyz citizens when working in neighbouring Kazakhstan.*

In a bilateral agreement signed 2004, both Governments agree to respect the rights of migrant workers without any discrimination on grounds of sex, age, citizenship, language, etc. They confirm that migrants recruited to work should be no younger than 18 years old. Both Governments have also agreed to take action to prevent the employment of migrants through unlicensed third-party agents. Migrant workers are now entitled to social insurance in their host country.

Moldova: Agreements with several 'host' governments

Moldova is one of the countries most affected by the outflow of labour. Almost half of the economically-active population emigrates and their remittances help their families at home overcome poverty and contribute to the country's economic recovery.

*Many migrant Moldovans, like migrants the world over, enter their destination country as 'tourists' after which they overstay their tourist visa and work without the proper permit. To assist its citizens to get legal employment in host countries, the Moldovan Government has concluded bilateral agreements with the five countries where Moldovans mostly work: **Russian Federation** (1993), **Ukraine** (1993), **Belarus** (1994), **Italy** (2003) and **Azerbaijan** (2005).*

Any Moldovan who wants to work abroad registers on a database of the State Migration Department. Prospective employers from other countries can search this database and select candidate workers. This helps Moldovan migrants enter a host country with a work contract and so better ensures their social protection.

Within the framework of its agreement, Italy reserves a quota of workplaces for Moldova, and each year the number of contracts to work there is increasing; in 2005, 2000 Moldovans got a work contract in Italy, 500 more than the previous year.

Further bilateral agreements are being negotiated with Portugal, Benelux countries, Spain and Greece.

Using international standards

International standards are an important tool to defend the rights of migrant workers.

Some international standards are so important that they apply to all workers whether or not any particular government agrees. They include Universal Declaration of Human Rights (UDHR) adopted in 1947 by the United Nations General Assembly, and the 'Core' Conventions of the International Labour Organisation (ILO).

These international instruments can and should be used by unions to protect the human and employment rights of migrant workers. Where governments are failing to ensure respect for the fundamental rights of migrants, unions should take this up with them with great vigour.

Other international standards need to be 'ratified' by each government. Ratification means accepting the international standards and then bringing them into national legislation. Many governments still need to be convinced that ratification of UN and ILO Conventions is essential.

So, national laws in many countries still do not meet the minimum standards required by the United Nations or the ILO. One clear and important example of this is in health and safety provisions for agricultural workers. It is a very important role for trade unions to insist with their government that these international standards must be applied in their country.

It is important to note that the **international conventions apply to all workers, no matter what their origin is.**

There is much more too that trade unions can do to draw public attention to the existence of international standards, and the need for better laws to meet these standards. Very often people do not know that these standards exist.

When governments do meet their responsibilities it puts them in a good light, in two ways. It shows that they care for their citizens who are far from home. It also shows that they care for their national workers, preventing their employment standards from being driven down by unfair competition from migrants.

"Migrant workers are an asset to every country where they bring their labour. Let us give them the dignity they deserve as human beings and the respect they deserve as workers."

Juan Somavia, Director-General, ILO

ILO International Migration Programme (MIGRANT)

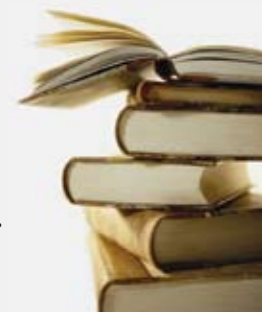
www.ilo.org/public/english/protection/migrant/index.htm

Resources:

Information on which governments have ratified conventions that are important for migrant workers' protection is given on the following pages (as at mid-2007). All ILO Conventions and the list of ratifications can be found in the ILOLEX Database on International Labour Standards at www.ilo.org/ilolex

For more information on using international conventions, see:

'In Search of Decent Work: Migrant Workers' Rights: A manual for trade unionists', International Labour Organisation, 2008 forthcoming



United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)

Achieving the 1990 UN Migrant Workers' Convention took ten years of hard work, arguing and campaigning, and it finally came into force on 1 July 2003. The Convention calls for the protection of the fundamental human rights of all migrant workers and members of their families, irrespective of their legal status. It establishes minimum standards of protection in social, economic, civil, cultural, legal and political rights for migrant workers.

