

**Trade Unions and Migration in the UK:
Equality and Migrant Worker Engagement
without Collective Rights**

*Heather Connolly, Miguel Martinez Lucio
and Stefania Marino*

*UNIVERSITY OF MANCHESTER
MANCHESTER BUSINESS SCHOOL*

*PROJECT FUNDED BY THE LEVERHULME TRUST
Manchester 2012*



The University of Manchester

The Leverhulme Trust

Researchers

Heather Connolly has an MA and a PhD in Industrial Relations from the University of Warwick. She has previously worked as a researcher at the European Trade Union Institute (ETUI) in Brussels and at the European Work and Employment Research Centre (EWERC) based in Manchester Business School and as a teaching fellow at the University of Warwick. From September 2012 she holds a full-time senior lectureship at De Montfort University, Leicester. Heather has conducted research into comparative trade union renewal strategies, radical unionism and trade union responses to migrant workers.

Stefania Marino has a PhD in Labour Studies from the Graduate School in Social Economic and Political Studies of the University of Milan and a Master Degree in Social and Political Studies from the University of Bologna. She has held visiting positions at the University of Amsterdam (AIAS-UvA and IMES-UvA). She has previously worked as teaching fellow for the University of Bologna and research associate at the University of Milan and she is currently a research associate at the European Work and Employment Research Centre (EWERC) of the Manchester Business School. Stefania has conducted research on trade union strategies towards vulnerable groups of workers with a specific interest for migrant and ethnic minority workers.

Miguel Martinez Lucio (Director of Project) studied for a BA (Hons.) in Economics and Government and then a SSRC sponsored MA in Latin American Government and Politics at Essex University (1979-1983). He completed his PhD in Industrial Relations in 1988 at the University of Warwick. HE is a professor at the University of Manchester, Manchester Business School. He is a Member of the Fairness at Work Research Centre and EWERC. He has conducted research on trade union development, the impact of management change and de-regulation at work, new forms of regulation and the role of the state, and the changing nature of labour market identities

Acknowledgments

We would like to thank all the individuals we interviewed. In terms of our advisors we have sought advice from Professor Nelarine Cornelius at the University of Bradford's School of Management who has been useful in helping us frame some of our understanding of BME groups gain contacts. Steve Craig (TUC Tutor and UCATT project worker) and Deborah Littman (UNISON) have been important in advising and guiding us at key points. With regards to the three unions we are gratefully for the dialogue with, and advice from, Mohamed Haidor and Manuel Riesco of the Spanish CCOO union, and Jorge Aragon of the CCOO's First of May Foundation. Dirk Kloosterboer in the Dutch FNV has been a very useful link-point and basis for further insight into Dutch union renewal strategies. Mustapha Laboui was a key advisor of the project as the FNV specialist on the area. Whilst the ideas expressed in this report are ours, and we are responsible for them, the advisors have been a constant source of support and engagement. We would also like to thank Andrea Oates for copyediting the report and to Pat Gorham of the Manchester Business School for supporting us in administrative terms.

Leverhulme Trust

The Leverhulme Trust was established in 1925 under the Will of the First Viscount Leverhulme with the instruction that its resources should be used to support "scholarships for the purposes of research and education." Since that time, the Trust has provided funding for research projects, fellowships, studentships, bursaries and prizes; it operates across all the academic disciplines, the ambition being to support talented individuals as they realise their personal vision in research and professional training. With annual funding of some £60 million, the Trust is amongst the largest all-subject providers of research funding in the UK.

CONTENTS

1 .INTRODUCTION

2. BACKGROUND TO MIGRATION AND INDUSTRIAL RELATIONS

3. RESEARCH METHODS

4. THE HISTORICAL CONTEXT OF TRADE UNIONS AND IMMIGRATION

5. TRADE UNIONS AND IMMIGRATION

6. CONTRIBUTIONS AND CHALLENGES

7. ANALYSIS, EXPLANATION OF DIFFERENCE AND CHARACTERISTICS

Trade Unions and Migration in the UK: Equality and Migrant Worker Engagement without Collective Rights

Heather Connolly, Miguel Martinez Lucio and Stefania Marino

1. Introduction

The aim of this report is to examine the United Kingdom (UK) union response to migrant workers and their role in integrating them into both unions and wider society. The report will begin by contextualising the UK trade union movement's response to migrant workers and will then look in detail at some of the responses identified in our research. The question of union responses is an important one when it comes to the areas of migration and social inclusion. The issues that migration gives rise to for immigrants and for the employment relations system more generally are broad. The questions of workers' rights, human rights, personal development, regulation and representation are just some of the areas that are affected by questions of migration and the way employers and the state relate to them. The nature of social exclusion is such that it gives rise to problems for immigrants in terms of their working conditions, their levels of pay, their personal security and dignity and their identity in ethnic and social terms. Trade unions find that in the current context, where employment relations are relatively disorganised and the economy is more fragmented in terms of the structure of the firm and the nature of work organisation, some sections of migrant communities constitute an increasingly vulnerable workforce, subject to high levels of exploitation by employers and difficult social circumstances. Hence there is a need to study how unions address these issues through a variety of practices and strategies.

It is clear that traditional union work plays a role, for example the role of bargaining in enhancing the conditions and pay of workers, including migrants. However, these practices work across a collective body of organised workers and consequently affect workers involved in that bargaining unit, whether migrant or not. Another example is where trade unions have lobbied for an enhancement of universal welfare services. Hence, outlining the role of unions in enhancing the economic and social conditions of immigrant communities is difficult because many established activities tend to affect individuals within the constituency represented, irrespective of their social background. Given this, we focus on strategies that are deliberately targeted at migrant and black and minority ethnic (BME). Hence we focus on a range of activities in relation to migration: institutional relations with the state, the role of learning and training, the development of Living Wage campaigns, the role of organising as a campaign of revitalisation, the development of self organisation, and the role of anti-racist activity more generally. Before looking at these strategies we present an overview of employment relations in the UK, the background to migration and outline the methods used for the project. The report ends with some broader reflections and future challenges and presents some insights from practitioners involved in the project.

2. Background to Migration and to the Industrial Relations System

In the UK we can identify two periods of post-war migration that are important for understanding the evolution of trade union responses. Firstly, during the 1945 post-

war boom many Commonwealth residents were encouraged to come to the UK to fill jobs that indigenous workers were reluctant to take (Castles and Kosack, 1973), particularly in hospitals and transport. Immigration to Britain, relatively low before the Second World War, had started to become a controversial political issue by the 1950s, when immigration from the Commonwealth actually began. In that period, the government even considered recruiting workers from the Commonwealth countries, especially from the West Indies, to tackle increasing labour shortages (Spencer, 1997). However, the prevalent belief was that Europeans were more suitable workers, since they would be easier to integrate and easier to return when no longer needed. Hence, while immigration from the West Indies was restricted (Clayton, 2010), European workers were encouraged to settle in the UK. Polish workers were among the first group, followed by immigrants from Italy, the Ukraine and Germany (Migrant Health, 2006). Despite restrictions, immigration from the Caribbean continued to rise, as did immigration from the countries known as the Commonwealth: Australia, Canada, and New Zealand. The patterns of inclusion in the labour market were very similar to those of other Western European countries, with a prevalence in the manufacturing industry. However, these migrants differed from other 'guest workers' due to their former colonial status. In fact they had the same political and legal rights as the native population, including voting rights in both local and national elections (Wrench, 2000). This explains why Britain was the first country where post-Second World War immigrants, mainly from former colonies, started to constitute permanently resident ethnic minorities (Schierup *et al.*, 2006).

By the end of the 1950s it had become a common belief that there had been a disproportionate increase in immigrants from the Commonwealth, leading to successively tighter restrictions on immigration and a progressive move away from the broadly conceived citizenship concept (Menz, 2009). Britain became the first country in north-western Europe to introduce rigid controls on immigration (Schierup *et al.*, 2006) in an attempt to arrest the flow of immigrants from the Commonwealth. This aim was pursued by manipulating citizenship eligibility in the course of subsequent reform (1962, 1968, 1971, 1981) (Menz, 2009:152). The Commonwealth Immigrants Act of 1962 introduced specific controls to test the presence of basic conditions that a Commonwealth citizen would have to satisfy to gain entry. Only people who were born in the UK and Ireland or who held a passport issued by the government of those countries would not be subject to immigration control. Immigration officers were given wide discretionary powers in determining whether such conditions were satisfied or not, resulting in less restrictions on entry for immigrants from Canada, Australia and New Zealand (Clayton, 2010).

One of the unexpected outcomes of the 1962 Act was the rise of the so-called Asian Africans. Most of these migrants, originally from the Indian sub-continent, had been brought into the ex-colonies of East Africa by Britain before Indian independence and the creation of Pakistan to work on reconstruction projects. Following independence in East African countries (Kenya, Uganda and Tanzania) and the policy of Africanisation, which required residents to acquire the new citizenship, most of this minority population which had UK citizenship immigrated to the UK.

