

In Search of Global Labour Markets

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Abstract

In this introductory article, the Guest Editors consider key themes involved in discussion of cross-border labour migration, exploring the ambiguities of some of the main concepts involved. They summarise the six substantive articles which follow, and identify some major topics for further research.

Introduction

At a time of crisis on the borders of many countries – in Europe, North America, the Middle East, Australasia and Asia – it has never been more timely to investigate the role of industrial relations actors in the regulation of cross-border labour markets. How do employers, trade unions and state and inter-governmental bodies, as well as a variety of intermediary actors, influence the policies and practices which shape the lives of workers seeking to improve their life-chances – or more dramatically, to escape possible death or extreme poverty – by working in a new country? The question involves more complex issues than addressed in much traditional industrial relations literature. How do we conceptualise cross-border mobility regimes and labour markets? A deeper understanding may contribute to current debates around the regulation of the world economy and the protection of labour rights.

The idea for this special issue arose from the editors' participation as Visiting Fellows in a research group at the *Zentrum für interdisziplinäre Forschung* (ZiF, Centre for Interdisciplinary Research) at the University of Bielefeld, Germany, from October 2017 to July 2018. The core staff at ZiF were joined by twelve Fellows from different European universities; in addition, nine Associated Fellows participated. Fellows spent varied periods of time at the ZiF; our work involved weekly seminars with participation either in person or remotely, together with four mini-conferences with invited contributors to join the team. Among the outputs in process are a collective book and Special Issues in other journals.

Our theme was 'In search of the global labour market: Actors, Structures and Policies'. Our work was organised around three deceptively simple questions: what is labour?, what are markets? and what is global? Our search never yielded straightforward answers, but certainly illuminated many of the complexities of the questions. In keeping with the ZiF mission, the ten-month process brought together scholars from a wide range of disciplines, with some of which we personally had only a cursory knowledge: migration research, anthropology, human geography, the sociology of markets, along with disciplines more familiar to those of us in industrial relations: sociology, law, economics, political economy and history. This was a rare opportunity to delve into topics more deeply with colleagues in less familiar fields and over a longer period of time than is now customary for academic researchers, for which we remain profoundly grateful.

This Special Issue contains work by two core members of the research project: Ursula Mense-Petermann, one of the three convenors, and Karen Shire (writing with Steffen Heinrich and Hannelore Mottweiler), one of the Fellows. Two articles stem from papers presented at the mini-conferences, by Raimund Haindorfer and Adrien Thomas. Given the exclusively European location of our project, we also sought contributors who could broaden

the geographical coverage. This resulted in the articles by Elsa Underhill, Dimitria Groutsis, Diane van den Broek and Malcolm Rimmer and by SaunJuhi Verma. All of these, in their different ways, address questions that were covered by the project, but the themes of this issue, in particular the international movement of labour, the intermediaries and regulations involved, and the trade union responses to it, represent a fairly limited range of the many topics we covered over the course of the year. Yet the experience of the project in its entirety has informed our reflections and enhanced our knowledge of global labour, so it is worth noting here the wider remit and conclusions of the project.

Below we examine in detail some of the broad questions addressed by our project, and how they relate to the present Special Issue.

What is a Market?

'The theory of the determination of wages in a free market is simply a special case of the general theory of value. Wages are the price of labour; and thus, in the absence of control, they are determined, like all prices, by supply and demand' (Hicks, 1933: 1). But is labour really a commodity like any other? And indeed, can there be such a thing as a free market? As Durkheim famously insisted (1933: 211-5), not everything in a contract is contractual: 'a contract is not sufficient unto itself, but is possible only thanks to a regulation of the contract which is originally social'. Every market system is necessarily 'embedded' in a structure of social relations: 'the anonymous market of neoclassical models is virtually non-existent in economic life and... transactions of all kinds are rife with... social connections' (Granovetter, 1985: 495). Jones (1996: 127) has summarized this argument neatly: 'markets, especially labour markets, do not function because of price-regulated individual transactions by multiple participants. Social institutions are needed which allow such transactions to take place.... The normative framework which gives particular markets their coherence and their functionality, and tempers the outright exercise of economic power, is best viewed as a form of micro-political regulation, as a social constitution.' As Aspers (one of the ZiF Fellows) puts it (2011: xi), 'markets should be understood as a basic form of coordination [and] economic actions are essentially social'.