Article 25 states that migrant workers are to be treated equally with nationals in respect to conditions of work and remuneration. Migrant workers also have the right to transfer their earnings and belongings (Article 32) and enjoy the same protection as nationals against dismissal, unemployment benefits, access to alternative employment, etc. (Article 54).

The Convention requires governments in origin and destination countries to provide information for migrant workers about their rights covered in the Convention (Article 33).

It is of serious concern that none of the main migrant destination countries of Europe and North America have so far ratified this Convention. Nor have other significant receiving countries such as Malaysia. Lobbying governments to ratify this UN Convention is an important task for trade unions.

Present status: **37 countries** have ratified and **15 countries** have signed
**the United Nations International Convention on the Protection of the Rights of
all Migrant Workers and Members of their Families (1990)**

As at 5 July 2007

Albania (2007), Algeria (2005), Argentina (2007), Azerbaijan (1999), Belize (2001), Bolivia (2000), Bosnia & Herzegovina (1996), Burkina Faso (2003), Cape Verde (1997), Chile (2005), Colombia (1995), Ecuador (2002), Egypt (1993), El Salvador (2003), Ghana (2000), Guatemala (2003), Guinea (2000), Honduras (2005), Kyrgyzstan (2003), Lesotho (2005), Libyan Arab Jamahiriya (2004), Mali (2003), Mauritania (2007), Mexico (1999), Morocco (1993), Nicaragua (2005), Philippines (1995), Senegal (1999), Seychelles (1994), Sri Lanka (1996), Syria (2005), Peru (2005), Tajikistan (2002), Timur Leste (2004), Turkey (2004), Uganda (1995), Uruguay (2001).

Implementation of the Convention is monitored by ten independent experts who make up the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). Governments are obliged to submit reports to them.

Resources:

The text of the UN Convention, plus more information, articles and reports (in French, Spanish, English and Italian) can be found at:
www.migrantsrights.org

“More must be done to ensure the respect of the human rights of migrant workers and their families – be they regular or irregular, documented or undocumented. That is why I call on States to become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families...”

**Kofi Annan, former Secretary General,
United Nations**

18 December 2003, International Migrants' Day
www.un.org/News/Press/docs/2003/sgsm9081.doc.htm

The 'Core' ILO Conventions

Trade union rights:

ILO Convention No.87 - Freedom of Association and Protection of the Rights to Organise, 1948
ILO Convention No.98 - Rights to Organise and Collective bargaining, 1949

No forced labour:

ILO Convention No.29 – Forced Labour Convention, 1930
ILO Convention No.105 - Abolition of Forced Labour Convention, 1957

No discrimination:

ILO Convention No.100 – Equal Remuneration Convention, 1951
ILO Convention No.111 – Discrimination (Employment and Occupation) Convention, 1958

An end to the worst forms of child labour:

ILO Convention No.138 – Minimum Age Convention, 1973
ILO Convention No.182- Prohibition and Immediate Elimination of the Worst Forms of Child Labour Convention, 1999

These ILO 'core' Conventions cover all workers, no matter who and where they are.

They apply equally to migrant workers, regardless of their status. Migrant workers, whether they are regular or irregular “without distinction whatsoever”, have the right to join and establish a union. They have the right to hold office in trade unions. They have the right to be protected against any form of discrimination.

The ILO Committee on Freedom of Association, together with the Committee of Experts, have the right and duty to request countries to amend any laws that do not comply with these ILO Conventions.

Trade unions have the right to take a complaint to the ILO Committee on Freedom of Association, to ask them to investigate. Over the 80 years that the ILO has been in existence, many governments have changed their laws and practices as a result of criticism from the ILO.

Resources:

For information on how to use ILO procedures and how to get your government to ratify ILO Conventions, see:
'In Search of Decent Work: Migrant Workers' Rights: A manual for trade unionists',
International Labour Organisation, 2008 forthcoming



Other ILO Conventions useful for migrant workers

ILO Migration for Employment Convention (Revised) No.97, 1949 Recommendation (Revised) No.86, 1949

This Convention ensures the protection of regular migrant workers from discrimination and exploitation. Migrant workers must get equal treatment with nationals in regard to social security, employment taxes, living and working conditions, the right to freedom of association and collective bargaining, and access to justice. Migrants must have the freedom to transfer their earnings. Governments are not allowed to expel migrants who have been admitted on a permanent basis but then become incapable of working.

