



MEGA SPORTS EVENTS AND UNION REVITALISATION

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# The Case of the London Olympics from a Migration Aspect

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## **About the Project**

This discussion paper is one of a series produced as part of a research project on *Mega Sports Events and Trade Union Revitalisation*. It is one of several projects initiated by the Global Labour University (<http://www.global-labour-university.org/>) in response to its remit to build sustainable networks of labour academics and trade union researchers worldwide.

The Sport Events Research Group project is focussed on an examination of whether mega sports events such as the Olympics or the FIFA World Cup provide trade unions with opportunities for revitalisation. The aim is to study union efforts around a series of mega sports events in order to explore if and how unions engage in these events; the successes and failures recorded; and to identify wider lessons for the labour movement about the possibilities for sustainable gains.

## **About the Global Labour University**

The Global Labour University (GLU) was established in 2004 and is a network of universities, international and national trade unions, civil society organisations and the International Labour Organization (ILO) to provide postgraduate qualification programmes for trade union officers, labour activists, and experts. It offers Masters Programmes on sustainable development, social justice, international labour standards and trade unions, economic policies and global institutions.

The courses take place in Germany at the University of Kassel and the Berlin School of Economics and Law, in South Africa at the University of Witwatersrand (WITS), in Brazil at the State University of Campinas (Unicamp) and in India at the Tata Institute of Social Sciences (TISS). The Global Labour University is supported by the International Labour Organisation (ILO), the Hans-Boeckler-Stiftung (HBS), the Friedrich-Ebert-Stiftung (FES) and the Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ). The programme is developed in association with a range of supporting organisations including the Global Unions and key national union centres DGB (Germany), CUT (Brazil) and COSATU (South Africa).

*Note: All opinions expressed in this paper are those of the author(s) and do not necessarily reflect the views of either the GLU or its constituents or supporters.*

**GLU World Sports Research and Trade Union  
Revitalisation: The Case of London Olympics from A  
Migration Aspect**

**by  
Özge Berber Agtaş & Luciole Sauviat**

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## Introduction

Union membership, in the EU 15 States<sup>1</sup> can be depicted as being at a crossroads and the general trend has been downward although there have been some signs of union renewal. The UK is also part of this general frame with its decreasing union membership rates. The overall picture remains one of concern for UK trade unions, with low union density levels, particularly in the private sector, where currently just 16.1 per cent (one in six) workers were union members in 2006. Even taking account of higher density levels in the public sector (59.0 per cent), union density in the UK stands at just 28 per cent (DTI, 2007: 13).

Realising the general downward trend in trade union membership in the UK, different strategies for recruitment have been the subject of intensive debates. Particular attention has been paid to practices from the USA and Canada to reverse membership decline. Strategies have included the espousal of “like for like” recruitment –based on the theory that individuals are more likely to join a union where they are approached by someone who has the same background- like age, gender or ethnicity with the prospective members (Fitzgerald 2006). Unions have also focused on ‘greenfield’ workplaces where there has been no previous history of trade union organisation as is the case for the T&G in their efforts to organise domestic migrant workers. Unions also proposed new vehicles for organising, recruiting organisers who had been taught in specially created Organising Academies. Recently, trade unions in the UK have begun to consider whether the arrival of migrant workers, mainly from the A8 countries<sup>2</sup>, has the potential to create new recruits. Furthermore, unions have begun close cooperation with the unions of European sending countries which is particularly the case with Polish and Portuguese trade unions (Fitzgerald, 2007). Beside migrant workers from the A8 countries, migrants in general are a potential source of revitalisation for unions.

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<sup>1</sup> EU 15 countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden and United Kingdom.

<sup>2</sup> The A8 countries are the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia, and Slovenia.

In addition to cooperation with trade unions of sending countries, trade unions are building partnerships with NGOs like Kalayaan<sup>3</sup> and community-based organisations like the London Citizens<sup>4</sup>. The issue is raised as to whether these new workers could form the core of the future direction of trade unions and it poses the question over how to recruit and organise recent migrants (McKay, 2008: 4). Migrant workers in the UK attract intense debate and attention within policy, research and among the UK public. Since the marathon of the London 2012 Olympics has already started, the role and impact of migrant workers in UK's construction of the 2012 Olympic facilities in London is more apparent at present.

Given the importance of the London Olympics, this report will focus on the migrant workers in the construction sector in the UK, particularly working in the construction of the venues of the 2012 London Olympics. As one part of the GLU project entitled "World Sports Events and Trade Union Revitalisation" this report intends to specifically look at the question of:

- How do unions engage with migrant workers at the London Olympics?

The first section will deal with the categorisations of migrant workers in the UK which will be followed by socioeconomic characteristics of migrant workers and some statistics. The legislative framework which will provide brief information about the recent legal schemes for migrant workers and employment rights to which migrant workers are entitled will be discussed in the second chapter. The third chapter will map out the migrant workers working in the construction of the Olympic venues and also will provide some information about the construction sector and the public discourse on the migrant workers for the Olympics. In the final chapter, trade union responses to specific issues concerning migrant workers with specific focus on the Olympics will be discussed.

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<sup>3</sup> Kalayaan is an NGO established in 1987 to provide advice, advocacy and support services in the UK for migrant domestic workers (see <http://www.kalayaan.org.uk/>).

<sup>4</sup> London Citizens established 1994 is an NGO working with the local people for economic, social and environmental justice for the local people. London Citizens is well known with its campaign "London Minimum Wage" (see <http://www.londoncitizens.org.uk/index.html>).

## **Methodology**

The materials for the papers are diverse. In order to learn how unions engage with migrant workers we used interviews with officers (expert interviews) of the two most important unions in the construction sector, the Union of Construction, Allied Trades and Technicians (UCATT) and UNITE the biggest British multi-sectoral union. It should be, however, noted that the number of interviews was limited due to difficulty of conducting interviews with the relevant trade unionists. Documents from the unions' web pages, statements and official documents were also used. In order to know what is happening around the Olympics we looked at newspapers such as the Guardian but also less famous ones like the Telegraph or the MailOnline. We also referred to academic articles despite the fact that limited numbers of researches have been conducted on the Olympics, reflecting the perspective of trade unions.

# **I. Categorisation of Migrant Workers in the UK**

## **1. Who are the Migrant Workers?**

Concerning the categorisation of migrants in the UK there are different approaches to define migrants along nationality and country of birth. Chappell et al., for example, suggest a definition of a ‘migrant’ as ‘a foreign national who has arrived in the UK within the last 10 years’. According to the authors, a typical ‘foreign-born’ definition of migrant will not allow us to distinguish migrant workers from the locals because many people, especially in East London, may well be born abroad but are also settled, local residents of the UK. They also suggest distinguishing between ‘migrant workers’ and ‘local workers’, based on nationality rather than country of birth. With this distinction, people who may have been born abroad but now have British nationality are regarded as “local”, not migrant (Chappell et al., 2008: 51).

