

## Trade Union Guide for Migrant Workers

### **Ian Cook**

*Migrant workers are often those who face the harsh end of exploitation in the labour market, sometimes because they do not know their basic rights as employees. The Trade Union Congress produced a guide for migrant workers, tackling the most frequently asked questions and providing the information they deemed necessary to help labour migrants succeed in the UK labour market.*

### **Abstract italiano**

I lavoratori immigrati, spesso più degli altri, si trovano a fronteggiare la dura realtà dello sfruttamento nel mercato del lavoro, a volte perché non conoscono i loro diritti fondamentali come lavoratori. Il Consorzio dei sindacati inglese ha realizzato una guida per lavoratori migranti che risponde alle domande più frequenti e procura le informazioni necessarie per aiutare i lavoratori immigrati a integrarsi nel mercato del lavoro inglese.

**Area** *(Quality of life)*

**Kind-category of project** *Guide*

**Kind-category of actor** *Trade Unions Congress UK*

**Country** *UK*

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**5 key-words** *workers, unions, rights, cross-border, migration*

## **1. THE PROJECT**

### **Main Actor**

Trade Union Congress  
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The TUC is formed from around 70 affiliated unions representing around 7 million working people in the UK. It is not affiliated with the government, employers or any political party. The Trade Union Congress meets once a year for four days where its members decide upon the direction of its work for the following year.

On their website the TUC reports that it:

- brings Britain's unions together to draw up common policies
- lobbies the Government to implement policies that will benefit people at work
- campaigns on economic and social issues
- represents working people on public bodies
- represents British workers in international bodies, in the European Union and at the UN employment body (the International Labour Organisation)

- carries out research on employment-related issues
- runs an extensive training and education programme for union representatives
- helps unions develop new services for their members
- helps unions avoid clashes with each other
- builds links with other trade union bodies worldwide

The TUC produced the report Trade Union Guide for Migrant Workers to help migrant workers in the UK who they felt were being exploited. Part of the reason for their exploitation was believed to be the lack of knowledge of employment regulations in the UK.

The publication is a brief overview of the perceived most important aspects of the employment rules as well as useful contacts for migrant workers. It is available in electronic and paper format in Czech, English, Estonian, Hungarian, Latvian, Lithuanian, Polish, Russian, Slovak, French and Spanish.

The contents of the 16 page publication are:

Welcome to the UK  
 Starting work in the UK  
 National Insurance and tax  
 Worker or employee?  
 Your rights as a worker  
 Working time rights  
 Agriculture  
 Health and safety protection  
 Protection from discrimination  
 Union membership  
 Special rights for agency workers  
 Additional rights for employees  
 Enforcing your rights  
 More help and information  
 Unions today - your friend at work

### **When and how long: structure and steps of the project**

The TUC gathered information about what the main cases of exploitation were, as well as what migrants wanted to know both formally, as part of research which they regularly undertake, informally through their members (some of which are migrants themselves) and face to face through advice surgeries.

### **Place and context**

With the accession of many Central and Eastern European countries into the European Union much work, which was previously done on a semi-formal or informal basis, became completely legal. With this legality came labour rights, which was consequently an important issue both for employer and employee.

A TUC report revealed that “Migrant workers in the UK, including those with the right to work here, are subject to such levels of exploitation and control that they meet

the international legal definition of ‘forced labour’ (*Forced Labour and Migration to the UK* by Anderson and Rogaly available at [www.tuc.org.uk/international/tuc-9317-f0.cfm](http://www.tuc.org.uk/international/tuc-9317-f0.cfm)). The report details many cases including the story of two Polish construction workers that were brought by agents to the UK. “They were told that they would be provided with housing and employment, and that they could pay their agent later. On arrival in the UK they were moved around, put to work for long hours, closely monitored, and paid no money. They attempted to run away, and were badly beaten in the fight that resulted, but they did manage to escape and slept in Heathrow airport for two days. They were however terrified that they were going to be discovered I wouldn’t have survived long there, not because I couldn’t work in construction but because of these guys”.

Furthermore labour migration from the new EU countries has been extremely high with 1,440 Poles alone coming to the UK in 2004 (source: [migrationinformation.org](http://migrationinformation.org)). Many are attracted to Britain by the higher wages and high levels of unemployment in their home countries. Britain has a relatively “flexible” labour market. Neo-liberal advocators such as current Chancellor Gordon Brown argue that this helps create jobs in the country; however some labour groups argue it allows more space for exploitation. For instance employers can manoeuvre around the European directive on maximum working hours (currently 48 hours per week) by getting the workers to sign an opt-out form at the beginning of their employment. Though technically voluntary, confused migrants unfamiliar with British employment regulations often sign away their rights early in their stay in the UK.

