

**EU ENLARGEMENT, WORKERS AND MIGRATION: IMPLICATIONS FOR  
TRADE UNIONS IN THE UK AND POLAND**

Paper given at the Global Unions Research Network International Workshop '*Trade Unions, Globalization and Development – Strengthening Rights and Capabilities of Workers*', Novo Hamburgo, Brazil, January 2005

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## **Introduction**

On 1 May 2004 the European Union was enlarged to include ten new member states, eight of these countries were from Central and Eastern Europe (A8). In some quarters such as the right wing press and politicians xenophobic fears have been raised through exaggeration, distortion and in some cases sheer invention. Although there will be some migrants who enter the labour market in well paid skilled work, the majority of migrant workers from the A8 states will be employed in the worst paid and most poorly organised sectors. Many workers from the then prospective new member states had already been working in Britain, but were unable to claim employment rights because of their lack of legal status. Legitimising access to jobs should remove this potential advantage to unscrupulous employers. However, our concern is that the low level of labour regulation in Britain will leave migrant workers being exploited in low paid jobs without security and access to trade union rights. We explore this question through a case study of the migrant workers in the UK from Poland.

This paper will review preliminary information available on migration patterns from Poland to the UK and then explore the issues raised for trade unions in both the UK and Poland. The paper will be based on both primary and secondary information from the case study countries. Primary information has been gathered by one of the authors in his role as International Policy Officer at the TUC. In particular, it will report initial data gathered via contacts made by A8 workers with the TUC's Migrant Workers Project, by TUC regions, and cases dealt with by affiliated unions and migrant organisations. The other author has extensive experience of researching on the restructuring of the Polish economy and its impact on Polish workers and trade unions.

The case study of the UK and Poland is important on two counts. First, the treaties of accession to the European Union included the option for existing members to restrict the right of new citizens to seek and take jobs in their labour market. The UK government, unlike other EU nationals, decided not to restrict the right of workers from A8 countries from seeking and taking up employment in the UK (Financial Times, 2004). Instead workers from the A8 countries securing employment in UK had to register their presence with the Home Office under the Workers Registration Scheme. Only those who completed 12 months' uninterrupted, registered employment would then be entitled to out of work benefits.

Second, Poland has been selected as the focus of the paper because with a population of 38 million it is the largest country in Central and Eastern Europe, therefore it can be taken as a case study and starting point from which to explore the implications for other accession countries. Home Office statistics for the first five months registration, for example, showed Poland as accounting for 56 per cent of registrations.

## **Migration 'push' and 'pull' factors**

This first section looks at the factors that are ‘pushing’ workers from Poland to seek jobs in Europe, and the ‘pull’ factors that are attracting them to the UK in particular.

### *Poland*

In the early 1990s ‘shock therapy’, followed by a relentless drive to the market based on neoliberal ideas has increased insecurity and driven down living standards for large numbers of workers. Unemployment is currently on average 20 per cent, but those living outside the large cities or in regions to the East, face unemployment levels as high as 35 per cent (EIU, 2004). The inability of young people, even with a good level of education, to find work is also manifest in a 40 per cent youth unemployment rate. This is reflected in UK registration statistics where initial figures show 83 per cent of workers from A8 states as being aged between 18 and 34. Cuts in the public sector have meant that workers have faced falling real wages and an intensification of work. The restructuring of the health service has particularly affected women with poverty wages and redundancy (Stenning and Hardy, 2005). A new round of draconian cuts, including a reduction in farm subsidies is on the horizon in the form of the Hausner Plan. Taken together these have been the push factors that have driven people to seek jobs outside of Poland.

### *The UK*

Many Polish migrants had already entered the UK lawfully under temporary entry schemes such as the Seasonal Agricultural Workers Scheme and the Sector Based Schemes for food processing and hospitality, as well as on self employed visas under the EU association agreements. Others had entered and worked without authorisation. (Jordan & Düvell, 2002). Accession, however, has opened up the possibility of working in a wider spread of sectors. Polish newspapers are full of adverts from agencies quick to profit from the new situation, offering jobs in a range of industries such as care (for the elderly and disabled), nursing, engineering and general factory work in the UK.