Historically, markets emerged as merely 'accessories of economic life. As a rule, the economic system was absorbed in the social system.' In all early capitalist societies, production and distribution were tightly regulated by traditional norms and by specific statutory controls: 'regulation and markets, in effect, grew up together' (Polanyi, 1944: 68). The form of this symbiosis, however, varied in particular according to national context; and in consequence, actually existing capitalism assumes many different national configurations with considerable differences in the institutional embeddedness of markets (Crouch and Streeck, 1997).

Partly in consequence, the concept of a market is elusive; it 'has taken on so many meanings that the success of any reference to it might be attributed to very loose and partially contradictory definitions which inevitably vary from one culture and language to another' (Boyer, 1996: 96). One aspect of this variation is in degrees of abstraction: a market may simply be a local square or building where goods are bought and sold, but to speak of 'the market' is often to denote a particular interaction of forces of supply and demand (O'Neill, 1998: 3-4). One can see a local market-place, hear the cries of the traders, smell and touch (and perhaps taste) the products on sale; but 'the market' in the more abstract meaning cannot be directly observed by any of the senses. Another difference is in the range of social activity encompassed: 'markets may be defined narrowly in terms of routinized buying and selling under competitive conditions, or inclusively to embrace not only exchange but the production and consumption of the exchanged goods, and the particular property relations that hold therein' (Sayer, 1995: 98). This broader meaning typically underlies the notion of transition to 'the market' in, for example, the countries of central and eastern Europe after 1989.

In his classic analysis of the historical evolution of capitalism, Polanyi made a threefold distinction. In virtually any complex society, *markets* – the purchase and sale, or exchange, of products on the basis of some standardized notion of value – have played some role in economic life. He defined a *market economy* however as something far more specific: ‘an economic system controlled, regulated and directed by markets alone’ (1944: 68). Within a *market society*, such an economic system derived ideological legitimation from the predominance of values exalting individual freedom of contract and the self-interested pursuit of maximum economic returns within competitive markets.

As Marx famously described it, in such an environment the ‘fetishism of commodities’ dominates social relations. Marx distinguished two faces of any product, a distinction fundamental to capitalism. The first was its utility, or use value. This was a quality independent of the economic system: things in every society were made because they were useful (a concept to be understood broadly: art and culture may not be ‘useful’ in a narrow sense but contribute to human welfare). The second was exchange value (often simply termed value), the price that a product would attain in the market.

While markets existed in pre-capitalist societies, production was not normally driven by considerations of the price which a product would fetch as a commodity. But under capitalism, exchange value became more important a factor in driving the economic system than use value. If poor people needed shoes or houses, but could not pay for them, they would not be produced; conversely, luxury commodities with little intrinsic utility would be produced if the rich were willing to pay the price. More than this: increasingly, the measure of any object or activity became its price ticket. A carpenter produces a table, a tailor produces a pair of trousers, but each regards what they produce primarily as the equivalent of the money they will obtain in the market. The social relationship between people with different needs, skills and capacities is turned into a ‘fantastic relation between things’, as Marx put it: so many tables are the equivalent of so many pairs of trousers, as if their price in the market is a reflection of qualities intrinsic to their existence as tables and as trousers, rather than the outcome of far broader activities and social relations of those involved in their production and consumption. The market becomes regarded, not as an institution which is socially created, but as a force independent of human intermediation.

Is There a Labour Market?

Is the labour market a market like any other? And if so, what is the commodity that is exchanged in return for the wage or salary? Economists, and also lawyers, have long struggled with these questions. The employment contract is of necessity open-ended. Buy a kilo of potatoes and they become physically your property, while the seller parts company with them for good. But the employer does not buy a worker: that is what distinguishes wage-labour from slavery. Nor, typically, does an employment contract specify an amount of work to be performed: the flow of assignments in any job is to a greater or lesser extent unpredictable.

