

Chapter 10

Organizing posted workers in the construction sector

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1. Introduction

In this chapter we look at trade union strategies for organizing posted workers in high-income European Union countries from the perspective of both unions and workers. We focus on construction as a sector characterized by highly fragmented labour relations, resulting from long and complex subcontracting chains and the use of agency workers, self-employment and transient employment. The nature of the industry also presumes high rates of non-indigenous workers and makes it one of the most likely ones for finding posted workers (for more on posted work see Lillie and Wagner's chapter in this book).

Migrants have been classified under various criteria, among which the most relevant for this chapter are direction, distance and duration of stay in the country of destination (Heberle 1955). Based on these criteria we differentiate between long-term immigrants and posted workers. The former term refers to people who have come of their own accord from a different country, whether an EU member state or a third country, and who live in the host country with the intention of settling there permanently or staying for a relatively long period. Posted workers, on the other hand, are EU workers sent by their company to work in another EU country for a definite period of time (up to two years) as providers of particular services, regulated by the Posted Workers Directive (Directive 96/71/EC; Lillie and Wagner in this book). This differentiation is important for understanding the strategies employed by host country trade unions, and the way duration of stay (long-term vs. fixed- and relatively short-term) and the manner of migration (of their own accord vs. through posting) affect the shaping of these strategies and their outcome.

While there is a relatively robust body of research focusing on the ambivalent attitudes and dilemmas of national trade unions towards migrant workers (e.g. Penninx and Roosblad 2000; Wrench 2000, 2004; Dølvik

and Visser 2009; Hardy *et al.* 2012), there are fewer studies analyzing the factors behind successful union campaigning with regard to migrants in general (e.g. Eldring *et al.* 2012; Adler *et al.* 2014) and posted workers in particular (e.g. Berntsen and Lillie 2014; Lillie and Sippola 2011). This chapter seeks to contribute to this debate, asking the following questions: What are the strategies employed by trade unions to organize migrant workers in general and posted workers in particular within their structures? What lessons can be learned from past experience and what recommendations can we draw for the establishment of successful voice mechanisms for posted workers?

Section 2 provides an overview of the existing literature on initiatives taken by trade unions in countries such as Denmark, Finland, Norway, the United Kingdom and the United States to mobilize migrant workers in general and incorporate them in their structures. The literature suggests that a successful migrant organizing campaign involves a combination of leadership-based, bottom-up, 'zonal' and multi-stakeholder approaches as well as 'innovation' in organizing strategies (Eldring *et al.* 2012; Milkman and Wong 2000; Wills 2008). Successful organizing of migrant workers basically follows the same principle as that used in the successful organization of non-migrant workers, though it also requires local unions to understand the particular culture, interests and work situation of those approached (Sherman and Voss 2000).

In Section 3 we analyse union strategies in the specific case of posted workers. Our analysis is based on empirical qualitative data collected within the framework of two projects: an Academy of Finland funded project entitled 'Transnational Unionism and Democracy in Global Governance' (2006–2008) and a European Research Council funded project entitled 'Transnational Work and the Evolution of Sovereignty' (grant number TWES 263782). They involved the case studies of four large power plant construction sites in three countries: Finland (Olkiluoto 3), the Netherlands (Eemshaven) and the United Kingdom (Ferrybridge and Carrington) for the periods 2006–2008, 2010–2012 and 2014 respectively. The data consists of more than 200 qualitative interviews with posted workers, trade union officials, shop stewards and managers, accompanied by participant observations on each site recorded as field notes.

In Section 4 we examine the role played by trade unions on site to organize and represent posted workers, the strategies they have employed to recruit non-indigenous workers, which initiatives were successful and

why, the attitudes of the workers themselves towards the local trade unions and the reasons behind their (non)involvement with them. We discuss the success of certain strategies across countries, comparing these with overall strategies used to organize migrant workers in general and providing suggestions on how to establish successful voice mechanisms for posted workers in the construction industry.

