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Citation: Eldring, Line, Fitzgerald, Ian and Arnholtz, Jens (2012) Post-accession migration in construction and trade union responses in Denmark, Norway and the UK. *European Journal of Industrial Relations*, 18 (1). pp. 21-36. ISSN 0959-6801

Published by: SAGE

URL: <http://dx.doi.org/10.1177/0959680111430656>
<<http://dx.doi.org/10.1177/0959680111430656>>

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The accession migration into construction: A comparative analysis of trade union responses in Denmark, Norway and the UK

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Abstract

The article provides a comparative analysis of trade union responses to the arrival of CEE workers in Denmark, Norway and the UK, with a special emphasis on the organizing efforts of construction workers' unions. Organizing has been seen as a crucial element in avoiding a situation where the presence of CEE workers may lead to low-wage competition and social dumping. On the basis of case studies from Copenhagen, Oslo and the North-East of England the article analyses how the unions' strategies on recruiting migrants were developed, the novelty of these strategies and results when it comes to member ship gains.

Keywords

Labour migration, construction, trade unions, organising

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Introduction

The mobility of labour and services across Europe in the wake of EU enlargement has exceeded predictions and expectations. During the first five years since the 2004 accession of Central and Eastern European countries (CEE) the UK alone received over 949,000 accession country registrations (Border and Immigration Agency, 2009). The Nordic countries have also proved to be attractive destinations with over 200,000 work permits issued to CEE citizens for the same period. The accession of new 'low-wage' CEE member states to the old 'high-wage' EU has therefore stirred intense debates on the implications for wage and working conditions, and national labour market regimes (Lillie, 2010; Krings, 2009). Focusing on Denmark, Norway and the UK, the construction sector stands out as one of the major industries recruiting CEE migrants, who are often exposed to irregular forms of employment and bad working conditions (Friberg and Tyldum, 2007; Arnholtz and Andersen, 2008; Fitzgerald, 2006). However, the agency of those involved in this migration is far from clear. On the one hand, the construction sector has long traditions of inter-European migration (Baganha and Entzinger, 2004) of which trade unions are fully aware and may even encourage. As Bruno Koebele (then president of the European Federation of Building and Woodworkers) said in the early 1990s '...for building workers, moving from place to place is nothing new. It is an historical fact that they always made their migratory rules themselves and organised the way these were supervised' (quoted in Koebele and Cremers, 1994: 11). Thus in all three countries labour immigration has been driven by demand factors, and has been welcomed by most of the labour market actors. In Norway and Denmark, the inflow of CEE workers to the construction industry contributed to sustaining the high level of activity in this industry, and only displaced local labour to a minor extent (Dølvik and Eldring, 2008). In the UK CEE workers have helped fill the gaps in the 'reserve army' of relatively cheap foreign labour (Balch et al., 2004). On the other hand though, actors within the construction sector are adopting a more global outlook and transnational sub-contractor chains have grown and are becoming common place in the sector (Bosch and Philips 2003). Thus, transnational capital relations constantly threaten to make labour migration a vehicle for

undermining national regulation (Lillie and Greer, 2007; Lillie, 2010). The latter tendency has been aggravated by the decline in the market for construction services since 2008, which have increased both domestic and trans-European competition for both jobs and construction contracts.

While these trends have a transnational character, it seems that trade unions persist in handling the dilemma between free movement of workers and wage pressure on a national or even local level. Therefore, this article provides a comparative analysis of the initial construction trade union responses to the arrival of CEE workers in Denmark, Norway and the UK and it asks if trade unions are dealing with the same challenges in different ways. One of the key responses of unions is through organising newly arrived workers. Organizing has been seen as a crucial element in avoiding a situation where the presence of CEE workers may lead to low-wage competition and social dumping. The article gives a comparative analysis of three construction sector case studies in Copenhagen, Oslo and the North East of England¹. In cataloguing trade union and migrant engagement we have identified the following three key themes that have underpinned union responses and that all relate to organising; the interplay between the central and local levels of unions, the innovation and uniqueness of the strategies that were adopted and to what extent the strategies were successful.

The three case studies are based on in-depth interviews with union representatives and have been conducted over the same period of time. They all involve union organising strategies which paid special attention to Polish workers, who have been by far the largest labour migrant group in each country². The trade union officials interviewed are those that commonly represent workers in this sector at both national and local levels. For all three studies the interviews have been on the subject of organizing strategies and initiatives. We have also all used extensive secondary union policy and strategy documents that deal with the recent migration. As the analysis below will show, this has in all cases involved very detailed accounts, as a common hypothesis of the studies is that the interplay between national and local efforts is vital for understanding the strategies followed in order to organize CEE workers. Thus an in-depth analysis of the strategic approach of each union at a local level is important for understanding the relative success of the different unions in organizing CEE workers.

