

THE TRANSFORMATION OF WORK: Challenges and Strategies



Movements Wrestling and Emergent Solidarities:

LABOR MOVEMENT RESPONSES
TO MIGRANT WORKERS



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Labor Movement Responses to Migrant Workers***

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The preferences of those who send and those who receive have shaped international migrations to a much greater extent than those who go...

-Aristide Zolberg, *A Nation By Design*

In 2012 there were an estimated 215 million migrants, accounting for one out of every 33 persons or about 3.1% of the world's population.¹ In the global aggregate, this figure seems surprisingly small, but in practice the percentage of migrants varies dramatically among nations--75% of all international migrants are concentrated in 12% of the world's countries.² Women now constitute 49% of migrants worldwide and more than 50% in Asia, Europe, Latin America, North America and Oceania.³ While individual and familial needs and ambitions play an important role,⁴ migrants are frequently set in motion by larger institutional forces of states and markets in their home as well as destination societies and the economic, political and social relations that have built up among nations over time. It is the dynamic interactions between individual and family characteristics and motivations, the migration, employment and labor policies and practices of the state, the employment practices of firms and industries and labor and civil society responses that shape migrant workers' experiences in destination countries.⁵ Migrants crossing borders in search of better economic opportunities are often able to utilize their social networks to gain employment⁶ but unless unions, worker associations, and other non-governmental organizations (NGOs) become involved, they face the depravities of the labor market alone.

Globally, state regulation of the employment relationship has not caught up with the "fissuring" of that relationship, in which more and more firms have converted traditional employer-employee relationships into "arms-length market transactions" often provided by smaller firms setting wages under much more competitive conditions.⁷ The consequences for workers of outsourcing, subcontracting, agency employment, labor brokering as well as the casualization of labor through fixed term contracts in both the public and private sectors have been lower wages, worsened conditions and weakened labor standards. Just as state regulations have not kept pace, unions have also struggled to devise effective strategic responses; traditional collective bargaining regimes and union rules and structures are increasingly mismatched to the new realities.

In addition to the challenges posed by fissured employment, migration itself poses difficult choices for national unions whose mission is to preserve the labor standards and improve the economic lot of workers who, globalization notwithstanding, continue to live and work in nation-states. Labor unions are often torn between advocating for restrictive policies intended to limit the supply of foreign labor, which it sees as necessary in order to protect the jobs and existing wage standards of members versus supporting more solidaristic or liberal labor migration regimes in recognition of the many economic and political forces that set people in motion. As a consequence of this duality, national union policies can appear at first blush to be contradictory, but a consistent logic underlies them. Unions are attempting to stand in the breach: to defend the interests of those already here to defend their existing members as well as of those who are still coming to ensure that they maintain the union density of their sectors. To carry out this mission, they often advocate for two sets of policies: one set defends the labor market for native and naturalized workers—policies that are restrictionist in nature--and the other set defends the human rights of migrant workers—policies that are solidaristic in nature. Within a single union

policy statement can be found support for restrictionist measures such as border control, narrowed employment admissions and internal enforcement measures such as employer sanctions and even deportation alongside solidaristic measures like expanded refugee programs, increased family-based admissions numbers, legalization programs, extension of full labor and employment rights to migrant workers, increased access to legal representation for those caught up in deportation proceedings as well as outspoken opposition to xenophobia.

The complicated sentiments reflected in the migration policies that labor federations adopt are also evident in the actions member unions take with respect to migrant worker organizing and integration into their organizations. In truth, while movements in the US, EU and Latin America have increasingly moved into more solidaristic positions regarding immigrant rights policy issues, many fewer are targeting migrant workers for organizing or putting a lot of energy into programming for those who become members through employers already under contract.⁸

Based upon observations drawn from historical and contemporary US, UK, France, Jordan, Dominican Republic, Sri Lanka and South African case studies of union engagement with migrant worker issues as well as a comprehensive review of the literature, this paper will explore four questions. First, what are the *main dynamics of labor migration* and what are the main issues faced by migrant workers? Second, what is the *process* by which a labor movement becomes engaged with its state's immigration policy regime and organizing immigrant workers? Third, what *types of activities* do unions undertake when they do become engaged? Fourth, what *factors account for a union federation or national union's willingness or unwillingness to organize and advocate for migrant workers* both in terms of organizing and bringing them into membership as well as supporting more liberalized immigrant admissions or legalization policies? Also, because family and labor market roles in home and destination societies are differentiated by gender, women's and men's experiences of migration are also divergent; we will consider the factors that contribute to a union or union federation embracing a specific focus on women workers. Throughout the paper will be woven a strand on *how the Solidarity Center has played a role* in shifting union thinking about migrant workers and in shaping and supporting union engagement and activities.

This report is a synthesis of a two-year project. Part one consisted of desk and case study research conducted by telephone in Jordan and the Dominican Republic that was aimed at identifying challenges and looking into the details of known cases where unions had made significant changes in their approach to migrant worker organizing. Part two involved field studies in South Africa and Sri Lanka and provides analysis of strategies and results.

I. Why They Go and What They Find

Dynamics of Labor Migration

Although an in-depth exploration of the drivers of migration is beyond the scope of this paper and always specific to national and regional political and economic contexts, it is useful to briefly summarize the main forces driving demand for migrant labor. Demand for unskilled migrant labor stems from five fundamental challenges: structural inflation; social constraints on motivation; the duality of labor and capital; globalization and free trade; and the expansion of the

service sector due to increased demand for paid household workers and other forms of personal service labor.⁹

Structural inflation is the idea that a combination of informal social expectations and formal institutional mechanisms¹⁰ ensure that wages correspond to hierarchies of prestige and status that people have come to perceive and expect for themselves and others. Thus when employers seek to attract workers for low-wage jobs at the bottom of an occupational hierarchy, they cannot simply raise wages for those jobs because doing so would upset existing socially defined relationships between status and pay. If wages are increased at the bottom, employers will encounter strong pressure to raise wages at other levels of the job hierarchy.¹¹ Rather than raising wages employers hire low wage immigrant workers.

With regard to social constraints on motivation, social scientists have found that most people work not only to generate income but also to accumulate social status. Difficult motivational problems arise at the bottom of the job hierarchy when there is no status to be maintained and opportunities for upward mobility are very limited. Piore and other labor economists argue that the problem is inescapable because the bottom can never be eliminated from the labor market. As a consequence, employers need workers who view bottom level jobs simply as a means to an end of earning money and for whom employment is reduced solely to a matter of income with no implications for status or prestige. In contrast to native workers who have built up a set of expectations around work and wages, migrant workers, at least for a time, have not done this—or at least not in the destination country. When the financial returns from labor migration are geometrically greater than what can be earned at home for comparable work, migrant workers derive their social status from the wages they are earning and the remittances they are able to send home rather than the characteristics of the jobs they are performing in the destination country.

Demand for low-skilled immigrant labor also stems from what economists refer to as the inherent duality of labor and capital.¹² Capital, including things like land, buildings, equipment and materials,¹³ is a fixed factor of production; regardless of fluctuations in demand, these costs must be covered. Labor, on the other hand, is a variable factor in the cost of production that can be laid off when demand falls or quickly hired when demand rises. Alternatively, to keep costs low, the workforce can be replaced or augmented by contract or temporary workers through more flexible employment relations—or by hiring migrant workers. Traditionally, high-skilled workers have tended to be treated more like capital, because they are assumed to have more employment options and because firms have invested in their training,

The penetration of capitalist economic relations into non-capitalist or pre-capitalist societies, usually beginning with agriculture, displaces a significant proportion of the rural population who first migrate internally—moving to cities in search of employment.¹⁴ When the supply of labor outstrips the supply of jobs, workers are prone to migration. Once begun, chain migration through social networks lowers the costs for later migrants.¹⁵ Dynamics of relatively late developing countries like Jordan and the Dominican Republic that have become simultaneously immigrant-destination as well as immigrant-origin nations complicate the picture. When the supply of skilled workers outstrips domestic demand for their services or when domestic firms cannot offer the same opportunities as those abroad, educated workers emigrate while at the

same time unskilled foreign laborers immigrate to take up positions in service, construction, agriculture, domestic work and manufacturing in export processing zones (EPZs). Shifting demographics and gender roles have fueled a huge demand for care work, which is overwhelmingly fulfilled by female migrant workers.

Foreign investment impacts migration in several ways. The commercialization of agriculture disrupts traditional work structures and results in subsistence farmers becoming part of a supply of rural wage laborers who move in large numbers from the countryside to the cities; some find work there and others are recruited to work abroad. The growth of export-oriented manufacturing also disrupts traditional societal and work structures, as young rural women, viewed as obedient and disciplined workers, are recruited from their villages to EPZs. Tending to hail from the poorest regions of the country, women who seek work in free trade zones already share a set of demographic, social and political vulnerabilities that are exacerbated by conditions in the factories, often impacting their physical and mental health.¹⁶ Free trade agreements, because they involve the elimination of import tariffs for agricultural goods, are also disruptive for rural communities. Profits and wages are reduced due to increased competition with imported livestock and agricultural products.¹⁷

Sassen argues that export-led production that employs primarily women replaces more diversified forms of economic growth that are more oriented to the internal market and employ men in greater numbers. She also observes that once traditional economic opportunities in the rural areas are disrupted, it becomes almost impossible for workers to return there if they lose employment, fueling further migration.¹⁸

Over half of all migrants living in the developed world and over 45% living in the developing world are women. Female migrants in the global economy have been pushed and pulled by a variety of factors:¹⁹

- Rise of female-headed households and increased dependence upon women for income
- Lack of local employment that provides a living wage and pathway to upward mobility
- Growing poverty as a consequence of global trade policies and structural adjustment
- Women's desire for greater opportunity and economic independence
- Growing reliance on paid household workers in destination countries to supply middle class and professional families with cleaning, cooking and childcare services not provided by the state
- Official migration policies of origin country governments
- The targeting of women by labor recruiters in destination countries
- Employers' desire for women workers because they are considered more "obedient" and can be paid less than men

The gendered division of labor is a worldwide phenomenon: women are both caretakers and wage earners wherever they live. Despite their entry into paid work, "reproductive" or "care" work, including housework, cooking, cleaning and child-rearing still fall disproportionately on women—even though they have less time to devote to it. For middle class women, this results in greater reliance on paid household help. For migrant women, it often means carrying out those tasks in the homes of others as well as their own and, because domestic work and other forms of

service so often fall outside the bounds of labor and employment law, being sorted into the more precarious forms of employment, working for subcontractors, temporary agencies, as independent contractors or in the informal economy.²⁰

Issues Faced by Labor Migrants: A Brief Overview

“Temporariness is the formal characteristic that all contemporary labor migration systems share...” Soysal reminds us. “The normative model of migration developed within this framework is essentially an ‘exclusionary’ one... In contrast to the ‘inclusionary’ model of the nineteenth century immigrations, which depicts a system that favors the penetration and integration of new migrants, the ‘exclusionary’ model sanctions cohesive cultural and population boundaries. As reflected in official statements and ideologies, guest workers are not expected to partake in the national culture or polity...”²¹ This isolation is a major contributing factor to the precariousness and exploitation migrant workers experience during their contract periods.