We argue that the strategies employed by trade unions to recruit long-term permanent immigrants are relevant for the recruitment of posted workers. However, considering their relatively short-term stay, hypermobility and posting situation, there is a need for specific strategies and initiatives to be able to unionize them. In order to overcome the country-bound union jurisdiction we highlight the need for a transnational organization for the protection of posted workers' labour rights.

2. Organizing migrants

Trade unions in host countries have shown contradictory attitudes towards migrants in general, regardless of whether they are long-term permanent migrants or short-term and/or posted workers (see Penninx and Roosblad 2000; Wrench 2004; Krings 2009; Hardy *et al.* 2012). While migrants are sometimes considered as a threat to the interests of union members (Frege and Kelly 2004; Hyman 2001), early studies have also highlighted migrant involvement in local trade unions (e.g. Kosack and Castles 1973). As the migrant labour force continues to increase, it is becoming increasingly important for unions to engage with migrant workers and represent them inclusively (Adler *et al.* 2014; Martinez Lucio and Perret 2009; Holgate 2005; Lillie and Martinez Lucio 2004; Frege and Kelly 2004). In the face of declining membership among national unions and the increasing replacement of 'core' jobs by irregular, mobile, agency and other forms of precarious labour, unions have started addressing migrant workers and their issues in an attempt to regain strength (Adler *et al.* 2014; Schelkle 2011). This change of attitude has happened not only because unions have understood and internalized the concept of rights, but also because workforce diversification and the new dynamics of the global market have put pressure on workers' collective representatives to change or perish (Schelkle 2011).

Although organizing migrants has not been an easy task as they face certain challenges local workers might not face, there are several relevant

examples of successful organizing already identified in the literature (e.g. Adler *et al.* 2014; Eldring *et al.* 2012; Fitzgerald and Hardy 2009; Wills 2008; Milkman and Wong 2000). Despite their obvious vulnerability to deportation and limits on their legal rights, migrant workers are by no means impossible to unionize (Milkman and Wong 2000). Indeed, the fact that they are relatively powerless might provide the potential for organizing (Adler *et al.* 2014; Wills 2008). Furthermore, the intersections of class with gender, ethnicity and immigration have repeatedly created an explosive mix for organizing campaigns (Wills 2008). In this section we look at some of these successful campaigns involving long-term permanent immigrants, using them as a benchmark for the initiatives taken for organizing posted workers discussed in the following section.

Free movement of labour within the EU, especially after the A8 and A2 enlargements, has led to an increase in the number of labour migrants moving either individually or through a posting contract from these countries to the original EU-15 states, despite restrictions adopted in some of the latter countries. We have selected a number of relatively successful examples from the existing literature on recent migrant organizing campaigns in Denmark, Finland, Norway and the UK in the last fifteen years with a view to identifying the success factors for migrant organizing. We also consider case studies from the USA, thereby adding illustrative examples from other geographical contexts. From this literature and the case studies, we find that the outcomes of the campaigns varied in terms of unionization rates. The most successful case in this respect was Norway, where national figures for 2008 show that migrants constituted 20 per cent of total union membership in the construction industry (Eldring *et al.* 2012), while the proportion of migrant workers in Denmark and Finland merely constituted a few percentage points (*ibid*; Lillie and Sippola 2011). Similarly, the campaigning in LA/Southern California resulted in thousands of migrant workers becoming union members (Milkman and Wong 2000).

