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## When strong unions meet precarious migrants

*Building trustful relations to unionise labour migrants in a high union-density setting*

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## **When strong unions meet precarious migrants: Building trustful relations to unionise labour migrants in a high union-density setting**

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Institutionally highly embedded unions have been claimed to pay less attention to or even neglect migrant workers, because they do not need the migrants as members to strengthen or maintain their power base. Hence their organisational efforts towards migrant workers and other workers in precarious positions have been claimed to be weak or even to reinforce labour market dualisation (Hassel, 2007; Marino et al., 2015; Roosblad, 2013). Albeit this argument may still have some validity in certain settings or circumstances, recent research shows that European unions are increasingly engaging with various groups of precarious workers, including migrant workers (Doellgast et al., 2018). There is nonetheless very significant variation across Europe, and even across national settings and sectors, in how unions include and organise migrant workers. Nordic unions, traditionally considered among the most powerful unions in the world, have for example managed to integrate migrant workers in local labour market settings to a comparatively high degree.

This raises the key question of under what institutional and organisational circumstances unions are able, but are also inclined, to include migrant workers in national labour market institutions such as collective bargaining. However, the institutional and organisational setting is not enough per se for the full inclusion of migrant workers. Union agency also plays a significant role, as shown in recent research on unions and migrant workers. Furthermore, migrant workers are in general less inclined to engage with local unions because they have comparatively high earnings compared to those they could get in their home country, feel little trust in unions, and fear losing their jobs as well, which may result in workers' opting for more individualised coping strategies – such as mobility, rather than collective actions (Berntsen, 2016). Therefore I address the research question of under what circumstances strong unions such as the Danish, engage at the local level with migrant workers and vice versa, and what may facilitate or hinder the representation and recruitment of these workers.

I thus contribute to the literature on labour migration and unions through two in-depth case studies of migrant workers, mainly Romanians, in two Danish case companies: a demolition company in the construction sector and a fish processing company. The case studies concentrate on the dynamic interaction between the strong Danish unions and the migrant workers by identifying and discussing some of the challenges faced by both the migrant workers and the unions, as well as successful organising efforts. The article further contributes with insights into the key importance of achieving trustful relations between powerful unions and migrant workers, since this greatly impacts efforts of unionisation and of improvement of the migrants' working conditions, in particular migrant workers in precarious jobs and segmented labour markets.

## **Unionisation of migrant workers: Theoretical framework**

Pan-European free movement of labour combined with large socioeconomic differences have been the main drivers of increasing labour migration in Europe since the Central and Eastern European enlargement of the European Union (Dølvik and Visser, 2009). While the transnational workers moving across Europe enjoy rights equal to those of the host countries' workers, industrial citizenship is often restricted in various ways by the increased labour mobility, in particular for posted workers (Lillie, 2016). When this is combined with some employers' actively trying to evade national IR-regulations by employing migrant workers below nationally set wages and working conditions (Lillie, 2010), it often leaves migrant workers in a precarious position in the receiving labour market, also in the Nordic countries (Grimshaw et al., 2016). Furthermore, there is often an ethnic division of the labour markets, so the migrant workers are separated from other ethnic groups of workers and native workers (Friberg, 2012; Arnholtz and Hansen, 2013). These important dimensions of ethnicity and segregation reinforces the vulnerability of the migrant workers (Alberti et al., 2013). Migrant workers are also typically willing to accept work at levels of wages and working conditions below those generally applied in the host countries, because even below-average standards are better (and in the Danish case studies much better) than conditions in the countries of origin (Waldinger and Lichter, 2003), and the migrant workers' "reference group" (Merton, 1968) remain workers in their home country rather than native workers. This can make migrant workers reluctant to engage with unions or union officials (Berntsen, 2016), leading to an encroaching segmentation and deregulation of the affected sectors with serious consequences for the labour market, welfare state and skill formation regime (Afonso and Devitt, 2016).

European trade unions were historically sceptical towards labour migration when the first wave of labour migrants arrived a few decades after WWII, and in general tried to restrict or limit the influx of migrant workers, although this exhibited significant national and cross-national variations. But especially in recent decades, along with the Eastern enlargement of the EU and the correspondingly increased pan-European labour mobility, it appears that unions in most West-European countries are moving towards a more inclusive and solidary approach to labour migrants (Adler et al., 2014; Doellgast et al., 2018). However, it has been argued that the more institutionally embedded unions are less attentive towards migrant workers, which in some instances contributes to reproducing rather than mitigating labour dualisation and segmentation (Baccaro et al., 2003; Hassel, 2007; Marino et al., 2015; Rueda, 2014; Roosblad 2013).

It is well established that migrants have lower rates of unionisation than natives and it has been intensely discussed how to explain this observed difference (Arnholtz and Hansen, 2013; Gorodzeisky and Richards, 2013; Marino et al., 2015). Although the general unionisation literature offers many important and relevant insights (see e.g. Ebbinghaus et al., 2011), migrant workers and native workers are in very different positions.

Migrant worker conditions are highly influenced by ethnicity, public discourses, gender and work segregation among other things, so that one needs to look at the specific intersectional conditions surrounding the unionisation of migrants (Alberti et al., 2013). In the literature several explanations are found of the lower unionisation rate of migrant workers, including national

institutional setting, union power resources, sector dynamics, composition of the labour force, individual characteristics of the migrants (including home country), public discourse, and the strategy and ideology of unions in receiving countries (see e.g. Marino et al., 2015). These differences are further reinforced by migrants frequently working in contingent or precarious and exploitive jobs.

