



International Metalworkers' Federation
**Migrant workers in the metal industry:
results of the IMF survey**



Cover images

Top left: Shipbreaking worker in Mumbai, Photo: Christophe Press. *Top right:* Migrant workers at ThyssenKrupp Marine Systems in Kiel, Photo: Hans-Ulrich Stangen/EMF. *Bottom left:* Migrant workers' protest poster, Photo: Hans-Ulrich Stangen/EMF. *Bottom right:* Electronics worker in an export processing zone in Batam, Photo: Kristyne Peter/IMF.

Introduction

All over the world, workers who have migrated in search of employment and a better life are being denied worker rights. Unscrupulous employers and employment agencies exploit their lack of knowledge of the laws and language of the country in which they are working to deny them rights to which they are entitled, while governments pass discriminatory laws that restrict their fundamental rights, including the right to organize.

The results of this survey show that in all branches of the metal industry, migrant workers are receiving lower wages and conditions and are being treated unequally because of their status. They are more likely to be in precarious work and, because they are migrants, they are being denied social protection and social security.

In some parts of the world, workers that have migrated within their own country in search of work find themselves in situations that are not significantly different from those of workers who have migrated to another country. One example is people that have travelled from rural areas to work in Export Processing Zones.

There is an urgent need for trade unions in the metal sector to develop strategies to communicate with migrant workers and find ways to improve their working and living conditions. In some cases unions are working with migrant workers and have had some successes, but it is apparent that the challenge of organising, or even making contact with, migrant workers is significant.

Until now, information on migrant workers in the metal industry globally has been patchy. Responses sent by affiliates to the IMF Survey have enabled a more detailed picture to emerge of where migrant workers are employed in the metal industry, the jobs they do and the pay and conditions they receive. I am grateful to those affiliates who took the time to fill out the survey and share their experiences with us and to Jenny Holdcroft for conducting the survey and writing this report.

This valuable information puts IMF in a much stronger position to be able to work with its affiliates to develop specific responses to the needs of migrant workers in the metal industry. Already many unions throughout the world are taking action in support of migrant worker rights. The accounts of these efforts, which are reported in these survey findings, are an important guide to how unions can work to improve conditions for migrant workers.

Jyrki Raina
General Secretary
September 2009

Key findings

- Migrant workers are found throughout IMF industries.
- Undocumented migrant workers are undoubtedly present in the metal industry, but it is difficult to identify them.
- The most common methods of employing migrant workers are precarious.
- Wages paid to migrant workers are generally less than for local workers in similar jobs.
- Deductions from wages for accommodation, transport, etc are commonly made.
- Even where it is prohibited by law, migrant workers in the metal industry are being required to pay fees to recruitment agencies.
- Migrant workers face significant problems in accessing social security, legal and health systems.
- The unionisation rate of migrant workers is extremely low, in most cases less than 20 per cent.
- It is very difficult for unions to make contact with migrant workers.
- The biggest obstacles to organising are that migrant workers are afraid of joining a union and they are not aware of their rights. Language and cultural barriers also need to be overcome.
- IMF affiliates are taking actions in support of migrant workers. The highest priorities are organising migrant workers and raising awareness among workers and the public.
- An important union objective is to ensure equal pay and conditions for migrant workers and thereby prevent social dumping.
- Working closely with other organisations that support migrant workers is a key strategy to organising migrant workers.

Background

The rights of migrant workers, and abuses of those rights, are increasingly being raised by IMF affiliates as a major issue of concern. The fact that migrant workers throughout the world are more likely to be subject to low pay and conditions and less likely to be members of a union demonstrates the need for the IMF to develop global strategies to improve conditions for migrant workers.

The IMF Executive Committee has recently brought the question of migrant workers' rights to the fore. Executive members have recognized that the fundamental reason for the problem stems from the free trade agenda, namely pressure from multinationals to promote the free movement of people. Since free trade agreements foster precarious employment without rights, the movement of people should be pursued as an issue of workers' rights and the rights of migrant workers should be duly emphasised in IMF's global actions against precarious work.

The Executive further noted that the fast-paced evolution of migrant workers' issues may lead to a feeling of insecurity, so trade unions must work together to foster a culture based on solidarity and respect for human rights. Migrant workers' rights are coming under increasing pressure throughout the world. In the European Union, there is increasing pressure coming from many countries to forcibly return migrant workers who do not have the right to live in the 27 countries of the EU, while in Korea the government had gone so far as to expel union leadership from the country in order to suppress migrant workers' unions.

In a resolution passed at the IMF Congress in May 2009, affiliates pledged to promote the rights and freedoms of migrants, promote solidarity actions at the workplace and fight to affirm the universality of the rights of citizenship. The resolution further called for strong union action to use collective bargaining to promote integration, equal opportunity and respect for diverse cultures, and to promote campaigns against xenophobia.

Aims of the survey

These debates demonstrate that the rights of migrant workers are of growing concern to many IMF affiliated unions. However, concrete information on the numbers of migrant workers in the metal industry, the jobs that they do and the pay and working conditions that they receive is not readily available. For this reason, IMF affiliates were requested to complete a survey, based on their own experiences rather than on official data (which in any case is largely unavailable), to enable IMF to put together a better picture of migrant workers in the metal industry.

Thirty seven affiliates responded to the survey, representing metalworkers in 25 countries, from every region of the world.

The report and the survey are divided into two parts. Part One examines the employment situation of migrant workers in the metal industry while Part Two looks at how IMF affiliates are supporting migrant workers.

Part 1: Employment of migrant workers in the metal industry

Presence of migrant workers in the metal industry

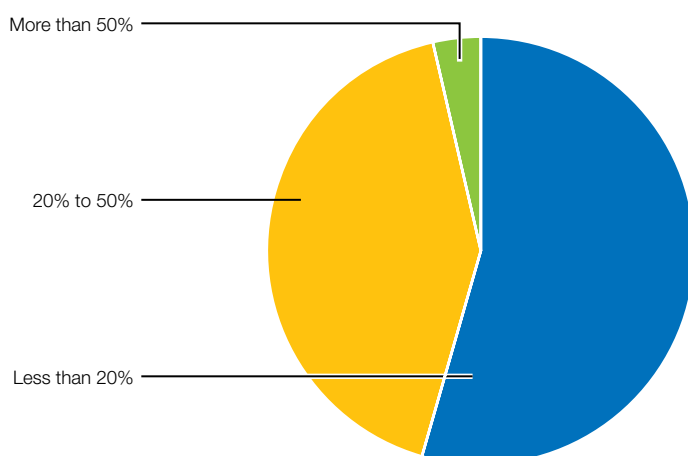
Eighty one per cent of affiliates that replied to the survey reported that there are migrant workers employed in the metal industry in their country. The information is largely based on affiliate's own knowledge as in most, if not all, cases there is no official information available about the presence of migrant workers in the industry.