Well before they take up their places in the low-wage sectors of destination countries, from the moment they make the decision to work abroad, migrant workers are vulnerable to exploitation. During the pre-departure period, labor brokers profit by charging fees for facilitating visa acquisition and job placement, permanent immigrant admissions policies privilege family connections or special skills, and employers maximize profits by minimizing wages and health and safety standards. Although those who migrate outside of legal channels are especially vulnerable due to the danger of border-crossing and the ongoing threat of deportation, a visa from the destination country is no guarantee of protection: guest worker programs are notorious for exploitative practices²² and many countries either structurally or functionally exclude migrant workers from labor and employment protections.

Also at the recruitment stage, in regions where social networks alone are not sufficient to facilitate international movement, profit-seeking labor intermediaries or labor brokers, recruiters, or contractors now play a central role in the transnational movement of workers in many parts of the world, matching workers with employers, arranging visas, transportation and sometimes basic orientation and training. Employment agencies work through agents, freelancers or independent subagents who recruit workers from rural areas and increasingly from cities, often charging them exorbitant fees despite the fact that they are often paid by the employment agencies who are in turn compensated by employers in the destination countries; thus many workers begin their transnational employment odysseys already in substantial debt.²³

Labor migrants must either rely on the state to place them or on commercial intermediaries who charge fees either to the employer or the worker or sometimes both. Thus as Abella points out: destination states that are “reluctant to organize migration or to involve governmental institutions in the recruitment and placement of foreign workers have—if only indirectly—encouraged commercial recruitment.”²⁴ Even when the UK, Ireland, the Netherlands, Austria, Germany, and Sweden have prohibited agencies from charging any fees to workers and the US is considering similar measures, these bans have been quite difficult to enforce.²⁵ Other countries do not outright prohibit charging fees to workers but have established certain fee limits and regulatory bodies to oversee agency activities and sanction violators.²⁶ Beyond the fee issues, agencies are notorious for promising non-existent jobs and falsifying documents and contracts.

Beyond the debt, while often required by law to provide an orientation in “life skills” for living in the destination country along with basic language skills, there is little oversight to ensure this is being done at all, let alone done well. Workers in transit can end up being housed in agency holding or training centers while their documentation is being processed and charged for the cost of housing, food and medical care for extended periods. Some Asian migrant workers reported that their debt bondage began in these places. Additionally, migrant women have been subject to sexual harassment and assault.²⁷ Workers generally do not receive information from the agencies about their rights in the destination country, how to protect themselves from abusive employers or resources to go to for help if they find themselves in need.²⁸ They are frequently overcharged for transportation costs and transported under dangerous conditions.

Arriving at their jobs in destination countries, migrant workers often find that employers pay less than the wages advertised (or withhold them altogether), and subject them to forced overtime and to substandard living and working conditions, at times including illegal confinement and confiscation of documents, physical, psychological and sexual abuse and in the most extreme cases—human trafficking. For guest workers, who are often actively recruited but expected to not stay nor bring their families, visas are usually tied to specific employers so that they cannot leave an exploitative situation without becoming undocumented and subject to deportation²⁹ and fear that engaging in concerted action will get them fired. Adding to their vulnerability is the fact that guest workers are dependent upon their employers for housing, food and transportation. Others who lack the legal authorization to work often toil under exploitative situations because they do not feel they have the labor market power to negotiate better conditions. Although industrial action is not at all unheard of, it is most often episodic and not linked to an institutionalized labor movement that might provide protection, support and the possibility of ongoing representation, and participants are often subject to punishment, firing and deportation. In addition, migrant workers are concentrated in sectors such as export manufacturing, domestic and agricultural work that are often de jure or de facto exempt from labor and employment laws and difficult to monitor for violations even when there are statutes in place.

In terms of re-integration, women in particular have faced issues such as the breakdown of mother-child ties, failed marriage, and social stigma from society or debts owed to loan sharks.³⁰ Identifying sustainable livelihoods post-migration is a challenge for both men and women.

Given the extreme conditions experienced by so many migrant laborers and the relative lack of power they possess as individuals in comparison to their employers, the need for collective representation should be obvious. As they are so often dismissed as temporary sojourners and spatially isolated, the opportunities for migrant workers to organize for better work are greatly enhanced when they partner with unions. What follows is a breakdown of the stages of engagement by which a union or union federation begins to take up migrant worker issues and the types of activities unions undertake when they do become engaged.

II. Stages of Engagement: From Reaction to Relationship to Program

Unions often began their engagement with migrant worker organizing *reactively*. In many cases they were aware of migrant workers and some of their issues but were not in direct relationship

with them. It often took some sort of “*focusing event*”³¹— a relationship began with the union coming to the aid of an individual or group of workers who had been mistreated, were facing deportation, had been involved in some kind of industrial accident or were engaging in a strike action. At these moments, the membrane separating unions and migrant workers is pierced and they begin to interact. In some cases, migrant workers were being employed on a union jobsite or in a unionized or previously unionized sector, in other situations they were in a more isolated setting such as a factory at an EPZ or a rural plantation. If migrant workers were receiving support, it was coming from some other organization.³² In other cases, the increasing number of migrant workers in a particular sector, and the importance of that sector to the union, also catalyzed the union to become more interested in building a relationship.

Engagement often begins as *a series of “one-off” encounters and expands to a more prolonged relationship*: a union leader is approached to help a group of workers, provides support during a crisis, shows up at a picket line, speaks at a rally, signs an appeal and then begins to share the union’s resources such as providing a meeting space, donating food, dispatching a union attorney, tapping union allies to help out as well, leveraging union power resources like access to elected officials, on the migrant workers’ behalf. This can go on for a long period before the union as an institution explicitly takes a decision to organize migrant workers or to become involved in policy campaigns.

The process sometimes initially operates through an *individual rather than institutional* relationship: in a time of crisis a pastor or an NGO representative reaches out to a union leader he or she knows, or an individual union leader or staff person reaches out to a migrant worker or organization he or she knows and these “bridge-builders” begin to work together. In some cases, something in the union leaders’ own experience (a dark-skinned Dominican being mistaken for a Haitian by migration authorities, an Irish-American raised on stories of his own family’s migration history, a Jordanian having become a citizen after being displaced from Palestine) has made them empathize with migrant workers and something in the migrant workers’ background has made them interested in collaborating with a union.

In other cases, the process is encouraged either by an international or regional intermediary organization with ties to national labor federations or unions or by a domestic NGO. In Jordan, the Dominican Republic, South Africa and Sri Lanka, the Solidarity Center (and its precursor organizations such as the Asian-American Free Labor Institute) sponsored programs on migrant worker assistance and organizing and subsidized organizations to train leaders and hire organizers, but even in these cases, identifying a key individual with an appetite for the work and with an ability to work through their organization, is essential. In South Africa and Sri Lanka, NGOs have often been first movers when it comes to advocating on behalf of migrant workers and creating advocacy and organizing projects that federations and individual unions have then begun to work with.

In the initial stages, on the union side the work often remains confined to a few individuals rather than a project of the central institution. It is seldom formalized right away and takes a long while for the activities of a few at the margins to migrate to the center of the union or federation. In truth, in the early stages neither side quite knows what to do with the other: the migrant worker or workers are embroiled in a particular struggle and appreciative of the support but not usually

thinking about long-term strategy, likewise the support from the union is improvisational. Additionally, there are often a variety of institutional challenges—inhabitable labor laws, prohibitions on organizing migrant workers, concerns about immigration status as well as structural puzzles concerning union models for subcontracted, guest or informal sector workers. In almost all cases where unions begin organizing the migrant workforce it is not because the roadmap to permanent organization (especially in cases in which migrant workers are transitory or come only on a seasonal basis or on temporary visas) is crystal clear—rather they decide to take a leap of faith and do it despite the lack of clarity, in Myles Horton and Paolo Freire’s memorable phrase, “to make the road by walking.”³³

It is in the process of engagement that episodic support has the possibility of evolving into a longer-term program and the union begins to create pathways to organization and affiliation. For this to happen, unions usually need to work through some of their ambivalence about the role of migrant workers in the labor market and begin to develop a different conceptual framework. While altruism is an important catalyst for a union to engage initially, achieving a deeper level of sustained engagement and being able to “sell” the change throughout the membership often requires being able to connect the work to *institutional self-interest*. Unions commit themselves to organizing immigrant workers partially based on their values and partially out of a realization that, in a period of declining union density in the private sector, they are a promising source of new recruits. Unions also come to the realization that they cannot organize or re-organize their sectors unless they organize immigrant workers. Finally there is a rejection of the long-held notion that the best way to protect the sector for unions is to keep immigrant workers out. *Interest in organizing is what often drives support for policy and administrative changes:* For example in the US and the UK, as some unions became more involved in efforts to organize immigrant workers they as well as their Federations (AFL-CIO, British Trade Union Congress (TUC)) became more actively engaged on the policy front in support of legalization efforts. There is also often interest in strengthening labor standards enforcement to ensure that employment and exploitation of vulnerable migrant workers is not used to drive down wages.

Just as trade unions in labor-destination countries grapple with how to shift existing union models to be inclusive of migrant workers,³⁴ labor movements in labor-origin countries such as Sri Lanka and the Philippines face the challenge of organizing, advocating for and representing temporary migrant workers leaving national borders.