Recent research has shown that unions with strong power resources are more capable of improving the wages and working conditions and labour market inclusion of precarious workers including migrants (Benassi and Vlandas, 2016; Keune, 2013). In particular the Nordic unions display that stronger unions, due to their power resources and workplace presence, may be in a better position for organising and integrating migrant workers (Arnholtz et al., 2016; Bengtsson, 2013; Eldring et al., 2012; Friberg et al., 2014; Wagner and Refslund, 2016). Furthermore, countries with higher unionisation rates seem to have higher unionisation rates for migrants as well (Kranendonk and de Beer, 2016). Thus for the overall inclusiveness of industrial relations for migrants, union power is a very important factor (Bosch and Weinkopf, 2013; Menz, 2005; Penninx and Roosblad, 2000; Wagner and Refslund, 2016) – labour migrants who are union members in general enjoy a less vulnerable labour market position. However, though the unions’ strategic choices – the resources allocated, and their approach to migrant workers – also matter, the available resources and institutional configuration shape the strategic choices the union can make in the first place. Unions may have very different approaches to their organising efforts, which obviously makes a difference (Bengtsson, 2013; Kahmann, 2006). Building trustful relationships with the migrant workers can be one important strategic element (cf. Danaj and Sippola, 2015: 225–226). European unions have increasingly moved towards an organising strategy summarised by Martínez Lucio and colleagues (2017: 43) as “*extending action strategies away from the more organised and ‘settled’ spaces of the employment relationship into the realms of contemporary capitalist malpractice and exploitation*”.

*Figure 1 about here.*

Some theoretical distinctions can be made based on these insights from the literature, as I show in Figure 1. On one dimension, unions can be institutionally embedded in the labour market and industrial relations through strong institutions: institutionalised collective bargaining systems, legislation, and the regulation of representation at the societal and workplace levels, etc. The horizontal dimension in Figure 1 shows the unions’ initiatives and efforts towards migrant workers (cf. Martínez Lucio et al., 2017). The possibilities for union action towards migrant workers are conditioned by union resources, both by power resources defined as a strong union representation at both local and workplace level, high membership rates and union legitimacy, as well as by organisational and financial resources to be allocated to the organising effort. Union agency also counts here, since it makes a difference whether the union decides to allocate resources to these activities and how the organising effort is carried out. The critique of the institutionally embedded unions in general reflects whether these unions are either lacking the resources (in power and/or financially) or the will or desire to engage in the organising effort. In line with recent findings, the case studies here show how strong unions tend to move from the upper left corner towards the upper right corner of the figure. The Danish unions, which are firmly embedded in national institutions and

have enduring power resources, are in a favourable position in terms of integrating migrant workers into the national IR-system.

While unions with weaker organisational and institutional power resources may still be able to organise relatively larger numbers of migrants – as for instance in the US – and hence to some extent revitalise the union movement (cf. Milkman, 2006), the understanding of migrant workers “revitalising” the union movement is most relevant in settings with weakly embedded unions with low union density. In these settings, organising migrant workers may indeed help the unions gain some foothold and revitalise themselves in sectors where union power has rapidly declined. However, in high union-density environments like the Danish one, the revitalisation approach is not a fruitful way to understand unions’ efforts to organise migrants. Here labour migration typically tends to have the opposite effect, with employers seeking to circumvent established labour market settings and unions. Hence labour migration often results in the undermining of unionisation – at least in the short term – due to the low organisation rates of migrant workers, their vulnerable position in often ethnically segregated labour markets, and the ensuing difficulties the unions face in organising them. While labour migration challenges Danish unions, it is also forcing them to adjust to a more globalised, vulnerable and fragmented workforce, which can initiate innovative unionism and a renewal of the organising approach with a stronger emphasis on non-labour market issues, as in the case studies below. This may not only increase the unionisation of migrant workers, but also that of native workers (cf. Arnholtz et al., 2016; Arnholtz and Refslund, 2018).

### *Typology of European migrant workers*

Another important dimension of the unionisation of migrant workers is the type of labour migration and the length of the migrants’ stay in the host country. I apply a general typology of three types of migrants (see Fig. 2) derived from the literature and the empirical findings from the Danish case studies (see Engbersen et al., 2013 for a discussion of migrant worker typologies). The categories are ideal types and reflects the migrant workers’ “reference group”; the migrant workers may change their condition over time – or – not even have a clear idea of their long-term plans.

*Figure 2 about here.*

“Transient” or “hypermobile” labour migrants typically work for shorter spells before moving to another country to work, either by decree of the employer or in order to look for a better job (Berntsen and Lillie, 2016). They can be posted workers, but also employed directly by a host-country firm. These highly mobile workers are difficult to recruit for the unions and hence are often ascribed low (if any) priority (Berntsen and Lillie, 2016; Greer et al., 2013). Posted workers are often in the most precarious position and can easily be dispatched if they are critical towards the employer or decide to join a union (Arnholtz and Andersen, 2016; Caro et al., 2015), and posting of workers has become a common way to circumvent national labour market regulations (Cremers, 2016). Another group of migrants can be considered “commuters” (although the distinction between commuters and transients is blurry). They typically have permanent employment relations in the host country, but go back and forth at regular intervals (e.g. six weeks of work and two weeks in the home country). The third

category is “settled” migrants who have taken the decision to remain permanently in the host country. As their length of stay in the host country increases, their propensity for joining a union becomes more similar to that of native workers (Kranendonk and de Beer, 2016: 17; Krings, 2014).

