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Unpacking the category of migrant workers in trade union research: A multilevel approach to migrant intersectionalities

Abstract

This article reflects on the theoretical and empirical challenges that arise when researching trade union strategies towards migrant workers. By bringing together the debates on migration and intersectionality in Employment Relations, the authors highlight the problems of conflating different experiences of migrants under a homogenous view of the ‘migrant worker’ and rather suggest to 1) take account of ‘migrant intersectionalities’, – including the category of migration status among other categorical differences in the workforce, and 2) to do so at different levels of the analysis (micro, meso, and macro). This multi-level, intersectional approach we argue leads to a more nuanced understanding of the realities of migration at a time of major societal challenges for organised labour.

Key words: migration, migrant workers, trade unions, intersectionality, employment relations

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Introduction

Trade union strategies towards migrant workers have always been a contested issue in the history of the labour movement, reflecting the ways in which trade unions are seeking to adapt within changing

economies and labour markets (Adler et al., 2014; Penninx and Roosblad, 2002). Questions about whether, and if so how, unions organise and engage a diverse workforce, including migrant workers, have therefore become an important stream of research within the sociology of work and industrial relations (e.g., Connolly et al., 2014; Fitzgerald and Hardy, 2010; Heyes, 2009; Holgate, 2005; Tapia et al. 2017).ⁱ

Building on previous debates, and focusing on the UK context, we call for an approach that considers ‘migrant intersectionalities’ to understand the relationship between migrants and trade unions and to do so at different levels: the macro (the influence of a changed socio-economic climate), the meso (unions’ policies and strategies), and the micro (migrants’ subjective and different experiences of work and unionization). This multi-level intersectional approach, we argue, is likely to provide a deeper understanding of the challenges unions face when they attempt to engage an increasingly diverse workforce, as well as to grasp the possibilities that arise from migrant organising for broader union renewal.ⁱⁱ

Applying intersectionality to the field of migrant labour

The concept ‘intersectionality’ was coined by Kimberlé Crenshaw (1989; 1991), a scholar of law and critical race studies, who showed the multiple and compounded layers of oppression faced by black women compared to black men or white women. Here we apply this concept to the field of migrant labour, focusing on *migrant* intersectionalities and expand the analysis beyond socially constructed and yet still embodied categories of race and gender.

We apply an ‘intra-categorical’ approach (see McCall, 2005) to the field of migrant labour and trade union research, that pays attention to the different experiences of *subgroups* within the same category, and considers multiple dimensions of exclusion among non-traditionally subordinated groups (Choo and Ferree, 2010; Yuval-Davis, 2006). In other words, we should not treat migrants as

a homogenous group, either by assuming that they are all vulnerable, unable to have a voice, hyper-exploited and low paid, or that they can be unionized under the same umbrella group (Alberti et al., 2013; Heyes, 2009). We are interested in revealing “the range of diversity and difference *within* the group” (McCall, 2015: 1782), while maintaining a critical stance towards the boundaries of social categories as historical formations.

The category of migrant is indeed in itself controversial: in UK policy there is no single measure to define a migrant, as the individual can be defined as such by foreign birth, foreign citizenship, or length of stay. In addition, migrants’ specific *migration status* can vary significantly giving rise to different combinations (and durations) of individuals’ right to reside and work: migrants from outside the EU may obtain a working visa that gives them the right to work for a certain period of time, while asylum seekers’ migration status entitles them only to temporary residence on the basis of humanitarian protection but no right to work in the UK. Even among EU nationals there are important differences in migration status between individual movers and posted workers, jobseekers, students and self-employed, for the purpose of claiming social assistance and the right to access the labour market (Ford et al., 2015). Intra-categorical approaches in this instance thus show how not all migrants, just for being ‘migrants’, experience the labor market in the same way.

In addition to the intra-categorical approach, we urge for an ‘inter-categorical’ approach that emphasizes comparisons between social contexts and intersections across categories *at a level beyond the individual*. While categories should be conceived as non-static they are still ‘anchor points’ to understand the complexity of the lived experience of inequality (Glenn, 2002). The ‘inter-categorical’ approach in this sense *provisionally* adopts the analytical categories to grasp ‘the changing configurations of inequality along multiple and conflicting dimensions’ *among* social groups (McCall, 2015: 1773). As an illustration of how to explore the collective practices of ‘new migrants’ going beyond the individual level, Però (2014) considered multiple intersections of class and ethnicity within the specific field of

migrant mobilization, examining the self-organisation of new Latin Americans against the background of a ‘super-diverse’ migration landscape in the UK, his approach discloses the endurance of socio-economic inequalities and class politics among non-citizens organising within and beyond the workplace (Però, 2014: 1167).