Trade unions and immigration: Strategies and dilemmas

Efforts to organize migrant workers do not occur in a vacuum; rather they should be seen as part of an ongoing struggle as the construction sector becomes ever more global in its approach. Following a period of growing national flexibility at the level of the firm through for instance the use of subcontracting and self-employment, restructuring in later years has become focused on the options offered by legal and transnational approaches. EU liberalization and the migration of low wage labour have become increasingly important for understanding these approaches and the struggles that unfold. Lillie (2010) argues that this restructuring of employment relations may occur without national class compromises being directly challenged. Instead migrant workers can be used in local restructuring efforts just as EU regulation, such as the Services Directive, may enable employers to ‘...remove specific work spaces, contexts, and categories of people from the protection they would normally enjoy within sovereign states’ (ibid: 688, 695). This restructuring is of course not uncontested. First, the restructuring of employment relations in the construction industry has gradually turned into a multi-level game making the prediction of outcomes and positions more complicated. Dølvik and Ødegård (2009) show both successful trade union agency and employer disagreements at the EU level with regard to the changes made to the Services Directive. Specific EU interest constellations as well as inter-institutional competition may affect the legal possibilities offered to employers in their search for increased flexibility. Second, studying the EU liberalization of services, Menz (2005) has emphasised the significance of national regulation and the importance of national varieties of capitalism in mediating European liberalisation policies. He argues that employer organisations may not always choose a liberalising path, but may choose instead to defend national institutions. Such variations in national regulation can also be seen with regard to labour migration after the EU enlargement. However, Lillie and Greer (2007), in a transnational study of construction, argue that national interests are becoming increasingly fragmented as ‘...capital abandons national institutions, in reality if not always in rhetoric, labor unions are increasingly left to their own devices’ (ibid. 553). At the same time Cremers (2010) argues, that

despite trade union efforts at a European level, the tendency is that ‘...member States are subordinated to supranational law and to a hierarchy based on the primacy of the free provision of service’ (ibid. 305). Thus, the opportunity for national labour market regulation is receding whilst opportunities to use EU labour market regulation grow. Here the agency of local trade unions, their members and indeed migrant workers becomes ever more significant through the establishment of worker solidarity at the local level where unions may effectively challenge employers’ restructuring efforts.

However, establishing transnational worker solidarity is not an easy task just as labour migration is a problematic issue for trade unions. Historically trade unions have had two objectives. First, there is the promotion of worker solidarity both within and across national boundaries, and secondly the limitation and regulation of the market power of employers. While initially complementary, these two dimensions are potentially brought into conflict by the presence of migrant workers. Labour migrants, particularly in a transient sector like construction, may often be willing to accept what is traditionally perceived as low status job in a host country, due to a main focus on earnings during a short term stay. At the same time they may have lower wage expectations, due to differences in wage levels between countries (Menz, 2005). Thus migrants may be viewed by employers as more flexible than host-country workers (Piore, 1979). Further, the increase in the labour supply caused by immigration will strengthen an employer’s position in the labour market. Last as argued employers may use migrant workers in attempts to restructure employment relations in a sector. All in all, the presence of migrant workers can serve to weaken the bargaining position of trade unions and their members in the receiving countries. Thus it has been argued that trade unions have often been sceptical of labour migration: ‘If employers have a long-standing reputation for preferring immigrants over native-born workers, then the reverse is equally true of trade unions’ (McGovern, 2007: 228). Nonetheless, as has been argued it is at the same time crucial for trade unions to organize the migrant workers in order to avoid these negative effects.

In light of the discussion above, Kahmann (2006) argues that trade unions have three possible response strategies available to them in the face of migration: First, unions may seek to exert pressure on governments to regulate the labour market in a way that prevents wage levels and working conditions from being undermined by the presence of migrant workers. Second, they may target employers to establish

common standards in collective agreements, thereby reducing employer's potential use of migrant workers in local restructuring. Third, trade unions may attempt to unionise migrant workers to enable them to demand better pay and working conditions through joint action. In relation to the latter strategy, which is the main focus of this article, Penninx and Roosblad (2000) also identify three main dilemmas which unions face with regard to immigration. First, they ask if trade unions should oppose or cooperate with the employers' desire to recruit migrants. If they choose to cooperate, what demands should they formulate with regard to the conditions offered to these migrants. Second, to understand the extent of inclusion they ask if migrants should be included as regular members of the union, or should have separate forms of affiliation that exclude them from full membership. Third, if they are to be fully included should special measures be taken with regard to any particular needs that they might have?

These dilemmas seem very relevant in understanding the recruitment of CEE workers, although, clearly one should not ignore factors of so called 'passive recruitment' (Kelly and Heery 1989). Passive recruitment can be said to rely on structural factors such as state of the market, shifts in the labour market and specific labour market institutions as the generator of union members (Ebbinghaus and Visser 1999). However, we assume that these have had little effect on the recruitment of CEE workers. Regarding the state of the market, there have been economic booms in all three countries up until mid-2008, followed by slumps in all three countries. So differences in recruitment would be hard to explain this way. Clearly specific labour market institutions (such as the Ghent system in Denmark) have a major effect on the recruitment of native workers (Checchi and Visser 2005), but they seem to have minor effects on CEE workers as they are less integrated into the labour market institutions. Thus, the strategic choices of trade unions seem to be crucial. At the same time it should be noted that the literature on union revitalisation stresses that choices of recruitment strategies are not just formal decisions made once and for all, but involve internal power struggles and gradual change (Kelly and Heery 1989, Heery 2005). Therefore we note that questions on local versus national initiative, traditional approaches versus new target-group specific activities as well as questions of how to measure results are all involved in the resolutions to the dilemmas described above.