### **The context of the study: Labour migration in Denmark**

Denmark, as most other Western EU member states, has seen an increasing influx of labour migrants from the Central and Eastern European (CEE) countries since the enlargement of the EU in 2004 and subsequent additions of new member states (Arnholtz and Hansen, 2013; Rasmussen et al., 2016). The number of CEE workers in Denmark has risen from around 10,000 in 2004 to almost 120,000 in 2016, as shown by the data since 2008 in Figure 3<sup>1</sup>. The CEE labour migrants are mainly employed in agriculture, construction, cleaning and parts of manufacturing as well as hotels and restaurants and transport (Rasmussen et al., 2016). Poles are the largest group, but there are also many Romanian and Lithuanian workers.

*Figure 3 about here.*

CEE labour migrants are subject to, on average, lower wages and poorer working conditions than those of their Danish peers, and this is particularly pronounced for migrants in low-skill, low-wage and exposed sectors as cleaning, hotels, agriculture and in parts of construction (Arnholtz and Andersen, 2016; Arnholtz and Hansen, 2013; Rasmussen et al., 2016). There have furthermore been numerous examples of very contingent and exploitative practices – especially in cleaning – of CEE workers (see Rasmussen et al., 2016; Refslund, 2016a). While I also found examples of contingent, precarious and even exploitive work relationships with migrants in the Danish labour market, in line with my previous research on agriculture and cleaning (Refslund, 2016a), it is also important to emphasise that previous research finds the majority of CEE workers in Denmark have what can be assessed as decent working conditions (in terms of wages, working conditions, etc.). Nonetheless with significantly lower wage levels (on average 31% lower than Danish workers for comparable work) (Arnholtz and Hansen, 2013).

Migrant workers in Denmark have significantly lower unionisation rates than natives. Around 12% of 3F (United Federation of Danish Workers, the largest Danish union) members have a non-Danish background. In a large survey among Polish workers in Denmark, Arnholtz and Hansen (2013) found that only 12% were members of a Danish union, and for posted workers the figure is even lower, at around 6–7% for German and Polish posted workers (Arnholtz and Andersen, 2016), compared to a national Danish average of around 65%.

Danish unions can engage in bargaining and sign collective agreements without having any members working for the company, because unions are the legal partner in collective agreements. This previously meant at least parts of the union movement would prioritised enforcing and securing collective agreements over engaging with and organising migrant workers and the rather aggressive approach towards foreign companies could consequently alienate the migrant workers in relation to the union (Eldring et al., 2012). The instrumental role of the social partners and their consensual

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<sup>1</sup> The figures from before 2008 are not directly comparable.

engagement, and not least the strong role and robust presence of Danish unions, are for many migrant workers very unfamiliar (Arnholtz and Andersen, 2016). The CEE migrants' home-country unions are typically much weaker and often seen as corrupt or highly aligned with management or both, so that the migrant workers often do not trust any unions. Migrant interviewees report that they (often workers in the most contingent job positions) are routinely told by employers or co-workers that they should not trust the unions (Interviews, Romanian migrant workers, union organiser in construction and union translator with Polish background). Migrant workers often also initially have trouble distinguishing the union officials from state representatives, such as labour inspectors from the Work Environment Authorities (which was mentioned in several interviews by union workers, migrant workers and an HR-manager).

In the last decade Danish unions have adopted a more inclusive approach to labour migrants, partly reflecting the increases in CEE labour migrant numbers (Eldring et al., 2012). They are increasingly emphasising the organisational effort and have in general become more activist and proactive towards migrant workers' needs, working conditions and organisation, as for instance demonstrated on the highly trans-nationalised Copenhagen metro Ring construction project (Arnholtz and Refslund, 2018). These changes have been partly inspired by the Anglo-Saxon organising approach, although adapted to the Danish setting (Arnholtz et al., 2016). This seems to reflect a wish to improve the wages and working conditions of labour migrants – especially in the less regulated parts of the economy – while at the same time protecting the standards of the native workers. These two issues are difficult to disentangle, which is also confirmed by the interviews with union representatives who in general emphasise securing decent working conditions for migrant workers as well as securing the working conditions for their members. The Danish unions strongly oppose migrant workers working at below collective agreement wage rates. 3F (the union involved in both case studies) now has a national program with a specific budget that coordinates the effort towards migrant workers, and has hired several workers of foreign background in order to enable the union to have a better dialogue with the migrant workers in their native languages, and all local union branches have access to interpreters.

Danish unions were historically mainly organised by trades, like carpentry and blacksmithing, although on-going mergers have created union conglomerates covering several trades. 3F is the main union for manual workers as well as the largest Danish union with a little less than 300,000 members. The union covers numerous industries, many with high shares of migrant workers, like cleaning, manufacturing, construction, transport and various service industries such as hotels and restaurants. The union has 65 local sections and offices in 116 Danish cities, including Skagen, where the fish processing case-study company is situated.

### *The two case companies*

The empirical findings are based on case study research on two different companies in the same geographical region of Denmark; – Northern Jutland – but the case studies also include some perspectives on the broader sectors of manufacturing and construction. Both companies are quite large in a Danish context (more than 100 employees), which makes the unions' organising efforts much easier compared to smaller companies with fewer employees (Refslund, 2016b). The first case-

study company is a fish processing plant in a small town in Northern Denmark, while the other is a demolition company in a large city of Northern Denmark, but operating over most of Jutland, the main Danish peninsula. Both industries have high unionisation rates: locally around 80–90%. The two companies mainly hire Romanian migrant workers and their manual workforces are almost exclusively Romanian. The companies and industries are described in more detail below.