Following this new increase in immigration, in 1968 the government decided to establish a new Commonwealth Immigrants Act (Shah, 2000; Bevan, 1986; Dummett and Nicol, 1990). According to this Act, British subjects would be free from

immigration control only if they, or one of their parents or grandparents, had been born, adopted, registered or naturalised in the UK.

At the end of the 1970s, it was believed that primary immigration had been brought to an end and anti-discrimination and equal opportunities legislation, aimed at facilitating integration, started to be implemented. The focus of restrictive policies moved to family settlement and the entry of spouses. However, primary immigration only decreased slightly. During the 1980s a large number of Australians, New Zealanders and South Africans moved to the UK (Migrant Health, 2006).

Legislative initiatives in the 1990s further restricted entry “implementing carrier sanctions and safe third country provisions, as well as in-kind provisions of benefits and regional dispersions.” (Menz, 2009: 156.) Most of these policies were implemented to respond not to immigration in general, but to increased claims for asylum¹.

At the end of the 1990s, the UK was commonly believed to be a multicultural society where distinct groups could live together peacefully and with a high level of participation from an economic, political and social point of view. However, the presence of integration problems was highlighted by many indicators including the low socio-economic status and high rates of unemployment of many black and Asian people, high concentrations of ethnic minorities in poor neighbourhoods, high levels of racist violence in many areas, and the prevalence of racism in the police force (underlined by the 1997 public enquiry into the murder of black teenager Stephen Lawrence in 1993)². In the summer of 2001 riots in de-industrialised northern towns with large Asian populations like Oldham, Burnley, Bradford, Leeds and Blackburn, the events of 11 September 2001 and the alleged links between al Qaeda and radical Islamic groups based in the UK resulted in increased support for the British National Party in the June 2001 general elections.

In the same period, a new debate on immigration and national identity started, together with a rise in public concern about the loss of jobs as a result of the entry of workers from Central and Eastern European states joining the European Union (EU) in 2004. However, the highly stratified labour market and the abundance of low-skilled, low-paid jobs, as well as the relative dynamism of the British economy, made the UK a very attractive country for both Eastern Europeans and non-Europeans (Menz, 2009). The accession of a number of Central and Eastern European countries³ to the EU in May 2004 brought a significant influx of immigration to the UK (Scott, 2007; Pemberton and Stevens, 2010).

In more recent years the increasing number of new immigrants has been drawn from a wider range of countries, although foreign nationals from the EU and states with long-standing ties to the UK tend to dominate. In 2008, the top ten nationalities were Polish, Indian, Slovakian, Pakistani, Australian, Romanian, French, Lithuanian,

¹ The Asylum and Immigration Appeals Act 1993, Asylum and Immigration Act 1996, Immigration and Asylum Act 1999, Nationality Immigration and Asylum Act 2002, Asylum and Immigration Act 2004 and the Asylum and Nationality Act 2006.

² The 2000 Race Relations (Amendment) Act was the key measure designed to reform the police service and other public institutions (Cabinet Office Unit of Social Exclusion).

³ Including the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

German and Italian (DWP, 2008). With respect to asylum seekers, in 2007 the highest number of applications came from nationals of Afghanistan, Iran, China, Iraq and Eritrea.

Recent migration policies continue to show a restrictive character, if differentiated by types of migrants. Following Menz (2009: 164): “Recent economic migration policy is influenced by competition state rhetoric and ideology and strongly shaped by employer concerns and interests. Embracing these positions, labour migration policy has been rediscovered and liberal provisions for employees perceived as adding to existing sectoral strengths especially information technology, health, finance, natural science research, and to some extent engineering. Simultaneously recruitment channels for low-skill migration have been created in sectors such as food processing, hospitality and agriculture with recent policy changes aimed at channelling Romanians and Bulgarians into these two sectors rather than non-Europeans”.

The current labour migration legislation envisages four tiers. The first tier is reserved for highly-skilled professionals and entrepreneurs who have permission to enter the UK to search for a job. The second category is reserved for applicants who can meet shortages in specific sectors such as nursing and teaching. The third and fourth tiers concern nationals of countries which have concluded repatriation agreements with the UK, and consist of short-term limited quota schemes for low-skilled workers and students. The points system has been defined as a “paradigmatic example of business-driven labour recruitment schemes” (Menz, 2009:11) that distinguishes between ‘good’ labour migrants and ‘bad’ asylum seekers, is based on the competition state logic and rhetoric and entails a carrot-and-stick approach towards Third World countries (Menz, 2009).

Industrial Relations

British industrial relations are widely known for their ‘tradition of voluntarism’ (Flanders, 1974). This term indicates a relatively low intervention by the state. In fact this intervention has historically been limited to the provisions of instruments to support collective bargaining such as conciliation and arbitration machinery (Ferner and Hyman, 1998). The support of ‘free collective agreements’ and of industrial ‘autonomy’ was shared by employers and trade unions. If employers considered legislation as constraining the principle of *laissez faire*, trade unions tried to avoid the intervention of the courts, considered hostile to labour, in industrial disputes. Hence, while many trade unions in Europe demanded a legal framework which could guarantee the trade unions recognition, as well as regulate the process of collective negotiations, British trade unions “have recognised the need to rely on their own collective strength – ‘industrial muscle’ – rather than depending on external support; they have been more concerned with *de facto* than *de jure* rights.” (Hyman, 2001: 68.) As a consequence, instead of positive rights on industrial matters, a set of legal immunities were created to cover a specific area of industrial relations.

Voluntarism has shaped British industrial relations over the course of time and has created specific features, some of which still endure. One of these is related to collective bargaining and consists of the absence of any formal obligation by employers to bargain with unions and, second, the fact that collective agreements are not legally enforceable: “collective agreements are ‘binding in honour only’, of legal

relevance only to the extent that their terms may be incorporated (implicitly or explicitly) into employees' individual contracts." (Hyman, 2001:70.) In principle, collective bargaining may occur at any level⁴. Industry-wide, multi-employer bargaining may be conducted at national or local level between employers' associations and trade unions. Single-employer bargaining may occur at establishment, company and divisional or corporate level. At shop-floor level, collective agreements may coexist with informal rules rooted in 'custom and practice' (Brown, 1972). However, over the course of time, industrial relations have become enterprise-specific and the coverage of collective bargaining has continued to diminish⁵.

The second characteristic concerns the voluntary recognition of trade unions by employers. This means there is no general administrative or legal route that guarantees recognition to unions independent of their membership. The third feature is related to the presence of a light framework of state-provided facilities for disputes resolutions. The state has no power to order the suspension of an industrial action or to impose 'cooling-off' periods.

The longstanding tradition of voluntarism, however, does not mean that the state has not intervened in the industrial relations field. The Conservative governments in power between 1979 and 1997 heavily influenced British industrial relations through several legislative packages, implemented at approximately two-year intervals, which led to a progressive weakening of the institutions of collective regulation (Purcell, 1993)⁶. As Howell (2006: 158) states: "the role of legislation after 1979, and the willingness of the police and the judicial branch of the state to enforce that legislation, marked a ratcheting up of the level and nature of state intervention, compared to previous efforts to act as midwife to a new set of industrial relations institutions." Key provisions of such measures were aimed at limiting union bargaining strength and eradicating the closed shop that became unlawful in 1990. The legislation limited the ability of unions to organise industrial action, weakened union immunities from legal action by employers and restrained picketing. It also intervened directly on union internal organisation as "the government saw the union leadership as being unrepresentative of the views of their (implicitly more 'moderate') members, and so legislated to prescribe the internal democratic procedure unions should adopt." (Ferner and Hyman, 1998:13.) Furthermore, it pursued the dismantling of statutory support for collective bargaining and abolished the Wages Council established in 1909 and aimed at providing statutory minimum wages for those workers employed in sectors where collective bargaining was weak.

The limitation of union power has been flanked by a process of labour market deregulation, decentralisation and individualisation of employment relations and

⁴ Workplace negotiations were widely present in the British industrial relations system before Thatcherism. By 1968 the Donovan Commission stated that the British had two systems of industrial relations: one at industry level bargaining which set a framework of terms and conditions; the other one in workplaces supplemented these formal arrangements but also led to deals between local managers and shop stewards. The formalisation of single employer bargaining largely contributed to the growth of these arrangements.

⁵ In 2008, the coverage rate of collective agreements in the UK was 34.6%. However it differs largely between public and private sectors (20% and 72% respectively in 2008) (EIRO report).

⁶ The Employment Acts of 1980, 1982, 1988 and 1989; the 1984 Trade Union Act; The 1986 Wages Act; and the 1993 Trade Union Reform and Employment Rights Act.

restructuring of the public sector. Attempts to build a legal framework of employees' minimum rights, including remedy for unfair dismissal and redundancy payments for example, were made by Labour governments in the 1960s. However, during the 1980s, Conservative governments curtailed and diluted this legislation in an opposing trend to European legislation (Goodman *et al.*, 1998).

