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ASPECTS OF MIGRATION

CLR News

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NOTE FROM THE EDITOR

A busy year, 2004, for many of the colleagues involved in CLR.

The excellent Women in Construction book was published and two further books in the CLR Studies series were finalised before the end of the year (for details see the end of CLR News). And we made it again, another four issues of CLR News. Our number four is dedicated to one of the items that have become our core business: labour migration in Europe. Thanks to Ursula Weis and her fellow writers we can offer you some interesting contributions. These contributions can be seen partly as a follow-up to the conference organised in May 2004 by our friends from CLR Denmark. In this period a heavy debate was going on about the threat of migrant workers coming to Western Europe after EU enlargement. *L'histoire se répète...* Recently the same debate re-emerged with regard to the accession negotiations between the EU and Turkey. During the Copenhagen conference I made a clear plea for open borders combined with concerted action for contract compliance, with agreements and legislation in the host country, and against illegal recruitment and irregular employment. It is worthwhile quoting my reasoning here:

“There is no argument for closed borders in the new Union.

- First there is the question of political fairness. The collapse of the planned economy and the introduction of the free market were immediately followed by a dictate of the EU countries to further open up the CEE (Central and Eastern Europe) markets. We have not brought prosperity there and a gleaming economic perspective but first of all sought for markets and raw materials. Unemployment went up and a social safety net was (and is) lacking. It is hypocritical to use the system of free movement principles as a supermarket that serves us in the west.
- The result of closed borders will be a further growth of illegal practices. Nowadays it is already possible for CEE citizens to come to the EU with a tourist visa for a few months. Many are already here and work in illegal circumstances with no compliance with labour legislation or collective agreements. This is a serious threat to legal and conventional provisions in the field of social security and protection. Social dumping via illegal practices is much more devastating for the European social model than open borders. We are

better off legalising and monitoring the labour market and migration process.

- The history of migration shows that it takes a lot to leave your home and soil. Programmes for urban and rural development have to be set up in the country of origin to create a perspective for economic and social development. EU policy has to be based on a fair share of our wealth. Enlargement with Spain, Portugal and Greece made it clear that the strongest motivation for leaving a country is the belief in a perspective at home. For Spain, migration to the other EU countries immediately fell. Most migrant workers had come for economic reasons for a few years.
- A policy to accept only a selected group of skilled workers and other attractive segments of the labour force adds to the risk of a 'brain drain'. It will certainly not contribute to the development of the home country. In addition to this, one might expect that a fixed contingency of workers will stimulate a run to be on board. The question is whether that serves either the migrant worker or the recipient country.
- Recent polls confirm the long-term prediction: about 1% of the working population plans to move to a EU country. Of course, the effect of this migration of workers added to those that are already there should not be underestimated. Earlier studies have made clear that migration mainly takes place in construction and in middle management. 1% is not very much for the whole economy but too much if concentrated in one industry. The answer should be contract compliance, a clear policy (and not a double-hearted one) with regard to collective agreements that have to be applied and labour legislation that has to be respected.
- The labour market in the old EU seeks migrant workers. Our population is aging. In the long run even enlargement does not really help because, though slower, the same age pyramid is developing in CEE. In the long run we shall have serious skill shortages in our labour markets. Construction has always been a key sector for the economic insertion of immigrants. In a number of transnational studies construction is listed among the sectors where discrimination at the workplace is relatively low. We should continue to see that as a challenge!"

I stick to these words and wish you all the best for the new year.

Jan Cremers, 27.12.2004

INTRODUCTION

Ursula Weis, Karlsruhe

Linda Clarke, London

In CLR News 1/1997 there was a detailed description of the collapse of the German construction labour market as the exceptional building boom after reunification decreased. In Berlin especially enormous building investment was put in place and thousands of foreign construction workers were employed. Subsequently many construction firms – not just the small ones – went bankrupt, thousands of construction workers became unemployed and working conditions were threatened.

This shocking experience gave added impetus to new legal measures being discussed at European level to protect labour conditions – above all the Posting Directive, stipulating employment according to the terms and conditions of the host country and intended to combat social dumping.

But have things really improved? As far as the contributions in this issue are concerned, not much, so perhaps it is time to ask questions anew.

Nikolaj Lubanski, the main author of the earlier analysis of German development from the 1990s (NL: Internationalisation of the German construction industry, CLR News 1/1997) subjects the push and pull factors of migration to renewed analysis by focusing on the question of why the Spanish, and especially the German, labour markets in construction have been so much affected by the influx of migrant foreign workers and the Danish almost not at all. The comparison is perhaps unfair given the very modest output of the Danish construction sector compared with the other countries, rendering it less interesting in terms of investment. But Nikolaj's answer, that the Danish system of self-regulation and centralised collective bargaining is sufficiently organised to withstand social dumping, is also perhaps ambiguous in assuming that migration equates with social dumping. As apparent from a number of the contributions and from the personal

accounts presented here, this is by no means inevitable - especially if the Posted Workers Directive is implemented.

In contrast, Norbert Cyrus, an expert on migration with a broad knowledge of the social and legal conditions of migrants and the theories and ideas these are founded on, focuses on the other side of the coin: the exploitation of foreign migrant workers in construction. This approach leads him to plead for a change in implementation.

Besides these scientific research contributions we have included the biographical accounts of migrant workers, in order to learn from their experiences and ideas. There are two perhaps typical stories of migrant workers from Eastern Europe:

- a duped Polish contract worker presents a perfect illustration of how exploitation occurs in detail and demonstrates at the same time the strange results of public control.
- a former refugee from Bosnia, who, though crossing the border legally, works without a work permit shows, on the one hand, the fear of public control and deportation and, on the other, the great importance for his protection of the social network of compatriots living permanently in Germany. His urgent hope, that Croatia's EU membership will give him the right to work, is a hint of the amnesty effect of EU enlargement.

Then there is George Fuller, a British trade union activist who belonged to the – according to his estimate – 55,000 migrant workers from the UK who worked in Germany during the 1990s, “that period of mass unemployment in the UK that lead to social dumping whereby building companies in Germany used the labour agencies to traffic unemployed ‘Englanders’ on a bogus self-employed basis...” His memories, besides stimulating a whole lot of ideas, imply that some ‘Englanders’ felt a bit left alone by Germany's ‘official’ unions.

The career of a Spaniard who came as a small child to Germany with the first large-scale post-war wave of immigration gives rise for hope. Now a perfectly skilled employee with a good wage and high job security, he is very satisfied with the German unions' work and the Posted Workers laws, which prevent discrimination because they do

not discriminate between Germans and migrants. But his experiences of discrimination on site in the late 1960s and the conditions his father had to suffer in his first years as a construction worker in Germany, obviously strengthened his awareness of the present revival of similar conditions on sites. He criticises the isolated control, punishment or deportation of the workers concerned, whereas nothing happens to the employers.

The Posting Directive/Posted Workers Act is perhaps a strange thing – whether it prevents discrimination or protects good working conditions. But how its implementation is viewed depends fundamentally on whose eyes are doing the beholding.

These personal accounts are followed by two reviews by Jörn Janssen of books about migration in construction, one about the importance of migrants to the Swiss building unions and the other about the migration of brickmakers from the Lippe region of Germany. Both these books and that reviewed by Jan Cremers – and also on the Lippe brickmakers – show how migration is fundamental to the nature of the construction sector, whether tilers from northern Italy, steel erectors from Liverpool, form workers from Ireland, or restoration workers from Warsaw. The Lippe brickmakers also present an early example of equal treatment in the case of posting. A final review, by Stefan Hochstadt, is of Georg Worthmann's book on the development of Posted Worker Regulation for the German construction sector.

The following section reviews three seminars, all related to the subject of migration, in Copenhagen, Reading and London.

Finally, details are included of: the CLR AGM to be held in Brussels on the afternoon of 3rd February; the ESRC/CLR seminar on the following day, 4th February, on participation and worker representation in construction in the European Union; and the three latest CLR Studies books.

SUBJECT ARTICLES

The push-pull factors of labour migration in an enlarged Europe - Which are the mechanisms that influence some labour markets to receive many foreign workers and others to receive only insignificant numbers – the case of the construction sector? -

Nikolaj Lubanski, Director, Danish School of Public Administration

Introduction

EU enlargement has again put the issue of labour migration on the agenda. In the construction sector it can be said to some extent that labour migration has always been on the agenda. Nevertheless, the reality of having several million new potential workers with much lower pay expectation within reach in the ‘new’ member states is a new challenge to the labour markets of the ‘old’ member states.

Both in the pre-accession phase and in the period after, very different approaches to the challenges of labour migration have been chosen by the old member states. Some have considered this issue to be a major threat to the organisation and existing terms and conditions in their labour markets so that a long transitional period has been seen as the most appropriate measure. Others have seen the challenges as being much smaller and have therefore not established specific measures at all or have found less restrictive ways of controlling the influx of foreign workers.

This paper will focus both on the mechanisms that attract foreigners to a construction labour market in another country and on the institutional settings that either facilitate or hinder migration. The main question to be asked is why some construction labour markets are overflowing with foreigners whilst others receive hardly any?

The approach of this paper is to draw on the experiences of earlier historical enlargement processes and on more general studies of labour migration. Likewise, the paper uses the case of the Danish construction sector as a reference point, but will include the experiences of other labour markets in Europe, most notably the

Spanish and German experiences. I have frequently been faced with the question of why the Danish labour market has a relatively low number of foreign workers when the average wage level, workings conditions, etc., should speak for something different. Besides some of the lay answers stemming from just looking out the window on a freezing cold November day or thinking of the xenophobic political climate in Denmark, I shall try to give some more solid research-based answers to this relevant question.

The paper is a follow-up to the conference on EU enlargement and labour migration held by CLR Denmark in Copenhagen in April 2004 (see Bo Sandberg's report on the conference in this issue). As preparation for the conference, a booklet was published ('Free mobility and EU's enlargement – migration of the construction workers May 2004') taking an historical perspective on this issue. This paper will draw highly on the contributions to the booklet and the discussions at the conference.

Naturally, the question of EU enlargement and labour migration creates a significant number of dilemmas for governments and labour market organisations. Just to mention one: transitional arrangements to control labour migration between the new and old member states raise a number of issues in relation to national labour market protection, transnational solidarity and the free movement of labour that are outside the scope of this article though reflected upon in the introductory chapter to the above-mentioned booklet.

The structure of the paper is as follows. In the next section the stage is set through an answer to the question: why is the issue of labour migration having a revival? Then in the third section an insight into the push-pull factors of migration is given. The fourth section focuses on historical experiences from earlier migration waves and the present situation, with a specific reference to Spain and Germany. Finally the fifth section sums up on the push-pull factors of labour migration in the construction sector and thereby tries to find some reasons why Denmark is not overflowing with foreign workers.

Background – why is the issue of labour migration having a revival?

The main answer is, of course, EU enlargement. The enlargement with 10 new member states in May 2004 marks the single largest expansion of the European Union (EU) but certainly not the first one. The EU has grown in size following successive waves of accession. The original six countries from the European Coal and Steel Community were joined by Denmark, Ireland and the United Kingdom in 1973, followed by Greece in 1981, Spain and Portugal in 1986 and Austria, Finland and Sweden in 1995. For some of the countries that have joined in the last decades, membership has marked a dissociation from a totalitarian past and a new beginning in building up a democratic welfare state. Generally, countries have experienced economic growth and stable democratic institutions after their accession. It can be argued that this process would have taken place anyway, but the political and economic potential of the EU has definitely influenced the speed at which this process has occurred.

This is important to remember in the present phase of integrating 10 new member states. The 2004 enlargement is, though, both bigger and probably also more complicated than previous ones. The issue is not just size, in spite of the fact that the annexation of 75 million new EU citizens is in itself a huge challenge. The issue is also that most of the new member states have a not-too-distant communist past and in general a lower living standard than the rest of the EU. This means that the process of integrating these countries will inevitably run into problems, which was also the case in the accession phase. How are the fundamental principles of free movement of capital, goods, services and people between countries with very different starting points to be ensured?

Several problems became visible in the accession phase. Just to mention a few: will it be at all possible to continue the EU's agricultural subsidy policy after enlargement? Will most companies in the new member states be taken over by foreign multinational companies? And will the old member states be flooded with cheap labour from the east? From the beginning of the enlargement process with the definition of the so-called Copenhagen Criteria in 1993 to the

actual accession of the 10 new member states in 2004, the EU has maintained that the accession countries should accept and implement the *Acquis Communautaire* – the entire legislative foundation of the EU – into national law and procedures. In other words, they were obliged to make an immense effort in order to change their societies fundamentally to adjust to EU standards. Nevertheless, many compromises and transitional arrangements were agreed upon to keep the enlargement process on track.