III. Varieties of Union Support for Migrant Workers

Fundamentally, unions leverage their power to engage in two arenas to impact workers lives: the economic, through labor market action and collective bargaining and the political through elections, public policy and administrative action. How they move in these arenas, as Streeck and Hassel remind us varies enormously between countries: “The relative importance of their economic and political activities differs between countries and world regions, as well as historically, and between types of unions. So do the way and the extent to which union action in the two arenas is coordinated.”³⁵

Many migrant worker service, advocacy and even organizing projects first began through NGO’s, not unions. But in recent years NGO’s have increasingly come to recognize the vital

importance of unions not only as allies in policy campaigns but as a means of providing ongoing protection for migrant workers on the job and as we will see, some unions are endeavoring to do this. Union engagement with migrant worker issues almost always involves a combination of *research, publicity and advocacy*—shining a spotlight on exploitative practices in different sectors and making government, employers, workers and the general public aware of them; *training and education*—working with migrant workers to critically analyze their experiences and learn their rights as a prelude to taking action; *policy intervention*—developing specific proposals to improve migrant workers’ rights; and *organizing*—supporting workers who take action on their own behalves. Policy is complex because it touches upon several different areas including immigration, employment, social welfare and trade. Organizing is also complex because it involves asserting and exercising rights, often without the legal entitlement to do so.³⁶

Labor support for migrant workers takes a variety of forms. Given the challenges of labor and employment laws that exclude migrants and precarious workers, industry structures that do not synch with union structures and immigration laws that are often out of synch with global migration flows, support for migrant workers requires painting with a much broader palette than focusing solely on collective bargaining agreements.

Below is a description of strategies with some specific examples that national union federations and national unions in the Solidarity Center network are engaging in:

Rights Education

Migrant workers often arrive in destination countries without information about employment and labor laws or how to access help if they need it. Some unions are establishing programs to educate migrant workers about their rights prior to departure. In Mexico, the Solidarity Center and Centro de los Derechos del Migrante (CDM) have set up a program for pre-departure education and the Farm Labor Organizing Committee (FLOC) in the US has established its own recruitment and orientation program in Mexico for H2A guest workers. Other unions are working to help develop educational programs and materials to support migrant workers in targeted sectors. In the Dominican Republic and Haiti, the *Confederacion Nacional de Unidad Sindical* (CNUS), the leading national labor federation and the Solidarity Center have produced and distributed comic books, posters and leaflets on the rights of migrant workers written in Spanish and Haitian Creole. Similar “Know Your Rights” brochures for garment workers in Jordan were developed by the Solidarity Center and the General Trade Union of Workers in Textile, Garment and Clothing Industries for the textile industry (GTUWTGCI, hereafter GTU) in English, Arabic, Bengali, Sinhala and Chinese. The National Workers Congress, a multi-sector union in Sri Lanka established the Migrant Service Centre, which in turn has created a network of Migrant Worker Associations in high migrant-origin villages and regions that provide pre-departure training, information dissemination and awareness raising and maintains a registry of dishonest employment brokers and employers.³⁷

Research

By virtue of language, the jobs they do, the sectors in which they are concentrated, limited governmental capacity and sometimes migration status itself, often times the working conditions

and abuses to which migrant workers are subjected go unreported. When unions work with experts to conduct research reports that document the working conditions migrant workers are facing they are able to use the data developed to enhance their legitimacy, to publicize problems and to develop a program to address them. For example, in Jordan, the Solidarity Center released *Justice for All: The Struggle for Worker Rights in Jordan*, a report on the status of worker rights in Jordan based on the core ILO worker rights standards, which included the difficulties faced by migrant workers. In the Dominican Republic, FENTICOMMC, the Dominican Federation of Construction, Wood and Affiliated Workers, trained Creole and Spanish speaking worker advocates to conduct a needs assessment survey of Haitian migrant workers in construction about their experiences on the job, including wages, working conditions and access to healthcare. In the United States, the AFL-CIO, National Immigration Law Center (NILC) and American Rights at Work released “Iced Out” a report documenting examples of where immigration enforcement had a chilling effect on labor organizing.

Training and Popular Education

Unions are conducting training of trainers on organizing, communication and rights and responsibilities of shop stewards with a special focus on participatory and creative teaching methods appropriate for multi-lingual and multi-cultural settings. The approach utilizes popular education theory and practice, which grounds worker action in consciousness raising that works to make the link between their personal experiences and larger economic and political forces.³⁸In the Dominican Republic for example, Solidarity Center used an innovative training curriculum to help strengthen the domestic worker organization *Asociacion de Trabajadoras del Hogar* (ATH) as well as an organization of Dominican and Haitian market vendors.

Organizing

Despite many obstacles and contrary to the stereotype of passivity, migrant workers do engage in collective action. Very often however, workers are up against powerful interests and employers are able to repress their efforts. Having access to experienced leaders and organizational resources to draw upon can help. When unions work with migrants to establish and strengthen worker organizations they can become seedbeds for leadership development and collective action. Many unions in developing countries are themselves under-resourced and do not have the money to hire staff to organize migrant workers.

The Solidarity Center has provided the funds as well as training and mentoring support so that unions are able to hire staff including organizers from the constituency base to form migrant worker organizing committees and organize garment, construction and domestic workers as well as market vendors. In Jordan for example, Solidarity Center worked with the GTU on the recruitment and employment of seven full-time foreign language speaking organizers and translators and the establishment of offices in the Qualified Industrial Zones (QIZ) which resulted in the recruitment of over 6,000 South and Southeast Asian garment workers into the union and the negotiation of collective bargaining agreements with 24 of 91 factories in one QIZ. The Solidarity Center also worked with Thai Center for Labor Rights, the Human Rights and Development Foundation (HRDF) and other partners to support the mobilization and organization of Thai and Burmese workers together so that Burmese workers (banned by law

from forming their own unions) might begin to join Thai unions as well as to form unregistered unions or associations made up of Burmese migrant workers.

In South Africa, beginning in 2012, the Solidarity Center began working with the Food and Allied Workers Union (FAWU) on strengthening its organizing of farmworkers in Mpumalanga Province who work on high value fruit and vegetable farms through the development of a shop steward training program focused on recruitment. This project is intended to improve the union's organizing capacity in general and to help union officials and stewards develop a program that targets migrant workers for membership. The trainings seem to be having an impact; the Solidarity Center reports that FAWU has gained 2,023 new members in the two years since they began.

In Sri Lanka, with support from the Solidarity Center, the National Trade Union Federation (NTUF) and one of its biggest affiliates, the Lanka Jathika Estate Workers Union, sponsors and staffs a nascent migrant worker union called the Migrant Workers Front (MWF) that works partially through existing unions to recruit. It has about 1300 members who are current migrants and returnees, provides awareness training, distributes pamphlets on safe migration and maintains help desks in three high migrant-origin areas that refer workers to specific government authorities, file grievances with the Sri Lankan Bureau of Foreign Employment and send representational letters to agencies and employers on behalf of workers. Instrumental to the model is the strategy of leveraging the clout of the NTUF to push government agencies to respond to migrant worker problems.³⁹

Advocacy

Unions are advocating with elected officials, government agencies and NGOs to expand the labor and employment rights of migrant workers and to regularize their migration status. They are also helping workers to pursue legal cases.

In the Dominican Republic, CEDAIL,⁴⁰ the legal services NGO, won a landmark unpaid wages case for 500 undocumented migrant sugar cane workers (despite Dominican law making it difficult for undocumented migrant workers to bring cases because they are considered to be in a permanent state of transit). Also in the Dominican Republic, the CNUS Labor Anti-Trafficking Network comprised of union organizers and activists from the five economic sectors where most trafficking and abuse of migrant workers goes on (EPZs, sugarcane, rural/informal sector, hospitality and construction) is conducting education and awareness campaigns for union and community organizations and identifying human trafficking cases.

The Solidarity Center supported the opening a legal clinic in Mae Sot, an industrial town on the Thai-Burma border with a very high concentration of factories in which migrants work in production of goods for local consumption and export. The clinic works with HRDF to identify potential precedent-setting cases and also provides a safe space for workers to meet and discuss their treatment.

The Solidarity Center also supported its union partners to advocate to the Jordanian Ministry of Labor to fund the opening of offices of the GTU in the QIZs and to expand the capacity of its

labor inspectorate to focus on sweatshop conditions in the QIZs. It also persuaded the Ministry of Labor to agree to:

- Integrate occupational health and safety with labor inspection
- Train inspectors on labor issues including human trafficking and forced labor
- Send labor inspectors to participate in a two-week training course at the ILO on discrimination
- Investigate regulation of employment agencies

In South Africa, the National Union of Miners (NUM) also took up issues specific to its migrant members, including the requirement to renew contracts on an annual basis as well as the practice of compulsory deferred pay that obliged Mozambican and Basotho workers to send most of their salaries home. It won a retirement fund accessible to all miners regardless of nationality, and training programs for retrenched miners funded by the big employers. Additionally, when xenophobic attacks broke out in 2008, COSATU regional organizations and unions responded offering material assistance including shelter, food and clothing to the displaced and in areas such as the Western Cape, becoming involved in disaster management, working to set up a system to safeguard people, provide housing in a safe area and see to their security.

The Solidarity Center began work in 2009 to help its partner organizations in Sri Lanka address the issue of reintegration of migrant workers. It helped the Migrant Service Centre to conduct a pilot skills-development program.⁴¹ In addition, NTUF's MWF in Sri Lanka has worked with the ILO to inaugurate a program focusing on reintegration of returning migrant workers in Kurunegala, a high migrant-origin area and is also negotiating with the Sri Lankan Board of Foreign Employment to establish livelihood development programs. So far, training and small loans have been provided to returnees to establish small businesses.⁴²

Advocacy for Policy Change

Labor unions have become directly engaged in lobbying government to alter existing labor, employment and migration laws. In Jordan, the General Federation of Jordanian Trade Unions worked to get the Jordanian Parliament to vote to include domestic workers and agricultural workers under Jordanian Labor Law, adopt a comprehensive anti-trafficking law, increase the minimum wage and allow migrant workers to become members of Jordanian unions. In the Dominican Republic, the labor federation CNUS has played a leading role in a policy process with unions, faith groups, other civil society and business organizations to develop a set of migration policy proposals that seek to provide legal status to Haitian workers and their descendants. They are now contending with a high court decision that stripped all Haitians of citizenship rights. In the UK, following the tragic drowning deaths of 21 Chinese workers who were part of an exploitative cockle-picking gang (the gangmaster was found criminally negligent, convicted on 21 counts of manslaughter, and sentenced to 14 years in prison), the TUC advocated passage of the Gangmasters Licensing Act, which created a licensing authority and inspectorate for labor subcontractors in agriculture, forestry, horticulture, and food processing. The law states that workers are entitled to safe working conditions and fair treatment; stipulates that they receive the national minimum wage; and requires that they be given a written contract, decent housing, and safe transportation. It also grants citizenship or permanent resident

rights for some workers.⁴³ Operating without a license or violating these rules can lead to a ten-year prison term.⁴⁴ In South Africa in 1995, NUM won a “miners amnesty” for immigrant workers who had worked in the country for more than 10 years.