These changes have been so influential that some scholars talk of a 'new industrial relations' (Bassett, 1986) or even of the end of institutional industrial relations (Purcell, 1993). The Labour Party returned to government in 1997 after 18 years of Conservative governments and remained in power until 2010. Although the 'New Labour' administration had an industrial relations agenda different to that of the Conservatives, it did not challenge the bulk of Conservative industrial relations legislation. New Labour's industrial relations reforms focused on the creation of individual rights at work, rather than supporting the collective regulation of class relations (Howell, 2006). Labour governments implemented a set of minimum individual work rights, introducing a National Minimum Wage (NMW), limiting working hours and expanding rights to claim unfair dismissal and for working women and parents. However, labour market regulation in Britain remained limited.

One of the main outcomes of these changes has been the steady withdrawal from collective bargaining that constitutes a major split with the past since the 1980s. Although this change has partly resulted from the increased presence of small firms located in the service sector and with part-time workforces that has made union organisation difficult, it is mainly a consequence of the removal of union recognition and bargaining rights in workplaces (Ferner and Hyman, 1998). The second trend has been the move away from industry-wide multi-employer bargaining. As outlined by Ferner and Hyman (1998), however, this shift began in the 1960s rather than the 1980s due to the gains obtained by linking pay and performances at decentralised levels. Britain has a large number of employers' associations, with similar structure and organisation to that of other European countries. However, their membership level is quite low. The main association, the Confederation of British Industry (CBI), was formed in 1965 following the merger of three separate employers' confederations. It has the highest membership that comprises of around 3,000 individual companies, mostly larger enterprises in the private sector, and around 150 trade associations. The CBI does not participate in collective bargaining, being primarily a lobbyist organisation. It is regarded by the government as its main link with business. However, there are few formal mechanisms for dialogue between social partners and the state. Employers and trade unions are consulted by the government on specific issues and are also represented in a series of committees⁷. However, the Thatcher government eradicated any forms of tripartism or corporatism, and these have not been re-introduced on a formal basis.

Trade Unions

According to Hyman (2001: 66) "by comparison with most other countries, what is striking in the British case is historical continuity – the persistence of many long-established traditions, in some respect specific to individual unions." Many of the

⁷ For instance, in the Low Pay Commission (LPC), an independent body with the task of formulating recommendations for increases in the National Minimum Wage.

present British unions, in fact, can trace their origin back to the middle decades of the nineteenth century when the first national unions of craft workers were formed. In the following decades, the unionisation of semi-skilled and unskilled workers employed in industries such as coal, cotton, steel and railways, created the first stable large-scale unionism among workers without formal craft status and laid the foundation of the 'general unions' of the twentieth century (Hyman, 2001). Also during the twentieth century, the unionisation of white collar workers increased substantially. For a long time, this history was reflected in the distinction of trade unions as craft, general, industrial or white-collar. This distinction, however, has become blurred over the course of time due to unions' broadening their membership and due to several mergers (Waddington, 1995) that were also in response to declining membership.

Trade union density, in fact, has fallen markedly. From its peak of 56.3% in 1980 in recent decades it has fallen to its lowest levels (around 30%) with a marked difference between the private and public sectors (16.1% and 59% respectively in 2008). Multi-unionism is still strong even though, following the mergers of recent decades, the number of trade unions has progressively decreased (Waddington, 1995) from 347 in 1966 to 167 in 2008. Trade unions are organised both horizontally and vertically, representing either occupations, such as teachers, or particular industries or companies. This complex pattern, which does not present a unitary organisational logic, reflects the slow historical evolution of British unionism (Ferner and Hyman, 1998). Currently, the most representative unions are multi-occupational and multi-industrial. The largest trade union, with about 1.9 million members, is Unite, formed in 2007 by the merger of Amicus and the Transport and General Workers' Union (TGWU). In the public sector, the largest union is Unison with a membership of 1,344,000. Both are affiliated to the Trades Union Congress (TUC) which is the only central confederation in Britain. "This unitary characteristic reflects the fact that British unions have never been radically differentiated on ideological grounds and that unionisation of public employees and white-collar grades has largely evolved out of the traditional union structure." (Ferner and Hyman, 1998: 28.) The TUC was formed in 1868 and had 6,471,030 members (around the 80% of unionised workers) in 2008. The TUC's main role is to lobby government, but it does not have any direct role in collective bargaining and cannot itself take industrial action. The lobbying efficacy of the TUC, which was very strong soon after the Second World War, has declined over the years, as has its involvement in central policy making. The link with politics, however, remains strong compared with other European countries: many of the TUC's trade unions are affiliated to the Labour Party (although the TUC is not) which they contributed to establishing in 1906.

In line with the voluntarist tradition, historically there are no statutory works councils in enterprises. Instead, this regulatory space was occupied early on by union shop stewards engaged in collective bargaining at plant level.

Since workplace representation is solely guaranteed by a trade union presence in the workplace, it has shrunk over the course of time due to the decline of union membership and plant size, since the presence of shop stewards is closely linked with employee numbers within enterprises. In 2008, only 46.6% of workplaces had trade

union representation⁸. The result of this process, and the diminished role for stewards where the union remains, is a ‘representation gap’ at the workplace (Ferner and Hyman, 1998).

3. Research Methods

This report draws on data from a three-year Leverhulme Trust funded project on the development of trade union responses in relation to migrant populations. The project began in September 2008 and the collection of research data took place from January 2009 until September 2011. As well as looking at national level responses in the UK, the Netherlands and Spain, the research also aims to understand to what extent trade union responses are co-ordinated at European level. The methodology is qualitative, with a focus on semi-structured interviews and participant and non-participant observation. The research involved over 140 interviews with trade union officials and activists from various levels within the union movement and a number of interviews with voluntary sector organisations, particularly those working in the area of migrant rights and Black and Minority Ethnic (BME) issues. Interviews have also been carried out with representatives at EU level, including union officials from the European Trade Union Confederation (ETUC), and several of the European Sectoral Level Federations.

For the research we selected two regions within the UK where we focused our data collection – the North West and the London regions. We have conducted interviews with union officials, activists and representatives across a wide range of trade unions including the TUC, Unison, Unite, the retail union, USDAW, and the general GMB union. In both regions we have also interviewed representatives from the voluntary sector and other organisations, including the Migrant Rights Network (MRN), think tanks working with BME communities such as BRAP and the Council of Ethnic Minority Voluntary Sector Organisations (CEMVO), the Equality and Human Rights Commission (EHRC) and the Migrant and Refugee Support Network. Alongside interviews we have been able to participate in trade union conferences and meetings relating to issues around migration. This has enriched the interview data and provided some interesting insights into the politics and processes of developing union responses and how they can be operationalised. The sections below draw on this evidence and other existing studies to build up case studies of the dominant trade union responses to migration in the UK.

4. The Historical Context of Trade Unions and Immigration – From Ambivalence to the Framework of the Equality Discourse and Anti-Racism

During the 1960s and 1970s the debate around immigration focused on particular episodes of conflict – namely Mansfield Hosiery (1972), Imperial Typewriter (1974) and Grunwick (1976) – and the ability or willingness of trade unions to support such developments (see Holgate, 2005, Wills, 2004, and Martinez Lucio and Perrett, 2009a for a discussion of that literature). In the 1960s and 1970s British unions were more ‘exclusive’ and often tolerated racist practices, but during the 1970s and 1980s, and in

⁸ However, the UK has implemented the EU Directive on Information and Consultation (Directive 2002/14/EC) that lays down the procedure for workplace representation and makes bodies for the information and consultation of employees in workplaces with over 50 employees mandatory.

response to these high profile disputes, the debate took a qualitative turn with trade unions beginning to develop anti-racist policies and practices. Another credible explanation for this turn in the debate is that the loss of power and status of UK trade unions more generally forced a ‘radicalisation’ of policy. As power and involvement in the collective regulation of work declined, unions recognised the need for a more inclusive strategy. In the early 1980s the TUC began to produce educational and training materials on equal opportunities and racism for use in trade union education courses. The TUC also worked with the Commission for Racial Equality (CRE) in the production of a ‘Code of Practice’ and encouraged unions to make use of this code. However, hostility to ethnic minorities in the 1980s was still very evident – not so much in official discrimination, but in the disproportionate levels of material advantage experienced (Grint, 1998).

In the 1980s there were moves towards self-organising, and increasingly individual unions set up separate committees or structures to deal with race relations and/or equal opportunities issues, and adopted equal opportunities policies and anti-racist statements. Many unions created national officers to take responsibility for issues affecting their black members, for encouraging participation and furthering equal opportunities. Research in the 1990s on 21 trade unions found that 10 had a national committee dealing with race equality issues and nearly two-thirds had taken positive steps such as targeting workplaces, organising conferences for black members and producing recruitment literature in minority ethnic languages (Wrench and Virdee, 1996).