Construction and the broader manufacturing industry of which fish processing is part, have experienced increasing numbers of CEE workers as shown in Fig. 3, although the number in construction was affected negatively by the economic crisis. The overall number of Romanians working in Denmark has increased significantly in recent years and they constitute the second largest group of CEE migrant workers after Poles (Rasmussen et al., 2016). The Romanians are typically filling the lower tier of the migrant labour market, and the majority of Danish cases of very precarious working conditions revealed by research and the media have involved Romanian workers. They are one of the most precarious migrant groups in Denmark (Rasmussen et al., 2016; Refslund, 2016a).

## **Methods and research design**

Although the data on labour migration has improved markedly over recent years, the picture is still incomplete, not least that of the unionisation of migrant workers, on which there are no official figures, though some Danish unions have unofficial figures which they occasionally share with researchers. Migrant workers in precarious jobs are per se difficult to research and remain under-researched in most European countries including Denmark (cf. Caro et al., 2015). But the findings in the case studies appear illustrative for some of the issues, struggles and precarious conditions faced by migrant workers in Denmark. This was expressed by one Polish interviewee (a woman working as translator for the construction union), who said;

*“It was a shock for me to see how many foreign workers were treated poorly – I found it really daunting to see how the employers take advantage of these migrant workers not knowing the language and their rights”.* (cited from Rasmussen et al., 2016).

The empirical input for this article is mainly based on two in-depth case studies for a European comparative research project (see Grimshaw et al., 2016). The case studies focus on two companies each with a substantial share of migrant workers with whom the unions were actively engaged. While the case selection was not designed as a most-different design as such, the variation across the two cases on several parameters, including sector, can help shed light on the main challenges and successes unions encounter when trying to organise and include migrant workers in a high union-density setting.

The case studies are based on twenty in-depth interviews, nine in each case study and two at the national level, field observations in the local areas including plant and local union office visits, as well as observation of two meetings between union representatives and migrant workers. The latter were informational meetings at the union offices between migrant workers and the union in which the migrant workers’ working conditions were discussed. Not all, but some of the participating migrant workers were union members. At the first meeting eight Polish workers, and in the second six Romanian workers participated. I had the opportunity to ask questions at these meetings in relation to the research project, so that the meetings (periodically) resembled a group interview. I conducted

interviews with six union workers and representatives (two of these at the national union level, and one local union representative was interviewed twice), three shop stewards (of whom one is Romanian), two union translators (of Romanian and Polish background, one was also interviewed twice to follow up), four labour migrants (of Romanian and Polish background) and two company representatives (one HR-manager at the demolition company and another at a fish processing company). Some of the key informants were interviewed twice in order to clarify some factual issues and to follow up on previous interviews. The interviews were recorded (except a few, where it was not deemed viable to record in the concrete situation). Labour migrants can be hard to access as they can have low motivation to participate in interviews, so most of the migrant workers interviewed for this article were recruited through the union and its network among the migrants, which however may have introduced a bias into the data. But since the aim is to scrutinise the unionisation of migrant workers, it was highly relevant to interview migrants who were actually in touch with the union, and not all of the migrants (e.g. at the observed meetings) were union members. The case studies also include other available material such as public reports, union documents and media coverage.

This article analyses only intra-European labour migration. While labour migration from outside the EU is also relevant to analyses of contemporary labour migration, and non-EU low-skilled migrants are expected to be even more vulnerable than European migrant workers, the impact on Denmark remains limited due to the country's stricter immigration regulation (as compared for instance to Sweden see Woolfson et al., 2014).

## **Results: Unionisation of migrant workers – findings from two Danish company case studies**

### *The fish processing company*

Fishery and the accompanying fish processing is a traditional part of the Danish economy. Most of the fish processing industry is located in the Northern part of Jutland in the proximity of the fishing areas in the North Sea; the industry is thus embedded in the local area. The work processes and work organisation in the industry are characterised by much Tayloristic and manual labour. The industry has a strong tradition of high unionisation rates and collective bargaining coverage. Originally there were very few migrant workers in the local industry in Northern Jutland, but this began to rapidly change around 2009. Because the processing factories are dependent on the input of fish, the workload can fluctuate a lot. The fish processing companies have traditionally solved this by “sending the workers home”, which means the workers are eligible for short-term unemployment benefits when there are no fish and hence no work. This practice has been quite common in seasonal work in Denmark, and is regulated in the collective agreement. It is often referred to in the traditional high union-density settings as “going on the union”, since the unemployment benefits are administered by the unions in Denmark (a so-called Ghent-system, Lind, 2009). This practice is thus embedded in the strong union presence and part of the Danish flexicurity system.

Around 2009 a few local factories started hiring migrant workers through a temporary work agency to meet the fish input fluctuations rather than using the aforementioned traditional way, mainly in order to lower costs through avoiding paying holiday remuneration, sick leave, etc. A local employer started a temporary agency company and began hiring migrant workers, mainly Romanians, who were then sent to the fish processing companies during peak workloads as temporary workers.

The local union was sceptical towards the temporary worker agency, particularly because it was unclear whether the workers were covered by a collective agreement. The company studied in this article was at that point a new start-up company and the main user of the temporary agency workers. When the union addressed the issue of agency work with the owners, the company decided to hire these mainly Romanian workers directly instead, and the temporary agency went bankrupt shortly after. This made it easier for the union to persuade the company to sign a collective agreement, since they did not have any directly employed workers before this. The company decided soon after to sign a collective agreement.