Recommendation No.86 broadens the protection by including migrant workers' welfare. It recommends that governments provide vocational training that meets the standards required in destination countries. It also says governments should provide adequate accommodation, clothing, and food on arrival in the destination country.

Present status: **47 countries** have ratified **ILO Convention No.97**
As at 10 July 2007

Albania (2005), Algeria (1962), Armenia (2006), Bahamas (1976), Barbados (1967), Belgium (1953), Belize (1983), Bosnia and Herzegovina (1993), Brazil (1965), Burkina Faso (1961), Cameroon (1962), Cuba (1952), Cyprus (1960), Dominica (1983), Ecuador (1978), France (1954), Germany (1959), Grenada (1979), Guatemala (1952), Guyana (1966), Israel (1953), Italy (1952), Jamaica (1962), Kenya (1965), Macedonia (1991), Madagascar (2001), Malawi (1965), Malaysia Sabah (1964), Mauritius (1969), Republic of Moldova (2005), Montenegro (2006), Netherlands (1952), New Zealand (1950), Nigeria (1960), Norway (1955), Portugal (1978), Saint Lucia (1980), Serbia (2000), Slovenia (1992), Spain (1967), Tajikistan (2007), Tanzania Zanzibar (1964), Trinidad and Tobago (1963), United Kingdom (1951), Uruguay (1954), Bolivarian Republic of Venezuela (1983), Zambia (1964).

ILO Migrant Workers (Supplementary Provisions) Convention No.143, 1975 Migrant Workers Recommendation No.151, 1975

This Convention addresses migration flows, and has two parts. States are allowed to ratify only the first or the second part of the Convention.

The first part deals with clandestine migration and says that governments must respect the basic human rights of migrants whether they have entered the destination country with or without proper documents. It requires governments to monitor and punish labour agents and employers involved in the clandestine movement of migrant workers. It also requires governments to protect migrant workers who are in an 'irregular' situation or have lost their job.

The second part deals with equality of opportunities between regular migrants and national workers. Migrants who have been legally employed for 2 years have the right to move to a job other than the one for which they were recruited. Governments must allow migrant workers to choose the jobs they want freely.

Present status: **23 countries** have ratified **ILO Convention No. 143**
As at 10 July 2007

Albania (2006), Armenia (2006), Benin (1980), Bosnia and Herzegovina (1993), Burkina Faso (1977), Cameroon (1978), Cyprus (1977), Guinea (1978), Italy (1981), Kenya (1979), Macedonia (1991), Montenegro (2006), Norway (1979), Philippines (2006), Portugal (1978), San Marino (1985), Serbia (2000), Slovenia (1992), Sweden (1982), Tajikistan (2007), Togo (1983), Uganda (1978), Bolivarian Republic of Venezuela (1983).

ILO Multilateral Framework on Labour Migration, non-binding principles and guidelines for a rights-based approach to labour migration

This ILO Multilateral Framework, adopted in November 2005, puts into effect to the decisions of the 92nd Session of the International Labour Conference (2004) on a fair deal for migrant workers in a global economy.

It is 'non-binding', which means that governments do not have to adopt it. But it includes useful guidelines for governments, employers' organisations and trade unions.

Annexe II has concrete examples of best practices in various regions and countries. It shows what steps can be taken to help achieve decent work for migrant workers, to protect them from abuse, and to stimulate better social integration into their host country.

Find it at: www.ilo.org/public/english/protection/migrant/download/tmmflm-en.pdf



Present status: **8 countries** have ratified **ILO Convention No. 184**

As at 21 August 2007
Argentina (2006), Finland (2003), Kyrgyzstan (2004), Republic of Moldova (2002), Sao Tome and Principe (2005), Slovakia (2002), Sweden (2004), Uruguay (2005).

ILO Convention on Safety and Health in Agriculture, No.184, 2001

At least 170,000 agricultural workers are killed in the workplace every year. Many are seriously injured while using agricultural machinery or poisoned from pesticides. This Convention aims to improve the health and safety of all agricultural workers, including migrants.

As part of their campaign to raise greater international awareness and put pressure on governments to ratify the Convention into national law, the ILO Bureau for Workers Activities (ACTRAV) and the Global Unions ran a poster campaign. Yet to date, still only eight countries have ratified the Convention.