Hence, the debates on immigration and trade unions were, initially, concerned with institutional *readjustment*. That is to say that in the early stages of the debate the focus was on whether institutions of regulation and representation such as trade unions could adjust to the needs and demands of immigrants – and whether immigrants could adjust to the organisational and political culture of the labour movement. In the second phase of migration, from 1990 to the present day, there has been a strong upward trend in immigration from Europe, which intensified after 1 May 2004, when the UK opened its borders to nationals of the eight Central and Eastern European accession countries. During this period we saw the steady evolution of equality strategies (see Wrench, 1996; Davies *et al.*, 2006), but also a move towards strategies around organising and learning as a way of accessing migrant workers and integrating them into the trade union movement. Firstly, union learning initiatives have been the primary means for approaching migrants to draw them into the union. In 1998 the UK government established the Union Learning Fund (ULF), which has funded trade union engagement with workers in training and education. Learning strategies have included setting up workplace-based learning centres with the aim of helping the most vulnerable groups of workers to access basic training. In relation to migrant workers, access to English for Speakers of Other Language (ESOL) courses attracted new migrant workers into union membership (Martinez *et al.*, 2007). However, as one of our interviewees from Unison pointed out, migrant workers tend to be interested in engaging in training, but participation often peters out or is withdrawn. The reason for this is often that they work in precarious conditions – for subcontractors in the public sector or in workplaces with unsupportive managers for example. There are other examples where trade unions, in particular unions in particular regions, have used union learning as a way of talking to migrant workers about union membership, but on the whole the approach has tended to be fragmented and piecemeal.

Secondly, organising campaigns have attempted to represent the interests of and encourage union involvement of migrant workers – examples include Unison’s Migrant Worker Participation Project and Unite’s Migrant Worker Support Unit. Both of these projects were funded by the Union Modernisation Fund (UMF). This was a government-funded grant scheme established in 2005 to provide financial assistance to unions in support of innovative modernisation projects that contribute to a transformational change in the organisational effectiveness of a union. Some unions, notably the GMB, Unison and Unite, have been actively using their organising campaigns to bring in migrant workers, focusing on those sections of the labour market that have seen the largest rise in migrant workers over the last decade. Yet integration into the wider union is, as yet, only tentative. The GMB has faced some internal debate around the decision to organise Polish workers into a Southampton sub-branch on the basis that they needed this self-organising space to get used to the workings of a union branch before joining with the mainstream branch, although a more inclusive attitude has emerged around a modernising agenda. Unite has faced less opposition, perhaps because there has been a long-established ‘international catering branch’ (established in 1972 for migrant workers) and the internal branch structures work differently in this union – less geographically and more industrially-based (Turnbull, 2005).

In the UK, there have been a variety of policies adopted by unions and community organisations to encourage diversity and support BME groups. There have been campaigns to deal with racism and to link up with BME workers. There have been recruitment and representation campaigns aimed at workers confronted by the injustices of racism. Increasingly workplace representatives are trained to deal with such issues and to broaden the questions they deal with – with the development of trade union equality representatives, for example. This has been supplemented with a greater amount of attention being paid to the organisational strategies of firms, and political campaigning against far-right groups. Social inclusion and anti-racist strategies are steadily being developed by trade unions in the UK, and these put trade unions in a new light within communities and the workplace. The Living Wage campaign in London is a key case example of unions and community organisations working together to improve working conditions for a mainly migrant group of workers. London has had a Living Wage campaign – led by London Citizens as a movement that brings a range of social organisations together – since 2001. The campaign has spread from hospitals, to the finance houses of Canary Wharf and the City to Universities, art galleries and hotels – setting a standard rate and level of payment above the minimum wage. The campaign has also secured agreements that all the new jobs at the Olympic site will be on a living wage, making sure that the benefits of investment reach at least some of London’s working poor. The campaign has begun to spread to other parts of the United Kingdom albeit with variable success.

While there is clear evidence that the UK union movement is much more geared up to working with migrant workers than it has been in the recent past, most activity is still at an early stage and is very piecemeal. Also, trade unions in the UK are much more cautious, indeed wary, of working outside their own structures, and have been actively opposed to the setting up of ‘alternative’ worker organisations for migrants like the US workers’ centres. There have been internal political tensions within unions about whether to support organisations like London Citizens and what role the union

should play in these campaigns. The Living Wage campaign seems to reflect weaknesses in the UK trade union movement in relation to collective rights and regulation. The lack of involvement and influence – as compared to other European countries, such as the Netherlands and Spain – in the collective regulation of the employment relationship, has meant that organisations outside the trade union movement (such as community groups) have been the drivers of campaigns like the Living Wage campaign. The London Living Wage campaign is an attempt towards greater regulation, and employers and the state have been forced to listen to the campaign. However, as Howell (2007) has argued, while there is state support for individual rights in the UK, there is a lack of support from the state to develop collective rights.

Our research shows that the trade union movement has had some success in engaging with migrant workers in the workplace, through organising and learning strategies, and has also engaged in campaigns around forwarding the rights and position of BME workers within trade unions and in the workplace. However, much of the activity is reliant on particular sets of circumstances – such as a strong regional union branch, committed union officers sometimes working on their own volition, or external funding. Without broader co-ordinated action, long-term strategies towards greater collective regulation and greater support from the state, much of the work done by trade unions, which is often more progressive than other countries, remains small-scale, fragmented and rests on precarious foundations.

5. Trade Union Strategies towards Immigrants

a) The Institutional Dimension of Labour Relations

When discussing the question of trade union responses to the question of migration and social inclusion, it is unusual to have included any discussion on how the trade union approaches the state and national level employers' associations on these subjects. Most studies tend to focus on company or workplace level responses – and on occasions, responses in relation to the community or local authorities. It is rare to see any discussion on how labour organisations and migrant bodies actually engage with state institutions, especially at national level. Questions of regulation are addressed in so far as unions do raise issues related to equality and social rights with respect to immigrant communities. However, how these are directly pursued in relation to the state is not such a focus of interest. Part of the challenge is that many rights or services related to immigrant communities can be quite generic (for example equality at work, the development of learning services and access to housing) so it is difficult to extrapolate the relevant aspects that are related to migration.

The State as Legislator and Service Provider

The main vehicle for the regulation of workers' rights in relation to minority communities – including immigrant communities – has tended to be the pursuit of legal rights. These obviously encompass a range of relations between trade unionists and sympathetic politicians. They may take a direct relationship, as with gender networks and committees of trade union officials and Labour Party Members of Parliament (MPs). Through these networks (formal and informal) equality is supported within governmental circles. There are also strong lobbies involving immigrant representatives within political parties (e.g. Pakistani representatives within the local state, especially local city and town councils, and broader political networks, as seen with the development of legislation on religious tolerance). Hence, these relationships can be quite significant in the manner in which questions of equality and inclusion are framed. The political and representative spheres of the state are important in the manner in which they construct a dialogue across time and within various organisations and institutions. To take this further, we need to appreciate Jessop's (1982, 1990) thesis on the state, which sees it as an institutional ensemble of forms of representation and intervention – with different dimensions relating to each other in different ways (see also Hyman, 2009).

Within the UK there are, however, doubts over the consistency of such relationships within the sphere of representation. The forms of dialogue remain structured around specific established migrant groups within dominant parties – especially the Labour Party – and these are normally representative of part of the immigrant community. These tend to formalise themselves around networks within a selection of geographic areas. In addition, newly-arrived communities tend to be under-represented with these dominant social democratic circles. This means that whilst specific unions have specific sections with internal systems of representation for 'black workers', their relation with the Labour Party and other dominant parties are inconsistent and not directly related to any political or parliamentary forums. In many respects such internal trade union bodies appear to have been disconnected from the broader discussions on immigration. In some cases this is due to the manner in which the question of immigration, in terms of new constituencies of immigration, have been addressed by the state through different service-oriented avenues.

The State as Facilitator

The state is also a vehicle for supporting innovation and change. Through networking and knowledge sharing (providing forums or funding for forums), developing benchmarks or facilitating the development of benchmarks (funding 'best practice' projects and innovation) and through setting targets and objectives (by setting guidelines and informal reference points) the state can indirectly intervene (Martinez Lucio and Stuart, 2012). This role has become more important as the classical role of the state has been restricted (ibid).