The union's organising activity in the company mainly gathered greater impetus in the following few years when serious concerns arose over whether the terms of the collective agreement were actually being met for the workforce, which had grown to more than 50 employees, who with few exceptions were Romanians constituting a segregated workforce in the local community. Because the union, due to the firm's previous use of agency workers, had a poor dialogue with the management, they were highly vigilant to potential breaches of the collective agreement. However, they neither had any contact with the Romanian workers, nor was much done by the union to change this. Despite the weak link eight Romanian workers contacted the local union branch office of 3F in 2012, because there was no local company-level shop steward. They confirmed to the union that there were problems with wages and working conditions in the company. Although the Romanian workers feared getting fired and were somewhat sceptical towards the union, they contacted the local union anyway, feeling that their working conditions and wages were at such an inferior level that they had to react, in particular since some of them were settling in the local community (interview with Romanian workers and local union representative). In this case the initiative came from the Romanians who had heard about 3F from other Romanians in Denmark, and that 3F were able to help migrant workers with wages and working conditions.

A series of initial meetings focused on building a trustful relation between the Romanian workers and the local union officer. The meetings had to be held at a location other than the union office because the migrant workers were not comfortable being seen there. It was an important and lengthy process for the local union official to gain the personal trust of the migrant workers before they felt confident that he (and the union) would represent their interests (interviews, local union worker and Romanian migrant workers). This process also involved elements of social unionism, with the union helping the migrant workers with administrative topics beyond the workplace e.g. in relation to social security and taxation. For the Romanian workers the encounter with the Danish unions was a novel and different experience since they were not used to having their interests represented by anyone (Interview, local shop steward, Romanian). This illustrates their lack of knowledge of the Danish labour market and the central role unions play in negotiating wages and working conditions in Denmark. Besides meeting the migrant workers, the union also discussed adjusting the wages in the collective agreement with the company through a local agreement, which the company however rejected.

In early spring 2012 the fish processing company won an award as an outstanding entrepreneurial company in the municipality, which drew quite a lot of media attention. At the same time two migrant workers agreed through the union to participate in a media report on their poor working conditions. The media reports included statements by the migrant workers that they had

received no overtime pay, had to pay a fee just to apply for a job at the factory, faced unlawfully long workdays (up to 22 hours), and risked being fired for criticising working conditions<sup>2</sup>. Following the media attention on the business award this had a huge impact on public opinion. Following public pressure the company agreed to a new and improved collective agreement raising wages for the workers to more or less the level of the local fish processing industry. The company also agreed to pay the workers for the unpaid overtime retroactively.

Following the successful interaction between the migrant workers and the local union branch, the workers elected a Romanian shop steward at the factory, and the majority (60–70%) of the almost entirely Romanian workforce joined the union. The factory still mainly employs migrant workers and many of the Romanians have settled in the local community, which has increased their incentive to join the union. The Romanian shop steward has a close relation with the local union office and has received further training as a shop steward. During the interviews the shop steward emphasised that he and his Romanian colleagues are very happy about the relation and cooperation with the union (interviews Romanian workers and Romanian shop steward). The collective agreement worked as a lever for improving the migrant workers' working conditions and later organising them, but this depended on the union first building a trustful relation with the migrant workers. Though the initial contacts in the fish processing industry were quite challenging for the local union representatives due to linguistic and cultural differences and lacking experience of interacting with migrant workers (interview, local union representatives), the interaction was very successful and the local union representatives stress how much they have learned from the process (interview, local union representatives).

### *The demolition company*

Construction is strongly affected by intra-European labour migration (Eldring et al., 2012; Lillie and Greer, 2007), and the sector has a large share of posted workers (Caro et al., 2015) also in Denmark (Arnholtz and Andersen, 2016). Using the most valid data from several sources including large surveys among migrant workers, Arnholtz and Andersen (2016) estimate that eight per cent of the fulltime employment in Danish construction are migrant workers. There is however significant variation of job tasks, with fewer migrant workers in certified jobs such as electrician and sanitary work, and greater shares in simpler construction tasks (Arnholtz and Andersen, 2016: 17–9). This task-segregation pattern, which often is reinforced by ethnic segregation, is also found in the case study company. The native workers and migrant workers are moreover often socially segregated, with little contact occurring between them (interview, union organiser, construction). Thus while the share of migrant workers in construction is overall still modest compared with e.g. industrial cleaning and agriculture (Rasmussen et al., 2016), the effect of the labour market and work organisation segregation may be substantial. The national confederation of construction worker unions (BAT-kartellet) and 3F have a campaign of organising both migrant and native construction workers in which 15–20 new organisers were hired locally, who were to focus on gaining new members at large construction projects. 3F also apply specific funding for the purpose of organising migrant workers. The union emphasises worksite presence in order to increase recruitment, but they have also

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<sup>2</sup> See e.g. [http://www.food-supply.dk/article/view/78332/hard\\_kritik\\_af\\_prisbelonnet\\_fiskerivirksomhed#](http://www.food-supply.dk/article/view/78332/hard_kritik_af_prisbelonnet_fiskerivirksomhed#)

increasingly adopted a more proactive strategy towards migrant workers, helping them with non-labour market issues such as housing and taxation (cf. Arnholtz and Refslund, 2018).