There is limited formal statistical information regarding the increase or decrease of migrant workers in the metal industry in Australia. All information gathered for this survey is based upon internal AWU knowledge of the sector.

AWU, Australia

Two thirds of respondents said that the share of migrant workers in the metal industry in their country had increased over the last five years. Nearly half of the unions estimated that migrant workers accounted for less than 20 per cent of workers in the industry, while 36 per cent of unions said that between 20 and 50 per cent of workers are migrants. In only one country, Bangladesh, are migrant workers said to represent more than 50 per cent of the workforce and in this case they are largely internal migrants (see below). In certain areas there are particularly high concentrations of migrant workers, for example the shipbreaking industry in India where 98 per cent of the workers are said to be internal migrants. In Bangladesh, migrants are less likely to be found in safe work where the nature of the job is light, but in dangerous work in steel, re-rolling and engineering industries where migrants make up 70 to 90 per cent of the workforce.

Provide an estimated share of migrant workers in the metal sector of your country



Internal/External migrants

The survey gave the possibility to affiliates to provide answers that refer to internal migrants (workers that have travelled from one region of the same country to work in another region of that country) as well as to external migrants (workers that have travelled from one country to work in another), in recognition of the fact that in some countries the experiences of internal migrant workers of discrimination, lower wages and conditions and other disadvantage are very similar to those experienced by external migrants. As a result, unions in six countries (Bangladesh, India, Philippines, Spain, Sri Lanka and Tunisia) reported mainly on the experiences of internal migrants while other responses referred to external migrants.

Documented/undocumented workers

The presence of undocumented migrant workers in the metal industry appears to be fairly low, with only four countries reporting a proportion of undocumented workers above 10 per cent (France, India, Malaysia and Norway). However there are significant problems with identifying undocumented workers and some unions acknowledge that their presence in the industry may be more significant than that reported.

We do not have any accurate data on this issue. However we believe that the number of undocumented workers in metal industries and manufacturing is very low.

AMWU, Australia

Undocumented workers (formally categorised as illegal immigrants) are not recognised by the Australian government for their participation in the workforce. As such, all information given is based on documented workers only.

AWU, Australia

Italian law provides for a direct and indissoluble link between the employment contract and the residence permit, which is not granted without an employment contract (residence contract instituted by the so-called “Bossi-Fini” Act). Hence among the people with a regular employment contract there are no undocumented persons, even if there are constant problems, indeed serious ones, related to delays in the issuance of renewals of residence permits, and in some places there have even been suspensions of employment relationships for that reason. However, it should be said that even the metalworking sector is not exempt from the phenomenon of clandestine or irregular employment. In such cases it is possible that there may be persons without regular residence documents.

Italian affiliates, Italy

Undocumented migrant workers – accurate figures in the metal industry unknown. Overall Malaysia has 2.1 million documented and an estimated 1.5 million undocumented.

MIEU, Malaysia

We cannot calculate the percentage of undocumented workers because the statistics that we handle do not distinguish between documented and undocumented and the official statistics make no distinction between metal workers and other workers so that, at the moment, we cannot compare the data.

MCA-UGT, Spain

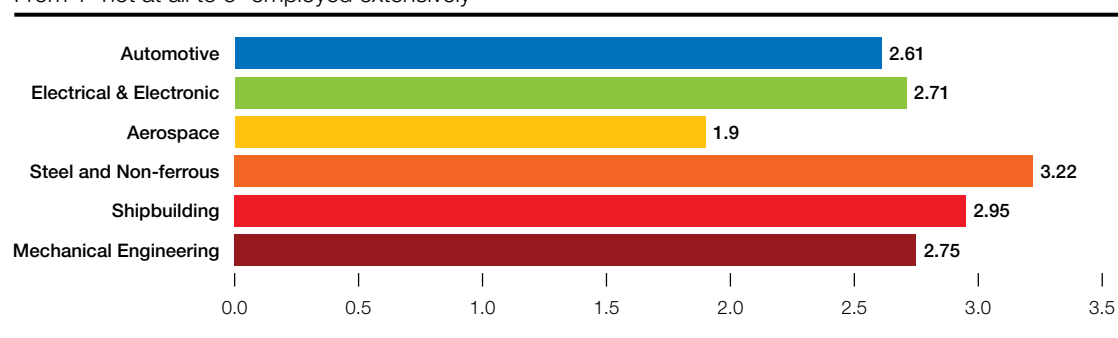
Who are migrant workers and where do they work?

Survey responses indicate that migrant workers are most likely to be male, young and with limited or no skills. Nevertheless, women, older workers and workers with high or specialised skills are also significantly represented among migrant workers and indications are that that proportion of women migrants is increasing. Distribution of migrant workers among metalworking industries is fairly evenly spread, with slightly more migrant workers in steel and non-ferrous metals and slightly fewer in aerospace. In many countries there are concentrations of migrants found in particular industries. Some examples:

- Electrical industry assembly lines in the Czech Republic
- Automotive parts manufacturing and sheet metal work in Australia
- Blacksmiths in Denmark
- Sheet metal work and electronics assembly in Finland
- Aircraft maintenance technicians in Hong Kong
- Shipbreaking and ship repair in India
- Iron and steel, steelmaking and smelting in Italy

Indicate the degree to which migrant workers are employed in particular industries

From 1=not at all to 5=employed extensively



How migrant workers are recruited

A wide variety of methods are used to recruit migrant workers to employment in the metal industry, but in most cases this is done via local recruitment agencies, or in fewer cases by recruitment agencies in sending countries.

Where direct recruitment does occur, this is often because it is a requirement that an employer apply through a government program to recruit workers from other countries.

An employment authorization is required to employ foreign workers. That authorization is limited to one year, bound to a single workplace and must be applied for by the employer. Only when a foreign worker is employed continuously for 52 weeks out of 14 months can a fixed-term work permit for a federal state with free choice of employer be granted. Hence, recruitment is done through the Austrian employer.

GMTN, Austria

In Spain and Italy, affiliates report that recruitment of migrant workers is often done through contacts with family members or acquaintances in the country of origin. This may go some way towards accounting for the concentration of migrants from particular countries in particular industries.

Often there is a sort of word-of-mouth mechanism within family groups (including to relatives in the country of origin) or within the community with regard to individual companies which hire migrant workers. Many of them – at least initially – are employed by temporary employment agencies.

Italian affiliates, Italy

Affiliates report many problems with agency recruitment. Thirty one per cent of respondents said that workers are required to pay fees to recruitment agencies, while a further 19 per cent do not know whether this is case or not.

It is very common for large fees to be paid in the home country in order to access a temporary skilled migration work visa (457 visa). The sponsoring employer will often claim to have no knowledge of these fees. These fees result in a large reduction in the wages earned by workers.