Union experience with long-term migrants suggests that the key to any successful campaign lies in the *effective combination of the two approaches – leadership-based and bottom-up – into a comprehensive*

1. The Accession 8 (A8) countries are Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia which acceded to the EU in 2004, while Bulgaria and Romania (A2) became EU members in 2007.

strategy. For a campaign to be successful, both central and local levels of a union need to be proactively engaged in organizing migrants. In a now classic study on the union recruitment of migrant workers, Milkman and Wong (2000) highlighted the importance of such a strategy in organizing Latino immigrants in the 1990s, particularly office janitors in Los Angeles and drywall hangers in the region's residential construction industry. Eldring *et al.* (2012) came to a similar conclusion when studying union strategies towards post-accession migrant workers in the construction sector in Denmark, Norway and the UK, that is, successful campaigns were based on intense interaction between the central and local levels in formulating and implementing strategies, as also seen in the LA/Southern California case (Milkman and Wong 2000). In Denmark, the central level formalized existing developments in organizing Central and Eastern European (CEE) workers at local level by, for example establishing a cross-union collective agreement for foreign enterprises, while in Norway, the local achievements in recruiting labour migrants served as a yardstick in a shift in federation-level policy towards investing increased effort into recruiting migrants and tackling social dumping (Eldring *et al.* 2012). In the Finnish (Olkiluoto 3) case, there was a coordinated joint effort between the national and local levels, despite a number of contradictory interests existing between the regional and central level (Lillie and Sippola 2011).

A '*zonal*' approach to organizing appears to be another form of a successful union campaign. Instead of progressing from one workplace to another, and from one employer to another, as it is usually done, mobilization is focused on a specific area (or zone), a method which was adopted in the case of London cleaners (Wills 2008). Such a 'zonal approach' is particularly successful in the case of dispersed workplaces (one janitor per building, for example), or when employers are small-size companies. This territorial basis for organization was even used in the case of what Milkman and Wong (2000) described as the industry-wide organizing of Los Angeles and Century City janitors and the wider region's residential construction industry.

However, sometimes the way migrant workers are approached and their numbers in union ranks are not enough. Studies show that a *multi-stakeholder approach* is one of the cornerstones of campaign success. The campaigns reported by Milkman and Wong (2000) involved building alliances or coalitions with the wider community and other stakeholders such as civil society or community organizations, and the use of highly

creative tactics to win public support and put pressure on employers. Similarly, the success of the London cleaners' campaign involved 'organising the industry, the clients, London's politicians, the media and a diverse alliance of community groups as well as the cleaners themselves' (Wills 2008). One important success factor was the *holistic, class-based approach* adopted by the East London Communities Organisation (TELCO)² that went beyond the realm of work in defining the interests of the workers. In its capacity as a community organization, TELCO sought to find common ground around issues such as job quality, housing, welfare, immigrant rights and street safety (Wills 2008). In other words, class interests were read through the lens of community, immigration, race and religion.

The concept of '*innovation*' in organizing strategies has also been repeatedly identified as a success factor by scholars of union (recruitment) campaigns (see, e.g. Adler *et al.* 2014; Eldring *et al.* 2012; Milkman and Wong 2000; Wills 2008). Innovation is necessary to manage the complex new employment relations unions are facing today. For Sherman and Voss (2000) innovative union tactics arise from a combination of three factors: a crisis within the local union, support from the international union and the presence of innovative staff from outside the labour movement. The first factor, a crisis within the local union, often stems from a shift in employment patterns, with non-unionized immigrants increasingly replacing native-born, unionized workers. To deal with the problems this section of the working class faces, there is a need to shift away from traditional forms of organizing and to be open to new initiatives.

The innovative strategies in Finland involved a particular union club established for Estonian and Russian-speaking members in the early 2000s under the auspices of the Finnish Construction Workers' Union. Similarly, in their study of Denmark, Norway and the UK, Eldring *et al.* (2012) list different innovative strategies used in each of their country cases. For example, in Copenhagen the association of local unions hired a Polish-born officer to assist Danish officers on matters related to migrant workers. At the same time, they established a Polish club in which meetings and social activities took place. As a next step, five more Polish-

2. In the case of cleaners in London, much of the effort for securing living wages, improved holiday and sick pay entitlements for foreign-born cleaners in Canary Wharf was kick-started from outside the trade union movement by the East London Communities Organisation (TELCO).