On the other hand, the Office of National Statistics (ONS) has preferred to define migrant workers to the UK by country of birth because this cannot change, whereas citizenship can change over time. The country birth rule, however, is not without problems because a number of people classified as foreign born were either British at birth, or have subsequently acquired citizenships. Others may consider themselves British irrespective of their citizenships, or hold dual nationality (Clancy, 2008: 19). However, the country of birth gives an indication of the country of origin and the background of the workers.

Nevertheless in order to use terms fitting to the condition of the Olympics we will use the terms “long term migrants” and “newly arrived migrants”. In doing so, we differentiate between the migrants (country of birth) living in the UK before the work for the Olympics began and those who came just for the Olympics without defining if they are in the UK for some months or three years. We believe that this difference, among other differences like the language is meaningful for the union strategies toward migrants.

It is also important to note that migrants in the construction sector are an extremely heterogeneous group which has to be dealt within different categories. Migrants come



from many different countries, have arrived for all kinds of reasons, possess a wide range of employment and skills background, and are in the UK for durations ranging from a few weeks to permanently. Therefore, it is necessary to distinguish between different types of migrants within the construction sector. Chappell et al. suggest the following categorisation based on the work permit (2008: 51-52).

- a) **Short-term contract workers:** This group included very highly skilled specialists contracted or subcontracted to provide a key service, or terms of ‘posted workers’ working on a particular project. They come to work solely on a particular contract, and then leave again. As they do not reside in the UK, these workers are not captured in the migration datasets and it is not possible to say much about them in any detail.
  
- b) **Employed EEA nationals:** With the exception of Romanians and Bulgarians (who are only permitted to work on a ‘self-employed’ basis), most nationals of the European Economic Area (EEA) have the right to work in the UK. Many EEA nationals in the UK construction sector, particularly from the eight eastern European states that joined the EU in 2004 (A8 countries)<sup>5</sup>, were recruited in their home country by an agency, and work in the UK for the same agency. But this does not mean that all workers from A8 countries come to the country through agencies. Some come on their own to the UK and find work, either directly with an employer or through a local recruitment agency.
  
- c) **Self-employed EEA nationals:** All EEA nationals, including Romanians and Bulgarians (A2), have the right to be self-employed in the UK. It is very common that many EEA nationals contract their services in the construction sector as labour-only subcontractors or self-employed businesses.
  
- d) **Non-EEA nationals with work visas:** Nationals of non-EEA states generally require special permission to be employed or self-employed in the UK. Routes of

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<sup>5</sup> The UK was one of the few EU nations to open its labour market to the A8 countries when they joined in 2004 and this resulted in a large increase in the numbers of migrant workers in the UK. In response, the UK placed restrictions on Bulgarian and Romanian nationals when their countries joined the EU on 1<sup>st</sup> January 2007 ([www.workpermit.com](http://www.workpermit.com)).

permission include the Highly Skilled Migrant Programme and the Work Permit Scheme. These are currently being merged into Tiers 1 and 2 of the points-based system.

- e) **Non-EEA nationals with permission to work:** Some non-EEA nationals in the construction sector may not possess a special work visa but rather may have the right to work in the UK through their residence status. This may arise because they are family members of UK or EEA nationals, family members of migrants with the right to work, international students with permission to work limited hours, or refugees and their family members.
- f) **Undocumented migrants:** This group includes non-EEA nationals who do not have the right to be in the UK, who do not have a work visa or permission to work in the UK, or who may be working in breach of the terms of their visa. In addition, until they are given full free-movement rights, A8 nationals, who do not register with the Worker Registration Scheme (WRS), and Romanian and Bulgarians in employment (rather than self-employment), could also be classified within this group.

## **2. Socioeconomic Characteristics of Migrants and Statistics**

Looking at the recent data on migrant workers in the UK, the number of non-UK born workers in January to March 2008 was 3.7 million, 12.5 per cent of total UK employment. Among the non-UK born workers, people born elsewhere in Europe made up the largest numbers. This group comprises people born in the national EU 14 group (the pre-enlargement EU, excluding the UK) (0.7 million), A8 group (0.5 million) and all other European countries (0.2) million (Clancy, 2008: 19).

With the enlargement of the European Union in May 2004 to include ten new countries, including eight Central and Eastern European States (A8), labour migration through this route has increased substantially. For example, of the 486,000 A8 born workers in UK employment in 2007, 392,000 arrived in the last three years (Clancy, 2008: 25). However detailed statistics are not available on migration from the member states of the EU. There are only limited information sources on the statistics. One is the Worker Registration Scheme (WRS) for migrants from the A8. There is, for example, a reasonably clear seasonal trend in WRS applications. Peaks in the summer months

reflect the seasonal nature of some industries, such as agriculture and construction. At this point it is important to note that WRS statistics relate to registrations only, so they do not record whether a person is still in the UK. Since many A8 nationals come to the UK in seasonal sectors and then return home, the number of registrations is not an accurate indication of the net level of immigration from the A8 (Anderson et al 2006). The WRS also does not include those working as 'self employed'. Nevertheless, data from the Home Office's Access Monitoring Reports (Home Office, 2008) provides us with some statistics and enables us to analyse some key socio-economic characteristics of A8 nationals working in the UK under the WRS.

When we look at the data from the Home Office, the number of approved applications to the scheme by nationality for the period May 2004-2008, the following characteristics can be drawn (Home Office, 2008):

- Poles have a clear dominance in the registrations. A total of 568,190 Polish nationals have registered for work since May 2004, representing 67 per cent of all approved applicants.
- A8 nationals registered to work in the UK tend to be relatively young and less likely to have dependent children. 82 per cent of those registered on the WRS are aged 18-34.
- More than half (57 per cent) of those registered on the WRS are male.
- In contrast to the public perception that London is the primary destination for migrants, A8 nationals are most likely to be registered to work in the East Anglian region. The Midlands and London are the second and third most popular regions.
- The top five sectors for registered workers were administration, business and management (40%), hospitality and catering (7%), agriculture (10%), manufacturing (7%) and food, fish, meat processing (5%).

It is also commonly argued that immigrants to the UK are, on average, more highly skilled than the native-born population (Sriskandarajah et al 2007:43) However, the skills level of the jobs performed by migrants has fallen in recent years which reflects

the general trend that migrant workers are relatively more concentrated in the low-skilled occupations within the UK (Anderson et al 2006: 103).

Looking at the employer's perception towards migrant workers, the rationale for employing migrants rather than local workers, recent surveys have shown that employers feel that migrants outperform local workers by a large margin in terms of their work ethic, productivity, reliability, education and skills and amount of sick leave taken (cited by Chappell et al 2008: 16; Anderson, 2006; TUC, 2007a). However, the high level of employment of migrant workers cannot be understood by the work ethic of migrants. As argued by Anderson et al, in certain sectors, many employers seem to be facing difficulties attracting local applicants for job vacancies. Two major barriers faced by employers within the construction sector seeking to recruit UK workers can be identified: the physical nature of work and the perceived low status of jobs in the industry (Anderson et al 2006:69). To these explanations we can add that there are not enough highly skilled local workers for the needs of the construction sector. Construction sector suffers from the significant shortages of labour and has more hard-to-fill vacancies and skills-shortage vacancies that almost any other sectors (ConstructionSkills, 2008). For that reason, training on skill development of local workforce is seen as a crucial issue in the Olympics (Experian, 2006).

