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Organising migrants as workers or as migrant workers? Intersectionality, trade unions and precarious work

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This paper considers precarious work from the point of view of trade union practice in the area of equality and diversity, exploring the way in which unions organise and recruit low-paid, vulnerable migrant workers. A theoretical approach is developed in order to understand the particular vulnerability and diversity of migrant workers in the labour market. Insights from the literature on intersectionality are applied to the study of employment, industrial relations and human resource management practice. Drawing from four case studies, the strategies of three UK trade unions towards organising low-paid migrants are compared. It is concluded that trade unions tend to consider migrants primarily as *workers* (taking on a so-called ‘universalistic’ approach), rather than as *migrant workers* with particular and overlapping forms of oppression (a ‘particularistic’ approach). As a result, unions tend to construct a dichotomy between workplace and migration issues, impeding the effective involvement of diverse and marginalised workers into unions. Based on these findings, we argue that *integrating* universalistic and particularistic approaches to union organising and recruitment strategies is critical to promote the successful involvement of vulnerable migrants into trade unions.

Keywords: diversity; equality; intersectionality; migrants; trade unions; vulnerability

Migrants as vulnerable and precarious labour: challenges for trade unions

As a result of the neoliberal economic climate of the last few decades, and the increase in war and natural disasters around the world, we have seen a considerable increase in the migration of workers. The desire for a better life has seen the movement of workers proliferate so that there are now an estimated 214 million migrants globally (Holgate 2012). Many of these workers are in low-paid jobs in unregulated sections of the labour market where they are often segregated from indigenous workers (Milkman 2006; Thornley, Jefferys and Appay 2010; Wills et al. 2010). As such, they are vulnerable to considerable exploitation and abuse, where their jobs are precarious and they do not benefit from union protection.

For many vulnerable migrant workers the benefits of equality and diversity measures, such as adherence to legislation or human resource management (HRM) good practice, are non-existent in the organisations within which they work (Dutton et al. 2008; Lloyd, Mason and Mayhew 2008; Lucas and Mansfield 2010; Ruhs and Anderson 2010). In the absence of HRM programmes tailored to support migrant workers, this paper highlights alternative avenues through which unions and migrant workers can address key employment rights and conditions. While there has been a plethora of studies examining how managers and employers can address the disadvantage of migrant workers by promoting diversity and equality in the workplace through the implementation of human

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resource policies (Konrad and Linnehan 1995; Kossek, Lobel and Brown 2005; Subeliani and Tsogas 2005; Shen, Chanda, D'Netto and Monga 2009), an under-researched area to date concerns the extent to which unions are applying good equality and diversity practice in the way they recruit and organise such workers. While trade unions play a key role in influencing diversity and equality strategies by contributing to the joint regulation of employment and the organisation of work (Martínez Lucio and Weston 1992; Greene, Kirton and Wrench 2005; Kirton and Greene 2006), this paper asks to what extent these strategies are considered in the context of their own organisational practice. In other words, do unions apply good diversity and equality practice in the day-to-day recruitment and organisation of their members?

For their part, unions around the world have increasingly recognised that in order to protect their members' interests and to challenge levels of exploitation, there is a need to draw migrant workers into union membership (Holgate 2012). This has led to debate about the way unions can develop new strategies to organise migrants into unions and community-based organisations (Milkman 2000; Fine 2005; Gordon 2005; Holgate 2005; Fine and Ticheno 2009; International Labour Organisation 2010). This research examines different trade union campaigns and strategies that aim at reducing the marginalisation of migrants as vulnerable, precarious workers in their workplaces and communities. In doing so, the specific contribution of this paper lies in the examination of whether consideration of the complex identities and specific vulnerabilities of migrants makes a difference to unions in their organising and migrant engagement strategies. Specifically, the research questions consider how UK unions conceptualise the organisation and recruitment of new members in terms of equality and diversity; and whether this affects the way they strategise campaigns to organise vulnerable migrants.

Migrant workers' vulnerability in the UK context

In the UK, the term 'vulnerable work' has been explicitly used to describe the employment conditions of migrants against the backdrop of increased immigration during the 2000s (Trade Union Congress [TUC] 2008; O'Reilly, MacInnes, Nazio and Roche 2010). The capacity of workers to defend themselves from employers' abuse – a key element in the definition of vulnerability according to the UK government's Commission on Vulnerable Employment (TUC 2008) – is further reduced in the case of some migrants, given their dependency on a particular employer. Recent research on migrant employment in the UK has shown how industries such as hospitality, care work, domestic services and cleaning (covered in this study) are highly populated by foreign-born workers, and often this type of work is associated with poor working conditions such as long and antisocial working hours, low pay, bullying and harassment (Ruhs and Anderson 2010).