The issue of migrant workers was one. On the one hand, it was of great symbolic and economic importance to allow workers from the new member states access to the more prosperous labour markets of the old member states. For many years, the borders of Central and Eastern Europe were hermetically sealed, which is poetically expressed in the words of the Polish philosopher Stanislaw Jerzy Lec, who stated that the message “No entry” is understandable, but worse is the message “No exit”. The breakdown of the communist regime has made it possible for east Europeans to travel. After 50 years they have obtained what people in the west saw as the most natural thing: the right to move about freely. This is one good reason not to construct new borders for workers from the new member states. Another reason is that companies from the old member states have already taken advantage of the new markets and cheaper production possibilities of the Central and Eastern European countries (CEEC). As part of the rapprochement to the EU, countries have generally opened their markets to foreign companies in search of new markets, raw materials and cheap labour. On this basis, it can be seen as a bit hypocritical to close our labour markets to the new EU citizens.

It is difficult to evaluate the consequences of a completely open labour market from day one of membership. In spite of the fact that migration from new to old member states seems to be fairly limited (estimates run from 250,000-450,000 persons a year in the first years after accession), the flow of migrants is likely to be unequally distributed among both countries and sectors. Austria and Germany have until now received 70% of all migrants from the countries that have now become EU members and there is no reason to believe that the future pattern will be much different. If this kind of immigration into Austria

and Germany is not somehow regulated, it could create enormous pressures on wages and working conditions in the two countries. The unequal distribution among industrial sectors will make the pressure even more visible. Migrant workers tend to find work in sectors where it is possible to integrate them fairly fast and often on a temporary basis. Migrant workers are therefore over-represented in sectors such as agriculture, tourism, building and construction. Open borders and the unregulated free movement of workers could spell the end of the well-organised labour market systems in the above-mentioned sectors in Austria and Germany. Other old EU members such as, for instance, Denmark would also be affected, although this would probably not be to the same extent.

Transitional periods and arrangements became the compromise. In relation to migrant workers, transitional periods of up to seven years have been allowed for the old member states before they are obliged to fully open their labour markets. In the negotiations it was implied that this compromise was for those countries that most feared free migration, mainly Austria and Germany. Many other countries – Denmark and Sweden amongst others – expressed their support for free movement from the start of enlargement. But this was in the negotiation process. Later the reality of an enlarged EU came closer and national interests replaced political rhetoric. Almost all the old EU members who can realistically be influenced by labour migration have created some kind of transitional arrangement. Some will simply use the seven years to prepare themselves for free movement and thereby postpone the possible consequences. Others have formally opened their labour markets from the beginning of enlargement but with so many restrictions that they are in practice difficult to enter. Austria and Germany belong the first category and Denmark to the latter.

The interesting aspect of these safety precaution policies is that they are established to avoid a likely but in reality unknown situation because we do not really know how many will leave their country in order to be employed in the old member states. Likewise, our knowledge of the possible consequences of worker migration is limited, so let us first look at some tendencies in what makes workers move.

The push-pull factors of labour migration

In the present situation it is interesting to focus on what makes people move for work and in what numbers. The former topic is a full field of research in its own right to which I cannot do full justice. Instead, I will focus on studies that have tried to predict the number of migrant workers as a consequence of the 2004 enlargement.

Over the last decade, several studies of migration potentials have been conducted both from research institutes and on behalf of the European Commission. Even though these studies are frequently referred to in the present debate, their conclusions must be treated with some caution: they try to forecast a future development based on previous experiences, present differences in income levels, or individual attitudes towards migration (Vestergaard et al. 2004).

The studies of migration can be divided into three categories:

- econometric,
- comparative, and
- interview-based.

The econometric studies construct models between migration and a measurable variable, such as wage differences. The variable is weighed in relation to its presumed influence on future migration and, based on this relation, the number of migrants in a given situation is estimated. An example could be Poland, where wages are perhaps one-third of the present EU level, which could generate a certain amount of migration after the opening of the EU's labour markets. Most frequently the econometric models combine a number of variables, such as levels of GNP, employment rates and wage differences, in order to obtain a better background for the forecast. The uncertainty with these models is that they do not incorporate the social, political and psychological reasons for migration.

The comparative studies transfer experiences from earlier waves of migration to the present situation. An example could be the earlier enlargement process with Spain and Portugal in 1985. This example presents a 'real' historic event where we are able to study the actual

migration and the following consequences. It is beyond question that much can be learned from these historic patterns, but in using this method we are faced with the problem of so-called 'double extrapolation'. The question is whether it is possible to extrapolate (transfer experiences) from earlier waves of migration to the present situation and whether this can be done from one geographic location to another.

The interview-based studies overcome some of the difficulties with the two other methods through the direct involvement of potential migrants' views. Through the use of interviews with or questionnaires given to, for instance, Polish, Czech or Hungarian workers, the researchers obtain more in-depth knowledge of the push-pull factors of migration, and therewith knowledge of the potential numbers of workers actually interested in applying for work in a EU member state. The uncertainty with these studies lies in, for example, inaccurate questions and lack of a representative interview group.

In spite of the uncertainty within and the differences between the studies, there are a number of common tendencies that can be summed up as (Vestergaard et al. 2004; Ministry of Employment 2003):

- The number of potential migrants from the new member states is estimated to be relatively low. Approximately 140,000-240,000 migrants (including family members) from the new member states are expected to enter the old EU member states per year.
- The highest number of migrants will probably go to Germany and Austria. At present almost 70% of all workers from the CEEC are located in these two member states and this tendency is presumed to continue. The UK will probably also attract a certain percentage, whereas Denmark and Sweden are relatively low on the priority list of potential migrants.
- The forecast is that the highest number of migrants will be seen in the first years after enlargement. Thereafter, numbers will gradually fall to approximately half this figure.
- Migration is most likely to be temporary. The majority of migrant workers will only stay in the host country for a short period of time. Generally, migrant workers either stay a couple of months per year

as part of the seasonal labour force or on a permanent basis for some years.

- The main reason to look for a job in an old EU member state is the higher wage levels and thereby the possibility of an improved living standard. But incentives such as distance and an existing network in another member state will also play a role.
- These factors also relate to which countries will be chosen. Germany and Austria are obvious targets due to their common borders with several of the new member states. But the political factor will also play a role. The fact that both countries have made transitional arrangements that limit the movement of workers from the new member states for up to seven years after enlargement means that countries without transitional arrangements will be attractive. The choice between the remaining countries will be related to sub-factors such as language, the reputation of companies and openness towards foreigners (Lubanski 2004).

From this forecast the push effect can be narrowed down to factors such as economic crisis, unemployment, bad working conditions and low living standards in the home country or area. The pull factors have to do with jobs with higher wages, better working conditions, and networks among other workers in the country attracting migrant workers (the host country).

But these push-pull factors offer only part of the story of why some countries have more foreign workers in their labour markets than others. For a more complete picture, we have also to focus on the organisational and institutional settings of different countries, that is, how their labour markets are organised and what restrictions are in place, for example, in relation to hiring foreign workers. Through the historic experience of earlier processes of enlargement we are able to acknowledge the importance of the institutional and organisational set-up. Both Spain's entrance into the EU in 1986 and the reunification process in Germany in 1991 had the potential to put the set-up under pressure. In the next section we shall therefore look more closely at the consequences of these processes.

The experience of Spain and Germany

In few other industries in Spain has migration, and more specifically immigration, been as important a phenomenon as in construction. This has been the case since the mid-1980s, coinciding with Spain's entry into the then European Community (EC) in 1986. Contrary to the expectations of some, however, European integration has had very limited direct impact on the Spanish construction labour market, as there has been only very limited movement of construction workers between the member states. Minimal intra-European migration to and from Spain has contrasted with the growing – since the late 1990s soaring – presence of extra-community nationals on Spanish construction sites (Byrne 2004).

Between 1985 and 1995 the total number of foreign residents in Spain rose from 250,000 to 500,000, divided fairly equally between EU citizens (many of them retired people from the colder north-European countries) and non-Europeans (above all from Morocco). Since 1996 there has been a spectacular increase in immigration to Spain, above all from outside the EU. Up by over 300% over the previous eight years, in December 2003 the total number of legally resident foreigners numbered 1,650,000. Of these, over 75% were extra-community nationals, essentially from Latin America, North Africa and Eastern Europe. At the same time, current estimates suggest that at present as many as one million people may be living and working illegally in Spain.

The expanding presence of extra-community workers in the industry is directly linked to the path taken by the Spanish construction industry over the last two to three decades (Byrne and van der Meer 2003). The long-term trend in the industry during this period has been one of growth in both production and employment. The latter broke its historic record of 1,300,000 in 1998 and the milestone of two million in 2001. Expansion has been characterised by and based on profound structural and organisational change.

The key mechanism has been the intense outsourcing of production through subcontracting, including extensive chain subcontracting. This

has consolidated a strict division of labour between firms and a highly polarised business structure. At the top, since shedding their site labour in the depression decade of 1975-1985, the very few large construction companies have concentrated almost exclusively on the promotion, design and management of projects. Mergers are still shrinking the number of major corporations. Meanwhile, smaller subcontractors, often performing very specific tasks and carrying out different functions within the production process, carry out the actual physical production. The relatively unregulated nature of the product market and the proliferation of subcontracting have facilitated this atomisation of the business structure; an estimated 75% of the workforce is employed in companies with fewer than 20 employees (Byrne 2004).

These organisational and structural developments have given rise to a labour market with a number of crucial industry-specific features: very low levels of formal education and/or training; extremely high levels of temporary or fixed-term contracts (in 1999, 97% of new contracts were fixed-term); high levels of self-employment (fluctuating between 17% and 23% since the mid-1980s); very high and increasing accident rates; and a flourishing informal economy. Recent estimates suggest that as much as 20% of all construction jobs and anything between 10% and 50% of all labour may be in the underground economy. The vigour of the informal economy is a reflection of the weakness of state control, widespread social acceptance, and the dynamics of price-competition, free-riding, and productive fragmentation that have engulfed the industry.

It is also a result of the weak and ineffective interest representation in the sector. In 1997 the building federations of the two main national confederations claimed a combined union affiliation rate of just 10% of the workforce. Their members are concentrated above all among permanent workers in larger companies; in small firms and sites, unions have a strictly limited presence in the workplace. The industry-wide employers' organisation claims to include around a quarter of all firms in the industry, but its capacity to represent and ensure the collective discipline of employers in the industry is undermined by the continued autonomy of sectoral and local employers and the

predominance of small companies outside the reach of all organisation – hence the limited effective implementation of the generally binding collective agreements in the sector.

The perhaps surprisingly-limited presence of construction workers from other EU member states working on Spanish sites can be explained by a combination of supply and demand factors. On the supply side, wage rates and working and employment conditions are unlikely to draw workers from most other European countries to Spain. On the demand side, even after integration, foreign companies have only had a very limited presence in Spain, whether as principal or subcontractors. Large companies tend to follow their Spanish counterparts in employing local subcontractors and labour to carry out the actual physical production and bring in only their senior personnel.

Contrary to the situation in Spain, there is a long tradition of using foreign workers in the German construction industry. In 1970 almost 20% of employees subject to social security contributions in the building trades were foreign workers, this percentage being more than twice that found in the economy as a whole. Today, 9% of employees in the building trades in Germany still have a foreign passport. These foreign workers are integrated into the German social security system, as they are employed by German companies and work in accordance with the collective bargaining terms in force. “This equality of status has helped to ensure that this labour migration exerted no direct pressure on our wage standards” (Bosch 2004).

Today, this individual migration has become less significant and is increasingly replaced by the posting of workers by companies based outside Germany within or outside the EU. The building boom following reunification attracted huge numbers of foreign workers, not the least to the construction sites of the eastern regions. Often the companies used posted workers to carry out the construction processes. Many employers failed to comply with the provisions of the Law on the posting of workers and the regulations on compliance with wage rates. For many years the construction industry has been one of the sectors in which illegal employment is very widespread and this includes a wide range of ‘traditional’ infringements.

But in contrast to earlier infringements, offences against the instruments newly created to structure the internationalised construction labour market constitute relatively new forms of illegal employment. In addition, offences committed in the context of postings include the illegal supply of workers by temporary employment agencies, illegal employment of foreigners, or evasion of social security contributions and tax evasion by German clients and German and foreign subcontractors. Offences of this kind are not new, but for some years now they have been occurring on a much larger scale than hitherto.

The widespread use of foreign workers under legal, semi-legal and illegal forms has led to a severe change in the industrial relations of the German construction sector and unemployment among German construction workers is rife. When the pressure from both foreign companies and workers became greater in the mid-1990s, the existing industrial relations system began to show some weaknesses. German employers started protesting against what they considered to be unfair competition and demanded lower wages and working conditions in order to stay competitive. In the beginning they brought this demand to the negotiating table, but when they did not succeed there they were ready to break out of the system in order to set the conditions they thought necessary to compete in the market. A direct consequence of these actions was to be seen in the wage statistics, where the wages actually paid lagged considerably behind the levels stated in the collective agreements.