While intersectionality as a concept has taken off in the field of critical race theory as well as within feminist sociology (e.g. McCall, 2005; Yuval-Davies, 2006), industrial relations scholars have only recently explicitly engaged with it (e.g. McBride et al., 2014; Mooney, 2016). In a response to McBride and colleagues, Mooney (2016) proposes a ‘nimble’ approach and shows *how* to use intersectionality in employment research. She asks moreover whether a study should start from the individual identity or organisational and social processes, which is a compelling question for any project exploring migrants’ experiences of the trade union movement. In line with Winker and Degele (2011), Mooney warns against starting with identity-based constructions as the complex intersection of multiple identities may be difficult to disentangle and impractical (Mooney, 2016; see also Acker, 2012). For example, a female cleaner from Latin America might experience barriers to joining a trade union. These barriers can be due to her gender, low skill or degraded form of work, inability to speak the local language, or her precarious migration status. What dimension counts more depends on the meso (e.g., the organisation’s rules) and macro context (e.g., the economic climate), as well as the subjective experiences of migration of this woman. We need to therefore contextualize intersectional identities and experiences of inequality, by focusing on a limited set of inequalities that are salient at a certain time and place (see for instance Alberti et al., 2013; Però, 2014).

Mooney makes the additional argument that scholars interested in how inequalities are reproduced and challenged in particular domains, fundamentally benefit from studying *processes* rather than a fixed range of categorical identities. Organisational and workplace contexts (including, as in our case, trade unions as institutions with their own internal structures, policies and strategies), lend

themselves better to a process-based approach. However, a simple focus on social process and structure might fail to grasp the subtle dynamics of power differentials, as well as creative responses by individuals as they perform their social role in the workplace (Mooney, 2016; see also Hudson et al., 2017). We suggest therefore to embrace intersectional approaches that combine different levels of analysis, where individual identity is linked with organisational processes and institutional structures (for instance focusing on a particular industry or sector norm). Following Choo and Ferree (2010), we find a perspective based on these different dimensions of macro, meso and micro levels of analysis particularly insightful for understanding trade union strategies towards migrant workers. Choo and Ferree's (2010: 133) 'process-centered model' has also the benefit of maintaining an interest in the agency of actors involved in this process. It allows therefore for fluidity and is not abstract but constantly adapting, questioning the existing hegemonic relations. This is in tune with our view of migrants as active agents, shaping the communities as well as the workplace institutions of their country of destination, rather than as mere recipients of integration policies or targets of union mobilisation strategies.

Drawing from this debate across the sociology of work, feminist theories, employment and migration literatures, we therefore adopt both an inter *and* intra-categorical, process-based approach to the intersectional analysis of migrant labour, enriching in our view the academic debate as well as contributing to renewing union practice. This approach reflects the intertwined relationship between theory and practice at the origin of intersectionality research by Crenshaw (1991). Indeed intersectionality, far from being a merely categorical notion, was precisely about making visible the double marginalisation of women of colour in the US court system, and bringing their experiences to the centre of theorisation (Choo and Ferree, 2010: 132). Below we explore how to apply this migrant intersectional sensitivity at the macro, meso and micro level of analysis in employment relation research.

Macro-Level: A changed socio-economic and industrial relations context

Historical changes in employment and migration regulation need to be considered when conducting research on labour migration and trade unions. For example, since the 2008 crisis, there has been a ‘clamp down’ on immigration and many European governments put out harsher anti-immigration rhetoric and policies (See, for example, the Immigration Act 2016 in the UK). At the same time, the number of foreign-born people in the UK has increased between 1993 and 2015 from 3.8 million to around 8.7 million (Migration Observatory, 2017).ⁱⁱⁱ While the quantitative aspects are important, scholars need to pay attention to the critical qualitative change not only in the policy discourse but also in migration patterns. People’s movement has become increasingly transnational, circular and temporary (Vertovec, 2004), often responding to increasingly flexible and just-in-time labour markets in which migrants are incorporated (Alberti, 2014; Anderson, 2007). Such temporary status is often the product of institutional mechanisms, where migration policies make non EU migrants’ residency rights conditional to work permits with limited duration (Anderson, 2010). Precarious status may also be the product of the combined strategies of multinationals and migrants’ own mobility choices (Andrijasevic and Sacchetto, 2016).