The UK regulatory context contributes to the vulnerability of migrants in the workplace. According to the UK's points-based system (PBS), which regulates the immigration of non-EU workers, only those with high educational qualifications and earnings are able to apply for permanent settlement. Any migrant employed under tier 2 or below ('skilled' or 'low-skilled') is dependent on a work permit sponsored by their employer, a factor that contributes to their uncertain and temporary status (Anderson 2010). Although EU workers appear less constrained by their immigration status, as their mobility is not regulated under the PBS, research has documented how Eastern European migrants from the Accession countries ('A8¹') have continued to suffer forms of discrimination, insecure conditions and poor pay, racial stereotyping and skill degradation (Anderson, Ruhs, Rogaly and Spencer 2006; Ciupijus 2011). According to recent releases

by the Office for National Statistics (ONS) in the first quarter of 2011, 38.3% of all 'A8 migrants' working in the UK were in low-skill jobs, while only 7.8% were in high-skill jobs. Moreover, between 2002 and 2011, there has been a substantial increase in the number of non-UK born workers in low-skill jobs from countries outside the EU (ONS 2011).

Recently arrived migrants tend to be more numerous among 'temps' and agency workers and work under more insecure and unprotected conditions (Forde, Slater and Green 2008; McDowell, Batnitzky and Dyer 2008; McKay 2008; TUC 2008). Among these workers, some work illegally in the UK (e.g. A8 migrants), while those coming from outside the EU are either dependent on a temporary work permit or undocumented. The latter suffer the double disadvantage of being unable to complain for fear of facing deportation and they cannot enforce their contractual terms because they are illegally employed (TUC 2007). Also, for those who are working legally in the UK, if they are in workplaces where there is no HRM programme in place or monitoring undertaken by workplace authorities, it is difficult for them to enforce their rights at work. The Commission on Vulnerable Employment found that, even where there is high risk of minimum wages breaches, working time regulation and cases of unlawful deductions, chances of inspections by enforcement agencies are 'unacceptably low' (TUC 2008, p. 39). Independently from their juridical status, recently arrived migrants have generally limited access to legal expertise, collective bargaining and representation through union membership (McKay 2008). However, over the last decade, trade unions in the UK have made an effort to tackle the conditions of these specific groups of workers by developing new strategies for their inclusion. The next section considers how unions have historically framed the identities of workers and how this has influenced their approaches towards migrant workers and their equality and diversity issues.

Organising migrants as migrants or simply workers?

Trade unions are characterised as organisations established to represent the collective interests of workers – as workers – in the workplace. The aim of unions is thus, primarily, to negotiate with employers and governments to defend and improve the conditions in which workers sell their labour to capital (Flanders 1972; Hyman 1975). This basic economic position prioritises contractual terms and conditions over wider social justice claims such as the right not to be discriminated against on the basis of 'race', gender, sexuality, disability, age, belief or religion. While this may be an internally consistent position, based on a narrow view of capital/labour relations and the exploitation of workers, it tends to give only secondary importance to intra-class divisions (intersections) that are crucial to the ways in which certain workers are segmented, marginalised and exploited. Historically, this debate has focused around the primacy of class in the practical struggles against exploitation rather than the nature of the particular intersections of 'race', class, gender or other forms of discrimination (see for example debates in Cox 1970; Rowbotham, Segal and Wainwright 1979; Gilroy 1987; Balibar and Wallerstein 1991). In practice, trade unions have had a wider social agenda and have, at times, also played significant roles in wider social justice issues, although generally, issues of equality, cultural recognition and wider social issues have been secondary to the main (class-based) focus – the pay and working conditions of workers.

It has been argued that the shift in orientation in the 1960s towards identity politics or social and cultural issues set groups of workers against each other, making it more difficult to pursue the political project of class politics or socialism (Hobsbawm 1996). However,

this presupposes that there was/is one collective identity, *universally defined* in terms of class that requires individuals to ‘set aside’ their other identities while pursuing homogenous class interests. Moreover, this ‘primacy of class’ approach fails to answer the question of why individuals or groups have felt excluded from trade unions and social movements and why the vast majority of the working class remains outside the realm of class-based politics. More recently, the addition of claims for economic *and* social justice, as well as cultural recognition, within a framework of intersectionality, has opened up space for consideration of the multiple and interlocking experiences of oppression (Crenshaw 1989; Matsuda 1990; McCall 2005). This paper considers what intersectionality means within the context of trade union practice, particularly in the field of equality and diversity.

Crenshaw initiated the academic debates around intersectionality in the late 1980s, identifying the effects of both gender and race inequality with regard to black women (Crenshaw 1989). Highlighting the limits of anti-discrimination legislation constraining black women to assert *either* their race-based *or* their gender-based claims in courts, she argued that ‘Because of their intersectional identity as both women *and* of color within discourses that are shaped to respond to one *or* the other, women of color are marginalized within both’ (Crenshaw 1993, p. 1244). Since then, feminist academic work in the field of HRM and industrial relations has drawn upon the notion of intersectionality to highlight the importance of a move away from thinking of homogeneous social groups (e.g. women) to the multiple overlapping categories (e.g. ‘race’, gender, class) that make heterogeneous social groups (Healy, Kirton and Noon 2010; Holgate, Pollert, Keles and Kumarappan 2012; Tatli and Özbilgin 2012). However, the primacy of an individualised and business-based approach to equality and diversity as core functions of HRM has led to an underestimation of the role of trade unions as key actors in the development of the equality agenda, especially with regard to the inclusion of precarious migrant workers. Thus far, intersectional and ‘multi-categorical’ analyses of workplace diversity have been more developed in the field of organisation studies where they have focused on performance (Janssens and Zanoni 2005; Holvino 2010), organisational and individual work–life issues (Özbilgin, Beauregard, Tatli and Bell 2011), and much less in the field of industrial relations. As Holgate, McBride and Hebson (2006, p. 325) have argued: ‘a sole focus on class, to the exclusion of ethnicity or gender sometimes fails to uncover the myriad of social processes that positions workers in the labour market and the workplace’. Similarly, this paper argues that this omission has taken place in the context of trade union practices and particularly in their framing of the identities of workers.