More information about the ratification campaign can be found in Spanish, English and French at: www.ilo.org/ratify



Private Employment Agencies Convention, No.181, 1997

This ILO Convention says that governments should ensure that private employment agencies do not charge workers for their services; agency-hired workers must enjoy the benefits of all regulations relating to minimum wages, working time and other conditions, social security benefits, access to training, occupational health and safety, and maternity/parental protection. Importantly also, it says that agency-hired workers must be allowed to join trade unions and bargain collectively.

Governments should withdraw licences and/or fine agencies which act fraudulently. Governments should also collaborate across borders to act against abusive or fraudulent employment agencies.

So far, many of the main sending and receiving countries of migrants have not yet ratified this Convention.

Present status: **20 countries** have ratified **ILO Convention No. 181**
As at 21 August 2007

Albania (1999), Algeria (2006), Belgium (2004), Bulgaria (2005), Czech Republic (2000), Ethiopia (1999), Finland (1999), Georgia (2002), Hungary (2003), Italy (2000), Japan (1999), Lithuania (2004), Republic of Moldova (2001), Morocco (1999), Netherlands (1999), Portugal (2002), Spain (1999), Suriname (2006), Uruguay (2005).

Spain/Morocco: Using ILO procedures to protect migrant workers' rights

The region of Andalusia in **Spain** has vast areas of greenhouses where crops are grown for export, particularly to other European countries. Thousands of workers from Northern Africa work there, often in temperatures of 50 degrees Celsius. Wages are lower than the daily minimum living wage. They are excluded from medical or social coverage, and accommodated in makeshift shelters.

In February 2000, in the town of El Ejido in, Moroccan workers and members of their families were violently attacked by local people; houses were set on fire, shops pillaged, and mosques destroyed. The **Democratic Confederation of Labour (CDT) of Morocco** said these events took place without any intervention from the local authorities for 24 hours.

According to Spanish trade unions, events in El Ejido were the result of a series of factors:

- a huge expansion of the hidden economy in the countryside, intolerable working conditions and inadequate inspection by the employment authority;
- abusive practices by some unscrupulous employers and agents;
- a social model which regards immigration solely as cheap labour to contribute to economic development;
- the absence of a proper immigration policy.

The **Spanish General Workers' Union (UGT)** submitted a complaint against the Spanish Government to the ILO's Committee on Freedom of Association (CFA). They said that a new law (Act No. 8/2000 on the Rights of Foreigners in Spain and their Social Integration) prevented the exercise of the freedom of association, the right to belong to a trade union, and the right to strike by 'irregular' foreign workers. The Committee accepted what the union said, and asked the Spanish Government to amend the law.

The Moroccan CDT also used ILO procedures. They drew the attention of the Committee of Experts to the situation and the attacks in El Ejido in the context of ILO Convention No. 97 on Migration for Employment. The Committee of Experts issued a report, and the matter was discussed at the International Labour Conference where workers' representatives could highlight the situation even more.

This scrutiny by the ILO helped shift the Spanish Government. In 2004, a 'regularisation' campaign for migrant workers was announced. Some 150 registration offices were opened across the country. Applications had to be handed in by 7 May 2005. Employers of migrant workers could apply for them to get 'regular' status. Workers said to be 'discontinuous', that is to say those working at least thirty hours per week but not for a single employer, could also apply. One requirement was that the worker should already be registered with the Spanish Population Register by 8 August 2004. Another was that criminal record statements from both Spain and the country of origin had to be provided.

Trade unions, NGOs and migrant workers were critical of the process. There were sit-ins and hunger strikes in cities like Barcelona. A more relaxed approach was needed, they said, because many migrants had not registered with the Population Register for fear of deportation; or they could not necessarily provide a work contract of more than six months; or their embassy could not provide a criminal record statement in time. Migrant workers also protested that some employers, rather than legalise their employment of migrants and pay proper wages, took the opportunity to fire them instead.

However, in the end an estimated 800,000 migrants became registered, mostly in agriculture, domestic work, construction, and hotels. In this way, they gained proper status for the work they do.

Additional information from: **'In Search of Decent Work: Migrant Workers' Rights: A manual for trade unionists'**, International Labour Organisation, 2008 forthcoming

Building sustainable economies

"If you look at the global economy from the perspective of people, its biggest structural failure is the inability to create enough jobs where people live."