## **Target**

The main target is migrants who are coming to work, or currently working in the UK. They can download the information before they come as well as reading a paper copy once they are already working. Although the primary target of unions is their own members this is not always the case as Sean Bamford, a Policy Officer at the TUC, explains “As for this notion of passing on information of non members, well the information we put out it open to everyone. And though we want to get as many people to join unions as possible it is also important to remember that not all of these people come from unionised backgrounds. So we have got a sales job to do. It is harder to convince people that we have services and uses to them and also to make them to be realistic about what is their long term future in the country. Furthermore we have to ask migrants if they are going to stay here, whether they want to continue putting up with some of the abuse that many of them are suffering.”

## **Methodology**

The TUC researched the main problems which migrants faced in the following ways: as part of the daily activity they research working rights and conditions in the UK; they also run advice surgeries for migrants, for instance in Brighton at their annual conference (Brighton is in the South of the UK where many migrants are based) which allows them to gather information on what migrants needs are.

Producing the information in many different languages is important because although people are working in the UK they may not necessarily be able to speak the language at a high level. If they are working in the construction or agricultural field they might

not need to have good language skills for their work. The publication is suitably un-flashy in its style and concisely put together allowing information to be quickly accessed. The print and PDF downloadable web version are the same.

Having the information online is important so that people can research their rights before coming to work in the UK if they are thus inclined. Many rumours often circulate about labour rules and regulations amongst migrants so it is good to have the information produced by an reliable source which is available *before* myths are heard.

### **Authors, funding, and networks**

The TUC is funded by its affiliate unions who are in turn funded by its members. In a sense it can be seen as a way in which the workers of Britain are funding a project to help to workers entering the country.

International networks of Trade Unions are beginning to take shape to tackle the problems faced by non-unionised migrant workers.

## **2. COMMENTS AND HINTS FOR AN EVALUATION**

### **2.1. Strengths**

The information is short and so fairly easy to digest for those who are new to the working practices in the UK. It also makes it clear that the project should only be seen as a guide and not comprehensive. It does however serve as a useful reference point which a labour migrant, often with small amounts of luggage can carry with them.

The diversity of languages allows people to realise their rights even if they grasp of English is poor, as is often the case with workers in the manual sphere. Though the focus is on workers in the EU, Russian is still included as it is spoken by many at the margins of Europe.

It has useful telephone numbers for further questions; this means that migrant workers have a useful place to corroborate the information given to them by their employees. It can also mean that labour migrants do not feel completely alone when faced with an unscrupulous employer.

The publication has immediate practical implications for the day-to-day lives of migrants working in the UK. Because of the TUC's position of being present in a wide variety of work places, they have the ability to produce a document which reflects the different needs of workers in different sectors. This may explain why the document is very general and so can be used by different workers no matter what. It does however focus on spheres where many migrants find themselves, such as those on temporary contracts through employment agencies (as for instance there are peculiar rules concerning holiday pay).

### **2.2. Critical points**

Not all of the languages of European countries are covered. Though this should not be a huge problem as most are and within migrant communities there would usually be one person who could help with translation or understanding.

There is no tangible way of knowing how useful the publication was “on the ground”. It is also hard to know how many copies of the publication reached the people who were the most vulnerable. Often those who are exploited are those who are the least resourceful and so they would not be the type of person who would actively seek out employment information. This might especially be the case if they came to Britain through a work agency and so were transferred directly to their place of work (such as a construction site or somewhere deep in the countryside) as they would have no access to union material. However it must be remembered that the TUC has nearly 7 million members, many of whom actively participate in the labour movement and so would be willing to spread information to labour migrants as they come into contact with them.

Also in some sector there is not a big union presence, however the unions are aware of this and making attempts to solve the problem, as Sean Bamford explains, “In the private sector there is an issue that we are sometimes thinly distributed on the ground. So there is an issue for British workers as well as migrant workers, on top of that there is often the problem regarding language, so we are looking at ways to solve that (such as by the production of this information booklet) but also some of our members are recruiting new members from these communities so that they can communicate better with them.”

### **2.3. Conclusion: what is “exportable” in the project**

That workers of countries are willing to help one another to overcome whatever problems they might face. It might be possible to argue that some links are much stronger than national ties, such as the ties of one group of workers links to another. It is beneficial for both parties to have improved conditions for migrants, as any removal of hard fought for rights undermines the position of union solidarity. Intercultural cooperation, it might be concluded, works well when there is a common bond uniting the individuals or groups.

#### **LINKS**

The guide in its different languages

<http://www.tuc.org.uk/international/index.cfm?startrow=1&endrow=6&mins=288>

Article on how to improve the rights of migrant workers, by the TUC

<http://www.tuc.org.uk/international/tuc-11856-f0.cfm>

A report on exploitation of migrant workers in the UK

<http://www.guardian.co.uk/food/Story/0,,1387283,00.html>