There has been a considerable body of research highlighting issues such as the self-organisation of trade unionists (for example, McBride 2001; Bradley, Healy and Mukerjee 2002; Healy, Bradley and Mukerjee 2004; Davis, McKenzie and Sullivan 2006), challenging racism and the organisation of black and minority ethnic workers (Holgate 2004; Davis et al. 2006), trade unions attitudes to ‘diversity management’ (see for instance Greene et al. 2005; Kirton and Greene 2006) and more recently, analysis of the gendered roles of leadership in trade unions (Karmowska and James 2012; Kirton and Healy 2012; Ledwith and Hansen 2013). However, research on union responses to the specific dimension of vulnerability experienced by a particular group of precarious workers, such as those who are foreign-born and working in low-paid sectors of the economy, is largely underdeveloped. Also, past studies of workplace diversity and equality have tended to focus on ‘traditional’ forms of worker vulnerability based on racial/ethnic and gender discrimination (Ogbonna and Harris 2006; Noon 2007), and only a few have focused on the interaction between categories of difference and exclusion including age and class

(Bamberger, Kohn and Nahum-Shani 2008; Moore 2009). Within the wider field of equality and diversity practice in trade unions, this paper adopts an analytical lens that focuses on the intersection between race/ethnicity, nationality, migrant status and worker (class). It pays particular attention to the ways in which unions in the UK frame and engage with the social differentiation of their members.

Operationalising intersectionality

The concept of intersectionality is key from both a methodological perspective and in terms of providing a framework for analysing the data in this paper. A number of writers have noted the difficulties in operationalising an intersectional approach to research (Healy et al. 2010). Central to this is an understanding of the complexities of social identities and how the adoption of categories (if any) has its own problems and limitations. Similarly, by placing people into fixed analytical categories, there is a tendency to become too focused on a particular classification, which may neglect or marginalise the impact of other aspects of an individual's identity.

As Matsuda (1990, p. 1189) suggested, intersectionality can be understood as the way to always 'ask the other question', by which she means that it is important to interrogate the dimension of discrimination that is less visible in each individual in order to grasp the totality of their lived experience. Following the specific approach to intersectionality applied by Matsuda and other feminist scholars and geographers of transnational migration (McDowell 2008), the authors argue that the dimensions of social inequality are multiple, intersecting and complex, and that they should be understood in a 'non-cumulative' way. Thus an 'intra-categorical' intersectional framework was selected (McCall 2005) which focuses on the neglected points of intersection in any particular social group. In the present research, this meant trying to understand the lives of migrant workers, not just as migrants, or as workers, but as people whose lived experiences are an intersecting combination of social and economic inequalities where power relations cannot be neatly packaged.

This paper engages with the concept of intersectionality so as to understand the multiple identities and experiences of oppression experienced by migrant workers. In addition, it allows for the exploration of whether unions are still, ideologically, committed to a primarily class-based analysis of worker exploitation where some aspects are deemed secondary (or in some cases ignored). From the case studies presented here, it appears that when the latter was true, it was likely to impact upon the way in which the organising of migrant workers was carried out in practice.

Data and methods

This study compares strategies adopted by the three largest UK trade unions – Unite, Unison and the GMB – towards the recruitment and inclusion of migrant workers exploring the extent to which equality and diversity was considered in organising practice. Through original field research, four specific cases or campaigns were examined, namely:

- the Justice for Janitors campaign (Unite);
- the hotel workers campaign (Unite);
- the Filipino care workers campaign (Unison);
- the creation of a migrant workers branch (GMB).

These unions were selected as they were most likely, as general unions, to cover large sections of the labour market where migrant workers are present, namely hospitality,

cleaning, health care and catering. In addition, the four case studies vary in terms of workplaces and industries, regions in the UK and migrant populations, and display successes as well as failures, thus offering fruitful comparison.

The data were collected between 2004 and 2012² mainly based on participant observation and in-depth, semi-structured interviews lasting between 30 min and 90 min. The first pool of contacts was obtained by attending union and community organisation meetings and further interviewees were derived from snowball sampling. People were interviewed from different layers within the organisations in order to capture a range of views and experiences. A total of 65 interviews were conducted with national and regional union officers (23), union organisers (5), community organisers (14), representatives of migrant associations (10), workers (11) and scholars with a particular expertise on the topic (2). The distribution of the different categories of interviewees was more or less even across the case studies.