speaking ‘consultants’ were hired to assist local unions. In Norway, innovative methods included the temporary suspension of the rule that union assistance was provided only to those who were already members of the union until a foothold in migrant communities was gained. In the UK, methods involved site-based lay representatives approaching newly arrived workers, displaying the national Working Rule Agreement³ in larger site canteens, requesting the help of a TUC-seconded *Solidarność* national organizer for a short period of time, and conducting visits to workers’ homes in the Polish community (Fitzgerald and Hardy 2009; Eldring *et al.* 2012). In the case of the LA campaign, the unions also engaged in high-profile campaigning in the background (for example, J for J, that is, Justice for Janitors) involving college-educated organizers and researchers (Milkman and Wong 2000).

Alongside the features of a successful campaign listed above, one cannot underestimate the importance of unions’ *media strategy*. Public exposure through media channels has been an integral and difference-making element of many campaigns targeting LA janitors, drywall hangers in Southern California (Milkman and Wong 2000), London cleaners (Wills 2008), and Olkiluoto 3 construction workers (Lillie and Sippola 2011).

In other words, union strategies have aimed to increase union leverage by trying to gain an organizational critical mass (leadership-based combined with bottom-up), support from the public at large (multi-stakeholder or holistic approach and media), and access to management (zonal approach and media). Innovative approaches have been commonly used in all cases, as individual cases have demanded tailored strategies specific to the needs of each case.

3. Posted workers and union strategies

In all the case studies discussed in the chapter, local trade unions have worked to mobilize the non-local workforce. Certain elements of the aforementioned general recruitment strategies targeting migrant workers can be employed when organizing posted workers. However, there

3. The Construction Industry Joint Council Working Rule Agreement: a norm-establishing agreement even for enterprises that have not signed this agreement, it resembles the type of agreements common in Scandinavian countries.

are some specific aspects that must be taken into account when addressing posted workers. In this section we present the approaches and initiatives used by local unions to mobilize posted workers in four construction sites in three geographical contexts: Finland (Olkiluoto 3), the Netherlands (Eemshaven) and the UK (Ferrybridge and Carrington).

All four cases involve the construction of power stations located in remote areas. The main contractors outsourced a considerable amount of the construction work, and thus worked with a large number of subcontractors, who in turn relied considerably on agency and posted workers. Although collective agreements are not recognized at the same levels in each country (at industry level in Finland and the Netherlands, but at workplace level in the UK), the cases that we will be discussing here all operate under collective agreements, and therefore recognize unions on site. It is worth noting that in the Finnish case, the French-German main contractor did not seek to follow the consensual Finnish model of industrial relations – albeit recognizing the industrial agreements – as it did not start out from a position of cooperation with the Finnish unions, instead seeking to keep them off site and undermine their activities, while the unions gradually gained ground at the site through grassroots activity.

The initiatives taken by the unions to promote the unionization of posted workers can be grouped into the following four categories:

1. Making unions available for the workforce, that is, accessibility
2. Approaching the workforce directly, that is, pro-activity
3. Gaining the trust of the workforce, that is, trust-building, and
4. Cooperation with other stakeholders outside the workplace (including media coverage), that is, community outreach.

Union accessibility and availability have been considered as important organizing factors. In all four cases, unions were recognized on site. However, having a unionized workplace is not enough, as workers will not automatically become members. Posted workers have little or no knowledge of local unions and the way they operate and they usually have limited opportunities to leave the workplace and ‘look for them’. To facilitate contact and eventually recruitment, trade unions have tried to be literally there for the workers. At Olkiluoto shop stewards organized site visits accompanied by a Polish-speaking union official; in Eemshaven they established office hours on site, and in the UK, when there

is union recognition on site, there is a full-time office and two designated senior shop stewards available to workers at all times. Furthermore, union meetings were held in the on-site cafeteria during lunchtime, meaning that other workers could observe a union meeting without the pressure of membership and participation. In this way they were given the possibility of familiarizing themselves with the local unions' actions and attitudes towards the issues of workers on site. At the same time, shop stewards were able to make contact and communicate with them directly.

