



Global Labour University:

**Migration and Trade Unions –
Migrant Labour Struggles and Challenges for Organising**

3-Day Online Workshop: 3, 4 and 5 March 2021

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Working Groups Report

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Report compiled by Ajla Rizvan and Romke Buchholz in cooperation with the chairs of the working groups.

1. Introduction

The workshop focused on the challenges posed by changing migration patterns and explored union and civil society responses to these challenges. In order to draw on the experience of union representatives, activists, and scholars and tease out lessons from their exchanges, closed working group sessions were organised every day, after the plenary sessions. The discussions in the workshops were chaired by experts and provided space for wide-ranging and open engagement that yielded fascinating insights. These insights are presented in this report, with a conclusion summarising the key points raised in the closing session. This report will hopefully inform future work by the Global Labour University (GLU) on migration and trade unions.

On behalf of the Global Labour University, we thank all the panellists, chairs, working group hosts and participants for making this a very productive and engaging event. We also thank Reshaping Work Onward for the great collaboration in managing and setting up the event.

Wednesday March 3

2. Working Group 1: Agricultural workers and COVID: Key to rich countries' food security? - chaired by Irene Peano, University of Lisbon

Key aspects of the debate were the current ramifications of the covid-19 pandemic on (migrant) agricultural workers, the difficulties of trade unions and the broader labour movement to organise and integrate them, the strategic use of migrant labour by employers and big agricultural companies as well as other contemporary aspects of migration.

1. The pandemic

The pandemic has revealed the essential role of all workers employed in the global food chain. This change of perception has, however, not resulted in better treatment or better working conditions, although discussants expressed their hope that the current acknowledgement of their essential role could open a window of opportunity to achieve such improvements. Agricultural workers are still treated as disposable and are confronted with additional difficulties caused by the pandemic and the political reactions towards it. Although the European Union provides measures to enable farm workers to cross national borders, the restrictions on and the policing of mobility for migrant agricultural workers have generally increased. The often precarious living conditions of agricultural workers in small and crowded accommodations exposes them to a high risk of infection due to the lack of possibility to follow basic requirements of social distancing. Unionised workers were much better able to fight for safer working conditions during the pandemic, however, the labour movement has severe difficulties to organise agricultural migrant workers as became clear in the second part of the discussion.

2. Difficulties of the labour movement to organise agricultural workers

The labour movement has often not succeeded in integrating agricultural migrant workers. This, however, would be necessary in order to overcome separations and the contemporary existence of different classes of workers. Where struggles for better working conditions take place, they often remain invisible. Obstacles to migrant agricultural workers' integration can be found in both the political logic of trade unions and the nature of their employment relations. Mainstream unions have often not been very interested in organising migrant farm workers for different reasons: Since farm workers have a very different reality than traditional industrial workers, unionists have

difficulties to adapt their tools for organising agricultural workers. Work permits of migrant farm workers furthermore often depend on their job position, which makes them vulnerable to their employers and reluctant to become actively engaged in labour struggles. The seasonal character of the work poses a further structural challenge to continuous organising, since workers who become active in labour struggles might not be hired again. There is furthermore a tendency of unions assuming xenophobic or racist convictions within their own national worker base and therefore being hesitant to organise migrant farm workers in order to avoid anticipated conflicts within the union. Furthermore at least two discursive obstacles to migrant farm workers organising were discussed: Firstly, there is a strong focus on small farmers within the debates revolving around working conditions in the agricultural sector, which tends to exclude migrant farm workers. Secondly, the approach of considering certification and labels as a main tool to improve labour (and environmental) conditions in the agricultural sector instead of traditional organising has become widespread. Since the workers' voices are often excluded in the certification processes, all discussants were very sceptical about the capability of labels to achieve better working conditions for agricultural workers.