The researchers attended meetings with the unions and the community-based organisation, London Citizens. Fieldnotes were generated and many informal conversations were held with trade unionists, community organisers, activists and workers. The migrant workers and activists were interviewed in their communities and during after-work activities, engaging in conversations about their lack of workplace voice, trade union involvement and the difficulties encountered in their working lives. The use of participant observation was particularly valuable in applying intersectionality as it covered work and non-work environments, trade union and community spaces. This made it possible to gain a more nuanced understanding of the intersection of different forms of oppression in the lives of these workers, and to analyse more carefully to what extent workers' identities and issues of equality and diversity were (or were not) taken into consideration during union organising campaigns.

The research used a qualitative, inductive approach. Data collection was determined through ongoing interpretation and emerging conceptual categories rather than a priori hypotheses. The data were coded according to the following thematic case comparisons: the typology of each campaign or trade union project (e.g. whether they were traditional industrial branches based on workplace issues or migrant-tailored ad hoc projects); the type of services offered to migrant workers in low-paid and insecure jobs in order to increase their involvement in trade unions and reduce their vulnerability in their workplaces (e.g. language classes, rights at work and representation training); the mobilising strategies adopted by trade unions in order to engage migrants (e.g. collaboration with community groups) and future challenges for trade unions in this area. This process helped to sort the data into manageable categories to enable comparisons across the different case studies and to evaluate the relative success of the organising efforts.

The case studies

Among the case studies, the authors examined two specific campaigns by the union Unite: the Justice for Cleaners (JfC) campaign and the hotel workers campaign; both campaigns took place primarily in London. In the first case study, the community-based organisation The East London Citizens Organisation (TELCO)³ started a living-wage campaign in 2001, fighting for better pay and working conditions for cleaners at big banks based in Canary Wharf. The broad public support for this campaign and the small victories gained the attention of the unions, and in 2004, Unite (formerly the Transport and General Workers Union)⁴ started the JfC campaign to unionise cleaners, a majority of whom were from minority ethnic groups, at the financial centre Canary Wharf. The campaign was

relatively successful with the union setting up a specific branch for cleaners comprising around 2000 members. The union focused on developing the leadership capacities of cleaners and recruited some of them as staff organisers to help with running the campaign. In addition, Unite received financial support through the government's Union Modernisation Fund and established a national Migrant Workers Support Unit (MWSU) designed to provide key services, such as translation and advice on employment rights to migrant worker members (Connolly, Marino and Martinez Lucio 2012; Mustchin 2012). The JfC campaign was diffused to other sectors and was picked up by other unions, such as the National Union of Rail, Maritime and Transport Workers that also started a campaign for cleaners among migrant workers in the London Underground transport network.

The second Unite case study examines a hotel workers campaign led by the union's London hotel branch and, again, the community organisation London Citizens. Between 2007 and 2009, Unite and the London Citizens attempted to unionise low-paid migrant workers in large hotels belonging to the Hilton and the Hyatt international chains. The unionisation attempt in the Hyatt ended in failure, mainly because of the inadequate involvement of the migrant workers themselves, exaggerated pressure on workers to join the union, management victimisation, and bullying and harassment of the few workers who became active in the recruitment and organising activity. Furthermore, Unite and London Citizens tended to reinforce the existing internal divisions between long-term settled migrant workers and newly arrived Eastern European migrants, considering the latter too weak to successfully collectivise. Another factor weakening the organising effort was the lack of effective collaboration between the hotel branch, with its focus on organising workers on workplace-based issues, and the MWSU, with its focus mainly on the provision of advice on wider social issues in multiple languages tailored to migrant workers.

The Unison case study investigates the union's work regarding the Filipino care workers campaign. Massive skill shortages in the UK prompted the government to open up its borders and recruit approximately 20,000 overseas care workers, primarily from the Philippines. In 2007, however, UK immigration policy changed and, in order to renew permits, skills and qualifications at the National Vocational Qualification (NVQ) Level 3 were required to take up these jobs (Kanlungan 2009). As they were unable to provide this certificate, more than 3500 care workers did not receive a renewed work permit and thus faced deportation. The well-organised Filipino community in London took action, opposing the new legislation by lobbying Parliamentarians. Eventually, Unison joined a Filipino advocacy group in challenging the new UK policies on work permits for care workers. Unison's key tactic in this campaign was lobbying MPs to achieve substantial change in immigration policy and, ultimately as part of a transition period, the NVQ certification criteria was waived. Unison's involvement with the Filipino care workers was principally a push for economic integration of those migrant workers into the UK labour market. As a result, many of the Filipino migrant workers became members of the union.

Finally, the GMB case study examines the first formation of a specific migrant workers trade union branch in the UK. In 2006, the GMB Southern Region set up such a branch in Southampton, where it is estimated that 30,000 Polish workers lived, comprising 10% of the population of the city. The branch consisted of about 500 members, mainly from Poland but including workers from Pakistan, Lithuania, the Czech Republic and Slovakia. The GMB was able to organise these workers mainly through training and education, offering ESOL (English for Speakers of Other Languages) classes and advice on employment issues. The setting up of this separate branch, however, did not occur without controversy. The GMB was accused of having a separatist, instead of integrative approach towards migrant workers, even though the Regional Secretary referred to the branch as a

‘holding branch’, and a transfer to local branches was foreseen. However, this transfer never occurred, the funding for the migrant branch remained unsustainable, and the migrant workers branch eventually dissolved.