The lifting of restrictions in the UK has much more to do with labour shortages than a liberal attitude to immigration. The UK economy has seen a polarisation of income with the wages and working conditions of public sector workers falling behind those in the private sector. Privatisation of parts of welfare provision, notably care for the elderly, have driven down wages and made it harder to organise workers. There is a very strong geographical dimension to the widening inequalities in the UK. The expansion of jobs in financial services, primarily but not exclusively, in London and the South East have acted as magnet in the UK. The 2001 census of the population showed an expansion of the population in the South East while northern cities such as Manchester and Liverpool has had a fall in their population of 10 per cent and 8 per cent respectively (Dorling and Thomas, 2004). High property prices in the South East of England and a lack of public housing make it nearly impossible for workers in public sector jobs such as teachers, nurses and fire-fighters and low paid workers in general to afford decent housing. There are now examples of workers who have three hour journeys to do their jobs. The impact of this is that there are labour shortages across a whole range of jobs, and low paid work in particular, but with severe problems of accommodation.

## Emerging patterns of migrant Polish workers in the UK

The following section is based on the TUC's report *Propping up Rural and Small Town Britain* (2004) and on Home Office statistics (Home Office, *et al*, 2004).

According to the Home office, during the first five months of the registration scheme, 91,000 workers registered as working in the UK. 32% of these had already been in the country before 1 May (and a further 13% failed to state their arrival date). Many of these are likely to have entered under temporary entry schemes such as the Seasonal Agricultural Workers Scheme and Sector Based Schemes for food processing and hospitality. It is not clear that all workers who can register do so, for example those working for gangmasters. Home office figures show that 84% of arrivals were between 18 and 34. 47% of applicants were female, and only 5% had dependants with them in the UK

In an agreement with the Home Office, all workers registering received a TUC leaflet giving advice on employment rights (in English). By the end of October 2004 1,600 workers (or their friends and family) had contacted the TUC for translated versions (these are now available in eight languages).

Table 1: Request by language

Language	No. or requests	% of total
Polish	900	61
Slovak	189	13
Czech	135	9
Latvian	122	8
Hungarian	91	6
Lithuanian	25	2
Estonian	9	0.6

Source: TUC: 13

### *Regional patterns*

Migrants can be found in every region of the UK, but there are significant regional variations. There are particular concentrations in the rural agricultural areas in the East of England (Lincolnshire, Cambridge, Peterborough, Norfolk, Luton, Kent and Sussex) as a result of the Seasonal Workers Scheme, as well as the outer boroughs to the East, North and West of London.

Surprisingly some urban areas such as Glasgow and Manchester, and the North East of England do not feature significantly. Similarly, Polish workers were found in every region, but there were almost exclusively Polish concentrations in some towns, notably Luton, Southampton and Northern Ireland.

Table 2 Request identifying employer

Type of employer	Number of requests
Hotels	64
Pubs	7
Restaurants	3
Other leisure	7
Total hospitality	81 (53%)
Farms	23
Other horticulture	5
Animal care & breeding	4
Agricultural wholesale	3
Food processing/manufacturing	8
Total agriculture and food	43 (28%)
Care homes	4
Other services	5
Agencies	6
Total services	15 (10%)
Other manufacturing	7
Other distribution	3
Transport	4
Others	14 (9%)

These figures are generally confirmed by statistics from the Home Office who reported that the largest categories of registration were in hospitality and agriculture. However, business and administration featured significantly in Home Office statistics which was not the case with the TUC figures. This is likely to reflect the high proportion of agency workers, whose direct employer may be classified into the service sector, but who are likely to identify their employer as being their actual workplace. According to the Home Office, 44% were in temporary employment, but this rose to 82% in “administration, business and management”.

Hospitality, agriculture and food processing have all been covered by temporary labour schemes aimed at helping employers fill vacancies. However, anecdotal evidence suggests that once enlargement took place, workers once on temporary schemes registered and began looking for work where the pay and conditions were better. Provisional figures from the Home Office suggest that the temporary schemes, post enlargement, are drawing most workers from Bangladesh, Vietnam, Ukraine and Bulgaria.

### **Trade union implications in the UK**

This section looks at the main problems faced by Polish migrant workers in the UK, and the issues these raise for trade unions.

### *Employer abuse*

Gaining legal status in the labour market does not remove the threat of abuse by employers. However, it is clear that legislation does give some workers the confidence to find out about their rights, complain and seek to remedy problems.

Problems with recruitment and temporary labour agencies are substantial. Some agencies charge workers in their home countries for finding them jobs. There have been examples of hourly rates of pay being lower than promised, or lower than those paid to British workers, and of non-payment for some hours worked. In some cases wages have been reported as withheld for months.

