



# European labour mobility: Regulations, realities and responses

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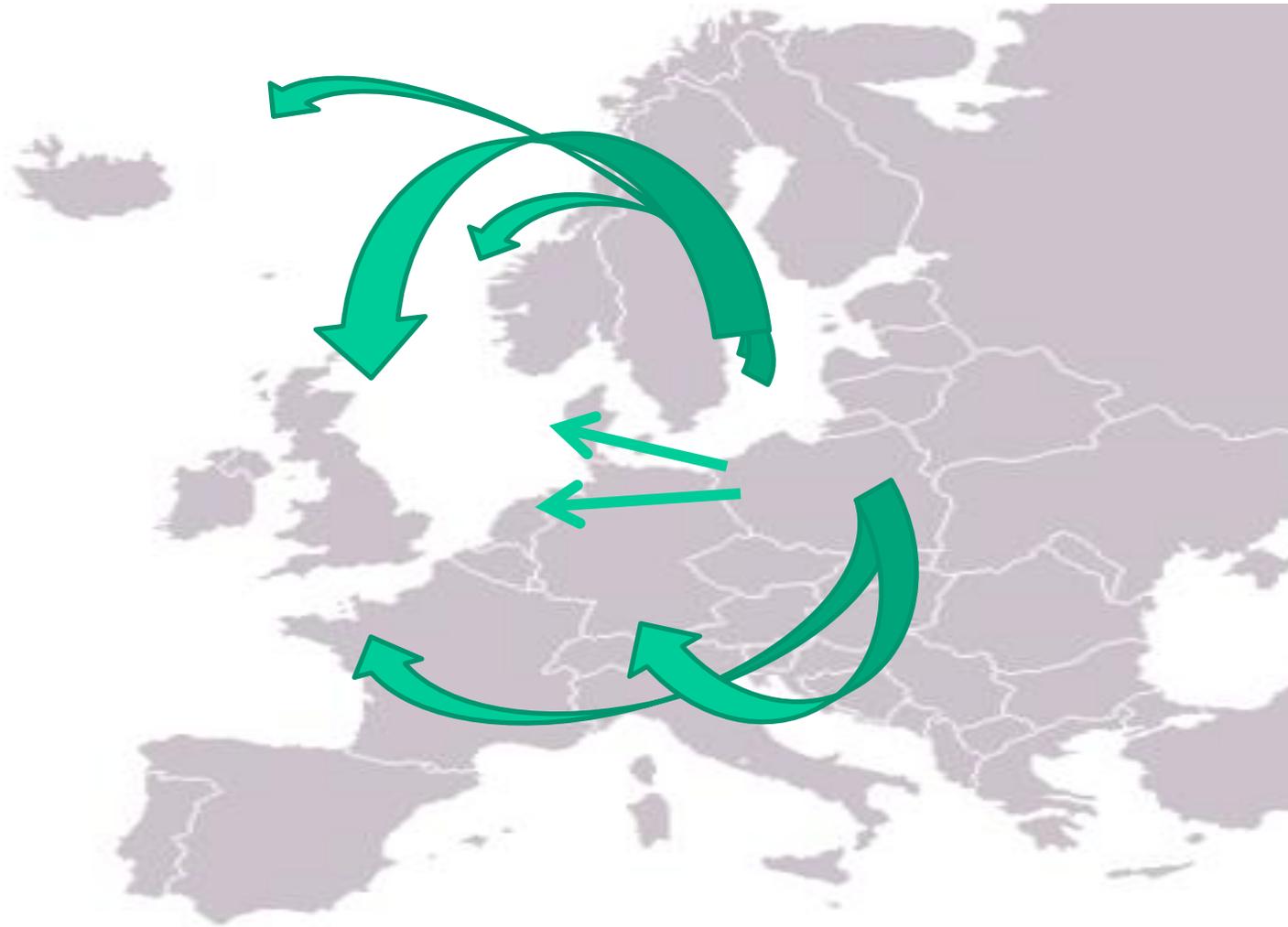
Seminar on Labour Migration and Social Rights  
Greens/EFA, European Parliament 5.5.2011

## Outline:

- 1) The variety and extent of intra-EU/EEA labour mobility
- 2) Regulations, rights and realities
- 3) Trade union responses

Empirical evidence from the Nordic countries will be used to highlight more general challenges and problems.