The case study examines a larger demolition company of more than 100 workers. At the time of the study, the company employed mainly Romanian demolition workers with few exceptions. The company also recycled materials but the workers involved in the recycling processes were all Danes. Here the labour market segregation is clearly reinforced by the sub-sector (Caro et al., 2015). According to the interviewed migrant workers, migrant workers generally face segregated work in Denmark (Interviews migrant workers, Northern Jutland). The Romanian demolition workers experienced contingent and very harsh working conditions in the company studied, despite being covered by a collective agreement which was nevertheless routinely breached<sup>3</sup>. The Romanian workers told during the interviews that they had to pay monthly a substantial amount (€200–400) of their salary to a Romanian middleman. Asking for an explanation, they were threatened with being sacked and sent back to Romania (Interviews, Romanian migrant workers). The interviewees reported the Romanian middleman (not formally employed by the Danish company) had hit a Romanian migrant worker in the face because he asked about the payment, and threatened them not to contact the Danish union (Interviews, Romanian migrant workers). They also had to pay the employer for transport back and forth to Romania and for renting an old car. Four or five Romanians shared an old car, and this arrangement was compulsory even for workers without a driver's license. They reported they were charged almost €470 per person/month for sharing the car. A subsequent labour court ruling found this to be nothing more than an alibi for wage reduction (Arbejdsretten, 2017:9). When one Romanian worker had had enough of this treatment and asked for a receipt for the “paybacks”, he was fired. He also wanted to have a Danish address, which the Romanian middleman stated was unacceptable to the company. Another worker, having worked five years at the company, had in that time received only two payment slips (for the two most recent months).

Although the Romanian workers were employed directly by the demolition company, practically all of them commuted between Denmark and Romania, which made them more difficult to organise as opposed to the fish processing company where a substantial share of the migrant workers had settled in Denmark by the time of the study. Danish union officials also reported during the interviews that commuting and especially transient migrants tend to approach the union only when they have a concrete problem; they become members in order to get the union's help and then give up their membership once the problem has been solved, which is problematic for the unions in the long run (Interview, union worker 2, Northern Jutland).

The local union branch had a strong suspicion that the collective agreement was being breached by the demolition company, and the union organiser visited the company on several occasions and tried to establish a dialogue with the migrant workers, but without much initial success. The above-mentioned Romanian worker who was fired knew the union organiser from these visits to the company and turned to him for help. This sparked a long and resource-demanding effort by the local construction union. Again, the first and most important step was building a trustful relation with the Romanians involved. This took a lot of time and many long meetings since the migrant workers initially were very sceptical, as the union organiser said: “*They saw me as some kind of devil at first*”

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<sup>3</sup> Many of these breaches have been corroborated by a Labour Court ruling (see Arbejdsretten, 2017).

(Interview, union organiser). In order to build a trustful relation the union organisers needed to start by helping the migrant workers with topics outside the narrow labour market setting, since these often are the main concern of the migrant workers. This include issues like taxes, banking, housing and social benefits. The local union branch furthermore arranged meetings and events open to all Romanians, dealing with broader topics than just labour market issues.

Ultimately the union managed to convince 22 Romanians, some of whom were not working at the company anymore, to participate in a Labour Court case. All these Romanian workers had suffered from the bad working conditions and had apparently paid the Romanian middleman large shares of their wages. Numerous other Romanian workers were however critical towards their colleagues who were cooperating with the union, because of the uncertainty this created. The union official spent a lot of time trying to explain to the unionised migrants the risk of losing their jobs (which they seemed to accept in general for example during the meeting with the union organiser as observed by the researcher). A constantly recurring issue, when it comes to the enforcement of migrant workers' rights, is whether the migrant workers consent to the action taken by the union in their name, since there may be risk of the migrant workers losing their jobs.

The union decided to help the migrant workers retroactively, which is not the normal procedure, but the migrant workers involved in the lawsuits had to join the union. The local union official also travelled to Romania twice to talk to workers who the company had sent home. During these trips, they also tried to establish cooperation with the Romanian construction union; this was however not very successful. Subsequently the union filed a case in the Labour Court demanding over three million Danish crowns (€435,000) for their members in missing wages and underpay stemming from the company's breach of the collective agreement<sup>4</sup>. They also filed a civil lawsuit to recover some of the workers' money paid to the Romanian middleman. Finally, the union made a great effort to secure national media coverage of the case. But before the case was heard in the Labour Court, the company filed for bankruptcy and all workers were dismissed, but the union and the workers won the subsequent case (see Arbejdsretten, 2017) and the curator of the bankruptcy is obliged to pay back the workers. While some of the Romanians not involved in the case were unhappy with the bankruptcy and losing their jobs, the workers involved in the case saw the court ruling as a major victory since the court found that they had been vastly underpaid and their employment terms breached. It was important to the workers that they could tell colleagues, friends and family afterwards that they had been right all along (interview, union worker). In the aftermath, the union secured new jobs for eight of the Romanian workers in other Danish construction companies – an important outcome for the union and the workers alike.

Overall the union succeeded in involving and organising some of the precarious Romanian workers who were also aware of the risk of the company going bankrupt due to the severity of the breaches. However, many of their Romanian colleagues were sceptical (despite being unhappy about the extortion and the car rental) because they would still be earning a much higher wage than they would in Romania, which was their main benchmark rather than the Danish wage level since

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<sup>4</sup> For media coverage see: <https://nordjyske.dk/nyheder/kaempekrav-mod-nordjysk-firma/81793acc-6b34-46bb-8e53-989a899aeb77>

they were commuting anyway. The union perceives the case as a clear success: it ended the wage underpayments and effectively got rid of a company that was circumventing the collective agreement.