Only few IR scholars, however, have considered the intersection of migrants’ contractual precariousness, their migration status, and the implications for union policy. Fitzgerald and Hardy (2010) for instance pointed to the gaps in research of UK trade unions’ engagement with migrants from ‘Accession 8’ countries (and Poland specifically). Their analysis of the policy shift by the Trades Union Congress (the umbrella body for trade unions in the UK) since the accession of new EU countries in 2004 and 2006 highlights that by including the Organising Migrant Workers Strategy into the overall ‘Vulnerable Workers’ campaign strategy, the TUC acknowledged migrant vulnerability

(rather than nationality per se) as critically intersecting with the employment status (e.g. for migrant agency workers). Fitzgerald and Hardy (2010: 138) also demonstrate an original approach in highlighting how the geographical dispersion and transient nature of A8 workers should not be generalized. Challenging the assumption that more recently arrived Accession migrants are often perceived as being young, mobile and transient, they note that some have a longer-term perspective of staying in Britain (Fitzgerald and Hardy, 2010: 146). Migrants' transnational and unpredictable mobility patterns foster indeed a sense of temporariness that tends to be perceived by the union movement as an insuperable obstacle to workplace organising, but this again needs to be contextualized at the three levels.

An intersectional approach to the experiences as well as socio-political processes pushes scholars to take into account, for example, the 'whitening' and 're-racialisation' of the immigrant working class through state migration policies (Miles, 1982) such as with the arrival of white immigrants from the A8 countries (McDowell, 2008) and their partial inclusion in the low-end sectors of the economy such as hospitality and agriculture (Cook et al., 2011; Fox et al., 2012). In addition, recent contentious political events such as Brexit in the UK have shown how highly skilled migrant workers, an often overlooked social group in IR research on migration, will also suffer new forms of exclusion due to the changing rules on free movement and residency rights, with obvious repercussions on their employment situation. In this sense, given the intra-categorical nature of migrant intersectionalities, we need to consider the degrees of vulnerability across a range of statuses, skills and social backgrounds, including hitherto relatively 'privileged' migrants from the EU. This is partly in contrast with Mooney's approach (2016:710), who argues a study can be defined as intersectional as long as it does not put at the centre of the research dominant or privileged groups. Privilege, however, is based on subjective perception (Dhamoon, 2011), and is also in itself a socially contested category and thus subject to historical changes.

Catalysing events at a macro-level (for example, the 2004 EU enlargement or Brexit) affect the strategies by the unions themselves at the meso-level, which we explore below.

Meso-Level: Trade union strategies and logics of action

Within IR research, scholars such as Connolly et al. (2014) have covered the meso level by comparing union responses towards migrant and ethnic minority workers in the UK, Spain, and the Netherlands. They consider unions as embedded within a particular logic of action (class, race/ethnicity, or social rights) that is associated with a particular strategy. A class logic emphasizes organising all workers, while a race/ethnicity logic is linked to community engagement and a social rights logic will lead to unions' engagement in collective bargaining.

Taking on an intersectionally sensitive lens, however, offers in our view a more nuanced understanding of these logics of action. First, Connolly et al. (2014) seem to treat class, race/ethnicity, and social rights as independent factors and look which one has the main effect – very different from thinking about intersectional processes or systems (e.g. Choo and Ferree, 2010). As an illustration, collective bargaining is not the only channel to expand the social rights agenda for migrants. In the UK there is evidence that a traditional 'class issue' such as the question of wage negotiation has been merged into social movement campaigning and linked to wider issues of living standards for deprived migrant communities in the case of the Living Wage Campaign in London (Holgate and Wills, 2007). In other words, class, race/ethnicity, and social rights, are not independent categories but overlap in the subjective experiences of migrant workers as well as within union strategies.

With regard to migrant specific and ethnic minorities' issues and identities, Connolly et al. acknowledge that it is problematic to conflate the two categories because not all migrants are ethnic minorities and vice versa, and yet they claim that 'both groups raise analogous issues' without actually explaining what these issues are, and why ethnic minorities still face similar challenges to migrants

(2014: 6).^{iv} The absence of a fuller explanation of both differences and commonalities between ethnic minorities and migrant workers signals perhaps a difficulty in admitting the persistence of ‘old inequalities’ for black Britons and BME, who remain disadvantaged in the labour market (Hudson et al., 2017). This brings us back to the macro-level dimension of intersectionality: to what extent do colonial and postcolonial histories of migration intersect with government response to migration, and how does this in turn shape trade union policies on migrant labour? As showed by Tapia (2014: 55) in an overview of union stance on migration in the UK, it took until the early 1970s for antiracist policies to be officially introduced by the TUC.