Tensions between the universalistic and particularistic approach to organising and recruiting migrant workers

The two overarching categories emerging from this comparative study were whether trade unions endorsed what the authors call a ‘universalistic’ or a ‘particularistic’ approach towards the recruitment and organisation of migrant workers. The former approach is based on a supposedly homogeneous worker identity, while the latter targets migrant workers as members of specific ethnic communities, or as migrants with specific social and workplace needs. According to the main categories of analysis comprising the approach to intersectionality undertaken here, the following section explores the effect of taking a universalistic or particularistic approach to the organisation, recruitment and inclusion of migrant workers into trade unions. The research therefore asked: did the unions consider the multiple and intersectional identities of migrant workers and, if so, how did this influence the outcomes of their organising and recruiting efforts? What are the limitations and potential for unions, as HRM actors intervening in the field of equality and diversity to reduce the vulnerability of migrant workers?

Table 1 illustrates the categorisation of trade union approaches to the organisations of migrant workers in each of the case studies.

First, the two campaigns conducted by the union Unite are considered. The relationship between Unite’s industrial branches and their MWSU illustrates some of the tensions in the different framing of the identities of migrant workers and contributes to explaining the relative success of Unite in involving migrants in their ‘JfC’ campaign versus their relative failure in involving migrants in their hotel workers campaign.

Table 1. Trade union approaches towards organising migrant workers: implications for strategy.

<i>Trade union</i>	<i>Campaign</i>	<i>Approach</i>	<i>Challenges</i>
Unite	Justice for Cleaners	Universalistic Migrant Workers Support Unit (MWSU): particularistic Synergy between the union branch and the MWSU	Integration of cleaners branch within broader union structure
Unite	Hotel workers	Universalistic Lack of a relationship with the MWSU	Dichotomy created between organising and servicing; difficulty to organise divided migrant hotel workers
Unison	Filipino care workers	Particularistic: campaign exclusively focused on Filipino care workers Universalistic: Filipino workers become members of Unison	Active involvement of Filipino workers in broader union is limited
GMB	Migrant workers branch	Particularistic: set-up of specific migrant workers branch	Dichotomy created between organising and servicing; Separate structure was unsustainable

Established in 2007, as a two-year pilot project, the MWSU was part of Unite's national organising department and constituted a core element of the UK government's Union Modernisation Fund strategy to improve the union representation of diverse workforces. The MWSU was set up to develop tailored services for migrant workers, such as a helpline with interpreters in different languages; training for union officers; employment, welfare and community advice; as well as the development of 'advocacy activities' to influence the government's immigration policy. While offering services that it considered would match the requirements of migrant workers, the project worker from the MWSU emphasised that the unit adopted Unite's general principle that: 'the whole point of a union is to have freedom of association and to bargain collectively no matter where you are from' (Interview with support worker, MWSU, October 2008).

Thus, on the one hand, the MWSU raised the question of the specific problems of migrants *as migrants*, yet on the other hand, it did so within the union's overall 'universalistic' philosophy of treating all workers *as workers*. The latter reflects Unite's organising approach based on the identification of deeply felt, widely felt and winnable issues whereby efforts are not specifically directed at organising migrants, but instead focused on industrial sectors where they make up the majority of the workforce.

While the cleaning industry was heavily targeted by the union, the hospitality industry was formally excluded from the remit of the organising department. It is argued that this reflects the lack of a proper and sustained relationship between the MWSU within the organising department and the hospitality branch led by Unite officers and lay representatives from the union's industrial sector. This lack of collaboration between the hotel workers branch and the MWSU had clear effects on the development of Unite's hotel workers campaign in London.

Despite the fact that many of the migration issues researched and dealt with by the MWSU⁵ were of direct concern to the migrant workers who constituted the vast majority of the hotel workers branch, migration-related aspects were largely left unspoken in the branch meetings. The lack of consideration of the specific issues and forms of discrimination suffered by the migrant members of the branch (related to their status as migrants and their precarious contractual status) appears to have had a significant impact on the development of the campaign. In fact, the hotel campaign in the Hyatt remained mainly centred on industry-based issues and workplace grievances regarding changes in contracts, imposed flexitime and bullying and harassment by managers.

This workplace-based strategy appeared unable to overcome the tensions between settled 'migrant' workers and the newer migrants (often agency workers from EU-A8 countries). In some cases, management played long-term and in-house workers against 'newcomers' who were often employed via temporary agencies and retaliated against any kind of union organising activity. These problems, encountered during the organising attempts in London's hotels, constitute a clear example of how intersectional forms of discrimination along the line of the contractual, racial *and* migration status of migrant workers need to be taken into account in order to foster unity and sustain unionisation attempts. As emerged from an interview with the MWSU project worker, a greater collaboration between the hotel branch and the MWSU would have helped to tackle the existing divisions in the hotel workforce, blending workplace, equality and diversity issues as a way to facilitate a greater engagement of migrant workers in the union.