AMWU, Australia

A migrant worker (graduate) from Dhaka, Bangladesh approached the recruitment agency in Dhaka to get a job in Singapore or Malaysia. The agency told him that there was a vacancy in an auto company in Malaysia. The job offered was technician with a minimum salary of USD1,000 per month. For that he needed to pay USD6,000 to the agency. He mortgaged the land, which is the only property of the family, and paid. Upon reaching the factory, after one month he was told that the position had been taken over by another local man. Until the next vacancy, he was told to do a cleaning job for the mere salary of RM400 (USD113) per month. He needed to work from 7.00am to 7.00pm to get the salary. A degree holder came to this country with high hope, ended up as a cleaner. No choice, has to continue to work as a cleaner because not only does he need to survive here, but to discharge the mortgage to the property.

NUTEAIW, Malaysia

In Canada there is legislation that prohibits paying of fees but we have heard of many cases where the migrant workers have paid agencies in their home countries.

CAW, Canada

Fees range from RM8,000 to RM10,000 (US\$2,285-US\$2,857). This includes airfare (one way) and levy payable to the government. Recruiters from both sides take 75 per cent for themselves.

MIEU, Malaysia

False promises are made during recruitment at sending countries on income (salary). In some cases when the migrant workers reached the airport, the agents were not there at the airport to receive them. After spending a few days at the airport, they return to their own country. Whatever money they paid to the agents is all gone.

NUTEAIW, Malaysia

Precarious employment

Unsurprisingly, the most common methods of employing migrant workers are precarious. Direct hire by an employer on temporary contracts and temporary hire via employment agencies came out on top in the survey, followed by a range of other precarious employment practices:

Employment of foreign workers requires a fixed-term employment authorization or, at a later stage, a work permit.

GMTN, Austria

The contracts approved by the Labour Department are usually based on two years.

CMIU, Hong Kong

The workers working in shipbreaking industry and shipbreaking downstream industry are hired on purely contract basis or casual basis through contractors or muccadums.

MPTDGEU-ASSRGWA, India

Often migrant workers are employees or members of cooperatives which are also run by migrants.

Italian affiliates, Italy

Some workers are brought in under the pretext of training, especially from Thailand and Indonesia.

NUTEAIW, Malaysia

An alien worker has to secure Alien Employment Permit (AEP) from the Department of Labor and Employment.

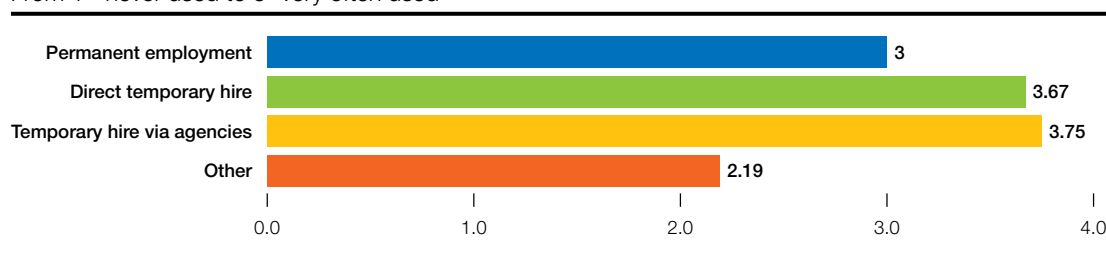
ALU-TUCP, Philippines

In principle, in Spain, the temporary contract is used as a method, to test the hired workers and discipline the work force. And by doing so, makes practically impossible to join a company with a permanent contract.

FM CCOO, Spain

Which are the most typical methods used to employ migrant workers in the metal industry?

From 1= never used to 5=very often used

**Wages**

Despite significant coverage by collective agreements and other forms of wage regulation in the metal industry, affiliates report that wages paid to migrant workers are in general less than for local workers in similar jobs. Of those unions that said this was the case, more than 40 per cent said that migrant workers are paid less than half the wage of local workers, 30 per cent said wages were between 50 and 25 per cent lower and the remaining 30 per cent said that migrant workers are paid more than 75 per cent of the wages of local workers in similar jobs. Comments indicate that wage regulation is not sufficient to guarantee equal wages for migrant workers:

There is strong evidence that a significant proportion of workers on 457 visas are paid below the market rate, placing downward pressure on wages in the market.

AMWU, Australia

Recruitment regulations and the Alien Employment Act guarantee the locally customary collective contract pay. The collective contract in Austria applies to all employees of an industry, even if they are not union members. Nevertheless, there is probably a pay gap of ca. 17 per cent between Austrian and foreign workers.

GMTN, Austria

Labour legislation guarantees same wage for the same work, but reality is different.

OS KOVO, Czech Republic

Migrant worker wages are further eroded by the widespread practice of deductions being made from wages for accommodation, transport and other costs.

Deductions from wages are not legally allowed to reduce the actual wages received by workers below the Minimum Salary Level. However it is common for this to occur. One common method has been to charge workers excessive rent for over crowded accommodation with other migrant workers.

AMWU, Australia

There are problems with the fact that many of these agencies use “net pay arrangements”, which means that employees are told that they will get an hourly wage which sounds reasonably good. But then travel, food, lodging and other things are deducted from those hourly wages. Often not much is left for the employee.

Fellesforbundet, Norway

Local workers do not need accommodation and sometimes transport but migrant workers need accommodation. So wages are deducted for accommodation.

BML, Bangladesh

We are not sure whether this is a legal action but wages are being deducted. Some deductions are legally permissible, depending on the program. However, there have been many instances of employers taking larger deductions than are permissible and/or making illegal deductions (such as transportation) for workers employed under the terms of the “Temporary Foreign Worker” program.

CAW, Canada

The out-sourcing companies deduct fee for accommodation and transport.

NUTEAIW, Malaysia

Rights of migrant workers

In most cases affiliates indicate that migrant worker rights in relation to occupational health and safety and working hours are not significantly less than those of local workers. However, migrant workers are much less likely to have access to social security and face difficulties in accessing the legal system in many countries.

Temporary migrant workers have no access to the social security system or public health system Formally temporary migrant workers have equal rights in relation to the legal system, OH&S and working hours. The practical reality differs because of the precarious situation they face in relation to work rights in Australia.

AMWU, Australia

In 2005, GMTN discovered a case of modern slavery in a company in Linz. South-Korean and Indonesian workers had to sleep in closely crowded beds in an old factory hall, they had a chicken coop and a vegetable garden to provide food for them and an 8m² cubbyhole with tiny windows for a kitchen. The work week was 60 hours, at wages of from 60 cents to €1.20 per hour, and that paid subsequently. The GMTN took action to ensure decent housing for them and questioned the responsible minister for circumvention of recruitment regulations and the collective contract.