At the same time, the emergence of new inequalities experienced by recent migrant workers, both low skilled and highly skilled, may also remain invisible and they tend to be conflated with issues of racism alone. Again the scenario of withdrawal of free movement rights for a section of the migrant workforce in the UK signals how not only race, but also *migration status*, citizenship and mobility rights influence the migrant workers’ labour market positions. These macro processes shape in turn the meso-level of the tense relations between the trade union movement and migrants, where unions appear trapped between a politics of internationalism versus protectionism (see, for example, how these tensions took the form of an open confrontation during the protest over migrant posted workers at the Lindsey refinery, in Ince et al., 2015).

Overall the characteristics of the migrant population in each historical period in combination with unions’ changing strategies towards migrants create new hierarchies of vulnerabilities, intra-ethnic stratifications, and dynamics of competition at the bottom of the labour market. These changes at the meso levels also question past privileges for the ‘wanted’ (usually highly skilled and white) migrant groups. The complex divisions between highly skilled and low skilled migrants may be further unpacked at the micro level of analysis.

Micro-level: Migrant subjective experiences and intersectionalities

Scholars of work and employment relations taking on an intersectional approach have done so mainly at the micro-level, taking into consideration the identities of workers and the extent to which migrant workers experience work or unionisation efforts in a qualitatively different way.

Holgate's (2005) in-depth study of a union organising attempt at a London sandwich factory paid explicit attention to the presence of black and minority ethnic (BME) migrant workers at the worksite. While not using the terminology 'intersectionality', the author illustrates the theoretical and methodological importance of this conceptual tool by incorporating in her observations and interviews the workers' challenges mainly related to class and race. Her conclusion was that the campaign failed because the union did not take into consideration the complex role of the BME migrant workers' identity in union mobilisation strategies. For example, the union thought that having a young Asian woman organising Asian workers was an effective strategy to secure recruitment, but neglected to take into consideration the vastly different background of the organizer compared to the workers (i.e. overlooking the 'intra-categorical' differences within the ethnic group 'Asian' since the organiser was female, British-born, university educated, and unable to speak any of the languages of the workforce).

While Holgate recognizes the diversity in experiences of the BME workers, we argue that there is a specificity about being a migrant that is often overlooked. Once again, being a migrant worker is to a certain extent conflated with being an ethnic minority. As a consequence, in Holgate's case study, the ethnic origin overshadows the discrimination stemming from the migration status, which ultimately is about mobility and citizenship rights (Anderson, 2010; McDowell, 2008). In line with Winker and Degele (2011), identifying which intersections are relevant - in this case *workers' more recent (and precarious) migration* status where many were recent asylum seekers from Sri Lanka, Congo, Ghana, and Sierra Leone – could be as important as their skin colour to determine their position in the labour

market. Thus, looking more deeply at the interaction processes between race and migration status with an intra-categorical process-based approach, provides further insights into the mobilisation efforts. In addition, this fascinating, qualitative study could go beyond the micro-level by historicising the migrant experiences of discrimination. Social processes of discrimination and segregation are in fact embedded in institutions, such as labour markets, organisations, workplace culture and HR policies (Hudson et al., 2017). At the same time, discrimination in the labour market is also created by employers' practices preferring certain nationalities for certain jobs on the basis of stereotypical attributes associated to them (McDowell, 2008).

Hudson and colleagues (2017), from the wider field of equality and diversity research, applied an intersectionally sensitive approach which can be considered an example of combining the micro, meso, and macro levels of analysis. They show how workers' own informal recruitment practices partly contribute to reproduce structural inequalities, or specifically how informal job referrals by female ethnic minority and migrants appear constrained in their social and upward occupational mobility as opposed to those by white British men. Their attention to social processes, institutionalized and embedded in workplace cultures, gain explanatory power when analysed under an intersectional lens. And yet, their study does not go far enough in terms of considering cases when actors' own tactics do not comply with hegemonic norms. How do their experiences actively shape these macro and meso structures? For example, when female migrants receive referrals placing them in more lucrative positions, does this affect the persisting inequities within the industry?

Another critical study that shows a strong intersectional sensitivity at the micro level is that by Pearson et al. (2010). The authors compare two different industrial disputes involving Asian women migrants from two different historical periods: the Grunwick strike by photo-printing workers between 1976-78 and the dispute by catering workers of Gate Gourmet at Heathrow airport in 2005. Focusing on the intersecting class, gender, and racial identities of the workforce, the authors show

how in both cases a largely Asian women workforce decided to walk out and engage in tactics of resistance overcoming major constraints and repression from their employers. At the same time, the unions failed to acknowledge the multiple layers of discrimination the workforce faced.

