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## Cross-border work / reviews special

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# Note

from the editor

Jan Cremers,  
AIAS/MEP  
5 October 2008.

We lost a good friend and a dedicated advocate of a Social Europe.

In the second half of August I received the message that Brian Bercusson had died.

Fortunately, I was on time to go to his funeral in London with his family and friends.

Brian (born in Canada in 1947) belonged to the most faithful friends with his bright opinions and in-depth knowledge. We had him as a keynote speaker at several of our seminars and he was a true advisor in the field of transnational issues of labour law and workers' rights. Our cooperation dates back as early as 1990 as the European Federation of Building and Woodworkers started to campaign for equal treatment at the workplace within the framework of the free movement of workers. From that moment on, we had a trustful and critical supporter of a lobby process that later on brought us the Posting of Workers Directive. And it was in this field that Brian continued to back up the European trade union movement with excellent assessments of the ECJ-cases on Viking, Laval and Ruffert.

I also remember him as the ideal external advisor of the Employment and Social Affairs Committee of the European Parliament from the moment that the Action Programme, based on the European Social

Charter, was implemented. His amazing production with basic studies and position papers will stay with us.

The contributions in this issue of CLR-News would probably have had Brian's approval. Charles Woolfson gathers up the threads of the free movement and workers' rights debate, and in my own contribution I have added a next episode in the long list of ECJ-cases.

The hard core of this issue is for a set of reviews. First of all about migration, introduced by Jörn Janssen, who invited experts to review several migration studies. Secondly on low-wage work, introduced by myself, with again a review team of several experts. I would like to thank the colleagues for their kind cooperation and I do hope that the studies reviewed will find their way to our readers.

## Where next for European trade union rights?

The European Court of Justice, since the end of 2007, has delivered a series of rulings in the *Viking*, *Laval*, *Rüffert* and the *Luxemburg* cases, which directly address issues of the right to defend existing standards against erosion by workers prepared to work for lower wages and under inferior conditions. The series of hostile judgements has come as a shock to many in the European labour movement. The Court has clearly privileged the economic priorities of the European project, in particular, European treaty provisions on freedom of provision of services and the freedom of establishment of undertakings over the 'social dimension' of the European project.

### Circumstances of the *Laval* case

The details of the *Laval* dispute are by now reasonably familiar. In June 2004, the Latvian company Laval un Partneri, through its subsidiary L&P 'Baltic Bygg', started contract work involving the refurbishing of an old school in the Vaxholm municipality outside Stockholm. The work was carried out by Latvian building workers 'posted' to Sweden while remaining in the employ of their 'home state' service provider, Laval un Partneri. The Latvian company had some 35 workers in total posted in the Stockholm region on various contracts. The Swedish Construction Workers' Union (*Svenska Byggnadsarbetareförbundet*), hereafter Byggnads, demanded that the company conclude a Swedish collective agreement to provide comparable wages and conditions to those of Swedish workers under the Construction Sector Collective Agreement. The initial demand was for the payment of the average wage of 145 SEK (15 EUR) which was modified to the fall-back wage of 109 SEK (12 EUR). Due to the company's refusal to sign an agreement over a period of several months of negotiations, on 19 October, Byggnads gave notice of industrial action at the company's workplaces, starting on 2 November 2004.

The industrial action took the form of a blockade of the Vaxholm site. One month later, on 3 December this action was further supported by sympathy action on the part of the Swedish Electricians' Union (*Svenska Elektrikerförbundet*), SEF – which was extended to all company sites in the Stockholm region. On 7 December, the company submitted a summons application to the

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Swedish Labour Court (Arbetsdomstolen) seeking declaration of the industrial action and the secondary action as illegal, the immediate lifting of the action, and damages for losses incurred. The Labour Court rejected the company claim, but in April 2005, referred the case to the European Court of Justice for a preliminary opinion, in order to seek clarification as to whether the industrial action contradicted certain aspects of EC law. The company had invoked provisions in the EU Treaty, specifically Article 12 (prohibition of discrimination on the ground of nationality) and Article 49 (restrictions on freedom to provide services within the Community) which it claimed were violated by the actions of the trade unions.

Laval also made reference regarding provisions of the EU Posted Workers Directive with respect to terms and conditions of employment for workers who perform services in one member state, while remaining in the employ of a company from another member state (Article 3.1.C). This article implied, according to the company, that the member states must ensure that a minimum rate of pay is laid down in national legislation or in a generally applicable collective agreement for it to apply to posted workers from abroad. As Sweden had not introduced such generally applicable rules (*erga omnes*) or statutory provisions on minimum wages, Laval argued that there was no obligation upon it as an employer to pay a certain minimum wage. Minimum wages in Sweden are specified only in collective agreements, serving mainly as a starting-point for local negotiations. Moreover, Laval had concluded two collective agreements with the Latvian Construction Workers' Union (LCA), albeit only *after* the negotiations with the Swedish construction union had begun (the first agreement covered only those workers who were members of the LCA, and the second, the whole Laval Latvian workforce).

The Labour Court had to consider whether provisions under Sweden's *Lex Britannia* law could be applied to the blockade action of the trade unions. This allows industrial action to be taken against a company, even where there is an existing collective agreement (normally forbidden under the Swedish Joint Regulation Act), and thereby establishes precedence of Swedish collective bargaining agreements over foreign collective agreements. There had been several attempts to set wages lower than the minimum level provided by existing collective agreements during the 1980s. These involved shipping companies trying to circumvent collective agreements, using seamen from low-wage countries, such as the

Philippines or Estonia. To avoid social dumping, the trade unions, in particular the LO-affiliated Swedish Mariners' Union, conducted sympathetic strikes or placed ships under a portside boycott. The peak of these conflicts came in 1989 with the boycott of the *M/S Britannia*, a flag of convenience vessel with a low-paid Filipino crew, a conflict that ended in the Swedish Labour Court. *Lex Britannia*, was subsequently enacted as an amendment to the Codetermination Act, giving trade unions the right to take industrial action to improve employment conditions of workers not governed by Swedish legislation. Such actions were to be deemed lawful, if the trade union could argue that the activities of a foreign-owned company, permanently or temporarily working in Sweden, enhanced the risk of social dumping. More over, the actions were allowed, even if the trade union in question did not have any members at the workplace, and even if there was a valid collective agreement from the company's – or the workers' – home country.

In the *Laval* case, the Labour Court requested clarification as to whether these national provisions could be seen in violation of EU law, specifically, the previously mentioned Articles 12 and 49 of the EC Treaty. For the Swedish trade unions, the core issue at stake was the efficacy Swedish collective bargaining arrangements, and supportive provisions such as 'tie-in' arrangements having the effect of binding non-signatory companies to Swedish labour rates, and therefore preventing 'social dumping'.

The ECJ delivered an interim ruling on the *Laval* case on 23 May 2005. Presenting his opinion, Advocate-General Paolo Mengozzi argued that 'where a member state has no system for declaring collective agreements to be of universal application' as in the Posted Workers Directive:

*Article 49 EC must be interpreted as not preventing trade unions from attempting, by means of collective action in the form of a blockade and solidarity action, to compel a service provider of another Member State to subscribe to the rate of pay determined in accordance with a collective agreement which is applicable in practice to domestic undertakings in the same sector...provided that the collective action is motivated by public interest objectives, such as the protection of workers and the fight against social dumping, and is not carried out in a manner that is disproportionate to the attainment of those objectives (Opinion of Advocate-General Mengozzi, 2007: para. 309).*

The opinion held, therefore, that a service provider from another European member state should subscribe to provisions of collective agreements in the host country, while collective industrial action taken against a service provider from another EU country, if conducted in a manner proportionate to the attainment of its objectives, was legitimate. The Swedish trade unions involved in the case perceived the preliminary opinion of the Advocate-General as an indicator of eventual success of their arguments in the final adjudication of the case. The Swedish Confederation of Enterprise, SN (*Svenskt Näringsliv*) was less enthusiastic, regarding the ruling that the question of proportionality of collective action should be determined by the Swedish Labour Court, as particularly problematic. Here matters remained in legal limbo for a period of eighteen months as the ECJ considered the complex issues at stake before reaching a final opinion.

### **The European Court of Justice ruling**

On 18 December 2007, the ECJ delivered its final ruling. Contrary to the Advocate-General's opinion, the Court ruled that the blockade in order to force Laval to enter into negotiations on pay and sign collective agreements, represented a restriction on freedom to provide services as defined by European Treaty (Case C 341/05, para. 99). The ECJ argued that such action *could* be justified in cases where the public interest of protecting workers prevailed. However, this was not the case with respect to Laval. The Court conceded that the blockade served the purpose of protecting Swedish workers against possible social dumping, which 'may constitute an overriding reason of public interest' (para. 103). It added that such companies may thereby be forced to respect member states' rules on minimum pay. However, while reaffirming the general right of trade unions to initiate strike action, the Court went on to point out that the collective action taken by Swedish trade unions to force Laval into a collective agreement, was likely to make it 'less attractive', or more difficult, for such a company, from another member state, to carry out construction work in Sweden.

Accordingly:

*collective action such as that at issue in the main proceedings cannot be justified in the light of the public interest objective... where the negotiations on pay, which that action seeks to require an undertaking established in another Member State to enter into, form part of a national context characterised by a lack of provisions, of any kind, which are sufficiently precise and accessible that they do not render it impossible or excessively*

*difficult in practice for such an undertaking to determine the obligations with which it is required to comply as regards minimum pay (para. 110).*

In short, the ECJ held that the trade unions were precluded from attempting to force, by means of collective action, a provider of services established in another Member State to enter into negotiations on rates of pay constituting *more favourable conditions* than those resulting from relevant domestic legislative provisions. In the Swedish case, in contrast to most other nations in the EU, there is an absence of domestic legislative minimum wage provisions providing a clear base line. Minimum wages are not legislatively set by sector, but through the collective bargaining process. Therefore, the ECJ ruling strikes at the very heart of the so-called Swedish model for setting wages. The *Laval* determination (along with *Viking*, *Rüffert* and *Luxembourg* rulings) has altered the legal framework within which labour standards are either advanced or undermined, not simply at Swedish, but at European level.