For this reason, as Marx insisted (drawing on the arguments of Thomas Hodgskin several decades before him), labour as such is not a commodity; what the worker sells is his or her ability to work, or ‘labour power’. But here too there is imprecision: no contract can define the amount of energy to be expended, care to be taken, initiative to be displayed. The employer’s requirements are rarely predictable in fine detail; managements therefore benefit from retaining a (usually wide) margin of discretion; conversely ‘detailed job descriptions are not economic’ (Marsden, 1999: 15). In most cases a worker agrees, as part of the employment contract, to be physically present on the employer’s premises for a period of time which may or may not be precisely specified; and to comply with the ‘reasonable’ requirements of management in accordance with ‘reasonable’ standards’ of diligence and efficiency.

What counts in law as ‘reasonable’ (or more often, as unreasonable) has to some extent been indicated by the courts. As Fox has argued (1974: 184), in practice the notional

contractual equality of employer and employee has been overlaid by the principle of unilateral disciplinary authority inherent in the feudal relationship between master and servant. However, the legally underwritten authority of the employer is in itself of limited practical effect, for few employing organizations can function without some active commitment and goodwill on the part of the workforce. At the end of the day, moreover, an employer can merely dismiss a recalcitrant employee; no court can order 'specific performance' of work obligations. In reality, then, the content of the employment contract tends to be determined by customary standards of 'a fair day's work' and by the balance of mutual dependence between employer and employee (itself affected by the shifting forces of supply and demand in the external 'labour market', as well as by product market pressures). Under normal conditions, the fine detail of what is performed in exchange for a wage or salary is continuously subject to usually tacit negotiation.

Continuous negotiation is omnipresent for a different reason. Because the employee, unlike the owner of potatoes, cannot permanently alienate his or her 'commodity', any employment contract is in principle terminable. Even a 'permanent' contract is subject to a period of notice on the part of the employee, and usually the employer also. Commons (1924: 285) stated the position starkly: the contract of employment 'is not a contract, it is a continuing implied *renewal* of contracts at every minute and hour.... The laborer is thus continuously on the labor market --- even while he is working at his job he is both producing and bargaining, and the two are inseparable.' In most employments, of course, the default option is to maintain the existing relationship; the 'implied renewal' is rarely a question of conscious decision. Nevertheless, this temporal dimension is another factor underlying the peculiar status of the labour market. Paradoxically, indeed, the more a market logic pervades the employment relationship – the more either party gives priority to a short-term calculus of costs and benefits, and hence devotes as much energy to bargaining as to producing – the less does this relationship accord with conventional ideas of commodity transactions as precise exchanges and the less likely is it to result in productive efficiency.

One further peculiarity of the employment relationship deserves emphasis. The contract of employment pertains to the worker as an *individual*; yet normally the performance of work, and hence the employment *relationship* more broadly defined, involves the workforce as a *collectivity* – what Marx termed the 'collective labourer'. There is thus a disjuncture between the formal basis of employee obligation, and the reality of productive relations at work. For all these reasons, labour is a 'fictitious commodity' (Polanyi, 1957). Yet in a different sense, the employment relationship also demonstrates a more general problem underlying purely economic conceptions of market relations.

Thus in market societies, the wage-labour relation is the product of social and political as well as purely economic forces; or rather, the economic context of employment is itself constituted by social and political structuration. Political economy, as Thompson insisted in his analysis of social protest in the early era of British capitalism, has to come to terms with a 'moral economy' grounded in the powerful hold of 'social norms and obligations' (1971: 79). Hence 'labour markets' are subject to at least three potentially conflicting types of determinant: the forces of supply and demand which economists conventionally regard as alone significant; the policy interventions of governments, which are essential to guarantee the routine operation of market relations; and the social norms which influence market actors, often in ways which cannot be comprehended in terms of simple material self-interest.

Cross-border or global labour markets?

According to the International Organization for Migration (IOM 2018), there are some 260 million international migrants in the world today, of whom 150 million are 'labour migrants'. Some 50 million are classed as 'irregular migrants'. It is estimated that 7-8 million people migrate across borders every year. The gender distribution of labour migrants is roughly

equal: about 55 percent are male. Almost half the total of cross-border workers are in North America and Western Europe.