Having touched upon the characteristic of migration in the UK in general, a brief analyse on the legislative framework regarding the employment rights will be provided in the following section. Firstly, two main schemes will be introduced which will give us an overall picture of the channels open to migrant workers to enter the UK. Secondly, we will look at the employment legislation.

## **II. Legislative Framework**

### **1. Worker Registration and Work Permit Scheme**

There are a number of different schemes that regulate migrant work in the UK. These schemes also provide us with information about the route of migration. The most well-known scheme is the Work Permit Scheme (currently subsumed into a points-based system) for migrants outside of the European Economic Area (EEA) and the Worker Registration Scheme (WRS) set up for migrants from A8 countries. Other schemes are the Working Holiday Makers Scheme, the Seasonal Agricultural Workers Scheme and the Sector Based Scheme. Since migrant workers in the construction sector are likely to be found in large numbers in the WRS and the work permit, we will only deal with WRS and the new system called Points-Based System. In fact, these two schemes serve as a main legal route for migrant movement to the UK. Categorisation of migrant workers classified in the first chapter, in fact, stems from these two schemes: migrant workers coming from the A8 countries and from outside the European Economic Area (EEA). As will be discussed later, WRS and Points-Based System envisages different regulations and also restrictive implications towards migrant workers.

#### **a) Workers Registration Scheme (WRS)**

The UK was one only three states of the pre-enlarged EU (EU15) to grant citizens of the newly enlarged EU access to the labour market. For eight of the ten states however, the UK put in place a special “Worker Registration Scheme” (WRS). Since 1<sup>st</sup> May 2008, A8 nationals have been able to migrate and legally take up employment in the UK and, while they must register, they do not require work permits. A8 workers from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia must register their employment with the Home Office within one month of starting in the UK. To obtain a registration card, applicants must send a letter from their employer confirming employment to Work Permits UK. For each job that they have, a worker must obtain a registration certificate in the form of a letter authorising them to work for a named employer. The registration requirement applies for 12 months, and thereafter applicants are entitled to apply for an EEA residence permit. It should also be emphasised that registration does not regulate access to the labour market: people are

not required to work in particular sectors nor are they required to work for named employers, though importantly only certain employers may be prepared to furnish them with the documentation required for registration (Anderson et al, 2006). In this framework, certain groups including self-employed, au pairs, those working for an employer for less than one month and others are exempt from registration, thus out of any legislative regulation. The legendary Polish Plumber would for example not be registered as he is likely to be self-employed which explains why of the 510,000 workers who had registered with WRS up to September 2006, only 18,925 or under 4% were working in construction and land (Anderson et al, 2006). This is an important point due to the fact that the level of self-employed workers with limited workers rights comparing to those registered workers is uniquely high in the UK construction sector. This trend is a big challenge both for workers and trade unions since self-employment practice in UK turns to the false-employment through which employers take advantage of the vulnerability of migrant workers (Harvey & Behling, 2009).

## **b) Points-Based System**

The work permit scheme (currently being subsumed into a points-based system) enables employers to recruit staff from outside of the European Economic Area (EEA) as long as they can prove that they cannot fill the post with suitable applicant from within the EEA.

On Friday 29 February 2008, a new immigration system entitled Points-Based System was launched with the aim of controlling migration more effectively. This system combines more than 80 pre-existing work and study routes in to the UK into five tiers which are:

- Tier 1 – Highly skilled migrants, entrepreneurs, investors and graduate students
- Tier 2 – Skilled workers with a job offer to fill gaps in UK labour force
- Tier 3 – Limited numbers of low skilled workers needed to fill specific temporary labour shortages
- Tier 4 – Students

- Tier 5 – Youth mobility and temporary workers: people allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives

The new system brings the sponsorship system that all applicants in Tiers 2-5 will need to provide a certificate of sponsorship from an approved sponsor when making their application. The certificate of sponsorship will act as an assurance that the migrant is able to do a particular job or course of study and intends to do so. The sponsor's rating, an expression of their track record or policies in sponsoring migrants, will determine whether applicants receive more or fewer points for their certificate. In order to sponsor migrants, employers and educational institutions will need to make an application to the Home Office, satisfy the requirements for the particular Tier in which they wish to sponsor migrants, and accept certain responsibilities to help with immigration control (Home Office, 2006: 2).

Under the new system, the employer can issue a certificate of sponsorship to the migrant worker they have chosen, and the migrant can then make an application for entry clearance overseas. All sponsoring employers must also be registered and are awarded a points rating that may be reduced if they fail to adhere to the conditions imposed by the Home Office. If the employer is a highly rated sponsor, then it is more likely that the chosen migrant's application will be successful (Home Office, 2006:10). Migrants will only have valid leave if they remain in continued employment or study with their sponsor. Should a migrant wish to change sponsor, they will need to make a fresh application. (Home Office, 2006:20).

At this stage, it is important to underline some criticisms over the new points-based system. This new managed migration scheme links entry to the country to employment by a named employer. Therefore, one of the main features of the new managed migration system is a more prominent role for employers. All but Tier 1 entrants must have a sponsor –typically an employer- except for students. Migrants' right to remain is tied to their employment and their sponsor has a duty to report both no-shows and attendance at work records. This system places considerable power in the hands of employers and may render migrants vulnerable to abuse from employers and reduce their rights but, above all, tied-worker schemes restrict the ability of workers to easily change their jobs (McDowell, 2009; TUC, 2007a). For this reason, the TUC is calling

for a new system to build upon a rights-based approach which should ensure equal rights for people at work whether they are indigenous or migrant workers (TUC; 2005).

## **2. Employment Legislation in the UK**

In this section, workers' rights will be briefly touched upon to understand employment relations in the UK. At this stage, however, it is necessary to underline some important points related to the dual employment system in the UK.

The UK retains a dual system of employment rights, with 'employees' having access to significantly better protections than a separate category of 'workers' who are often in low-paid work. This system draws legal distinctions between 'employees', 'workers' and the 'self-employed', meaning that employment rights are not evenly distributed. Many low-paid temporary workers do not qualify as employees, and therefore have fewer legal rights at work (TUC, 2007a). Moreover, it can be very difficult to determine whether someone is 'a worker' or an 'employee', and therefore to decide what their legal employment rights are. However, one could argue that, in the case of construction, engineers are regarded as 'employees' whereas workers doing the construction are seen as 'workers' which depends on very much whether workers are directly employed or are working on a "sel-employed" basis. The tribunal and court rulings determine the legal rights of UK workers, who have different employment rights' entitlement depending upon the employment status. The government itself acknowledges that there is no one thing that completely determines the employment status because an employment tribunal decides, based on all the circumstances of a case (TUC, 2007a: 172).