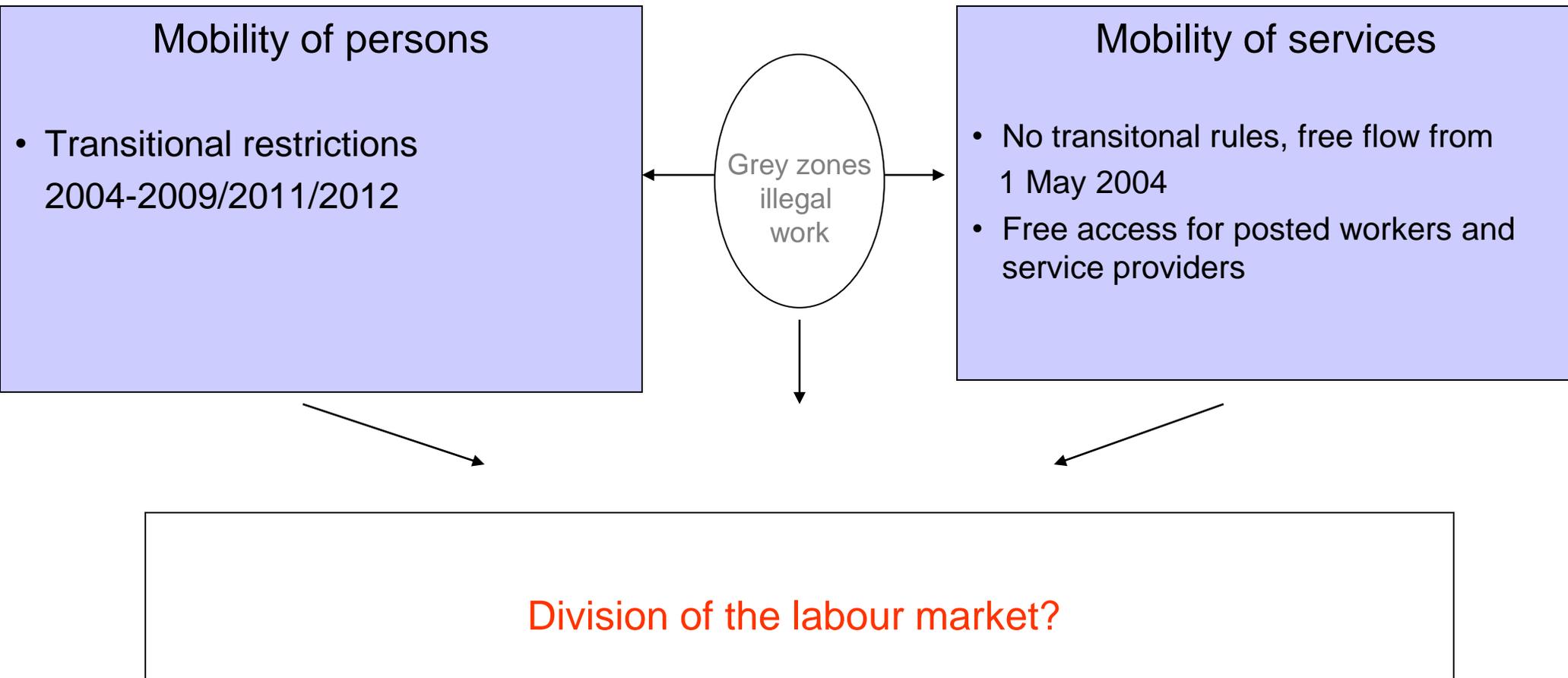
# Since 2004: Huge *registered* flows from the accession states to Western Europe



