

TEN WAYS UNIONS CAN PROMOTE UNDOCUMENTED WORKERS' LABOUR RIGHTS:

1. **Raise awareness** of and **advocate** for undocumented migrants' rights, and that protecting their rights is an essential component of the trade union agendas to advance human rights, equality and labour standards for all workers, as well as to fight racism and xenophobia.
2. Secure **clear commitment** from the senior levels of your union to support undocumented workers' rights.
3. Draw up specific policies to enable undocumented workers to **join** your union. Waive, or offer a reduced fee, and the option to pay in cash. **Recognise** them as workers, regardless of employment status and the type of work, and issue a membership card.
4. Make it a goal to **organise** and **recruit** undocumented workers. Do outreach activities (e.g. go to places where undocumented migrants work, target key sectors, distribute leaflets in several languages, hire migrant organisers), and promote their representation at all levels of the union.
5. Offer **information and advice** services to migrants, regardless of status or union membership, through tailored service centres within your union structure.
6. Pursue **mediation**, and if this is unsuccessful, **organize collective actions**, including demonstrations, strikes, media coverage, public protests and/or support filing of **complaints and legal casework** (individual and collective).
7. Ensure that undocumented workers' rights are included in your union's **education and training** programmes, especially for union representatives and negotiators.
8. Include undocumented workers' rights in your **collective bargaining agenda and tripartite dialogue** in order to ensure equal treatment and prevent abusive practices.
9. Build common messages with **employers** to advocate laws and policies that improve regulation and accountability, and raise awareness that social partners stand together with undocumented workers.
10. Work in **partnership** with migrants' rights NGOs and community organisations to exchange resources and expertise, and develop joint campaigns, actions, training, and advocacy. They can also help with outreach.

For more information or assistance on (undocumented) migrant workers' rights by the trade union please contact:

TRADE UNIONS: Organising and Promoting Undocumented Migrant Workers' Rights



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**UNION
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**CONFEDERATION
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 **PICUM**
PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

With support from:

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WHY TRADE UNIONS SHOULD STEP UP THEIR ACTIONS TO ENSURE EQUALITY AND NON-DISCRIMINATION FOR ALL MIGRANT WORKERS...



...Migrant workers' rights are **HUMAN RIGHTS**; these are central to trade union activities so it is impossible today *not* to support them.



...Recruiting and organising migrant workers helps build union membership and make unions **REPRESENTATIVE** of increasingly diverse societies.



...Only a **UNITED** workers' movement that protects every worker will be strong enough to face the global economic pressures and fight precarious work.



...Discrimination against migrant workers is **NOT DIFFERENT** from discrimination against other groups (because of gender, age, race, ethnic origin, disability, religion, sexual orientation or gender identity), and migrant workers also face multiple discrimination on these grounds.



...All migrant workers have the right to be **PROTECTED** against any kind of discrimination, exploitation, or abuse.



...Undocumented migrant workers are often isolated and their rights are often denied. Unions have a role to play to **SUPPORT** these workers.

WHO IS AN UNDOCUMENTED MIGRANT?

Undocumented (or irregular) migrants are people who do not possess an authorisation to be in the country they are in. Most have had authorisation at some point. This may be due to an unsuccessful application for international protection, expiry or loss of a permit that is dependent on a particular job or personal relationship (e.g. someone who has lost their job), irregular entry in the country, etc.

UNDOCUMENTED MIGRANT WORKERS OFTEN FACE DISCRIMINATION IN...

- ⊘ **Access to the labour market:** migrants are not allowed to work in many of the jobs in which they are employed, due to **restrictive labour migration policies**. They often have no possibility to work regularly.
- ⊘ **Wages, working conditions and social security:** they are frequently paid below the minimum wage, paid late or subject to wage theft, and are required to work very long hours, without adequate breaks, overtime, holiday or sick leave, or other basic social security. Undocumented migrants also aspire to earn a decent living in normal conditions, but **if they challenge abusive conditions they are threatened with being fired and deported**.
- ⊘ **Workplace safety and training:** they are not provided with necessary safety equipment and training. **They are at greater risk of injuries, accidents and occupational illnesses, and have very limited access to health services.**
- ⊘ **Access to complaints and redress mechanisms:** labour inspectorates and courts will in many countries report undocumented workers to the immigration authorities or carry out inspections jointly with immigration police. **This means undocumented workers face deportation rather than protection, and exploitation usually goes unpunished.**

ETUC COMMITMENT TO SUPPORT UNDOCUMENTED MIGRANT WORKERS' RIGHTS

All workers have rights, including undocumented migrant workers. Trade unions, at all levels, must play their role in enforcing those rights. Defending undocumented workers' rights is crucial both to uphold their human rights and to ensure hard won labour rights are implemented for all. **A worker is a worker!**

The ETUC and its members are on the frontline defending equality for all workers, fighting racism and xenophobia, and supporting migrant workers, working together with NGOs, including PICUM.

Several EU Directives have been adopted setting out minimum standards for the treatment of migrants, asylum-seekers and refugees in different areas. Labour rights for undocumented migrant workers are specifically provided for by the EU Employers' Sanctions Directive (2009/52/EC) as well as international laws.

In 2016, all European countries signed the New York Declaration for Refugees and Migrants in which they committed to pay particular attention to the application of minimum labour standards for migrant workers regardless of their status.

While laws that guarantee labour rights to undocumented migrant workers are essential to stamp out unfair treatment and exploitation, laws are not enough. Measures to ensure that rights are accessible in practice, at national and local level, are urgently needed.

The ETUC has been stepping up its efforts to promote an EU migration policy based on human rights and solidarity. In 2013, the UnionMigrantNet was set up:

UnionMigrantNet is a European network of contact points for migrant workers promoted by trade unions. They provide free information and assistance to migrants.

Find your closest contact point at www.unionmigrantnet.eu