GMTN, Austria

Migrant workers employed in Canada under the terms of a number of government programs are generally afforded the same legal rights as are workers who possess citizenship or landed immigrant status. However, it is very clear that these workers are never advised of their rights nor are they advised as to how they may enforce the rights which they possess. Compounding the problem of the lack of information flow to the migrant workers are ongoing issues related to language barriers and cultural difference. Further, because so many migrant workers are isolated, vulnerable and always at risk of repatriation they are unlikely to speak out against employer mistreatments or abuse.

Migrant workers are either ineligible or have limitations placed on their participation in programs which provide social security benefits. Programs such as employment insurance and old age security generally provide income protection to Canadian workers, but are entirely unavailable to migrant labour despite significant deductions being made from the paycheques of these workers.

CAW, Canada

Typically migrants work longer than legislation allows, with lower wage, bad accommodation conditions, without leisure time and even possibility to use it in a relevant way and co-workers and public in general keep distance.

OS KOVO, Czech Republic

The shipbreaking workers are deprived of social security benefits. They are not aware of occupational health and safety, social security benefits and legal rights.

MPTDGEU-ASSRGWA, India

Working hours: mostly required to work 12 hours daily. To circumvent the law employers record 8 hours work and 4 hours as overtime for which no extra payment is made. Since the introduction of labour outsourcing system in February 2005, migrant workers are subjected to extensive abuse: breach of contract; non payment of wages; exorbitant agency fees; no payment during the days the labour supplier is unable to secure work; levy deducted from wages but not forwarded to the government with the result that documented employees remain illegal and are subsequently arrested and sent to the detention camp.

MEIU, Malaysia

External migrant workers enjoy the same rights as local workers, except membership at Social Security System, Philhealth and other safety net services in the country.

ALU-TUCP, Philippines

In June 2008 WorkSafe Victoria successfully prosecuted Lakeside Packaging for forcing two Chinese men to work with broken hands and arms on unsafe equipment at a printing company. This was WorkSafe Victoria's first prosecution involving the 457 visa workers. The prosecution eventuated as a direct result of the workers contacting the AMWU and the union initiating action to assist the workers.

In 2006 while recovering from work injuries, Zi Hong Fu and Cheng Cai were given jobs that still required them to use both hands, including working on their boss's home erecting steel beams while their hands were in plaster. Weeks after breaking a wrist falling off a ladder while performing unqualified electrical work, Mr Fu had to erect scaffolding on the unrailed factory roof, despite never having done it before. While drilling into 8mm thick metal plates with his unbroken left hand using a two-handed drill – supported between his chin and right hand – he ended up breaking that wrist too.

The company pleaded guilty to seven charges including failing to provide a safe workplace and failing to provide information, instruction, training and supervision in a language understood by the employees.

In August 2006 following these incidents, the company stopped Mr Fu's pay and on August 21 it terminated him and told him he would be deported to China within 28 days. Mr Fu approached the AMWU after he saw the reports about the union's campaign in the newspaper.

AMWU, Australia

Part 2. Union support to migrant workers

Union priorities

Although most unions responding to the survey do not have a specific organising program for migrant workers, affiliates clearly put a high priority on addressing migrant worker rights. In all areas canvassed by the survey, a large number of affiliates are taking action. The strongest priorities came out as organising migrant workers and raising awareness among workers and the public, closely followed by influencing government policy on migration and cooperating with unions in sending/receiving countries. Many unions provided details of actions that they are taking:

The AMWU now has several hundred 457 visa members and has made the development of an organising response to temporary migrant labour a major priority. In Western Australia we employ a part time organizer to work exclusively with 457 visa workers. In all states our organizers have had active involvement in organizing 457 visa workers. This has included the union running legal cases, conducting a public campaign and making representations to government to reform the system.

AMWU, Australia

The AWU has a long standing commitment to representing the under-represented in the Australian workforce. We have always undertaken to educate migrant workers of their full rights. The AWU continues to exert the full weight of the unions influence on migration policy, as demonstrated in our dedication to securing the best possible wages and conditions for migrants undertaking the trial Pacific Guest Workers Scheme.

AWU, Australia

In general it may be said that a clear majority of migrants are workers with low levels of organization, even if on the average they have completed school and undergone more skilled training. For the most part they engage in the heaviest and riskiest/most dangerous work and with the most precarious employment contracts. The difference in pay is evidently not great, but analyzing the items that make up their pay, it should be noted that a substantial portion (ca. 30per cent) consists of overtime and shift work, which they perform much more often than their Italian colleagues.

Accidents, including serious ones, are more frequent, and often information is lacking on risk factors and individual protective equipment. Health and safety at the workplace is an area where it is of fundamental importance to initiate specific work.

Finally, the economic crisis has created a problem not in itself new but which in this context may become devastating. The implementing provisions of the “Bossi-Fini” Act provide that in the case of termination of the employment contract, permission to remain in Italy is granted for the remaining period of validity of the residence permit, but not more than six months (equal to the residence permit to seek new employment). The mass layoffs due to the crisis have put many migrants in danger of expulsion/clandestinity. In addition, the government is presently discussing measures to make clandestinity a criminal offense. The dramatic consequences of that measure are obvious.

Italian affiliates, Italy

Efforts are concentrated on information activity (brochures, collective contracts in Turkish and Serbo-Croatian) in order to inform migrants of their rights. Multi-lingual materials have also been used in efforts to organize temporary workers, who make up some 20 per cent of foreign workers. A special project involves publishing a union newspaper aimed at Turkish migrant workers. The GMTN offers a special seminar for Turkish-speaking works council members.

GMTN, Austria

Most Canadian unions have been a little slow out of the gate in responding to the issue of migrant labour. The federal government's introduction of the "Temporary Foreign Worker Program" has forced unions to rethink their strategies and capacities in dealing with the issues that arise as a result of the introduction of a workforce which employers treat as disposable. The problems faced by migrant workers are well-hidden. It seems that the only stories which are released are those in which the worst types of employer abuses are exposed. The problem, of course, is that this permits Canadians to view the problems as isolated ones which are unique to rogue employers. They are not. The problems created by the use of migrant labour under the "TFW" program in Canada are endemic to the program. Our government permits employers to import and export workers, without adequate supervision, without oversight and without accountability. These workers are frequently paid lesser wages, receive lesser benefits and live in sub-standard conditions, despite performing the same work as their Canadian counterparts. It is discrimination in its most obvious form and it offends the core value of equality which we as Canadians purport to hold dear.

The exploitation of migrant labour also has to be of concern to organized labour because of our mission to give working people a voice in their workplaces. Migrant labour has, thus far, had no voice. If we do not help them find one, employers may use our inaction to undermine us. As migrant labour works alongside unionized workers it becomes glaringly apparent that the differential wages, benefits, treatment and responses can only undermine solidarity amongst workers, thereby weakening our bargaining units, our bargaining strength and our very presence in workplace.

