

Luxembourg illustrates how trade unions have responded to the challenges posed by free movement in the EU

*Freedom of movement in the EU has often been viewed as a threat to trade unions, with an increased supply of labour assumed to be a factor in undermining the ability of unions to lobby employers for better working conditions. But how have trade unions responded to freedom of movement? Using Luxembourg as a case study, **Adrien Thomas** writes that while trade unions have developed services for migrant workers, there are still a number of obstacles in place that prevent such workers from participating fully in the decisions made by unions.*



Immigration and the free movement of labour have moved to centre stage in recent public debates in many European countries. The UK, for example, like other Northern European countries, has witnessed strong debates over immigration from Eastern European countries and possible limitations to the freedom of movement of EU citizens. Swiss voters **decided** in February 2014 to impose curbs on immigrants and to introduce immigration quotas, thereby calling into question bilateral agreements with the EU on the free movement of labour, one of its founding pillars.

The literature on industrial relations often views European unification, like globalisation, as a threat to trade unions. Trade unions are considered primarily dependent on domestic power resources deriving from their embeddedness in national institutions. Accordingly, work migrations and developments such as the eastern enlargement of the EU are chiefly viewed as a threat to trade unions' bargaining power over wages and working conditions, thus potentially contributing to a deterioration of working conditions.

Contrary to these approaches, recent research demonstrates that EU legislation on the free movement of labour, entailing the right to work and reside in another member state and ensuring equal treatment with regard to access to employment, working conditions and social advantages, may be used by trade unions as a resource to maintain social standards and unionise migrant workers.

In a **recent study**, I have drawn on the example of Luxembourg to investigate the shifting boundaries of inclusion and exclusion of migrant workers in trade unions. Belonging to the historical core of the EU and having a long history of international migrations, Luxembourg can be considered a laboratory that provides valuable insights into broader issues of transnational citizenship rights.

The results of my analysis show that Luxembourg's trade unions have used European regulations on the free movement of labour as a legal infrastructure to develop services for migrant workers. At the same time, the free movement of labour and equality of treatment have come to permeate trade union strategies and rhetoric. However, with regard to the inclusion of migrant workers in decision-making processes and access to leadership positions, obstacles to effective participation by migrant workers persist.

Equality of treatment: a common framework for servicing union members

The two main trade unions in Luxembourg – the Social democrat OGBL union and the Christian democrat LCGB union – have used the European rules on free movement of workers, and in particular on the coordination of social security systems, as a common legal infrastructure to inform and deliver legal advice to migrant workers. The principles of the coordination of social security systems are meant to ensure equality of treatment for migrant workers within the EU by guaranteeing that the periods of insurance acquired under different national systems are aggregated

and that social security benefits are exportable to all EU countries.

However, despite the stipulations on the coordination of social security systems, migrant workers with professional careers in several countries may have difficulty asserting their rights because of differences between national laws regarding, for example, legal retirement ages, unemployment entitlements and disability pensions. Trade unions have responded to the ensuing demand for information and advice by offering services concerning social security issues, labour law and taxation. These services consist of providing information, assisting employees in their dealings with public administrations and social security institutions, and even providing legal representation.

The adoption of a Europeanised discourse

In addition, the enactment of free movement of labour has had important effects on the trade unions' political attitudes concerning immigration. With the signing of the 1957 treaty of Rome and the gradual enactment of free movement of labour within the European Economic Community (EEC), trade unions in Luxembourg fairly rapidly came to accept the implementation of freedom of movement, considering it inevitable. Trade unions readily believed that free movement of labour would bring about a different migratory configuration by giving new rights to migrant workers and contributing to a shift from seasonal to long-term migration. As the presence of migrant workers ceased to be considered temporary, unionising them became an issue.

The dispositions on freedom of movement have further become an argument for advocating and mobilising on behalf of migrant workers. The principles of equality of treatment with regard to access to employment, working conditions, and tax and social advantages have become a resource for legitimising union demands concerning migrant workers. Trade unions rely heavily on the notions of equality of treatment and non-discrimination when acting in defence of migrant workers' right to access social benefits.

Limits to political participation

Access to social rights, however, has not been fully accompanied by access to trade union decision-making processes, resulting in different degrees of union membership. Even if all union members have formally equal rights, migrant workers are under-represented in trade union leadership positions. The dense interactions between the trade unions and the domestic political sphere, which continues, to a large extent, to be the preserve of nationals, contributes to defining the social resources necessary to engage in peak-level union activities and favours the ascent to leadership positions of union officials who are at ease in domestic party politics, embedded in local social relations and, last but not least, able to speak the national language used in political debates, *Lëtzebuergesch*.

The shifting boundaries of inclusion and exclusion within trade unions demonstrate the impact of free movement of labour. The principles of freedom of movement for workers – non-discrimination and coordination of social security – have been interiorised and actively used by trade unions. The emphasis on assistance and advice by Luxembourg trade unions disseminates information on labour laws and collective agreements, thereby helping to ensure that regulations are enforced and employment standards (e.g., working conditions and wages, access to social security benefits, training) maintained.

European rules and regulations are often depicted as complex and distant from citizens. The example of the EU rules on free movement of labour, specifically on the coordination of social security systems, provide, however, an example of an appropriation by social actors such as trade unions of European legislation.

The results of the research I have conducted underline the relevance of the social dimensions of European citizenship, which have been gradually developed within the framework of freedom of movement. Limiting the rights associated with freedom of movement would thus represent a step backwards on an issue where European unification has brought tangible benefits to citizens.

For a longer discussion of this topic, see the author's recent article in the [Journal of Common Market Studies](#)

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