As a means of pressuring the Sri Lankan government to push labor destination countries to improve treatment of migrant workers, the National Workers’ Congress’s (NWC) Migrant Service Center has campaigned for voting rights for overseas workers. NTUF’s affiliate, the MWF, actively campaigned for adoption of the ILO Domestic Workers Convention 189, producing posters, leaflets, educational activities and petitions.⁴⁵ The MWF has also taken up voting rights as well as the establishment of a pension scheme and social security assistance for migrant workers.

Representation

Labor unions have offered their help to striking migrant workers who have resorted to direct action to better their situations, going to the factories or fields, helping them to put forward a set of demands and mediating between them and their employers. Jordanian organizers have built the capacity of the GTU to offer mediation support to migrant workers who take collective action and offered support to striking workers in the QIZs to negotiate resolution of strikes and redress of worker grievances including:

- A halt in the employer’s deduction of wages for food and lodging
- An end to physical abuse of workers by their supervisors
- Back-payment of overtime hours
- Reduction in daily work hours
- Issuance of work and residency permits
- Allowance of migrant worker activists who led strikes to return to their countries of origin without payment of penalties

The GTU worked with brands to improve worker rights standards including the freedom of association and also established a strong capacity for grievance handling, resolving thousands of individual and collective grievances including the return of confiscated passports, addressing dismissals, arbitrary deductions and physical abuse.

In Sri Lanka, the NWC’s Migrant Service Center and its affiliated Migrant Worker Associations handle complaints from workers and their families about sexual harassment, rape and unpaid wages, acting as intermediaries between them and the main government agency charged with migrant worker well-being, the Sri Lanka Board of Foreign Employment. The Migrant Service Center also offers legal assistance to workers in local courts.⁴⁶

In South Africa in 2012, when largely non-union farm workers in the vineyards and packing houses of the Western Cape went on strike in the hundreds of thousands, they turned to unions and to COSATU for strategic advice, representation during negotiations with employers and government as well as help with management of the strike itself.

Building Bridges: Unionized Workforces and Migrant Workers

Unions and union members often feel threatened by migrant workers. While many national union leaders have concluded that supporting migrant workers and organizing together is the most sensible response to globalization and lean production, they know that they need to convince their members. In the US, EU, Latin America, the Middle East and South Africa, unions and federations are developing training materials and presenting workshops and plenaries about migrant worker rights. They are also building alliances with migrant worker organizations.

In a formal resolution passed by the AFL-CIO Executive Council in 2006, the Federation explicitly recognized the role of immigrant worker centers: “Many of these centers are important to the immigrant community and play an essential role in helping immigrant workers understand and enforce their workplace rights. In doing so, they also play a critical role for all workers — immigrant and US-born alike —by fighting unscrupulous employers who try to use the immigrant workforce to lower wage and other benefit standards that protect the entire workforce.”⁴⁷ Regarding joint policy work, the Federation committed to working with the National Day Laborer Organizing Network (NDLON) to defeat anti-day laborer center bills in congress and to support immigration reforms that include legalization and a pathway to citizenship. A short time later, the AFL-CIO announced a similar partnership with Interfaith Worker Justice and its network of 18 interfaith worker centers and Enlace a network of worker centers and unions organizing low wage workers in the United States and Mexico. In May 2011, the AFL-CIO announced more partnership agreements with the National Domestic Workers Alliance (NDWA) and the National Guest Workers’ Alliance (NGA).

In the Dominican Republic, CNUS has made migrant worker rights a major focus of its work. Between 2007 and the present, CNUS has developed a groundbreaking multi-pronged strategy to organize workers in the informal sector—many of whom are migrants. Strikingly, rather than blaming Haitian migrant workers for the labor force travails of Dominicans,⁴⁸ CNUS is championing their rights. CNUS has dramatically raised the profile of migrant worker issues within the labor movement and has joined forces with NGOs to push the government on migration policy. It has also benefitted from embracing migrant worker issues: its focus on migrant workers and the informal economy has given it new vibrancy and relevance.

In Jordan, Solidarity Center and the GTU worked to raise awareness of Jordanian trade union leaders on the plight of migrant workers in the garment and textile factories of the QIZ’s. Together they encouraged the Jordanian labor movement to include migrant workers, while also acknowledging the serious problems of unemployment and poverty among Jordanian nationals. They ultimately succeeded in getting the General Federation of Jordanian Trade Unions for the first time to take a position on migrant workers rights under Jordanian labor law.

Global Alliance-building, Bi-national Networks and Global Institutional Support

The AFL-CIO and the National Textile Association (NTA) in the U.S. filed a complaint under the U.S.-Jordan Free Trade Agreement (FTA), calling upon the U.S. Trade Representative to invoke consultations to address Jordan’s violations of the agreement’s labor rights provisions. Some unions have been working to establish cross-border networks for the purpose of teaching

workers their rights and connecting them to unions before they migrate, defending migrant workers rights and helping them to organize.

The FLOC program organizes guest workers coming from Mexico. It opened an office in Monterrey near the U.S. Embassy where workers go for visas, and visits workers in their home communities prior to migration to explain their rights and give them copies of the union contract. Committee members also visit workers upon their return to Mexico to identify violations to the collective bargaining agreement.

The Migrant Workers Forum (AFML) in Sri Lanka has received support and technical assistance from the International Trade Union Confederation (ITUC), the Building and Woodworkers International (BWI), ACTRAV (the Bureau for Workers' Activities of the ILO) and the Solidarity Center which has enabled the AFML to sign MOU's with the Jordanian, Kuwait and Bahraini trade unions to support Sri Lankan migrant workers. The Solidarity Center in particular has worked since the early 2000s to research worker problems and legal frameworks in migrant-destination countries in the Gulf and to strengthen connections between South Asian workers and their partner organizations and groups in Bahrain, Kuwait and Qatar.⁴⁹

Spotlighting the "Feminization of Migration,"

As Terri Caraway has noted in her work on feminization of capital and labor intensive workforces in South East Asia, feminization of migration often occurs at points when trade unions are weakened, removing traditional male-dominated union resistance.⁵⁰ Thus, as the number of female labor migrants has increased dramatically, it is critically important that some unions and union federations are recognizing the gender dynamics of labor markets and occupations and focusing greater attention on improving conditions in sectors with large numbers of migrant women workers. They are also increasingly coming to include informal economy workers and the self-employed, many of whom are women, as core constituents of the labor movement. Some have taken a lead role in supporting domestic workers; the adoption by the ILO of Convention 189 in June of 2011, which recognized domestic workers' right to organize, was a watershed moment.

In the Dominican Republic, as in most countries, unions were not involved in organizing domestic workers or in providing support to domestic worker associations, until domestic worker organizing became a core component of CNUS's work in 2007 when the Solidarity Center leadership strongly promoted it. In 2009, ATH a national domestic worker association established in 1981 formally affiliated with CNUS. ATH credits its growth in recent years to the financial support of Solidarity Center for stipended organizers. With financial, organizational and political support from Solidarity Center and CNUS, strong domestic worker associations have been built up in Santo Domingo and outlying suburbs, and large-scale campaigns have been waged to publicize domestic workers rights and ensure that employers pay the legally-mandated Christmas bonus.⁵¹

In Sri Lanka, the Solidarity Center provided early support to ACTFORM, an alliance of women's organizations and grassroots groups that, through the deft use of media, leadership development and education, has strongly placed the rights of migrant women on the policy table

nationally and at the village level as well. The organization has published handbooks on the rights of migrant workers that have been distributed at the airport and training centers run by the state. ACTFORM is also working with government, NGOs, human rights groups, the police, Women's Bureau and unions on reintegration programs in five districts.⁵²

Understanding the *process* through which unions become engaged with migrant worker issues as well as the *variety* of activities in which they are engaged, enables us to identify the *factors* that contribute to more positive union responses to migrant workers.

IV. Union Willingness/Unwillingness to Include Migrant Workers

The case studies for this project contribute to the scholarly research that grapples with the question of what makes unions shift from an exclusionary stance to a more inclusive approach to migrant workers. While it is necessary to isolate the individual variables that contribute to a union's stance toward migrant workers in order to gain an analytical understanding of each one, it is crucial to bear in mind that it is the interrelationship between them that shapes a union's disposition.⁵³ Moreover, it is the interrelationship between *external* variables such as shifting labor and product market dynamics and state structures and *internal* variables like union history, ideology, leadership and global links that shape a union's response to migrant workers over time.

In terms of the process of change, from what the cases examined in this research project show, the status quo equilibrium of a union's stance toward migrant workers is altered over time largely through gradual changes. The process can accelerate however when dramatic focusing events such as natural disasters, wars, invasions, xenophobic attacks, workplace accidents or cases of human trafficking, debt bondage or forced labor are uncovered.

Globalization and Changes in the Structure of Employment

Despite national differences, unions all over the world are confronted with a similar set of challenges, notably the internationalization of financial and product markets and changing structures of employment, including the flexibilization of labor. Although the actual impact of globalization on national economies is sometimes overstated,⁵⁴ over the past generation, most countries have undergone a *fragmentation* of employment relations through strategies of subcontracting, third party management, franchising, temping and independent contracting in major sectors including manufacturing, construction, retail, hospitality, food services and healthcare.⁵⁵ These strategies have resulted in a more attenuated relationship between employees and firms and they have made effective industrial organization much harder to achieve. Labor costs⁵⁶ and legal liabilities⁵⁷ are shifted from large employers and on to smaller firms or labor brokers and temporary employment agencies. Often the employer of record is further down on the "industrial food chain" where profit margins are tighter and pressure to lower costs is very strong. There is also of course a growing divide between the formal economy, which is shrinking, and the informal economy, which many experts find has been growing and in which many migrant workers are found.⁵⁸

While subcontracting arrangements have always been well-known in sectors like the garment industry, where workers are often hired by small contractors who assemble and sew clothing for

manufacturers and retailers, similar arrangements have been cropping up across the global economy. As Weil describes it in the U.S. context: “From the post World War II period through the 1980s, the critical employment relationship was between large businesses and workers in major sectors of the economy. Increasingly, however the employment relationship has shifted away from those large employers who continue to play critical roles in shaping competition in the market—and towards a complex network of smaller employers. These lower level employers typically operate in more competitive markets than those of the firms that shifted employment to them.”⁵⁹ These dynamics that had long characterized what economists refer to as the *secondary* labor market— occupations in sub-sectors of many industries that provide insecure jobs, poor benefits and conditions of work—and where migrants were often employed—have now migrated *decisively* into the *primary* labor market occupations that provide secure jobs, good benefits and working conditions. Thus, it is no longer only low-wage and immigrant workers who are experiencing these conditions; they now affect growing numbers of the native and naturalized workforce, including unionized workers. This fundamental shift in labor market structure is prompting unions to reconsider how they operate in the growing secondary labor markets as the global workforce becomes increasingly precarious.