Cross-national markets involve particularly complex forms of social and political intermediation and regulation, involving both the movement of people (migration) and the creation of what are now known as value or production chains, where people do not move but the products of their labour do, as well as the even more recent platform economy. There are many forms of intermediation, which together either facilitate or impede the creation of a cross-border labour market: technologies of cross-border mobility (transport, communications, production/value chains), the formal organization of mobility (recruitment agencies, bilateral agreements, immigration policies) and state regulation either encouraging or controlling inward or outward movement of people. Together these institutions and practices contribute to sustained forms of labour and working relations across borders.

Yet how far is cross-border labour mobility truly global? Since the often polemical debates on 'globalisation' three decades ago (Ohmae 1990; Reich 1991), it is now generally accepted that while liberalisation, financialisation and digitalisation have spurred new forms of internationalisation of trade in goods and services and new forms of labour mobility, we are far from the 'borderless world' which was once predicted. Cross-border economic integration remains to a large degree regional in character; nation-states, or at least the more powerful, retain considerable regulatory capacity; the whole idea of globalisation is more often an ideological weapon ('there is no alternative') than an analytical device (Hirst and Thompson 1996; Ruigrok and van Tulder 1995).

In terms of our specific theme, it seems that only in very limited circumstances do 'labour markets' become truly global. As Penninx argues (2017: 43), it is important to speak of "migrations" in the plural' because 'there are different types of migration'. It is still the case that much labour migration occurs *within* rather than *across* national borders. Genuine cross-national labour mobility often takes place between contiguous countries, or at least within relatively bounded geographical areas such as the European Union (EU), the focus of the majority of our authors. In some cases indeed, cross-border mobility does not involve migration: with open borders, in a densely populated continent such as Europe, cross-national travel to work can be the daily practice of many employees. In this Special Issue, both Haindorfer and Thomas discuss how workers still resident in adjacent states commute to Austria and Luxembourg respectively: a practice as easy as inter-state commuting within the USA.

In previous periods of history, cross border labour markets involved people circulating for different reasons (work, family, study, asylum) and for different periods (regular cross-border, circular, temporary, permanent). As Hirst and Thompson (1996) point out, international migration is an ancient phenomenon, and previous periods of history, such as the mid to late 19th century, may have seen greater movements of people than more recently (Czaika and de Haas 2014). But the reasons for migration, and more importantly the origins of the people migrating, have changed radically, from the movement of people from Europe to outposts of empire in the Americas, Africa and Asia Pacific, to the movement of people from those continents to the former empires and conquerors (along with North America, which went from colony to empire in a short space of time). Today, the movement of population comprises not only 'economic migrants' but also those moving for other reasons (family, students, asylum seekers and refugees) who subsequently enter the labour market.

There are substantial differences in the ability to be globally mobile. Many wealthy states seek to attract professionals (notably in the health sector) and those with scarce skills (IT, finance and management). Other occupational groups such as musicians, sports people, journalists or teachers may be able to participate in a genuinely global portfolio of employment opportunities. Some less skilled, such as domestic and care workers (largely female) and construction and agricultural workers (mainly male) may be in demand because the pay and conditions of employment in the host country are unattractive to native workers (Kofman et al. 2015). However, such workers are usually limited in their choice of destination and the economic and social rights they can enjoy. Some may move countries in stages in a

process of 'circular' migration, as Verma discusses in her contribution. They may be reliant on the growing number of agencies, networks and intermediaries operating between sets of countries: some legally sanctioned, some on the borders of illegality, some unambiguously criminal. 'At one extreme, there are smugglers and traffickers who organise labour migration under the worst conditions of dependence and exploitation. At the other extreme, there may be well-organised labour migration programmes, in which informational and facilitating functions are institutionalised in demand-driven recruitment systems' (Penninx 2017: 43).

The international movement of people has been progressively constrained for political reasons by states, through the tightening of border controls, the imposition of visa requirements and the use of restrictive work permits, although a variety of bilateral, regional and global agreements have emerged to facilitate the exchange of workers. Over time, state regulations have changed in such a way as to privilege domestic, regional or global scales in the making of labour markets (Kofman et al 2008). Often, migrants have become politically demonised: 'the idea of the foreigner as a threat, as the cause of innumerable problems, is clearly nothing new in party political propaganda. We are, however, witnessing an intensification of institutionalised violence against migrant populations, the likes of which have not been seen since World War Two. Children incarcerated, individuals detained for simple administrative irregularities which have never been ruled on, the undermining of a basic principle of the law of the sea that victims of shipwreck must be rescued...' (Vogel 2019: 41). Yet there is much evidence that tight immigration controls, rather than preventing 'unwanted' labour migration, merely encourage clandestine forms, possibly involving severe physical risks and typically increasing vulnerability to abuse and exploitation (Hyman 2019; LeBaron and Phillips 2019; Sarkhar 2017; Skrivankova 2010).