Legally, it is now the responsibility of the Swedish Labour Court to adjust the ECJ's ruling to national regulations in a final ruling expected during the last months of 2008. Until the Labour Court makes its determination, consultations will continue between the social partners. However, these conversations are taking place against a background of objective decline in Swedish trade unionism that undermines the previous long-standing pre-eminence of trade unions in Swedish society. *Laval* has become a watershed episode in the barely acknowledged general decline of trade unionism. It would appear the 'tipping point' for the future of self-regulation in the Swedish labour market model has now been reached, but just at the moment when Swedish organised labour is least able to influence any modification of the rules of the game in its own favour.

The response of the labour movements in advanced European Union industrial countries like Sweden to encroachments such as the *Laval* episode is therefore crucial. At the very least, it poses an awkward and hitherto unaddressed political question – if the European Union can no longer sustain labour standards that workers have fought for generations to achieve, why then remain part of that 'project'? Concurrently, the renewal of trade unionism in the new member states also becomes an issue of relevance for the future of labour standards in Europe. The challenge facing the

European trade union movement is not therefore primarily in terms of seeking redress at the European Court of Justice that will reverse *Laval* and other judgements. It is organisational, requiring the mobilisation of its memberships to break with Europeanism in its current political configuration while, at the same time, retaining the core of internationalist values providing a common understanding of the wider supranational conflict with capital.

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### References:

- Case C 341/05, JUDGMENT OF THE COURT (Grand Chamber) 18 December 2007.
- Opinion of Advocate General Mengozzi delivered on 23 May 2007 Case C 341/05 *Laval un Partneri Ltd v Svenska Byggnadsarbetareförbundet and Others* (Request for a preliminary ruling from the Arbetsdomstolen (Sweden))

Jan Cremers,  
MEP  
8 October 2008

## Conflicting interpretations of the Posting of Workers Directive.

### 1. A short assessment of the ECJ cases.

Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, also called the Posting of Workers Directive (PWD), was an integral part of the EC Action programme linked to the Community Charter of Fundamental Rights of Workers and was meant to establish a legal framework for labour conditions of workers temporarily posted to another Member State. Its content is about a guarantee of minimum protection, fair competition and respect for the regulatory framework in the host country. The Directive has in recent times been subject of a series of ECJ cases. The outcome of this series of court cases has demonstrated that the ECJ and the European Commission work towards a narrow and restrictive interpretation of this Directive. The most recent case is an infringement procedure of the European Commission versus the Grand Duchy of Luxembourg. The judgement concerned aspects of the implementation of the PWD in Luxembourg.

Shortly before the summer, in a meeting of the Employment and Social Affairs committee of June 25<sup>th</sup> of the EP, the European Commission has declared that they fully back up the restrictive interpretation of the Court.

This is alarming because the ECJ interpretation makes it almost impossible to apply important (other) parts of national and European labour law and statutory provisions. Let me start by an overview of the problematic points in the judgements against the background of the principles used during the drafting of the Directive in the early 1990s.

*The general interpretation of the character of the PWD*

According to the ECJ the list of prescriptions, regarding labour and working conditions, is exhaustive. Additional mandatory rules are limited to rules, "which, by their nature and objective, meet the imperative requirements of the public interest" (Observation 32 - Luxemburg case).

At the start the PWD had a relatively open character. The basic thought behind the PWD was to formulate a 'hard core' of minimum prescriptions combined with conditions of employment on matters other than those referred to, to be applied in a non-discriminatory manner, and based on mandatory rules (of labour law or general applicable collective agreements).

*The conditions of labour most favourable for the worker are no longer the starting point.*

Combined with the open character of the PWD the general approach was to compare the working conditions in the home and the host countries and to apply the conditions that were more favourable for the individual worker. Right after the conclusion of the PWD social partners in construction in the Member States started bilateral talks to practically implement that principle. The deliberations, in those days stimulated by the Commission's services, lead to several bilateral agreements in the sector that were signed between social partners, unions and paritarian institutions of countries with frequent cross-border work. The content was often how to deal with the most favourable-principle, based on a recommendation formulated in the European Social Dialogue in construction. The court has restricted this principle in the Laval case to only more favourable conditions in the home country.

### *The legal motivation for the restrictive application of mandatory rules or public policy provisions*

Luxemburg has implemented the PWD with additional obligations, mainly based on (national and European) labour law. The ECJ states that as these rules are not mentioned in the exhaustive list of the PWD these requirements have to be judged within the limits of the legislator's definition of mandatory rules. The ECJ applies for this definition Declaration nr.10 (of the Council). This declaration, recorded in the minutes of the Council, has never been discussed with the EP and was not published until 2003. In the interpretation of the ECJ of Declaration no10, backed up by the European Commission, Member States do not have the unilateral right to decide on the mandatory rules applicable within their territory, even if these mandatory rules would guarantee better provisions for the workers concerned. Declaration no10 as interpreted by the ECJ restricts the mandatory rules in such a way that the guiding principles of the PWD are no longer effective.

### *The equal footing for all potential providers has disappeared*

The ECJ judgement creates a situation whereby foreign services providers do not have to comply with mandatory rules that are imperative provisions of national law and that therefore do have to be respected by domestic services providers. Luxemburg has implemented the PWD and added mandatory provisions applicable to all workers, irrespective of their nationality, performing an activity in the Luxemburg territory, including those temporarily posted to Luxemburg. To give one example: Luxemburg requests a written (labour) contract for all employees, independent of whether workers are national or foreign citizens.

The advocate-general in the Luxemburg case states that it is standing case law (related to article 49 EU) that "all restrictions, even if these are mandatory for domestic service providers" have to be abolished (Considerations 56 advocate-general Luxemburg case). In line with this reasoning the court states that this type of national mandatory rules, "hinders the free provision of services" as these provisions are not "crucial for the protection of the political, social and economic order" (a wording that goes back to the case Arblade and others 1999). The ECJ thus concludes that this is not in compliance with the Treaty.

*The fight against undeclared labour and/or illegal practices becomes completely impossible*

The European Commission's strategy with regard to the implementation of the PWD is dominated by infringement procedures aiming at the removal of every obligatory notification and registration of the service provider and the workers involved.

As far as control is permitted this has to be guaranteed by the country of origin.

As a result control on contract compliance and on the respect for workers rights, a basic element in the fight against bogus agencies and other undeclared practices that the EU wants to promote, is frustrated and can no longer be guaranteed by the Member States.

*The respect for and compliance with the results of (generally binding) collective bargaining are no longer guaranteed*

Given the restrictive interpretation of the mandatory rules the next step will be that the outcome of collective bargaining, made generally binding within the territory where the work is done, is no longer applicable for cross-border service providers and their workers. The European Commission has formulated in the plea in law to the advocate-general "that collective agreements, notwithstanding the material content, do not belong to the mandatory provisions falling under national public policy" (consideration 25 advocate-general Luxemburg case).

*The enforcement of ratified ILO-conventions could even come in danger*

Given the argumentation of the ECJ (only those minimum prescriptions listed in the PWD and mandatory rules as restricted by the famous declaration 10), backed up by the European Commission, several ILO-conventions even when these are ratified and implemented by Member States into national law can no longer be guaranteed. It seems logical that the next step will be that according to EU law and ECJ case law these conventions, being part of secondary legislation, cannot be seen as "crucial for the protection of the political, social and economic order" and therefore hinder the free provision of services.

## **2. Some fundamental questions**

This leads to the second part of my contribution.

I'm not a lawyer but an industrial relations activist and MEP. But, if we look at the development of the social policy in general and the

social legislation and jurisprudence of the last twenty years, an important shift in reasoning can be observed.

- a. The basic principle of the famous European model was the respect for the very sophisticated regulatory framework for social policy that existed in the EU Member States. This regulatory framework was characterised by a balance between labour laws and (the outcome of) collective bargaining and as this balance was different in every country European social policy was also about how to live and deal with that diversity. Collective bargaining as such was seen as a constitutional right (and in some countries, indeed, it even had the same status), and not marginalized as so-called secondary legislation.
- b. This principle was applied as the PWD was concluded (at least that was the guiding thought for the EP as co-legislator). There was a hard core of minimum prescriptions formulated and next to that Member States could decide on general mandatory rules (or public policy provisions) applicable within their territory as long as these rules did not lead to discrimination or protection of their market.
- c. The European Commission and the ECJ have abandoned this principle by using an interpretation of Declaration no 10, a declaration formulated by the Council and the Commission at the moment that the Directive was concluded, but not published until 2003. This declaration says "The expression 'public policy provisions' should be construed as covering those mandatory rules from where there can be no derogation and which, by their nature and objective, meet the imperative requirements of the public interest". So far so good. But, the PWD was a Directive of the EP and the Council! And there has never been a democratic public debate about the consequences of this declaration. Therefore the first thing that I would like to question here is whether the EC and the ECJ can rely on this till recently unpublished declaration in support of an interpretation of the PWD given the fact that the co-legislator has never been asked, involved or consulted.
- d. This is not the end of the affair. According to the European Commission it is not up to the Member States unilaterally to define the notion of public policy or to impose all the mandatory provisions of their employment law on suppliers of services established in another Member State. This leads to the question in whose hands the competence lies if not with the Member State. Is it the Court, is it the Commission, is it the Council and if so can that be based on an unpublished declaration that has not been