In the UK, The National Minimum Wage Act, Employment Rights Act 1996, Working Time Regulations 1998, The Equal Pay and the Wages Act 1986, the Employment Relations Act, 1999 and Management of Health and Safety at Work Regulations are among the most important legislation regulating workers' rights.

- Based on the dual employment system in the UK, the charter in the annex I shows the differences in the employment rights of UK 'employees' and 'workers' (TUC, 2007a: 175-177). Summed up, we can see in there that, most people at work, including all agency workers, enjoy the following rights (TUC, 2007b: 6): the National Minimum Wage; working time rights (including break, holidays and



holiday pay and a limit on the working week); health and safety protection; the right to join a union; and protection from unfair discrimination. However, as seen in the Annex 1, not all workers enjoy the same rights. Only employees, excluding self-employed and agency workers, for example enjoy the right not to be dismissed in relation to working time; right not to be dismissed on health and safety ground; or the protection for terms and conditions, continuity of employment in case of transfer of undertaking.

### **III. Mapping the Migrant Workers Working for the 2012 London Olympics**

#### **1. The Construction Sector in the UK and the sector of the Olympic site**

For decades, high unemployment in construction made the UK a major labour supplier in Europe. Since 2000, however, the UK has experienced a building boom which is accompanied by severe shortages of skilled craft workers in construction because of major urban redevelopment projects in London and a wave of public works and housing construction elsewhere. The labour shortages have led to an increase in international migration movement to the UK (Lillie and Greer, 2007: 569).

With a large amount of public expenditure invested, the UK construction sector is a sound sector of the British economy and experienced a labour shortage throughout the last few years, especially in “hot spots”. Therefore it is not surprising that the UK has not enough skilled nationals to build the main Olympic projects. Considering all the planned construction projects for the next years, even with vocational training for local workers, the UK construction sector will have to rely on new migrants. As the Institute for Public Policy Research (IPPR) underlined:

“(…) planned construction projects such as the Olympics will require an additional 40,000 workers per year until 2012, above and beyond those already in the sector. Migrant workers will play a vital role in ensuring that these projects can be successfully completed helping to fill skills gaps (Chappell et al. 2008: 6)”.

Migrants are and will be needed in the sector, however, this is in fact not a new phenomenon, the sector always relied on migrant workers. Before Ireland experienced high growth, Irish workers were the biggest migrant group in the UK construction sector and now they are being replaced by Eastern Europeans (Chappell et al 2008: 34). So the influx of migrants to work in construction (in this case, for the Olympics) is nothing new.

Another feature of the sector that might be connected with the labour shortage is the “wage quality” for documented work. In recent years annual wages for manual workers in the sector have been above the earnings in other trades (Chappell et al. 2008: 20). Of course it remains to be seen if this trend will continue with the economic crisis.

A last feature to be mentioned is the high decentralisation of the sector with a very high number of small firms (nearly 90% of the firms have less than 10 employees) as well as self employed. To use self employed workers is a way to minimise risks for firms and is related to the equally high trend of subcontracting (Chappell et al. 2008: 20-21). The level of registered self-employed is uniquely high in the UK construction industry and, as pointed by Harvey and Behling, this is attributed to the presence of false self-employment on a massive scale, meaning that many workers, mostly migrants, are in business on their account, rather come under the control and supervision of their employers (Harvey and Behling, 2009).

It is difficult to know how many migrant workers are working on the construction sites of the Olympics in East London. In 2008 about 3000 persons were employed on the Olympic Park and in 2009 this number should double (McSmith 2009). The Olympic Delivery Authority (ODA) estimates that 2010, 20000 workers will be needed for the three Stratford projects (Olympic park, Olympic village, Stratford city development (underground, mall). It should be noted

“(…) that estimates on employment figures vary widely partly because most ‘official’ estimates come from host cities and organising committees, and are sometimes thought to be overly optimistic (Chappell et al. 2008: 25)”.

Concerning the share of migrant workers of the work force estimates range from 10 to 70% migrants for the total work force on the Olympics (“Foreigner in UK” 2009). An interview partner from the Union of Construction, Allied Trades & Technicians (UCATT) mentions 5 % newly arrived migrants and 25 % long term residents without the British nationality<sup>6</sup>, himself states to have these numbers from the ODA.

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<sup>6</sup> Interestingly he counts Irish workers to the national work force

***Overview of the number of workers and the share of migrant workers on the Olympics projects***

Year	Sites	Workers	Share of migrant workers
2008	Olympic Park	3000	30 %
2009	Olympic Park	6000	30 %
2010	Stratford Projects	Estimates 20.000	?

***Estimates based on the sources McSmith and ODA.***

The diverse Olympic projects such as the Olympic Park and the Olympic village are situated in an area of London called the lower Lea Valley, still in the city but without underground access. The 5 neighbouring boroughs, Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest are rather working class areas with a high share of migrants<sup>7</sup> public estates and previous industrial buildings. One of the boroughs, Hackney, has already completed the first phase of gentrification with trendy small businesses and young artists. The revalorisation (termed positively) or the gentrification (termed negatively) of these boroughs are planned with the Olympics projects. For instance, the underground will go to one of the borough (Hackney) and a shopping mall is planned. Additionally, it is planned to rely the Stratford station to the Eurostar (high speed train going through the Channel canal).

The area of the Olympic park is an area with a tradition of workers struggle, a fact that has been pointed out by the TUC during the negotiations on an agreement (cooperation principles) with the Olympic authorities (Interview with the TUC 2009). Problematic is the fact that in the broad public and in the TUC the legacies of the games are only seen

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<sup>7</sup> For the share along ethnicity see ODA 2007b

in positive terms (trainings, new infrastructure, new employment of quality (in shopping malls?)) and the very real danger of a working class being driven out of London due to the gentrification affects of the process does not seem to be perceived.

Worth mentioning that the Olympic construction site as such is a highly controlled area, where only persons with pass are allowed to entry. It is surrounded by several meters high fences and barbed wire for fear of terrorist acts and vandalism. A closed world for a world sport event.

## **2. Public Discourse on Migrant Workers**

In order to have a more or less full picture of the setting in which migrant workers are going to work for the Olympics it is not enough to speak about the sector, we also have to mention the public discourses on migration and migrants.

In short, we have to bear in mind that the construction of the Olympic venues takes place at a time when two related events concerning migrant workers vs. nationals or local workers are still in mind: Gordon Brown call for “British jobs for British Workers” and the wave of wild cat strikes around the Lindsey dispute.

