

# Trade unions' solidarity towards non-members: the case of posted workers

**Ilana Nussbaum Bitran – Irene Dingeldey**

Stakeholders Conference

Kraków, Sept. 14th-15th 2023

<https://www.uni-bremen.de/places-and-motives-of-acts-of-solidarity-in-transnational-working-relations>

# Posted Workers (PW) in the single EU Market

- **Posted of workers:** employees who are sent by their employers to carry out services in a different EU Member State on a temporary basis
- **Short period of time** in host country under **precarious labour conditions**
- Ruled by the **freedom to provide services** and not by the free movement of people (PWD 96/71/EC)
- Relationship between PW and their employer in their home countries legally **extends across two nation-states**
- **Limited control** and enforcement of the rule

# Posted Workers (PW) in the single EU Market

- Opportunity for employers to **reduce labour costs** especially in labor-intensive sectors. Business model based on **competitive advantages**
- PW tend to **avoid coming into conflict** with their employers
- **Rarely turn for help** to institutions that could protect them
- Spatially and socially **disconnected** from the rest of the society
- When conflict: PW **return (or are sent) to their countries of origin**

## (Trans)national Workers' solidarity

- Trade unions work on a **national basis**
- **Membership** is needed to get help and support
- PW are **not easy to “recruit”**
- **Tradeoff** between sticking to the rules (helping only members) and letting working condition in the host country to worsen **or** to help non-members

→ *What are the strategies trade unions develop to include posted workers?*

→ Which examples of transnational solidarity can we find?

- 3 examples: IG BAU / Faire Mobilität / ETF

# Perception of PWs and Strategic options

- **Perception A:** threat to own status

→ Exclusion → No PW in our enterprise (short term strategy)

→ Solidarity only among national members

- **Perception B:** Everything is connected, „we are all in one boat“

→ Inclusion → organisation and support for PW to improve their working conditions and to protect own status (long term strategy)

**How to promote perception B to transnationalise solidarity?**

# Towards perception B

- **Two approaches** that unions use to represent and protect workers:
  1. **Servicing approach:** more passive form of membership
    - Workers depend on full-time officers and union bureaucracy to get support
    - It relies on union activity outside the workplace, can be seen as a form of service towards the members
  2. **Organising approach:** more active form of membership
    - Recruitment, involvement and empowerment of members take place at the workplace level.
    - Support and organising tasks are undertaken by workplace representatives with the support of external full-time officers
  
- But how to **include** and **protect PW**?

# Towards perception B

- Danaj & Sippola (2015):
  - Making the unions available for the workforce → **accessibility**
  - Approaching the workforce directly → **pro-activity**
  - Gaining the trust of the workforce → **trust-building**
  - Cooperation with other stakeholders → **community outreach**
  
- Heidinger et al. (2018):
  - To guarantee PW a right to join and be represented by unions
  - Establishing/extending cooperation between sending and receiving country unions
  - Creating transnational union structures
  - Informing PW about host country labour standards

- Danaj, S., & Sippola, M. (2015). Organizing posted workers in the construction sector. In J. Drahokoupil (Ed.), The outsourcing challenge: Organizing workers across fragmented production networks (pp. 217–226). European Trade Union Institute (ETUI).
- Haidinger, B., Iannuzzi Francesco, Sacchetto, D., Lilie, N., & Kall, K. (2018). Enhancing Economic Democracy for Posted Workers. PROMO Report.

# Methods

- Expert Interviews
    - 9 EU
    - 54 Bulgaria, France, Germany, Poland, Spain and Sweden
  - Document analysis
- Three examples of transnational trade unions' solidarity



## IG BAU – Light membership

- National initiative
- Annual membership for migrant workers with reduced price
- Immediate protection of employment, advice and information, representation in court, strike support...
- *“We have **repeated cases** of columns of **posted workers who do not receive their wages** from their employers for months and in the end... the **employer is suddenly no longer available, has disappeared**. And these colleagues are, so to speak, out on the street without any means”* (Interview IGBAU)
- *“When they see that, so to speak, the **colleague next door is working for half the price**, the question immediately arises: ‘**Yes, how long can I then actually continue to work** with my wage if, so to speak, completely different wage levels apply, depending on origin?’”*(Interview IGBAU)

# IG BAU – Light membership

## Annual membership for migrant workers

(Posted workers, seasonal workers, fixed term contract workers)

Under § 8 paragraph 8 of the Berlin constitution of 2017, as determined by the trade union advisory council on 28.01.2020, migrant workers in the construction industry and the agricultural sector can become annual members of IG Bauen-Agrar-Umwelt. **Membership begins on payment of the subscription and ends after twelve months, without cancellation, unless it is renewed.**