While Pearson et al. offer a nuanced analysis of the gendered/racialised processes involved in the disputes, the migration process and the role this might play in the collectivisation of the workers could have been further explored. Did the fact that these women workers were more or less recent migrants and from diverse social backgrounds constitute a trigger of mobilisation or further vulnerability? If we look closer at the Grunwick dispute, further reflecting on the ‘subjective experience of migration’ (Pearson et al., 2010: 412) we notice that, while the Asian women came from different class backgrounds, many came from a relatively privileged social status or from households that employed servants. The authors themselves partly highlight that ‘In each case a more nuanced understanding of the position of South Asian women workers in the division of labour and in their commitment to a sense of justice and equality might have led to different outcomes’ (Pearson et al., 2010: 426). Eventually, the failure of these workers’ attempt to keep their job and the lack of support from the union might be explained through the traditional unions’ blindness to their intersectional inequalities. In other words, their position as Asian women having experienced downward class mobility through their migration and having their skills misrecognised was ignored by the unions.

Similarly to the case study by Holgate (2005), the practical implications for unions of such nuanced approach is that endorsing automatically ‘like with like’ recruitment strategies, based on the idea that organisers from Asian background would more successfully engage other Asian workers, *obscures* the fact that, for example, Sikh Punjabi and Hindu Punjabi women workers may have conflicting issues between each other. Indeed the experiences of the Grunwick and Gourmet workers show that while migrants’ subjective experiences are important they cannot be reduced to

categorical understanding of race or ethnicity in the context of recruitment and organising strategies. They should rather be considered the product of a complex, overlapping and *intra-categorical mix* of social differences and processes of power/domination, reproducing multiple forms of oppression at times overlooked or even endorsed by trade unions. As Holgate (2005) and Pearson et al. (2010) have shown, gaining a better understanding of the micro level of analysis would have provided critical insights for the trade unions as well, leading to different and potentially more successful mobilisation strategies.

Conclusion

In this article we engaged with debates on the use of intersectionality in employment relations research, applying such sensitivity to the field of migrant labour and showing how migration status is an inescapable category of discrimination. We drew from the insights of theories of intersectionality which consider labour unions as institutions reproducing as well as challenging the inequalities experienced by migrant workers, and explored the latter's persisting barriers to find a home in the labour movement. Such an approach attempts to bring overlooked dimensions at the centre of the analysis, primarily the juridical status of migrants intersecting with the traditional categories of race, class, and gender.

We not only urge for an 'intersectional sensitivity' at the micro-level as others have done more broadly for the field of employment relations (e.g., McBride et al., 2014), but endorse a multi-level approach, showing how at each level the researcher would benefit from taking into account the intersectional *processes* of labour inequalities. We suggest that a multi-level, process-based approach to migrant intersectionalities allows scholars to analyze trade union strategies towards migrant workers involving the macro, meso and micro level. Future research may apply such a framework to produce further evidence on the complex relationship between trade unions and migrant workers. Our

overview of theory and evidence focused in particular on the changed socio-political context, unions' logics of action, and the importance of taking into consideration the migrant workers' distinct and overlapping experiences. This approach we believe is particularly needed at a time when questions such as the free movement of labour creates major fractures among working people and when new leverages of mobilisation may emerge against the tide of deepening social divisions.

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Gabriella Alberti is Associate Professor at Leeds Business School, Work and Employment Relations. Her research interests are: the intersection of migration and precarious employment, intra-EU mobility, temporary agencies, trade unions strategies and migrant workers, social movements and union renewal. Her recent work involved the social protection of precarious workers in the gig economy as well as the crisis of welfare and free movement rights. One of her latest article with D. Però (2018) looked at the autonomous labour initiatives of Latin American workers in London *vis-a-vis* the crisis of trade union representation.

ⁱ We use the term “organising” in a broad sense and refer to different strategic approaches unions take towards migrant workers such as, recruiting, increasing migrant workers’ participation in the union structures, and mobilising them to win a campaign.

ⁱⁱ We are not arguing that all research on migration and trade unions should apply such an approach in order to be valid. A study can be valid (and valuable) if it explores in depth also just one macro/meso or micro dimension, but this ultimately depends on the aims and standpoints of the research.

ⁱⁱⁱ Between 2016 and 2017, however, there has been a significant drop in net migration partly due to Brexit.

(<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/november2017>)

^{iv} Sometimes the scholar is restricted, however, because the unions themselves don’t make any distinction among the migrant workers but categorise all ‘visible others’ into one group (see, for example, Marino, 2015).