In other words, availability was combined with a pro-active *direct communication* approach. Shop stewards approached the posted workers directly, trying to inform them about the unions, the benefits of membership and how they could help them solve their problems. In Finland, union representatives went to the workers' rest places on site and hung up posters with information on the basic conditions the workers were supposed to enjoy. In the Dutch case, unions distributed leaflets in the various languages of the workers and organized visits to their places of accommodation in an attempt to speak with them directly. In the British case, the senior shop stewards managed to get themselves included in the induction process for new workers. Apart from health and safety induction, the collective agreement, local trade unions and their on-site services were introduced to new workers upon arrival. Union membership leaflets in different languages were also distributed on that occasion. For workers not speaking English, interpretation was provided. To encourage membership, the unions presented themselves as open-door service providers for handling individual grievances as well. As unions were only able to represent their members, posted workers first needed to become union members to address any specific grievance they might have, such as wrongful wage deductions.

Approaching workers is the first step towards *gaining their trust*. The shop stewards interviewed underlined the importance of such trust. Being accessible, available and providing assistance in tackling individual grievances helps trade unions build up trust among the non-native workforce. However, the workers' hyper-mobility works against the unions, as trust-building requires time and most of these workers only spend a relatively short period at each site. Limitations to communication due to the language barrier constitute a further obstacle to building trust. Employers have been eager to provide interpreters, and in some cases, such as in the UK, the unions have reluctantly accepted though remaining

sceptical of this type of mediation, whereas in Finland the unions rejected the offer, arguing that it would have jeopardized confidentiality and direct communication. To overcome the language barrier and gain the trust of the posted workers, the Dutch and UK unions channelled their efforts towards workers speaking the host language and enjoying the respect of their ethnic group.

In the Finnish case, there was a Metalworkers' Union official who spoke Polish as a contact person. The Polish workers on site had greater confidence in a person who shared the same language and cultural background. Moreover, Polish workers had already been supported by the Finnish Electrical Workers' Union at a site close to Olkiluoto in a case which turned out a victory for the workers. This success was attributed to the union's involvement and eventually helped boost the union's credibility in the eyes of the Polish workers in Finland. Similar examples of a trust-building strategy based on members of the ethnic group who spoke the host country's language were found in all cases and it has already been successfully used by unions in their work with long-term migrants.

The final strategy used by unions to enhance their chances of success is that of *cooperation*. Cooperation is understood both as collaborating with other unions present on site (in sites where union membership is based on trades) as well as with other stakeholders outside the workplace. Collaboration with media and community organizations has given unions the opportunity to raise awareness at a larger scale and put pressure on management to comply with workers' demands. This strategy reflects what Milkman and Wong (2000) call a 'multi-stakeholder approach' and has similarities with what Wills (2008) call a 'holistic, class-based approach'.

Collaboration among unions, community organizations and the media has strengthened them in their actions against the main contractor and their subcontractors by simple strength of numbers. The Finnish example is very telling: The Finnish Construction Workers' Union tried to go it alone in defending Polish workers on site in 2007–2008, as did the Metalworkers' Union at a later stage, but their efforts were feeble. Eventually an 'alliance' between the Finnish Construction Workers' Union, the Metalworkers' Union, the Electrical Workers Union and Trade Union Pro (the union for clerical workers) was set up, which seems to have been more successful in recruiting and representing non-Finnish workers compared to what each of them could do individually. Similarly, in the British

case GMB and UNITE work jointly on construction sites in representing engineering construction workers though there is little interaction with the unions representing civil construction workers, such as UCATT.