3. Strategic use of migrant labour by employers and big agricultural companies

The third part of the discussion briefly examined the use of migrant labour by employers and big agricultural companies. Migrants are attracted on purpose in work intense sectors that do not require high skill development since they are less protected and easier to exploit. The dramatic failing of hiring local workers during the pandemic within countries of the European Union underlines this argument. One discussant argued that extractivist sectors like agriculture and mining tend to hire migrant workers who have no emotional connection to the land they are working on. Local workers would be more likely to consider the extracted resources as their own and challenge the companies' right to earn huge profits from the extraction processes. Furthermore, big agrochemical and agricultural biotechnology corporations as well as supermarkets play an important role in exercising downward pressure within the whole sector that eventually is passed on from the farmers to the workers.

4. Debates on migration

There was a broad consensus about the deficits of current hegemonic migration regimes and discourses: One discussant argued that there is currently a 'schizophrenic' approach towards migration in many countries, pretending a right-based regime and at the same time spending

excessive amounts of money on preventing migration or making it temporary. The International Organization for Migration's (IOM) standards are not beneficial for migrants, the ILO standards on the other hand are much more adequate. The labour movement needs to better adapt to the difficulties that result from the seasonal character of migrant agricultural labour and explore possibilities to support organising of farm workers between the seasons. The 'migration as development' discourse furthermore needs to be tackled critically.

5. Further issues - the way forward

Migrant workers often view agricultural labour as a first step of labour integration and later try to change to sectors with better working conditions if possible. The current labour conditions in the agricultural sector are unacceptable and need to be improved. 'Green' or 'fair' products are barely capable of achieving fundamental changes of working conditions and are just offering the same working conditions while having a better reputation. Therefore, it is necessary to advocate for a legal framework that is repulsing exploitation and enables legal residence, open work permits, and equal rights for migrant workers.

3. Working Group 2: Essential and care workers during COVID - chaired by Helen Schwenken, Universität Osnabrück

With 14 participants, this working group discussed the question of how COVID-19 has impacted essential and care workers globally. Participants would share the experiences of care workers in their respective countries, representing trade unions (like the American Federation of Labor and Congress of Industrial Organizations, AFL-CIO) or Associations for migrant workers (Center for Migrant Advocacy Philippines, CMA Philippines) and working on migrant workers' rights.

Leading with the central question, key issues pertaining to the situation of care workers were identified. The focus shifted to (internal as well as international) migrant workers especially – since they have been the first ones to be affected by the pandemic, like in Brazil – and the various changes to their livelihood and work. First and foremost, the most obvious change has been the increased workload, with no increases in the wages. While higher wages were discussed in the beginning of the pandemic, the discussions now have waned, with essential workers putting in extra hours under a work situation that has become both a health and economic risk. This

corresponds to the wide-reaching privatizations in the health and care sectors before COVID-19, which have led to a collapse of the health system under the pressure of the pandemic and have negatively affected the working conditions of health workers. As a last point, the closing of borders due to COVID-19 has had negative effects on the livelihoods of migrant workers too, since many travel back and forth between countries. While these issues concern the majority of care workers globally, female migrant workers are disproportionately affected who form the bulk of those workers working with little to no social protection. The pandemic's effects thus contain a racialized and gendered dimension.

While these key issues are the focus of many debates, there are some aspects that oftentimes are overlooked. For instance, who is considered an essential worker, how is the work framed? In the narrative of the “essential” worker, essential becomes a term to denote deservingness, in a discourse where only those who work hard deserve social protection. Connected to this the debates on care work often overlook the central role women play in the provision of care work (and, thus, overlook the gendered dimension of social reproduction), not as paid essential workers but as spouses, daughters, partners. Lastly, we find ourselves in a situation that brought to light how essential and important care work is on the one hand, and how much existing labor laws are violated in this sector on the other. This raises a few questions: how can we use the pandemic to bring important aspects of the labor movement back onto the mainstream agenda and make apparent how important the aspects of workers' protection are? And how should care in its different facets be organized in the future? The pandemic has surely affected work in a negative way, but it also provides the opportunity and the momentum to open up debates and discussions on the aforementioned issues for the labor movement.

4. Working Group 3: Regulating labour sending agencies by empowering migrant workers - chaired by Joel Odigie, ATUMNET & ITUC-Africa

The discussion in this working group focused on the issue of labour sending agencies and the problems surrounding the regulation of those. In some countries, like Nigeria for instance, there are ethical courts to guide private employment agencies. Practice however has not been attuned with this – Migrant workers are still suffering and do not have access to decent work.