Unmanaged migration and mobility of labour and services *within* the EU

Poor statistics on volumes and flows, especially on mobility of services

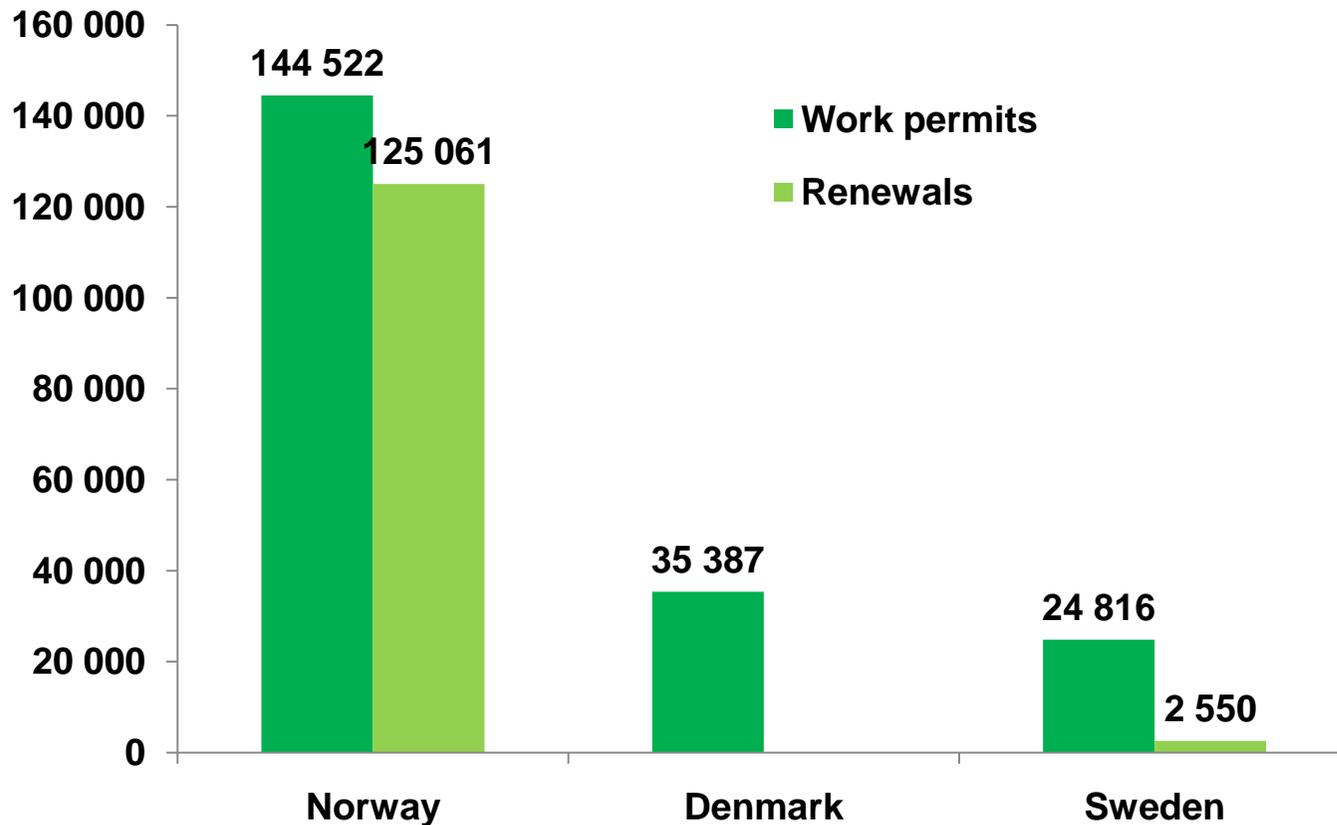
# Different regimes for mobility of labour and services from EU-8+2



## Main trends in the Nordic countries since 2004

- In total; large and increasing mobility of labour and services from the new member states to the Nordic countries
  - but reduced inflow in the wake of the financial crisis
- Huge differences in the migration streams between the Nordic countries
- Positive effects from labour migration in the Nordic economies
- Few signs of "social tourism"
  - 2008/09: Increased unemployment among EU-8+2-workers
- Huge challenges related to regulations, control and enforcement, especially with regard to mobility of services