In the U.S., UK, France, and South Africa cases, changes in the structure of employment led to union insecurity, which mostly led to an exclusionary orientation toward immigrant workers. However even in the face of growing insecurity, in recent years there has been a shift away from adopting exclusionary positions in the national union federations and instead emphasizing the importance of organizing the immigrant workforce, enforcing labor standards in low wage, immigrant heavy sectors and adopting immigration laws that make their status less insecure, all of which would make them less able to be used to undercut native positions in the labor market.

In South Africa part of the strategy employers have adopted is to utilize migrant workers for meeting variable labor demand. Unions in South Africa today are extraordinarily ambivalent about migrant workers: on the one hand they believe they can maintain their privileged positions by excluding them, on the other, they know migrant workers are already present in large numbers in their sectors and need to be organized. Although COSATU policy now explicitly makes the connection between resisting xenophobia and organizing migrant workers, there is enduring resistance to developing and articulating an explicitly “migrant worker” strategy. Rather, the organization is more comfortable subsuming migrant workers under the rubric of “vulnerable workers.”

Employers in developing countries, faced with the intensification of product market competition due to globalization, adopt strategies that allow them to compete by cutting their labor costs. They turn to internal migrants displaced by changes in the rural political economy as well as to migrant workers. Migrant workers, as discussed above, have less power in the labor market and have often been prevented from joining unions—in some cases by law. Unions that believe they can maintain their privileged positions more easily by excluding migrant workers may look favorably upon these laws—but this has also been changing.

In the cases of the Jordanian and Dominican Republic labor movements, there is also evidence that some national union federations and individual national unions are coming to the conclusion, as many of their U.S. and European counterparts have, that the best way to protect their labor

market position is not to exclude but to organize migrants workers. When private sector unionization rates are at their historically lowest points in many parts of the world, the justification that unions must oppose migration in order to defend their labor standards becomes more difficult to assert.

Dynamics of State Capacity and State/Labor Union Relationships

The labor movement's positive or negative relationship to the state and its sense of the state's capacity to protect it has a significant impact on its electoral and policy actions. In the case of the United States, Fine and Tichenor argue that it was the comparatively strong *pro-union disposition of the state* during the 1930s and 1940s that strongly influenced labor's policy stance in favor of abolishing the restrictive national quota acts and that this position had staying power even during the federal government's most anti-union period under President Reagan.⁶⁰ In the UK however, Fine and Tichenor find it was the *anti-union disposition of the state* during the 1980s under Prime Minister Thatcher which devastated British unions by its end effectively cutting them in half and continuing into the 1990s under the "New Labor" platform of the Labor Party, which worked to reduce the influence of unions on the party and whose embrace of neoliberalism further weakened unions.⁶¹ The deteriorating relationship with the state was marked by the collapse of traditional bargaining institutions and the loss of influence under conservative and labor governments combined with radical labor market changes that led the TUC to embrace a solidaristic position in favor of defending the interests of foreign workers in their negotiations with employers in 1981, supporting the free movement of labor across the European Union in 1990 and in 1996 to reject employer sanctions. In France, according to Haus and Watts, it was not the labor movement's assessment of the state's *overall disposition toward unions* that was decisive but rather the movement's assessment of the *state's ability to control immigration flows*. In South Africa, despite the labor movement's central role in the movement to overthrow apartheid, the ANC government ended up embracing a set of economic policies that resulted in deregulation and firms adopted employment practices that allowed them to avoid new corporatist institutions and labor and employment laws that had been put into place. The state's embrace of free market policies and the increase in irregular labor migration from southern Africa have made the labor movement insecure and have not resulted in an activist orientation toward changing labor migration policies. Thus in all four accounts, while state capacity is decisive, it is not decisive in the same way.⁶²

Three institutional features of state industrial relations and employment regimes are generally understood to insulate workers from market forces and bolster union membership: state support, centralized collective bargaining, and union management of public unemployment insurance.⁶³ Decentralization of tripartite and industry-level collective bargaining makes workers more vulnerable to market forces. Just as Turner has argued (in his comparative study of trade union involvement in economic restructuring in Europe) that institutions, in this case the rules and structures of industrial relations, condition the impact of intensified economic competition,⁶⁴ institutional rules and structures also strongly influence how unions in different countries view and respond to migration.

Some late developing countries have corporatist strategies of interest representation in which the state provides unions with a formal role and financial support similar to that of coordinated

market economies (CMEs)⁶⁵ in Western Europe. Western European and Latin American and Middle Eastern models of corporatism are quite different, however, with the former comprised of open economies and a strong role for institutions of civil society like the peak associations of labor unions and business working in concert with the state, while the latter is comprised of closed economies and greater state control over labor unions.⁶⁶ In the case of late developers like Jordan and the Dominican Republic, labor's role sometimes far exceeds what its own market power would likely deliver for itself, which brings the unions into the system but limits their willingness to challenge the regime.

There are some features of corporatism in developing nations that bestow tremendous advantages upon official unions including requirements for compulsory membership, monopoly of representation, official recognition and provision of state subsidy—the problematic features are those that mandate state control.⁶⁷ In other words, while corporatism certainly has strong inducements for unions during periods when the economy is strong and the party in power favors union positions, state control during periods of austerity or deregulation when union interests are not in synch, can lead them to challenge the state.

In the Middle East, Asia and Latin America there are certainly examples of unions chafing under the restrictions the state imposes in terms of the rules regarding eligibility for membership, union organization, recognition and industrial action—and in this context restrictions regarding membership for migrants can also be viewed by them as a problem of the state over-reaching. Thus how corporatist dynamics play out with regard to union positions toward migrant workers and migration policies is connected to larger struggles. Given the global trend toward fragmentation of employment relations, weakening of labor standards, and decline of union density, even unions under historically corporatist arrangements are concluding that they can no longer rely on the state to protect their interests. As unions become more oriented toward organizing there is the possibility that they will see the need to make common cause with the migrant workers in their labor markets.

Racial and Ethnic Attitudes Toward Immigrants

Shifting racial and ethnic attitudes toward migrants have had a major influence on labor movements' policy stances, with each movement starting out with xenophobic views but becoming more tolerant over time. While the TUC professed sympathy with the colonial exploitation of workers from the New Commonwealth (NCW) countries (who, as Pakistanis, Indians and West Indians were all people of color), it professed concern about these workers' failure to integrate and did not campaign against racially biased national immigration policies in 1968 and 1971 which made it harder for non-white citizens of the NCW countries to emigrate. During the 1960s and 1970s NCW workers joined unions in large numbers and waged major battles for civil rights including equal treatment inside the labor movement, so that by the 1980s, as the TUC adopted more aggressive anti-racist positions and pushed its affiliates to drop discriminatory policies, it came to oppose restrictive immigration measures as well. This stance was further reinforced with the onset of European integration as the TUC came to view open labor migration as inevitable. As a result, the TUC opposed employer sanctions legislation and called for its affiliates to adopt aggressive organizing strategies.

In France, where post-war migration flows were dominated first by Spain and Portugal and from the 1960s on by North Africans (from former French colonies) and sub-Saharan Africans, racial bias was always intermingled with concerns about labor market saturation as well as the migrants' capacity to integrate, and it was a significant contributing factor both with regard to restrictionist government immigration policies as well as restrictive policy positions adopted by the Confédération générale du travail (CGT). During the 1970s, 1980s and 1990s however, while the CGT still episodically supported restrictions on labor migration during difficult economic times, it also came to reject xenophobic positions and to express stronger and stronger support for immigrant workers and regularization of the undocumented. The emergence of the National Front during the 2000s also pushed labor more and more into taking a pro-immigrant stance.

In the United States after the merger between the American Federation of Labor and the Congress of Industrial Organizations in 1955, the AFL-CIO championed the abolition of racist national origins quotas and the *bracero* program and strongly supported the civil rights movement's policy agenda. However, what these positions meant for immigrant workers was rather complicated. Although it came to be used as a tool for employers to keep immigrant workers from organizing, the AFL-CIO's strong embrace of employer sanctions during the 1970s and 1980s as a means for dealing with the growing undocumented worker problem was not racist or anti-Mexican. In fact, support for an aggressive enforcement regime and for employer sanctions was viewed as a means of ensuring that low-wage foreign-born and African American workers would be able to find work, form unions and be compensated fairly for their labor. With the emergence of a sophisticated union-busting industry that utilized employer sanctions to strategically rid companies of pro-union workers⁶⁸ and make organizing the growing numbers of Latino workers extremely difficult, as well as the passage of NAFTA, labor changed its position to one of support for legalization and abolition of employer sanctions.