In terms of social inclusion, one major area of state intervention under the New Labour government was the UMF, which provided resources to unions to enhance and modernise on questions of internal management, for example, communication and equality representation (see Stuart *et al.*, 2009). As the UMF developed across its

three rounds of funding, from 2005 to 2011, the emphasis moved from general modernisation through to equality, and then the representation and support of vulnerable workers. This linked to the work of the Labour government on vulnerable workers through a range of commissions. The need to widen the agenda of migration and ethnicity into a broader tapestry that involved age and other factors was seen by some as a way of ‘bringing a broader constituency of people into the inclusion agenda. It had been perceived – so went the argument – as being related mainly to the question of BME workers. This line of argument was not uncommon in some of the interviews at more official levels, as ‘vulnerability’ as a concept appeared to offer opportunities for widening the agenda of intervention and avoiding being focused on specific groups. The authors would argue that this was partly a response to the migration agenda set by the tabloid press and growing “Islamophobia”. However, many initiatives that we encountered in terms of our research were actually funded by the UMF, for example Unison’s work on migrant representation and the construction union UCATT’s Vulnerable Workers Unit. These initiatives were able to use funds to train individuals, establish information networks and services, and to develop representatives in relation to the challenges of vulnerability. They were constrained by the amount and time limits of the funding, but they were able to produce a network of individuals focused on linking trade unions into migrant communities (and other groups of workers). However, one of the challenges was moving the initiatives onto a more stable footing once the funding terminated. Another challenge – which we discuss later in this section – is that the main body of BME worker networks was for various reasons disconnected from this phenomenon and development.

The State as Representative Arena

National bipartite (labour–state) and tripartite (labour–state–employers) relations on questions of immigration in the UK have been unusual. Part of the problem in this respect is that neo-corporatist modes between labour and the state have been historically uneven at best and non-existent at worst (Lehmbruch, 1984; Howells, 2008). In the 1970s there were initiatives during the Labour government to open policy-making to trade unionists, but these were very much a corporatism of crisis and not growth (ibid) and ultimately an unsuccessful political experiment. The 1980s through to the current time (the Thatcher/Major Conservative and Blair/Brown Labour governments) saw no systematic return to formal and structured state–labour dialogue and representation.

Within this context, migration issues (at best seen as secondary within policy circles) have therefore not been debated between the ‘social partners’ in any serious or formalised manner. Interviews with leading figures related to equality, migration and international relations inside the TUC confirmed that there were no real developments, as such, in terms of ongoing dialogues and structures. Migration-related issues in terms of rights and social services are very much linked institutionally as a secondary set of themes within the broader questions of culture and equality. Trade unions such as Unite, Unison, the GMB and others do not have any direct relationship with state committees on such subjects as migration. Hence the dominant response has been through lobbying for services and rights in relation to housing and employment rights on an ad hoc basis.

Interviews with BME organisations at national level confirmed that their relations with the state worked through meetings that were convened by specific state departments (for example the Department for Work and Pensions (DWP)) on certain topics. There was no permanent forum. There have been attempts to set up regional forums linked to the Regional Development Agencies (RDAs) which the Conservative and Liberal coalition government elected in 2010 dismantled, but these proved to have a chequered history (see Perrett and Martinez Lucio, 2009). Voice4Change England, which brings together a range of BME organisations, confirmed that there were informal support committees they would attend, but there was no permanent forum or structure across and between specific government departments. In this respect, the dialogue with the state would emerge around calls from specific departments for focused consultations on new policies: although these were minimal as a mode of consultation. However, questions of equality and welfare services at governmental level do consist of an array of policy arenas and feedback mechanisms, but the research did not find these referenced in many of the interviews with national officers within trade unions and BME organisations. In addition, the national relationships between migrant and ethnicity-based organisations were very poor regardless of the attempts in 2010 onwards by the TUC to develop more formal relations with such bodies.

The main forum for discussion on dealing with migration from non-EU countries and the link between skills and qualifications gaps within the UK and the skills and qualification levels of migrants, has been one of the few ongoing commissions involving relevant state level experts, employers, academics and trade unions. This commission attempts to map national economic and employment skills needs and potential migrant contributions. This has had very little trade union influence and interest in and knowledge about this on the part of trade unionists is low. In fact, the committee in question tends to view migration in an instrumental manner in relation to ‘needs’ as determined by the home nation. Other national structures that deal with resourcing additional housing and educational costs at local authority level through local government structures have been invisible in terms of the research, and trade union presence appears to be non-existent or negligible.

The implications of this absence of formalised state structures and institutions has meant that trade unions have not had a direct influence on policy and have not been able to articulate a common policy and systematic framework on questions of migration. In addition it has not been possible to raise advantages of regulation and inspection, with regard to the question of immigration and labour market change, in a formalised manner. In fact, this has also contributed to the fact that trade unions have not been compelled to formulate positions and policies on migration beyond generic references to the right to good employment conditions and equal and fair treatment by the state. Specifics have not always been clearly formulated and developed. Neither have employers been confronted through such forums with counter-positions, due to their absence in the structures. The UK example shows a much more fragmented, informal and network-based approach to such matters, which relate mainly to the trade union–migrant relationship. If anything, parts of the research detected that this was not always lamented by trade unionists, given the perceived tensions that some could see emerging as a consequence of the systematic elaboration of migration policy. In one interview a senior national official argued that the question of migration (especially Eastern European migration to the UK) raised difficult and even

xenophobic responses from sections of the membership. This was repeated in relation to the North West of England, where a senior Unison official informed of us the complaints and communications he received from members due to the equality related-work of the trade unions. This sensitivity to the alarmist aspects of migration (much elevated by the right-wing tabloid press) meant that questions of equality and inclusion were elevated within union discourse in a more general manner that did not highlight migration. This shows how structures and strategies intertwine, and how in this case the lack of these can sustain themselves. This is ironic, given – as we discuss later – the importance of anti-racist activity and anti-fascist activity by the British trade union movement, which is much more apparent in dealing with anti-immigration discourse within the far right of the political spectrum.

b) The Dimension of Learning

The subject of learning and the role of union strategies as a vehicle for social inclusion has become one of the principal debates within the British and European academic industrial relations tradition (Rainbird *et al.*, 2004; Stuart, 2007). The literature on this is vast, with a range of individuals engaging with the changing nature of learning and the role of unions in developing learning and training strategies through Union Learning Representatives (ULRs) in the workplace (Stuart 2007) and the role of learning centres and local strategies. Some of this literature has been concerned with the reliance on the state in terms of relevant funding (McIlroy, 2008) and the failure of the trade unions to combine learning strategies with a community- and locally-based approach in a systematic way (Perrett and Martinez Lucio, 2008).

The research in this particular project has once more confirmed the finding that the role of learning centres and ULRs form an integral part of the response of trade unions to the question of migration and social inclusion. The importance of learning centres as run by unions such as UCATT in sites such as the Olympic Stadium construction site appear to be validated as they help workers on the site access various short courses and training schemes. In addition, unemployed workers' centres in the North West (which now appear to be fewer in number at national level compared to the 1980s) also provide elements of training and access to courses. The project located a range of initiatives. In the North West one UCATT local project worker was able to draw the attention of individuals he met, when visiting construction sites, to the services and centres the union had in relation to learning. Language courses, basic computing courses and others were established and made accessible through various means. UCATT very much had a strategy of seeking funding for learning facilities in specific areas and new building sites. The objective was to link learning into the workplace on an ongoing basis. Various employers with a longer-term and more union-friendly view tended to support such initiatives, although they were not always the main funders. In a local council in the north of London a Unison branch developed a Living Wage campaign as the basis for a migrant worker inclusion campaign based around the cleaners in a local school. They also linked this to the development of a parallel learning strategy with the aim of assisting the development of workers and maintaining a link with them on a range of employment issues.

However, the research confirmed findings from other projects that the challenge with the learning agenda was linking it into the daily work and activism of the union (Moore, 2009). Organising strategies, for example, are rarely linked to learning

strategies. There tends to be a level of segmentation in the way the union strategies are elaborated. In addition to this problem, we have also confirmed that learning appears to be geographically uneven in terms of the services being offered in specific workplaces, or in learning centres that are not always accessible or on an enclosed site (see Perrett and Martínez Lucio, 2009). There also seems to be a lack of co-ordination between unions, although the TUC appears to attempt to provide an umbrella structure for learning initiatives to network by being a major link to the funding. Yet the initiatives taken around learning through trade unions, through representation and service provision, have become a major initiative for linking to vulnerable workers and especially migrant workers. The continuation of key elements of funding related to this area under the post-2010 Conservative–Liberal Democrat coalition government – whilst many other streams were reduced and even terminated – reflected the extensive lobbying and pressure the TUC has made to ensure that this dimension of union activity was sustained. This in turn suggests that strategically this has become a central part of the portfolio of union activity and organisation.

c) The Living Wage Debate and Community Unionism: Contribution and Reality

The role of community groups has largely been a missing factor in mainstream industrial relations and race and ethnicity debates. In their research in Yorkshire and the Humber (north-east England) Perrett and Martínez Lucio found that there was little contact between community organisations and trade unions: ‘despite the presence of a large number of BME organisations and networks based within BME communities, trade unions appear to have done very little in terms of forging alliances or building partnerships although there are exceptions.’ (Perrett and Martínez Lucio 2006: 14.) Fitzgerald and Stirling (2004) conducted some similar research in Northumbria (north-east England) in order to gauge the extent of community engagement with unions. The authors found that there were a number of obstacles for black and minority groups in engaging with trade unions. Firstly, there was a lack of knowledge about trade unions (from the community groups) and lack of knowledge about BME groups (from trade unions). Secondly, there were issues around language and culture where BME groups felt that unions do not do enough to engage with BME communities or in fact understand the different culture and language of different communities.