CAW, Canada

USW is actively working with migrant worker organizations, but not in metalworking. Examples: domestic service, taxi drivers.

USW, Canada

MPTDGEU passed the resolution and changed its constitution to accommodate migrant shipbreaking workers and reduced membership subscription from Rs. 200/- to Rs. 50/- per year. MPTDGEU and ASSRGWA has been organising migrant shipbreaking workers, presenting their case before Port Authorities, Maritime Boards, Provident Fund Commissioners, Ministry of Labours at State and Central levels. Unions are organising awareness camps on health & safety, legal system, workers' rights, trade union rights, HIV/AIDS, informal education to children of shipbreaking workers, education and awareness among the women, etc.

MPTDGEU-ASSRGWA, India

Relations with the various associations and civil society organizations active in the area of immigration and anti-racism are also very important. Cooperation with the unions in the countries of origin is also of interest, but it presents a number of difficulties, in part due to the fact that most of the countries of origin are not industrialized and do not have independent metalworkers' unions. But this is an area of work that should be developed in the long term, even though there are varying degrees of sensitivity to the importance of international relations in general among our organizations.

Italian affiliates, Italy

Norway has had the greatest immigration of workers in the Nordic countries in recent years because we have had great need for labor, especially in industry and building/construction. We have welcomed these workers, but at the same pay and working conditions as for our own workers. Fellesforbundet has made a priority of combating social dumping and has devoted substantial resources to that effort for a number of years, through organizing, influencing government policy and trying to inform the foreign workers of their rights. We have also concentrated on training our representatives and working with the media. This of course has helped increase awareness and change attitudes among the public to the effect that not treating foreign workers the same as our own is wrong.

Within the metal industry shipyards, in particular, have had great problems with social dumping. Many yards have hired up to 80 per cent of their workers from abroad, in particular from former Eastern Europe. As of 1 December 2008 parts of the works agreements have been made generally binding in the ship and shipbuilding industry. What that means is that parts of the agreement have been made the law and all companies which are party to it must give their workers the same pay and working conditions as contained in the general provisions (minimum wage rates, working time provisions, shift and overtime supplements, 20 per cent supplement for work away from home, work clothes and protective gear, and requirements that the employer must pay for travel, food and lodging).

Fellesforbundet, Norway

To organize migrant workers: We cooperate with associations of immigrant workers and provide free general training (languages, computer, occupational health) and specific (professions).

To influence governmental policy: We cooperate with public bodies on immigration issues (Dirección General de Inmigración).

To raise awareness of workers and public: Informative campaigns on workers' rights. Production of materials, pamphlets and guidelines in different forms and languages.

Cooperation in countries of origin: Participation in projects of international organisations of Migration and Co-development, in collaboration with the Spanish Agency for International Cooperation and Development (Agencia Española de Cooperación Internacional y Desarrollo - AECID) and the Trade Union Institute of Development Cooperation (Instituto Sindical de Cooperación al Desarrollo - ISCOD-UGT).

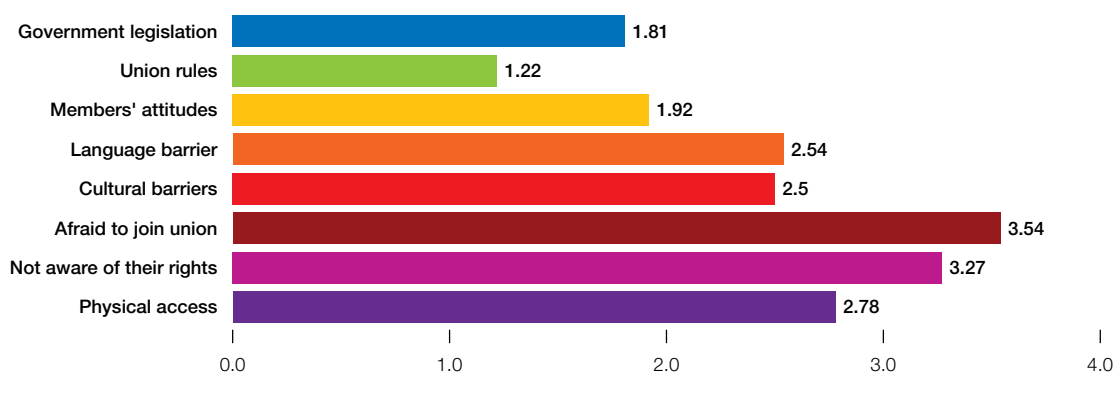
MCA-UGT, Spain

Obstacles

When looking at the obstacles to organizing migrant workers, responses by affiliates can be divided into three groups: those which cause them the greatest difficulties, slightly less difficult, but still important obstacles and less important obstacles. The first group concerns the migrant workers themselves. Unions report that the biggest difficulties they face stem from migrant workers being afraid to join a union and not being aware of their rights. In the second group of less important, but still significant obstacles are those that relate to making contact with migrant workers. Here, unions say that it is difficult to get physical access to migrant workers and that there are language and cultural barriers to their joining a union. In the third group of least important obstacles we find attitudes of existing members, government legislation and union rules which prohibit migrants from joining the union.

Which obstacles does your union face to organizing migrant workers?

From 1= not an obstacle to 5=severe obstacle



Supplementary comments provided by affiliates give further insight into the barriers unions face in trying to organize migrant workers, as well as useful information on how they are managing to overcome them:

The primary barriers relate to finding out where 457 visa workers are working and the intimidation they experience from employers. The current industrial legislation also places additional barriers in the way. The union has a priority to actively promote the need to organize 457 visa workers among our permanent resident membership in order to help shift any negative attitude towards migrant workers among parts of our membership.

AMWU, Australia

The AWU uses a range of measures to ensure that language is not a barrier to union participation. These are inclusive of, though not limited to, employing bi-lingual organisers, industrial advocates and membership administrators. As necessary, the AWU has also employed the assistance of translators to communicate with members and potential members. In providing best access to migrants who are participating, or considering participation, in a federal government scheme currently being implemented in the agricultural industry (the Pacific Island Guest Workers Scheme), the AWU has established an Information Hotline. This service allows non-English speaking workers to access employment information in a variety of relevant languages.

AWU, Australia

To gain access to organizing migrants, contact through the relevant migrant associations is important. Migrants often do not know their rights, and many employees try to convince them that the Austrian unions are not responsible for them. Hence, the necessary linguistic and cultural skills of union secretaries will be necessary in the future to recruit migrant members.

GMTN, Austria

Physical access is the most difficult because workers are often isolated and kept in barrack type facilities cut off from the main areas of the city.

CAW, Canada

There are only few unionists in CMIU handling oral English, so there are communicating barriers between existing members and migrant workers.

CMIU, Hong Kong

Mostly if migrant workers form a union, management immediately dismisses them without any reason.