Juan Somavia, Director-General, ILO

'Labour migration policy and management',
Training modules, International Labour Office, 2004

Trade unions have never just looked at workplace terms and conditions in a narrow way. We have throughout our history, across the world, tried to be involved in shaping the wider economies and societies in which we live and work so as to give working people and their communities a better future.

Trade unionists in the agriculture and allied sectors have an important role to play in helping to promote sustainable development in farming and food production. It is vital to be involved in improving the livelihoods and welfare of rural communities, to provide better quality jobs where people live, combating the employers' demand for cheap labour, and reducing people's need to migrate out of poverty.

Sustainable Agriculture and Rural Development (SARD)

SARD was launched at the World Summit for Sustainable Development in Johannesburg in 2002. Civil society groups, UN agencies and governments agreed that more needed to be done to improve the livelihoods and living conditions of the rural poor and the sustainability of their environments. They said that SARD should encourage 'people-centred' rural development, and stronger participation by farming communities in programme and policy development. SARD is facilitated by the Food and Agriculture Organisation (FAO) of the United Nations.

The IUF joined in SARD activities. Our aim was to get the theme of fair employment in agriculture accepted, and ILO standards included. Working with the FAO and ILO, we have seen some success. 'Institutionalised fair conditions of employment' is included in the SARD guidelines for good practice, and several briefings on agricultural workers and their role in achieving sustainable agriculture have been published.

www.fao.org/sard

Resources:

'Agricultural Workers and their Contribution to Sustainable Agriculture and Rural Development'
FAO, ILO and IUF, 2005
www.fao.org/docrep/008/af164e/af164e00.htm

'SARD and Agricultural Workers'
SARD Policy Brief 1, 2006
[ftp://ftp.fao.org/SD/SDA/SDAR/sard/SARD-Agwork%20-%20english%20\(electronic%20version\).pdf](ftp://ftp.fao.org/SD/SDA/SDAR/sard/SARD-Agwork%20-%20english%20(electronic%20version).pdf)



What your union can do

- *Raise public awareness about the contribution as well as the rights of migrant workers*
- *Generate publicity and campaigns against bad employers and poor government policies*
- *Celebrate 18 December, International Migrants' Day*

Many people find migrant workers who have arrived in their area threatening. Racism and xenophobia against migrants are serious problems in many countries. Trade unions are well placed to help combat such tensions and attitudes. Unions can carry out awareness-raising among their own members, and encourage them to take positive messages into their communities and be active in combating any negative views they find.

One strong message concerns the economic contribution that migrants are making to the local economy. They are helping to produce the goods and services that we all use. In the case of agricultural and allied workers, they are producing the very food that sustains us.

Another is that these enterprising, hard-working people, who have risked a lot to come from far away so as to lift their families and communities out of poverty, deserve our respect.

"We believe that there is absolutely no good reason why any immigrant who comes to this country prepared to work, to pay taxes, and to abide by our laws and rules should be relegated to this repressive, second-class guest worker status."

AFL-CIO union federation, USA, 2000
Quoted in ILO, 2008 forthcoming

The negative focus should instead be shifted to the bad practices of many employers and governments. It is they - rather than the migrant workers - who are undermining wages and other working conditions. It is they - rather than the migrants - who are responsible for the poverty, especially in rural areas, that generates so much migration.

Public awareness can and should be raised as much as possible through the press, radio and TV. Unions in each country will know which medium suits best for getting messages out in their local situation. As well as mass rallies, some unions have come up with imaginative activities such as the 'Freedom Ride' in the US.

Getting the voice and experience of migrant workers into the public domain is crucial. This might mean publishing the testimonials of workers affected, on paper or in short videos, including on the Internet through union websites and elsewhere such as YouTube. Or it might be worth showing films, followed by discussion. Cross-cultural art events - such as music and dance - are very helpful for breaking down social barriers and building mutual understanding.

Union campaigns to combat the exploitation of migrant workers can be strengthened by building coalitions with others. Alliances with migrants' own groups, other unions in the food supply chain such as retail workers. Or allies might include consumer groups, or groups that are promoting sustainable rural development, and so on.

USA: Freedom Riders cross the country again, now for migrants' rights

In September-October 2003, the UNITE-HERE union in the USA, which has been very successful at organising migrant workers in the hotels industry, organised an 'Immigrant Workers' Freedom Ride'. Almost a thousand union members travelled in buses across the country to raise awareness of migrant workers' rights. **Debbie Anderson** of UNITE-HERE told the IUF Women's Committee in April 2004 how the 'Freedom Ride' helped build a coalition of unions and community groups in opposition to the Bush administration's hostile policies.