Overall, Unite seemed to favour a form of 'division of labour' between the industrial branch dedicated to deal with workplace and union representation issues on the one hand, and the MWSU providing services to support 'vulnerable and powerless' migrants on the other. Furthermore, rather than contributing to the development of migrant activists in the

industrial branches, the work of the MWSU was perceived within the union as being 'too academic', by engaging more with policy circles than with migrant communities. Arguably, the work of the MWSU was beneficial in that it channelled new knowledge and raised the profile of the union around legislative issues surrounding migrant workers' rights and by highlighting the legal spaces existing for trade unions to intervene publicly in this field (Stuart, Martínez Lucio and Charlwood 2009).⁶ While the MWSU provided crucial support to the union's engagement in public policy, it did not translate into radical changes in the union's internal politics and culture.⁷ This concerned conflicting views within the union and, in particular, the fact that the universalistic approach to the representation of workers under the language of labour rights was contested by the head of the MWSU, who envisaged the main role of the unit in its commitment to the specific vulnerabilities of migrants under the language of human rights. Eventually this internal conflict within the union created barriers to collaboration between the different structures and led to the termination of the MWSU by the end of the two-year pilot.

In contrast to the campaign in the hotels, the JfC campaign in London was a relatively positive example of mobilising migrant workers exactly because of the organisers' capacity and willingness to tackle the problems of migrant workers as cleaners *and* as migrants. While originating in 2001 from the living-wage campaign promoted by the civil society organisation, London Citizens, the JfC developed across different sectors (building services in banks, universities and the London Underground transport network). It was endorsed by other unions, including Unite whose organisers involved migrants on the basis of their broader social concerns and their political identities, expanding the campaign agenda to the inclusion of immigration and social issues *beyond the workplace*. For example, in the case of the living-wage campaign at the University of London's School of African and Oriental Studies, cleaners were not only guaranteed a living wage, but also union recognition, improved holiday and sick leave and time off for training and English classes. In June 2009, 3000 cleaning members in London were registered and formally organised into a specific cleaners branch as part of Unite. In common with the case of the MWSU considered above, a human rights language was endorsed to describe the particular disadvantages faced by low-paid migrant workers. For instance a JfC organiser, a migrant worker himself, explicitly referred to his human rights approach in the framing of the campaign. His argument was that, while migrant workers could be effectively organised on a sector-industry basis, workers should go beyond ethnic divisions and fight for improved conditions as a particularly vulnerable part of the workforce.

Paradoxically, the success of the JfC campaign, integrating universalistic and particularistic approaches towards organising migrant workers, has not been without challenges. While the specificities of migrant workers were taken into account, it has been hard to integrate members of the cleaners' branch within the broader union structures.

The Unison case study shows how unions can organise and unite vulnerable workers on the basis of their migrant identity *and* around issues beyond the workplace. The campaign led by Unison focused on a particular industrial sector – care work – where workers tend to suffer from specific issues such as long working hours and unpaid overtime and are poorly rewarded for the physically and emotionally intense nature of their work. Besides the typical issues experienced in the sector, care workers in this case study were migrants from the Philippines, experiencing peculiar forms of vulnerability, barriers to unionisation and dependence on their employers because of their visa status. Immigration policy changed when the UK government suddenly asked these workers to show a Level 3 vocational training certification. Although some care workers had a diploma in the Philippines, most could not provide this certificate and, as a consequence,

could not renew their work permits in the event of unemployment and thus faced deportation. A central aim of Unison's care workers campaign therefore became lobbying the government to be able to renew visas for care workers. Eventually, the UK Border Agency issued transitory measures, waiving the skills requirement. Critically, the campaign was carried out alongside the London-based Alliance for Filipino Organisations, Kanlungan, and resulted in thousands of new Unison members.

Overall, the effort of Unison with migrant-based community groups in London illustrates the benefits of the union's direct engagement in the field of migration policies and how the consideration of the identities of migrants *as migrants* with specific visa issues, and as members of ethnic and geographical communities, was a beneficial strategy to increase the union's outreach and recruitment levels. The collaboration with the grass-roots community-based association in London was essential for a successful outcome in the lobbying of the government and for obtaining visa renewals for care workers. Thus, in this case, Unison endorsed a 'particularistic approach', focusing its integration efforts on migrant workers and on one ethnic community in particular.

From an HRM perspective, this particularistic approach may have positive implications. For example, by acknowledging the specific needs of migrant workers and providing support to minimise the disadvantage associated with 'difference', it is possible to create better conditions at work (e.g. facilitation of occupational mobility, reduction in discrimination, increased levels of cooperation and performance and greater integration into the workforce, etc.), while reducing the high levels of turnover typical of migrant-rich industries. As showed in a different study by [Forde and MacKenzie \(2009\)](#), there are also contradictory implications at the level of HRM when employers adopt a homogeneous view of migrants as invariably disposed to work hard for long hours for little reward.