Brown made the call “British jobs for British Workers” 2007 at the Labour Party Conference in the context of a discussion on training and the labour market. As it can be expected the “call” legitimises chauvinistic resentments and reinforces the feelings of the British nationals who think that they are discriminated against in the labour market. The media partly fuelled this feeling and the right wing media use the “pledge” against the government for not fulfilling it<sup>8</sup>. Concerning the Olympics it is not difficult to find newspaper articles asserting that migrant workers on the Olympic sites are taking over the jobs the locals wish for themselves. The Mailonline, for instance, claims that “they have the jobs that locals - and better qualified - (...) can only dream about” (Reid 2009). Resentments of this sort take place in an unusual setting where documented

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<sup>8</sup> See for instance Slack for the MailOnline (2009), explaining that the promise has failed even for the public sector while employment for non EU-members soars.

migrant workers got the same wages as nationals because of the agreements on the Olympics (see chapter “Working conditions and union strategies”).

Another aspect of the nationalistic demagogic pledge “British jobs for British workers” and of the labour shortage in the construction sector is that the government has to attract locals in order to get less migrants in the construction sector. In partnership with the industry and the Olympics Delivery Authority (ODA) the government launched a 38 million Pounds training scheme for unemployed workers to work in the construction sector. For instance about 1000 unemployed workers will be trained on the Olympic site (Goodman 2008). The issue of trainings and in general of the legacy of the games happens to be an important concern for the TUC (Interview on the 28.07.2009) as well as for unions (see e.g. Goodman 2008). The second event is the militant strike wave that occurred 2009 in the engineering construction sector at the Lindsey oil refinery. The strike wave started in January when an Italian subcontractor wanted to bring in its own workers at rates below the national agreement for the industry and did not wish to allow locally-based workers to apply for job vacancies. The local workers would have been subject to the national agreement of the sector, while the others are subject to the posted worker directives which allows service firms to pay their workers along standards of the country where the firm is registered. The workers in that branch of the sector, used to work and live together throughout Britain on short term basis, are organised in wide networks and were able to initiate many sympathy strikes throughout the country (Gall 2009:12). Since then two more strikes have occurred on very similar issues leading to a partial success of the local work force. These strikes were of an ambivalent nature. On the one hand the workers wanted a work guarantee for local labour (domiciled in the UK) and on the other hand didn’t want migrant labour to be discriminated against (but the second strike wave led to the disengagement of the newly arrived Polish work force). (Gall 2009)

At the beginning of the first strike some workers were waving “British jobs for British workers” placards but a few days later the “British jobs for British workers” slogan was soon replaced by “fair access to jobs”. In the wide public these strikes or moreover the first one of January are probably mostly known as under the heading of “British jobs for British workers” since the media has understood it in this way. Since the strikes were wild cat strikes, the unions, the General, Municipal, Boilermakers and Allied Trade

Union (GMB) and UNITE<sup>9</sup> had to officially distance themselves from the workers actions, even if they approved them. They have also been concerned to emphasise that they have nothing against migrants (see statements at [www.unitetheunion.co.uk](http://www.unitetheunion.co.uk)) and many unionists have distanced themselves from the divisive slogan in an open letter to the press (Guardian 2009). After the workers abandoned the famous slogan, they had inclusive demands that could have been an inspiration for the work on the Olympics like “union assistance for immigrant workers – including interpreters – and access to union advice to promote active integrated union members; and build links with construction unions on the continents” (Gall 2009: 8).

Often anti migrant resentment is expressed through numbers. In November 2008 the media, fuelling once again anti migrant resentments were speaking of more than 50.000 new National Insurance<sup>10</sup> registrations since 2005 in the Olympics borough, claiming that most of the registrations were coming from Eastern European migrant workers (Pierce. 2008). And Labour MP Frank Field, was cited saying this suggests that the benefits of the Olympics are going abroad:

“This is the biggest public expenditure programme in the history of the country yet the benefits appear to be going abroad. The extraordinary number of national insurance registrations in Newham suggest it is not providing much additional employment for British people. This is not what we were told when we secured the Olympic Games” (Telegraph Nov. 2008).

Related to the “British jobs for British Workers” pledge, the media are claiming that the local people are erroneously counted and that it is enough to be registered in a hostel in the Olympic borough to count as locals (Hughes 2008). An officer of UNITE certified as well that is the way the ODA differentiates between nationals and migrants and thinks that the share of migrants is up to 10% higher than stated by the ODA (Interview on the 28.07.2009). As seen in the Lindsey dispute differentiating between domiciled and non domiciled was also the way to differentiate workers but in that case the

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<sup>9</sup> Both unions are affiliated to the Labour party

<sup>10</sup> In Britain one gets a National Insurance number for the first job and keep it for life.

domiciled were regarded as locals, while in this “dispute” the newly domiciled should not be counted as locals.

Interestingly, the interview partner from UCATT sees a link between the relatively low share of migrant workers on the site (30% compared to an average of 41% on other sites) and the Lindsey dispute assuming that employers might be afraid of workers action (Interview on the 28.07.2009).

### **3. Profile of the Migrant Workers Working for the Construction of the Olympics Venues**

The first point to be made about migrant workers in the construction sector is that this is an almost 100% male workforce, except maybe for the engineers. Concerning the issue of union renewal, it appears that organising these workers would not lead to a gender renewal of unions. We should also mention that traditionally there have been few black and minority ethnic workers (BME) in the sector (Chappell et al. 2008: 22).

As already stated, when speaking about migrant workers working for the Olympics we have to differentiate between at least 2 categories, as well as 2 subcategories of workers: those already residing in the UK before the start of the work for the Olympics (the long term migrant workers), those coming to the UK in order to work for the Olympics and inside these two categories the undocumented workers. We think that it makes sense to differentiate the migrant workers in this unusual way for the following reasons:

- The workers of the first category usually have the right to work in the UK but still it is possible that some of them are undocumented (see part on the legal situation). It is to be expected that these workers have a better command of English and are more aware of the working culture and environment as well as of the British regulation system than the newly arrived migrant workers. They are probably coming from different horizons, less from Eastern Europe than the “newly arrived”.
- Most of the workers of the second category are coming from the states of the enlarged European Union, from the Baltic states and Eastern Europe (Poland, Lithuania, Romania, Bulgaria) (“Foreigner in UK” 2009). It is often assumed that migrant workers on short term contracts will leave after finishing their jobs.



Nevertheless, the work on the Olympics can be a springboard to stay longer in the UK and look for a following contract. Not all of the workers of the second category will leave the UK after having finished their contract. So it makes even more sense for unions to engage with this category of workers.