"The US labour movement had to rethink its position on immigrant workers several years ago. A majority of unions had an anti-immigrant position, fearing immigrants were taking jobs of union members. In February 2000, by a unanimous vote, the Executive Council of the AFL-CIO (national union centre) decided to change to a position embracing immigrant workers."

From a practical point of view, the US economy just could not function without the labour of immigrant workers. Now there is no community, no state, no industry, no occupation that doesn't have a significant immigrant population. Unions are encountering immigrants everywhere. If immigrants can't organise, the entire workplace can't be organised. Native-born workers were, in effect, being held back by the vulnerabilities of immigrants."

Following this dramatic change in labour's official position, the 2001 UNITE-HERE Congress voted to take action to create positive public discussion around immigration. Our members realised the need to make the public realise this is about real people and real life stories. This became particularly important after the terrible events of September 11, when the Bush administration began trying to equate immigrants to terrorists."

The national labour movement took up the issue, along with community, immigrant, civil rights and other social justice groups. Coalitions were built over several years, nurturing the idea of creating a positive action to highlight the issue. From these coalitions, the concept of the Immigrant Workers' Freedom Ride (IWFR) was born. It was patterned on the original freedom rides of the 1960s, pushing for civil rights for African Americans."

The IWFR in September-October 2003 were hugely successful. Almost one thousand riders, representing over 50 nationalities, travelled in 18 buses on 10 different routes through 42 states. Over 20,000 miles (32,000 km) were travelled. The freedom riders took part in over 200 public events set up by 106 different community/labour organisations. Some 2000 public endorsements were gathered from community, religious and political leaders. Significantly, it created a huge amount of positive media coverage about immigrant rights."

There were four key demands:

- *Legalisation and road to citizenship (most workers from South/Central America are 'irregular')*
- *Family reunification (many Asian migrants are 'legal' but have to leave their families behind)*
- *Civil liberties for all (the US Constitution refers to 'persons', not 'citizens')*
- *Rights on the job without regard to immigration status."*

Currently, more than 100 organisations continue meeting to strengthen the relationships among trade unions, immigrant rights groups and community, religious and poor people's advocacy groups. In effect, we are building a new social movement. Nothing like this has happened since the civil rights and anti-war movements of the 60s and 70s. It has given people the courage to build a standing coalition nationwide, within the framework of an increasingly repressive political climate and the forthcoming Presidential elections."

The next steps include legislative, political and direct action. Civil rights leaders of Freedom Summer '64 will train people to be sent out to two areas in which immigrants are under attack: South Florida and Arizona. Arizona is a border state to Mexico, and over 200 immigrants died last year just trying to cross the desert to enter the US."

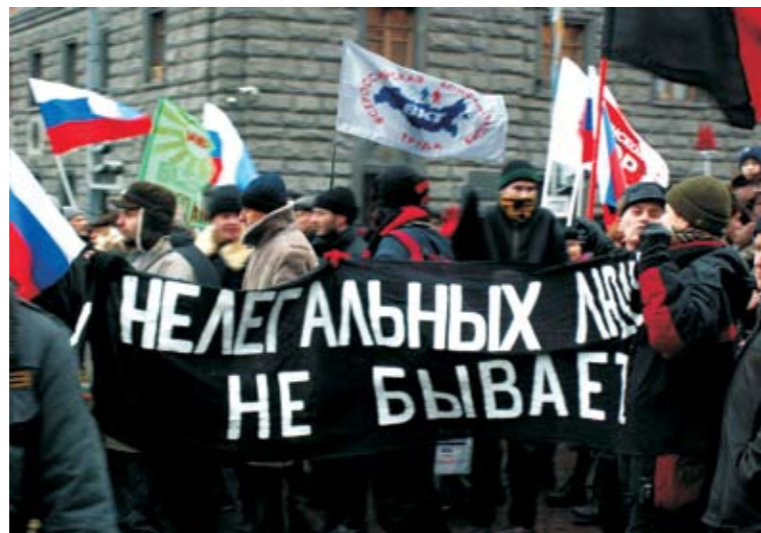
www.unitehere.org

18 December - International Migrants' Day

The **International Convention of the Protection of the Rights of all Migrant Workers and Members of Their Families** was adopted by the United Nations on 18 December 1990.