ACEF, India

- *Apathy of government authorities to implement labour welfare legislations*
- *The workers are from different states, cast and creed, social status, cultural, illiterate, speak different languages*
- *Militant employers/contractors*
- *Presence of antisocial elements*
- *Workers are afraid to join union*
- *Workers are not aware of their rights*

These are some of the obstacles faced by the unions. Unions having site offices near to the workplaces is an advantage to organising shipbreaking workers.

MPTDGEU-ASSRGWA, India

It is MIEU's policy to organize migrant workers but the labour supplier system has made it difficult. In the work permit, government has stipulated a series of conditions, one of which is they are not allowed to join any association and employers prevent workers from joining a union. Employers often threaten migrant workers with termination. Government legislation is interpreted differently by the Ministry of Labour and the Home Affairs Ministry who is responsible for issuing work permits. Union rules allow workers directly recruited and not those supplied by outsourced agencies.

MIEU, Malaysia

The immigration regulation does not allow any migrant workers to join any organisation in the country. The employers use this regulation to stop them from joining any Union. In some cases employers have terminated the contract of some migrant workers that join the Union, citing other reasons for terminating. This has created a fear syndrome among them to join Union. In some cases they are housed at a remote place, no contact with other workers or public. Thugs are being engaged by the agencies to control the movements of the workers.

NUTEAIW, Malasia

Language, culture and fear of organizing are the greatest obstacles. Fellesforbundet has also devoted substantial resources to interpreters to help the local representatives in the local environment and to help produce informational material in several languages (e.g. Polish, Romanian, English) on workers' rights in Norway to which foreigners have access. We believe that if we solve some of the language problems, many of the other problems will solve themselves.

Fellesforbundet, Norway

Managerial workers are not allowed to unionize. Other external migrant workers with valid permits issued by the Department of Labor and Employment, may exercise the right of self-organization and join or assist labor organizations of their own choosing, for purposes of collective bargaining, provided that they are nationals of a country which grants the same or similar rights to Filipino workers.

ALU-TUCP, Philippines

The temporary status of most migrant workers is a large obstacle. Normally, they have a one year contract and in that period they avoid any type of confrontation with the employer. Their main objective is to assure their wages and to try to have their work contract renewed. Collaboration between migrant workers and the union is normally linked to the existence of conflicts or difficulties between the migrant worker and the company. In these cases they seek the involvement of the union. Lack of knowledge of what a union is, of the right to confidentiality, and of the advantages of union membership are other reasons that make organising migrant workers difficult.

MCA-UGT, Spain

Organising programs

A minority of unions responding to the survey said that they have a specific organizing program for migrant workers. Some explanations:

In Western Australia we employ a dedicated 457 visa organiser. In all other states organizing of temporary migrant workers is integrated into our growth strategy. Our national office resources the branches to help organize temporary migrant workers.

AMWU, Australia

The AWU is currently assuring full time hours of work and wages for the participants in the Pacific Guest Workers Scheme. This campaign has involved lobbying and working with the federal government, employer groups, employers and labour hire companies. Such measures are universally employed wherever deemed necessary. They have been historically employed for migrant workers in the metal industry and would be implemented again if need arises.

AWU, Australia

The attempts of militant employers and contractors to reduce the rates of wages of shipbreaking workers employed in Alang/Sosiya shipbreaking yards in India arbitrarily from Rs. 330/- to Rs. 225/- per day and curtailing other facilities came to be foiled by 20,000 shipbreaking workers who unitedly and fearlessly struck the entire shipbreaking work in Alang/Sosiya shipbreaking yards on 23-24, March 2009 under the auspices of the Alang Sosiya Ship Recycling and General Workers Association, a newly formed and registered trade union of the shipbreaking workers in India. The courageous move of shipbreaking workers was widely acclaimed and noted by the media. The shipbreaking workers earned the courage to fight against injustice in unity and under the banner of trade union.

MPTDGEU-ASSRGWA, India

At the level of the trade union confederation, specific programs for migrants do exist. We are also involved in training programs at company level in which migrant workers can learn the language of the country.

CCMB, Belgium

Arranged workshops on "Specific problems of Migrant Workers". Established Mohalla Committee (street committee) to maintain communal peace and harmony. Organised awareness programmes on workers rights, union building workshops, combined meetings of Alang and Mumbai shipbreaking workers to share experience and achievements. Running informal school for children of shipbreaking workers at Mumbai.

MPTDGEU-ASSRGWA, India

There is no specific program, but particular attention is given to specific needs and problems in the area of current union work. In some cases (e.g. in disputes concerning the renewal of the national contract and other disputes of a national nature) informational material is made available in several languages. As regards the Fiom-Cgil and the Uilm-Uil, the respective confederations to which they belong have dedicated offices or structures at the confederation level which also intervene with specific programs in the area of structures which are essentially of a service nature. The Fim-Cisl uses the ANOLF association which is part of the Cisl.

Italian affiliates, Italy

Institutional policy demand to Government for foreign workers.

IMF-JC, Japan

We use the machinery set up by the MTUC to carry out campaigns to create union awareness.

MIEU, Malaysia

Fellesforbundet has always made a priority of organizing all workers. In recent years great emphasis has been placed on integrating the organization of foreign workers into our regular organizing work. An action plan has been elaborated for every year, and in 2008 the action plan stated: the goal is to create a stable working life based on equality, free from social dumping, and with respect for the law and agreements. The Union shall organize and promote pay and working conditions for all employees working in Norway regardless of their nationality or origin. In that work, stress shall be placed on promoting political and collective bargaining demands which together shall constitute a set of rules to stop precarious employment and prevent social dumping. This work has yielded good results.

Fellesforbundet, Norway

We have established network of centres for the integration of foreign workers.

FM CCOO, Spain

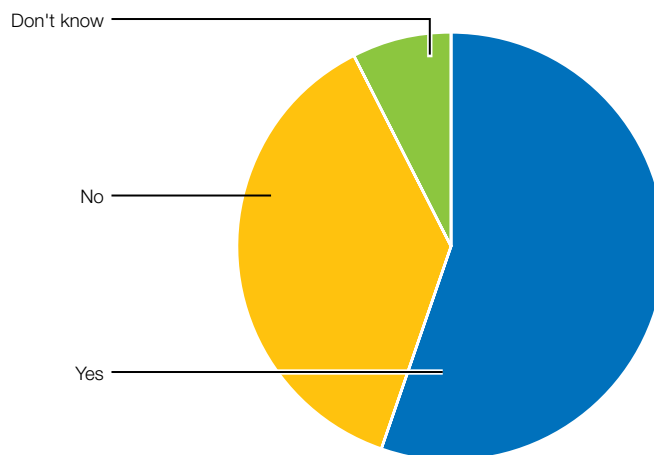
A strategy has been designed within the organization to encourage the participation of workers of foreign origin in the union. As part of the strategy specific bodies have been created to take care of their needs (Secretariat of Equality and Immigration). We carry specific campaigns for migrant workers in different languages (example of campaigns "these are your rights, together we defend them" or "foreign workers in the construction sector" etc.) and we produce specific materials on occupation health and trade.