- concluded with the co-legislator? The fundamental problem is of course that there has not been a democratic decision-making process or debate about what belongs to the public policy provisions. And there is an urgent need to start that debate if we don't want to continue with an endless series of infringements procedures.
- e. Let's go back to the PWD for a moment. The Directive provides the possibility to apply, in a non-discriminatory manner, other conditions of employment that can be seen as public policy provisions. In the Arblade-case (mentioned before) provisions classified as public-order legislation are those provisions that are crucial for the protection of the political, social and economic order. This is an interesting statement, again used in the last Luxemburg-case, but then to restrict the possible derogation. And here again the ECJ states that the Member States cannot determine this unilaterally. This leads immediately to the question who can decide in this regard which provisions are crucial for the protection of the political, economic and social order in a Member State. I can imagine that there might be a difference in opinion between legislators, whether national or European, but one thing is clear: it is not up to the European Court of Justice. And the argument that a protest against declaration no 10 is in contradiction with the principle "venire contra factum proprium nemini licet" cannot be applied to a co-legislator that was not heard.
  - f. I want to repeat it here, I'm neither a lawyer nor a judge, but as co-legislator I have the feeling that there are important loopholes in this kind of reasoning. And as an industrial relations expert I must say that this is a reasoning that leads us away from the starting point of our European social model. As a result of a clash and conflict of law the balanced policy based on how to live with diversity has vanished. European law is no longer based on principles and rules that make different national social legislation within the EU compatible with one another. Member States are obliged to respect the primacy of the free provision of services principle. Their social legislation, except for the hard core of the PWD, can no longer be implemented at national level for all workers within their territory.
  - g. A last and provocative remark. If we look at the evolution of the ECJ cases the striking observation has to be mentioned that the application of and respect for (the outcome of) collective bargaining is slowly but steadily being dismantled. I know from

the beginning of the preparation of the Posting Directive that the conventional part of the existing regulatory frame in our countries never was a popular item for lawyers. Notwithstanding this, the fine-tuning of the Directive in those days included the respect for the legislative **and** the conventional parts of the framework, given the variety of the social and economic traditions in the Member States. The argument of the European Commission in the plea of the Luxemburg case that provisions concerning collective agreements, independent of their content, cannot be seen as provisions that fall under the definition of public policy demonstrates that the classical view that labour regulation is only identical to state based law (and in this case even supranational) is back on the scene. I have to admit that this phrase was modified in the judgement by adding “per se and without more”. But the crusade against the conventional part of our European social model demonstrates that there is weak commitment to this part of our industrial relations system. However, it can be seen as a constitutional right and as a building block of that European social model. The results of social dialogue and collective bargaining are crucial for the protection of the political, economic and social order in a Member State. Or should we have a public debate about that notion?

Perhaps I’m wrong, too sceptical and full of distrust. I’m more than willing to accept clear and convincing arguments in that direction.

But please, do it in an Annex to the Directive, based on the legal procedures that have lead to the Directive and with the EP as co-legislator.

# Reviews

## Reviews on Migration History

### Introduction

Jörn Janssen

Following the CLR/University of Westminster joint workshop on “the situation of migrants in the British construction industry” December 7<sup>th</sup> 2007 (see CLR-News 4/2007) we decided to review a number of books on migration in order to widen our horizon on this subject. Needless to note that migration is not a new phenomenon, neither in world history nor in any part of the globe. But it has become a much more prominent issue of research and publication since the last decade of the past century, and has been attracting more and more attention. The International Institute for Social History in Amsterdam has taken a central role in collecting and coordinating respective dispersed academic work as expressed in the programmatic title of the book of Jan Lucassen and Leo Lucassen eds. (1997) ‘Migration, Migration History, History’ (Peter Lang, Bern). It recognises that migration has always been a creative component of human life and development and thus integral part of social history. From the 17<sup>th</sup> to the 19<sup>th</sup> century Britain was a hub of emigration, compared to which the 20<sup>th</sup> century and most recent immigration from Eastern Europe is only a trickle. The following reviews try to put this into perspective.

### **Jan Lucassen and Leo Lucassen (eds) *Migration, Migration History, History; Old Paradigms and New Perspectives.***

Peter Lang, Bern 1997, 455 pp., £36, ISBN 3-03910-864-6.

Jörn Janssen,  
CLR-London May  
2008

This is a classic, perhaps *the* classic of migration history. First published in 1997, it has received two more editions in 1999 and 2005 in the most respectable series on “International and Comparative Social History” issued by the International Institute for Social History (IISH) in Amsterdam. Its origin goes far back to a conference at the IISH in 1993 on “Migration and Settlement in a Historical Perspective: Old Answers New Perspectives”. On 23<sup>rd</sup> September 2008 we might have celebrated the fifteenth anniversary of this event. How many more studies have been carried out and published since this conference? How many people have migrated during these fifteen years, especially in Europe?

The editors had high stakes in mind. As the title expresses, migration is instrumental in the making of history. But migration has many diverse and contradictory faces, to pinpoint only a few, discovery, deportation, expulsion, survival, search of opportunities etc. Moreover, societies deal with migrants either restrictively or favourably. Historians may look at migration under the auspices of dominant perceptions or from a critical distance, from the point of view of migrants or the settled segment of the population. All this diversity is captured by the seventeen contributors – including the editors.

I shall not attempt to do justice to every individual essay, all representing eminent levels of scholarship and commitment to the subject. Instead I shall raise a few points of view which came to my mind while reading through this wealth of detailed studies and expert judgement.

It struck me, when I looked at the 'Notes on the Contributors' that a significant number were born between 1938 and 1944, all but three no later than 1950, and the oldest in 1931. I wonder what impact the Post-World War II experience has had on the students of migration. Surely some of our scholars - or their parents - have their own background of migration. This may be a marginal consideration. Yet it is perhaps no coincidence that migration studies took off so strongly in the 1990s and that the papers display such a degree of enthusiasm – or should I say compassion - about this subject.

Generally one feels that the essays were written "... to introduce to a wider audience some of the issues, debates, and new bodies of evidence." (Shlomowitz, 144) Such good intention does not mean, however, that the amount of stuff, densely packed in 373 pages – not counting the 46 pages of bibliography - is easy to take in and digest. The papers may not be written only for experts on migration history and certainly do not use insider jargon, but put together in such a collection they put high demands on patience, assiduity, and concentration of potential readers. The effort will be hugely rewarded.

Every single paper pursues its own approach. Rarely do they refer to each other. A debate about the approaches, theoretical positions, or attempts to justify particular ways of understanding in relation to others are virtually absent. It must have been impossible to discuss all the papers at the initial two-day conference. Given the fact, that the

researchers had been convened from all over the globe, one must not expect too much of a regular exchange between them. Despite three papers on "Theory and Methodology", the reader is faced with a virtually universal variety of disconnected approaches, which is a great inspiration. All papers have merits in their own right. Coinciding with popular perceptions, the transatlantic migrations and deportations are rather dominant (e.g. David Eltis, Ida Altman) and received more attention than other migrations, such as from China (Aristide R. Zolberg), India and the Pacific Islands (Ralph Shlomowitz) to many destinations across the globe, as well as internal migrations in India (Arjan de Haan), Europe (Leo Lucassen), and Germany (Georg Fertig). The selection of studies concerns the regions as well as the centuries. There is little from before the 15<sup>th</sup> century - Leo Lucassen, "Eternal Vagrants? ... 1350-1914". Antiquity does not feature at all. However the 20<sup>th</sup> century is put in the limelight in some contributions dealing with "Migration and its Enemies", raising issues of racism, xenophobia, nationalism, protective state policies etc. (Colin Holmes, Kenneth Lunn, Robin Cohen)

Overwhelmingly migration is presented as a - free and unfree - movement of labour force. But nowhere is it made explicit how, for instance, the deportation of slaves and convicts corresponded with or diverged from the development of free wage labour in Europe. It remains also unclear, how the Spaniards in the 16<sup>th</sup> century managed to take hold of land for their plantations for which subsequently they imported labourers (Ida Altman). How did landholding in the colonies relate to landownership in the countries of origin? These are just a few haphazard questions.

Finally, we all know that these migrations under the regime of colonialism coincided with early capitalist industrialisation. One might therefore expect a picture of all the new industries springing up around the globe, such as sugar, cotton, tobacco, tea, coffee, rubber, mining of all sorts, shipping, railways etc. This was a movement of colossal investment as a basis of migration. Yet these economic developments are mentioned only incidentally, not as consistent components of migratory movements. They are nowhere in the centre of a study. In this sense the framework has a strong bias towards social history - it does not pretend otherwise.

Irrespective of open questions one may raise, this collection presents the state of the art fifteen years ago and has remained a

source of stimulation and information. The bibliography of more than 1000 titles is a treasury in itself. With this book the IISH has erected a monumental starting point to a stream of literature on migration still flowing strongly.

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**Alejandro Portes and Josh DeWind (eds.) "Rethinking Migration: New Theoretical and Empirical Perspectives".** Berghahn Books, Oxford and New York 2007, 432 pp., Hb £45.00 ISBN 978-1-84545-347-3; 2008 Pb £19.95, ISBN 978-1-84545-543-9.

Drawing upon sociological, anthropological and political perspectives, Portes and DeWind have assembled an eclectic and comprehensive range of contributions which connect migration research perspectives from Europe and North America. In their introduction the editors outline the evolution and progress of migration research, exploring some of the conceptual and methodological developments in migration studies emerging from the 'Princeton Conference', which sought to deliberately combine perspectives from Europe and North America, as well as later work in this area. They draw selectively upon the individual chapter contributions which they have coalesced around particularly salient topics pertinent to the migration research agenda across both continents. Each set of contributions is synthesised via a series of models which graphically depict the processes which shape immigration and their consequences. These form useful reference points for joining up the contributions presented later within the book.