The Living Wage campaign in London is a key case example of unions and community organisations working together to improve working conditions for a mainly migrant group of workers. London has had a Living Wage campaign – led by London Citizens – since 2001. The organising principles of London Citizens are designed to foster an engagement with civil society, bringing together people who have a common stake in their local communities. The model adopted by London Citizens is to organise people where they are already organised – in their churches, community centres, schools and trade unions – thereby broadening the base from which to build strength. The majority of people who have become members of London Citizens are migrant workers – many of whom have formed tight communities that are used as social and cultural support networks. The campaign has spread from hospitals, to the finance houses of Canary Wharf and the City to universities, art galleries and hotels. The campaign has also secured agreements that all the new jobs at the Olympic site will be on a Living Wage, making sure that the benefits of investment reach at least some of London’s working poor. London

Citizens' mobilisation of thousands of migrant workers – mainly overlooked by unions when the campaign began eight years ago – exposed the fact that unions were ill-equipped to recruit and organise among these groups of workers, many of whom were working at the margins of the economy. As a civil society organisation without a history of labour organising, it has often come into conflict with the unions, who have objected to the 'occupation' of their 'turf' (see Holgate, 2009 for a detailed discussion on this). As one of the activists said in relation to how the union perceived London Citizens:

It's territory...How dare these people come and cross the line somehow. Let them do their own community stuff but this is our territory...Control, it's about jealousy...when London Citizens organised the Olympics deal it was like, "we should have done that." Yeah they should have except they didn't. And then rather than saying this group is really good, we should work with them, they bad mouth it because it shows them up. There is a lot of that. There is a real dinosaur mentality about some of the unions but it's always about "we." "It should be us, not them." It should be ...rather than seeing it as an opportunity they see it as a threat. So what it is ultimately saying is, yeah there is the London Citizens type approach but then we can do it ourselves.

Nonetheless, the broad-based organising of London Citizens has been successful in bringing new migrant workers into union membership (Holgate, 2009; Holgate and Wills, 2007; Wills, 2004a). Early successes in the Living Wage campaign saw hundreds of migrant hospital workers organised into Unison. At the beginning of the campaign in 2001, seven local Unison branches were involved, and by 2003 the campaign had succeeded, following a number of strikes and demonstrations, in increasing pay and conditions for these workers. Despite these early successes, union involvement with London Citizens has been limited to that of a few local branches from different unions. In our research we found a mixture of responses and perspectives on community engagement and the London Citizens' movement. There has been a reluctance of unions to work in conjunction with London Citizens in organising migrant workers using the London Citizens approach. We also found that in some unions, there were individual branches and union leaders who were very active in the London Citizens movement, but some activists stated that at a national and regional level there was little support for getting involved for 'political' reasons. There is criticism from unions that London Citizens is undemocratic. Decision-making in this community-based organisation differs from unions in that it is based around a process of negotiation, consensus, compromise and on-going reflection. Trade unions, however, are unused to working in this way, and instead have a different idea of the democratic process that is based around that of formal representative democracy. There is also suspicion around working with an organisation that is made up of faith organisations and the use of 'moral authority' as a campaign tactic, whereby faith leaders will stand up to pronounce the lack of social justice and morality in companies who exploit their employees. This has been used to great effect, but troubles many trade unionists, who are used to dealing with more 'rational' economic arguments.

d) Organising: The Re-engagement with Mobilisation in Theory and in Practice

In 2002, the TUC published a booklet entitled *Migrant workers: a TUC guide* (TUC, 2002). The aim of this publication was to assist trade unions 'at all levels' to meet the challenge of bringing migrant workers into union membership. Prompted by the enlargement of the EU and new government initiatives aimed at easing access to the British labour market, the TUC was concerned that unions were not equipped to challenge the negative perceptions of migrant workers as portrayed in sections of the national press. Many UK unions have now adopted policies on the recruitment and organisation of migrant workers, and there have been some membership gains as a result. Our research shows that there have been a variety of different strategies adopted around organising. Some strategies have been top-down, both at regional and national level, with the aim of creating organising sections and developing sustainable infrastructures for organising. This was the case in Unison North West where the union has changed the way it organises under the banner 'Meeting the Organising Challenge' (Meetoc) by developing a career path for organisers and moving from a servicing to an organising approach. Whilst this was not specifically related to organising migrant workers, part of the approach was to make the union more accessible to migrant workers, promote good practice and raise awareness around migrant workers for both members and non-members.

Other top-down organising campaigns have attempted to represent the interests and encourage union involvement of migrant workers – examples include Unison's national level Migrant Worker Participation Project and Unite's Migrant Worker Support Unit. Both of these projects were funded by the UMF. Some unions, notably the GMB and Unite, have been actively using their organising campaigns to bring in migrant workers into the union, focusing on those sections of the labour market that have seen the largest rise in migrant workers over the last decade (see section 4. above). Yet, integration into the wider union is as yet only tentative.

Unite's organising strategy has been to target sectors or sub-sectors of the economy. It begins with a five-year economy map in sectors where there are large numbers of precarious (or vulnerable) workers. It focuses on areas with precarious workers generally rather than particular groups such as migrant workers. One Unite official said that it needed to adopt a sector approach – to target bargaining units rather than groups. The organisers first ask: "What does a win look like?" One activist used the example of the meat packing sector, where the union has had a campaign for five years. This sector predominantly consists of migrant and agency workers. These workers are used to undercut directly-employed and indigenous workers – migrants are generally exploited. But she said it is not just about comparing migrants with non-migrants, and that issues facing migrant workers are also facing the indigenous workers. The union gathers evidence and runs a campaign. In the meat packing sector, it looked at discrimination against migrant workers. The strategy for a sector is a long-term strategy and to invest five years in a campaign – it improves membership conditions through a strategy around 'parity and permanency'.

Other types of organising where there are many migrant workers include the cleaners' campaign in Canary Wharf in east London. Here again, the strategy was to ask the question: "What does a win look like?" Here there were people doing two or three

jobs to make ends meet, so the outcome the union wanted was a pay increase. The leverage for the union was embarrassing companies. It organised around key issues and an industrial strategy – workers are workers, whether they are undocumented or migrant. The union looked for what the win would be and put together a plan to achieve it. Union activists felt that organising teams should reflect the make-up of the workers and this has been acted on in unions such as Unite. In the GMB, Unite and Unison the unions also thought community organising was important and had strategies to map and organise by community to find out who the leaders are, the aim being to empower workers through different access points.

In all of the unions in the research we found that there were both top-down and bottom-up responses to organising migrant workers, but it did not add up to an integrated strategy.

e) Self Organisation, Direct Representation and Anti-Racism

One of the hallmarks of the British trade union movement's response to racism in the labour market and society has been the development of committees and conferences organised around and by BME workers within trade unions since the 1970s. These have varied according to the trade union in question, but over time there has been an array of black worker conferences and sections from the TUC downwards. These have played a major role in the trade unions in ensuring that issues of race and ethnicity have been articulated and developed within the policy-making processes and organisational structure of the unions in question, e.g. Unison, the public and commercial services union PCS and Unite. They have in some cases managed to audit, formally and informally, the activities of the union in relation to the equality agenda. They act as a quasi-autonomous voice and space around and through which debates develop that are not easily bypassed by union structures and interests. In addition, they provide a space within which trade unionists from these constituencies can develop confidence and mutual support networks and links. They provide an opportunity for mentoring within such constituencies to take place. They allow for activist and leadership development to emerge and to develop both formally and more importantly informally. Such networks and sections can form a part of the policy-making process of trade unions where they are allowed to submit a number of annual conference resolutions and engage with the policy-making process in general. Many trade union black worker sections link into the TUC's equivalent structures, forming a national level of interest. Many of these structures are linked together around broader external-facing networks such as BARAC (Black Activists Rising Against Cuts) which have focused attention within the labour movement on the racial and ethnic impact of government spending cuts over the past few years.

However, our research with individuals involved in these networks has shown that there is an emerging set of issues which has meant that much of these historically important structures and initiatives have been to an extent marginalised in the new debates on migration. One black trade unionist in Unison stated: 'I believe in self organisation as a means to an end and not a means in itself ... for it to succeed people have to get involved in the mainstream of the union. Policy-making lies in the mainstream of the union. What frustrates me is if the same people attend meetings but don't seem to make any progress ... [they] have got no trade union perspective, they go and sit and have a moan but they're not very strategic and don't do anything. And I

think they could be a force to be reckoned with. [Yet] just because you're black or you're gay or you're a woman or you've got a disability doesn't necessarily mean you have political understanding of what the issues are...' There was a sense that trade unions have not always continued to nourish this major initiative and innovation in their equality politics. There are ongoing demands for such groups to have a deeper role and say. What is more, black worker sections find themselves balancing an inclusive role towards marginalised and oppressed groups generally, on the one hand, and those who are from a black racial minority origin and who feel more exploited as a consequence of their background on the other.