Contextualised comparison and industrial relations in construction

The basic assumption of our methodological design is that the EU-enlargement and the large number of labour migrants from the accession countries have challenged trade unions in the three countries in a similar way. In that sense we agree with Krings (2009: 51), that the cross-national study of trade unions and migration can be very fruitful, although they have been the exception. However, cross-national comparison does have its draw backs. First, the migration of workers after the EU enlargement has had profoundly different effects in different sectors. This is due both to the difference in the number of migrants entering each sector and to the effect these migrants may have for the employment relations in those sectors (which might be connected). Therefore we have chosen to focus on the construction sector, which has received a large number of migrant workers and for which the inflow of migrant workers may (as described above) have significant effects on employment relations. Second, national comparison will often focus on federal policies and fail to highlight the day to day practices of local unions, which are vital for the actual success of organizing campaigns. Therefore, we have gone one step deeper than the national level, focusing on local activities and the interplay between national and local initiatives. The latter of course raises issues regarding the units of comparison, which we would describe as local activities nestled within national settings. We thus follow Locke and Thelen (1995) in arguing for a contextualised comparison of local trade union activities, rather than trying to present our analysis as a multi-variable analysis involving different levels. Thus, it is important to not only underline the communalities of the challenges and dilemmas trade unions face, but also the differences between the national settings that they are embedded in. In the section above we emphasised some of the challenges unions face in the construction sector in general and in the face of labour migration in particular. In the following we will take a closer look at the similarities and differences in the industrial relations which characterise the construction sectors of the three countries.

There are of course significant national dissimilarities between the three countries in terms of the labour market and industrial relations both in general and specifically in the construction sector. First, the structure of the trade unions active in the construction sectors are different; one large union (Fellesforbundet)

is active in Norwegian construction, a number of small specialised unions and one large general union (3F) are active in the Danish construction industry, whilst in the UK there is one industry union (Ucatt) and two general unions (GMB and Unite). Secondly, there are significant differences in both unionisation rates - Denmark (88%), Norway (39%) and the UK (15%) – and in collective agreement coverage - Denmark (74%), Norway (60%) and the UK (17%) - in the sector (Mercer and Notley, 2008; Nergaard and Stokke, 2010). Thirdly, whilst flexibility through sub-contracting and self-employment is not new in any of the countries there are differences in the way these contractual forms are used in each country. For example in the UK Clarke (2006) argues that employment is now fragmented, casual and insecure and the industry is increasingly based on contingent forms of employment (Forde et al., 2009). Allied to this are workers who are undocumented or bogus self-employed (Gribbling and Clarke, 2006; Harvey and Behling, 2008). This makes it increasingly difficult for unions trying to enforce agreements on sites. In that sense UK construction unions have more experience of dealing with this difficult and multifaceted situation than the two Nordic countries, which only more recently have started to experience these challenges. Fourth, there are significant differences between the countries with regard to the legal opportunities and practices related to using industrial conflicts as a means of forcing employers into signing collective agreements. Whilst Norwegian unions are in a far better position than their UK counterparts, they are limited in their actions compared to their Danish colleagues. Where Danish unions are faced with a foreseeable fine for actions found unlawful, Norwegian unions are faced with the treat (similar to that found in the UK) of having to compensate the affected companies for losses caused by such actions. Although, Norwegian unions can take industrial action without having members in the targeted firm, this very seldom takes place, unlike in Denmark (Stokke and Thörnqvist, 2001).

Despite these marked differences there are also many similarities between the Danish and Norwegian labour markets. Both countries have relatively small and open economies, with well-developed social welfare systems. Similarities are found not only in the general social structure, but to a certain extent also in provisions for regulation of the labour market in the two countries. Minimum wage levels have traditionally been based on collective bargaining in both countries, and have been binding only for workers who are covered by a collective agreement. Although the collective agreement coverage is lower in Norway,

minimum-wage provisions in agreements have often served to establish norms in enterprises that have not signed them (Stokke et al., 2003). In contrast, the UK is a far larger economy and following decades of continuing neo-liberal restructuring has a receding social welfare system, with creeping full and quasi privatisation. Although it does have a national minimum wage, its social ‘safety net’ is ever more shaped by the low common standards of EU directives. However, wages and conditions in construction are mainly based on collective bargaining and there are a range of national and sub-sector collective agreements (NECC, 2005), including the Construction Industry Joint Council Working Rule Agreement (WRA). As with the Scandinavian countries, these agreements often establish the norm even in enterprises that have not signed them. For example, the dominant Construction Confederation employers association encourage their main contractor members to follow agreements. As in Norway and Denmark, the collective agreements cover not only minimum wage levels but also a range of other additional payments. In all three countries local rates of pay are often above the agreement rates making the minimum wage rates (or lack thereof) of little importance to wage levels. However, the recruitment of CEE migrants facilitated by EU regulation and who may initially be willing to work on conditions that are far inferior to what is common, has caused fragmentation in bargaining arrangements. Despite clear national differences between the two Nordic countries and the UK, at the sector level they are not that dissimilar. And as a consequence comparable challenges for construction unions are evident in all three countries, making a comparative analysis of union strategies of great relevance.