The chapters themselves are grouped around four substantive areas. Following the editors' introduction, within which they examine conceptual and methodological developments in migration studies, the second section examines "*States and Modes of Political Corporation*". This comprises four chapters which examine the relationship between international migration and regulation by the state. In Chapter 2 *Castles* explores the factors which shape migratory processes, focusing on migration to industrial countries by those from less-developed economies. This reveals the complexity of such influences and the inadequacy of state policies which attempt to regulate them. In Chapter 3, *Hollifield* examines what he terms the "liberal paradox", the economic logic of openness contrasting with the political and legal logic of closure. He neatly articulates the scale of the challenge in breaking out of this paradox. Next, *Faist et al.*

examine dual citizenship through a 'path dependency' lens in order to reveal the increasing tolerance of it in liberal democracies, explaining how mechanisms such as *jus soli* in the US and gender equality in Europe have resulted in the growth of dual nationality. The section is completed by *Freeman* in Chapter 5, who examines the incorporation of immigrants in western democracies. This reveals that currently these appear to lack coherence, although this may change as immigrant-origin populations become more entrenched.

The next group of chapters examines "*Transnational Communities and Immigrant Enterprise*". These contributions begin an examination of migrant transnationalism by *Vertovec* (Chapter 6). He contends that different modes of transformation influence transnational practices amongst some groups of migrants, and that in turn, these augment transformative global processes. Developing the theme further, *Levitt and Schiller* (Chapter 7) then adopt a 'social field' approach to the study of migration in order to construct an argument that 'society' is no longer bounded by the nation state, a trend which becomes clear when examined through a transnational lens. In the final chapter in this section the attention shifts to enterprise, as *Zhou* (Chapter 8) examines ethnic entrepreneurship in the United States, revealing how immigrants use it to circumvent labour market barriers. *Zhou* points to some significant deficiencies in the existing literature, and the constraining effects of existing theoretical positions.

The fourth section examines "*Unauthorised Immigration and the Second Generation*". As the editors point out, illegal immigration brings with it significant research challenges, both in terms of measuring its extent and establishing the factors which determine it. It is the former issue which is initially addressed by *Massey and Capoferro* (Chapter 9) who review the inadequacies of data sources used in measuring unauthorised migration. They propose an alternative approach, the 'ethno-survey', a blend of anthropological and survey methods, as a more robust approach to revealing the extent of such migration. In Chapter 10 *Heckmann* explores undocumented migration further, this time in the context of Germany. The particular focus here is on human smuggling, including their integration into their immigration country. *Heckmann* suggests the existence of multiple forms of human smuggling, each of which have different implications for those involved. The next two chapters in this section examine

intergenerational issues. *Esser* (Chapter 11) explores 'intergenerational integration' using a model of social explanation, through which a new theory is proposed, before *Rumbaut* (Chapter 12) deconstructs the positions and experiences of first and second generation immigrants in the United States. Together, these chapters reveal the importance of generational factors in immigrant adaptation, and the need for new perspectives on intergenerational assimilation.

The final section examines "*The Role of Religion in Migrant Incorporation*". Here, the important role that religion plays in shaping the other processes explored in this book, particularly in influencing the integration of migrants. *Hirschman* examines *Herberg's* thesis that immigrants become more religious after arrival in the United States, pointing out some inadequacies of this view given that it does not account for the non-theological reasons for migrant participation in religion. In the final chapter, *Kastoryano* examines Islam as a type of 'corporate ethnicity' in France and Germany. Here, the way in which state intervention has shaped ethnic identities is revealed, as well as the unintended consequences of such interventions. Both chapters show the importance of religion as an influencing factor in determining migrant transitions.

"Rethinking Migration" is an excellent text that is highly recommended for researchers with an interest in migration from across the social and political sciences. *Portes* and *DeWind* have assembled a fascinating array of complementary perspectives which reveal the clear benefits of combining international perspectives on migration. It is impossible to do justice in this short review to either the comprehensiveness of the coverage, or to the quality of the scholarship which underpins its chapter contents. Indeed, the quality of the theorizing and the skill of the contributors in positioning their contributions within the historical evolution of thinking across these fields is so effective, that the theoretical frameworks will act as useful lenses for understanding migration for some time to come. The only omission for me is a concluding chapter which could help to join-up the collective insights of the contributions and refine a research agenda for migration issues. However, the way in which the editors have selected and grouped the material in this book is exemplary and so it should not be difficult for the reader to draw their own conclusions in this regard. *Portes*, *DeWind* and their authors should be congratulated for producing an extremely valuable contribution to the advancement of migration studies.

**Rinus Penninx and Judith Roosblad (eds.): "Trade Unions, Immigration, and Immigrants in Europe, 1960-1993".**

Berghahn Books, Oxford 2002, 256 pp.; Pb £17.00 ISBN 978-1-57181-786-0; Hb £47.00 ISBN 978-1-57181-764-8.

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Given the increased prominence of migration, particularly from 'new' Europe since May 2004, and the continued involvement of trade unions in this, an historical account of trade union migration policies and practices in Western Europe is a valuable contribution to those interested in this area. Overall this book provides an excellent introductory account of trade union engagement with migration to Europe over the period 1960-1993, although a number of country accounts identify engagement following the Second World War. The book is based on commissioned research by the Institute for Migration and Ethnic Studies of the University of Amsterdam. It has an uncomplicated structure which allows ease of use to those who want to use this for reference or as background for initial country comparisons.

The Chapter 1 introduction provides a flexible framework for national inquiry and for comparisons at a European level. It hypothesises that, within a corporatist Europe, European trade unions have had three main dilemmas when engaging with migration. It is argued that differences in national union approaches to these dilemmas may be explained by four main factors. The first is the actual position of a trade union in society and from this the influence it might be expected to have on government policies; second is the current strength of a country's economy and from this its labour market needs; third is that trade unions are very much a product of the country they are based in and may be historically influenced by political parties or religious links; and fourthly that the specific characteristics and perceptions of immigrants may strongly influence union membership. For example unions may favour certain migrant groups over others because of their cultural or skin colour characteristics. The other side of this is that certain migrant groups may favour union membership whilst others do not.

The first dilemma for trade unions is whether to *resist or co-operate* with immigration. The argument is put that employers may seek to fill vacancies through overseas recruitment. The union fear with this is alternative labour supplies, slower wage growth or indeed threats to the industry rates of pay. Trade unions though may consider this against a recognition that some sectors such as

construction rely on migrant workers or they may have a political stance of international solidarity. The argument moves on to note the rise of a short-term temporary European labour market from approximately 1960 onwards which essentially ended with the coming of an economic downturn following the 1973 oil crisis. Whilst family reunions, as migrants began to settle, and newer groups such as refugees and importantly undocumented workers also began to enter counties and potentially the labour market. The change in the character of migration was interwoven with greater government restrictive practices as the state now took the lead in this area, introducing barriers to entry.

This brought the second dilemma to the fore. Unions were now firmly faced with the *inclusion or exclusion* of migrant workers. Quite simply unions had to choose whether to allow migrant workers to enter membership and indeed how far to go in offering to them equal rights if they did. In particular the spectre of 'other' pervades this dilemma. As such inclusion/exclusion is critical to understanding not only the political stance of unions but also the nature of the societies that immigrants were moving to. If a trade union was not prepared to welcome a fellow worker then who was? The editors note two other important dimensions when discussing this; firstly they highlight the rise of migrant community groups that campaigned for immigrant rights in society and in relation to the labour market; secondly, that following the changes noted above from the mid 1970s onwards European states have adopted various stances with regard to national policies of integration. Again depending on their stance trade unions might be expected to be involved in or campaign against these.

The third dilemma is of *equal versus special treatment* of migrant workers. In essence, once migrants are members of a union, how far should that union offer specific policies or practices to facilitate inclusion? This might include providing union communications in migrants' first languages, seeking to negotiate non-Christian religious holidays, or adopting internal policies and practices to integrate migrants into union governance.

Chapters 2-8 contain the specific national accounts (Switzerland, Federal Republic of Germany, Austria, Holland, France, UK, and Sweden), including discussion of the labour market, the position of trade unions in each country, the ethnicity of migrants that have gone to countries and the legal and administrative response of governments to differing ethnic groups once they are there.

Interwoven into an analysis of how trade unions have dealt with these key dilemmas, there are rich data and some interesting discussions in these chapters; although some it is felt could have been better structured. What comes to the fore here are national differences and from this the differing approaches and practices that have been used with regard to migrant workers.

The Chapter 9 conclusion endeavours to bring these differing country accounts together and identify similarities as well as parallel developments. Importantly, it begins by noting historical continuity in some countries with regard to migration, Switzerland and France for example, where only the Second World War abruptly stopped its continuance. Whilst in other countries significant breaks in migration patterns meant that a strong notion of temporary or 'guest worker' was brought into early discussions. Even though this may have been the case it is argued that with the initial trade union dilemma of *resistance or co-operation*, resistance dominated, fortress Europe segmented by strong national identities. Moving this on to the *inclusion/exclusion* dilemma we find that apart from the case of Austrian trade unions, where the potency of initial resistance was then expressed in inferior rights for migrant workers compared to indigenous workers. Most other European trade unions, particularly after the mid 1970s, have gradually moved to a more inclusive stance, although important here is that policies are not always introduced so easily in practice. It is interesting that, when discussing practices, we inevitably reach the third dilemma of *equal/special treatment*. Here we find, as the editors note, that apart from the case of Austria a number of unions in all countries, at one stage or another, have adopted differing particular internal policies and practices for immigrant and migrant workers. However, the picture is of slow progress influenced by respective national contexts. For example, the original overt racism displayed by some sections of UK unions seems to highlight a wider problem, which led to the slow or lack of practical implementation in all unions. The recent accession migration to the UK seems to indicate a reverse case. For example, the UK GMB union has recently instituted a Polish holding branch for new Polish members, allowing them to acclimatise to a UK union and its rules and procedures, whilst a number of other UK unions have encouraged the recruitment of Polish organisers.