As already mentioned the Eastern Europeans and Baltic people coming from countries who entered the EU in 2004 have the legal rights to reside and work in the UK, whereas Romanians and Bulgarians need work permits or to be self employed. Therefore to be self employed is a way to circumvent the employment restrictions for Romanian and Bulgarians. For the employers using a “self employed” worker is a way to cut costs, through avoiding taxes and benefits for the workers. Working for only one contractor while being registered as self employed is referred to as bogus or false self employment. The site of the Olympic Park is very much regulated and the ODA works closely with the UK Borders Agency (Stewart 2009). Already more than 300 Romanian workers have been “discovered” and “sacked” by inspectors from the UK Borders Agency (McSmith 2009). A union interview partner says that prior to Christmas 7% of the workforce (more than the 300 mentioned in the media) came from Romania and have been removed due to the direct employment clause on working for the Olympics (interview with UCATT in Mai 2009) (see chapter IV, 2 on the recruitment process). In this case the workers would have lost their jobs not due to bogus self employment but due to this special clause. These workers are labelled as “illegal” by our union source as well as by the media. Academic literature and political activists usually use the term “undocumented” rather than ‘illegal’, partly because no human being can be considered as illegal. In this case this term is even more erroneous, since these workers did not enter the country illegally.

Concerning undocumented workers it could be possible that, likewise in Athens when the construction deadlines get closer, the share of undocumented workers will rise. With time pressure employers and the authorities just want to get workers very quickly without long employment procedures. In Athens unions estimated that one third of the construction workers for the Olympics were undocumented (Chappell et al. 2008: 27).

After the gender and the legal status categorisation of the workers, the third differentiation we have to make is that these workers do not all have the same

employment skills and therefore the same jobs: in short they are not all labourers. Newly arrived documented, as well as long term migrant workers are often skilled workers, whereas some are working as engineers and some as electricians or carpenters. Due to their position in the production chain, there are smaller numbers of engineers than, for example, electricians. Undocumented workers might be both skilled or unskilled. Usually one third of the migrant workers in the sector tend to be employed for the 3 D jobs (difficult, dangerous, dirty) (Chappell et al. 2008: 44).

During the time of the study (spring/summer 2009) the civil engineering phase of the project was taking place. This could be one of the reason why the share of migrant workers (30%) is rather low (Interview with UCATT on the 27.07.2009).

## **IV. Trade Union Strategies**

### **1. Union Stances toward Migrants before the Start of the Olympic Project**

Generally, trade unions in the **economically advance countries** have ambivalent attitudes towards migrant workers that can be situated “on a continuum ranging from exclusion to inclusion” (Kahmann 2006: 186; Amler et al. 2008). Despite a tradition of international solidarity, unions are embedded in particular national societies and tend to represent primarily the interest of their national memberships (Pennix and Roosblad, 2000). Historically, they were often hostile towards the inflow of migrant workers, as a surplus of workers exerts downward pressure on wages and working conditions. Furthermore, recruitment of workers from abroad not only adds to the quantitative supply of labour, but also brings about qualitative change: the workforce becomes more fragmented with language and cultural differences (Castles and Kosack, 1973). When most West European countries started to recruit foreign labour in the 1950s to sustain the post-war economic boom, unions were initially concerned about this move. However, as stated by Castles and Kosack, when it became apparent that to resist the “import” of foreign workers was not a viable option, unions adjusted their policy and began to demand that migrant workers should receive the same pay and working conditions as indigenous workers (Castles and Kosack, 1973). Furthermore, increasing efforts of migrant workers in organising themselves along with common interests served as a pushing factor on trade unions to develop new strategies to engage with migrant workers. As different cases show in UK or Spain, for example, self-organisations of migrant workers or NGOs were the one who pushed trade unions to pay special attention to organise migrant workers or take steps to protect their rights.

At the beginning of the chapter on union strategies it is important to mention that unions in the UK do not seem to have much experience with the workers of the countries who joined the EU in 2004. However, some organisations have started dealing with migrant workers across the UK:

More broadly, some evidence suggests that organisation is starting to take place more broadly among A8 nationals in the UK, with trade unions recently setting up branches specifically for Polish speakers in Southampton and Glasgow (Campbell 2006). In the North East, the Union of Construction, Allied Trades and Technicians (UCATT) has been cooperating with the Polish trade union Solidarnosc in order to establish trust between Polish construction workers and unions (Fitzgerald 2006). The GMB union has also started a joint campaign with Solidarnosc aimed at making sure Poles arriving in the UK are aware of their legal rights (cited in Chappell et al., 2008: 39).

As already mentioned, during the first Lindsey dispute, at the level of the discourses on migrants, the unions were cautious to point out that they are not prone to any divisive arguments such as the slogan “British jobs to British workers”. The problem is, as is often the case in unions throughout Europe, some unionists do not see migrant workers as an opportunity. Our interview partners from UCATT, UNITE and the TUC, if they see any reason to orient their organising/support efforts toward migrants, didn’t seem to see at all why it could be an advantage to engage with them.

Though the issue of organising migrant workers became a part of the trade union agenda, albeit limited, for the Olympic case, trade unions appear to more care about the negotiation with relevant institutions like ODA at high level, rather than activating their efforts on the grass root level. A “Memorandum of Agreement” (MoA)<sup>11</sup> between on one side the construction unions and on the other side the ODA and CLM Delivery Partner LTD<sup>12</sup> and “Principles of Cooperation” (PoC)<sup>13</sup> between the TUC and the ODA and LOCOG (organising committee responsible for the Olympic show) have been the focus of the work of the British unions around the Olympics. As leverage for the negotiations of the documents unions could use the fact that for the authorities, good industrial relations are more important than in many situations since such events as the Olympics have a high visibility and the unavoidable deadlines make potential strikes

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<sup>11</sup> See the MoA at <http://www.london2012.com/documents/oda-publications/memorandum-of-agreement-between-the-oda-and-trade-unions.pdf>.

<sup>12</sup> The Delivery Partner is responsible for ensuring that the land preparation, the infrastructure and venues are delivered.

<sup>13</sup> See the PoC at <http://www.tuc.org.uk/organisation/tuc-15282-f0.cfm>.

even more problematic. These documents do not especially mention migrant workers but they can be analysed on their effect toward migrant workers.

## **2. Recruitment Process and Union Strategies**

Very often, the enrolment of migrants in Britain works via agencies. In the UK temporary agency work is a fast growing form of employment. Temporary agency work (defined as the average daily number of agency workers as a percentage of total employment) grew from 3.2% in 1998 to 4.3% in 2006. In the EU, the UK are leading in matter of temporary agency work (Markova/McKay 2008: 7). Temporary workers hired through an agency have fewer rights than “direct employed workers” (see Annex 1). Discrimination on the basis of sex, race, disability and trade union membership is forbidden in temporary agency employment but the workers do not have any redundancy rights or protection against unfair dismissal (Markova/McKay 2008: 33). Moreover licensing for temporary work agencies was withdrawn in 1994 and the gangmaster licensing act of 2004 regulates only agencies supplying labour into agriculture, shell fishing and processing and packaging activities of produce derived from agriculture and shell fish (Markova/McKay 2008: 57). UCATT demands that Gangmaster Licensing Act 2004 should be extended to the construction as across the UK 28.2 per cent of construction sites had some level of gangmaster activity operating on them and the number increases up to 69.7 per cent in London as a survey undertaken by UCATT states (UCATT, 2008: 3).