In the Dominican Republic, race has been an enduring dividing line with neighboring Haiti. The racist and xenophobic aspects of anti-Haitianism are believed to be at least partially the result of 20th century Dominican politics, in particular the Trujillo dictatorship from 1930-1961.⁶⁹ After a government-ordered massacre of Haitians in 1937, the Trujillo administration pursued a policy called the "Dominicanization of the Frontier," which focused on reducing the number of Haitians in the country. This initiative was part of the dictatorship's larger racist ideology which took aim at Haitian migration and Haitian culture within the Dominican Republic. In a nutshell, Trujillo and Joaquin Balaguer promoted the narrative that "the Dominican people are a white Hispanic nation whose population is weakened by a mixture with the blood of non-white races. The nation is challenged by an 'imperialist' Haiti that is of African origin. Settlement of Haitians in the country degenerates the moral and spiritual strength of Dominicans... With Haitians also come poverty, ignorance and contagious diseases."⁷⁰ Policies were passed to prevent Haitians from entering the country except during the sugar harvest, place names were changed from Creole to Spanish and the practice of voodoo was outlawed and punished by imprisonment and deportation. The regime made efforts to attract white immigrants from Europe. Today, although there are several accounts of peaceful co-existence and cooperation between poor, black and mixed race Dominicans living alongside poor, black Haitians,⁷¹ many factions within the Dominican government continue to uphold anti-Haitian views and to deny Dominicans' own African heritage. A recent high court decision to strip Haitians of citizenship rights is a tragic

example of this continuing trend. The September 23, 2013 Constitutional Court ruling retroactively denies Dominican nationality to anyone born after 1929 who does not have at least one parent of Dominican blood, under a constitutional clause declaring all others to be either in the country illegally or "in transit."

Despite this dramatic setback, beginning in 2007, there has been a tectonic shift in the Dominican labor movement. CNUS has amassed tremendous knowledge about migrant worker conditions, created worker rights trainings, supported vibrant informal sector organizing projects and mounted effective public campaigns to remind employers of their obligations to these workers. It had also dramatically shifted its position on the role and necessity of migrant workers in the economy, becoming the only labor confederation with a migrant worker department, a key source of expertise on human trafficking and an important national player on migration policy.⁷² Its affiliate, FENTICOMMC, had conducted a first of its kind study in the Dominican Republic on the role of Haitian migrant workers in the construction industry,⁷³ carried out by teams of Dominicans and Haitians and with Solidarity Center's financial support had hired two organizers. CNUS has become quite involved in the national policy debate, most recently in 2012 launching a campaign for ratification of ILO Conventions 97 and 143 on migrant workers⁷⁴ as well as helping to bring together civil society organizations and employers to develop a consensus document on managing migration.

In South Africa, the construction and promotion of a post-apartheid national citizenship regime based not upon racial or ethnic criteria but on human rights, democracy, inclusion, protection from discrimination and equal resource allocation, service delivery and distribution of socioeconomic rights and entitlements to citizens has ironically resulted in a thick line being drawn between insiders and outsiders.⁷⁵ Polzer summarizes the dilemma for migrant rights advocates this way: "The powerful evocation of citizenship rights in government circles and in some sectors of civil society, coupled with the sense of limited resources, puts the progressive rhetoric of immigrant rights and anti-xenophobia on the defensive and culminates in a dominant sense of threat and demand for control....Being tough on immigration becomes a kind of proxy for conferring rights on citizens."⁷⁶ Thus these broad societal shared understandings have conditioned COSATU's ambivalent outlook on migrant workers.

Inherited Traditions

Union strategies are strongly conditioned by *union identity*, which Hyman defines as "inherited traditions that shape current choices, which in normal circumstances in turn reinforce and confirm identities."⁷⁷ For purposes of this paper, the bucket of inherited traditions includes: union history, model, ideology and leadership experience.

In the United States, industrial unionism was for the CIO both an ideology and a model, and it conditioned the organization's outlook on immigrant workers and immigration policy. The establishment of the CIO was motivated by the desire of key national unions to organize the largely unskilled immigrant workforces of the new mass production industries and those unions' impatience with the AFL's craft-union approach. The CIO provided a vehicle for organization and security to the millions of immigrants from southern and eastern Europe who had arrived prior to the First World War and to the black migrants from the South who came north after the flow of migration abated as part of the Great Migration.⁷⁸ These workers occupied the bottom

ranks of mass production labor in the unorganized industries, while AFL trade unions largely were composed of older Germans, Danes, Scots and the English. It is perhaps not surprising then, that the CIO from the start looked more favorably than the AFL on immigration. The New Deal period and its aftermath saw the CIO and its allies break with the AFL by first embracing refugee relief and then rejecting national origins quotas. By the time of the AFL-CIO merger in 1955, the gradual reorientation of organized labor toward solidaristic and expansionist views of European immigration and the need to dismantle restrictive quotas was complete.⁷⁹

As Walter Reuther of the United Auto Workers (UAW) and CIO explained to Congress in 1955, “many thousands of members of CIO unions themselves immigrated to this country, including Philip Murray, the late President of the CIO.”⁸⁰ Because of its rich ethnic tradition, he observed, the CIO was offended by the preferential treatment of northern and western European immigrants and the idea that an “ideal racial composition can be frozen.”⁸¹ Although the AFL had traditionally taken a more restrictionist stance, especially on the necessity of quotas, in the early 1950s, even before the merger with the CIO, state-level Federations of Labor in Massachusetts, Minnesota, and other northern states challenged the AFL’s position on immigration policy. The ascendance of George Meany who favored both the AFL-CIO merger and liberal immigration reform, to the presidency of the AFL in these years, was also significant. No sooner had Meany assumed the helm of the newly-merged labor organization in 1955 than he promptly purged the AFL’s Director of Legislative Affairs, a long-time defender of immigration restriction.⁸²

In Jordan, the anomaly of GTU’s interest in organizing migrant workers when most other unions were not engaged is partially explained by the union’s origins during a period of vibrant industrial unionism in Jordan in the late 1940s and 1950s. The organization’s founders were Palestinian refugees who worked under sweatshop conditions and struggled with the regime to recognize their union. Fathallah Omrani led the union during the golden era of independent and activist trade unionism in Jordan and somewhat unusually continued to lead it after the crackdown in the 1970s. Thus, he and his union date back to before the state reorganized the labor movement to bring it much more closely under its control.

Within COSATU there is an inherited tradition of universalism. Union leaders strongly reject a focus on ethnicity, tribe, national origin or migration status in favor of a broad worker identity. They assert a “we are all workers” frame and resist organizing migrant workers *as* migrant workers in particular. At its 11th Congress in 2012, COSATU embarked upon a national campaign to highlight the conditions of “vulnerable” workers, and to organize them into the ranks of unions and allied worker organizations. They see migrant workers as one of the constituencies for the campaign. A Vulnerable Workers’ Task Team has been developing a COSATU-wide campaign aimed at shop stewards to organize the vulnerable workers in their sectors. The task team has developed five campaign and mobilizing demands but there is no demand that explicitly addresses the status issues of migrant workers and only a single line in the campaign pamphlet that explicitly references migrant workers. The same holds true for many of the national unions.⁸³ As an example, beginning in 2012, the Solidarity Center began working with FAWU on strengthening its organizing of farmworkers in Mpumalanga Province who work on high value fruit and vegetable farms. The project was intended to improve the union’s organizing capacity in general and to help union officials and stewards develop a program that

specifically targeted migrant workers for membership, but there is reluctance to name migrants as the focus of recruitment.

Global Links

In recent years, decisions on the part of union federations and individual unions to create programs focusing on migrant workers have been catalyzed and supported through contact with ILO programs, Global Union Federations (GUFs), and the Solidarity Center. Supra-national labor organizations play a central role in exposing unions to broader practices beyond their borders. They are able to play a legitimizing role because as labor insiders, they know how to make the case for organizing migrant workers within the paradigm of labor organizations. They also embrace a universalizing framework that places migrant worker issues in a labor rights and better work for all context. Since its formation in 1997, the Solidarity Center has had a program supporting labor movement work with migrant workers. Solidarity Center has sponsored research, developed trainings, and worked with its union partners on the ground in individual countries to incorporate migrant workers into their organizations, provide support to free trade zone and domestic workers, many of whom are migrants, build anti-trafficking networks, bring cases under free trade agreements and engage in advancing immigration policy reforms.

In Jordan, GTUWTGI's close relationship to the Solidarity Center was critical to its more inclusive vision of the union and most importantly, its capacity to build an organizing program with resources. Likewise, its connection to the International Textile, Garment and Leather Workers Federation (ITGLWF) brought the union leadership into a network of unions and exposed them to a broad variety of union structures and strategies beyond the limits imposed by the Jordanian state and reinforced an understanding of the dynamic of global competition in garment and textile production. The organization's connection to the ILO's panoply of programs and exposure to ILO conventions gave it a clear sense of what trade union rights should look like.

Since 2007 in the Dominican Republic, the Solidarity Center in concert with CNUS and national union partners has prioritized migrant and informal sector worker organizing. The Solidarity Center has pioneered innovative participatory research projects to better understand the conditions of migrant workers and has provided training and ongoing financial support for organizing migrant construction and domestic workers and market vendors. It has also provided opportunities for migrant worker leaders and organizers to travel outside of their home countries in order to participate in international gatherings and meet others engaged in similar enterprises. FENTICOMMC the national construction union that is affiliated to CNUS, has also been strongly encouraged by its GUF, the BWI to address migrant worker issues. CNUS has also become centrally involved in drafting a far-reaching policy document on Dominican migration policy in an effort to provoke a shift toward more inclusive policies that would finally provide legal status to Haitian-Dominicans and to Haitian migrant workers.⁸⁴

In Sri Lanka, the Solidarity Center has been seeding research, advocacy and organizing work addressing migrant workers within various union federations and NGOs since the mid-1990s. The organization has been instrumental to the formation of several migrant worker groups within the labor movement, including the Migrant Service Centre and its affiliated grassroots Migrant

Worker Associations, which are members of the NWC and the MWF which is affiliated with the NTUF.⁸⁵

Conclusion

While many labor federations, unions and NGOs have pointed to the importance of regional approaches to labor migration management as well as the establishment of cross-border unions progress on either front has been uneven. Despite more supportive attitudes toward migrant workers, a review of comparative union efforts to organize these workers sheds light on common obstacles. To begin with, the mismatch between established labor and employment regulations and 21st century business models means that traditional union organizing and collective bargaining constructs in most sectors are simply not working as well as they used to. Less clear is what new forms will work and stand a chance of becoming institutionalized. So far, most attempts to establish membership-based organizations that are financed through the dues of migrant workers have not been successful. The true reasons for this are unclear. Some argue that workers are unwilling or unable to contribute, others argue that organizers are either unwilling to ask or too busy doing other things and all agree that hand collection of dues as opposed to payroll deduction by employers is extremely difficult to operationalize and carry out consistently. This means that many organizations are dependent upon outside funding which is often unstable. Additionally, it is worth contemplating what is lost when a low-wage worker organization relies upon external sources rather than internal sources for its core support; fundraising that requires constantly talking to workers creates a different type of culture, capacity and accountability than fundraising that focuses on external sources.