# Number of issued work permits in Denmark, Norway and Sweden to citizens from EU-8+2, 1.5.2004-31.12 2008 (Sources: UDI, Migrationsverket, Udlændingestyrelsen)



# Growth in mobility of services

- Lack of reliable statistics, but indications of growth in most countries
- Huge problems with monitoring and control mechanisms
- Challenges related to ensuring acceptable wage levels and avoid social dumping

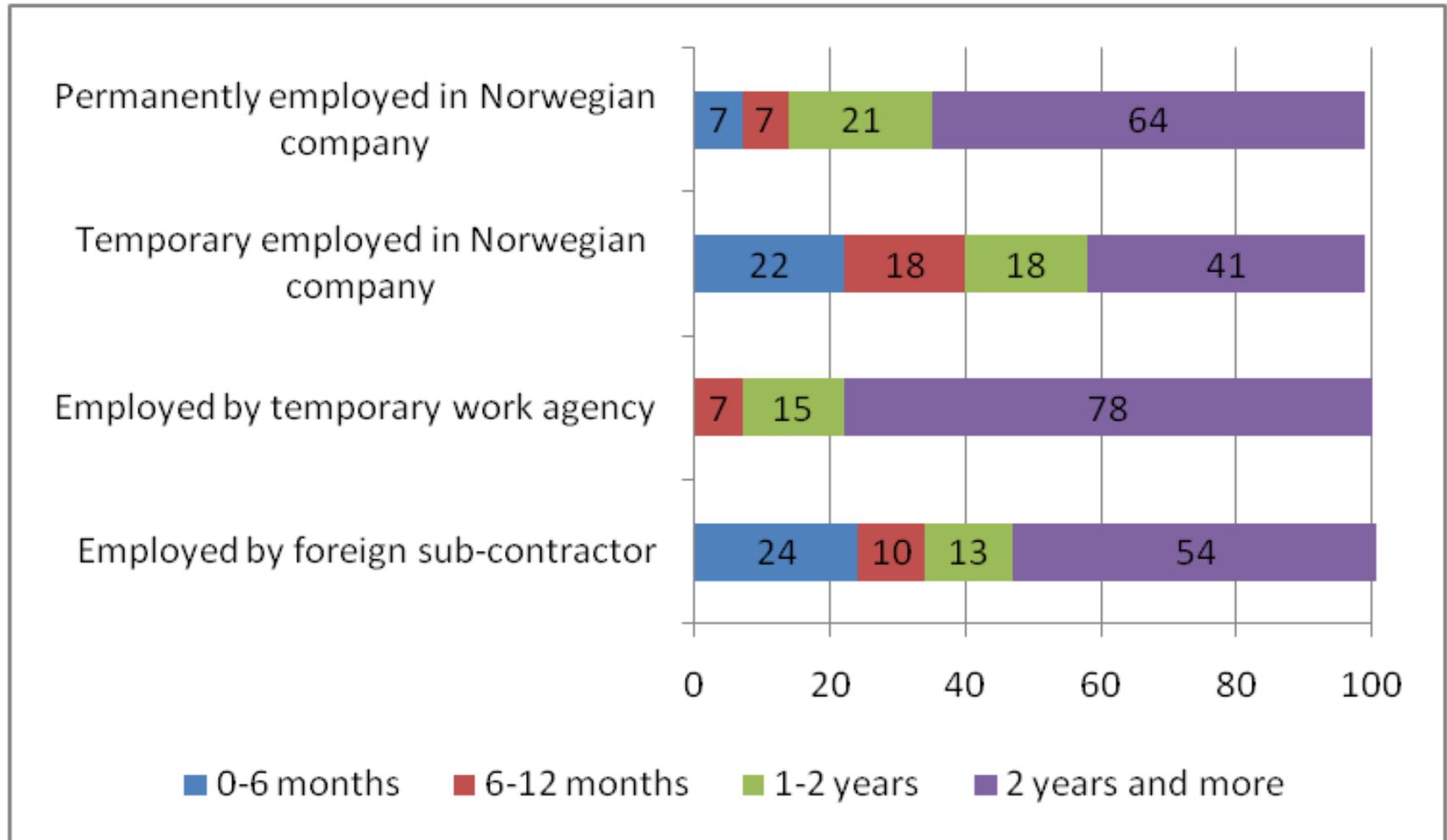


# Definition of a posted worker

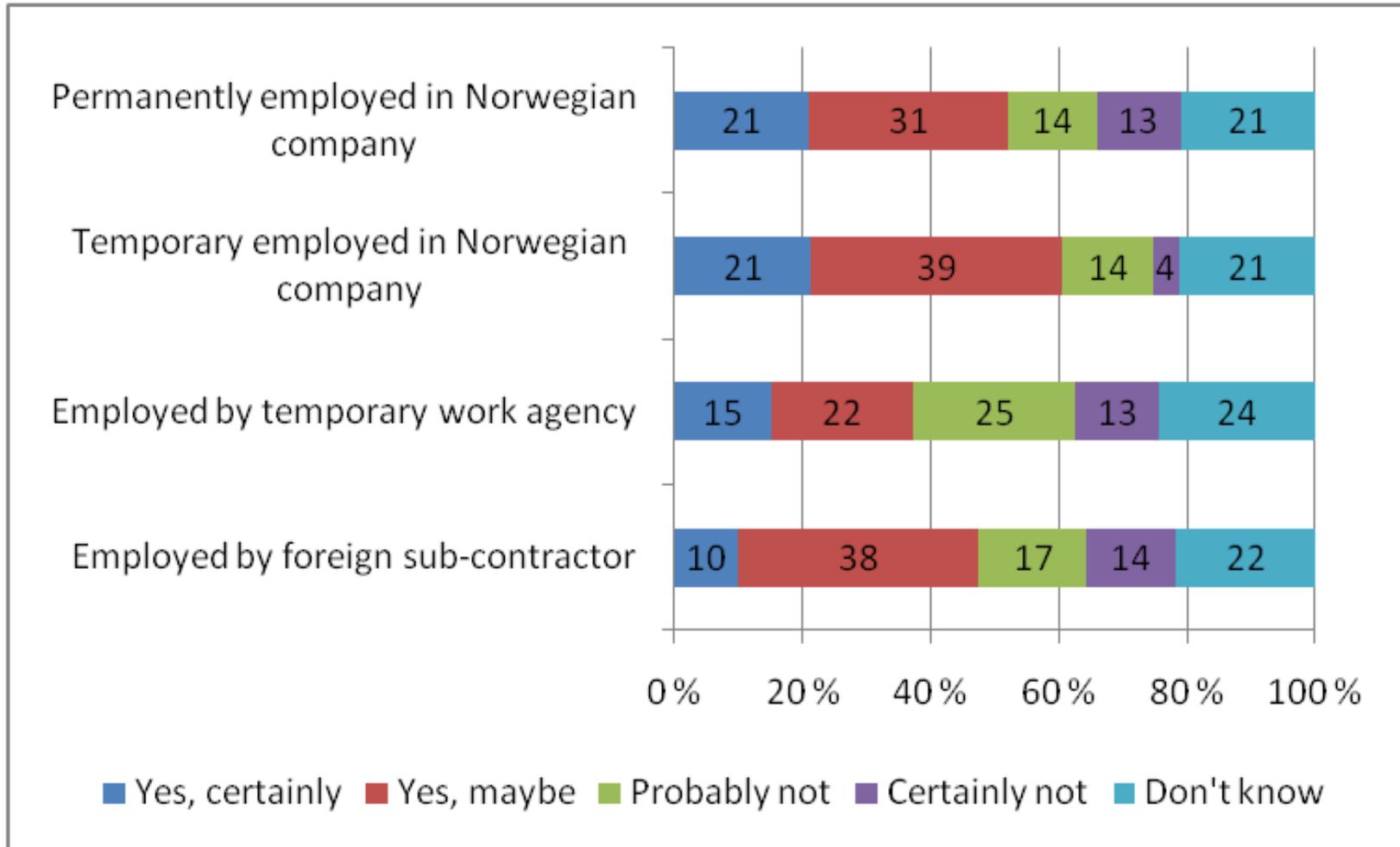
The Posting of Workers Directive, Article 2:

For the purposes of this Directive, 'posted worker` means a worker who, for a **limited** period, carries out his work in the territory of a Member State **other than the State in which he normally works.**

# Duration of stay among Poles in Oslo, by form of employment (N=504)



# Do you think you will live in Norway 5 years from now?



## Win-win...

*“Service mobility is a win-win-situation” – the workers contribute to Norwegian growth as well as to growth in their home countries. But this must not be mixed up with labour migration. Mobility of services means that workers come here for a limited period and then go back home.”*

The Federation of Norwegian Industries, January 2007

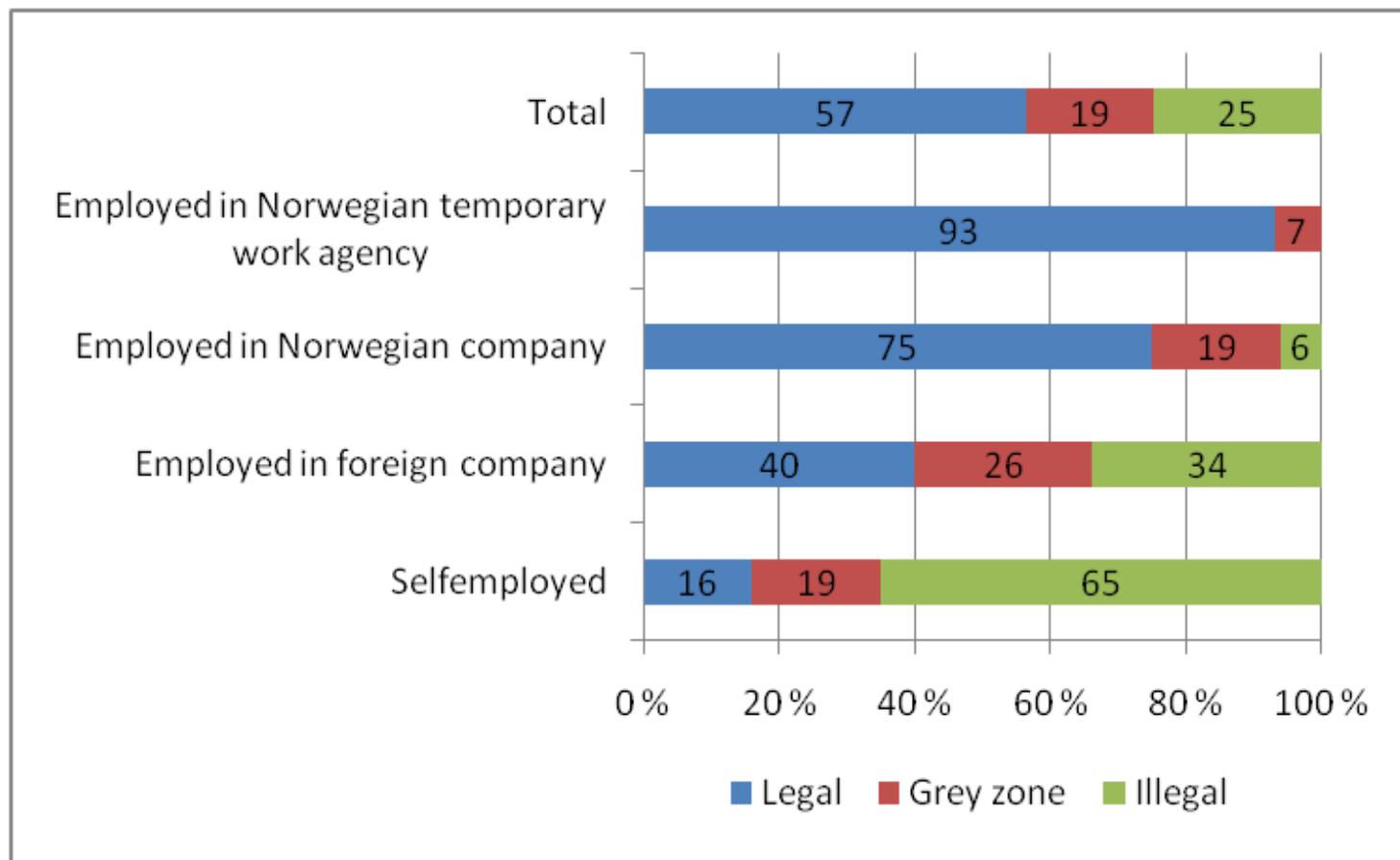
## Or lose-lose....?