Beside the lack of rights in case of redundancy and the “license gap” it is well known that many agencies are unscrupulous, sometimes pays less than the minimum wages, take huge charges on housing etc. For instance one agency hiring workers from east Europe used to advertise its services with:

“We do not recruit in the UK and therefore we can offer you the (opportunity to access resources that are not always available locally, for example, skilled and experienced tradesman for reasonable wages or labour for heavy and unpopular jobs. (...) The level of the worker's salary depends on the client's decision. We look for people that agree to work for the pay offered by the client” (EE Workers Ltd. 2009).

In order to avoid the exploitation of agency work the unions tried to push for a direct employment clause as well in the PoC as in the MoA<sup>14</sup>. Another explanation for direct employment can be found in the press:

“Self-employed workers were banned from the site under an agreement signed late in 2007, after UCATT had warned that their presence invited illegal foreign labourers to seek work on the site, and could lead to strikes” (McSmith 2009, without the mention of illegal employment but strikes if no direct employment clause also see Guardian News & Media 2007).

Whatever the unions’ reasons might have been, direct employment helps to avoid exploitation but in this case this is just an encouragement toward direct employment. The agreement mentions that ODA and CLM Delivery Partner LTD will encourage their contractors to work toward direct employment. It is also mentioned that

“If unavoidable circumstances occur in respect of direct employment, despite the best endeavours of the employer, then the ODA and Trade Union Programme Review Group is committed to discussion and resolution of the impact and circumstances of such occurrences (Memorandum of Agreement 2007)”.

As the agreement is not legally binding and it is about “encouragement” toward direct employment it is easily possible to circumvent direct employment. The main actual employer is the ODA or rather its contractors. The proportion of the directly employed workforce of the contractors is unknown to us. On one hand the Romanian workers are said to have been “sacked” because of the direct employment clause (UCATT in 04.2009) on the other hand a Unite construction officer told us that on the site there are many “labour supplier companies” (agencies) calling themselves subcontractors, what would mean that many are not directly employed (Interview with UNITE on the 20.07.2009).

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<sup>14</sup> While in the PoC (agreement with the TUC) the role of self employed and agencies is recognised the MoA (agreement with the construction unions) doesn’t mention it at all since unions in the construction sector struggle against the trend to self employment.

Concerning the union responses toward this form of recruitment UCATT and Unite says that they expose rogue employment agencies or report them to the ODA but they did not mention any specific case where migrant workers were implicated.

Important for the employment process (and working conditions) toward migrants is the chapter on “Equality, Diversity and Inclusion of the PoC. Along that chapter the ODA has developed an Equality and Diversity Strategy paper as well as a schedule on Equality, Diversity and Inclusion, which stipulates that the ODA contractors have:

“(…) to collaborate in actively promoting race equality, disability equality and gender equality. It also requires them to operate in accordance with all legislation on equality in employment, including preventing discrimination on the grounds of age, faith and sexual orientation“ (ODA 2007).

In the “schedule” it is mentioned that this has been implemented through contracts with the main contractors:

“The ODA has embedded its disability, gender and race equality requirements into contracts with its main (Tier 1) contractors through its procurement process. The contract requires that main contractors provide equality action plans which set out how ODA equality and diversity requirements will be met” (ODA 2009).

Additionally diversity representatives have been employed (ODA 2009) but unfortunately we didn’t come across information on unions making use of these possibilities. Concerning the legacies of the Olympics, the TUC worked toward a commitment of media companies (BBC, ITV ...) for relocating in Hackney after the games. It is also advocating for an appropriate training for the support media workers for the games and in general for training of people from the boroughs on the construction site. A union training centre will open in Autumn 2009 directly on the site. (Interview with the TUC 28.07.2009)

Training and employment of local labour is, as already noted, of importance for the construction unions. As the MoA shows:

“Local labour will be encouraged and given support to take up the opportunities to develop training, skills and accreditation and to take employment opportunities that will be required for employment on the programme.”

As mentioned at the beginning of our paper the TUC hopes that the legacy of the Olympics will be a revitalisation of the working class areas around the site through employment of quality. Many “long term migrant workers” are living in these areas. In so far the concern for local workers can be interpreted as a concern for migrant workers but one should be careful that so long there is no involvement with newly arrived migrants it is a kind of preferential treatment for “our locals”.

### **3. Working Conditions, recruitment and Union Strategies**

As it has been mentioned earlier a Memorandum of Agreement has been signed between the ODA and the construction unions on industrial relations on the Olympic sites. Under this agreement all workers should get the wages and working conditions mentioned in diverse national agreements for the construction industry. Of course the ODA and unions have to control if these agreements are applied.

We have no concrete hints that migrants at this stage of the study are discriminated. The anti migrant press claimed that migrants hired through agency are paid two pounds less than the other workers (Hughes 2008) but UCATT claims that all workers get the same wages (Interview with UCATT 04.2009). Later our interview partners from UCATT and UNITE said “they should not be discriminated against” implying that they might be, or “they probably are” implying that no concrete discrimination or exploitation has been reported to them although they are existent (Interview with UCATT on the 27.07.2009 and with UNITE on the 28.07.2009).

Related to the working conditions as well as recruitment possibilities there is the question of housing. The workers do not have any accommodation granted as it is often the case on big sites, in so far they are not all living close to each other. They are supposed to rent rooms from the workers living close the site (Interview with UNITE on the 28.07.2009)

Worth mentioning is that the Memorandum of Agreement as well as the Principles of Cooperation have clauses allowing unions to visit the site and to have an office on the site. In so far, unions’ officials are not only recognised as partners but also have the



possibility to have a direct contact with the workers. This gives trade unions a great possibility to organise.

Unfortunately, the PoC mentions only that a “reasonable access will be given to appropriate union organisers (...) (underlined by the authors)” and the MoA the request of union officials to visit an employer “should not be unreasonably refused”. Nevertheless the unionists interviewed said that up to now their unions could go everywhere on the site.

Actually, union membership is encouraged by these documents even with reservations (underlined by the authors): “(...) games operatives should have the opportunity to take out and maintain membership of a trade union.” And “Where agreements already exist the Parties agree to facilitate opportunities for unions to recruit membership (...)” (MoA)

For the construction workers especially “Operatives will be encouraged to be in membership of a trade union that is signatory to the appropriate WRA<sup>15</sup> under which they are employed” (MoA)

In the booklet distributed to workers on the site (only in English language), it is stated that all members of the game workforce will have the opportunity to join a union. It is also stated in the booklet, as it had been mentioned in the MoA, that “During their induction new starters will receive information about their employments rights, including their rights to join a union and relevant contact information” (London 2012 2009).

UCATT and Unite said in their interviews that they have recruited members on the site (non migrants and migrants). Nevertheless migrants were not a target it is therefore questionable if newly arrived migrants have really be recruited. In their case not only to know about the right to be members is important but also how English unions work or why is membership even for short time worker of interest.