Trade union responses to the EU enlargement - targeting government and employers

Following Kahmann, we will now look shortly at how unions have interacted with government and employers with regard to the accession of CEE workers to the EU. On a general level Norwegian and Danish trade unions have followed largely identical strategies, endorsing a transitional regime. Campaigns where

launched in both countries, highlighting that accession workers were welcome, but that social dumping and unequal terms were not. The campaigns were successful and despite the different composition of the two governments involved almost identical transitional regimes were introduced in 2004 (Dølvik and Eldring, 2008). Work permits would only be granted if individual workers could document that wage levels and working conditions were in accordance with 'normal' standards, and that they had full-time jobs. Therefore, no specific limit was imposed on the number of CEE workers allowed entry. Self-employed and posted workers were not encompassed by these transitional regimes, and had free entry. In contrast UK unions supported a strategy of free entry for CEE workers. An example of this is statements made in the Ucat union magazine welcoming new migrants and the pledge that Ucat would work with the TUC (The UK central union federation) to develop a union organising strategy for migrant workers (Ucat, 2004). The first main example of this was the North East project discussed in this article. There was no identifiable conflict between union strategy here and government policy. Underlying this was a general assumption, shared by unions, government and employers that only a 'manageable' number of workers would come to the UK. In reality what has occurred is an unprecedented migration, not only in scale but also in scope, impinging on most areas of the labour market. Salt and Millar (2006) cite it as almost certainly the largest ever single migration with Poles the largest ever single national group. Thus the hastily arranged Workers Registration Scheme (WRS), which was put in place to 'manage' CEE migration, has turned out to have a number of shortcomings (Anderson et al., 2006; Fitzgerald, 2006). Workers registering to this were meant to be given information on employment rights and trade union membership, but as in the two Nordic countries the scheme only applied to those employed, not the self-employed or posted workers. Thus the information from it is potentially ineffectual for trade union organising.

There have been major variations in the trade unions' responses and outcomes with regard to how they have targeted the employers of migrants. In Denmark, the trade unions have used the traditional practice of regulating wage levels and working conditions by way of collective agreements with both foreign and Danish enterprises employing CEE workers. This has constituted a demanding task, which has come up against some limitations. First, comprehensive efforts and a large number of industrial disputes have been required in order to obtain very few collective agreements. Second, the trade unions have experienced

problems with the enforcement of agreements once they have been signed (Andersen and Arnholtz, 2008). These problems have led to discussions of the desirability of systems for making collective agreements generally applicable, but so far the option has been avoided.

In Norway, on the other hand, the trade unions have changed their strategy when encountering the low-wage competition from the CEE countries, by resuscitating the long-dormant Act relating to the general application of wage agreements. The purpose of the Act is to ensure that foreign workers are offered wage levels and working conditions that are equal to those of Norwegian employees. In the context of EU enlargement, in particular with regard to posted workers, general application of collective agreements has been made a key instrument for avoiding unreasonable low-wage competition and distortion of market competition in general. The nationwide application of parts of the collective agreement for the construction industry implies that since January 2007 a statutory minimum wage level has been introduced in this industry (Alsos and Eldring, 2008). However, the general application of collective agreements has for a long time been regarded as a controversial instrument in Norwegian labour life, among trade unions as well as among employers' organisations. Trade unions' consider two aspects of this practice as especially problematic. Firstly, even though non-unionized workers in enterprises that have signed a collective agreement will be covered by the agreement, the opportunity to become part of a collective agreement is still perceived as a major incentive to join a trade union. A general application of parts of key provisions in the agreement (making them statutory) could therefore weaken the trade unions' basis for recruitment and enhance the problem of 'free riders' (Checchi and Lucifora, 2002). Second, there have been concerns that a general application of the minimum wage provisions in the collective agreements would be unable to prevent the segmentation between high-paid and low-paid workers (or low-wage competition), because the minimum wage levels in most cases are set far below the average hourly wages. In spite of these provisos, Fellesforbundet assess that the general application has been an appropriate means and response to the comprehensive labour immigration since 2004 (Eldring and Hansen 2009).

In the UK, CEE workers have freely flowed into numerous, mainly low paid, sectors (Border and Immigration Agency, 2009). Recruitment agencies have gained a dominant position in the provision of labour, including in construction (Fitzgerald, 2007), evidenced in the fact that approximately forty percent

(379,600) of WRS CEE workers were registered as working for recruitment agencies (Border and Immigration Agency, 2009: 12). Therefore, as the UK has a long established system of voluntary national and local collective agreements and unions, due to shrinking membership, have little or no control over employer recruitment they have increasingly sought to influence government policy (see Fitzgerald and Hardy, 2010 for further discussion). At a sector level the most obvious example of this is their central role in the adoption of the Gangmasters (Licensing) Act 2004, which established regulation of recruitment type agencies in parts of the food processing sector (dominated by migrants). Construction unions are now seeking to extend these regulations to the construction sector (Ucatt, 2009; Unite, 2009). Lille and Greer (2007) also identify union lobbying of government for regulation of public workers projects. They highlight regulation of the Heathrow Airport Terminal 5 project in restricting self-employed labour and maintaining national collective agreements. In essence unions now seek better and clearer enforcement of current legislation and more legal regulation in certain sectors such as construction whilst maintaining as best they can current collective agreements.