Whilst the editors note some convergence in European national trade union responses to the three dilemmas, they conclude that unions are strongly driven by the national contexts that they are historically bound to. As anyone knows who has been involved with the cultural idiosyncrasies of differing European industrial relations systems, national systems can be difficult to compare let alone easily understand. Overall this book provides a noteworthy attempt not only to compare our complicated national trade union responses to immigrants and migrant workers, but also offers an important analytical framework in which to do this. Reading through this book, it is clear that the trade union dilemmas hypothesised are as relevant today as they were then, and indeed a second volume updating the discussion to include the recent accessions of 2004-2007 would be a significant contribution to the debate and academic knowledge. I would strongly recommend reading this book both as an historical account of past trade union responses to migrant workers and as a base for further investigation into the current situation in Europe.

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**Antoine Pécoud and Paul de Guchteneire (2007), Migration without borders: essays on the free movement of people**  
UNESCO Publishing and Berghahn Books, Oxford and New York, 288 pages, ISBN 978-1-84545-360-2 Pb \$39.95/£22.00, ISBN 978-1-84545-346-6 Hb \$90.00/£45.00

Internationally, migration remains a politically sensitive issue. There is increasing (if ungrounded) fear, especially in developed nations, of unprecedented levels of immigration. Across Europe, for example, attempts are being made to strengthen borders to curtail immigration, and in particular clandestine immigration, from outside the European Economic Area. More recently, immigration has also drummed up negative sentiments in the developing world. Riots and violence in South Africa against migrant workers further reinforce the 'no outsider' mentality that can often prevail in debates on migration. Undoubtedly, immigration is a complex issue. Yet the diversity of migrant populations in terms of legality, routes to entry, length of stay and purpose of migration etc. can often be ignored in public discourse on immigration. Instead, popular views of immigration can confuse migrant populations as homogeneous and tend to militate against further immigration flows. Consequently, governments across the world have responded by embracing some form of managed migration.

Given the backdrop of these contemporary feelings about immigration, Antoine Pécoud and Paul de Guchteneire are clearly bold to put forward an argument for migration without borders in this edited book. The main thrust of the argument maintained by them (and their carefully choreographed set of contributors) is that borders give rise to asymmetrical morality. On the one hand, the book reiterates, on numerous pages throughout, Article 13-2 of the Universal Declaration of Human Rights that states, 'Everyone has the right to leave any country, including his own, and to return to his country'. On the other hand, there is recognition by authors that the right to emigrate is not equally met by the right to immigrate and settle in a foreign land. Therefore, as Pécoud and de Guchteneire (2007) denote in the introduction, borders in a geographic sense represent a false and meaningless construct that masks wider social, political and economic concepts of bordering: "[...] migrants are not only banned from entering a country; once they are in, they are often inhibited in their participation and incorporation in the receiving society, particularly in terms of welfare, rights and citizenship (p. 20)". They then emphasise that "One could therefore conceive a world of 'open' borders in which migrants would be free to cross borders between states, but banned from having access to the institutions of societies other than their own (ibid.)". The case is therefore made in this book for removing geographic borders as a means to eradicate such asymmetrical treatment.

The book is split into two parts, which seeks to explain how the asymmetrical morality resulting from the universal right to emigrate but not to immigrate can create a number of inequalities that exist in current migratory trends. The first part does this by providing, at great length, a conceptual discussion from the perspectives of a diverse range of academic and policy experts who have worked in the contexts of developed and developing nations. The second part contains a well-assembled series of empirical case studies that detail rich and deep insights into past and present migratory patterns in different parts of the world. Both parts consistently and proficiently illustrate the dynamic manifestation of inequalities that should propel policy-makers to consider the scenario of migration without borders.

For example, Bimal Ghosh (Chapter 5) observed that whereas Western democracies have always enjoyed freer movement of people than those from the developing world, present migratory

patterns indicate that high-skilled workers (e.g. academics and professional workers) benefit from relatively freer movement than their low-skilled counterparts. Consequently, this produces a brain drain in sending countries that tend to be from the developing world, a tendency that is documented in the experience of Southern Africa (Chapter 9) and Mexico (Chapter 12). Furthermore, the enforcement of national borders that results in prejudicial preference towards higher-skilled workers means that opportunities are restricted for low-skilled workers to seek a better life. Low-skilled workers who decide to emigrate anyway do so illegally, often engaging in environments where they can be exploited, and at times with fatal consequences (Chapter 4). For Nigel Harris (Chapter 2), the inequality of mobility between high-skilled and low-skilled workers gives rise to a mismatch between labour demand and supply. Taking the European Union for instance, Harris (2007) surmises that “this allows areas of high labour-scarcity to coexist with those of high unemployment (or non-employment) (p. 40)”. Even those who manage to move legally find themselves locked within the rigidities of immigration and border controls. Harris (2007) argues that “Immigration policy has historically dealt with actual or potential settlers rather than transient workers. In important senses, it forced transients into exile from their home country if they wished to protect their access to work (p. 36)”.

Without doubt globalisation is intricately connected with migration. Fundamentally, however, whilst globalisation has seen free movement of goods and capital, less can be said about the free movement of people. Mehmet Ugur (Chapter 4), in discussing considerations of ethics, economics and governance of free movement, notes that the libertarian view (one that subscribes to individual sovereignty and an individual’s ability to enjoy the benefits of private property) tends to see free movement of people as distinct from free movement of goods and capital. The debate continues as to whether free movement of people should be a basic right. Despite liberal egalitarian and natural law approaches to treat movement of people and goods/capital as symmetrical, the reality - as depicted by the empirical examples in Part 2 - seems to suggest that free movement of goods and capital is more desirable than free movement of people. Whilst economists would argue that freedom of movement should be used to achieve greater equality among nations, theoretical work on the impact of free circulation of labour has unfortunately not gained the same level of acceptance as free circulation of goods (Chapter 10). Still, the editors pose an important

question in the introduction: is it fair to talk about the well-being of nation states or more appropriate to consider the well-being of the world as a whole?

The notion of sovereignty, of individuals and nation states, appears to sustain the argument for borders. Indeed, Pécoud and de Guchteneire (2007) contend that “border controls indirectly feed racism: they fuel the idea that foreigners and foreign-looking people are undesirable, thus casting doubts on the right of documented and naturalized migrants to live in receiving societies (p. 18)”. A corollary of this is that migrant populations often find themselves excluded from participation in many of the civic institutions in their host countries. For example, Catherine Wihtol de Wenden (Chapter 3) coins the term ‘frontiers of mobility’ and explains that Europe “is struggling to include in its emergent identity its non-European – and especially its Muslim – residents. The effects of this changed situation are numerous and often undesirable: tense border controls, and forced expulsions, irregular immigrants and arbitrary treatment of individual immigration applications (p. 55)”. For Hans Entzinger (Chapter 6), borders potentially have a tense association with the concept of the welfare state. Drawing on the Durkheimian idea of solidarity, Entzinger contrasts between formal and informal, unilateral and mutual forms of solidarity. Accordingly, there is a tendency to accentuate the importance of formal and unilateral forms of solidarity by examining the extent to which immigrants actually make use of the social security system, without necessarily conceiving immigration as an asset to the economic development of both receiving and sending nations. In focussing on formal and unilateral forms of solidarity in the shape of public financial assistance, there is an emphasis on distinguishing between ‘insiders’ and ‘outsiders’. In a Utopian context, it is perhaps more advantageous to consider more informal and mutual forms of solidarity such as neighbourliness.

Immigration continues to be a political issue. There is still public fear that open borders would result in the flooding in of economic migrants from developing nations into developed ones. Yet, the empirical evidence from Asia to the Americas, Europe to Africa have overwhelmingly suggested otherwise. Few actually have the tenacity and desire to emigrate, in part because of the existence of other non-physical borders such as cultural and language differences. Instead, physical borders serve to perpetuate

inequalities resulting from the notion of asymmetrical morality. However, those who desire to move will do so anyhow – whether legally or not – as illustrated unanimously in the empirical case examples of Part 2. The book has, chapter after chapter, argued for open borders as the authors purport that this will remove some of the inequalities that result from border control. This, to a certain extent, has started to happen with the formation of several transnational organisations such as the most successful European Union, NAFTA in North America, MERCOSUR in Latin America, ECOWAS in Western Africa, SADC in South Africa and ASEAN in South East Asia. At least at an informal level, such organisations have facilitated the removal of internal ‘borders’ and enhanced relationships between different communities.

So, what else can be done? Throughout the book, there are calls for more transnational efforts in managing migration, so that benefits can be reaped in both sending and receiving countries. Globalisation will clearly fuel such efforts since unilateral approaches are no longer adequate. A striking example of transnationalism is provided by Alejandro Canales and Israel Montiel Armas (Chapter 11) who outlined how Mexican communities cope with maintaining their Mexican identity whilst strengthening communities that were once ghettos of immigrants in the United States. According to them, Mexican migrants in the United States preserved their Mexican identity through informal, often transnational networks, whilst organically integrating with the indigenous population through mere co-existence. At an institutional level, the book has also called for the need to give more prominence to the free movement of people by setting up a World Migration Organisation (WMO) that is not dissimilar from the well-established World Trade Organisation (WTO).