At the same time it was very difficult for the German authorities to control compliance with the terms and conditions on construction sites. The ability of the authorities to encounter and impose sanctions against those who broke the rules was very limited due both to the lack of resources of the relevant authorities and the lack of political consensus as to how severe the problem to be tackled was. In spite of the spectacular raids on certain sites that reached the front pages of the newspapers, the reality was that it was fairly easy to get away with severe infringements of the rules and, even where someone got caught, the sanctions were manageable compared with the possible gains.

From the union side, huge efforts were made to limit the consequences of the massive foreign presence. But the fact that only approximately one-third of the construction labour force was organised and that the stronghold was in the western part of the country meant that it was very much uphill for the unions. The employers almost always had an alternative to the organised labour force, making it difficult for the unions to force them to follow the terms and conditions laid down in the national collective agreements.

Even though the number of foreigners in the sector is lower today, industrial relations are still highly affected by the processes following reunification. As a result, the present EU enlargement only adds to the concern about the development of the sector. Owing to its proximity to the accession countries and its relatively high wage levels, the German construction industry is particularly affected by the enlargement of the EU to the east. Against this background the transitional periods decided on for freedom of movement for workers and freedom to provide services are understandable.

It is apparent that the many small and medium-sized enterprises that form the backbone of the German construction sector have not so far responded adequately to the changing market constellations. They are still finding it difficult to survive in a climate of intensified competition without going down the road of putting pressure on wages and reducing collectively agreed standards.

Summing up and attempting an answer to the question of why Denmark is not overflowing with foreign workers

This insight into the push-pull factors of labour migration and the experiences from Spain and Germany provide a background to answering the above question. The Danish construction industry can be characterised as highly regulated. However, regulation in Denmark, unlike for instance Germany, comes primarily through collective bargaining and the related standards developed by employers' and workers' organisations. The role of the state is active in the sense of involving the social partners but passive in the sense that state

authorities do not set specific rules and regulations. This is very much related both to the strong organisational background of the social partners, who can offer very high rates of organisation, and to the centralised sectoral bargaining system. The overall picture is that Danish construction has followed the high road of competition, combining strong private or voluntary regulation with high labour costs and high productivity levels. Due to centralised collective bargaining, wages across construction occupations are relatively even. The Danish model can be seen as an example of construction stability through cooperation, with limited state involvement.

However, this system of centralised collective bargaining and cooperation among the social partners is confronting new challenges. By committing itself to the high-wage, high-skill, high-quality road, even in the face of increased international competition, the Danish construction industry must also promote ever-growing productivity. This makes the sector vulnerable both to stagnation in innovation and to the possibility of cutting costs through the engagement of cheaper labour, for example in the form of migrant workers.

Pressure to change is coming from processes of internationalisation. Until now, the main factor in this regard has been multinational companies, above all Swedish construction firms (Lubanski 2003). These firms are entering Danish markets primarily to maintain and exploit economies of scale rather than to compete based on low-wage, low-skilled labour. Consequently, it has been relatively easy to integrate Swedish construction workers into the matrix of unions and collective bargaining in Denmark. Responding to Swedish competition and the development of large projects that fall under EU procurement rules, there has been a hollowing out of medium-sized construction contractors in Denmark. A handful of very large contractors have emerged alongside a very large number of small contractors. Thus far, Denmark's regulatory system has insulated the local construction economy from the sharpest competitive pressures from low-wage, low-skilled contractors from other parts of the EU.

Traditionally the challenge of sustaining a high-wage, high-skilled, quality-driven construction industry has been met through a range of specific measures that have left the general structure of industrial

relations relatively untouched by the winds of internationalisation. The question at present is whether Denmark's system of voluntary self-regulation and centralised collective bargaining will prove sufficiently prescient and flexible to respond also to the possible consequences of enlargement.

To put it simply, the present answer is yes. This is related both to the limited number of migrant workers that have entered the sector since May 2004 and to the common interest of the social partners (including the government) in maintaining a regulatory system where skills, quality and working conditions follow the high track. Of course, employers have an interest in reducing costs, for example in the form of lowering wages through the use of foreign workers, but they are at the same time well aware of the dangers in pursuing this aim too far. If they engage in a unilateral campaign, as in the UK or to some extent in Germany, they put the regulatory framework at risk – with less-serious companies on the market, less skill formation and a deterioration in quality standards as possible consequences.

The common interest in avoiding social dumping and ensuring continuous innovation and development of skills motivates the social partners to find flexible solutions to the challenge of migrant workers. Both sides have been supportive of the government's initiative in creating the so-called East agreement regulating workers from the new member states and have followed this up with several other initiatives, for instance developing model contracts for easy accession to collective agreements, joining regional contact groups and informing their local branches about possible measures.

To sum up, if the likely migration poses a challenge at all to the Danish model of labour market organisation, the regulatory system in the construction sector seems ready to meet it. Why then is the number of foreigners quite limited? From our insight into migration studies we know that some factors should pull foreign workers to Denmark, such as high wage levels and working conditions. Other factors should likewise work as incentives for them to leave their home country, for instance unemployment, low wages and bad working conditions. Even though some factors should point in the opposite direction, such as the

limited size of the market and the lack of networks for foreign workers, there should be a potential for a high number of migrant workers on Danish building sites.

But as indicated above, the main factors preventing a high influx of foreign workers are the highly organised labour market, the strength of and consensus among the social partners, the clarity of the Danish society with only five million people in a limited space, and the present xenophobic political climate. This is not the place to discuss whether a high influx would actually be desirable both in relation to the future demographic development of Denmark or in terms of solidarity with the new member states, but hopefully it is apparent that the push-pull factors of labour migration need to be seen in a broader perspective. It is not only economic and psychological factors that are relevant; political and industrial relations factors also need to be considered if one is to get a full view of why some labour markets contain more foreign workers than others.

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Towards a dual approach to asserting working standards for the (irregular) employment of migrant workers

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Introduction

With the internationalisation of construction labour markets an old problem gained new relevance: the exploitation of migrant workers. The existence of ILO and UN Conventions underline that the protection of migrant workers' rights and social standards is an accepted target of international human rights policy. But the problem remains – as we all know – with implementation. One problem is connected to the refusal of many nation states to ratify conventions and a narrow interpretation of provisions, with a tendency to exclude migrant workers in irregular situations (Cyrus 1999). Another problem of implementation arises from a weak awareness among civil society and immigrants of legal provisions already in force that offer protection to those in vulnerable situations (LeVoy et al. 2004). In this contribution I shall deal with recent developments in Germany. First, the in the meantime completed implementation of international norms concerning the combating of 'trafficking for labour exploitation' is depicted. The following section shows that the prevailing one-sided understanding focused on crime-control has counter-productive effects. Foreign victims of labour exploitation are perceived by authorities to be offenders against the Foreigners' law. Unfavourable treatment complicates successful investigation and sanctioning of exploitative employers. Consequently the ILO recently concluded that: "there is always a need for a dual approach, combining prosecution and law enforcement with employment-based and other social measures for prevention and rehabilitation of victims" (ILO 2004: 5). The remainder of the contribution describes recent experiences with a 'supportive approach', illustrating the efficacy of a 'dual approach'.

Trafficking for the purpose of labour exploitation

2004 saw two juridical reforms concerning legislation on the employment of foreign migrant workers in Germany. The first

important reform was the ‘law on combating illegal employment’, passed in Parliament in July 2004. The amendment evoked heated controversy, mainly because employers of domestic workers became subject to punishment. Public protest pushed the legislator to stipulate that labour inspection will not control private households. Second, in October 2004 the German Federal Parliament passed a new law making for the first time ‘the trafficking of human beings for the purpose of labour exploitation’ a criminal offence. A prison sentence of between six months and 10 years awaits anybody “who obtains another person – by making use of a predicament or a state of helplessness that is linked to the stay in a foreign country – into slavery, serfdom or debt bondage or gets the person to take up or proceed with an employment with him or a third person that is in obvious discrepancy with the working conditions of the person that conducts the same or a similar employment”. This far-reaching reform of the penal code has been implemented into national law norms, codified in the ‘UN Convention against Transnational Organized Crime’ and the two amended Protocols against ‘human smuggling’ and ‘human trafficking’ (Albrecht and Fijnaut 2002).

The introduction of a penal code provision ‘trafficking for labour exploitation’ complies with the general line recommended in a recent ILO study on forced labour of foreign migrant workers in Germany (Cyrus 2004a). The related investigation revealed that exploitation of migrant workers frequently takes place and is widely underestimated in Germany. However, the study underlines that the effective combating of human trafficking and labour exploitation is less a problem of legal shortcomings than of insufficient implementation of legal norms: unscrupulous employers even manage to benefit from legal provisions.

Exploitation of migrant workers – a simple matter

Research on the informal economy and on illegal immigration shows that construction belongs to the industries most affected by trafficking for labour exploitation (Alt 2003; Cyrus and Vogel 2002 a; Schneider and Enste 2000). The ILO study revealed blatant labour exploitation in construction. It is not only illegal immigrants that are affected. Behind the legal façade of seasonal work and contract for services

programmes, exploitation of foreign migrant workers is widespread (see the story of a Polish migrant worker in this CLR News). The study gathered information on a number of blatant cases of exploitation of foreign migrant workers in construction.

Particularly tragic was the case of an illegally employed construction worker from Kazakhstan.¹ Vassili J. was recruited and transported to Germany with a visa obtained under false pretences. After arrival he was employed with a couple of compatriots on the construction site of the former nuclear power centre in Kalkar for only 2.50 € per hour. In spite of legal requirements, the particular construction site was not registered with the competent offices. The labour inspectorate conducted checks on the company property but did not check the particular building and the illegal employment remained undetected. The standards of working security were blatantly violated. In November 2000 the illegally employed worker, Vassili J. died in an industrial accident. The subsequent investigation discovered his employer, but the other workers were not available for investigation because they feared being punished for their illegal stay and work. Consequently, the worker's death was only sanctioned by a fine of 2,250 € and the human smuggling sanctioned with a suspended prison sentence of 21 months (Härpfer 2003). Neither the relatives of the dead worker nor his co-workers received compensation.

Trafficking for labour exploitation follows a similar pattern: workers are lured into the job with the promise of profitable remuneration. The wage is, however, partly or completely withheld. If workers begin to complain or demand back wages they are initially consoled. Later dismissal or even violence is threatened or exercised. Workers do not turn to public authorities. A Brazilian construction worker described his experiences:

“It is easy to get a job. There is much work to do. But it is difficult to find a job that is paid. You find illicit work by asking other illegal workers on construction sites. Everybody knows of at least one other construction site where hands are needed. But it is at these places

¹ The case is documented in a TV feature. See the web-site www.wdr.de/tv/diestory/archiv2003.html and follow the link *Leiche ohne Papiere. Ein Toter im Freizeitpark Kernwasserwunderland*, first broadcast 13th October 2003. A summary of the main facts is given in Cyrus (2004a).

mentioned without hesitation that the wage is normally withheld. It is however difficult to find a construction site where you can be sure that the money will show up. (...) The companies pay between 5 and 12.50 € We demand a weekly payment, but this is rarely the case. Normally we get our money every two or four weeks. As a rule, eight out of 10 workers are not paid. But the majority is scared of denunciation to the police and does not resist. But if you put the employer under pressure he will be scared and pay. For instance, we take away their cars, or beat them a little bit and threaten: 'If you do not pay, we will kill you.' The last that refused to pay was an English subcontractor. We met him in the company of his wife and two year-old daughter. I just walked alongside and played with the daughter while my colleagues informed the boss that I would meanwhile get lost with the daughter if he did not pay. And then he paid immediately. I would never ask the police for help. That's no use. No single legal provision protects an illegally employed foreign worker. If he goes to the police the first thing is a check of documents, work permits. And, if the workers have no documents, the police will not deal further with the employer but only with the foreign worker. He is the one who will be arrested immediately. (Aus and Hartmann 2000).“

This worker did not need to call on a criminal enforcer, but acted himself as one. He was obviously not aware that walking alongside and playing with the daughter already fulfils the characteristics of the criminal offence of withdrawal of minors. If apprehended, the consequences of enforcing could be harsh for the individual worker desperately trying to make his claim.