Recounting the Vietnamese experience, one of the participants stated that Vietnam indeed has no system regulating the deployment of workers to other countries. While the ministry of labor regulates this to some extent, there is still a lot of space for private initiatives – creating many problems, given the corruption and unfair practices vis-à-vis the workers that are being sent away. Especially multinational companies that hire migrant workers pose a problem to the regulation: The Netherlands Trade Union Confederation (FNV), as an example, is doing direct work on the recruitment issues with multinational corporations. Another central actor here is the International Transport Workers' Federation, collecting data on transport workers and their working conditions in the supply chains. Organizing these workers is of utmost importance, too; this proves to be difficult due to access to these workers and their oftentimes informal status. One organization attempting to do this is Shramik Sanjal in Nepal, which is an organization that informally organizes migrant workers in order to improve the lives of Nepalis moving abroad. Trade Unions in Germany provide basic knowledge to migrants in third countries about the German labor market, organizing workshops with information,

There are, however, different models to regulate labor mobility. One of these models is a recruitment resource center, as exemplified by Jordan, where they try to provide workers with information on how to protect their rights. Another way to tackle this issue are bilateral agreements, like the one between the Philippines and Germany, or the UN Global Compact as a multilateral framework.

Remedies and solutions to the regulation of labor mobility would be the institutionalization of more bilateral agreements, and the documentation and monitoring of labor right violations. Furthermore, there is a need to speak more about ratification issues and trade union education: in order to spread awareness about labor rights and migrant workers' rights, trade unions can intervene by educating workers, giving workshops and being of assistance in the labor process.

Thursday March 4

5. Working Group 1: Confronting discrimination towards migrant workers - Building intersectional solidarity - chaired by Elisabeth Tuidier, University of Kassel

How can one foster intersectional solidarity? The starting question is a highly complex one but, nevertheless, is highly relevant for labor movements globally: With the increase of migrant flows and the deregulation of trade and finance, the diversification of the working force has to be taken into account by existing labor movements. There is a long history of anti-migrant thinking within trade unions and a hierarchization of migrant versus white workers. The double discrimination migrant workers have faced in the past perseveres until today, with those workers facing multiple vulnerabilities referring to racism, sexism and workers' rights violations - especially with regard to the exclusion of migrants from the labor market through harsh immigration laws. When talking about the organization of migrant workers one has to ask the general questions: Who is the subject of solidarity? Who is "the migrant worker"? The foreigner, the refugee, the migrant, the asylum seeker, the illegalized, the repatriate? And also: How do we conceptualize and understand solidarity?: as advocacy, or service, as dialog or participation? Or, do we understand solidarity as practice of unlearning privileges? How does one include migrant workers in "transnational solidarity", who are often locked into an informal and temporal state, in trade union organizations in an inclusionary way? How to focus commons and commoning within transnational solidarity? And what is the main aim of transnational solidarity: empowerment, or community building, or integration?

While the working group identified these as the central questions, there are further challenges that have been ignored or at least insufficiently handled by trade unions. The problems migrant workers face in the labor market and beyond are often rooted in racism (and sexism as well), which exposes them to structural discrimination. Thus, one has to consider that support for migrant workers extends beyond workers' rights. It also means criticizing existing immigration and asylum laws from a trade union-perspective, and combating racism and sexism in general. The discussion on migrant workers has to take into account the multi-faceted dimensions of working class history, which has always been linked to questions of racialized, gendered and

heteronormative exclusion. Trade unions, then, should link class oppression to racialized and gendered oppression, overcoming divisions within the working class in an attempt to forge intersectional solidarity. Another question that remains, then, is how to organize this solidarity in a way that transcends national borders: While trade unions have started to include migrant workers into their midst, transnational networks of solidarity are still hard to achieve given the limits set by borders, differing interests and hierarchies between countries of the Global North and the Global South. There are initiatives to do so – the ITUC, for instance, has an Online Tool for migrant workers, providing information on employers and spreading news on those (<https://www.recruitmentadvisor.org/>) – but so far, attempts at fostering transnational solidarity have not taken off. As such, trade unions have still to consider - and find answers to - these questions in their further involvement in these fields, and be aware of intersectional, postcolonial power relations along race/ethnicity, indigeneity, class, gender and sexuality. Global hegemonic structures of exploitation and knowledge production must be considered, and forms of solidarity that include to give voice and to speak at migrant workers* and to listen.

