

Supporting mobile migrant labour!

Trade union demands

The situation of mobile migrant labour in the EU

The free movement of workers in the EU has led to an increase in cross-border employment. Especially for so-called mobile migrant labour, i.e., workers who take up employment in another EU country for a short period of time or are posted there, and for migrant workers from third countries, the situation is often precarious. They are in danger of being pushed into extreme exploitation or poor working conditions. Without knowledge of the language and the respective national rules of labour law, it is difficult for them to claim their rights, let alone enforce them. As a result, there is a wide gap between the claim of a social Europe and the reality in several parts of the labour market. The EU's various attempts to secure, as laid down in the Acquis, the claim of rights-based labour market mobility in a social Europe with various directives have had no or insufficient success.

Trade unions play a central role in the architecture of the EU - as social partners, social policy stakeholders, as the movements that, based on their experience of the realities of work, repeatedly demand improvements and strengthening of workers' rights, that comprehensively inform, advise and support workers, and that fight for the enforcement of workers' rights in the event of legal violations and infringements.

Much of these targets all workers in Europe, some activities, such as legal assistance, are reserved for members. In recent years, trade unions have increasingly been assigned tasks, e.g., in dealing with precarious work or citizens of third countries, where it is clear from the outset that the workers concerned are non-unionised and very difficult to organise.

Trade unions have reacted to the new challenge of highly precarious employment relationships of mobile migrant labour, arisen as a result and/or the compliance with the principle of equal treatment, with various initiatives to better protect workers from exploitation, often together with social and welfare associations and NGOs or in transnational cooperation. Experience shows that 'one fits all' does not exist, but in particular activities that go beyond the provision of information, such as easily accessible advice and support, relying on trade unions as experts in the world of work and in the languages of origin, are crucial for the enforcement of workers' rights. This support is all the more successful if it does not end at the border of the respective member state.

These tasks cannot be solved by the European Labour Authority. The ELA, established two years ago, has shown that it can improve the flow of basic information between EU-countries for mobile migrant labour. It remains to be seen whether transnational controls can be expanded and will have the potential to substantially curb the abuse of mobile migrant labour. However, the ELA is not an alternative to counselling and support networks for mobile migrant labour in the EU states.

Such support to improve the situation of mobile migrant labour is needed on a permanent basis - the persons concerned change, but not the segments of the EU labour markets provided with mobile migrant labour. The search for cheap labour will, unless the rules change, continue to lead to recruitment practices by transnational undertakings that repeatedly violate the rights of mobile workers, especially through subcontracting structures.

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1. Trade unions are challenged here, but will not have the capacity to solve this without funding. Mobile and migrant workers are particularly difficult to recruit as members because of the rapid rotation of people, while at the same time the cross-border enforcement of claims and rights is labour-intensive and arduous. In order to make rights-based mobile and migrant labour a reality, long-term strategies and structural funding are needed, to which the EU must contribute. **The EU Commission should therefore provide structural funds to enable a continuous formation of consultation and advice structures, such as advisory centres, in EU countries.**
2. **Consultation and advice structures must be developed and operate in conjunction with and in coordination with the trade unions.** Their activities are not intended to replace trade union action, but to complement these activities in specific areas, also for non-unionised mobile and migrant labour. Trade unions have the necessary specific sectoral knowledge that the advice centres need for their work. Therefore, close interaction between the centres and the trade unions is essential. **This goes far beyond the traditional tasks of the trade unions towards their members and is about supporting the entire workforce in the area of free movement and mobile and labour migration.**
3. The aim of these **consultation and advice structures** should be to provide mobile and migrant labour with advice on labour and social law and labour standards so that they become aware of the applicable regulatory frame. Close cooperation with the ELA should be sought in this regard. At the same time, **the structures should offer advice and support in individual cases and thus help particularly precarious groups of employees**, who often work in identifiable sectors, to achieve an improvement in their pay and working conditions.
4. In order to promote the Europe-wide development of **consultation and advice** structures, the **EU Commission should – where the parties involved consider it useful - make funds available that are sufficient to set up a national trade union proximate network for the development of these structures in EU countries** as a first step. These should be supplemented in a second step, after an analysis of the respective circumstances, which would have to be closely coordinated with the trade unions, by the establishment of individual **consultation and advice** structures the national coordination (where useful and wanted) as well as the emerging consultation and advisory structures should be **financed on a permanent basis** in order to enable continuous assistance and transnational cooperation.
5. The available funds should also be used to promote the **transnational networking of advisory structures**. The form of the information and advisory structures, as well as their sector-specific focus and their orientation toward specific groups of employees can vary, depending on the traditions and conditions in the EU states.

This is an initiative of the European support network for fair mobility.

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