MCA-UGT, Spain

Other organizations representing migrant workers

In some cases there is a lack of awareness among affiliates as to whether specialist organizations representing the rights of migrant workers in their country exist. In other cases, unions are aware of such organizations and are working with them.

Are there specific unions or NGOs representing migrant workers in your country?



There are a number of migrant support organisations generally based on national lines. Our union has worked closely with Filipino support organizations to help organize workers.

AMWU, Australia

Although there are not a large number of organisations specifically aimed at migrant workers many churches, such as the Uniting Church, have a strong interest, and focus in this area. Churches and Unions have a long history in Australia of campaigning together for better rights and conditions for workers. The AWU has always maintained links and ongoing dialogues with churches and as such has had a healthy relationship and connection with these groups when representing migrant workers.

AWU, Australia

The GMTN cooperates in groups and committees for integration and migrant associations and is also present at and involved in festive events.

GMTN, Austria

The national labour center (MTUC) is helping some workers who were cheated by the employers or the out-sourcing agencies. Some NGOs are also doing the same, but on a piece meal basis. When someone is approaching them for issues, they handle the particular issue in hand. In the case of our Union, we negotiated with the employer to provide the same benefit in terms of salary and allowance to every worker working in the factory. However, when the outsourcing Company has been employed to bring the migrant workers, we could not negotiate with them. The outsourcing company's name can change very frequently to run away from decent salary to the migrant workers.

NUTEAIW, Malaysia

Eg. Migrante Aotearoa – organization that, with support of other unions, aims to ensure that the migrant population is unionized.

EPMU, New Zealand

There are unions and NGOs representing Filipino workers in receiving countries.

ALU-TUCP, Philippines

Not only of cooperation, but also there are members of our union that take part in these associations.

FM CCOO, Spain

There are no unions or organizations that have the legal right to represent migrant workers but there are NGOs of foreign citizens which have a high capacity to bring people together and which form part of consultative bodies and of the semi-public system focussed on immigrants. For example: ATIME (Asociación de Trabajadores Inmigrantes Marroquíes en España - Association of Working Moroccan Immigrants in Spain), AICODE (Asociación Iberoamericana para la Cooperación y el Desarrollo y los Derechos Humanos - Latin American Association for Development Cooperation and Human Rights), CEAR (Comisión Española de Ayuda al Refugiado - Spanish Commission for Aid to Refugees) or the Cruz Roja Española - Spanish Red Cross. The relationship with these bodies is always warm but the collaboration is very precise as our work rarely coincides (MCA-UGT deals exclusively with migrant workers from a labour perspective).

MCA-UGT, Spain

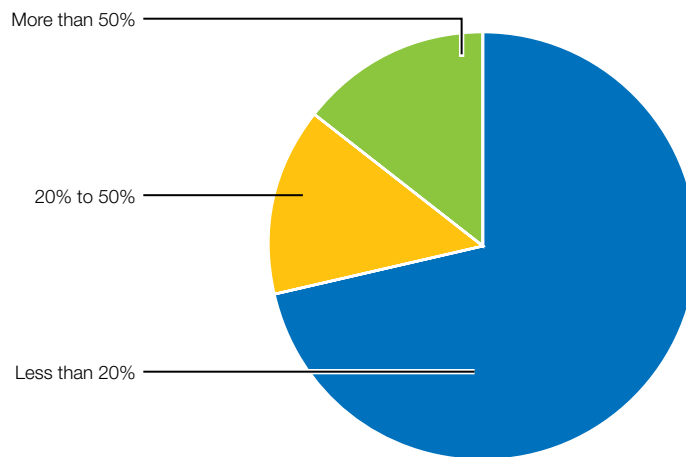
Unionisation of migrant workers

Evidence from affiliates responding to the survey points to a lower unionization rate among migrant workers than among local workers, which is perhaps only to be expected, given the formidable obstacles cited above. The majority of respondents said that less than 20 per cent of migrant workers in the metal industry in their country are organized into trade unions. However, there was one more positive comment:

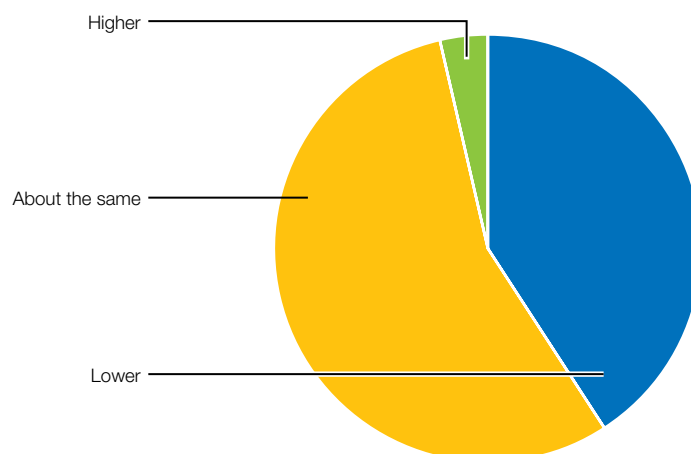
The percentage of migrants in relation to the total number of new members has been constantly rising, either directly through unions in the industry as well as through the appropriate offices of the respective confederations.

Italian affiliates, Italy

Provide an estimate of the percentage of migrant workers in the metal sector that are organised into unions



Is this higher or lower than the organising rate of local workers?

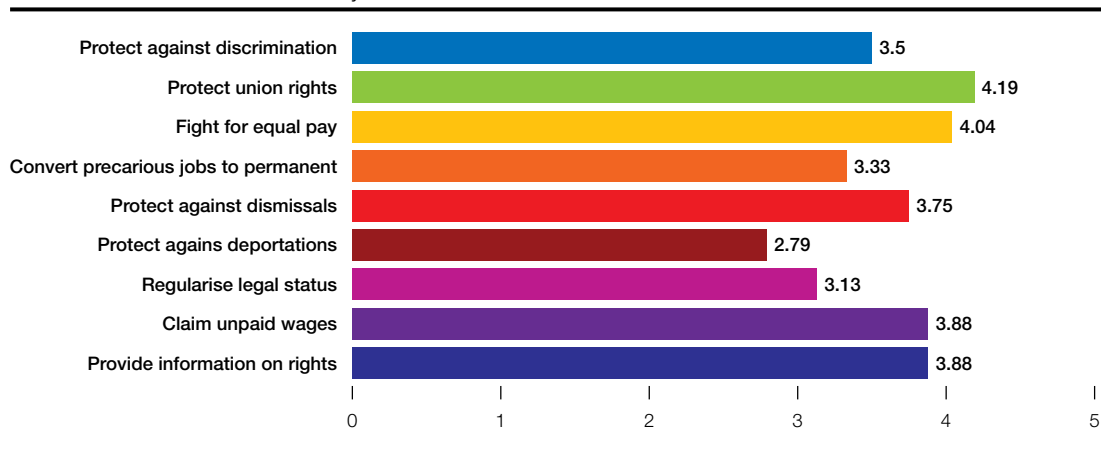


Union actions on behalf of migrant workers

IMF affiliates are engaged in a wide range of actions on behalf of migrant workers.

