

German Trade Union Approaches to Migration and Migrant Workers from Past to Present

German unions protected the domestic labour market. Whether this amounted to an anti-migrant position per se, is a matter of interpretation, but it was rather directed against the cheapening of labour standards or 'social dumping'

Despite migrant workers having a continuous presence in the German labour market since the 1950s, the children and grandchildren of these guest workers are often still regarded as second-class citizens and, in many cases, still struggle to access German citizenship. The far-right AfD's entrance into Germany's parliamentary landscape has shifted politics of citizenship even further to the right, with Chancellor Angela Merkel's government now having passed numerous bills curtailing the right to asylum, restricting dual citizenship and thus negatively impacting on integration policies.

It is against this background that this article seeks to outline German trade unions approach to migrant workers from the first guestworker programmes to today, underlining some of the persistent challenges which German trade unions have overcome in the past, face at present and will have to address in years to come.

The history of migrant workers in post-war Germany

After World War II, West Germany initiated so-called guestworker programmes with Italy (1955), Greece and Spain (1960), Turkey (1961), Portugal (1964), Yugoslavia (1968), and Tunisia (1971). These were designed to stem the labour shortage during the long economic boom in the expectation that these workers would return to their home countries when their labour was no longer required. During those years, more than three million guestworkers - commonly known as 'Gastarbeiter' - would come to Germany to work, many of whom would stay for generations to come.

From the very beginning, trade unions were integrated into the management of this programme. The German trade union confederation DGB, for example, was part of the Federal Labour Office's recruitment commission. These commissions set up offices in the respective countries and handled employers' specific requests for workers. Before setting up the scheme with Italy, a delegation of Italian trade unionists even visited Germany to inspect the labour conditions. The participation of both German and Italian unions underlines how unions were regarded as essential to ensure stable industrial relations.

Once the 'Gastarbeiter' had arrived, German unions' institutional embeddedness allowed them to negotiate the same collective agreements for the new foreign workers. At the same time, the system of co-determination meant that guestworkers had the same

right as their German colleagues to participate, vote and stand for works council positions. However, data from the time suggests that a representation gap persisted even in those companies that predominantly employed guestworkers. But unions and works councils also developed 'international solidarity' in the respective migrant communities by mobilising their members and demonstrating against the dictatorships in Portugal or the military junta in Greece amongst others.

Yet, beneath the surface the relationship was more complex. Reminiscent of today's debates, unions emphasised the necessity to attend to the 'sensitivity' of its German members. This 'sensitivity' to members' concerns permitted employers to use migrant workers to create a system of differentiation between foreigner and Germans in the same company to the extent that it stratified the labour market. Guestworkers found themselves at a disadvantage within the company hierarchy. Within companies their German colleagues frequently forced them to do the hardest work as they did not have (recognised) qualifications and worked on one-year contracts. At the same time, employers supervised workers by splitting them up into different language groups.

Consequently, management could diffuse tensions within the industrial relations system, and keep wages low despite their reliance on migrant labour. Despite these structural obstacles, migrant workers often engaged in trade unions and even called for strikes, such as Ford Motors in Cologne or the migrant women workers at the auto parts company Pierburg in Neuss in the summer of 1973. Above all, these strikes would ensure that migrant workers would be integrated into the German labour movement and their work would be equally valued.

Trade Unions' Statism and the Politics of Labour Market integration

As guestworker programmes gave way to freedom of movement in the European Union, German trade unions did not abandon their support for the state's migration policies. While in the past unions were directly involved in the management of migration, their role would shift to one in which they supported government policy on migration in the hope of winning pro-union labour market reforms at the bargaining table.

The accession of Central and Eastern European countries - also known as the A8 countries - to the

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European Union in 2004 underlined how German trade unions were using their institutional embeddedness to support the German government's 'transitional phase' and protect the domestic labour market. Whether this amounted to an anti-migrant position per se, is a matter of interpretation. The Austrian sociologist Torben Krings, for example, argues that German unions' stance was not 'anti-migrant', but rather directed against the cheapening of labour standards, also known as 'social dumping'. More importantly, this stance reveals the extent to which government and/or employers influence trade union policies on migration.

However, the policy of protecting one's labour market did not stop A8 migrants from coming to work and stabilise industrial relations in Germany but instead destabilised industrial relations even further, creating negative externalities outside of unions' control. Migrant workers from these countries ended up in self-employment or working in undeclared conditions, placing them in vulnerable situations and making it impossible for unions to represent and organise these workers.

Amongst others, this experience in the mid-2000s led the German trade union confederation DGB to change its position and support an open border approach and co-operate with the employers' association *Bund der Arbeitgeber* (BDA) on the question of migration. This policy shift gained renewed relevance during the 'Summer of Solidarity' in 2015 when Chancellor Angela Merkel decided to not close the border to Syrian refugees. My own research on the role of unions in the labour market integration of refugees in Germany has underlined how trade unions sought to integrate refugees into the labour market without undermining minimum wage provisions or collective agreement.

Beyond that there are continuities beyond the past and present work of trade unions. Trade unions continue to engage in anti-racist information and education campaigns such as "Kumpel" association, which has been active since the mid-1980s. DGB projects such as the advice centre for mobile workers, *Faire Mobilität*, or *Arbeit und Leben*—a political and social education institution – build on the work established during the 1960s and 1970s. Beyond that, trade unionists from across all sector were part of the efforts to welcome the new refugees by organising football matches, finding them housing or even providing their office spaces for language classes, as the IG Metall did in Frankfurt.