Some also appear to argue that equality sections within the unions appear to be disconnected from new migration issues. In part this may be due to the ethnic background of new migrants (many being north-eastern European migrants and so do not identify with the BME discourse and identity politics). The question of race and anti-racism sits more uncomfortably – or is made to – within the new politics of migration and social inclusion. Hence there appears to be a disconnect between different activities within the trade union. The new activities in relation to learning or new forms of equality initiatives are delivered mainly through white trade unionists and through a process – and mentality – of service delivery. Initiatives in terms of the ULF and the UMF appear to be separate from mainstream equality initiatives. Within the TUC there appear to be different departments driving questions of vulnerability and union responses to it, social inclusion and development, and equality, and this appears to be reproduced in various unions. Ironically, smaller unions tend to have these slightly more integrated into their wider policies and activities due to their size. In some ways the question of inclusion, equality and employment rights for non-organised workers provides an organisational challenge in terms of structure and how those from a BME background are empowered, or not, in terms of these processes.

However, regardless of these internal debates, the trade union movement has used this variety of structures and networks to confront racism in highly innovative and political ways. The research has been able to collate a range of data on the activities of the British trade union movement on anti-Fascist activities. The emergence of the Far Right in recent years in the form of the British National Party (BNP) and the English Defence League (EDL) have led to trade unions such as Unison, and especially regional TUC structures in affected areas, responding in a range of ways. New forms of migration have been the subject of a range of tabloid newspaper attention which has equated 'migration' with criminality and a 'drain' on jobs and public services. This has a long history within sections of the British press, and was the subject of a range of research initiatives in the 1970s and 1980s regarding the depiction of Afro-Caribbeans with regards to social disorder (Centre for Contemporary Studies, 1982). The presence of the National Front in the 1970s and 1980s as a far right organisation brought a systematic response from the labour movement and the British left in the form of various anti-Nazi and anti-racist organisations. Since the mid-1990s the Far Right has re-emerged with a focus on Islam and Eastern European migration, in particular.

The concern for the trade union movement has been threefold, from what our data suggests. Firstly, the likelihood and reality of attacks on immigrants and visible minorities has resulted in a series of meetings and campaigns organised to counter the impact of racist and xenophobic trends. These have involved leafleting and local

meetings, as well as involvement in community cohesion and social inclusion structures within the local state (e.g. local authorities). Secondly, given the strains on local communities in a range of areas in terms of cohesion and inter-cultural relations, the focus has been on emphasising the fascist tendencies and trends within many of the new far right groups. This legacy goes back to the 1970s and even the 1930s in terms of the left's mobilisation against the British Union of Fascists led by Oswald Mosley. The third reason relates to the fact that votes for parties such as the BNP can be at the expense of the left and the Labour Party in general. Given this, the presence of trade union campaigns and materials developed for circulation is extensive in areas such as the North West and London. In addition, within this set of activities there has been a range of cultural interventions in the form of local festivals and events. This has usually been driven by activists and local representatives. However, trade unions have developed a range of materials related to such activities and local committees, drawing individuals from across various unions in the case of the regional TUC. This feature of the British labour movement's response to racism and social exclusion is rarely studied.

6. Contributions and Challenges

In the UK, there has been a variety of policies adopted by unions and community organisations to encourage diversity and support BME groups. There have been campaigns to challenge racism and to link up with BME workers. There have been recruitment and representation campaigns aimed at workers confronted by the injustices of racism. Increasingly workplace representatives are trained to deal with such issues and to broaden the questions they deal with – with the development of trade union equality representatives, for example. This has been supplemented with a greater amount of attention being paid to the organisational strategies of firms and political campaigning against far-right groups.

Our research shows that the trade union movement has had some success in engaging with migrant workers in the workplace, through organising and learning strategies, and has also engaged in campaigns around promoting the rights and position of BME workers within trade unions and in the workplace. However, much of the activity is reliant on a particular set of circumstances – such as a strong regional union branch, committed union officers, or external funding. Without broader co-ordinated action, long-term strategies towards greater collective regulation and greater support from the state, much of the work done by trade unions, which is often more progressive than in other countries, remains small-scale, fragmented and rests on precarious foundations. The role of local activists and regional officers taking an interest in specific campaigns is an important factor (see Martinez Lucio and Perrett, 2009b). The importance of the emergent equality paradigm since the 1970s (e.g. Wrench, 1987; 1992; 2004) has been significant in shaping many union strategies towards migration, especially in relation to workplace representation and politics. Where the trade union presence is uneven or non-existent (an unfortunate and increasing occurrence) the 'external' strategies of trade unions have had to step in and fill these gaps. However, trade union structures that are externally facing are weaker when compared to countries such as the Netherlands or Spain.

While there is clear evidence that the UK union movement is much more geared up to working with migrant workers than it was in the recent past, most activity is still at an

early stage and is piecemeal. Also, trade unions in the UK are much more cautious, indeed wary, of working outside their own structures and have been ambivalent to the setting up of 'alternative' worker organisations for migrants like the US workers' centres. There have been internal political tensions within unions about whether to support organisations such as London Citizens and what role the union should play in these campaigns. The Living Wage campaign seems to reflect weaknesses in the UK trade union movement in relation to collective rights and regulation. The lack of involvement and influence – as compared to other European countries, such as the Netherlands and Spain – in the collective regulation of the employment relationship, has meant that organisations outside the trade union movement (community groups for example) have been the significant drivers of campaigns such as the London Living Wage campaign. This campaign has been an attempt towards greater regulation from the community, and employers and the state have been increasingly forced to listen to the campaign in the city. However, as Howell (2007) has argued, whilst there is state support for individual rights in the UK, there is a lack of support from the state to develop collective rights.

7. Analysis, Explanation of Differences and Characteristics: Fragmented Responses within a Context of an Equality Union Framework

How do we explain this dynamic of change coupled with ongoing limitations on the role of organised labour? There is a strange paradox in what we have studied. What we have seen is that unions have, in the main, formally engaged and innovated across a range of practices in relation to migrant communities. This has been propelled by the increasingly dominant role of equality as a discourse and reference point within trade union policy and structures. The impact of earlier migration in the 1950s and 1960s, coupled with a strong shift to gender rights, has, since the late 1970s, developed a greater sensitivity to the direct role of trade unions in terms of inclusion. These have not always developed uniformly and without internal contradictions. However, these initiatives have framed the internal language of trade unions in terms of direct representation, specialist equality services and officers and political commitment. The changing nature of the workforce has reinforced such developments.

Trade unions have therefore been focused around social and ethnicity issues in a broad manner, and this has facilitated more recent innovations and changes. The other driver has been the way union renewal or revitalisation (the language appears to change over time) has become a significant feature of the trade union agenda. The apparent limitations and absence in many cases of a closer partnership relationship with employers and managers, and the presence of interest, since the early 1990s, in alternative ways of seeking recognition, has led to greater investment in organising strategies. This has propelled leading unions such as Unite, for example, into a new way of linking the union into unorganised clusters of workers – many of whom are migrants. This second development has therefore linked equality and organising paradigms forging a local and worker-facing strategy of change. That there are question marks over the success of these initiatives is the subject of much discussion (see Holgate and Simms, 2011). Yet we find that migration-related initiatives are configured through these to elements of trade union action. In some cases, such as Usdaw, organising has been defined in a more institutional manner in terms of

membership recruitment and in relation to partnership agreements with certain companies. Care is needed in viewing organising as being opposed to partnership.

Yet one of the drivers of this organising and equality approach has been a limitation that unions face, a unique obstacle compared to various Western European countries. This is the uneven presence of the state within industrial relations in terms of strong collective rights, significant resourcing of trade union activity, and a failure to provide national and regional trade union spaces within the state. These have meant that trade unions need to be constantly innovative and engaging with regards to their membership and workforce. The presence of the ULF and the UMF has not reversed these causal influences. That is not to say that trade unions have not used these funds to modernise and develop greater links with the communication and learning needs of the workforce – quite the contrary. Yet, the trade union movement has had to seriously balance these softer and low-key approaches with a constant investment in organising and equality politics. Innovation has also had to link with combining these two with a learning agenda in a flexible manner.

Hence, regulation and how it is structured in the UK helps us to understand the way unions have embraced the question of inclusion and migration. In this respect a path-dependent approach has some uses. Trade unions cannot rely on the state and have had to seek alternative approaches. Many of these approaches are sometimes institutionally fragmented and/or decentralised due to the pattern of representation and union structures within the UK, which are a reflection of the historical context of weak regulation. Yet curiously, this lack of reliance on the state configures a need for innovation and a need for new forms of representation which our study has outlined. The problem is that a failure of locally-based and community-based relations and external alliances has meant that such innovation has not always been supported in terms of consistent structures at local level and within civil society.