6. Working Group 2: Organising migrants, organising workers - chaired by Mostafa Henaway, Immigrant Workers Centre, Montreal and Sara Cullinane, Make the Road, New Jersey

The working group started with Sara and Mostafa sharing experiences of successful campaigning:

- 1) In Montreal the organizing of warehouse workers for an increase in wages was successful despite the fact that subcontracting agencies are very dominant
- 2) In the US a campaign for the access of migrants to pandemic relief funds was successful. The organizing and campaigning was using social media and postings/messages in windows as a tool for outreach due to limited possibilities for street campaigning due to the pandemic.

The two main issues that were discussed were

- a) The integration of migrants in unions and how to achieve that and

- b) How to organize migrants who work in very dispersed workplaces (example fisher boats). Alongside how do migrants organize into new forms and types of organizations(workers centres, non-traditional unions)

- a) Integration of migrants into unions

The importance of integrating migrants into unions was pointed out as a key aspect of integration overall. Also organizing with migrants should be done instead of organizing for them. A comrade from Nigeria shared the example of the National trade union network of migration in Nigeria: the goal of this network is to give a voice and representation to migrants as part of the union including leadership positions. The guiding thought is “every worker can be a potential migrant”.

- b) How to organize migrants who work in very dispersed workplaces

This was discussed as a crucial question because migrant jobs are often not so visible or located in remote situations. Examples were seafarers and fishers, domestic workers and nowadays the gig economy.

The learning from experiences (domestic workers organizing, cleaners organizing) provides some successful and important strategies:

- Knowledge is key: Informing migrants about their labour rights
- Using social media channels for outreach and ongoing communication (e.g. WhatsApp groups)
- Instead of the workplace organize at places for social reproduction and community places (e.g. seafarer missions, worker’s center, community/neighbourhood places)
- create/offer services as a vehicle for building contacts and organizing
- Think about thematic entry point (e.g. OHS issues)
- For transnational organizing supply chains can be an entry point. Here the following point was raised in the chat: Both the new Mandatory Human Rights Due Diligence last in the EU, and the Tariff Act in the US, or labor rights provisions in things like the USCMA trade agreement, offer really important new transnational legal hooks- but the importance of ensuring and strengthening the capacity of workers to organize as part of these strategies is fundamental.
- Connecting of issues (e.g. immigrant status and worker’s rights is strongly connected for Italian farm workers)

It was also pointed out that it is important to recognize different preconditions for organizing and campaigning. The example of the domestic worker campaign for the ILO convention was given as an example since this campaign was heavily driven by foundations and top-down mobilization.

Another example was the importance of the political context. The Italian farmworkers are facing open hostility of unions and the political atmosphere is that no politician wants to be associated with facilitating migration. So despite labour shortage due to the pandemic the window for expanding rights is very limited.

A successful example from Malaysia was shared that achieved to classify Covid-19 as a occupational disease: <https://www.malaymail.com/news/malaysia/2020/04/02/51-workers-labour-groups-want-covid-19-recognised-as-occupational-disease-u/1852793>

The workshop also discussed the dynamics of migrant organizing for trade union renewal in other contexts.. The example of the relationship between the Awood (Power in Somali) workers centre in the United States. They organized strikes at the Amazon plant have won concessions and rebuilt workers power among migrant workers in Amazon plants. Thus what new forms of organizing has brought to the table in terms of renewing labour struggles and workplace organizing to both campaign for migration and labour rights.

The outlook for campaigns that will be relevant transnationally in the near future are campaigns on Amazon and emerging campaign strategies related to megasporting (like Qatar and the Fifa Cup 2026 in Canada, Mexico and the U.S.)