In response, migrant organisations in a number of Asian countries started promoting and celebrating 18 December as the International Day for Solidarity with Migrants. Later, their initiative was supported by others such as Migrant Rights International and the Steering Committee for the Global Campaign for Ratification of the International Convention on Migrants' Rights. On 4 December 2000, the day was proclaimed as International Migrant's Day.

Unions worldwide are invited to celebrate this day, to undertake actions calling for the protection of migrant workers' rights, and to call for the governments to ratify the UN Convention on Migrant workers as well as the ILO Conventions No.97 and No.143.



"There's no such thing as 'Illegal People'"
proclaims a banner carried by activists in Moscow, Russia. Over 3000 people participated in an anti-fascist demonstration on 18 December 2006 in Moscow. The VKT, one of the Russian trade union confederations, joined in to protest against the increasing nationalism in Russian society.

Resources:

www.december18.net:

A web portal "to promote and protect the rights of migrants with dignity and respect", including information on how 18 December is celebrated in different countries; in English, French, Dutch, Spanish, Italian.

Italy: Campaign to stop the exploitation of agricultural workers

In October 2006, the Italian food and agricultural workers' unions FAI-CISL and FLAI-CGIL, together with other groups, organised a big demonstration in Puglia, in the south of Italy, in support of migrant workers in agriculture. Many agricultural workers there are employed by gangmasters, who exploit them, beat them and do not pay them. The unions' aim was to raise public awareness of the problem and ask for respect of migrant workers' rights.

"Fighting against racism and xenophobia have to be key elements of our work to defend and organise migrant workers."

IUF 25th Congress,
Geneva, March 2007

2.6 ACTING AT THE GLOBAL LEVEL

What your union can do

- Take part in IUF international activities for migrant workers' rights
- Work through your national union centre to promote Global Unions' activities on migrant workers' rights

IUF support for migrant workers

The IUF is a Global Union Federation. Affiliated to the IUF today are 336 trade unions in 120 countries; together they represent over 12 million workers.

Since the IUF was founded in the 1920s, the unions affiliated to it have understood the need to support workers who cross borders to find work. In the IUF's Rules, since those days, there has been an agreement urging unions across borders to recognise and support each others members.

In recent years, the IUF has seen the growth in international migration of workers in its sectors and industries, and decided that there is a need to renew its approach to supporting migrant workers. Three international workshops on the protection of migrant workers rights have been held, along with many field visits to get a clearer picture of the situation facing migrant workers, along with what unions on the ground are and can be doing.



photo by Kirill Buketov

At the first workshop, held in Berlin, Germany on 24-26 June 2003 with the support of the German union IGBAU, the workshop participants drafted a IUF Charter of Rights for Migrant Workers in Agriculture, which was later adopted by the IUF Executive Committee on 28-29 April, 2004 and the IUF 25th Congress in March 2007.

The second IUF workshop, 'Organising, Representing and Defending Migrant Workers' Rights in Agriculture and Allied Sectors', was held on 8-10 December 2005 in the Republic of Moldova. Participants came from Europe, Scandinavia and Central Asia to exchange their experiences of trying to protect migrant workers' rights. They also made two very useful field visits to Moldovan villages to discuss real experiences of migration from that area.

The IUF international working group on migrant workers' rights met for the third time in December 2006 in Seville to discuss future IUF approaches to migration policy. They asked the IUF to extend these activities on migrant workers' rights to all world regions, giving even more assistance to affiliates to organise migrant workers.

All these activities led up to the 25th IUF Congress, in Geneva on 19-22 March, 2007, when affiliated trade unions from 32 countries passed a migrant workers' resolution. They endorsed the Charter of Migrant Workers' Rights, and called on the IUF and all its unions the world over to expand their activities for migrant workers' rights, including the need for affiliates to use the IUF International Union Card more.



Executive Committee

**A Charter of Rights for Migrant Workers in Agriculture
Decent work and equal treatment**

Labour is not a commodity: poverty anywhere constitutes a danger to prosperity everywhere (1)

No worker is an illegal worker

Millions of workers in agriculture work outside their home countries. Women migrant workers are particularly vulnerable. They face discrimination as women and as migrants. All workers have the right to decent work and equal treatment.