Loopholes in the control system

Migrant workers obviously do not trust labour inspection. They fear that the first and often only response of public authorities that discover irregular or illegal working conditions is waiving a work permit and subsequent expulsion or deportation. No wonder the German labour inspectorate faces serious problems in tracing the exploitative employment background that is primarily characterised and persecuted as illegal employment (Cyrus and Vogel 2002b). Exploited migrant

workers are not offered any incentives that encourages their willingness to cooperate with law enforcement. And since exploited workers do not serve as witnesses in investigations or court proceedings, the charge has to be dropped in favour of less serious but easier to prove offences. Public persecutors and competent authorities complain that the fines imposed are insufficient because the real profit from illegal employment cannot be proved. Accordingly the record of convictions is poor. Moreover, only a small portion of the fines imposed is recovered – in 2002 only 30.4 of 122.2 million € imposed by the Federal Labour Office. Against this background the mechanical tightening of penal law and the extension of maximum sentences is rather a symbolic policy. What is necessary is an evaluation of the whole system of control and sanctions, identifying the bottlenecks in proving guilt and imposing sentences (Cyrus 2004b; Vogel 2000 and 2001).

All the relevant actors in the policy field of combating illegal employment ignore the obvious loopholes. Trade unions also contribute to the crime control-biased approach that focuses on the sanctioning of wrong-doers (employers and workers) and neglects efforts to realise statutory work, living and pay standards. A trade union secretary argued that workers who deliberately participate in the shadow economy know the rules of the game and thus have to bear the consequences of their behaviour. Such a stance is easy to grasp but ignores the fact that workers as a rule do not opt voluntarily for the worst conditions. Moreover, such an exclusionist view implies unwanted consequences for the individual worker as well as for the general target of gaining recognition for the statutory standards. Unscrupulous employers have an easy game to deceive and exploit migrant workers and to hush up even serious offences, since foreign migrant workers remain without basic protection. Therefore employers explain to workers that they will be expelled if they dare to complain about unfavourable work and pay conditions. Some employers even intimidate illegal foreign workers by threatening to report them to the police (Cyrus 2004a; Cyrus 1997). All available information shows that the one-sided crime control-biased approach has considerable counter-productive effects. The current tension between labour law

and foreigners' law has the perverse effect that the position of unscrupulous employers towards their victims is strengthened.

The predicament with supposed exclusion

In spite of transnational approaches to obtain legal protection for migrant workers, the conviction that undocumented workers have no rights at all is common and widespread. Undocumented migrant workers themselves assume that they are not entitled to claim their rights due to their lack of regular residence status and work permit. It is a taken-for-granted assumption that migrant workers in irregular situations are excluded from all social and legal protection. However, some years ago I raised the question of whether this conviction corresponds with juridical provisions (Cyrus 1998). Germany is a constitutional state and I simply asked which juridical provision excludes workers from their right to appeal to industrial tribunals in a situation of need. To cut a long story short, there are no such provisions in Germany. It turned out that employers are obliged to pay wages for the work done – regardless of the residential or work permit status of workers (Wissenschaftlicher Dienst des Deutschen Bundestages, 2000 and 2001). According to this understanding, even undocumented work sets up a 'factual employment relation' equivalent to a contract of employment with mutual rights and obligations on both sides. The employer is not allowed to withhold the usual conditions of work and pay or to escape from remuneration obligations using the argument that the worker is in an irregular situation. Concerning the lack of a residence and work permit, the law only allows for the dismissal of the worker. To summarise: even undocumented workers are entitled to a wage for work done. So far, so good.

But to have a right is one thing, to realise this right is another. A legal provision of the German Foreigners Law (Section 76 Foreigners Law, since 1st January 2005 section 87 Residence Law) binds all public offices to notifying the Foreigners Office with information received on undocumented immigrants during the course of public service. Therefore, the taken-for-granted assumption is that undocumented

workers cannot appeal to industrial tribunals because the court has to inform the Foreigners Office and this will finally lead to the detection and deportation of the plaintiff. But again, juridical provisions are more neatly defined and open up opportunities for undocumented migrant workers to make a claim in this field too. We have to remember that industrial tribunals are civil courts. An industrial tribunal does not investigate cases but deals with the information that the plaintiff (i.e. the worker) and the defendant (i.e. the employer) provide. The industrial tribunal concentrates on a few questions: has the employment existed at all? What rights and obligations derive from the employment? And which claims brought forward by the plaintiff have not yet been settled?

The industrial tribunal is confined to the information that both parties introduce into the proceedings. If neither party mentions the residential and work permit status, it will not be considered in an industrial tribunal proceeding. According to juridical expertise (Fodor 2002), industrial tribunals would be obliged to inform the Foreigners Office about information on undocumented workers (*Übermittlungspflicht* - duty to transmit information on the residential status) but, according to Section 2 No 3a *Arbeitsgerichtsgesetz* (ArbGG), they are not obliged to investigate residential and work permit status (*Ermittlungspflicht* - duty to examine the residential status). This distinction between the obligation to transmit but not to examine status opens an opportunity for undocumented workers to present a case to industrial tribunals.

However, this interpretation is not generally accepted. An opposing position underlines that industrial tribunals have to notify the public prosecutor in charge of combating illegal employment of every case of illegal employment. All in all, the question of transmitting information is not settled and there is still some well-founded fear that industrial tribunal judges may inform the Foreigners Office even when they are not obliged to. The new law on the combating of illegal employment has even worsened the situation: judges have to inform the labour inspectorate if they become aware of the illegal employment of foreign workers - provided that no rights are violated of any affected person.

This stipulation has increased legal uncertainty and needs to be abolished.

Stimulating NGO experiences with empowerment

In spite of the assumption of a general deprivation of rights (*Rechtlosigkeit*) and in spite of the juridical uncertainty still pertaining, the 'Polish Social Council', an immigrant rights NGO in Berlin, succeeded in convincing undocumented workers to make their claims against employers through the legal channels (Cyrus 2001; Projekt ZAPO 2001). Between 1997 and 2003 the (now closed) advice centre mainly counselled migrant workers from Poland. It turned out that migrant workers of different legal status and from different industries accepted the advice and assistance offered. The main area was construction. Migrant workers' complaints concerned Polish contracts for services or subcontracting enterprises, German firms employing ethnic Germans, and illegal employers and labour agents of all nationalities. The clients of fraudulent employers ranged from private persons to Federal authorities. The main complaints concerned the partial or total withholding of wages. As a rule, statutory living, work and pay standards were undercut. It turned out that workers who had been betrayed were placed in a situation in which they had hardly anything to lose. They were already dismissed or expected dismissal. Another relevant situation concerned job loss due to sickness or a labour accident.

The advice centre used to contact the employer and settle the dispute. Successful claim making was an intricate matter. Initially employers rejected the legitimate claims of workers. Sometimes they did not accept registered letters. Rather curious was the case of a Polish contracting enterprise that did not accept registered letters from the advice centre and at the same communicated with the labour office and received work permits for new contract workers. If employers refused to meet legitimate claims, the advice centre prepared a complaint with the competent industrial tribunal. As a rule the complaint was accepted and the status of the workers was not examined. Above all illegal employers were puzzled. They could not believe that foreign workers in irregular situations called the German

industrial courts and that the institution even dealt with the complaint. During the break in an industrial tribunal hearing I observed that one illegal employer tried to scare the plaintiff by referring to his illegal residence status. However, employers never mentioned this aspect during the court hearing. They were pretty aware that they would only expose themselves to criminal persecution. In consequence, employers had to pay at least a part of the outstanding wage and the profit from illegal employment was reduced or skimmed off.

In other cases the advice-centre supported public action by betrayed workers. For example, Polish contract workers who were employed on the construction site of the Federal Ministry of Justice went on strike and organised a rally in order to underline the demand for back wages. Another group of Polish workers employed on the construction site of the Federal highway demanded the payment of outstanding wages and refused to leave the construction site before the claim was satisfied. However, the workers had to leave when the Foreigners' office waived the residence permit and police arrived and threatened eviction. In another public action deceived roofers invited the media and started to take tiles off the roof. This supportive approach found imitators: a group of illegally employed African workers organised a demonstration and moved in front of the headquarters of the developer of a building project. The public housing cooperative responded to this image-damaging campaign and took care that back wages were paid.

Trade unions challenges

Trade unions play a crucial role in combating (trafficking for) labour exploitation. There are several examples of trade union activists assisting legally- as well illegally employed migrant workers to make a claim. But these were rather isolated cases that are down to the committed initiative of individual trade union secretaries. Officially the German construction trade union has adhered to the crime-control approach that exposes exploited foreign migrant workers to deportation (Cyrus 2003; Nickel 2004; Treichler 1998). Only recently has a re-orientation towards the dual approach been observable. In order to organise the mobile workforce the IG BAU founded a

'migrant worker association' in September 2004. This attempt to win migrant workers seems to have been somewhat undermined by a simultaneously launched campaign addressed to union members and citizens to report suspicions of illegal employment to a free telephone hot line especially introduced by the trade union. According to the trade union, the information will not be automatically transmitted to the labour inspectorate but rather to local trade union activists who will visit the work sites indicated and assist affected workers in making their claim. The procedure intended seems to signal a departure from the practice hitherto followed of immediately reporting illegal employment to the labour inspectorate. However, the image of the campaign does not transmit the re-orientation declared. The contradictory image remains of an organisation that claims to support workers in need and simultaneously sets armed labour inspectors on illegally employed migrant workers. Against this background trade union efforts to empower migrant workers appear to be ambivalent to say the least.

Conclusions

Experiences reported by German NGOs active in the field of legal and social protection of immigrants underline that most immigrants are *de facto* afraid of making use of their rights as workers because of the well-founded fear of being reported to the Foreigners' Office and subsequently deported. Experience also shows that foreign migrant workers are ready to resist exploitation provided they are assisted and supported.

All in all, these path-breaking experiences underline that supporting migrant workers works. In order to improve the efficacy of the supportive approach, all legal obstacles that expose victims of trafficking for labour exploitation to criminalisation and deportation need to be abolished. Moreover, the infrastructure of counselling centres that informs and support workers need to be established. The advice centres of welfare-organisations and trade unions should cooperate. The supportive approach described aims to establish a self-regulating mechanism against labour exploitation and covers employment not reached through labour inspection. The

empowerment of workers regardless of their residential status is an effective means to reduce the volume of shadow economy. Most of all, unscrupulous employers will be deterred by the strengthening of legal certainty (*Rechtssicherheit*) and the workers' ability to deal with conflicts (*Konfliktfähigkeit*). In my view the supportive approach is an effective instrument to reduce the incentives for exploitative employment of undocumented migrant workers, to reduce unfair competition and thus to protect the rights of all workers.

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MIGRANT WORKERS IN GERMANY / MEMORIES

Berlin revisited

George Fuller

In August 2004 the bus from London Victoria set me down near Berlin's Kaiserhof U Bahn station, where I caught a tube train to the Zoologischer Garten station. After 10 years I was going to re-visit some old haunts of the Englander builders and a couple of the six building sites I'd worked on during the German reunification-building programme in 1993 and '94. (Anyone who spoke English on site was an 'Englander' to the Germans.) The start of the programme – which went on for several years – had coincided with a slump in UK construction that threw hundreds of thousands out of work, causing an estimated 55,000 British building workers to migrate to Germany.

In the Zoo station I couldn't find the Post Office let alone its fax counter – the first haunt on my list – it must have been relocated. The labour agencies (Dutch mostly) that recruited us (as 'self-employed') through ads in the British tabloids, paid out wages through the Zoo Bahnhof fax office. It had been a place of highs and lows. At the end of the working week you'd present your passport, sign a receipt and the clerk would hand over your money. At first it seemed great after existing on UK dole money to be paid £13 per hour (no income tax or National Insurance deducted). The clerk passed you a thick pile of Deutsch Marks. But occasionally there was no money!

“Where's my f****ng money?”

Unable to speak German, a few vented their frustration on the clerk who sat behind a protective screen, launching into a British version of history: starting with the First World War, punctuated with 'f' and 'c' words! But most walked away despondently to phone the labour agency in Nijmegen.

Leaving the Zoo station I was soon installed in a back-packers' hostel off Oranienburger Strasse, a few streets from another haunt, the Oscar Wilde Irish pub, that had been the main watering hole of the

Englanders. This area had had an air of bullet-pocked dereliction in '94, but now it was a tourist area on a par with London's Covent Garden. Probably very few of the East Berlin locals could now afford to go there, but it represented a big economic turnaround, which us builders had helped to create.

But there were only four customers in the Oscar Wilde when I went in at 9 PM. Patches of bare wood showed through the bar that had gleamed new and polished in '93-'94 when the place had been packed. It was popular for a number of reasons: English was spoken; you had a choice of great Berlin beers and Guinness; English breakfasts (Irish actually) were served; you could find a job by asking around and watch football on TV.

I asked the barman if any builders came in. He shook his head and replied in an Irish accent: "There is nothing around here now. The boys – those who didn't go back home – are mostly down in Frankfurt am Main. A bloke I know is working in Rostock. That's another place they are. There's no work around here. Why do you think I'm working behind this bar?" After serving my beer he went back to the small group watching football on the telly.