Friday, March 5

7. Closing Remarks: Chaired by Nicolas Pons-Vignon, University of Applied Sciences and Arts of Southern Switzerland

The **closing session** focused on four key themes

1. The voicelessness / invisibility of migrant workers
2. The global governance of migration and the challenges of participating in it for trade unions
3. The creativity displayed by migrant organising initiatives
4. Taking prejudice / xenophobia / racism seriously – the main obstacle to overcome to organise migrants

1. The voicelessness / invisibility of migrant workers

The very use of migrant workers often reflects the aspiration of employers for a cheap and docile labour force. Migrants can be ideal candidates for this as they are new to the environment in which they work, do not know the informal networks or rules of the game (e.g. labour law), and do not have links with existing workers' organisation. One overarching theme is that they lack citizenship-related rights, both legally and symbolically – see the tendency of mining companies to draw on migrant labour to avoid the risk of workers feeling they have a claim to what lies below the soil.

Examples of such voicelessness or invisibility abound, from Qatar's stadium builders to most agricultural workers. The only form of support available to support many of these workers lie not in the application of normal rules, e.g. via labour inspection, but in corporate-driven and often imperfect certification processes, from FSC to Fair Trade.

Unions therefore have a key role to play in giving a voice (and rendering visible) migrant workers. This would include organising them and helping them develop the sort of confidence that comes from collective strength, but also demanding that workers be active participants in all processes (esp. certification) that claim to have their best interests at heart.

Given the importance, for any of this to materialise, of strengthening workers' associational power through organising, a question can be raised regarding the desirability of intensive (and time consuming) engagement in the...

2. Global governance of migration

When it comes to the governance of migration, there is a schizophrenic tension. On the one hand, frenetic global regulatory activity, best exemplified by the Global Compact on Migration, and the ILO's work, promotes a progressive and non-discriminatory approach to migrant workers' rights, but with little concrete support – most norms are non-binding and only limited budget is allocated to make the GCM a reality. On the other hand, substantial funding is allocated to projects that typically promote a much more conservative, security-driven agenda, from the reinforcement of border police to the organisation of tightly-controlled migration flows. Unions seem to be expanding a very significant amount of resources to participate in the former, begging the question: is it worth it? This goes back to the tension in union activity between campaigns and policy.

One of the sub-questions relates to the relationship with NGOs and the tension around who represents migrants' views in international fora. Participants agreed that a key challenge was to find common ground across civil society organisations, rather than compete. This is a question at the top as well as at the bottom.

One possible activity could be to collect evidence showing concrete cases of collaboration – but also documenting better the consequences of the more conservative, security-driven migration policies in order to identify scope for resistance.

3. The creativity displayed by migrant organising initiatives

Everyone agreed that, for unions to be able to act decisively and assert their legitimacy in these struggles, the key would be **organising migrant workers**. The challenge, as Marx foresaw it, is that if capital becomes international while labour still acts at the national level, labour will be outmanoeuvred. While this seems to have happened over the last 40 years, there is nonetheless impressive evidence that migrant organising, perhaps *because* it can be so challenging given the manifold obstacles, has displayed remarkable creativity. Some of the divides that migrant worker

organising have been able to bridge include the trans-national, trans-sectoral, and documented/undocumented and core/contracted out divides.

There is much to learn from the cases presented at the workshop, and from others, opening the way for the development of informational/educational material to be shared with unions, but also the possibility of field visits by organisers (not leaders) to go and learn about the ways of sister organisations.

If the debate often revolves around competing models (integration vs. separate organising of migrant workers in unions) and their respective strengths and weaknesses, the conference taught us that **context matters**, as the context is indeed the particular set of obstacles, and existing associational strengths of different stakeholders, of a given country or situation. There is therefore much to learn from promoting exchanges between unions, for instance the one that took place between UGTT and CGT.

4. Taking prejudice / xenophobia / racism seriously – the main obstacle to overcome to organise migrants

But whatever the context is, participants agreed that the core obstacle to effective organising was often internal, not external – the need to confront, rather than ignore, xenophobia, racism and prejudice (and the ensuing reluctance or outright opposition to migrant organising) is the key.

In thinking about how to engage these, the GLU offers many advantages, not least a deep knowledge of worker and union realities that straddle the Global North and South.