Organising migrant workers in construction: The evidence

In the following we discuss how unions in Copenhagen (Denmark), Oslo (Norway) and the North-East of England (UK) responded to the inflow of CEE workers into the construction sector in the aftermath of EU enlargement. Table 1 gives an indication of how our case study unions fit into the discussion above of trade union engagement with government and employers and the nature of these national approaches.

TABLE 1 IN ABOUT HERE

From the above we argue that to understand the strategies and engagement of our case study unions with CEE workers three key themes must be considered. Firstly, we focus on the interplay between the central and local levels of these unions and how strategies were formulated and then implemented. Secondly, we look more specifically into the innovation and uniqueness of the strategies that were adopted. Finally, we discuss to what extent the strategies were successful in terms of membership gain amongst CCE workers.

The formulation of CEE strategies: How approaches were developed

In Denmark, three trade unions have organized CEE workers in the construction industry. First and foremost Fælles Fagligt Forbund (3F), which similar to Fellesforbundet in Norway, organizes workers in many of the industries that employ CEE workers (agriculture, construction, manufacturing, hotels and catering). The other two are more specific to construction: Træ-Industri-Byg (TIB), which organizes carpenters, joiners, etc. and Malernes Fagforening, which organizes painters³. Prior to EU enlargement, construction unions had been mainly concerned with maintaining their own rates and the boundaries of union representation. This has gradually changed during the period after the enlargement. The first clear indication of this change was a strategy document published in late 2006 by Bygge- Anlægs- og Trækartellet (BAT), which coordinates and represents the interests and activities of all eight trade unions in the Danish construction sector. This strategy document argued that more emphasis should be put on considering CEE migrant workers as potential union members rather than adversaries to be excluded. The next official step was the innovative measure of a joint, cross-union standard collective agreement for foreign enterprises to ensure that all employers are covered by the same collective rates. At the same time a tacit consensus grew that it is more important to get CEE workers organized than *who* organized them.

Interestingly, these initiatives at the central level were only an official indicator of developments that had been going on at the local level for some time. Local construction unions had for a while co-

operated on activities aimed at organizing CEE workers and having them formally covered by collective agreements. The two things were seen as closely connected, but with an emphasis on coverage. What local unions needed was the official establishment of a cross-union collective agreement for foreign enterprises, which would facilitate ongoing cooperation. BAT and the central levels used this local need as a chance to promote the efforts to organize CEE workers at the local level. In this way, a back-and-forth exchange between local activist unions and more pragmatic nation officers has been taking place.

The Norwegian construction union Fellesforbundet has actively promoted the unionization of labour migrants since 2006, following intermittent action by local unions in 2004-2005. Although typically rapid shifts in labour demand in the sector necessitated frequent cross-border movement of construction workers within the Nordic region, this did not traditionally involve workers outside of this region. The regional mobility of workers meant that national unions have not recruited foreign workers, instead formulating agreements with sister unions in the Nordic countries on cooperation and the validity of collective agreements. Allied to this new strategy were Fellesforbundet ongoing efforts to eliminate dishonest practices in the construction industry, including challenging social dumping. Given the latter the change in emphasis to actively recruiting CEE migrants was presented not as a shift in their previous policy but as a logical continuation of the union's previous efforts.

In retrospective, the central level of Fellesforbundet, as well as the local unions in Oslo, have emphasized that local enthusiasts have strongly contributed to the union's success in recruiting labour migrants. The Oslo unions have traditionally been more radical than the central level, and their methods when engaging with employers in the sector have not always received approval from the leadership in Fellesforbundet. In light of this at times tense relationship it was significant that the General Secretary in his address to the 2008 Fellesforbundet's National Congress warmly thanked the local unions for their efforts in organising migrants and in combating social dumping. Furthermore, he stated that although there had been disagreements over the years, he felt a deep respect for local achievements in this area.

In the North East the principle union to organise construction CEE workers was the industry union Ucatt. Ucatt nationally supported the recruitment of CEE workers and although initiatives were piecemeal there was as noted a national recognition that a migrant workers strategy should be developed in conjunction

with the TUC. Significantly, the case study region had little prior engagement with migrant workers and given this the migrant organising 'project' was not initially driven by the union locally but rather initiated centrally by the TUC. The TUC had centrally encouraged their regional offices to bid for funding to undertake mapping and exploratory work with newly arrived CEE workers. The Northern TUC, Ucat and Northumbria University combined to undertake an initial 'project' over a nine month period, with Ucat detailing a development office to mainly support this task. Although the project was regarded as generally a success by both local and national levels of the union as one of the first clear signs of migrant policy development there were also a number of tensions. The most evident of these began to emerge after the first six months of the project when increasing pressure was placed on the union locally and in turn on the development officer to show a recruitment return on CEE engagement. Essentially engagement with the project had meant that the development officer and other officials were spending an increasing amount of time visiting sites to engage with Poles and indeed visiting them in the community. Allied to this was also expenditure on the translation of documents. Overall, if conflict existed between local and national union structures with regard to organising CEE workers it was here with resource allocation that it was most evident.