### **Discussion of the findings and their implications**

Both case studies show how migrant workers experienced precarious, contingent, and even exploitive working conditions in Denmark, but also how the union helped the migrants improve these working conditions while succeeding in organising some of them. The migrant workers found themselves in vulnerable positions, with little or no knowledge of the local labour market, scarce (if any) experience with unions, faced with cultural and linguistic barriers, and being told by dubious employers not to contact or trust the unions. The case studies further show the segregated nature of migrant labour means the migrant workers have little contact with native workers, which normally serves as a source of unionisation through social customs (Ebbinghaus et al., 2011). It was therefore imperative for the local union officers in both case studies to build a trustful relation with the migrant workers after the initial contact was established. The local presence of union officers and a union office strongly facilitated the process of contact and trust building, which was strongly emphasised by the interviewed migrant workers as well as unionists. Building a trustful relationship was furthermore vital for overcoming the limitations of collective actions by migrant workers in both cases.

While trust-building is vital in establishing the contact with the migrant workers, the organising effort also draws upon traditional union organising tools such as union visibility and presence, highlighting past union gains and developing a dialogue with the workers (interview, union organiser, construction). Although the workers in the fish processing company had not directly engaged with the union, they had heard about the union and how it helped other migrant workers, which convinced them the union had the power to help them (Interview, Romanian union translator). This suggests that the migrant workers turned to the union instead of other strategies such as self-organising (Benvegnu et al., 2018) or individual exit strategies (Bernstein, 2016), because of the enduring strong position of the Danish unions and their presence in the local community.

The type of migration also plays a role in how unions and migrant workers interact. The commuting migrants in the demolition company were subject to far more precarious and inferior working conditions than the workers in the fish processing company, many of whom had settled in the local community. Nevertheless, the commuting demolition workers were less prone to contact the union, and they only contacted the union after a significant effort by the local union officer, whereas the more settled migrants in the fish processing factory took the initiative to contact the union without any proactive effort from the union, which implies that migrant workers settled in the host country are less likely to accept inferior working conditions. The settled Romanian workers experienced higher living costs and had gained more knowledge about the Danish labour market and the unions' ability to help them (interview Romanian workers). The case studies hence show that the type of migrant worker rather than the actual working conditions may be the prime explanatory factor for the migrant workers' contacting local unions, most likely since the migrant workers' "reference group" (Merton, 1968) changes from home country to host country workers.

When approaching migrant workers unions have to take into account the multiple identities of migrant workers including ethnicity, and not just treat them as "classical" industrial

workers (Alberti et al., 2013), a principle which the Danish unions have increasingly come to learn and accept. While unions traditionally concentrated on labour market issues, the case studies show how the Danish union applied a broader approach to the migrant workers by drawing on elements of social movement unionism and the Anglo-Saxon inspired ‘organising approach’ (Arnholtz et al., 2016; Waterman, 1993). The union officers help migrant workers with issues more generally related to the Danish society such as taxes, banking, housing and social benefits, which often is at the top of migrant workers’ agenda. This social movement unionism approach is valued and well received by the migrant workers, though it is also very resource-demanding for the unions, who will need to strike a balance between this approach and their traditional activities (interviews, union officers).

The organising efforts shown resulted in new members and greater contact with migrant workers (both unionised and non-unionised). The union confederation highlights the fish processing factory as an example for other local unions to follow on how to engage with migrant workers, which indicates the changes in the unions’ overall approach to migrant workers. Furthermore the union’s reputation was positively affected, in particular among Romanian workers, who now have a strong confidence in the Danish unions, and union membership has become social custom in the fish processing factory, so that newly arrived migrants are encouraged by resident Romanians and the Romanian shop steward to join the union. This also reflects a general tendency of Romanians joining Danish unions in large numbers and according to unofficial figures around 25% of all Romanians working in Denmark in 2015 were members of 3F (Rasmussen et al., 2016).

A general problem for high union-density unions is the lack of knowledge about, and different perceptions of unions that the migrant workers bring with them from their home countries, which was also present in the case studies. When asked whether they had had contact with construction unions in Poland, an interviewed Polish migrant worker answered (laughing): “*Unions? What unions?*” (Interview, Polish labour migrant, Construction, Northern Jutland). The migrant workers often have a negative perception of unions; “*In Romania no one stands up for you!*” (Interview, Romanian labour migrant, Construction, Northern Jutland). Thus home-country unions are usually perceived as inefficient and/or corrupt, which leaves the Danish unions with a substantial task of convincing the migrant workers that they are actually trying to help them. This can be highly challenging when the migrant workers fear losing their jobs due to union involvement, and they in general have low incentives to join or have contact with the unions, since their comparatively inferior wages and working conditions are still much better than those offered in their home countries (cf. Bernaciak, 2015). This further highlights the imperative of building a trustful relationship between the migrant workers and the unions.

It is well established in the literature that collective agreements are central to securing more encompassing labour market regulation (Bosch and Weinkopf, 2013; Traxler and Kittel, 2000). Nonetheless, the case studies show how relying solely on collective agreements is insufficient in safeguarding migrant workers and their working conditions. The fact that collective agreements in Denmark can be negotiated without any workers actively participating may even hinder the unions’ engagement with migrant workers, which was also the case in the early stages of the fish processing case company (see also Arnholtz and Refslund, 2018). This is particularly relevant when, as in the demolition company case, the collective agreement are breached for several years partly with the consent of the migrant workers, which illustrates some of the inherent issues of CEE migrant workers

working in high-wage countries in North-Western Europe (cf. Berntsen, 2016). In order to improve the below-standard wages the union needed to make a greater organisational effort to convince the migrant workers to take part in the Labour Court case and oppose their sub-standard (in the Danish context) working conditions. Nonetheless, the collective agreements provided the union with a substantial tool for improving the conditions for the migrant workers, as well as organising them. The union claims raised in the Labour Court on behalf of the migrant workers were based in the collective agreements. In both case studies the collective agreement existed before the unionisation of larger cohorts of workers, which confirms the centrality of the collective agreements in the Danish IR-system. The strong embeddedness of collective agreements in the Danish system can thus be both facilitating as well as hindering the inclusion of migrant workers, and the outcome depends on the unions' overall approach.