The book covers a wide range of issues that are pertinent to contemporary debates on immigration. It certainly makes a very interesting read for anyone who wishes to get hold of a comprehensive exposition of the complex dynamics of migratory trends in the globalised world we live in today. This was a page-turner for me. My only misgiving about the book is the disjointedness between Parts 1 and 2. Whilst both parts make a cogent case for the need for migration without borders, the reality depicted in the empirical case examples in Part 2 suggests this is still a Utopian scenario. It would, therefore, be useful for the editors and contributors to devote a bit more attention to explaining why ‘migration without borders’ is presently theoretical. This could

potential unlock material considerations that need to be examined before the recommendations of transnational cooperation, the establishment of the World Migration Organisation, and ultimate removal of borders can be enacted. Nonetheless, credit has to be given to the editors for bringing together such a diverse range of experts to provide a coherent and compelling argument for migration without borders. This should definitely serve as a core text for anyone involved in policy-making in this area.

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## Introduction to the Low-wage Work reviews.

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Extensive new research on low-wage jobs was conducted in five EU countries and the US over recent years. Economists in these six countries cooperated in a project aiming to examine and compare the incidence of low wage work as a follow-up to the smashing Russell Sage book, **Low-Wage America** (2003). The results were officially presented at a conference and discussed during an expert workshop on April 18 at the ARTIS Zalencentrum in Amsterdam. Nobel Laureate Robert M. Solow (Economics 1987) highlighted the importance of the studies. He stressed the importance of training and retraining as part of an overall strategy of social innovation. We have asked a group of experts to review the set of studies from their perspective. The country-specific articles in this issue of CLR-News will focus on the respective findings in Denmark, France, Germany, the United Kingdom and the Netherlands.

A 'low-wage worker' is anyone who earns less than two-thirds of the national median wage, according to the OECD standard definition used. The measure for 'median wage' in the studies is the gross hourly wage; not a perfect standard, but one that does not have an exaggerating effect on the data. Moreover, the studies not only emphasise the material side but also the quality of the jobs, the development of the incidence of low-wage work, plus the market and institutional settings for labour conditions observed. Five low-paid target jobs were chosen as the object of study; the same five in each country. The contributions are based on case studies, desktop research and expert interviews. The research was conducted over four years by national teams from the EU-countries at the request of and with the financial support of the US-based Russell Sage Foundation as part of its *Future of Work* Research Program. This programme aims to understand how poorly educated, unskilled workers cope with an economy in which most jobs are technologically advanced.

The Foundation has published the findings in a series of five books, one for each country.

The last stage of the project has not yet been completed; the authors will prepare a comparative volume.

According to the research, one in four of those working in the most developed economies of the western hemisphere may soon be low paid and find themselves at increased risk of poverty. EU-countries, especially Germany and the UK – the Netherlands in their wake –, seem to follow in the footsteps of the US. In the US the proportion of those working at low wages has already been stable for quite some time, at around 25 percent of the working population.

Based on some 200 case studies in call centres, hospitals, retail, food processing, and catering and an economic analysis of the labour market, the research shows stable rates of low pay among employees in Denmark at 8.5 percent, France at around 12 percent, a UK rate recently stabilised close to 23 percent and rapidly growing rates in both Germany and the Netherlands, already surpassing 20 percent. The EU's leading economy Germany is even at risk of exceeding the notoriously high rate of the US, especially taking into account the (growing) number of German self-employed with low earnings.

Low-wage jobs appear to exhibit much uniformity across the European countries as they often take the form of a non-standard employment relation. The studies illustrate another important

example of communality, the noticeable increase in the intensity of competition. Low cost German retail chains compete with Dutch food retailers and put pressure on meat processing. The spread of international hotel chains has made the hotel business very competitive. Companies respond to this intensified competition by trying to lower their unit costs and by putting pressure on wages. The studies show higher risks for low skilled workers, part-timers, women, immigrants, young workers and a concentration in hotels, catering and retail. Moreover, with some exceptions, these jobs are found to be of persistently poor quality in all the five countries studied. The fact that some of them are not low-wage jobs is significant. A key issue is the degree of mobility out of low-wage work. The Danes appear to have the shortest residence times in low-wage work. The Danish report also describes the success of vocational training in 'classical' low wage sectors such as retail and cleaning.

In general, the authors found that low-wage workers in the EU are significantly better off than in the US, thanks to their social embedding through social insurance, including health care. With these findings the authors confirm that Europe's more interventionist institutional arrangements in the four continental countries, characterised by a certain degree of income redistribution and the common notion of a 'European social model', have a positive effect on the quality of the working lives of millions of men and women in the bottom segment of our labour markets. The UK falls somewhere in between that approach and the more individual-responsibility oriented approach of the United States.

From a political point of view, in my opinion, this leads to the conclusion that Europe has to return from the slow but steady dismantling of our social insurance and other social protection provisions. Otherwise the price of erosion of income security and job quality as a consequence of intensified competition will be very low incomes and a poor standard of living for a meaningful length of time. Low-wage work tends to reproduce itself from generation to generation and thus limits access to good education, good health care and other basic living conditions. It contravenes the political goal of equal opportunity. This is in itself already a good reason for a recommendation to read these studies.

### **Low-Wage Work (in Denmark, France, Germany, the United Kingdom and the Netherlands)** *Case Studies of Job Quality in Advanced Economies*

Series of 5 books, 2008, Russell Sage Foundation, New York.

Introduction for each book by Robert Solow.

- *Low-Wage Work in Denmark* - Niels Westergaard-Nielsen (editor), February 2008.
- *Low-Wage Work in France* - Ève Caroli, Jérôme Gautié (editors), February 2008.
- *Low-Wage Work in Germany* - Gerhard Bosch, Claudia Weinkopf (editors), March 2008.
- *Low-Wage Work in the United Kingdom* - Caroline Lloyd, Geoff Mason, Ken Mayhew (editors), February 2008.
- *Low-Wage Work in the Netherlands* - Wiemer Salverda, Maarten van Klaveren, Marc van der Meer (editors), March 2008.

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#### **Niels Westergaard-Nielsen (ed)** ***Low-Wage Work in Denmark*, February 2008.**

The Danish economy offers a dose of American labour market flexibility inside a European welfare state. The government allows employers a relatively high level of freedom to dismiss workers, but also provides generous unemployment insurance. Widespread union coverage and an active system of collective bargaining help regulate working conditions in the absence of strong government regulation. Denmark's rate of low-wage work (8.5%) is the lowest of the five countries under analysis. In *Low-Wage Work in Denmark* a team of Danish researchers combines comprehensive national registry data with detailed case studies of five industries to explore why low-end jobs are so different in Denmark. Some jobs that are low paying in the United States, including hotel maids and meat processors, though still demanding, are much more highly compensated in Denmark. And Danish workers, unlike American workers, do not stay in low-wage jobs for long. Many go on to higher paying jobs, while a significant minority ends up relying temporarily on income support and benefits sustained by one of the highest tax rates in the world. The study provides an insightful look at the particularities of the Danish labour market and the lessons it holds for both the United States and the rest of Europe. (*a complete review by Niclas Andersen will be published in CLR-News 4-2008*)

**Ève Caroli and Jérôme Gautié (eds)**  
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In comparison with other countries, France has a small share of low-wage workers among the active population. Indeed, the incidence of low-wage is hardly 12 percent according to the authors and has even declined for a decade.

Above this global average, the editors however clearly point out that there are deep differences among wage earners. For instance, women, young people, foreigners or people without any diploma are more affected by low wages than other workers. Probability of earning a low wage is higher (sometimes, more than the double the average) for part-time workers, blue-collar workers and for workers with fixed-term contracts.

Though the French labour market has a lower incidence of low wages, relatively to other countries, the research led here shows that the five industrial sectors studied are differently concerned. To sum up quickly, we can say that the food-processing (11.6%), the call-centre and the hospital (3.5%) sectors are not much affected by low wages, whereas the share of low-wage workers is higher in the hotel (20%) and the retail (18%) sectors.

Each of these five sectors is precisely presented and their specificities (the role of the branch level for instance) are clearly put above, helping us to understand why one sector employs or not a high share of low-wage workers.

The editors explain the small share of low-wage workers in France by the specificities of the French labour market institutions such as the minimum wage (SMIC) which is defined at the national level and guaranteed by the Government. They also show that the strong increase of the minimum wage these last years contributed to bring the minimum wage nearer to the threshold defining low-wage. They stress the high level of Employment Protection Legislation (EPL), in comparison with what exists in some other countries like the USA or the United Kingdom. However, they draw our attention to the fact that unskilled workers are often employed under less protective employment contracts.

This book also emphasizes the fact that the small share of low-wage workers can be explained by the high level of unemployment: indeed, a large part of unskilled people, therefore with lower productivity, are unemployed. But, as they don't work, they are not seen as low-wage workers.

Reading “Low-Wage Work in France” makes us think the main problem of the French labour market is surely more the bad working conditions than the share of low-wage workers. In spite of the fact that few high-road strategies are adopted by some managers, each sector is concerned by this issue. Discriminating and atypical contracts (food-processing, hospitals, catering, and retailing), hard physical and organisational strain (in the five studied sectors), the willingness to increase productivity (food-processing, retailing, and call-centres), multiskilling (food-processing), increasing quality norms (food-processing, hospitals, call-centres, and hotels) and the introduction of computerised technologies (food-processing, hotels, and retailing) increase the physical and psychological pressures on wage earners and consequently industrial injuries, illnesses, tiring, and stress. Managers in hotels and in retailing often adopt practices that border on illegality.

This book also shows that bad working conditions are experienced by young workers, ethnic minorities and especially by women and low-wage workers. (Il)legal non-national workers are even employed in these conditions in hotels.

Eve Caroli et Jérôme Gautié propose the following conclusion: “the small proportion of low-wage workers in many sectors is supported by strong work intensification and bad (and worsening) working conditions” (p. 288). As the labour market is more regulated by the State in France (the minimum wage, the 35 hour-week, the legal extension of sectoral agreements), French industrial relations are mainly characterised by numerous conflicts, mistrust and are weak, especially at the enterprise level. Unions are not present enough whereas there is a lot to win in the field of work organisation and working conditions.