Next morning I went to find two buildings I'd worked on in '93 and '94. I caught the U-Bahn to Jungfernheide, where along with about 20 other Englander bricklayers and carpenters – part of a 100-strong multi-national workforce – I did a 12-week stint on a project converting an old hospital into a headquarters for a pharmaceutical multinational. What had been a building site with cranes, concrete pours, dust, rubble and noise – with our Portacabin accommodation along one side – was now a peaceful, ivy-clad building, leaves shimmering in the summer breeze. It looked a pleasant place to work. But I didn't feel uplifted.

I went back across Berlin to Ostkreuz. At first I couldn't figure out where this site had been - and there had been about 13 tower cranes and a couple of hundred workers, including 25 Englanders! But moving from job to job with a labour agency you could form no idea of what the finished building would look like. Then I worked out I was

standing in front of it! A building with fine sweeping arches, the headquarters for a multinational parcel delivery service.

Both buildings gave off an aura of dignified probity, which to me, having worked on them, seemed a denial of that period of mass unemployment in the UK that led to social dumping whereby building companies in Germany used the labour agencies to traffic unemployed Englanders on a bogus self-employed basis. This cheap Englander labour undercut German labour costs that included big contributions towards the German welfare state that Englander labour evaded.

Then there was the total job insecurity that many ‘self-employed’ Englander agency workers experienced as they were dumped, ripped off – and moved around to evade the regulatory authorities – all, it seemed, with the connivance of the UK and German governments. True, some Englanders made money, but many didn’t. And how much was Germany’s social partnership industrial relations set-up, with workers in strong unions enjoying good wages and conditions, undermined?

Turning my back on the fine arches I went to the Hackescher Markt looking for a lone Irish pub under the railway arches, where, for a report in my union’s journal, I’d asked Englanders whether they supported the UK union putting pressure on the UK government and the EU to tackle the social dumping phenomenon. But there were dozens of pubs there now; if the pub was still there I couldn’t find it.

In ‘94 I’d spoken to a group of 10 bricklayers and nearly all agreed with a bricklayer who said: “We like it here. We wouldn’t want the government clamping down on labour agencies or getting involved in any way. The British government would fuck it up.”

Backing him up another said: “Get real! Governments and unions don’t do things for people; they’re in it for themselves. Our problem is that too many Brits are coming over, the brickwork prices are being slashed ... We started work on one site then everybody was laid off

and they wanted us to start again at lower wages... It's those Dutch boys from Nijmegen ...”

But two voices dissented. One said: “I'd like to see the unions, government, EU, shut some of these agencies down. John Major [then Tory Prime Minister] is unreal saying ‘let market forces rip’ ... trying to export his idealism ... you might get lots of jobs like that. But you'll also have lots of monkeys being paid peanuts.”

Another said: “There's a couple of sites I'd like to put a picket on...unless we organise now it's not gonna happen...week to week crap...we should call a meeting of the British and Irish. Union organisation, would be a bright spot in a dismal world. But don't get me wrong, Germans I love them. I was biased before I came here. But the women are great, the beer doesn't give you a hangover and they are very environmentally friendly.”

Looking back from 2004, was there potential for Englander resistance to social dumping phenomena? Are there any lessons regarding the position of East European migrant workers now?

The interviews at Hackesher Markt showed a minority interest in some form of activity. Interested people could have been brought together through leaflets/newsletters and personal contact at the Englander haunts. Activities could have included solidarity (fund raising) for those ripped-off or injured in accidents, widening out into public activity such as petitions, involvement of journalists, protest at the Dutch embassy, involvement of Euro MPs, picketing of a particular site; a published list of demands. Official union support, both financial and logistical, would have been useful, because leading individuals would be working long hours and could easily be victimised.

However, Englander grass-roots activists might have feared that official unions would be uncooperative in that they would seek solely institutional relationships with employers, like check-off agreements, with union dues deducted at source; whereas supporting grass-roots activities would bring embarrassment. If true, this would deaden grass roots motivation, but the unions could demonstrate otherwise by their

actions. The social dumping resistance could have been provided with a degree of ideological and political cohesion through human solidarity, the ILO charter of workers' rights and the EFBWW's demands for a Posted Workers Agreement.

Three interviews

Carried out by Ursula Weis, Karlsruhe

Carlos Pastor-Solis

**48 years, married, 2 children
from Spain**

I came to Germany 1964. Then my family joined my father, who had already come in 1960. I attended the German Grund- und Hauptschule. There I learned German. At home we spoke only Spanish.

When I had finished school, I started work in construction as an unskilled worker. At this time migrant construction workers were treated like slaves. As far as my own experience goes, all were employed as unskilled and they received about half the wage German unskilled workers got on the same sites. At the same time migrant workers were driven with shovels to the ditches in order to dig mud, whereas German workers looked on, smoking cigarettes. This was so humiliating and discriminating.

Also my father in his early years in Germany had miserable experiences. He was recruited directly in Spain by the firm Hochtief without a German labour office being involved. They made people sign contracts written in German, which they did not understand and by which they accepted to be the slaves of the firm for one year. I know what I say. I keep my father's first contract at home. They accepted miserable wages, and health insurance and so on was far out of reach. Then they were brought all together to Germany where they were distributed to the different sites according to the needs of the firm in order to work under miserable conditions.

But my own experience was sufficient to make me so angry and so furious that I decided to change my labour conditions at any cost. So I started a vocational training course in order to become a skilled electrician and so live under better conditions.

This was in 1970 and at this time I was the only migrant apprentice within my environment. It was very unusual that migrants' children had vocational training. As long as they came with the perspective to make as much money as soon as possible and then return to their country migrant parents did not care so much for their children's education and training in Germany. This changed fundamentally after the recruitment stop (*Anwerbestop*).

When I went to my firm asking to start a vocational training, they said "well, come in, let us start". This was really great. By stubborn insistence I even succeeded after some time in obtaining a permanent residence permit.

In 1975 I wanted to go back to Spain. But the labour market conditions in Spain were miserable at that time so I stayed with my firm in Germany. I was never unemployed and changed the firm only once, in order to get better pay. Now I have been employed uninterruptedly for 20 years by the same firm. I myself helped to make this firm, together with my German and other migrant colleagues. When I started we were three employees, now we are about 60. Now I think I'll stay in Germany as long as I am fit for work. My children have not yet finished their education. My father, who was back in Spain, now lives with my family in Germany since my mother's death.

I am now employed as a safety electrician. This naturally corresponds to higher pay. I have a good job with good pay. It is just that contributions and taxes get higher and higher. But my job is rather secure. My firm cannot move to Hungary or Slovenia. Sites cannot move. I cannot be dismissed unless the firm goes bankrupt. I don't believe that this will happen. We have lots of work.

But I'll return to Spain after I finish work. I am married to a Spaniard. It is not because I am a racist, but I always wanted to go back to Spain.

I didn't take German citizenship, because I would have lost my Spanish citizenship.

Nowadays the situation in Spain has fundamentally changed. The economy is higher than in Germany. In Germany too, living and working conditions for migrants have fundamentally changed. My firm is not the least discriminatory and never was. We have migrant trainees from different countries, such as, for instance, from France, from Russia and from the former Yugoslavia. Nowadays I think there are, all in all, even more migrant trainees in Germany than German ones. There are lots of courses where one can learn German. And unions have an absolutely non-discriminating policy. They don't make any difference between Germans and migrants. This is very good.

Recently discriminatory working conditions on sites were revived for workers from east-European countries. I can observe this on the sites where I work. People usually say, these people would earn even less or nothing at home. But this does not justify discrimination in my eyes. So it is very good that there are controls. The posting law, as far as I know it - I've ordered a copy - is completely okay. They should just control firms more and not only workers. Workers are punished or even deported, whereas firms have excuses like "they are here for only a couple of days and promised to bring the documents tomorrow" and nothing happens. Instead they should go to the firms and check the papers and documents and ask them before they go to the sites.

Kaya Tserkay
58 years, married, 3 children
from Turkey

I came to Germany in 1968. At that time my brother studied in Germany. He had been through practical training in a firm. He recommended me to this firm and they invited me to come. So I went to the German labour agency in Ankara in order to take the health examinations and so on, got my papers and came to Germany.

I had learned German for four years in school in Ankara and had finished my vocational training there. When I arrived in Germany, I was a qualified building fitter and welder. I had regular employment from the beginning and was correctly paid according to the regular wage standards. Nevertheless I changed the firm all in all five times, because other firms offered me a better job and better pay. But I was never unemployed.

Now I have been employed for 33 years by the same firm. It is a very large firm, which employs a couple of thousand workers and nowadays belongs to a huge Dutch firm operating all over the world. I am employed as a specialist in installing heating systems and other facility systems in buildings.

I have a good job in Germany, which is in addition secure. Two of my children study at the university, I have bought a flat and I have got German citizenship. I also have perfect relations with my German colleagues in the firm. So I have really no reason to complain. I have all I need. I do not need more.

But the recent development of the social system in Germany worries me a bit. I do not say there is actual danger of becoming impoverished soon. But people speak like this, wishing a new Berlin wall tenfold higher than it was in the past, because those in the east and in addition the Russians, who do not even speak German, have ruined our social system.

But I'll stay here. My father still lives in Turkey. I earn enough to give him some money and I visit him during holidays. But I have no idea about the labour market situation in Turkey. I planned to stay here from the beginning.

As I have German citizenship, even the eventual EU membership of Turkey would not affect my personal situation, though I think it is a mess how they treat Turkey in this regard. We have applied for membership for 40 years and again and again they find new tricks and excuses to prevent it, whereas countries like Croatia or Bulgaria and so on get it. And now again these debates and declarations. But for my personal situation it is not so important. I have German citizenship.

But any posting directive or posting law interests me even less. I do not know about it and I do not care. They should care for themselves. I do not need anything. I have German citizenship.

Goran Delic*
43 years, single, no children
from Bosnia

I came to Germany as a refugee in 1993. At that time I stayed with my sister, who has already lived in Germany for 30 years. I had a completely legal regular job in a factory, where I was employed uninterruptedly for five years. Then all refugees had to go back.

Before the war in Bosnia I was employed in a huge engineering firm in Zenica, which is a large industrial city 70 kilometres from Sarajevo. I was born there and had my vocational training to become a skilled worker. I was employed as a fitter.

When I came back after the war, the firm had gone bankrupt. My job did not exist anymore. I did not succeed in getting another job. It was impossible to get a job in Bosnia. I stayed there for one year and had work for two days, painting a flat for a private client. But it is also impossible, to get this type of private job. The overwhelming majority of the people is unemployed. They get 25 € a month from the welfare office and some food in addition.

So I went back to Germany in order to work there. Crossing the border is no problem for me. My mother was Croatian, so I have a Croatian passport and don't need a visa. But I have no work permit. I accept any type of work I can get: painting, wall papering, bricklaying, plastering, gardening or whatever. But I never work for large firms or on large sites. There they control. And if you don't have a work permit you are immediately deported. And you may not return for 10 years. This risk is too high. I only work for private clients. Friends recommend me to the clients, the clients recommend me to their friends and family members, and so on.

In the beginning I got 2.50 €an hour. Now I get between 5 and 10 €an hour. It differs. It depends on the generosity of clients, not on the type of work. Normally I get the agreed payment. But in one case – this was a small firm – they didn't pay anything, I got nothing at all. But what should I have done? I couldn't do anything. I think this is my risk.

If I have work, I earn about 800 €a month. At the moment I pay 150 € rent. But in winter it is often very difficult.

If I am ill and need a doctor I have to pay everything myself. I do not get anything. Some time ago I needed dentures. The dental technician was a fellow country man, so I only had to pay for the materials; the dentist also made me a friendly price. Nevertheless I have to save money to be able to pay in such cases. But this is not so bad. It is much worse to have no proper documents. So I do not have the least rights. I cannot even have my own address. I always stay with friends or in flats that friends have rented for me under their name. I would love to marry and have a family and I still plan this for the future. But how should I do this, without a job, without any rights, without proper documents? So I urgently hope that Croatia gets EU membership as soon as possible and I get the right to work.

* name changed

“Everybody knows what’s going on. But as with the three monkeys, blind, deaf and dumb”

A duped Polish contract worker on his experiences in Germany

Norbert Cyrus, University of Oldenburg

During a research project on forced labour in contemporary Germany for the International Labour Office (ILO) I was looking for migrant workers that had become victims of blatant exploitation. A Polish-speaking trade union secretary arranged a meeting with a Polish

contract worker. Some weeks later I met Waldek somewhere in Poland. He was employed in Germany as a contract worker from 1st May until 22nd July 2002 and gave a bitter account of his experience with a Polish agency. The story began when Waldek read the advertisement of a Polish construction enterprise in his region and applied for the job. An attractive wage was secured. Transport and accommodation coverage was not mentioned, but the applicants expected that this would be covered by the agency, as is the usual procedure according to Polish law. They were sent to the German city of Hagen and employed on the construction site of the new town hall, a public building project. After arrival the workers each received 100 € advance payment in order to purchase food.