The innovative nature and uniqueness of strategies

In Denmark the local unions in Copenhagen in particular have engaged in a large number of activities, including cooperation across union boundaries and exchange of information on a regular basis. Overall their approach has two complementary strands based firstly on the traditional approach of industrial action to support existing collective agreements, and secondly more innovative initiatives of engagement with CEE workers in the workplace and community. The first strand involved significant industrial action which included a large number of blockades and industrial conflicts, undertaken with comprehensive media coverage in order to prevent employers from using CEE workers to exert a downward pressure on wage levels. The consequential significant rise in construction industrial action has helped both union legitimacy

and unity between (Danish) construction workers. The second strand began in early 2006 when the association of local unions in Copenhagen, Byggefagenes Samvirke, hired a Polish-born officer, to assist Danish officers on matters related to migrant workers. A Polish club was subsequently established by local unions in which meetings and various social activities now take place. Inspired by these local initiatives national federations provided funding to employ another five Polish-speaking ‘consultants’ whose central aim was to assist local unions all over the country. Following this, funds have been raised at national level to support local CEE worker organizing initiatives. Local unions can for instance apply for funds if they want to start a Polish club or want to hold information meetings for CCE workers. At the local level all unions in Copenhagen decided to assist non-unionized CEE workers, which is contrary to normal practice. The assumption was that this assistance would lead to the unions gaining a good reputation in the ever growing CEE community and would eventually mean higher membership gain in this group. However, this dual strand strategy, combining traditional blockade approaches (which might be perceived as aggressive behaviour by new migrants) and the newer, more clearly inclusive initiatives, has been difficult to balance.

In Norway, the CEE migrant strategy was initiated by local unions in 2004-2005. It was a response to non-unionized Polish workers coming to local union offices for assistance, leading to discussions within the unions about whether it was appropriate to assist persons who at the outset were not members (Eldring and Hansen, 2009). At that time the unions had in place statutes that the union would provide assistance only to persons who hold a union membership *prior to* the submission of a plea, a broadly similar policy to the unions in the other two countries. The statutes were temporarily suspended as it was believed that this would allow local chapters to gain a foothold in migrant communities. As the union has become well known among migrants, the central union organization has signalled that the statutes should now be enforced. This has gained support within the local unions, which have experienced an increased pressure on their resources.

A significant policy decision also adhered to from an early stage by local chapters was that the unions should not enact any measures or take any action that would cause labour migrants to be expelled from the country. This principle was emphasized by interviewees as a key to the establishment of trust with CEE workers. Also significant was that the generally applied collective agreement has become a key instrument for the efforts to increase unionisation:

The general application of the agreement means that we can recruit more members. Without the general application we must demand a collective agreement before we can claim any rights in terms of wages. When the agreement has been made applicable to all, we can help individual members.

(Representative of Fellesforbundet)

Although the formal decision to apply for an extension was made by LO, with close consultation with the central level of Fellesforbundet, the local level played a significant role, by actively promoting the issue within the internal structures of the union.

In the first month of the North East project Ucat representatives and full time officials were invited to a CEE workshop at the TUC to dispel a number of potential myths surrounding newly arrived CEE workers. At this meeting an English speaking Pole was introduced who essentially ‘told his story’ and reported some of the poor conditions that Polish construction workers in the North East were suffering. Overall the meeting was unique in providing an important early message to Ucat activists and members that the union was supporting and actively seeking to recruit newly arrived Polish workers. It was also used to encourage local activists to engage with new migrants to provide them with information on the current local rates. The day-to-day Ucat organising strategy used was very similar to that used with indigenous workers as Ucat recruitment and retention traditionally relies on local knowledge from site agents and others regarding newly arrived subcontractors; site based lay representatives engaging with newly arrived workers; the diligence of full-time officials as they move from site to site; good working relationships with main contractors and local subcontractors; and the national WRA, with the union endeavouring to have a summary of the WRA in each site canteen. However, the project was considered pioneering in nature and received a sizeable amount of attention compared to its low scale funding and resourcing. An example of this innovation was engagement with a TUC seconded Solidarnosc national organiser for a short period, although this is currently the only cross-border collaboration undertaken. The development officer also spent time in the Polish community visiting people’s homes to discuss the union and WRA rates. Overall the uniqueness of the project was that it was the first time that the union locally had engaged with migrant workers and

particular initiatives undertaken as part of the project, such as the link with Solidarnosc were certainly innovative in their nature.

Membership gain: The final judgement of success or failure of engagement?