Excessive working hours have been reported, in some cases with no rest day being provided or inadequate breaks between shifts. A frequent complaint is that no enhanced rates are paid for overtime. The differences in pay which have emerged are obviously of concern to unions, who want to avoid divide and rule strategies being used to depress wages.

Workers clearly do not understand the tax and social security contribution system, and sometimes suspect (perhaps with reason) that employers are defrauding both the worker and the state. It is a challenge to unions to explain to new arrivals the prevailing rates of pay, good employment practice and legal rights, and to organise these workers to defend themselves (see below).

### *Housing*

Many complaints centred on housing, which is frequently provided by the employers. The bad experience of accommodation for undocumented Polish workers was reported in a book published in 2002 (Jordan & Düvell). Many landlords are associated with the employer. In some cases early arrivals or already present family contacts will hire out rooms to late arrivals, often providing work as well.

Reports from TUC regions, affiliated unions and some employers suggest that affordable housing close to employers seeking workers for relatively low paid jobs is a significant contributory factor to localised labour shortages. The experience of many migrant workers suggests that the solution to housing shortages cannot be left to the private sector.

The provision of crowded overpriced accommodation is possible for single workers and may resolve shortages in the short term. It may also help explain the preference of employers and agencies for young single people. However, it is not a long run solution for practical and ethical reasons – it is hard to see how workers in such circumstances can exercise the right to family life promised to them in the European convention of Human Rights. The issues of housing needs to be addressed as a priority by regional development agencies and central government

### *Women migrant workers*

Traditionally Polish migrants have been men who worked, usually illegally, in the building industry. The main opportunity women's employment was as an au pair. Through the Sector Based Schemes significant numbers of women and young women in particular entered to work in hotels and restaurants. This trend appears to be continuing since EU enlargement, with 445 of those registering in UK being women.

There are several issues faced by migrant women workers. First, the current survey may underestimate the number of women employed, as they may be less visible. For example, care work would recruit workers with relatively little English. This sector has small workplaces, has a low rate of unionisation and isolated workers. Given low visibility this sector would benefit from further investigation. Second, women face additional problems in the workplace from sexual harassment. Given the lack of legislation in Poland with regard to such issues there may be less awareness of rights in this respect in comparison with other issues related to pay and conditions. Third, women face a whole raft of issues regarding pregnancy, maternity rights and access to benefits. These may be particularly problematic for agency workers, who often do not have the same rights to maternity leave and pay as permanent employees, as a result of the various employment statuses which exist in Britain.

Therefore although women migrants from Poland will face similar problems to migrant workers in general regarding pay and working conditions, they will also face specific problems associated with harassment and maternity. Further, they may be particularly vulnerable when employed in small and isolated workplaces such as care homes.

### *Xenophobia and racism*

Despite the hostile tone in some English newspapers, there have been few examples of open xenophobia. The main exception is Northern Ireland, where along with other groups, Polish workers have been subjected to petrol bomb attacks on their homes. If there is lower hostility, it may be due to the fact that A8 nationals are less immediately identifiable as being 'foreign' than non-white migrants.

### *Trade union organisation*

A study of Labour Force Survey statistics for 2002 showed that workers not born in Britain were significantly less likely to be trade union members than the British-born. Workers from eastern Europe had the lowest level of membership at 11.7% (TUC, July 2003). The TUC Congress in 2004 passed a resolution that, among other points, highlighted the importance of organising and recruiting migrant workers. In order to address this with Polish workers, a programme of work is being developed.

A further survey of those contacting the TUC is planned, in conjunction with the Centre for Migration Policy and Society. This will build on questions already asked of eastern European workers before enlargement regarding pay, hours, and problems with employers (Anderson, 2004), and will also include questions which would give data comparable with that gathered by IG-Bau in researching the need for a migrant workers union (EIRO 6/2004).

Cooperation with the long-established Association of Poles in Britain is also being developed to include advice surgeries and the provision more translated information and advice. It is hoped that this can be used to develop a cadre of Polish speaking trade union activists.

A number of trade union based training initiatives which have been started with government funding are now being developed to include English language training (ESOL) for migrant workers. This has already proved a valuable benefit for other migrant communities, such as the Portuguese.