In both case studies the union has taken a more proactive and inclusive stance to unionising and mobilising migrant workers, as also seems to be the general tendency in the Danish labour movement as in many other European unions (Adler et al., 2014). Although the unions' strong embeddedness has been claimed to reduce their incentive to engage with migrant workers, and this may also partly have been the case in Denmark following the EU's Eastern enlargement, the case studies corroborates the argument that strongly embedded unions are in a better position to include migrant workers. While previous research has shown that racialization and discrimination can be an issue when unions engage with migrant workers (Wrench, 2004), this did not appear to be an issue in these cases. The argument that strong unions in highly institutionalised settings do not pay sufficient attention, or at least less attention, to recruiting migrant workers is thus not confirmed by this study. Quite to the contrary: Due to the unions' strong institutional and organisational embeddedness mainly in the collective agreement system and the strong local presence of union officials, they are in a stronger position vis-à-vis employers to help the precarious migrant workers in comparison to many other IR-systems (Arnholtz et al., 2016; Eldring et al., 2012). The case studies show how the powerful Danish unions are able to integrate the migrant workers into the IR-system, which often has proved difficult in settings with less powerful unions or unions with low workplace presence. The Danish unions still have a number of efficient tools, including the collective agreements, secondary industrial action towards firms without collective agreements, the RUT-database<sup>5</sup> of foreign firms and service providers, and in construction, so-called 48-hour meetings<sup>6</sup>.

In both case studies the main motivation for the union to engage appears not to have been recruitment per se, but rather to ensure better wages and working conditions for the migrant workers, and only secondly, to recruit the migrant workers. As mentioned, this is a double-sided objective for the unions, since securing the migrant workers' conditions simultaneously benefits native workers in the sector by safeguarding their working conditions. The union also helped file cases for workers who had left Denmark; a local union officer travelled to Romania twice to establish contact and act on behalf of these workers. The union also helped several of the Romanian demolition workers find new jobs after the closure of the company.

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<sup>5</sup> A database with mandatory registration of foreign companies, to which the unions have access.

<sup>6</sup> These are meetings that the construction union can demand with the company and the employers' association if they suspect that a (typically foreign) company is violating the collective agreement.

There may be significant differences in how unions react to migrant workers across economic sectors (Bengtsson, 2013; Refslund, 2016b), which may be due to differences in resources, power or strategy. There may even be regional differences within the same union, especially when there are strong local union sections with some decisional autonomy, which is the case in the 3F union. Previous research has shown how workplace size and concentration as well as fragmentation of work processes are important for the labour market inclusion of labour migrants, since it is easier for the unions to interact with migrants in larger and more concentrated work sites (Refslund, 2016b). This was important in the case study companies, since both are quite large on a Danish scale. One union organiser stated; *“if we should reach all small and medium-sized companies, we would need 30,000 organisers in the unions”* (interview, union organiser, construction, here cited from Rasmussen et al., 2016). Thus, constraints on union resources also limit the unions’ ability to reach all migrant workers, but the strong Danish unions have more resources and can therefore more easily allocate them to organising and helping migrant workers.

## **Conclusion**

Danish unions have experienced great challenges in approaching, integrating and organising pan-European migrant workers. In this article I show how the unions have significantly improved their ability to handle the complexity of trans-national European migration, and mitigate some of the attempts by dubious employers to create ways to circumvent the national industrial relations regime by the use of migrant workers. They have also invested many resources (especially time) in organising migrant workers. Strong and highly institutionally embedded unions like the Danish unions do have more power resources, including local and workplace presence and representation as well as enduring collective agreement regimes, which puts them in a better position to integrate “outsiders” such as migrants, and create new collective identities across the insider-outsider gap. Hence they mitigate labour market segmentation, rather than reinforce it. However, the inclusion does not follow automatically from the strong embeddedness of the unions, but is rather dependent on the unions prioritising the effort to engage with the migrant workers.

Especially collective agreements can be effective in reducing labour market precariousness of migrant workers. However, there is the caveat that collective agreements may in some instances be a hindrance to unionisation because in the Danish context they are not dependent on the consent of the migrant workers. However, the unions in the case study do acknowledge that a collective agreement is not enough per se, so that in order to secure enforcement and avoid labour market precariousness for the migrant workers it must be supplemented by an organising effort. This also seems to be the general perception of the Danish union confederations. I thus show how previous arguments in the literature, suggesting that highly embedded national unions have no or low incentive to include migrants, is oversimplified.

The case studies show how some migrant workers in Denmark are subject to precarious employment relations and how efforts by the unions to organise them can remedy this. The case studies further show that if the migrant workers feel poorly treated they can be reached by the union. In particular settled migrant workers, whose frame of reference are changing towards host country workers, may approach the unions themselves. The case studies also show that a very important first

step is for the unions to establish a trustful relationship with the migrant workers. Here the broader “social movement approach” of the unions to help the migrant workers with non-labour market issues clearly contributes to establishing trust. The robust presence and enduring power resources of the Danish unions makes it easier for them to allocate resources and involve officials and members in this organising effort.

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