Another abiding tension is the role of identity in organizing. In the Dominican Republic case, some Haitian construction worker organizers felt strongly that they wanted to organize *as* Haitians and set up and lead their own organizations, but the construction union has objected to a separate organization for Haitian workers. In South Africa, similar reservations were voiced with respect to organizing migrant workers *as* migrant workers. In both cases an identity other than work or occupation was viewed as a particularizing force that separated workers from each other, rather than a basis upon which workers might be brought together, that could complement class. The common assertions heard during the research that “all workers are equally welcome in the union” or that “the union does not discriminate” indicated that an important point was being missed—the need for an affirmative focus on national origin and migration status in particular. Migrant workers have a set of issues and needs that stem from their status as migrants. When trade unions reject the idea of organizing migrant workers explicitly *as* migrant workers, they cut themselves off from important issues and concerns that could deepen their relationships and strengthen workers’ commitments to the union. In the Dominican Republic and South Africa, and certainly the U.S., migration status, and the inability of workers to gain legal status is just as central to their predicament as anything having to do with employment structures—and possibly more. Organizing across ethnic and racial lines on the basis of class has long been held as a core principle by many labor movements; “identity politics” have been viewed as divisive and unhelpful to the establishment of a class-wide project. While in countries with multiple races and ethnic groups, focusing on commonalities rather than differences makes intuitive sense in order to build a unified movement, doing so can lead organizations to miss issues that are very important to the sub-sectors of workers who make up the larger whole. In other words, a “we are

all workers” mentality and rhetoric can end up backfiring.

A final unanswered question has to do with the sources of power workers can tap in this difficult period. Given that low-skilled migrant workers are often employed in sectors where competition on the basis of wages is intense and profit margins of direct employers are often razor-thin, it is unclear what leverage they have to compel employers to come to terms with them. In many cases so far in the U.S., public policy has proven more fruitful for workers as an avenue for change than direct pressure on employers. There are signs that this may be changing: the Coalition of Immokalee Workers (CIW) in Florida has pioneered a worker-led, market-driven approach that ensures compliance with a stringent Fair Food code of conduct that is married to strict market consequences for failure to comply with the code and the unusual participation of fast food and Wal Mart workers in short strikes are both compelling counter-trends. In South Africa in recent years, where farm workers and miners have resorted to strikes, it has often been the state that has stepped in to mandate higher wage levels. Strikingly, even when wages are raised statutorily, ensuring that employers obey the law requires a capacity for monitoring and enforcement that is often lacking and migrant workers are frequently too afraid to come forward. Just as unions are struggling to keep pace with new forms of business organization, many state labor inspection regimes are also challenged, as well as under-funded and under-staffed.

The choices unions make about immigration policy and immigrant worker organizing are conditioned by their own institutional legacies, ideologies and leaderships and by their relationships to the state and to employers, but these choices are neither absolute nor permanent. National labor federations and unions often adopt policies that are a mixture of restrictive and expansive and they also shift back and forth across this continuum over time. As Hyman has argued: “Above all else, unions are *contested* organizations: within any union can be found conflicting views of its underlying purpose, its priority objectives, the appropriate forms of action, and the desirable patterns of internal relations.”⁸⁶

This paper catalogues a wide variety of activities that unions are engaging in with respect to migration policy questions and migrant worker organizing. But in the final analysis, questions of how unions are dealing with migration and organizing migrant workers cannot be separated from the current situation of unions in general. With the fissuring of employment relationships, the rise of privatization and deregulation, and the decline of centralized collective bargaining regimes, labor finds itself in a weakened position across the globe. Although some new organizing forms and strategies are showing promise, for the most part unions have not yet figured out how to counter neoliberalism and large-scale self-organization and action on the part of workers is relatively rare. Even if more unions were enthusiastically targeting migrant workers for unionization, effective models for organizing in this environment are not at all clear. Nevertheless, there is cause for optimism.

In periods of crisis, unions often turn inward, focusing on preserving their existing membership bases, but the case studies that inform this paper demonstrate that some are redefining their interests and broadening their agendas and alliances. National union federations in the United States, UK, France, Jordan, the Dominican Republic and South Africa have all shifted their policy positions over the past generation, supporting legalization for undocumented workers

living in their countries, opposing enforcement-only policies and becoming involved in migrant worker organizing drives. Labor movements in migrant-origin countries such as Sri Lanka, after years of ignoring their issues, are now advocating for national protections on behalf of workers when they are abroad and seeking to organize them. Finding the points of leverage to resist the casualization of employment and build labor market power as well as the development of 21st century organizational models that are better able to accommodate the labor market circumstances of migrant workers remain the greatest challenges.

Glossary of Terms

ACTFORM – Action Network for Migrant Workers

ACTRAV – Bureau for Workers’ Activities

AFL-CIO – American Federation of Labor-Congress of Industrial Organizations

AFML – ASEAN Forum on Migrant Labor

ANC – African National Congress

ATH – Asociación de Trabajadoras del Hogar

BWI – Building and Woodworkers International

CDM – Centro de los Derechos del Migrante

CEDAIL – Centro Dominicano de Asesoría y Servicios Legales

CGT – Confédération Générale du Travail

CIW – Coalition of Immokalee Workers

CME – Coordinated Market Economies

CNUS – Confederación Nacional de Unidad Sindical

COSATU – Congress of South African Trade Unions

EPZ – Export Processing Zone

FAWU – Food and Allied Workers Union

FENTICOMMC – Federación Nacional de los Trabajadores de la Industria de la Construcción

FLOC – Farm Labor Organizing Committee

FTA – Free Trade Agreement

GTUWTGCI or GTU – General Trade Union of Workers in Textile, Garment and Clothing Industries for the Textile Industry

GUF – Global Union Federations

HRDF – Human Rights and Development Foundation

ILO – International Labor Organization

ITGLWF – International Textile, Garment and Leather Workers Federation

ITUC – International Trade Union Confederation

MOU – Memorandum of Understanding

MWF – Migrant Workers Front

NAFTA – North American Free Trade Agreement

NCW – New Commonwealth

NDLON – National Day Laborer Organizing Network

NDWA – National Domestic Workers' Alliance

NGA – National Guest Workers' Alliance

NGO – Non-Governmental Organization

NILC – National Immigration Law Center

NTA – National Textile Association

NTUF – National Trade Union Federation

NUM – National Union of Miners

NWC – National Workers' Congress

QIZ – Qualified Industrial Zone

TUC – Trades Union Congress

UAW – United Automobile Workers

Notes

¹There are also roughly 20 to 30 million unauthorized migrants worldwide, comprising roughly 10-15% of the world's immigrant stock; "Towards a Fair Deal for Migrant Workers in the Global Economy," International Labour Organization, Geneva, 2005, available at:

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²"Trends in Total Migrant Stock: The 2003 Revision," UN Department of Economic and Social Affairs Population Division, New York, 2003.

³ Ibid.

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⁷ David Weil, *The Fissured Workplace: Why Work Became So Bad For So Many and What Can Be Done to Improve It* (Cambridge, MA: Harvard University Press, 2014), p. 8.

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Tichenor, "An Enduring Dilemma: Immigration and Organized Labor in Western Europe and the United States," in *The Oxford Handbook of Politics and International Migration*, ed. Marc R. Rosenblum and Daniel J. Tichenor (New York: Oxford University Press, 2012); Janice Fine and Daniel J. Tichenor, "Solidarities and Restrictions: Labor and Immigration Policy in the United States," *The Forum* 10 (2012); Janice Fine and Jane Holgate, "The Countermovement Needs a Movement (and a Counter Strategy)," in *Mobilizing Against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism*, ed. Lee Adler, Maite Tapia, and Lowell Turner (Ithaca: Cornell University Press, forthcoming).

⁹ Piore, *Birds of Passage*; Massey, "Why Does Immigration Occur?" Waldinger, *Still the Promised City?* Saskia Sassen-Koob, "America's Immigration Problem," in *Globalization and its Discontents: Essays on the New Mobility of People and Money*, ed. Saskia Sassen-Koob (New York: New York Press, 1998); Pierrette Hondagneu-Sotelo, *Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley, Los Angeles, and London: University of California Press, 2001); June C. Nash and Maria Patricia Fernandez-Kelley, *Women, Men, and the International Division of Labor* (New York: SUNY Press, 1983).

¹⁰ Such as union contracts, firm job classifications and civil service rules.

¹¹ Piore, *Birds of Passage*; Massey, "Why Does Immigration Occur?"

¹² Massey, "Why Does Immigration Occur?"

¹³ Non-labor costs including: equipment, raw materials, financing, and land.

¹⁴ Wallerstein, *The Modern World System I; The Modern World System II*; Sassen-Koob, "America's Immigration Problem."

¹⁵ Massey, "Why Does Immigration Occur?"

¹⁶ Ana S.Q. Liberato and Dana Fennell, "Gender and Well-Being in the Dominican Republic: The Impact of Free Trade Zone Employment and Female Headship," *World Development* 35:3(2007): 396.

¹⁷ Mateusz Filipiński, J. Edward Taylor, and Siwa Msangi, "Effects of Free Trade on Women and Immigrants: CAFTA and the Rural Dominican Republic," *World Development* 39:10 (2011).

¹⁸ Saskia Sassen-Koob, "Notes on the Incorporation of Women into Wage Labor Through Immigration and Offshore Production," in Sassen-Koob, *Globalization and its Discontents*.

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²⁰ Heidi Tinsman, "The Indispensable Services of Sisters: Considering Domestic Service in the United States and Latin American Studies," *Journal of Women's History* 4:1 (1992); Nash and Fernandez-Kelley, *Women, Men, and the International Division of Labor*; Hondagneu-Sotelo, *Gendered Transitions*; Grace Chang, *Disposable Domesticity: Immigrant Women Workers in the Global Economy* (Cambridge: Southend Press, 2000); Michael Jones-Correa, "Different Paths: Gender, Immigration, and Political Participation," *International Migration Review* 32:2 (1998); Patricia R. Pessar, "The Role of Gender, Households, and Social Networks in the Migration Process: A Review and Appraisal," in *The Handbook of International Migration: The American Experience*.