Furthermore, both the Olkiluoto and the Eemshaven sites have received a good deal of *media coverage*. In Finland as in the Netherlands, the media reported on the poor working and living conditions of non-native workers. Such media exposure mainly affects the main contractor and the client more than the subcontractors who usually hire the posted workers. However, to avoid bad publicity the main contractor will eventually pressure subcontractors to comply with the collective agreements in place, threatening them with contract termination. Fear of bad publicity seems to have been effective not only in the Finnish and Dutch cases where the media were actually involved in exposing poor industrial relations, but also in those where they were not. In the British case, unions pressure the clients and the main contractors to agree to union recognition on site, and these efforts are particularly effective in cases where companies have actually suffered negative publicity on the poor treatment of posted workers in previous projects. Therefore, the threat and use of the media can be a major union instrument of leverage against employers.

4. Challenges in organizing posted workers

The organizing of posted workers has been a far from easy task for the trade unions involved in our cases. At Olkiluoto 3 in 2009, when the construction works were at their peak, posted workers coming mainly from Poland comprised a third of a workforce of 4300, of whom just 100-200 were unionized; by the end of 2014 there were a few hundred Poles in the Finnish electricians' union. In the Eemshaven sites in the Netherlands the unions managed to unionize 170 workers working for a Polish subcontractor. At Ferrybridge the number of unionized non-UK workers was slightly above 100 (that is, 15-20 per cent of the workforce), while no non-UK workers at Carrington joined the local unions, despite accounting for 20 per cent of the workforce in September 2014.

Numbers are small and vary from one period to the next because of the transient nature of the construction industry, that is, workers are hired for different spells ranging from a few weeks to several months. Workers hired via employment agencies might even just stay a few days. This

hyper-mobility of posted workers is the result not only of the transient nature of the construction industry but also of their posting situation (Berntsen and Lillie 2014). Time constraints inhibit the ability of unions to properly stand up for posted workers' rights and leave workers with little possibility to familiarize themselves and engage with local unions. This in turn leaves room for social dumping and worker exploitation (Cremers *et al.* 2007). It is thus paramount for unions to circumvent such obstacles and to be able to offer representation and protection for such hyper-mobile posted workers.

In the four cases presented in the chapter, trade unions have tried to tackle these time constraints by making themselves available and accessible to workers at their place of work, that is, on the construction sites. Whether through site visits (in Olkiluoto), office hours (in Eemshaven) or a full-time open-door office (in Carrington and Ferrybridge), they have made themselves accessible to posted workers who might otherwise find it difficult to familiarize themselves with local trade unions and to individually contact them, especially considering that they work long hours and remain in the country only temporarily.

As workers show signs of scepticism and indifference towards union membership due to their presumably short-stay employment on site, unions have pro-actively approached them through opening direct communication channels, through which they introduce themselves and try to gain the trust of the workers. In the British cases, the unions were introduced to workers from the beginning through the induction process during which they met senior shop stewards, were informed about unions and the collective agreement and were offered support for addressing individual grievances whenever they needed to. In Finland, posters with information on worker rights were hung up in the communal areas. In the Netherlands, workplace engagement was combined in some cases with visits to workers' accommodation away from the prying eyes and intimidating looks of management, thus providing unions and workers with an opportunity to get to know each other. To expedite trust-building, unions in all four cases started by approaching and mobilizing those members of the non-indigenous workforce who spoke the host country language and enjoyed the respect of their fellow countrymen.

Time constraints also force unions to attune their recruitment strategies more towards posted workers, at times deviating from those used for long-term migrants. In the Norwegian case (Eldring *et al.* 2012), we

saw local union offices temporarily suspending the rule obliging workers to become members prior to being offered assistance by the unions. With the removal of the pressure to join and the financial burden that might come with the payment of membership fees (especially for people employed in low-paid jobs), migrant workers would be more likely to approach unions. In the long run, leniency regarding the membership conditionality gives unions the possibility to gain migrant workers' trust and eventually persuade them to become members. But the same strategy would be counter-productive in the case of posted workers, because once they receive union services without a prior commitment they may lose the incentive to join. In fact, presenting unions as service providers has helped local unions recruit posted workers.