The subscription comprises the respective current subscriptions of construction minimum wage 1 in the construction sector or the statutory minimum wage in the agricultural sector for 6 months of employment, plus the minimum subscription of € 5.50 for the remaining 6 months in the event that unemployment benefit II is claimed. **The annual subscription is collected for 12 months in advance.**

### Benefits

This subscription includes the following benefits:

- ✗ **Immediate protection of employment and social rights in Germany.**
- ✗ **Advice and information.**
- ✗ **Strike support.**
- ✗ **Liability and damage compensation protection for damages e. g. to vehicles and equipment in the course of services from the collective agreement with GUV/ Fakulta.**
- ✗ **Information on important changes in the legal position or on labour disputes – in the native language if available.**

### Membership subscription

The annual subscription amounts to the following:

- In the **construction industry** from 01.01.2021 **187,20 €**
- In the **agricultural sector** from 01.10.2022 **177,00 €**

Current annual subscription at [www.igbau.de](http://www.igbau.de)

Herausgeber: IG Bauen-Agrar-Umwelt, Vorstandssitzende: Ina Rahn – Forst und Agrar, Harald Schwan (V.i.S.d.P.), Ulf Pfaffenb. 79, 30859 Frankfurt am Main, Jan. 2022, Foto: Shutterstock, Die Ethner Photography, Pong Studio




**Together We're Strong!**

The IG BAU is your trade union



englisch

[www.igbau.de](http://www.igbau.de)

- **Servicing approach:** support to PW as a form of service in cases where their rights are not being respected
- **Organising approach:** actively recruitment of PW in the working places
- **Accessibility** (languages), **representation** in courts and **information** about rights
- **Transnational solidarity** → inclusive + self interest

# Faire Mobilität

- Beyond national cooperation
- 13 Advisory centres in Germany for mobile workers from CEE
- Started in 2011 as a DGB initiative – since 2020 financial support by BMAS
- 2017 → Fair European Labour Mobility (European Social Funds+)
  - Trade union-related counselling centres for PW in four countries of origin (RO, PL, HU, SL + AT, DE). Based on a trade union-linked network of advisors from CEE
- *“We have **cases that cross national borders** (...) we must also have contact with the trade unions in the countries of origin. There is **institutional cooperation**, so to speak”* (Interview Faire Mobilität)
- *“The **capital side already cooperates much more across national borders** and I think the other side has to do the same. So we **also have to do that** in order to avoid this undercutting, so to speak, so that the **workers are not played off against each other**, that is important”* (Interview Faire Mobilität)

# Faire Mobilität

Европейски проект за справедлива мобилност

fair DGB  
European Fair Mobility Project

Командировани работници –  
вие имате права!

Bun venit Добре дошли  
Dobrodošli Welcome  
Willkommen

European Fair Mobility Project

Posted Workers –  
You have rights!

- **Servicing approach:**  
support to PW as a form of service provided by full-time officers outside the workplace
- **Accessibility** (languages), enhance **trust building** processes, **information** about rights, cooperation with **stakeholders** (community outreach), cooperation between **sending and receiving** country unions
- **Transnational solidarity** → inclusive + self interest

## ETF - transport sector

- Transnational initiative
- “EU” membership. Trade union membership in one country is valid in a different one
- Specific conditions of the sector as reason for solidarity
- *“We have a **cooperation through the ETF** where we have contact persons, you know, in all member countries. And, I mean, if you are a member in the Romanian trade union and are in trouble in Sweden in some way and we try to help each other”* (Interview Svenska Transportarbetareförbundet)
- *“If you are affiliated to the UGT it is a collaboration agreement that we have with Verdi, with Italians, with within the ETF (...) [If something happens] **it's better that we take care of you here than that they take care of you there**, they have no idea what's going on here”* (Interview UGT)

# ETF



- **Servicing approach:**  
support to PW as a form of service provided by full-time officers outside the workplace
- **Accessibility** (languages), **representation** in courts, **information** about rights, cooperation between **sending and receiving** country unions
- **Transnational solidarity** → inclusive + self interest  
But **only** for members!

# Conclusions

Transnational workers' solidarity **is possible (!)**

- Solidarity as mix of **self-interest and class solidarity**
- Trade unions and their members have to feel the need to open their field of work to **mobile workers**
- Importance of **problem perception** as precondition to **inclusive or even transnational servicing and organising**.
- **Organising** is still attached to the **national** level. **Servicing** has trespassed borders
- Necessity to implement **different elements** to represent and protect PW
- Importance of **resources and coalitions** (trade unions+ public funds): monetary, language, time, people...
- One size does **not** fit all! → differences between sectors