Indicate the main actions taken by your union on behalf of migrant workers

From 1=no action taken to 5=very often done



Discrimination is always a priority issue for the AWU. The AWU categorises all forms of discrimination, including racial, as workplace bullying. As such this is an issue of Occupational Health and Safety. The AWU has advocates employed in every State of Australia who work specifically in the area of OH&S. The AWU also lobbies employers and governments regularly and extensively on issues of workplace bullying.

AWU, Australia

Main areas: fight for equal pay and rights, but not as regards legalizing status and government regulations (alien, residence rights).

GMTN, Austria

At the SMEFI biennial convention held at Faridabad in the month of February 2008, a resolution was passed for Constitution of the board under the Minimum Wages Act for determining the minimum rates of wages of shipbreaking workers. The awareness campaign was conducted at shipbreaking yards at Mumbai as well as Alang on the subject of organisation, health, safety, welfare, trade union activities and overall situation in the shipbreaking industry in India and as well as abroad.

MPTDGEU-ASSRGWA, India

Work in the area of under-organization and pay discrimination is still insufficient. Subsequently an effective mechanism should be developed to disseminate information. For the renewal of the last national contract, specific demands were made concerning some of the problems of migrant labour, and were accepted almost entirely in the contract which now contains an article devoted to the establishment of specific courses for linguistic training and measures to facilitate participation in them, a national committee to study specific measures (also aimed at promoting integration) introduced through level II bargaining, and easier access to paid leave for procedures related to the status of migrant (renewal of residence permit, etc.). The possibility of accumulating vacation periods was already present in the previous national contract.

Italian affiliates, Italy

Through our news letter, we request our members to respect them as another co-worker. Those brought in to the company by the company, we make sure that, they receive the same salary and same benefit as any other local workers. On dismissal (unfair) cases we help them to file their case at the Human Resource Ministry, defend them during conciliation or arbitration meetings.

NUTEAIW, Malaysia

As an industrial federation, MCA exclusively deals with immigration from a labour perspective. We deal with migrant workers by protecting their rights as workers. Other immigration issues (fights against expulsions, regularization of workers, work authorizations and residence permits, family reunion, health rights, education, etc.) are also dealt with by the Unión General de Trabajadores but via specialized bodies and centres (Departamento Confederal de Migraciones, Centros Guía etc. - Confederal Department of Migration, Guidance Centers, etc).

MCA-UGT, Spain

In September 2007, Mr Yu Tu Chuoan of the owners of Aprint withheld \$93,000 (US\$81,000) in wages from four Chinese 457 visa workers. Mr Chuoan made the four work more than 60 hours a week and deducted more than \$10,000 (US\$8,700) from their wages for lawyers and travel fees.

After AMWU involvement to ensure that Mr Chuoan was prosecuted he was fined \$9,240 (US\$8,000) for breaching the Workplace Relations Act. He was not subject to any penalty in relation to breaches of his obligations under the 457 visa scheme. Aprint is now in liquidation.

AMWU, Australia

Conclusions

Responses to the survey were received from all IMF regions, although coverage was somewhat uneven, with Europe and Asia best represented. It is reasonable to assume that the unions that filled out the survey are among those most active on migrant worker issues, and that there is still a lot of work to be done to increase union awareness and actions in this area.

The fact that the responses given were reasonably consistent makes it possible to draw concrete conclusions about the status and conditions of migrant workers in the metal industry, as well as the problems unions face in organizing them.

As previously noted, the presence of migrant workers in the metal industry is not something that is generally recorded or reported by government agencies, making it particularly important for unions to be aware of the demographic changes in the workforce in order to be able to reach out to migrant workers.

Furthermore, affiliates responding to the survey frequently answered 'Don't know' or left questions blank, indicating that it is very difficult for trade unions to get a clear picture of the experiences of migrant workers in the metal industry. Questions that seemed most difficult to answer included whether migrant workers are required to pay fees to recruitment agencies, whether wage deductions are made for accommodation and other costs, the percentage of migrant workers that are members of trade unions and whether there are specific unions or NGOs that represent migrant workers in the country. More information is needed on these points if unions are to be able to effectively advocate on behalf of migrant workers.

Several affiliates referred to the fact that exploitation of migrant workers is currently not as severe as it is in other industries in their country, for example agriculture and construction. Yet the survey clearly demonstrates that in the metal industry today, the number of migrant workers in vulnerable situations is on the rise and that the exploitation of migrant workers is a growing phenomenon.

For many migrant workers, recruitment and employment through agencies, with all of the disadvantage and vulnerability that entails, is the only way to get a job in the metal industry. In certain countries some protection is afforded by requiring the direct employer to make the application in order for a work visa to be issued. But in countries without such a requirement, agency recruitment and employment flourish.

Precarious employment of migrant workers is part of a global trend, led by employers seeking new ways to drive down wages and conditions and facilitated by agreements on the free movement of people. The growth of precarious work across the board is of concern to all metalworkers and efforts to improve conditions for migrant workers will be a major factor in arresting the downward spiral.

There are serious concerns about the impacts of wage discrimination, not only for the migrant workers themselves who are denied equal treatment, but for the resultant social dumping and downward pressure on wages for all workers. Much more must be done to ensure that collective bargaining agreements cover migrant workers and that their wages are equal to those of local workers doing similar work.

The detailed descriptions and case studies provided by affiliates give a useful snapshot of the challenges faced by unions in organizing migrant workers and the injustices wrought on migrant workers themselves. These experiences will prove invaluable in assisting other unions who have yet to address similar situations.

This is particularly true in light of the survey findings that the biggest barriers to organizing migrant workers are that the workers are afraid to join a union and that they are not aware of their rights. Add to these the second most important barriers, those of language and culture, and it becomes clear that special efforts will need to be made by unions to find ways to communicate with migrant workers, ways that may be different from those traditionally used.

It is in this area that IMF can assist, by facilitating contacts and exchanges of experiences between unions that can provide the tools to encourage more migrant workers to become members of trade unions. The rate of unionization of migrant workers in the metal industry is extremely low, in many cases far below that of local workers. More specific organizing programs that address the particular challenges of organizing this group of workers are needed and there is still much more potential for unions to seek out and make contact with NGOs or community organizations that are working with migrant groups and may be able to join these efforts.