The employer disclosed to the workers that they would have to pay for the transport and accommodation. The flat was far below any minimum standard. Eight people had to share a single-room and it was difficult to arrange the use of sanitary facilities and the kitchen. Some workers had to get up two hours before work began in order to finish their morning toilet. Workers had to slave 12-14 hours a day and accumulated between 60 and 70 working hours a week instead of the Polish maximum of 46. The payment was sheer fraud: according to the labour contract of 6th March 2002 the workers should receive a basic wage of 2.05 € and a bonus, making a wage per hour of 5.24 €. Although the minimum wage was already 5.48 €, the German authorities accepted this wage as declared by the employer.

But due to the unpaid overtime work the hourly wage was far below the statutory minimum and remained only around the level of the basic wage of 2.05 € referred to in the labour contract. Waldek explained: "Overtime work was not paid, with the explanation that we worked too slowly. When we laid 10 square metres of bricks they said we should have laid 20 square metres. It never happened that we exceeded the norm. It was always not enough. We worked eight hours for our pockets, and four or five hours for the profit of the company, additionally, but unpaid. Finally, we realised that this is fraud." The total wage remained exactly equivalent to the statutory wage for eight hours five days a week. Only a net wage of 1,000 € was paid. The workers' incomes were further reduced by irregular fees: eight

workers were accommodated in a single-room apartment and had to pay 100 €rent to the company. The company paid a rent of 300 €and made an additional profit of 500 € For transport the workers were charged 20 €each way. All these deductions were off the record.

To hide the irregularities the agency manipulated documents. The workers were required to sign not only the receipt for wages actually paid but additionally a blank paper sheet. Waldek remembers: “There were two lists. One list was for the tax authorities. The other list was for internal documentation, a real account for the manager of how much was really paid. And the situation was such that you signed that you had received 2,000 €but in reality you had received only 1,000 € And why did you sign? If you did not sign they would have sacked you. Even if you tried to refuse to sign you would immediately have been off! Go back to Poland. This is what they said.”

Workers who resisted were threatened with dismissal. Furthermore, the employer used any minor incident to blackmail the worker through acquiring a signature on a blank document and threatening to write that the worker agreed to his dismissal. In the case of my interlocutor the incident was nothing more than a lost hammer. The gang master pressed Waldek to sign, with the argument that only the signature would save him from immediate dismissal. Only with the signature would he get another chance to continue with the job. He signed. For lack of alternatives, workers submitted to the conditions. Many workers were unemployed in Poland and none of the workers wanted to risk their earnings. Waldek recounts: “The contact with Germans was minimal. The construction management was not interested in how long we worked or if we got the money. We worked 12, 15 hours instead of eight. And nobody said: I am not going to work, my head aches, because you were sacked immediately. And at home the wife and children cry because the husband is unemployed. And they exploit this constellation. This is slavery! That was the situation.” With time some workers realised that the conditions of work and even pay (due to deductions and the withholding of payment for overtime work) were even below Polish standards.

At that time the German construction workers' union went on strike. After a discussion with a Polish-speaking trade union secretary, the Polish workers stopped working with the consent of the company. The trade union activist convinced some workers to report the poor and unlawful conditions of work and pay to the local labour office. However, the firm became aware of the initiative and put the workers under pressure. The employer pointed to the fact that workers would lose their residence and work permit and would be expelled by the German authorities. Waldek is still upset: "We worked eight hours officially, for the tax authority, the holiday scheme and so on. But in reality we worked at least 10 hours, often 12, 14 hours, also Saturday. Sometimes even Sundays. Everybody knew that. I personally went to the local labour office with some colleagues. We informed them that we worked much longer. At the beginning the labour office said: Thank you for the information. But nothing happened. The inspectors had the opportunity to go to the office and to examine the two lists. But nothing happened. Only after the trade union put pressure was a check conducted. But everybody already knew that a control would take place, so the documents were accordingly prepared for the labour office. The labour office examined the documents and left. Not even a Polish-speaking person came. Some of us speak a little bit of German, but rather badly. What kind of control is that? If you go out to workers, you ought to speak their language, you need a translator. This is a control! If I want to explain something to the control officers and I do not speak German, what can I do? The situation was stressful for the workers; they were anxious. We believed, we expected, that the control would be on behalf of the Polish workers. We saw a chance to use the check-up as an opportunity to deal with the injustice. But this was not the case. On the contrary! The control was not conducted to find out irregularities committed by the company, but by the workers in order to initiate their return! They really found irregularities, but of workers, not of the company. Controls are conducted at the expense of the workers. All in all, we were told by the employer: 'In case of a control you should remember that you earn 11 € an hour. Remember that! And concerning working time: reply 42, or 39 or 40 hours, but not more! We have no overtime work here! Remember, that you are not working longer.' They told us that we would be dismissed and sent back to Poland if we said that we worked longer. But the labour office

was only hundred metres away. They saw that we worked so long. It would have been easy for them to calculate the working time. You could picture or film the construction site, also on Saturday. That would have been easy. And that was strange for me, that we worked so much within sight of the labour office. The truth is: Everybody knows what's going on. But as with the three monkeys: blind, deaf and dumb.”

When the labour inspectorate inspected the construction site the intimidated workers answered that the conditions of work and pay met the required standards. Only my interlocutor gave true information and was soon dismissed. The previously-signed blank dismissal form was used. With the support of the German trade union the sacked worker made a claim to the industrial tribunal and demanded an end to the dismissal and payment of the wage withheld. Although German law provides that German industrial tribunals are in charge of dealing with complaints of posted construction workers, the local industrial tribunal in Hagen denied responsibility, with the argument that it is not the place of work but the location of the subsidiary firm that establishes responsibility for an industrial tribunal. However, the industrial tribunal at the location of the subsidiary firm in Berlin also denied responsibility and asked the Federal industrial tribunal to clarify the question of responsibility. This procedure goes on.

Waldek was unemployed after his return to Poland. He believes that his former employer has put him on a black list. Nearly one year later he has found a job with another Polish construction enterprise. He cannot complain. Agreements are kept and the conditions of work and pay are as they should be. But he is still embarrassed when he remembers the experiences in Germany. He knows from colleagues that other Polish subcontractors treat their employees in Germany more fairly. But he is aware that his former fraudulent employer places pressure on other competitors to practise illegally. He proceeds with the complaint against his former employer and is grateful for the support he receives from the Polish-speaking German trade union secretary. And, although the sluggishness of the court proceedings frustrate him, he is determined to bring the complaint to a – hopefully – happy end.

REPORTS AND DISCUSSION

Reflections on CLR Denmark conference April 2004

Bo Sandberg, Economist, CLR Denmark



On 20th April 2004 CLR Denmark hosted an international conference entitled “**EU enlargement and unrestricted movement of Labour – Migration of the Construction Workers after May 2004**” and reported in CLR News 2/2004. It was of great value to meet in such a forum to exchange experiences across borders, learning from countries in the same situation as the Scandinavians are right now. It is always easier to copy than to invent – and perhaps during the process we can explode many old myths. In reflecting on the conference, CLR Denmark has noted 10 key points:

1. Organisations need to take responsibility themselves, not to lie back in the hope that the public authorities can solve every problem in connection with migration. At the conference, we witnessed the Danish model in practice: a large degree of consensus between the social partners and of organisation and self-confidence.
2. We have to investigate and analyse the supplies and demands in migration. We need useful statistics. Today we have a vast array of different statistics on traditional immigration and emigration, but lack solid statistical documentation on the posting of labour.
3. We have to focus primarily on the organised posting of workers and the establishment of companies rather than on the very few and isolated ‘lucky riders’ known from the large emigration waves from Europe, especially to the USA, in the latter half of the 19th Century and as described in the Danish novel ‘Pelle The Conqueror’ by Andersen-Nexø.
4. We have to distinguish between the short and the long run: in the long run there will probably be a high – and positive – degree of convergence in the level of prosperity. In the short run, however, we have to take the concerns of the organised European construction workers seriously. Naturally they are worried about their jobs, wages and working conditions.

5. We have to acknowledge that segmentation (highly paid/well organised vs. low-paid/unorganised) takes place between companies rather than within one company. Other things being equal – this makes the problem more limited. Still it should be remembered, that – according to the Spanish experience as pointed out by Justin Byrne – there might often be tacit collusion amongst companies at the highest levels of the value chain in that they can benefit from cheap, underpaid work from the subcontractors in the lowest parts of the value chain.
6. It is important to view the challenges of the construction sector in relation to the general, ongoing globalisation process. There is a general tendency – for instance in Denmark –for difficulties to arise that have to be confronted in establishing oneself as a foreigner (for more or less xenophobic reasons, which I will not focus on here). Therefore the trade unions must continue, and maybe even enhance, their fight for the rights of migrant workers.
7. We should be aware that the dark side to the picture of short residence permits is that there is no incentive for education and training during the posting period. A generally poor transmission of knowledge and adherence to experience in the construction trades (well known in Denmark from problems with generational change in the many small and medium-sized enterprises) intensify the problems.
8. A positive focus on the international division of labour.
9. Be aware of the absence of a single legal system in the EU and no collection of fines between frontiers.
10. Finally the new round of EU enlargement can be seen as a release mechanism for a lot of other more ‘everyday’ concerns in the EU construction sector:
 - Low levels of research and development.
 - Low productivity.
 - Risk of low trade status due to seasonal fluctuations, with long yearly periods of idleness and subsequent low job security.
 - Pressure from moonlighting and illegal work plus do-it-yourself.
 - Opaque competition in construction materials and components (which normally constitute about 60% of the production value in a new building).

Reflections on the ESRC/CLR seminar on People in Construction. University of Westminster 22nd May 2004

Graham Sharp, University of Brighton and Sustainable Findings Research Partnership

This international event was a rare attempt at the neglected analysis of trade union organisation and the labour process among manual workers in construction. The emphasis was on the history of such developments and was novel in that the participants consisted of both academics and trade union activists. There were five sessions ranging from bricklayers' organisation in Madrid to considerations of wages and labour processes in Germany.

For me the most memorable session was the last where Peter Latham, a historian of building trade unions, gave a background introduction to post-war rank and file movements in UK construction. This was followed by Lou Lewis, recently retired UCATT Regional Secretary, who gave a biographical account of his experience of working as a militant trade unionist in London in the 1960s through to the 1972 national strike. It was memorable for me, as I worked as a carpenter in the London building industry between 1963 and the end of the 1972 national strike. As an active trade union militant during the late 1960s to 1972, I worked in collaboration with Lou and many other fine comrades as a shop steward on a number of large building sites in London. Some 32 years on, I found it instructive to think back on what we were trying to achieve and what, I feel, was unique about that period in that industry. Like many other unions at the time, the building unions were suffering from largely right-wing leaderships and a lack of genuine democracy. There were constant battles over bonus payments, the blacklist and labour-only subcontracting ('the lump'). This atmosphere generated a lot of 'unofficial' action, which was often scorned by the right-wing union leaderships. One such body, which proved to be very effective, was the London Building Workers' Joint Sites Committee which met fortnightly in a room above a pub in central London. For several years I was its chairperson and Lou was its secretary. It acted as a forum, not provided by the 'official' unions, for shop stewards and other activists to get together to discuss common problems arising on sites and to offer practical solidarity to those sites and shop stewards who needed it. The Joint Sites Committee together with other similar groups in other major cities later gave birth to the 'Building Workers' Charter', which played a crucial role in pushing union leaders to call for a national strike in the

summer of 1972, a strike that lasted over three months and proved to be a turning point in industrial relations.

So, what were we trying to achieve and what was so special about that period? The first question is clear. Unofficial action and structures were the only way that a democratic grass-roots voice and argument could get through. Some sections of the UK left see rank-and-file shop steward organisations as an alternative to the official movement, but we had a clear perspective that it was crucial politically to work both inside and outside the union structures in order to push the official unions in a more leftward, democratic and responsive direction. On the second question I feel that the particular milieu we were operating in represented something quite different from the rank-and-file experience of other industries. The London *Evening News* once denounced us as “guerrilla fighters in the concrete jungle” which, although an attempt to malign us, did have some ironic truth to it. Once branded by the employer as a troublemaker it would become difficult to be employed subsequently on large sites because of the employers’ blacklist. All sorts of ingenious ways were used to slip through the net. Support from the workforce on a site would depend on reputation for delivering the trade union ‘goods’ (pay and conditions) via an honest form of shop-steward leadership that made it clear that, with the kind of building employers we had, militant struggle was the only way to get results. This involved being very close to your fellow workers, not divorcing yourself as a shop steward from those you represented.