These rights are:

- Equal pay and working conditions in line with those of nationals of the host country, including those benefits derived from collective bargaining (2) and trade union membership;
- Freedom from physical or psychological violence and harassment, inhumane treatment and arbitrary deportation;
- No child labour or forced labour;
- Freedom of movement (employers cannot withhold passports or permits)
- No discrimination on the grounds of sex, race, colour, sexual orientation, language, religion, political conviction, nationality, age, economic position, property, marital status, birth or other status (3);
- Safe and healthy working conditions (4);
- No forced deductions from wages;
- Adequate accommodation and sanitation;
- Maternity and family rights (6)
- Access to education for their children;
- Access to medical services, social security and justice;
- Access to accurate information, in the relevant languages, in home countries and host countries.

These rights, which apply to women and men regardless of their status, are recognised in international laws such as the Conventions of the International Labour Organisation and United Nations Conventions. They are best protected through membership of a trade union, therefore the right to join a trade union is fundamental.

As trade unions representing workers in agriculture we are committed to fighting for these rights for all migrant workers, documented or undocumented.

We will fight to improve living and working conditions for all migrant workers.

Governments and employers also have the duty to respect these rights.

1. Declaration of Philadelphia
2. Collective agreements usually cover hours of work, overtime rates, training, sick pay and holiday pay etc
3. ILO Convention 100 on Equal Remuneration and Convention 111 on discrimination (employment and occupation)
4. ILO Convention 184 on safety and health in agriculture
5. ILO Conventions 97 concerning migration for employment and 143 concerning migrants in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers; UN International Convention on the protection of the rights of all migrant workers and members of their families
6. ILO Convention 156 concerning family rights and Convention 183 on maternity protection.

IUF Executive Committee, Geneva, 28-29 April, 2004

Global Unions

At a global level, the IUF works with the other organizations of the Global Unions. They are: the International Trade Union Confederation (ITUC), the nine other Global Union Federations in different industries/sectors (like the IUF) and the Trade Union Advisory Committee to the OECD (Organisation for Economic Cooperation and Development).

Together, the Global Unions play a strong role in the International Labour Organisation. The Global Unions are key to establishing and maintaining the international labour standards that exist.

As well as playing a strong role in the IUF, our affiliated unions can also do this through their national centres which are in turn affiliated to the ITUC. Such activities strengthen the voice of workers at a global level.

At its 18th Congress in 2004, the ITUC (then ICFTU) adopted a Special Action Plan on Migrant Workers. The main elements of the plan are:

- Establishing an international policy framework capable of ensuring respect for migrant workers' fundamental rights and offering them decent work opportunities.
- Promoting solidarity with migrant workers
- Protecting the rights of migrant workers regardless of their legal status in the host country
- Paying particular attention to the vulnerable situation of women migrants
- Campaigning for the ratification and implementation of international labour standards, ILO Core Conventions, particularly those relevant to migrant workers, and the revision of national labour laws to guarantee conformity with these standards.

The Global Forum for Migration Development is an example of how the Global Unions have to get involved at a global policy level. As the first GFMD meeting was taking place in mid-July 2007, hosted by the Belgian Government, the ITUC, in collaboration with Migrants Rights International and December 18, issued some serious criticisms of it. First of all, the GFMD meeting only invited governments, not trade unions and migrant workers' groups. Their focus was on narrow themes such as how to fill labour shortages with temporary migration schemes; they failed to integrate migration with sustainable development issues such as providing 'decent work' and a living wage where people live. The ITUC and MRI say that such global migration discussions must be returned to the United Nations, and properly involve the labour organisations that represent the migrants themselves.

www.ituc-csi.org/equality/migrant_workers

“The failure of globalisation to create productive employment and decent work where people live is the prime factor in increasing migration pressures...”

Every year, migrant workers send home to developing countries large volumes of remittances - estimated at US\$160 billion in 2005 - to support their families and communities. These remittances help build better houses, provide health care, enable children to attend school and improve food security for families and communities left behind...

At the same time migrant workers contribute a lot to the prosperity of host countries. They make up for declining birth rates and ageing populations, and contribute to economic growth and social welfare.”

Juan Somavia, Director-General, International Labour Organisation

www.un.org/docs/ecosoc/meetings/2006/hls2006/documents/DG%20ILO-RT3.pdf