### **Issues facing Polish Unions**

There are two main unions in Poland; Solidarity and OPZZ (Ogólnopolskie Porozumienie Związków Zawodowych/ All-Poland Alliance of Trade Unions). Solidarity plays a dual role as a political party and a trade union. It was central to the collapse of the communist regime in 1990, but ushered in draconian economic policies in the form of 'shock therapy'. Paradoxically while it has been a leading advocate of the free market and liberalisation, in the workplace its members have opposed and organised against privatization, redundancy and the erosion of the social wage (Hardy and Rainnie; 1995, 1996). Its membership and power base have been diminished in the period since 1990 due to a combination of privatization and the closure of large State Owned Enterprises. Along with OPZZ it has had to rise to the challenge of organising in new workplaces, particularly those with foreign investment. For example, there has been extensive investment and employment in foreign owned food retailing stores. According to European Industrial Relations on-line 6 per cent of the adult population are trade union members compared with 18 per cent in 1991 (EIRO, 2002). Solidarity and OPZZ have approximately 1.2 million members each and the remaining 1 million are members of a series of smaller trade unions.

OPZZ was the 'official' union of the Poland, in other words a vehicle for the policies of the Communist Party. Although it suffered from this relationship post-1990 there are some signs that it has been reinvigorated by the industrial action taken by its members in the public sector.

A third confederation, affiliated to *CESI*, is the Trade Union Forum (Forum Związków Zawodowych, or FZZ). This includes unions representing workers significantly effected by migration such as the Nurses (OZZPiP) and seafarers (SFTU).

All three organisations are reported to have been hostile to the labour market restrictions being placed on Polish nationals in most EU member states (EIRO, 1/2004).

Outside of these established unions are new workers organisations. Indicative of this is the Third Polish Workers Conference, which was held in Lodz in November, 2004. This brought together Unemployed Workers Unions as well as representatives of smaller unions, and large factories and workplaces that had been in dispute. One of

the items on the agenda was how to improve the rights of Polish workers in other parts of Europe, as well as recruiting and organising immigrant workers in Poland from Ukraine and Belarus.

#### *Impact of 'drain' of members and potential members*

For Solidarity and OPZZ migration poses the problem of a loss of members or the more likely scenario the loss of potential members as young people seek employment outside of Poland. The cyclical movement shown by many young Polish workers also means that workers will spend some time in Britain and some in Poland (or elsewhere). It is therefore likely that only organisations which can offer membership and protection in more than one country can hope to recruit and retain such mobile workers. This appears to be one of the factors behind the recent launch by German building union IG-Bau of a migrant workers union (EIRO, 6/2004).

#### *Improving the rights of Polish workers in the EU*

The key question here is the role that organised Polish workers can play in securing basic rights on pay and working conditions for Polish workers working in the European Union. An additional challenge is that the nature of migrant workers is different, with young people dominating the movement of labour and a significant proportion of young women.

On a more general political note, the major role being played by recruitment and temporary labour agencies is of particular significance. On 1 January 2004, new regulations governing temporary work agencies came into force in Poland. These are considerably more stringent than those that operate in Britain (EIRO, 2003), but are still expected to lead to a rapid increase in the numbers of registered agencies and agency workers. Since enlargement Poland has been amongst the group of EU member states (led by UK) resisting the introduction of a Temporary Agency Work Directive which would grant agency staff parity with permanent workers with whom they work.

The abusive treatment handed out to Polish workers in Britain by some agencies (see for example *The Guardian*, 2005) highlights the consequence of the absence of such regulation, and potential clearly exists for joint union cooperation to break up the hostile bloc of governments.

#### *Improving the rights of migrant workers in Poland*

At the same time as migrant workers from Poland seek better job opportunities and higher wages in the EU, workers from the East (Ukraine and Belarus) have migrated to Poland. This is thought likely to be a continuing trend, as the population of working age declines after 2020 (Iglicka, 2003). One anecdote is that welders from Gdansk have been recruited to Telford (a town to the North of Birmingham), while Ukrainian welders have filled their places in Gdansk.

### **Cross-border collaboration**

There is clearly a need for the provision of better information to prospective migrant workers, which may be facilitated by cooperation between British and Polish unions.

The possibility of mutual recognition of union cards may enhance the attraction of union membership to a mobile workforce.

The identification of common campaigning aims – on the Temporary Agency Worker or Posting of Workers Directives for example – will also be strengthened by joint work over migrant issues. There are also common themes on the labour market (over the minimum wage, labour market reforms, and retention of skilled health workers, for example), where detailed consideration of the relationship between the two countries will prove valuable.

The TUC has already hosted some union organisers from Eastern Europe on training courses held in London (TUC Congress Report, 2003, p75), and examining the possibility of repeating this exercise should form part of the work in progress.

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