In the current period, new forms of cross-border labour performance have emerged without mobility on the part of workers themselves, as part of the growth of the digital-assisted platform economy. Millions of jobs can now be done, by those technically qualified, from almost anywhere with a requisite telecommunications system (Graham and Anwar 2018). In the first stage from the 1980s, Western companies outsourced service work to lower waged economies such as India and Philippines. In the second stage, there was a development of 'cloudwork' based on cheap computers and enhanced connectivity, which reduced costs (Graham et al., 2017). Over half the world's population now has access to the internet, and fifty million people are registered with digital work platforms.

Cross-border platform work may be understood as a specific manifestation of a broader process: the internationalisation of the 'collective labourer'. Though labour, production and products are functionally inseparable, they are subject to increasingly complex spatial divisions (Massey 1984; Peck 1996). Hopkins and Wallerstein (1986: 159) proposed the concept of the commodity chain, defined as 'a network of labor and production processes whose end result is a finished commodity', and identified cross-national production linkages as dating back to pre-capitalist times. But the much more recent expansion of multinational companies (MNCs) has involved a qualitative transformation in global production networks (Bair 2005). It is now usual to refer to a 'global value chain' (GVC), as a more flexible concept which highlights not just the undifferentiated product or service but its total value, which can vary depending on supply and demand and other economic conditions, not least the cost and disposability of labour (Gibbon and Ponte 2005). GVCs are often shaped by relative power relations between large end producers and retailers and other actors (contractors, suppliers) rather than by formal hierarchy. Workers typically possess the least power in the global commodity or value chain, but that varies depending on whether the chain is 'buyer driven', where local suppliers are at the mercy of the global firms which can easily shift production to another subcontractor or location, or 'producer driven', where it is more difficult to move production, whether because the production is capital-intensive and hard to shift, or because the workers possess particular skills that are hard to find elsewhere (Kumar 2019). There is now a considerable body of literature on moves to improve regulation of global value and commodity chains through trade union action, inter-governmental bodies and the mobilisation of social movement organisations (Anner 2015; Gumbrell-McCormick 2008; Reineke and Donaghey 2015).

The implication is thus that the spatial role of labour must be understood not only in terms of cross-border mobility, important as this is, but also in terms of the relationship between labour and capital cross-nationally. Even if labour remains fixed within its initial national territory, its status may be transnationalised by changes on the part of capital. Any processes of regulation must deal with this complex new reality.

The European Dimension

Europe is a distinctive space for cross-border labour mobility. When the Treaty of Rome established the European Economic Community (EEC, the predecessor of the current EU) in 1957, it defined the 'four freedoms' which should characterise the internal market of an integrated Europe (then encompassing only six western European countries): the free movement of goods, persons, services and capital. This entailed that workers from each member state should enjoy unrestricted access to labour markets in any of the others. Intra-EEC labour migration was thus 'normalised'. Numerically, though, the practical effect was limited: in the first post-war decades (commencing before the EEC was established), the far more significant mode of labour migration involved the admittance of what were euphemistically termed 'guest workers' from non-EEC countries with low wages and high unemployment to compensate for labour shortages in the wealthier countries, typically under highly restrictive conditions (Penninx 2017). And indeed, the migration of non-EU workers remains an important element in EU labour markets.

What was initially a common market between six western European countries has now become a Union of 28 member states (though 'Brexit' is due to reduce the number to 27), encompassing virtually the whole of western Europe and the majority of countries in central-eastern Europe. Three additional countries (Iceland, Liechtenstein and Norway) form part of the European Economic Area (EEA) and are bound by the rules of the internal market.