The hyper-mobility of these workers is combined with a rather limited jurisdiction of the trade unions on the construction sites. For example, in the UK case, the elected shop stewards were only able to represent workers hired by the same company. The shop stewards, therefore, had no jurisdiction over other companies. There were two senior shop stewards on site (one representing each of the collective agreement signatory unions), both of whom had the right to represent all workers within the engineering construction covered under the National Agreement for the Engineering Construction Industry (NAECI), but had no jurisdiction over the civil construction workers, who were covered by another collective agreement and a different trade union altogether.

In the case of Olkiluoto 3 in Finland, we found shortcomings in the coordination between the central and local levels. There were mutual misunderstandings as both the local union and the posted workers were pushing in separate ways. In August 2007, Polish members of the Finnish Construction Workers' Union (Rakennusliitto) employed by an Irish-based employment agency appealed to the union with regard to collective agreement and labour code violations. However, the shop stewards and Rakennusliitto regional office did not take any action, leading to the workers appealing to the Warsaw office of the European Migrant Workers Union (EMWU). The EMWU contacted Rakennusliitto and offered to assist in organizing the Olkiluoto construction site by, for example, supplying Polish-speaking organizers, but Rakennusliitto rejected this proposal. Despite this shortcoming, impromptu industrial action was taken by the Poles and Rakennusliitto issued a strike threat. In the ensuing situation, both Rakennusliitto and the Polish workers were involved in negotiations with the employer on unexplained deductions for social

security contributions to a third country. However, the results of the negotiations proved unsatisfactory for the Poles, leading to most of them resigning from the union.

Misunderstandings have also been influenced by a general scepticism towards trade unions based on previous bad experiences or perceptions of trade unions in the country of origin. Spanish workers at both UK sites, for example, reportedly showed dissatisfaction with unions back home, labelling them as corrupt, while Polish workers refused to comment and kept on saying that they 'did not need them' or 'did not want anything to do with them' when asked about unions. Moreover, the language barrier remains an impediment in all countries despite efforts to facilitate communication through leaflets translated into the languages spoken by the workers on site, as well as the use of the services of an interpreter, most of the time one of the workers who spoke either the language of the host country, that is, Dutch or Finnish, or English.

Management has played their part in minimizing posted workers' involvement with the unions. Worker hyper-mobility is not so much based on the will of workers to move from one workplace to another as on the transient nature of the construction industry and the fact that many posted workers are transferred regularly by their employers. In the Dutch case, when efforts were made to organize posted workers, the unions returned to the site only to find that some of the people they had been talking with had left, either returning to their country of origin or moving on to the next job. Similarly, in the British cases civil construction workers might only be working on site for a few days at a time, and, especially when hired via employment agencies, one could never know if they would show up the next day. In one particular episode, posted workers reported unequal pay to the senior stewards. The complaint was brought to the attention of the main contractor, yet the following day the workers were gone, with a resignation letter emailed to the unions. The stewards suspected the workers had either been threatened or paid off, given the fact that it was the workers themselves who brought the issue to the unions' attention. In the case of the posted workers at the Carington site, workers said they could not stay for more than six months for 'tax purposes'. EU legislation indeed states that if a person works for more than six months in a country other than the one where they pay their social security contributions, they are obliged to pay these contributions for that period in that country. However, management decisions to move people out every six months and bring in new ones to complete

the work creates the impression among workers that they are staying for too short a time to become affiliated with the local unions.

Another management strategy involves the separation of non-indigenous workers from the local workforce on site and in their accommodation. In the Finnish case, the posted workers lived in a 'barrack village' near the site with little interaction with the local community. In one of the British cases, each company was given its own space for tea and lunch breaks, with entrance reserved solely for employees of that contractor, thus allowing workers to interact only with their fellows at subcontractor level and having little contact with anyone else. Employers may thus seek to utilize labour control strategies (Peck 1992) combining a variety of labour processes, labour supply and patterns of control within a single site. As a result, the possibility for direct communication with unions and other workers is reduced, negatively affecting workers' efforts to familiarize themselves with organized labour on site and for unions to gain their trust.