So much trade union activity is divorced from the membership. Union representatives can so easily become detached from those they are supposed to represent. Construction, because of its transient and casual nature, has possibly been able to throw up such moments of genuine rank-and-file activity at different times in a way that other industries have been unable to do. Although I left construction after the 1972 strike to become a mature student and subsequently moved into teaching and research of different kinds, that period has and will remain the most important political education of my life. And that’s thanks to working and struggling alongside people like Lou Lewis and other comrades and learning so much from them. It would be good to see more seminars focusing on grass-roots trade-union activists and their labour processes. This could lead to some very fruitful further research that could have useful practical and political repercussions.

Migrant construction workers before and after EU expansion Report on a seminar held at the University of Reading, 26th November 2004

Stephen Gruneberg, University of Reading

Why is it that some countries have developed construction processes that reduce their dependence on foreign labour compared with other countries? This was the question posed at a recent seminar held at the University of Reading in England.

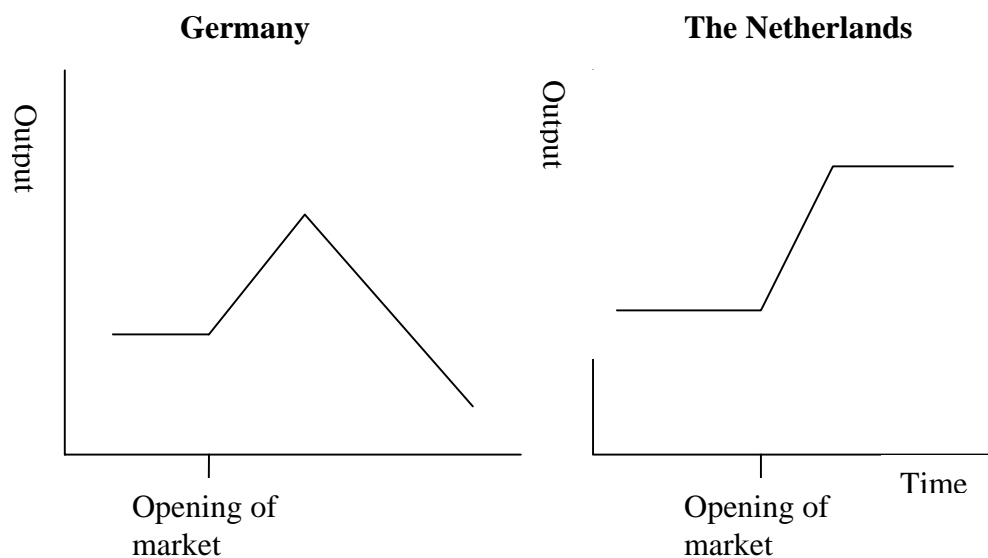
The paradox in the UK construction labour market is that people are essential for improvement in construction. The majority of large firms in construction accept the need to improve performance and reduce waste. Many would also argue that supply chain management requires interaction with the workers. Few would disagree that quality of the built output of the construction industry requires the commitment of the workers.

Yet, in this context foreign workers have entered the construction labour market in large numbers. While some have stayed only for a short period, according to Michael Coffey, others have become long-term construction workers. The environment in which they work has been extremely hostile to their participation and they suffer from job insecurity. Their entry into the construction labour market has usually been through small firms who have no facilities to nurture workers and their terms and conditions of employment have been minimal. In summary, as small firms predominate there are little or no facilities to integrate, motivate or empower these workers.

This view was reinforced by Jonathan Green, who argued that migrant workers were easier to exploit than indigenous labour, although the Gangmasters (Licensing) Act 2004 is designed to give new rights to migrant workers. However, the legislation was rarely effective at controlling employers. In a recent survey in the food supply chain where itinerant workers are commonly used in agriculture and in food processing plants, all the gangmasters and agencies were found to be breaking the law in one way or another. Moreover, it was assumed that the firms and gangmasters interviewed were amongst the better employers in their field. One may conclude that legislation alone was not working. It is clearly an area for union activity to protect the rights of migrant construction workers. However, one of the main problems

facing construction unions in the UK, for example UCATT, is the difficulty of gaining access to sites, gangmasters or foreign workers. While the effect of host countries on migrant labour may be seen as often negative, the effect of the entry of foreign workers on construction output can be seen in the experience of Germany and the Netherlands. The effect on output of opening up the labour market, according to Wilco Tijhuis is shown schematically in Figure 1. In Germany the output of the construction industry increased temporarily and then fell in contrast to the Netherlands where output increased and remained at a higher level than previously. In the Netherlands there is a shortage of young trainees and this gap is currently being filled by migrant workers. Of course, this does not take into account the reasons for the changes in output. Foreign labour became available to meet demand. The increase in output attracted foreign labour to the jobs on offer but that increase in output was not necessarily sustainable. Construction labour cannot be held responsible for demand for construction. If the gains are temporary what regulation of the labour market is required?

Figure 1 Construction output and the opening up of the labour markets in Germany and the Netherlands .



Based on Tijhuis, W. (2004) *Working in an open construction Industry: challenges for the parties involved*, Enschede: University of Twente.

The European Union has adopted one particular approach – temporary restraint. One might argue that there are four tiers of employment.

- normal employment,

- atypical employment, such as part-time work,
- temporary self-employment – casual employment on a fixed term contract, and
- informal employment.

Migrant workers are most often to be found in the fourth tier, without proper contracts, often no protection, and little ability to assert their rights. They are essentially beyond the reach of regulation. As the European Union enlarges, the free market will eventually mean the free movement of people from the low wage countries. To mitigate the effect of a sudden influx of workers and a destabilisation of the labour market, safeguards were written into the Accession Treaties to allow for a transition period. Those high wage countries (Finland, Germany, Austria and Italy), which border the new Member States, are more likely to experience migrant labour inflows than those more distant, such as Ireland and the UK.

Although the exploitation of migrant workers is a major problem for the individuals concerned and is a scar on any civilised society, it is important to recognise that the problem in terms of numbers can be easily exaggerated. Far from being overwhelmed by foreign construction workers except in certain pockets, one might ask the question: why are there so few foreign workers. Clive Young pointed to a recent survey of construction workers in the UK which found that, out of a sample of 4,000 workers, only 5% came from overseas.

Five reasons for the relatively low number of migrant construction workers may be given. First, the construction labour market is highly organised. It is local and depends on local personal contacts. Second, there is often a consensus of the social partners, as in Denmark, where the state participates but does not set rules, according to Nikolaj Lubanski. Third, the limited size of many projects means there is little to attract workers that did not happen to be in the proximity of the site. Fourth, often smaller countries such as Denmark are relatively small and highly regulated. Finally, the political climate, supported by the EU Accession Treaties, may be acting as a deterrent to migrant workers moving to jobs in competition with the indigenous workers.

Contracts of employment vs. contracts for services
ESRC/CLR seminar, University of Westminster 28.10.2004.

Linda Clarke, University of Westminster

This was a day addressing the changing nature of the employment contract in the European construction industry. It focused both on the threats to the traditional employment contract through temporary and flexible employment, self-employment and posting and on the means to combat these whether through the Posted Workers Directive and other legal measures or through new forms of collective bargaining.

The day began with Jan Cremers, who gave a fascinating account of how the Posted Workers Directive came into being and reported on the findings of the project 'Freedom of Movement of Workers in the European Union' concerning the implementation of the Directive and about to be published as CLR Studies 4. Jan concluded by stressing the principles on which the free movement of workers in the EU is based:

- it falls under the law and rules of the host country;
- the keystone of the industrial relations systems it respects is the autonomy of the social partners to formulate working conditions;
- transnational cooperation is indispensable to fight unfair competition.

After Jan, Ernst Ludwig Laux of the German building union IG Bau presented an account of the changing nature of collective bargaining in Germany since reunification. He explained how there is noticeable pressure on collective agreements and the trade unions today, arising from, amongst other factors, the splitting up of the employers' federation, high unemployment, and wage dumping from East Germany and Eastern Europe. This is evident from the curtailment of workers' rights, the weakening of legal protection, evasion and non-conclusion of collective agreements, unpaid working time, the puncturing of social security benefits and a generally low morale in the industry. It is also much easier to become self-employed and the government has even encouraged the setting up of 120,000 'Ich Ags' or individual self-employed firms, 80,000 in construction, of which 48,000 are already bankrupt.

This depressing account of the situation in Germany was followed by François Michon's analysis of the significance of temporary agency work ('the interim sector') in France to theories of labour market

segmentation. He showed how agency work is no longer confined to the secondary labour market, to secondary jobs, and is itself highly segmented. In France today it occupies a large market, is highly regulated and at the same time highly diverse. In the construction sector, for example, temporary agency work represents 18.1% of all activities and brings with it certain advantages including a precariousness premium of 10%, and a higher contribution of agencies to vocational training. In turn employees of the user firms are protected against competition from temporary agency workers. François concluded with various models of agency work, including:

- the employment agency equated with external labour market;
- permanent ‘interim’ employment equated with internal labour markets; and
- externalised HRM, equivalent to professional labour markets.

The afternoon session struck a more optimistic note, beginning with Hans Baumann of the Swiss building union, who described how collective agreements have been drawn up to cover all workers in the Alp Transit project, currently the largest building project in Europe. The project involves contractors from nine countries and covers 10 sites, each of which has its own consortium. The agreements have been directed at preventing wage and social dumping, achieving high levels of health and safety, and establishing trade union representation and a structure of workers’ representation on site as well as a dialogue with the project management, employers and authorities. Hans concluded that the Swiss union had been able to organise most of the workers in foreign companies, though the system of three to four agreements on a site was difficult to control. Support given to it by the partite commission and (partly) the railway companies as the main client, had been important in correcting wage and social dumping, as was collaboration with unions in other countries. But there was much to combat, as even the biggest European companies with the ‘best’ reputation tried to avoid respecting the laws and collective agreements. Health and safety standards are still not satisfied and there are too many accidents.

Hans was followed by Brian Bercusson, who addressed the question of how the classic definition of the employment contract could be expanded to bring in extra workers, including the categories of independent and self-employed workers. The real question is, what is ‘employment’?

Workers can no longer just be defined by their subordination to the employer as in the nineteenth century, but more by their responsibility, though this is not the way they are defined in the contract of employment. Subordination is anyway difficult to test. The legal presumption is that if you work then you are protected and the EU has extended that notion of protection by linking the collective agreement to employment law. At EU level a crucial breakthrough occurred in 1996 with the acceptance through the Posted Workers Directive that the minimum standards of the host country apply, including those established through collective agreements. The argument in Britain as regards the implementation of the Posted Workers Directive should therefore be that the collective agreement is the relevant standard, even though the British government tries to insist this is rather the minimum wage.

The seminar concluded with a discussion of the question of when does a contract for services become a contract of employment, lead by Gerry Lean of the Construction Confederation, who disputed the notion that the employment relation is governed by choice; there should be no choice. In the ensuing discussion it was pointed out – following points made by Brian Bercusson – that the main point of employment now is to acquire social protection rather than just the wage per se. The need for an extended notion of employment was indeed the main message of the day, one that is linked with social protection, whether this be provided through employers or the state.

REVIEWS

Jean Steinauer and Malik Von Allmen: **Changer la baraque! Les immigrés dans les syndicats suisses, 1945-2000**

(Change the hut! Immigrants in the Swiss trade unions, 1945-2000)

Editions d'en bas, Lausanne 2000, 127 pp, ISBN 2-8290-0249-0

This book should have been reviewed in CLR News four years ago. But our colleagues forgot to alert us to this important publication. It is also available in German under the title 'Weg mit den Baracken! Die Immigranten in den schweizerischen Gewerkschaften 1945-2000'. This is a topical book and can be a great help in all European countries because it recounts, reflects and evaluates experiences made in Switzerland earlier than anywhere else on such a scale, namely how immigrant workers can be integrated in the trade union movement as members as well as officials.

The book is based on interviews with about 200 trade unionists, telling their stories as migrants to Switzerland. Their accounts have been evaluated by Steinauer and Von Allmen under seven aspects: (1) How and why workers have come to Switzerland and gradually managed to establish themselves in the country. (2) The special conditions under which Swiss employers and the state recruited migrants and subjugated them under the status of foreign seasonal workers. (3) The organisation of foreign workers in the trade unions in special sections, on the one hand, and as equals on the other. (4) How immigrants were faced with hostility against foreigners and ethnic minorities, particularly in the early years, and how they gradually became assimilated as colleagues, officials and recognised leaders in the trade union movement. (5) How precarious employment conditions and change between various occupations lead migrants to seek general trade-union organisation and thus contributed to the development of inter-professional unions and mergers across trade boundaries in Switzerland. (6) Whether the image of immigrant workers' radicalism in terms of political affiliation and militancy had an impact on Swiss trade unions. The last chapter (*Schlussbetrachtungen* = Final considerations) reflects the present situation marked by a general

decline in trade union density and, in particular, in the share of immigrant members and officials.