In the initial years, the main direction of intra-EEC labour migration was from Italy, the least economically developed member state, to the other countries, in particular Germany. Enlargement in the 1980s brought in three additional poorer countries, Greece, Portugal and Spain, giving a new boost to cross-border mobility. But far more radical were the effects of the accession in 2004 of eight countries from central-eastern Europe, followed in 2007 by Bulgaria and Romania: here the differences in living standards were dramatic. In order to cushion the effect on western labour markets, it was agreed that free movement of workers could be restricted for up to seven years, and most western countries utilised this procedure.

However, an unintended consequence was to provide incentives for other forms of mobility, often less easy to regulate, as the contributions by Mense-Petermann and by Heinrich et al. illustrate. Three mechanisms were particularly important. One was the 'posting' of workers by an employer in one member state to undertake work in another. In general, there was no provision for transitional restrictions regarding posted workers, and the use of posting expanded rapidly in countries which imposed limitations on free entry of workers. As a result, workers from low-wage countries could be sent (often by spurious 'employers') to undertake work alongside, or in place of workers in a high-wage country; but they might receive only the pay customary in their country of origin. After lengthy pressure from trade unions and some national governments, the EU eventually adopted the 1996 Posted Workers Directive, which established the broad principle that host country standards should apply, defining 'a hard core of minimum prescriptions' where the law or collective agreements of the host country should prevail (Cremers 2010: 298). 'For a long time, this Directive would be considered a crucial step towards ensuring a balance between the single market and social rights' (Degryse and Tilly 2013: 132).

A second 'loophole' was the use of temporary work agencies, often based in central-eastern Europe, to provide labour in high-wage countries. Here too, an EU Directive (adopted in 2008) sought to regulate the deployment of such workers. The aim was to

ensure 'equal treatment between agency workers and workers directly employed by the user undertaking, in terms of 'basic working and employment conditions' (Contouris and Horton 2009: 329). However, the concept of equal treatment requires the existence of a non-temporary comparator performing similar work in the same workplace; whereas in some sectors, such as seasonal agriculture, producers make exclusive use of cross-border agency workers. In addition, as with posted workers, the fact that the legal employer is based outside the country where the work is undertaken makes monitoring of wages paid difficult if not impossible.

The third widespread practice is bogus self-employment, whereby a worker is dependent on a single employer but not formally an employee. In most countries, those who are dependent self-employed are not covered by the protections of labour law or collective agreements, and often compensate for low pay through tax evasion. EU enlargement, together with the imposition of transitional arrangements for employment, brought a rapid expansion of such forms of quasi-employment, notably in sectors like construction (Muehlberger 2007).

In their discussion of the implications of cross-border labour mobility, Dølvik and Visser point to a 'trilemma' in EU policies: these rest on three 'fundamental principles' – market freedoms, equal treatment and collective employee rights – which 'cannot be realised in equal measure' (2009: 493). This trilemma was intensified by the 'Laval quartet' of judgments by the European Court of Justice (ECJ) in 2007 and 2008 (Bücker and Warneck 2010). These imposed a very narrow definition of employee rights, in particular severely restricting the legitimacy of trade union action against overseas operators who breached national employment standards, even where such action met the requirements of national legislation. In the Laval case, a Latvian company undertook a construction contract in Sweden but signed a collective agreement with a Latvian union on terms far inferior to those agreed between Swedish unions and employers in the sector; the Swedish construction union imposed a strike and boycott. In the Viking case, a Finnish ferry company re-flagged its vessels and employed Estonian crew on inferior wages; in response the Finnish union took collective action. The ECJ rulings found these actions illegal, giving clear priority to market freedoms over collective employee rights, insisting that any trade union action against 'social dumping' must be 'proportionate' and must meet a 'public interest' test. Countries with a tradition of statutory regulation (or the legal extension of collective agreements) could still argue that labour market rules are applied in a universal and hence non-discriminatory fashion, and thus meet the ECJ requirements. But the judgments were a particular challenge for 'voluntarist' industrial relations systems, as in the Nordic countries where both the Viking and Laval cases arose and where unions rely on the threat of industrial action to sustain high bargaining coverage (Woolfson et al. 2010). This threat remains unresolved.

Trade Unions and Labour Migration

How far, and how, do trade unions engage with labour migration and with migrant workers? There is by now an enormous literature on these questions, and this is a key theme in four of the contributions to this Special Issue – those by Mense-Petermann, Heinrich et al., Thomas and Underhill et al. – but for reasons of space we address them only very briefly.