But from the trade union perspective this approach also has positive implications. It provides opportunities for unions to rethink their recruitment, organisation and inclusion strategies, for example engaging with a single ethnic community group can offer easier access to and recruitment of new members than with a multi-ethnic community. However, a limit of the type of 'community unionism' adopted by the care workers campaign persists in that the union remains mainly a 'service provider' in the eyes of the workers, thus lacking significant impact in terms of the participation of migrant workers in the activity of the branch. Hence, on the one hand, the Unison case showed the relative success of incorporating migrants within single occupations rather than across sectors. On the other hand, the identities of the Filipino care workers were considered by the union insofar as the intersection of work and migrant issues was deemed central, yet this intersectional consideration was not applied within the union itself. For example, while this group of workers was well-organised 'in the community' their involvement in the wider union was limited. Unison's attempt at integrating and organising migrant workers, mainly as members of certain migrant communities, showed that an improved relationship between migrant-targeted single projects and the occupation- or industry-based union branches could overcome the false dichotomy between work and migration issues as well as broaden the agenda of organising campaigns around the particular conditions of vulnerable migrant workers.

The final case study in our research is the GMB Migrant Workers branch in southern England. While it was largely perceived as a 'Polish workers branch', it also included other nationalities from EU and non-EU countries. Set up with the aim of accommodating needs specific to migrant workers, the branch clearly endorsed the 'particularistic approach' to organising as it united workers on the basis of their identity *as migrants*. The consideration of diversity and equality within the GMB was therefore directly reflected in

the structural arrangements of the union – if only in this region and with regard to this particular initiative. A critical element of the GMB's strategy was the use of training and education as the main tool to involve migrants in the union. Indeed, our research demonstrated how more than 500 of the 600–700 migrant workers who had taken ESOL classes went on to join this migrant workers trade union branch. The GMB's recruitment attempts appeared successful in terms of increasing active membership by migrant workers, resulting in a much higher attendance than is usual in union meetings and a greater number of activists.

Yet, the GMB was clear, at the start, that the creation of a 'sub branch' for (mainly) Polish workers should be considered as a transitional process that would eventually lead to this group of workers becoming fully integrated into the union, thus foreseeing a gradual move from a particularistic to a universalistic approach to the organising of migrant workers. However, the project was controversial and was criticised in some parts of the union for being 'separatist'. Furthermore, the branch appeared unsustainable in the long run, both financially and in terms of maintaining the involvement of migrant workers. The transfer of the migrant workers branch to local union branches never occurred and the branch itself fell apart after about six years. In line with the other examples, tensions between a universalistic and particularistic approach to organising migrant workers had a critical impact on the effectiveness of union organising and recruiting strategies.

It has been mentioned how training and learning tools were largely used to attract and develop the migrant workers' constituency in the GMB's migrant workers branch, but when the focus on specific learning and educational initiatives for migrants is not part of a comprehensive union strategy and is only weakly linked to the union as a whole, unionisation efforts appear to be ineffective to empower these workers as members of a collective (Mustchin 2012). In common with the Filipino workers campaign, the GMB migrant workers branch showed a marked orientation towards 'service provision' rather than involving migrant workers in workplace voice and representation activities. This particularistic, service-based approach to migrant organising presents the limitation of creating only transitory forms of affiliation from the point of view of workers who tend to abandon the union as soon as they no longer need the specific service offered to them. This weak form of affiliation can be considered another reason for the short-lived nature of the experiment of the migrant workers branch. Also, in common with Unite's MWSU, the GMB provided a tailored service for migrants focusing on advice, learning and training, but showed only a limited effort to link individual service and organising.

Overall, each of the cases outlined here highlights the advantages and disadvantages of considering vulnerable migrant workers simply as workers, or as workers with specific needs, subject to different forms of oppression compared to non-migrant workers. In the case of Unite, its universalistic approach on bargaining rights and freedom of association was critical in terms of advancing the equal treatment of migrants with other workers, independently of their ethnic origin and migration status. This approach was particularly important considering the difficulties encountered by non-EU migrants to come and work legally in the UK given the restrictive immigration policies (Anderson 2010). At the same time though, the specific labour market experiences of migrant workers as non-citizens require trade unions to take seriously the implications of the uncertain status of migrants in their organisation and recruitment as well as in the bargaining and educational strategies of unions. Indeed, the migration status of these workers has a substantial impact on their working conditions, making migrants more exposed to the goodwill of employers and increasing the possibility of victimisation for their trade union involvement. In terms of the application of intersectionality on industrial relations and workforce diversity, our findings

suggests a greater consideration of the specific intersection between migrant and contractual status as an effective field of intervention for trade unions in contributing to mitigate the precarious conditions of migrant workers. However, the universalistic or class-based approach of trade unions towards the engagement of workers appears to continue to project its long shadow onto the ideological framing and related practice in employment relations. In other words, unions tend to organise and recruit migrants primarily as workers, often neglecting their specific vulnerabilities and needs, whereas this discussion has shown how valorising a 'particularistic approach' can have positive implications at the level of both HRM and a trade union's own organisational practices.