Though its conclusion must be compared with more detailed work on the topic, this study is a solid introduction into the history of the French labour market and its institutions: chapter 2 written by Eve Caroli, Jérôme Gautié and Philippe Askenazy is indeed a comprehensive synthesis and deserves attentive reading. The five case studies are very clear and offer a detailed analysis of the five sectors. To conclude, the main interest of this study is surely the double outlook used: after the presentation of the French labour market institutions at a macro level, the authors focus on the role played by micro level institutions in the existence (or not) of low wages.

**Gerhard Bosch and Claudia Weinkopf (eds),  
Low-Wage Work in Germany**

Jörn Janssen,  
London, 22 September 2008

This book is an outstanding study of employment and industrial relations in Germany, going far beyond the issue of low wages. It analyses the transformation following German reunification in 1990 and wage dispersion as the main aspect of this process. This aspect is in fact most significant for a country formerly notable for its egalitarian wage structure. With a 20.8% share of low-wage work in 2004, Germany even exceeded the European Union average (p. 34). In one of the sectors covered by the case studies, cleaning in hotels, no less than 97% of mini-jobbers in 2003 worked at low wages (p. 219).

Amongst the four sectors singled out for case studies, and for which statistical data are available, there is a marked ranking in terms of the incidence of low wage work: hospitals 23.5% of employees, retail 31.1%, food processing 34.5%, and hotels and restaurants 72.5% (p. 39). Interestingly, whilst low-wage work is concentrated in small firms, its share has even declined in medium-sized and large companies (p. 36). Typically most affected by low wages are women, young people, non-nationals, and unskilled workers (p. 32). In terms of employment conditions, part timers (21.1%) and 'marginal' part timers (85.8%) are most exposed to low wage work (p. 35). Low wages also largely, but not always, coincide with poverty: "In Germany 41 percent of all poor employees work in the low-wage sector, which is above the EU-13 average of 37 percent." (p. 43)

Not surprisingly, low wages are coupled with high levels of physical strain, low levels of health and safety standards, job insecurity, and unfavourable working time arrangements. Social security is a typical casualty of work at low wages (pp. 45ff.). More than in other segments of the labour market, collective agreements, employment representation, and trade union membership are of course virtually absent in the world of low wages. Generally speaking, low pay is indicative of the general level of working conditions and employment rights in a country, which once boasted exemplary legal protection for employees: "The 1990s saw the conjunction of all the conditions required to call into question the dominance of the egalitarian German production model." (p. 295) What were these conditions, prompting the dismantling of this model?

Bosch and Weinkopf explore on various fronts the reasons for the weakening of the German regime. First of all they pinpoint reunification, with the burden of integrating the East-German economy into Western capitalism as the main cause of this decline. Incidentally, this operation coincided with the opening of the EU internal market and the consequent increased pressure from global markets to liberalise the economy. At the same time the 'free movement of workers in the EU' confronted the German labour market with cheap 'services', especially from Central and East-European countries. As unemployment rose, trade union density declined, wages stagnated and coverage rates fell, leaving a rising part of the labour market unprotected. The unions at first rejected statutory minimum wages as a threat to their autonomy of collective bargaining. Simultaneously, the antiquated family concept based on the male breadwinner began to collapse and opened the market to cheap female labour, though social security and taxation regulations remained unchanged. This variety of interrelated phenomena is not easy to disentangle in a search for cause-effect relationships, and changes are still in the full swing.

The editors conclude with a number of suggestions to prevent the worst effects of the decline in the social protection of labour. Equal rights and working conditions for all categories of employment relations are at the top of the agenda. The revision of regulations based on the male breadwinner model is regarded as overdue. Generally binding minimum wages ought to include all sectors and occupations. "Last but not least, one particular challenge facing Germany is to ... achieve significant reductions in the share of people without vocational training qualification." (pp. 311f)

This short summary is only a superficial impression of a study which deserves to be classified as a solid comparative analysis of the history, current dynamic and dilemmas of German employment conditions. Much detailed knowledge can be gleaned from the five chapters based on case studies by Claudia Weiskopf (call centres), Lars Czommer (food processing), Karen Jaehrling (hospitals), Achim Vanselow (hotels), Dorothea Voss-Dahm (retail). They are all most thoroughly researched and informative. As a whole the book can be recommended as a fairly comprehensive introduction into the history and transformation of the German labour market and its regulatory framework.

**Caroline Lloyd, Geoff Mason and Ken Mayhew (eds),  
Low-Wage Work in the United Kingdom**

**Ani Raidén,**  
Nottingham, 16  
October 2008

This book identifies a high proportion of low-wage workers in the UK in comparison to the other countries. In 2005 the incidence of low-wage work in the UK was 22.1 percent. This is marginally below the figures for the US (25%). It is high in comparison to Germany (20.8%), Netherlands (18.2%), France (12.7%) and Denmark (8.5%). As in other countries women are more likely to undertake low-wage work. Pay for men and women is relatively equal in part-time work up to the seventieth percentile. Beyond this point women receive significantly lower wages than men. Women also receive lower pay for full-time work than men (p. 42-43).

The retail sector has the largest number of low-wage workers in absolute terms. The highest percentage of low-wage workers in a specific sector is in hotels (59%). The sector-specific analyses discuss some of the reasons for the high incidence of low-wage work in these sectors and the difficulties in addressing the situation. In retail for example, many employers in the UK adopt a labour-intensive service strategy (as opposed to competing on low price which is common in the US and continental Europe) because of the relatively low labour costs (p. 132). In hotel work the challenge is that housekeepers and room attendants for example, are "doubly invisible" because most of their work is unseen and unrecognised "women's work" (p. 113). The workers are rarely unionised and thus lack political voice.

One of the key contributions in this book is the clear explanation and balanced discussion on the political and other contextual factors that surround low-wage work. It addresses the economic conditions and trends in labour markets together with a concise history of earnings inequality and the national institutions for labour market regulation. The focus on 'flexibility' and continuous weakening of the industrial relations framework are recognised as important characteristics of the British system. Long working hours and low levels of education and training are also strongly correlated with low wage work in the UK. *"Even in unionised workplaces, there is substantial use of managerial prerogative."* (p. 55) As the case studies show, commercial subcontracting arrangements in place of contracts of employment keep costs (and pay) down. The authors draw attention to the important distinction between the Government aim to cut poverty and the high incidence of low-wage work in the UK: although more than half of the households classified

as poor have at least one member working, the number of these poor households represents only a small proportion of all employees in low-wage work. Some experience “low pay, no pay” cycles, but many employees survive on low wages for long periods of time. *“This may well contribute to existing incentive structures that encourage many employers to engage in low-pay, low-skills product strategies and work practices.”* (p. 32) Chapter six considers the impact of an uninterrupted availability of migrant workers who are willing to work for rates of pay significantly lower than the “going rate”. Chapter seven highlights largely unregulated agency work as a distinctive feature of the flexible labour market in the UK.

The editors frame recommendations in the context of a critical lesson *“that academic and policy discussions about low-wage work must extend beyond narrow economic issues to address more seriously the institutional and social constitution of the low-wage labour market in the UK economy”* (p. 285) that ties back nicely to the opening chapters for the book (which provide a comprehensive discussion on the background to low-wage work in the UK).

In summary, this is a well written, accessible and informative book. It deals with a complex subject matter with clarity. Yet it retains a critical edge which engages the reader in further thought. I hope that the collaborative, final stage of the research programme will be as successful as this volume.

**Ton Heijnen,**  
FNV Bouw, The  
Netherlands

### **Low wage work in The Netherlands.**

**Edited by W. Salverda, M. Van Klaveren and M. van der Meer (2008), ISBN 978-0-87154-770-5**

The book begins with an historical overview of the debate on low paid work in the typically consultative Dutch economy. One outcome of this is that the social partners agreed upon a move to further flexibilisation of work processes in exchange for improvements in education and other job security-promoting measurements. Another outcome is that in the last two decades low wages lagged behind average wages.

In the first chapters the strong rise in the per capita employment rate is described. The unemployment rate declined but ‘fulltime’ unemployment (of women and students) has been replaced by a huge amount of part-time employment. The latter has, in a way, provided a resource of low paid and flexible employees to the Dutch economy.

The study shows a strong relation between part-time work and low wages. But part-time status does not appear in itself to be determining low wages. The young age, female nature and short tenure of all these part-time workers are the determining characteristics for being in the low scales of wage schemes. 'People are at risk of low pay at the beginning of their working life.' This conclusion counts obviously also for people that have to restart in new jobs (temporary agency workers, women re-entering). The book gives examples of how the personnel policy of certain firms seems to utilize these low-waged young, female and low tenure characteristics.

Before the beginning of the core study a good overview is given of the relevant Dutch institutions that regulate industrial relations. This includes 'institutions' such as labour law and collective agreements. The latter are given an industry-wide mandatory status; a rather unique factor in understanding the Dutch framework for labour conditions. Even the sector of temporary work agencies has general binding collective labour agreements. Over and above this it has to be understood that Dutch collective agreements regulate far more than wage levels. Collective agreements include dismissals, education, health and safety, employability, flexicurity, topping up of social insurance entitlements and, not forgetting, deliberate wage moderation (based on the yearly growth of productivity plus inflation figures). Collective agreements are 'the workhorse of Dutch industrial relations'.

The real study starts with a link between the national level and the following chapters on the meso level. A lot of figures give a good impression of the five target industries for this project about low wages. Within the five target industries, the researchers have appointed subsectors and (low-wage) target occupations as subjects of research.