A reason for this shift is not only due to the German government's policy on Syrian refugees but also due to demographic shifts which have taken place between the 1960s and present. According to an internal study by the IG Metall, they now count more than 3000 foreign works council representatives, 400 works council leaders and 7500 foreign shop stewards. Thus, migrant members are disproportionately active in IG Metall structures. Moreover, the two million-strong union counts half a million members with migrant background, with

the largest groups being Turkish (17.2 percent), Polish (9.9 percent) and Italian (8.4 percent). Among all those with migrant background, 90 per cent have lived in Germany for more than 15 years. At time of writing, both IG Metall and ver.di have started to use the term of the *'Einwanderungsgewerkschaft'* (migration union) to describe themselves.

Nonetheless, the relationship between German trade unions, migrant workers and refugees has not been without difficulties. While ver.di services union has acknowledged migrants as a 'group of persons' (*Personengruppe*) with its own structures (the *Migrationsausschuss*) and a congress with decision-making power (*Bundesmigrationskonferenz*) in 2011, integration has been difficult to achieve at a local level. In the city of Hamburg, ver.di services union accepted 300 refugees threatened with deportation as members, yet the local union did not succeed in them becoming permanent trade union members due to their undocumented status. Following that a group of refugees and activists occupied the DGB trade union house Berlin-Brandenburg. Unfortunately, the confederation had the police clear them from their premises. These two examples underline that migrant activism within unions continues to run up against the limits of trade unions' more statist approaches to migration policy.

Lessons from the care sector

To fully understand how trade unions' work regarding migrant workers looks like, it is worth looking at the care sector whose workforce is predominantly migrant, and in which migrants have been seeking to self-organise as well.

In the German care sector, private - for-profit and not-for-profit - providers represent the majority of providers. While the not-for-profit section is dominated by church organisations, the for-profit sector is dominated by companies with nearly no traditions of collective bargaining and social dialogue. This means that only one fifth of the current workforce in the care sector is covered by a collective agreement. According to ver.di's new General Secretary Frank Werneke, both official employer's organisations de facto exist to undermine a national collective agreement.

This employers' offensive against the unions goes hand in hand with worker abuses and infringements on trade union rights. Most recently, a Bulgarian live-in care worker with the help of *Faire Mobilität* made headlines after she took her employer to court and won. Often times this is migrant workers' only recourse because ver.di's focus lies on works councils which often do not even exist in the sector. In other cases, migrant workers have created their own democratic forums.

Spanish migrant activists from the *Oficina Precaria* and *Grupo Accion Sindical* provide a combination of advice, support and organising. In doing so, they have sought to differentiate themselves

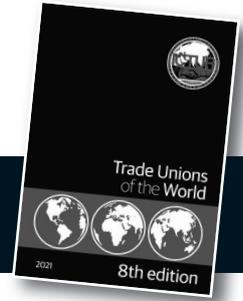
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from state-sponsored and other social and welfare services by basing themselves on the principle of mutual aid. Unlike more traditional welfare and service organisations they work without any significant resources and actively encourage their members to organise themselves in a trade union. By building bridges into ver.di services union, their activism have leading to the foundation of several works councils and a union presence in private care homes where unions previously were absent. Such kind of coalition-building efforts are relatively new to Germany but point to new ways to renew the trade union movement in more fragmented sectors.

Where next?

The Covid-19 pandemic has shed a light on the plight of migrant workers, who continue to cross borders. In 2020, the government lifted the ban on

seasonal migrants and flew in thousands of agricultural workers from Romania and Bulgaria. The human cost of this has been very high as one of these workers has died of COVID-19. But for the first time, there has actually been a debate on how this work is organised, how necessary it is to the German economy and livelihood, and how reliant it is upon migrants. At the same time, the German government passed a new working time law, which remained in place until the end of July 2020 and stated that workers in "essential services" could work up to twelve hours to stem the labour shortage and increased demand for these services.

The pandemic underlines that labour market inequalities in Germany will continue to deepen unless trade unions take additional steps to organise migrant workers.

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migration policies, as well as the adoption and integration into national law of international labour instruments.

This list of recommendations isn't some cold, perfunctory policy reference in annexe. There's a renewed urgency to the tone of the whole project. Although the research team was comprised of seasoned migrants' rights activists, these women have nevertheless left an indelible impression.

'As a trade unionist, it impacts me on all levels' Ndoye shares *'these are workers in vulnerable situations, not affiliated to a union, who experience violation of their social and human rights in the world*

of work... These women can't be relegated to the sidelines. They need help and work over time to allow their wounds to heal and for them to continue their lives in better conditions'

- 1 'Toulaye' is a pseudonym, as are most of those used in the study
- 2 <https://twitter.com/TUCGlobal/status/1339916288722952193?s=20>

References

- *Testimonies of Migrant Women Workers in Senegal* (available in English and French): <https://www.fes.de/fr/section-afrique/translate-to-francoesisch-publikationen>
- ITUC Global Rights Index: https://www.ituc-csi.org/IMG/pdf/ituc_globalrightsindex_2020_en.pdf