Conclusion and implications

Using examples from some of the UK's major trade unions, this paper has shown how the labour movement, in collaboration with other civil society groups, is in the process of thinking through policies and organising practices to include an increasingly fragmented, precarious, culturally and socially diversified workforce into their structures. The contribution of this research is the focus on trade unions as collective organisations and how they could draw upon good HR practice concerning equality and diversity, particularly that of intersectionality, to obtain and engage a more diverse membership. Other research in this journal has shown the positive role of trade unions in combating discrimination and promoting equality and diversity in relation to immigrant and minority workers, for instance by raising workplace awareness of the value of inclusion and diversity and helping to foster a receptive culture (Harcourt, Lam, Harcourt and Flynn 2008, p. 106). While these factors may encourage the endorsement of equality policies by employers, the present study shows how unions need to change their own political culture and the way they frame the identities of vulnerable migrant workers if they want to include them in membership. As this paper has shown, Unite, GMB and Unison have developed initiatives to advance the conditions of vulnerable migrants and their bargaining power at work. Although these initiatives may have assisted in reducing their exploitation, they appear to be limited because of the way they frame equality and diversity issues among migrant workers. The implication is that if unions, as organisations, could apply effective HRM theory and practice in relation to equality and diversity, they could provide more fruitful ways of recruiting and engaging vulnerable workers and, at the same time, reduce their vulnerability in the labour market.

However, the question of the complex social identities of migrants as workers and as migrants and the irreducibility of their 'difference' as compared to traditional forms of class and economic discrimination constitute a challenge to the occupational and industrial approaches to organising that are still dominant in the majority of trade unions in the UK. The findings disclosed how Unite's MWSU, for instance, attempted to bring innovation into the union mindset by covering issues as diverse as migration regulation, welfare, community and the specific barriers faced by migrants to bargaining in the workplace. Yet, from the point of view of the hotel workers campaign, the MWSU turned into a specialised policy-oriented body detached from the constituencies of branches. This happened because this innovative project did not encounter the necessary political backup and receptivity by the union as a whole to allow its continuation and expansion across different sectors.

Overall, the tendency of UK unions to either organise migrant workers as a nationally separate group or to bypass their specific problems as migrants means labour organisations must be encouraged to make their structures more porous and inclusive towards highly diverse workforces. To do this, they need to do a number of things: acknowledge the

specific vulnerabilities emerging from the interlocking of the contractual and migrant status; improve the existing educational tools to promote the self-determination of their migrant constituencies; and to expand the range of coalitions in the community beyond a persisting workplace focus. Even though challenges appeared when the union tried to integrate universalistic and particularistic approaches, the consideration of the specific vulnerability of migrants appeared to constitute a key precondition to facilitate their active engagement in organising and bargaining processes as well as to address the basic question of their membership status in trade unions. An improved relationship between migrant-targeted single projects and the occupation- or industry-based union branches would allow unions to overcome the false dichotomy between work and migration issues and broaden the agenda of organising campaigns around the conditions of precarious migrants. In turn, the unionisation of migrant workers on these terms is more likely to promote the adoption of HRM good practice in relation to equality and diversity in the workplace. Indeed, the tailored strategies of unions are more likely to improve the position of migrant workers by increasing their employment opportunities and upward mobility, facilitating their integration in organisations and their access to training and development, an area in which some of the unions in this research took significant, if short-term, initiatives.

The ‘challenge of intersectionality’ when applied to the changing field of HRM, employment relations and the organising of vulnerable workers no longer require trade unions to set up new separate bodies to accommodate the ‘identity politics’ of minority workers. The issues of migrant workers as workers *and* as migrants needs to be embedded within trade union structures and bargaining agendas and tackled through innovative strategies concerning coalition-building with community groups that are already equipped to respond to migrants’ intertwined experiences of labour market and social discrimination. The case studies of Unite, GMB and Unison identified these unions’ internal politics, structure and political culture as barriers to the successful development of innovative strategies able to improve the precarious situation of many migrant workers in the UK.

Note

1. Migrant workers from the eight Eastern European countries that accessed the European Union in 2004 (namely Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary and Slovenia) were allowed free movement in the UK labour market immediately after Enlargement.
2. Initially, the three authors were working on independent research projects, but later they came together to work on a joint project in 2008. This latter work was a comparative study of union strategies toward immigrant workers in four countries: Germany, France, the UK and USA and included researchers from across the four countries ([Adler, Tapia and Turner, forthcoming](#)). As a consequence, we decided to bring all our material together to re-analyse our data in order to compare and contrast how UK unions were responding to the organisation and recruitment of migrant workers. Given our similar research focus, the interviews we conducted, the questions we asked our interviewees, as well as the interview selection process took place in a very similar matter, allowing a fruitful comparison of our data.
3. TELCO was the founding chapter of London Citizens.
4. Unite the Union was formed in 2007 arising from a merger with the Transport and General Workers Union and Amicus. Although this study began before 2007, it continued after this date, thus the name Unite is used to avoid any confusion.
5. The MWSU’s initial task was to conduct research to assess the specific needs of migrant workers, including issues such as the effects of migration regulation on migrants’ terms of employment, the impact of EU Accession migrants on the UK labour market and the peculiar forms of exploitation experienced by temporary and agency workers.
6. For instance, the Unit launched the ‘all party Parliamentary group on migration’.

7. An illustration of the failure of reaching a genuine 'two-way process' of integration of the MWSU into the whole union business is provided by fact that the MWSU's original task to deliver training to union officers on the specific issues faced by migrants was never completed.

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