The chosen sectors/sub sectors/occupations are:

1. Retail trade/ supermarkets + consumer electronics retail/  
checkout operators + sales clerks.
2. Hotels / room attendants.
3. Hospitals / nursing assistants + nutrition assistants + cleaners.
4. Call centres + finance sector + utilities / in-house centres +  
independent centres + temporary work agencies / call centre  
agents
5. Food processing / meat processing + confectionary / production  
workers

Following the methodology for the research, we are given an explanation for developments in the four product markets and their effect on jobs.

**Some examples:**

The price war between supermarkets did not allow for much discretion concerning job descriptions to local managers; this hierarchical structure led to a narrow job profile for checkout personnel. In the hotel sector, consumer assessment on the internet stimulated severe monitored standards to room attendants, often working alone in hotels. In hospitals, privatisation of the health care assurance became a drive for an increase in work pace. The workload of the call centre operator as a fulltime job is hard to combine with normal family life. Risky jobs in the meat sector are outsourced to temp workers. The goal for a firm or sector to change the organisation of 'lower jobs' may be to reach a better position for added value in the economic chain. That kind of upgrading seems in some of the cases examined to be reached by downgrading job content or working conditions.

Statistical and qualitative information on each sector is rounded off by case studies and interviews on the spot, concentrating on employment, work organisation, flexibility and outsourcing, job quality, working time, recruitment, training and career development and, of course, wages and compensation. These studies lead to a better understanding of how changes in the market and institutions have affected the jobs targeted. For each sector, in the case study the assumption examined is whether establishments that strive for a high road in the market indeed offer, from an employee point of view, better labour conditions. This seems to be not necessarily true.

Low-paid work is present in each sector, influenced by market developments and institutional change. The collective agreements have incorporated the drive to lower the first scales of the wage setting. But, at the same time a great responsibility has been put on firms for financial benefits in the case of illness and unemployment of employees. Many firms have shifted that risk to temporary work agencies, which, in some cases, offer a better introduction and training for workers in low-wage occupations.

Temp work, outsourced or in-company work; the work has to be done. These different forms don't deny the two major common characteristics of low-wage job (other than low wages): low

autonomy and high speed. Low job quality is less urgent for those who fill by far the majority of low-wage jobs: workers with small part-time contracts who are satisfied with that status. As a consequence, managers have little interest in improving job quality for full-time workers in these jobs. Works councils and union representatives have a weak position legally at shop floor level and skilled workers dominate their meetings. Low-wage workers in turn show 'a deep-rooted lack of recognition of the necessity and added value of membership in unions and works councils.' Unions can maybe overcome that gap when labour supply remains limited and the low-wage job segment becomes less volatile.

The authors emphasize the job classification systems generally used. Strictly applied, these tend to block internal flexibility because people stick to their formal function. Employers don't grab the possibility to promote internal flexibility because they are afraid of the premium that employees will demand for enhanced tasks. Case studies put the finger on this non-used alternative to external flexibility. Internal flexibility and the upgrading of functions can require extra investment in skills. It turns out that there is no lack of collective funding for vocational education, training on the job and formalised recognition of acquired competences; they are just not sufficiently explored and exploited.

The findings in the case studies may be influenced by the fact that the observations and figures cover the period of recession in the Dutch economic cycle, from 2002 to 2005. The authors show that they are aware of this fact. The question is posed of whether low-cost-HRM managers are aware of the fact that the provision of low-cost workers is likely to become more problematic following a strengthening of the labour market. But the project does not cover the upswing years 2005-2008 in the Dutch economy.

Policymakers, HRM managers, union officials and collective bargainers on 'both sides' of what ever industry in the Netherlands, who are often also the responsible executive officers of the institutions in their branch, will recognise a lot of the analyses of the five sectors in this book. The authors give words to what those bargainers observe in daily life.

# Calendar of events

## PROGRAMME

### **JOINT WORKSHOP: University of Westminster (Westminster Business School & School of the Built Environment)**

in association with the European Institute for Construction Labour Research (CLR)

**University of Westminster, 35 Marylebone Road, London NW1 5LS (just opposite Madame Tussauds and nearly opposite Baker Street tube station)**

### **EMPLOYEE AND TRADE UNION INVOLVEMENT IN VOCATIONAL EDUCATION AND TRAINING (VET):**

**Thursday November 27<sup>th</sup> 2008, 10.30am - 4.30pm, Room CG79 followed by: CLR GB AGM 4.45pm – 6.30pm**

10.30am	Registration and coffee
10.40am	<b>Welcome - University of Westminster</b>
10.45am	<b><i>The importance of employee involvement in VET</i></b> <ul style="list-style-type: none"> <li>- <b>A historical perspective</b>, <i>Howard Gospel</i>, Kings College London</li> <li>- <b>The trade union view</b>, <i>Caroline Smith</i>, TUC Learning and Skills Policy officer</li> <li>- <b>The employers' view</b>, <i>Joe Johnson</i>, CECA Director of Training</li> </ul>
11.45am	<b><i>Learning, education and employee involvement</i></b> <ul style="list-style-type: none"> <li>- <b>Between Formal and Informal Systems of Skills Development</b>, <i>Paul Chan</i>, Northumbria University</li> <li>- <b>Promoting employee control over VET</b>, <i>Dave Tarren</i>, Working Lives Institute, LMU</li> <li>- <b>Education, learning and the application of knowledge</b>, <i>Chris Winch</i>, Kings College London &amp; <i>Michaela Brockmann</i>, University of Westminster</li> </ul>
12.45pm	<b>Lunch</b>
1.45pm	<b><i>Examples from mainland Europe</i></b> <ul style="list-style-type: none"> <li>- <b>The important role of trade unions in VET in the Netherlands</b>, <i>Joep Jansen</i>, Fundeon, NL</li> <li>- <b>Trade Union involvement in VET in Europe</b>, <i>Jonathan Winterton</i>, University of Toulouse</li> </ul>
2.30pm	<b><i>Examples from different sectors</i></b> <ul style="list-style-type: none"> <li>- <b>Science based manufacturing industries</b>, <i>John Holton</i>, Director of Strategy, Cogent SSC</li> <li>- <b>Electrical contracting</b>, <i>Steve Brawley</i>, Electrical JIB</li> </ul>

3.15pm	<i>Tea/coffee</i>
3.30pm	<p><b>Round table discussion:</b>  <b>How can employee and trade union involvement in VET be improved?</b>  <i>Paul Mackney, NIACE Assoc. Director (FE) &amp; CALL</i>  <i>Tbc, Construction Skills</i>  <i>Tom Hardacre, , Unite</i></p>
4.30	<b>Finish</b>
4.45pm – 6.30pm	<i>CLR GB AGM</i>

**If you would like to attend, please contact:**

**Linda Clarke: 0207 911 5000 x 3158 or [clarkel@wmin.ac.uk](mailto:clarkel@wmin.ac.uk)**

### **About the workshop**

Over the past decades employee and trade union involvement in vocational education and training (VET) has been steadily reduced, and even marginalized. Instead, priority has been given to employer demand to which the supply of training provision has – in an often crude fashion – been matched. Increasingly this approach is called into question. As employers have become more and more specialized and as, with the development of private equity, ownership has become separated from management of a company, it is difficult to identify who the employer is, let alone to identify employers' long term skill requirements. At the same time, employees are less and less employed long term with a firm; in the construction industry in particular the majority of the workforce is so-called 'self-employed' or employed through agencies. In this context, any skill requirements identified by employers will be short term and often restricted to the particular jobs or projects in hand, as reflected in the narrow profile of many National Vocational Qualifications.

After the war joint regulation by employers and trade unions of VET was the norm, and this remains the case in many leading countries in Europe and in some sectors, such as electrical contracting. As a result, occupational skill profiles, qualifications and VET provision tended to be a compromise between the inevitably more short term perspective of employers to meet immediate requirements and the longer term view of the employee, to be equipped with the skills and qualifications necessary for working life and for the development of a career. For the longer-term development of a skilled workforce, an educational component is obligatory, giving students knowledge which can be applied in different situations and built on in the

future to realise their potential. It is no coincidence that, as employee, and in particular trade union, involvement has been reduced, so too has the educational component of VET. This tendency is evident in the new draft Apprenticeship Bill which makes no reference to education (only to 'training') or to employee representative involvement. Indeed it seems to go back on the original provisions of the 1944 Education Act, for a compulsory continuing educational component in apprenticeship programmes, so vital to ensure that young people develop as individuals and citizens.

This seminar is the next in a series, organized jointly with the School of the Built Environment of the University of Westminster and in association with the European Institute for Construction Labour Research (CLR). As a result, many of the examples given refer to the construction sector, though conclusions drawn can apply equally to other sectors. At the last seminar, in December 2007, entitled 'Labour in Neverneverland?: Regulating the situation for migrants in the British construction industry', we learnt that one key reason why migrant labour is employed to such an extent in the British construction industry is severe skill shortages, due in large part to an inadequate system of VET. In the seminar preceding, in September 2007, entitled 'Comprehensive vocational education for a sustainable construction industry: challenging a fragmented and narrow skills structure', we heard that many thousands of young people on construction courses in Further Education Colleges cannot enter the industry because they are unable to obtain the necessary work experience on sites and/or the VET itself is inadequate or inappropriate. From both seminars it was apparent how critical it is that a long term comprehensive scheme of VET is developed for the industry. For such a scheme, employee involvement is fundamental.

To discuss these issues we have invited a range of speakers – representing employers, trade unions, and policy-makers, as well as academics and practitioners – to give their perspective on what is happening and what can be done to involve employees and trade unions in VET. Our aim is to expose the importance of this issue, to give different examples of involvement in different sectors and countries, and to identify - through a round table forum at the end of the day - the means by which involvement can be achieved. We then plan to continue and extend the discussion through a special issue in January of CLR News – the review of the European Institute for Construction Labour Research.



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