References

- Bevan, V. (1986) *The Development of British Immigration Law*, Beckenham: Croom Helm.
- Bassett, P. (1986) *Strike Free: New Industrial Relations in Britain*, London: Macmillan.
- Brown, W. (1972) A Consideration of 'Custom and Practice', *British Journal of Industrial Relations*, 10, 1, 32–61.
- Castles, S. and Kosack, G. (1973) *Immigrant Workers and Class Structure*. Oxford: Oxford University Press.
- Centre for Contemporary Cultural Studies (1982) *The Empire Strikes Back: Race and Racism in 70s Britain*, London: Hutchinson.
- Clayton, G. (2010), *Textbook on Immigration and Asylum Law*, Oxford University Press.
- Davies, M., McKenzie, R. & Sullivan, R. (2006) *Working Against Racism: the Role of Trade Unions in Britain*. London, TUC.
- Dummett, A. and Nicol, A. (1990) *Subjects, Citizens, Aliens and Others*, London: Weidenfeld and Nicolson.
- DWP, (2008) *National Insurance Number Allocations to Adult Overseas Nationals Entering the UK 2007/08*, Department of Work and Pensions Information Directorate, London.
- Ferner, A. and Hyman, R. (1998) (eds) *Changing Industrial Relations in Europe*, Oxford: Blackwell.
- Fitzgerald, I. and Stirling, J. (2004) *Black Minority Ethnic Groups Views of Trade Unions*, Newcastle: TUC: Northern Region.
- Flanders, A. (1974) *Management and Unions: The Theory and Reform of Industrial Relations*, London: Faber.
- Grint, K. (1998) 'Race, Ethnicity and Labour Markets: Recruitment and the Politics of Exclusion', in Grint, K. (ed.) *The Sociology of Work*, Cambridge, Blackwell.
- Holgate, J. (2005) 'Organising migrant workers: a case study of working conditions and unionisation at a sandwich factory in London.' in *Work, Employment and Society*, Vol.19 (3): 463–480.
- (2009) 'Contested terrain: London's living wage campaign and the tension between community and union organising' in McBride, J. and Greenwood, I. (eds) *The Complexity of Community Unionism: a Comparative Analysis of Concepts and Contexts*. Basingstoke: Palgrave Macmillan.
- Holgate, J. and Wills, J. (2007) 'Organising Labor in London: lessons from the living wage campaign' in Turner, L. and Cornfield, D. (eds) *Labor in the New Urban Battlefields: local solidarity in a global economy*. Cornell: Cornell University Press.
- Holgate, J. and Simms, M. (2011) 'Organising for What?', *Work, Employment and Society*, 24(1).
- Howell, C. (2006) 'The State and the Reconstruction of Industrial Relations After Fordism: Britain and France Compared' in Jonah D. Levy, (ed.) *The State After Statism: New State Activities in the Age of Globalization and Liberalization*, Cambridge: Harvard University Press.
- (2007) The British Variety of Capitalism: Institutional Change, Industrial Relations and British Politics, *British Politics*, 2:2.
- (2008) *Trade Unions and the State*, Princeton: Princeton University.

- Hyman, R. (2001) *Understanding European trade unionism: between market, class and society*, London: SAGE.
- Jessop, B. (1982) *The Capitalist State: Marxist Theories and Methods*, Oxford: Blackwell.
- (1990) *State Theory: Putting the Capitalist State in Its Place*, Cambridge: Polity.
- Lehmbruch, G. (1984) ‘Corporatism in decline?’ in J.H. Goldthorpe (ed.) *Order and conflict in contemporary capitalism*, Oxford: Clarendon.
- Martínez Lucio, M. & Perrett, R. (2009a) The Diversity and Politics of Trade Unions Responses to Minority Ethnic and Migrant Workers: the context of the UK, *Economic and Industrial Democracy*, 30(3): 1-24
- (2009b) Meanings and dilemmas in community unionism: trade union community initiatives and black and minority ethnic groups in the UK, *Work, Employment Society*, 23(4): 693–710.
- Martínez Lucio, M., Perrett, R., McBride, J. and Craig, S. (2007) *Migrant workers in the labour market: The role of unions in the recognition of skills and qualifications*. London: Unionlearn, Research paper 7.
- Martínez Lucio, M. and Stuart, M. (forthcoming 2011) The State, Public Policy and the Renewal of HRM, *International Journal of Human Resource Management*,
- McIlory, J. (2008) Ten Years of New Labour: Workplace Learning, Social Partnership and Union Revitalization in Britain, *British Journal of Industrial Relations*, 46 (2): 283–313.
- Menz, G. (2009) *The Political Economy of Managed Migration*. New York: Oxford University Press.
- Migrant Health – A baseline report (2006) Appendix One: the history of migration to the UK.
- Moore, S. (2009) *Integrating trade union learning and organising strategies*, Unionlearn Research Paper Series, TUC Unionlearn: London.
- Pemberton, S. and Stevens, C. (2010) The Recruitment and Retention of Central and Eastern European Migrant Workers in the United Kingdom: A Panacea or a Problem under the New Policies of ‘Managed Migration’? *Regional Studies*, Vol. 44.9, pp. 1289–1300.
- Perrett, R. and Martínez Lucio, M. (2006) *Networks, communities and the representation of BME workers in employment relations. The realities of community politics and trade unions*, Working Paper. No 06/16: Bradford University School of Management.
- (2008) The challenge of connecting and coordinating the learning agenda: A case study of a trade union learning centre in the UK, *Employee Relations*, 30 (6): 623–639.
- (2009) Trade Unions and Relations with Black and Minority-Ethnic Community Groups in the United Kingdom: The Development of New Alliances? *Journal of Ethnic and Migration Studies*, 35 (8): 1295–1314.
- Purcell, J. (1993) The end of institutional industrial relations. *Political Quarterly*, 64(1), 6–23.
- Rainbird, H., Fuller, A. and Munro, A. (2004) *Workplace Learning in Context*, London, Routledge.
- Schierup, C.U., Hansen, P. & Stephen Castles (2006) *Migration, Citizenship, and the European Welfare State: A European Dilemma*, Oxford : Oxford University Press.

- Scott, S. (2007) Coming in from the cold: transition in Eastern Europe and labour migration to the UK, *Teaching Geography*, 32(3).
- Shah, P. (2000) *Refugees, Race and the Legal Concept of Asylum in Britain*, London: Cavendish.
- Spencer, I. (1997) *British Immigration Policy since 1945: The Making of Multi-Racial Britain*, London: Routledge.
- Stuart, M. (2007) Industrial relations of training and learning, *European Journal of Industrial Relations*. 13(3), pp. 269–80.
- Stuart, M., Martínez Lucio, M. and Charlwood, A. (2009) *The UMF Round One – Final Evaluation Report*, Employment Relations Research Series No 104 London: BIS.
- TUC (2002) *Migrant workers – A TUC guide*. London: TUC.
- Turnbull, D. (2005) ‘Organising migrant workers. The experience of the TGWU international catering workers’ branch,’ in Gibbons, S. (ed.) *Organising Migrant Workers in Trade Unions*. London: International Centre for Trade Union Rights.
- Waddington, J. (1995) *The Politics of Bargaining*, London, Mansell.
- Wills, J. (2004) ‘Organising the Low Paid: East London’s Wage Campaign as a Vehicle for Change’. in Heery, E., Taylor, P. & Brown, W. (eds) *The Future of Worker Representation*, Oxford, Oxford University Press.
- Wrench, J. (1987) ‘Unequal Comrades: Trade Unions, Equal Opportunity and Racism’, in R. Jenkins and J. Solomos (eds) *Racism and Equal Opportunity Policies in the 1980s*, pp. 160–86. Cambridge: Cambridge University Press.
- (1992) *Ethnic Minorities and Workplace Organization in Britain: Trade Unions, Participation and Racism*, Paper at the Conference “Ethnic Minorities and their Chances of Participation: A comparison between France, Great Britain, The Netherlands and the Federal Republic of Germany”, Bonn.
- (1996) *Preventing Racism at the Workplace: A Report on 16 European Countries*, Luxembourg, Office for Official Publications of the European Communities.
- (2000) ‘British Unions and Racism: Organisational Dilemmas in an Unsympathetic Climate’, in R. Penninx and J. Roosblad (eds) *Trade Unions, Immigration and Immigrants in Europe: 1960–1993*. New York: Berghahn Books.
- (2004) Trade union responses to immigrants and ethnic inequality in Denmark and the UK: the context of consensus and conflict, *European Journal of Industrial Relations*, 10 (1): 7–30.
- Wrench, J. & Virdee, S. (1996) ‘Organising the Unorganised: “Race”, Poor Work and Trade Unions.’ in Ackers, P., Smith, C. & Smith, P. (eds.) *The New Workplace and Trade Unionism*, London, Routledge.