Whilst the previous analysis has identified significant trade union engagement with CEE workers, there is always a tension within all membership organisations with regard to the actual numbers of those who join the organisation. In essence, resources spent on organizing must in the long run amount to increasing membership gain. Therefore there comes a time with all projects or new engagements that a central criterion of success is how many new members have been gained. Although issues of social dumping extend this timeline, most of the above mentioned initiatives and projects have had a clear aim of gaining new members amongst migrant workers. Financial support was evident in three main ways, firstly through the actual money spent on projects, secondly via official union human resource and lastly by more informal in-kind support at a local level. Given this commitment of resources to projects and initiatives, it is surprising to report that in Denmark and the UK the majority of trade unions involved in our projects did not directly identify ethnicity when actually recruiting new members, instead estimating numbers of CEE workers recruited. Whilst in Norway the numbers of Poles joining the union was initially obtained through identifying the sum of those members whose surname was Polish, again not a wholly accurate approach⁴. Overall, in all countries membership gain was mainly based on estimates of what was reported by local officials working with CEE workers (Denmark and UK), the limited or more concrete evidence provided by administrators in union offices who process membership (Norway) or an increase identified in the fees being received from a particular employer of CEE workers (Denmark and to some extent the UK).

Having said this, though, the numbers of CEE members were estimated by all unions and judgements on the success of projects were made. For example in Norway in the autumn of 2006, it was believed that Poles accounted for a total of nine per cent of the membership of the two local construction

workers' unions in Oslo (Oslo Bygningsarbeiderforening and Tømrer og Byggfagforeningen). By 2008 these unions, using membership language data, identified the number of Polish members had increased considerably, with a total of *40 percent* of members coming from the accession states, with a majority from Poland. At the national level, Fellesforbundet in the spring of 2008 estimated that they had between 4,000-5,000 Polish members, mostly in construction. This constitutes 18-23 % of the total membership in the construction industry. However, the majority of CEE construction workers remained non-unionized, and they still have a lower rate of unionization than the Norwegian average (Eldring, 2007). Importantly, though, the local unions reported that Polish members have gradually become more involved in regular union activities, being members of union branch committees, taking on positions as union reps etc. In Denmark at the end of September 2008 it was estimated that the three local unions in Copenhagen had a total of 300 CEE members combined, which amounts to approximately three percent of the total membership in construction. There was no estimation of the actual numbers of CEE or Polish members recruited in the UK; the general opinion was that the project had provided a successful example of migrant engagement, but not of initial membership gain.

It is believed on the evidence of our studies that the Norwegian unions have enjoyed a greater degree of success in their attempts to unionise CEE workers than their Danish and UK counterparts. What can be reported is that in Norway most of the unionised Polish workers are regular members, paying their union dues in the standard electronic manner mainly through their employers. In contrast, a central barrier to membership gain in both Denmark and the UK was the actual electronic process of payment, which was a significant issue for CEE workers. For example, in the UK this means of paying membership dues was not possible mainly because Polish workers were initially unable to open bank accounts. In both countries this compounded barriers to organising those transitory Polish workers who moved after a short period. Furthermore, a survey amongst Polish workers in the Copenhagen area showed that a large number of respondents had never had any contact with the Danish trade unions (Arnholtz & Hansen 2009).

Discussion and conclusions

The evidence of our studies show that the Norwegian construction workers' union have been more successful in unionising CEE workers than their Danish and UK counterparts. This is an interesting finding given that the Danes normally have a higher organization rate and given that they have put a lot of resources into engaging Polish workers while it is less surprising that the weaker UK unions have not achieved similar results.

In reflecting on this difference one could consider differences in the point of view of CEE workers. However, there is no evidence to suggest that Poles coming to Norway should be more positively inclined towards unions than those coming to Denmark or UK. Rather evidence suggests the opposite. For example a survey among Polish workers in Oslo indicated that their ideology or normative attitudes towards union membership would induce them to join, rather than the opposite (Eldring, 2007). This conclusion is consistent with findings in a similar survey conducted in Copenhagen (Arnholtz & Hansen 2009) as well as the finding from our UK construction case study (Fitzgerald, 2006) and a national UK TUC study of CEE workers. In this national TUC study CEE workers when asked why they would choose to join a union, indicated the need for a 'sword of justice' and collectivist values, rather than more individually oriented 'service' and self-interest needs (Anderson et al. 2007). Thus union strategies are of vital importance in understanding our studies.

Implicit in our discussion of the three main themes above is that our case study unions have all been inclusive in their organising strategies and made an important contribution to integrating migrants. However, as Penninx and Roosblad (2000) identify each union has been faced with crucial dilemmas when it came to the means and extent of inclusion with CEE workers often used by employers as low-wage alternatives. Thus, there were differing tensions with regard to this question and of the effort that was put into organising CEE workers and opposing social dumping. In Denmark the stronger union framework meant that a delicate balance existed between the traditional blockade strategy and newer more organising based approach. This balance has been hard to strike, as Danish unions typically rely on 'passive recruitment' factors such as the Ghent system. Whilst the weaker unions, such as Ucat in the UK had difficulty in providing the required resources for the longer period that a migrant organising approach may take. A further, as yet unexplored, issue in our unions is that efforts to integrate migrant workers may initiate a revival of a more activist

approach at the expense of official union officers. Thus, classic questions arise regarding resource allocation for organising and power struggles between fractions within unions (Kelly and Heery, 1989). Unions may also seek new allies among the new actors of industrial relations (Heery and Frege, 2006), which Ucat have begun to do in the UK (Fitzgerald, 2009). This though will again challenge the boundaries of a union and indeed its focus on who are its potential members. At the same time, external constraints are put on union activities; channels of migration and migrant employment status (posted, self-employed or directly employed) affect a unions opportunity to both organise and help migrant workers (Andersen & Arnholtz, 2008). More generally the employers' relation to the national system of industrial relations may affect their willingness to cooperate with unions on this issue of organisation, and thus affect union response strategies to migrant workers (McGovern, 2007).