Visser (2019: 33-34) discusses unionisation rates among migrant workers. Reliable data are available only for Europe, and he reports that 'with few exceptions... migrant workers are less unionized than native workers': they are roughly only three-quarters as likely to be union members. The difference may be smaller than might be expected, given that migrants may be concentrated in precarious jobs, may fear victimisation, and may be unfamiliar with the industrial relations institutions of the host country. However the differential varies substantially across countries; one plausible explanation is that this reflects 'differences in union policies'.

In their study of seven west European countries, Penninx and Roosblad (2000) identified three 'dilemmas' which confronted trade unions. The first concerned policies towards cross-border labour mobility: did they perceive the efforts of employers and governments to recruit foreign workers as a threat to the jobs and conditions of their own members and hence resist immigration, or did they accept the process but seek to regulate it? Second, did they regard foreign workers as second-class citizens for whom union membership was irrelevant, or did they seek to include them in their own ranks? Third, if they did attempt to unionise migrants, did they adopt a 'universalistic' approach, seeing them as workers like any others, or did they see them as a group with special needs requiring a differentiated union approach? In other words, was this constituency perceived as workers who happened to be migrants, or as migrants who happened to be workers (Alberti et al. 2013). Penninx and Roosblad found that union responses to each of these 'dilemmas' varied considerably across countries.

In revisiting these issues, Marino et al. (2017a and 2017b) note that union approaches have evolved considerably in the intervening years. Responses to the first dilemma have been shaped by eastwards EU enlargement, as discussed above. As Meardi (2012) has shown, there have been major cross-national differences in union attitudes, particularly regarding the imposition of transitional restrictions. Responses to the second dilemma have been influenced by the decline in union density (and hence bargaining power) in most countries; as part of a strategy of 'union renewal', unions in many countries have increased their attention to previously neglected groups such as migrant workers (Gumbrell-McCormick and Hyman 2018; Hyman and Gumbrell-McCormick 2017). This in turn affects perspectives on the third issue: if unions attempt seriously to recruit and represent migrant workers, their distinctive circumstances become increasingly apparent; and to the extent to which they achieve a voice within union policy-making, they themselves help shape the union agenda. Increasingly, European unions have provided services such as language training, helped migrants navigate complex social security, and pressed for the legalisation of the status of undocumented workers.

As Visser comments (2019: 32-33), 'by 2000 in North America, Western Europe and South-East Asia, trade unions had become more "inclusionary" towards international migrants.... They began to support legal channels for labour immigration and place more emphasis on the organization of migrants, sometimes through special offices and structures within the unions and alliances with civil action groups'. In the USA, the AFL-CIO 'adopted a pro-immigrant policy stance, abandoning its previous support for restrictive measures. It now embraces the cause of immigrant rights and a path to legalization for undocumented workers from Central and South America.' In Europe, 'unions today focus more on the situation and treatment of migrants present in the country than on the management of channels of entry'.

Nevertheless, important cross-national differences remain. As Connolly et al. (2014: 5) insist, these reflect not only material factors such as levels of migration, labour market conditions, the institutional framework of industrial relations and the political context, but also more subtle variations in trade union ideologies and identities. They identify 'three main logics that inform trade union action: class, race/ethnicity and social rights; these are used implicitly or explicitly in building representative action. Our analysis shows how trade unions in each country tend to give priority to certain specific logics rather than others'. This clearly entails that any analysis of union policies towards migrants requires subtle and complex modes of analysis.

The Contributions to the Special Issue

The German meat-processing industry makes extensive use of labour from central-eastern Europe. Mense-Petermann presents a study of the 'transnational labour market' operating in a district with one of the largest concentrations of abattoirs and processing factories. Migrant workers were 'posted' by contractors in their home countries, with wages set at home-country levels and without eligibility for German social security benefits. Since their formal

employer was not German, they were not covered by the main institutions of German industrial relations. The process was mediated by a range of recruitment agencies, often operating on the margins of the law. In consequence, working conditions were often appalling and there was a high degree of exploitation. The sectoral trade union was relatively weak, but it achieved some success by moving beyond traditional industrial relations methods to the 'naming and shaming' of particularly abusive employers and by pursuing actions in the courts. Regional and federal governments were spurred to intervene, and the outcome was a shift from posting to employment under German legal and social security systems, bringing significant material improvements and a 'reordering of the transnational labour market'.