Conclusion

The first important lesson drawn from the academic literature on migrant workers and unions is that such workers (whether long-term or temporary posted) can no longer be ignored by trade unions. The overall decline in union membership and increase in precarious employment, with work often outsourced to companies relying on migrant labour, make the latter important for union revitalization. One can already learn from the existing literature on successful migrant organizing campaigns that to protect workers' rights unions need to maintain or increase their critical organizational mass and gain the support of other stakeholders and broader society. In order to achieve their goals, holistic, zonal and multi-stakeholder approaches in association with strong leadership commitment and bottom-up initiatives are a good combination for organizing worksites with a high number of migrants. Bundling strategies and incorporating innovative and context-specific initiatives further increase the chances of success.

Secondly, as shown in the four case studies – Carrington, Eemshaven, Ferrybridge and Olkiluoto – discussed in this chapter, the approaches used to organize migrant workers are suitable to a certain degree when it comes to posted workers. Their hyper-mobility however calls for

strategies and initiatives taking into account their relatively short-term service-based employment situation. In our four cases, unions have proactively addressed the issue of time and mobility by becoming more accessible for the workforce on site, by initiating direct communication within and outside the workplace, by gaining the trust of the workers through direct communication and the mediation of one or more of their peers, and by cooperating with other organizations, the broader community and the media.

Their success has, nevertheless, only been modest. The number of posted workers joining local trade unions has been relatively small, and in one case (in Carrington) none of them joined despite union efforts. In the other cases, success was short-lived, as union members would move away a few months after becoming members, often to another country, thereby interrupting their relationship with the local union. Once workers are out of the country, local unions can no longer help them, as their jurisdiction is bound to national boundaries (see for e.g. Berntsen and Lillie 2014; Lillie and Sippola 2011; Lillie and Greer 2007). Although migrants can take traditions of militancy developed in one place to new places (Rainnie *et al.* 2009), their continuous cross-border hyper-mobility presents a challenge for spatially-bound organizational practices.

In response to the new labour relations configurations transcending national borders, a transnational union representing workers across national borders within the European Union has been proposed (see also Rainnie *et al.* 2009; Lillie and Greer 2007; Turnbull 2006). The idea has already been tested with different results. For example, the European Migrant Workers Union (EMWU) was founded in 2004 under the auspices of IG Bau in Germany. Unfortunately, the project, which aimed at representing workers from CEE states, did not prove successful (Greer *et al.* 2011). Despite its transnational mission, the main reasons the project failed were the participating unions' insistence on defending existing jurisdictions, the slowness of inter-union cooperation, and its own inability to develop into an independent organization. Another multilateral project, the European Construction Mobility Information Network (ECMIN), established in 2009 and coordinated by the European Federation of Building and Woodworkers (EFBWW), has proven to be more sustainable. Its mandate, however, is limited to the provision of information on working conditions. Nevertheless, the initiative has been applauded as a way to build national union support for a transnational approach (*ibid.*). More than ten years have passed since the establishment of the EMWU,

and that time might have helped change the attitudes of national unions and make them more open to transnational cooperation.

Unions' experience with migrant workers shows that in order to successfully organize them it is necessary to bundle different approaches and find innovative ways of recruiting them. Although none of the cases studied perfectly met the tremendous challenge of organizing posted workers in particular, and transient labour in general, the comparative analysis of the various innovative approaches of the national unions to recruiting the workers can provide us with 'tools' for unions to be used in other national contexts as well as at the transnational level. The 'tools' we suggest to be benchmarked across European borders are crystallised in four keywords: accessibility, proactivity, trust-building and cooperation.

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