It is interesting to note how migrant workers find employment in particular – but by no means exclusively – in sectors such as agriculture, catering and construction. It is therefore a book that appeals to readers employed in those sectors, helping both locals and migrants to understand each other.

This book is most sympathetic in its honesty, compassion, and self-criticism. It presents the changing status of immigrant workers in Switzerland largely from their own point of view. At the same time the analytical structure into which the individual accounts are cast turns it into a representative documentation. Self-criticism is concentrated in the introduction, showing how initial hostility against foreigners was overcome by friendship and respect, a U-turn according to the heading.

The book is very lively reading. As Vasco Pedrina, President of the former ‘Gewerkschaft Bau & Industrie’ (Construction and Industry Trade Union) begins his foreword, “Read this book: it records a great chapter of our own history. It is gripping because it deals with biographies, those of our foreign members. It points out how they have contributed decisively to the consolidation of the trade union movement in this country.”

Jörn Janssen

Piet Lourens and Jan Lucassen: **Arbeitswanderung und berufliche Spezialisierung: die lippischen Ziegler im 18. und 19. Jahrhundert** (Labour migration and trade specialisation: the Lippe brickmakers in the 18th and 19th Centuries), translated by Klaus Mellenthin.

Universitätsverlag Rasch, Osnabrück 1999. In Studien zur Historischen Migrationsforschung 6, ISBN 3-930595-58-3.

Had we been aware, this book would also have been reviewed earlier in CLR News. It deals with an outstanding case of construction labour migration, in fact the migration of a particular skill from a tiny principality in Germany – only 138,000 inhabitants at the beginning of

the 20th century – predominantly onto the area near the North Sea coast between Groningue and Hamburg. They were the Lippe brickmakers, *die lippischen Ziegler*, making their living in brickworks between April and September in areas providing both peat and clay, that is fuel and raw material for brick making. In this area they monopolised the trade, further afield such as in Denmark they held a substantial share of the market, and they exported their skills as far as Norway, Hungary and Russia. Lourens and Lucassen summarise much previous research and sources about this exceptional case, whilst in terms of empirical evidence from statistics and biographical evidence they add detailed study on the destination of the migration over the 200 years covered. As might be expected, the culmination of this industry coincides with the process of urbanisation, including the building of docks, roads and railways by the turn of the 20th century. We learn a great deal about the technical development of brick making, the forms of employment and remuneration, the living conditions of the workers, etc., but the focus, on the one hand, is on the destination and numbers of these migrants and, on the other, the conditions giving rise to this kind of seasonal migration of one single skill based around Detmold in ‘Fürstentum Lippe’ of Western Germany. Brick making outside this principality was indeed Lippe’s largest industry, employing up to 40% of its adult male population.

This book is most interesting reading and contributes a thorough, detailed study to labour migration based on a specific skill maintained in an area remote from its material and energy (clay and peat) resources, places of production investment, and destination of the product. Further, in its attempt to classify this type of migration in a wider context, it outlines the horizon of related social research that should be taken more often into account in order to improve understanding of labour in the construction industry, which relies by its very nature on migrants. A new town cannot possibly be built by local inhabitants! Lourens and Lucassen are based in the legendary ‘International Institute of Social History’ in Amsterdam, working on labour history and having produced many publications most relevant in the context of construction labour research.

Jörn Janssen

Piet Lourens and Jan Lucassen: **Lipsker op de Groninger tichelwerken. Een geschiedenis van de Groningse steenindustrie met bijzondere nadruk op de Lipper trekarbeiders 1700-1900**

(Lippe workers at the brick factories in Groningue. A history of the Groningue brick industry with special attention to Lippe migrant workers 1700-1900)

Wolters-Noordhoff, Groningen 1987, ISBN 90-6243-068-6

The interesting study reviewed by Jörn Janssen about the labour migration of German brickmakers from the Lippe principality to the north of Holland, the royalty of Hanover and the Baltic coast up to St Petersburg was based on an earlier work published in 1987. The reason for a separate review of the older study is that it includes some interesting findings. The temporary labour migration from Lippe to Groningue was of a seasonal character and started first with young people from the principality going abroad for economic reasons to work in agricultural or turfing campaigns. During the wintertime they stayed at home working on domestic farms, perhaps as a carpenter or even as a tailor.

The work in the brick factory was hard, based on almost military discipline, from early morning until dawn. The annual labour supply was provided by an agent who did the negotiations with the factory owner. Regional offices at home distributed the permits to go abroad. The gang often stayed intact over the years.

Their presence was dictated by the economic situation in the home region. At the beginning of this temporary migration to Groningue (around 1680) the principality had hardly 40,000 inhabitants. But soon after the population grew rapidly and the economic situation worsened with a crisis in the domestic textile industry. The total number of workers moving to Groningue rose to some 700 workers in 1860, and the Lipper had in fact by that time a monopoly on the labour market.

After German unification in 1871, a boom period with growing wages at home, their number rapidly decreased. This positive economic development made it possible to look for a job nearby. From 1880 on, the wage level in Germany reached the Groningue level. The lack of a

labour force initiated a wave of mechanisation and rationalisation in the Groningue factories.

In the 1987 study a dispute is described between a gang of brick workers and a factory owner. The company owner had relocated his company in 1840 from the German Münsterland to Groningue. He aimed to pay German wages, but after a year the workers found out that the cost of living in Holland was substantially higher. They requested the regionally applicable wages. The owner not only refused but also fired the gang leader. He by-passed the labour agent and started with a new gang. They were paid (far) below the Groningue wage level. This agreement only stayed intact for a year and the owner had to go back to the agent. Within a few years the situation worsened. The same factory owner decided in 1849 to fire his workers for economic reasons. The workers went to court and the case took several years. The reasoning of the Groningue court in those days is interesting:

- first of all the court ruled that these migrant labourers were not servants but had to be seen as employees; therefore this was not a case of breaking a supply contract but a labour dispute about unfair treatment;
- the court confirmed that foreign workers also had the right to fight against unfair treatment;
- furthermore, the court stated that the factory owner had no good reason for the licences and should therefore pay the wage pending and an extra six weeks.

An early case of contract compliance and equal treatment in a case of posting!

Jan Cremers

Georg Worthmann: **Nationale Autonomie trotz Europäisierung: Probleme der Arbeitsmarktregulierung und Veränderungen der industriellen Beziehungen in der deutschen Bauwirtschaft.** (National Autonomy despite Europeanisation: Problems of labour market regulation and changes in industrial relations in the German construction industry)

Rainer Hampp Verlag, München/Mering 2003, 330 pp, 29.80 € 36 diagrams, figures, tables.

In his PhD thesis Georg Worthmann describes the origins of the German Posting of Workers Act. Worthmann bases his fieldwork on recent research on corporatism, as explained in the first chapter, with special consideration being given to so-called ‘player-focused institutionalism’. This finds its expression in the system of industrial relations, whose development Worthmann understands as of normative genesis. In providing a detailed description of this process, Worthmann uses a large number of documents of diverse origin, such as official documents, articles from newspapers and magazines, the media and online publications. He assesses those papers published in the last decade (beginning in the late 1980s) concerning the period of time he is particularly interested in, that is January 1995 to November 1996 when debates and decisions on the respective Acts took place.

Worthmann outlines both his theoretical background and his methodology and does not forget to highlight some of the sector’s peculiarities upon which its specific institutional arrangement is built. The core chapters of the book (which might be entitled “experience and perspectives of labour market regulation in the German building sector”) can however be read and understood without this frame. Thus, the book becomes exciting for diverse target groups; those interested in sociology may use the starting chapters for a theoretical debate, whilst those more interested in politics may read the subsequent explanations for an argument on German Posting Regulation.

Apart from the theoretical background, which is an analysis on its own, this book might be criticised for a certain lack of analysis, the only occasional assessment of actions (that is, the reliance to a great extent simply on documentation of what has happened) and above all for its restriction to German experience, with no notice taken of experience elsewhere in Europe This makes it more historical (the meetings held, the statements made, the conflicts, etc.) than sociological. With respect to the Posting Regulation investigated, Worthmann comes to the following conclusion:

-The Posting Regulation's overall assessment is negative regarding the achievement of its aim and its problem-solving capacity. In principle the Posting Regulation is suited to beating the problems referred to in the construction labour market, but in reality it does not achieve its aim, as long as it is evaded and as long as major differences regarding competition exist between German construction firms and posting companies. (270)-

In the final chapter Worthmann contrasts the two alternative paths introduced at the beginning, taking the results of his work into consideration. Following the thesis of convergence, the form of capitalism known in Britain (low regulation, high market pressure, weak trade unions), is expected to dominate if not to win. Following the thesis of path dependency, that is historically based and depending on national practices, a modified development of national systems is expected to be the pattern of the future. Worthmann concludes that (in Germany) the thesis of path dependency is being proven in reality and there is no tendency towards deregulation, which is a must if one follows the thesis of convergence.

Stefan Hochstadt

CALENDAR OF EVENTS

CLR Annual General Meeting

3rd February 2005, 14-18^h (2 pm)

Brussels, Rue Royale 45

Presentation of participants and their current projects (please bring abstracts)

Annual report on activities and finances

Reports and planning:

- Workshops (EU enlargement, Migration, Stress, Posting, People in construction)
- Regional Offices (papers will be circulated in advance):
CLR-Denmark
Dortmund
London
Thinknet
- CLR-Studies
- CLR News and Observatory

A strategy for CLR, presentation and discussion

Participation and worker representation in construction in the European Union

ESRC/CLR Seminar Series 'People in Construction'

4th February 2005, 10.30-16.30

Brussels, Rue Royale 45

This seminar will discuss the future of participation, worker representation and codetermination in its different forms in construction undertakings under European legislation. It will include sessions on: the implementation of the Information and Consultation Directive at national and European levels, including in particular Britain; experiences with European Works Councils; and the

implications of new European Companies. Speakers and participants are varied, including from the European Trade Union Congress, the European Parliament, the European Commission, the Social Partners at European and national levels, practitioners from individual companies and other organisations, academics and researchers.

If you are interested in obtaining further details and attending the CLR AGM please contact: clr@mjcpro.nl or fleus@efbh.be For the ESRC/CLR seminar contact: Linda Clarke at: clarkel@wmin.ac.uk

CHANGE OF DATE!

Minimum Wages in Europe

21-22nd April 2005, Basel/Bâle

The above-mentioned seminar on Minimum Wages in Europe will take place on 21/22nd April and not on 14/15th April as announced in the last CLR News.

For booking and information:

<http://www.denknetz-online.ch>

One year after the EU enlargement - experiences and perspectives.

25 April 2005, Copenhagen

For more information please contact CLRdenmark, Elsebet Frydendal Pedersen (efp@byg.dtu.dk).

CLR PUBLICATIONS

CLR Studies 2: Women in Construction

Linda Clarke, Elisabeth Michielsens, Elsebet Frydendal Pedersen, Barbara Susman and Christine Wall (eds)

Why are women so rarely seen on construction sites in the developed world though visible as building labourers in parts of Asia? This book explores the reasons why the construction industry has remained overwhelmingly male dominated both in image and numbers. Any presence of women in the industry has been sparsely documented – especially women working in the manual trades as carpenters, electricians, plumbers, painters, plasterers, scaffolders and bricklayers, etc. The book sets out to rectify this omission and reveals how women – though in a minority – have been working in the industry, now and in the past, throughout the world, from the Indian subcontinent and Africa to the United States and, above all, in Europe. It brings together original research by an international group of writers and academics and personal accounts by women in the industry, illustrated with contemporary and historical photographs.

Two new CLR publications

The CLR Studies series is growing, with two new studies. After No. 1, EU-Enlargement, launched in 2003, and No.2, Women in Construction, published in May 2004, the series continues with:

CLR Studies 3: Stress in the European construction sector: up-to-the-minute?

Jan Cremers

According to several representative studies, work intensity is on the increase in Europe. One feature closely linked to this is the development of work-related stress. The experience of stress at work has undesirable consequences for the health and safety of workers and negative implications for the functioning of organisations. This publication includes desktop research, case studies, country reports and a first European survey among construction workers.

Also available in French and German.

CLR Studies 4: Free movement of workers in the EU

Jan Cremers and Peter Donders (eds)

The introduction of the free movement principles in the EU has an impact on all industries. With regard to the free movement of workers, construction is a key industry that has been faced with an enormous challenge since the opening up of the European market. Early research by the European Commission made it very clear that transnational mobility is low in the European labour market, but, if it happens, it takes place either at management level in all industries or on building sites. CLR Studies 4 is dedicated to an analysis of the implementation of the EU Posting Directive in ten countries. The study includes common conclusions and recommendations, as formulated by the European social partners of the construction industry.

Also available in French and German.

All our Studies can be ordered via the secretariat or via clr@mjcpro.nl

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