The contribution by Heinrich et al. addresses analogous issues, though from a broader comparative perspective. The authors examine the role of temporary work agencies in Germany, the Netherlands and Poland, and also more generally at EU level. A key concern is the capacity of trade unions to respond effectively to the regulatory challenges associated with cross-border agency work. In a parallel analysis to that of Penninx and Roosblad, they distinguish between strategies of 'exclusion', 'selective representation' and 'inclusion'. The study reveals conflicts of interest both between and within countries, but shows evidence of growing trade union influence on the regulation of cross-border agencies and at least some examples of effective though nonetheless selective transnational cooperation.

As noted above, cross-border commuting is an important feature of some national labour markets within the EU, and this is the focus of the two following contributions. Thomas presents the case of Luxembourg, a small country where the labour market has long been internationalised. Almost half of all workers are *frontaliers*, commuting daily from neighbouring countries, particularly to work in financial services; a quarter are settled migrants, mainly in lower-skilled jobs; leaving just over a quarter who are native residents, who are strongly represented in the public sector. Trade unions have thus been obliged to address this diversity within the workforce. One response has been to cooperate with trade unions in the countries of residence of cross-border commuters. Another has been to attempt to integrate migrants into existing union structures, particularly through the offer of services. A third has been to adapt to the needs of non-native workers, for example by creating special sections within the union. Despite overall success, unionisation of a diverse workforce has involved distributional conflicts and political dilemmas.

Cross-border commuting into Austria has had very different dynamics from experience in Luxembourg. Until the fall of the Berlin Wall, the countries to the north-east – the Czech Republic, Slovakia and Hungary – were behind the iron curtain. Only with EU enlargement in 2004 and the end of transitional restrictions in 2011 did free movement of labour become possible. Haindorfer focuses at the individual level on the experiences of east-west commuters. In the main, they enter the lower end of a segmented labour market, undertaking jobs with poor pay and conditions which native Austrians are reluctant to accept. Often they are overqualified for the work they do. Nevertheless, life satisfaction research suggests that overall, these commuters view their situation positively. Even though exploited in Austrian terms, their pay is higher than they could achieve at home, while their living costs remain those prevailing in their home country.

The Australian study by Underhill et al., like that of Germany by Mense-Petermann, focuses on migrant workers in food production. As in so many other countries, the cross-border labour market involves multiple forms of exploitation. The largest group hold one-year 'working holiday-maker' visas, which can in principle be extended for a second year. The second largest group are undocumented workers, mainly from Asia, while the third group come from the Pacific islands. All three groups are subject to different forms of vulnerability. Trade unions have responded in various ways: lobbying government for better regulation, adapting traditional workplace organisation to a multi-lingual workforce, deploying 'network collectivism' (a blend of union organisation, community organising, transnational union co-operation and ethno-based social media). The latter in particular has resulted in some successes, though these remain fragile.

In the final contribution, Verma examines the circular migration of temporary 'guest workers' from India to the Gulf States and onwards to the USA. Such workers are typically recruited by government-authorised labour brokers who promise secure and well-paid jobs, but they end up with huge debts, suffer exploitative labour conditions and face the constant risk of deportation. She argues that governments which initiate the temporary worker schemes are co-responsible for abusive practices. Both sending and receiving countries authorise third-party intermediaries who facilitate the violation of formal labour standards. The migrant workers are 'disenfranchised through regulatory processes yet still bound to systems of immigration enforcement'.

The contributions to this Special Issue constitute a rich and varied set of analyses of the problematics of 'global labour markets'. Of course, six perspectives on such a vast phenomenon can offer only a very partial overview. Though we have transcended a purely Eurocentric coverage, a full evaluation clearly requires a much broader geographical focus, as well as more systematic cross-national comparison. Most of the authors discuss relatively low-skilled sectors of work. Such jobs are indeed the main vectors of labour migration, but it would be important to include in our analyses the supply of and demand for workers with scarcer and more distinctive skills. All this is however a task for further research, which we hope this Special Issue will help to stimulate.

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