Wages: % among Polish construction workers in Oslo that earned less than the legal minimum rate, by form of employment

Permanently employed in Norwegian company	0 %
Temporary employed in Norwegian company	23 %
Employed by temporary work agency	6 %
Employed by foreign sub-contractor	38 %
Total	19 %
Self-employed	34 %

Source: Fafo's Polonia survey 2010

## Polish migrants in Oslo: 25 % worked illegally



Source: Fafo's Polonia survey 2006

# Trade unions and labour migration: Dilemmas (Penninx & Roosblad)

- Resistance or cooperation?
- Inclusion or exclusion?
- Equal or special treatment?

## Trade union responses in DK, NO and UK (construction)

- In all three countries the unions have welcomed labour migrants – and fought against social dumping
- Strategies have been inclusive; the unions have aimed to recruit CEE-workers, and include them as ordinary members
- Surveys from Oslo and UK indicate that Polish workers do not have particular ideological or normative barriers towards unions.
- Polish TU members points to the need for a “sword of justice” and collectivist values, more than individual needs and self-interest
- Local activists have been a driving force in all three countries – with support from central union level

# Outcome and results of the construction unions' efforts

- Denmark:
  - Few Polish/CEE members (about 3 % of the total membership in Copenhagen construction unions (2008))
  - Unionising CEE-workers described as Sisyphean task
- Norway:
  - Large Polish/CEE membership in Oslo (about 40 % of the total membership in Oslo construction unions (2008))
  - The successful recruitment of CEE-workers has revitalised the unions and served as an inspiration also in other regions and sectors.
- UK:
  - Local projects successful in mobilising unions and assisting CEE-workers
  - But probably few unionised CEE-workers

# Why the differences in results?

- Danish unions are stronger than the Norwegian unions, but less successful in recruiting CEE-workers. The industrial actions for establishing collective agreements have been perceived as hostile by Polish workers. More policing than organising..?
- The Norwegian unions have endorsed legal extension of collective agreements in construction; which has served as a tool to help individual workers without necessarily forcing companies into collective agreements.
- UK; activist approach; but lacks the strength of the Danish and Norwegian unions

New workers, old problems.... domestic workers is still a neglected group

*"A specific legislation for domestic work do only exist in a very few countries (...). The establishment of collective agreements in this area is difficult (...). Beyond that we do not find any proper legislation in most countries. Whatever exists is so outdated that it is of little use."*

*(Statistics Norway, Working Conditions for housemaids in the cities of Norway, Oslo 1938, p. 2)*

# Regulations, realities and responses

- Ordinary labour migrants should in principle have the same rights and protection as native workers
  - but have problems accessing rights
  - and lack of integration policies in the host countries
- The Posting of Workers Directive (96/71) should protect posted workers
  - but ECJ rulings give a narrow and restrictive interpretation
  - and depend on national regulations and enforcement
- Trade unions (some) have inclusionary and solidaristic strategies
  - but experience major capacity problems
  - and success is linked with strength and interplay between mechanisms based on law and collective agreements



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