So whilst our case study unions have accepted the recruitment of CEE workers in Denmark and Norway this acceptance has been made subject to the condition that the workers should be employed on equal terms with host workers. These requirements regarding labour conditions have been promoted in relation to government as well as employers in both countries, even though some differences remain with regard to the specific regulation of wage levels and working conditions. In the UK, the trade unions' influence with regard to equal conditions is more limited. Ucat and the other construction unions are restrained by a lack of membership and the large number of very small building contractors present on sites. With regard to Penninx and Roosblad (2000) CEE workers have been included as regular members in all the three countries; however there are issues over the sustainability of membership due to the transient nature of construction work and employment relations.

On the other hand, there have been major variations in the trade unions' responses and outcomes with regard to the other set of strategies described by Kahmann, concerning responses that target employers. At the same time it is worth noting that the practical recruitment efforts mainly have taken place locally, and focus should therefore be put on the activities of the local unions in order to gain an understanding of the actual strategies that have been followed. Locally based initiatives have undoubtedly had a large effect on the success in recruiting CEE workers. In all the three cases we find many examples of enthusiastic local activist and local unions. Their recruitment efforts have made a strong impact, and have often been portrayed as

activities of an exemplary character by the media⁵. Without these enthusiasts, the nationwide drive to increase unionisation would most likely not have been as effective. In looking at the interplay between national and local level, it is interesting to note that the clearest 'bottom-up' drive for organising efforts have been found in Norway, which is at the same time where unions have been most successful in organising. It should therefore be noted that the unions' approach to the dilemmas outlined by Penninx and Roosblad should not necessarily be perceived as choices made at a certain point in a formalised process, but rather as a fact that emerges by way of practical activities that are dependent on institutional and historical circumstances, and not least on factors that are embedded in a local context.

Comparing Denmark and Norway, one key explanation for how apparently identical frameworks and purported strategies can result in widely differing outcomes in terms of recruitment of labour immigrants can probably be found in the institutional dissimilarities in the two countries' traditions for handling conflict (Evju, 2008). In the Danish labour market, the legal opportunities to take industrial action are wider, and historically this has resulted in a far higher number of labour conflicts (Stokke and Thörnqvist, 2001). Denmark and the UK also have these disparities. Thus, whilst the Danish unions' efforts to establish collective agreements may have appeared too aggressive in the eyes of migrant workers, Norwegian and UK unions' approach of providing assistance to individuals may more convincingly have appeared as based on solidarity. The Danish trade unions are larger and more powerful than their sister organisations in Norway and the UK and appear to a greater degree as monitors and administrators of the industry, rather than as organisers and activists. This latter role may inspire more confidence in the power and usefulness of the union, but with time and resources focused on maintaining rules and regulations, labour migrants might not feel that unions are there for them. In Norway and the UK resources have been used on local recruitment, personal contact and strong engagement with migrants.

This should not lead to overall conclusions regarding the successful handling of the challenges unions are facing in the light of accession migration, as these challenges involve a number of issues. As Locke and Thelen (1995) note, common challenges may have been translated into specific conflicts in the various national settings making the organisation of migrant workers more important in some countries than

others. Thus overall this comparative analysis highlights, that all three strategic areas described by Kahmann should be considered in an explanation of the differing outcomes of union activities. Some research on trade union recruitment has focused on what Kahmann would refer to as the autonomous activities of unions (see Heery et al., 2000 and 2003). While our investigations indicate that unions must undertake coherent efforts along several dimensions in order to be successful in recruiting and including labour immigrants.

Acknowledgements

Our thanks to the Journal's editor and the anonymous referees for helpful comments and suggestions.

Footnotes

1. The Norwegian study is part of a research programme on labour and service mobility, financed by the Research Council of Norway.
2. In the article we make no distinction between different groups of Central and Eastern European migrant workers.
3. 3F and TiB have recently merged, but were separate unions at the time of study. The processes surrounding the migrant workers may have contributed to making the merger possible.
4. In the 2008 an administrative change was made and the language of new members is now recorded which provides a more solid base for calculations of ethnicity.
5. See for instance Økonomisk Rapport 15.06.2006, Dagens Næringsliv 21.11.2007, Aftenposten 02.09.2008

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Table 1. Trade union responses to EU enlargement

Target group	Approach	Denmark	Norway	UK
Government	Immigration entry	Transitional regime	Transitional regime	Free entry
Employer	Collective agreement	Collective agreements only	Legal extension of collective agreements	Voluntary collective agreements but also campaigns for statutory support
CEE workers	National level	Traditional	New	New but pragmatic
Case study CEE workers	Strategy formation	National and local interaction	Bottom up pressure	Top-down pressure
	Innovation extent	New initiatives but mainly based on traditional approach	New initiatives	New initiatives but based on traditional approach
	Membership gain	Low	Moderate/high	Low