



Handout

“Undocumented but entitled to rights”

The controversial relationships between German unions and undocumented migrants

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Background: A distinctive part of Globalisation is the increase of migration. Approximately 200 million people do not live in their countries of origin¹. Germany is one of the largest countries to take in migrants. The biggest amount of migration is labour migration motivated by the expectation of better working and living conditions. Due to their lack of status immigrants without status of residence have to try to enter the informal job market. In Germany job opportunities for male migrants are especially in the construction areas in which “illegal” workers are always in danger of police raids. Contrary, female labour migration takes mostly place in private households. 2.9 million private house-holds in Germany employ a housemaid (almost exclusively women) on a permanent basis. Only 40.000 of them have regular contracts². For most of the time, German unions have not dealt with the issue of migration at all or promoted a restrictive policy to combat wage and social dumping. The union policy on migrants has only been changing recently. In 2008 the public service union ver.di in the area of Hamburg has created the first German trade union advice centre for migrants without a secure right of stay.

The DGB and migrant workers

- Around 700 000 out of 6.3 million DGB members. Migrant workers: less payment, bad working conditions, many workers regard migrants firstly as competitors for Jobs
- IG BAU Campaign: *Ohne Regeln geht es nicht*: 1/3 of construction worker is clandestine employment, dumping wages below 2 Euro
- Hotline to report „illegal“ workers, cooperation with police and boarder control
- Critique: targets the “illegals” not the employers, fosters racist stereotypes, does not consider economic and political system that promotes division of working class.
- Dilemma when social and work place issues are interpreted as ethnical conflicts

¹ Global Commission of International Migration (GCIM) (2005): *Migration in einer interdependenten Welt*, Berlin, DGVN,.

² Mitrovic, Emilija (2009): *Paperless people*. Hamburg, Forum Wissenschafts Studien



- Racism as a strategy to articulate protest against social inequality in a form which is more accepted in the society (comp. Hentges/Flecker³)

Rights of workers under irregular working conditions in Germany

- Right of remuneration (agreement or union rate)
- Right of medical treatment and statutory payment in the case of sickness and occupational accidents
- Legal minimum vacation

“Migration und Arbeit (MigrAr)” - the ver.di trade union advice center for migrants without a secure right of stay in Hamburg.

- Mai 2008 – today
- Variety of Activities: Letter to the employer, Evidence enforcement, Representation at the labour court, Mediation
- Possibilities to prove employment: Working time stamps, Pocket diary, Witnesses (names), SMS with work request
- Trade union membership required. Incentives for clandestine people to join the union: un-bureaucratic (cash, no account needed), Legal protection (after 3 month) in all trades and professions in the DGB trade unions
- Help for non-union members: Coordination with cooperation partners, Re-assignment to lawyers for immigration law, labour law and social law
- Results: More than 100 cases/contacts from different sectors (e.g. Catering/ Hotel, Construction Private house-holds, Chemical industry, Cleaning companies, Port)
- 10. Januar 2010: After one year of controversial discussion the DGB and associated trade unions take over the responsibility for MigrAr Hamburg
- Problems of MigrAr: Problem of extending advice center: Financial problems, Problems of earning “trust” of migrant communities, Legal hurdles

³ Hentges, Gudrun/Flecker, Jörg (2006): Die Sirenen-Gesänge des europäischen Rechtspopulismus. In: Bathke, Peter/Spindler, Susanne (Eds.): *Neoliberalismus und Rechtsextremismus in Europa. Zusammenhänge – Widersprüche – Gegenstrategien*, Berlin, Karl Dietz Verlag, pp. 122-146.