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²³ Manolo I. Abella, "Role of Recruiters in Labor Migration," in *International Migration: Prospects and Policies in a Global Market*, ed. Douglas S. Massey and J. Edward Taylor (New York: Oxford University Press, 2004), p. 202; Bacon, "Be Our Guests"; R. Mansell Prothero, "Labor Recruiting Organizations in the Developing World: Introduction," *International Migration Review* 24:2 (Special Issue: Labor Recruiting Organizations in the Developing World, 1990); Abul Kalam Azad, "The Costs and Financing of Individual Contract Migration: A Case Study of Bangladesh," Asian Regional Programme on International Labor Migration, International Labor Organization, Working Paper, Bangkok, 1989; Lyle and Slackman, *Justice for All*.

²⁴ Abella, "Role of Recruiters in Labor Migration," p. 202.

²⁵ Abella finds that when unemployment is high and jobs are scarce, employers are less willing to pay recruiters than they are during times of labor shortage whereas workers are willing to pay high fees to intermediaries to help them find work; *ibid*. Prothero argues that the issue is informality: because contacts between the employers, labor

recruiters and prospective employees are so often informal, often involving several intermediaries, there is a lot of scope for eluding official regulations; Prothero, "Labor Recruiting Organizations in the Developing World."

²⁶ Abella finds that job seekers in general prefer the private intermediaries because public employment offices are often less effective in identifying foreign jobs than private firms. Abella, "Role of Recruiters in Labor Migration," pp. 202-203.

²⁷ Lyle and Slackman, *Justice for All*, p. 96.

²⁸ *Ibid.*, p. 95.

²⁹ Doris Meisner, "U.S. Temporary Worker Programs: Lessons Learned," *Migration Policy Institute*, last updated March 1, 2004, available at: <http://www.migrationinformation.org/Feature/display.cfm?ID=205>; Bacon, "Be Our Guests"; Soysal, *Limits of Citizenship*.

³⁰ *Ibid.*; P. Hewage, C. Kumara, and J. Rigg, "Connecting and Disconnecting People and Places: Migrants, Migration, and the Household in Sri Lanka," *Annals of the Association of American Geographer*. 101 (2011):202-219.

³¹ Kingdon and others defined a focusing event as a sudden and dramatic occurrence, such as a natural disaster or some other kind of external shock to the status quo, see: J.W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd ed. (New York: HarperCollins, 1995).

³² Such as church or mosque, community center, service organization, ethnic association or a human rights group/NGO.

³³ Myles Horton and Paulo Freire, *We Make the Road by Walking: Conversations on Education and Social Change*, ed. Brenda Bell, John Gaventa, and John Peters (Philadelphia: Temple University Press, 1990).

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³⁷ Samantha J. Gunawardana, "Labour movement responses to international labour migration in Sri Lanka," report prepared for Solidarity Center, Washington, DC, January 2014, p. 28.

³⁸ For a nice discussion of popular education, see Nik Theodore, "Generative Work: Popular Education and Day Labor Organizing in the U.S.," report for the National Day Labor Organizing Network and Leadership for a Changing World, June 2010.

³⁹ *Ibid.*, pp. 29-31.

⁴⁰ Centro Dominicano de Asesoría y Servicios Legales is affiliated with the Episcopal church and provides legal services to marginalized and legally disadvantaged populations.

⁴¹ Gunawardana, "Labour movement responses," p. 27.

⁴² *Ibid.*, p. 31.

⁴³ *Ibid.*, p. 18.

⁴⁴ Bernard Ryan, "The Evolving Legal Regime on Unauthorized Work by Migrants in Britain," *Comparative Labor Law and Policy Journal* 27 (2005-2006): 53-57, Dan Rees, "New Measures to Tackle Exploitation in the UK Agricultural Industry," in *Merchants of Labor*, Christiane Kuptsch, ed. (Geneva, International Institute for Labour Studies, International Labor Office, 2006), pp. 218-222.

⁴⁵ Gunawardana, "Labour movement responses," p. 30.

⁴⁶ *Ibid.*, pp 28-29.

⁴⁷ AFL-CIO, 2006

⁴⁸ A rather predictable position given both the long-term hostility that has existed in the DR towards Haiti as well as the recent recession and influx of Haitians after the 2010 earthquake.

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- ⁴⁹ Gunawardana, "Labour movement responses," p. 27.
- ⁵⁰ Teri L Caraway, *Assembling Women. The Feminisation of Global Manufacturing* (Ithaca: Cornell University Press, 2007).
- ⁵¹ Interview with Cathy Feingold, 2012 conducted by Janice Fine; Interview with Victoria Gareia, 2012 conducted by Janice Fine
- ⁵² Gunawardana, "Labour movement responses," p. 33.
- ⁵³ On this general point, see: Hyman, "Trade Union Research and Cross-National Comparison," p. 209.
- ⁵⁴ Paul Hirst, Grahame Thompson, and Simon Bromley, *Globalization in Question*, 3rd ed. (Cambridge: Polity Press, 2009).
- ⁵⁵ Annette Bernhardt, et al., "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities," technical report for the Employment Law Project, Russell Sage Foundation, New York, 2009; Françoise Carré, et al., eds., *Nonstandard Work: the Nature and Challenges of Changing Employment Relations* (Champaign, IL: Industrial Relations Research Association, 2000); David Weil, "Improving Workplace Conditions Through Strategic Enforcement," report to the Wage and Hour Division of the Department of Labor, Washington, DC, 2010; David Weil, "Enforcing Labour Standards in Fissured Workplaces: The US Experience," *Economic and Labour Relations Review* 22:2 (2011); Noah Zatz, "Working Beyond the Reach or Grasp of Employment Law," in *The Gloves-Off Economy: Workplace Standards at the Bottom of America's Labor Market*, ed. Annette Bernhardt, et al. (Champaign, IL: Labor and Employment Relations Association, 2008).
- ⁵⁶ Such as unemployment insurance, workers compensation, payroll taxes.
- ⁵⁷ Such as workplace injuries or hiring of undocumented migrants.
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- ⁵⁹ Weil, "Improving Workplace Conditions Through Strategic Enforcement," 20.
- ⁶⁰ Fine and Tichenor, "An Enduring Dilemma."
- ⁶¹ Ibid.
- ⁶² Haus, *Unions, Immigration and Internationalization*; Watts, *Immigration Policy and the Challenge of Globalization*.
- ⁶³ Bruce Western, *Between Class and Market: Postwar Unionization in the Capitalist Democracies* (Princeton, NJ: Princeton University Press, 1997).
- ⁶⁴ Lowell Turner, *Democracy at Work* (Ithaca: Cornell University Press, 1991).
- ⁶⁵ Hall and Soskice distinguish between liberal market economies (LMEs) economies in which firms coordinate their activities with other actors primarily via hierarchies and competitive market arrangements rather than through the state and Coordinated market economies (CMEs) in which firms depend more on non-market relationships and coordinate their activities with other actors more centrally via their relationship with the state, see: Peter A. Hall and David Soskice, ed., *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (New York: Oxford University Press, 2001).
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- ⁷⁰ Ibid., p. 21.
- ⁷¹ Franc Baez, *Vecinos y extraños: migrantes y relaciones inter-étnicas en un barrio popular*, 2001, Gerald F. Murray, Sources of Conflict along and across the Haitian – Dominican border, report to the Pan American Development Foundation, 2010.
- ⁷² Interview with Bridget Wooding conducted by Janice Fine, January 8, 2013.
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⁷⁴ “Dominican Republic: Unions support Haitian migrant workers,” ILO News, September 3, 2012, ACTRAV INFO.

⁷⁵ Sally Peberdy, “Imagining Immigration,” p. 28.

⁷⁶ Tara Polzer, “Discourses on Immigration in South Africa: Managing Diversity in a New Nation,” in A. Plaw, ed., *Frontiers of Diversity: Explorations in Contemporary Pluralism* (Amsterdam: Randolph Publishers, p. 90.

⁷⁷ Richard Hyman, 1994 and 2001 as quoted in Carola M. Frege and John Kelly, “Union Revitalization Strategies in Comparative Perspective,” *European Journal of Industrial Relations* 9:7 (2003): 12.

⁷⁸ By the end of the Second World War, half a million black workers had joined CIO unions.

⁷⁹ This account of gradual transformation in labor’s response to immigration, in contrast to Briggs’ conception of an abrupt “historic turnaround” in 2001, is resonant with Kathleen Thelen’s work (2004) on modes of gradual institutional change, as well as the mechanisms of incremental change in Streeck and Thelen (2005); see: Vernon M. Briggs, *Immigration and American Unionism* (New York: Cornell University Press, 2001); Kathleen Thelen, *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan* (Cambridge: Cambridge University Press, 2004); Wolfgang Streeck and Kathleen Thelen, *Beyond Continuity: Institutional Change in Advanced Political Economies* (Oxford: Oxford University Press, 2005).

⁸⁰ Walter Reuther, CIO representative, statement before the Senate Judiciary Subcommittee on Immigration and Naturalization, November 21, 1955, Papers of the AFL, AFL-CIO Legislative Dept, Box 27, Folder 16.

⁸¹ Ibid.

⁸² Interview with Andrew Biemiller, May 22, 1979 conducted by Alice M. Hoffman, George Meany Center for Labor Studies Oral History Project, AFL-CIO Merger (Collection 15), Box 1, Folder 4, Meany Memorial Archives, Washington, DC.

⁸³ Leo Mapira, *Trade Unions Are Their Own Barrier: Trade Union Responses to Undocumented Migrant Labour in the Western Cape Province, South Africa*, unpub. diss., University of Cape Town, 2006; M. Hlatshwayo, “COSATU’s Attitudes and Policies Toward External Migrants,” in S. Buhlungu and M. Tshoaedi, eds., *COSATU’s Contested Legacy* (Cape Town: Human Sciences Research Council, 2012), pp. 228-258 and S.L Gordon, *The Trade Union Response to Alien Workers within Post-Apartheid South Africa: An Analysis of the Nature of the Response of the South African Trade Union Movement to the Issue of Illegal Migrant Workers, Using the National Security & Unqualified Workers Union (Nasuwu) as a Case Study*, unpub. MA thesis, University of KwaZulu-Natal, Durban, South Africa, 2004.

⁸⁴ “Compromiso Social Y Politico Por Un Nuevo Modelo De Gestion De Las Migraciones En Republica Dominicana,” confidential draft in possession of Janice Fine Interview with Gina Familia, 2012, conducted by Janice Fine

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