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<sup>15</sup> Working Rule Agreement

The two interviewed unions, when asked if the Olympics will make a difference in term of recruitment were both very pessimistic. Unite said that one could only hope that the new members will keep their membership but didn't really believe they will (interview on the 28.07.2009). UCATT said that the Olympics make no difference in term of recruitment (interview on the 27.07.2009). With such a pessimistic assessment it is difficult to imagine that capacities will be set free to organise/support migrant workers.

Concerning wages the minimum wage issue is also of importance. In the UK, according to the National Minimum Wage Act 1998, all workers working legally in the UK are entitled to be paid the National Minimum Wage (NMW). The rates are fixed by law and change on 1 October each year<sup>16</sup>.

The minimum wage issue is crucial particularly when it comes to particularly non construction workers in the construction sector. like security workers on the construction sites. Since we are solely dealing with construction workers just a few words about it: the costs of living are much higher in London, that's why Londoners are campaigning (London Living Wage Campaign) through the London Citizens initiative over the minimum wage regulations for the London region. The Principles of Agreement as well as the ODA in its various statements clearly spell out that the London Living Wage will be respected at the Olympics which is seen by trade unions as an encouraging step. However, the implementation, particularly thorough the supply chains should be monitored carefully.

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<sup>16</sup> (New National Minimum Wage rates from 1 October 2008:

- Workers aged 22 and over - £5.73 per hour
- Workers aged 18-21 - £4.77 per hour
- Workers aged 16-17 - £3.53 per hour

Accommodation offset - £4.46 per day (£31.22 per week)

## 4. Exploitation due to Lack of Status and Union Strategies

With exploitation<sup>17</sup> due to lack of status we mean when exploitation is occurring because the workers have a precarious position due to his limited or non existent work or residence permit. It is a usual phenomenon that workers who can be threaten with reporting to the authorities and deportation can easily be pressured to work under very hard working conditions up to not being paid their wages at all.

On that point, as on discrimination/exploitation of migrant in general (see chapter II 3) we do not have much information. Concerning the self employed Romanians and Bulgarians, UCATT position is that these workers should have the same rights as the other A8 workers in order to prevent their exploitation (interview on the 27.07.2009). In practice it seems that not much has been done to support that position.

UCATT does not have any strategy to alleviate the exploitation of the self employed Romanian and Bulgarian workers at the Olympic venues. Interestingly enough, our interview partner does not see any problem to the fact that the Romanian workforce has been removed. He is arguing that they were probably not self employed (bogus self employment) (Interview on the 04.2009). If it is the case, is it not possible that unions advocate for them to be really employed by the employer who was subcontracting them? To approve to remove workers who are self-employed from the site is not really a good publicity for global unionism, better would be to deal with the employers.

Concerning undocumented workers we can not expect much from UCATT in that case the response of our interview partner is clear: “Due to their illegal condition UCATT cannot assist these workers” (interview on the 04.2009).

UNITE also does not have strategies to alleviate the exploitation of self employed Romanians/Bulgarians or of undocumented **migrant workers**. For the interviewed officer the topic of the Romanians who have been removed from the site was seen has a very sensitive issue. In saying “we had to remove them from the site” he implied that

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<sup>17</sup> We use the term “exploitation” in a general sense meaning that there is an exploitation where someone is working under conditions having an obvious discrepancy with “usual” working conditions. E.g. migrant workers get markedly less wages than nationals.

the union is supportive of the sacking of the Romanian workers or even that it has cooperated with the authorities to have them out of the site (interview on the 28.07.2009).

## **Conclusion: Challenges Faced during the Study and what more can be done?**

Migrant workers on the construction sites of the Olympic project is an interesting as well as a sensitive topic, probably more in the negative sense, as far as the broad public opinion in the UK. Since Gordon Brown advertised his policies with “British jobs for British workers” the media are scrutinising what is happening on and around the Olympic site. In such a situation it is a hard task for unions – if they are willing – to make use of the Olympic situation in order to organise migrant workers. On the other hand, anti migrant resentments are nothing new and as mentioned in the introduction there are many advantages for unions in organising on global scenes like the Olympics.

Turning back to our research question on how trade unions engage with migrant workers at the Olympics, we could argue that unions have tried to secure old and new union membership as well as to facilitate the work of union representatives/officers through the agreements like PoC and MoA signed between TUC, trade unions and ODA. Insofar unions have relatively “good cards” to recruit workers and therefore to revitalise. Additionally the ODA has implemented a diversity and equality policy as it is stated in the PoC.

Nevertheless, even if they have recruited workers on the site, the two biggest unions in the construction sector, UCATT and UNITE, have not tried to recruit or organise especially migrant workers and have no strategy (or not the wish) to organise newly arrived migrant workers. Also as it is often the case for unions, it appears that UCATT and UNITE are not keen to support precarious migrant workers (bogus self-employed) or undocumented workers because of their “illegal” status.

The point is that the strategies of union engagement toward different groups of workers should be different in order to be attractive for them. Newly arrived migrant workers have different problems (i.e. knowledge on working regulations and housing possibilities) than long term migrants; undocumented workers can be much more exploited than the others since they have less rights; engineers as white collar workers probably tend not to have solidarity ties with the blue collar and vice versa. These are all reasons to deal differently with the diverse groups. On the other hand, it is also

necessary to build links between the workers and to prevent a split of the work force along these lines.

Since UCATT thinks that the Olympics are only a minor factor for the employment of migrants, for the time being, it is not expected that it will make use of the Olympics to revitalise in organising/supporting migrants. The pessimistic view of UNITE officers on the gains of recruitment of workers “who will anyway leave” leads to the same conclusion.

**To sum up the main challenges of these study were:**

- we had difficulties in getting to trade unions and receiving replies to our questionnaire
- we encountered difficulties in approaching government institutions
- it was difficult to finding out recent data particularly with regards to migrant workers in the construction of the Olympic venues

In order to make the second part of the research as well as analyse ways of revitalisation it is necessary to take the following steps at best in making face to face interviews:

- approach more trade unions to get the recent information
- approach BWI and ITUC/ETUC to reflect their position
- approach workers on the sites
- approach the ODA for statistics

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## **Interviews**

E-Mail interview with UCATT in 04.2009

Face to face interview with UCATT on 27.07.2009

Face to face interview with UNITE on 28.07.2009

Face to face interview with the TUC on 28.07.2009

# Annex I

STATUTORY EMPLOYMENT RIGHT	EMPLOYEES ONLY	ALL WORKERS
<b>Discrimination</b>		
Protection from discrimination relating to equal pay, sex, race, sexual orientation, disability, age, religion		✓
<b>General Employment Rights</b>		
Written statement of employment particulars, specifying pay, hours of work, holidays, sick pay arrangements and disciplinary and grievance procedures	✓	
Itemised pay statement	✓	
Protection from unlawful deductions from wages		✓
Statutory sick pay		✓
<b>National Minimum Wage</b>		
Failure to be paid the NMW		✓  agency workers and home-workers expressly covered (Note: Apprentices under the age of 19, or aged over 19 and

		in the first 12 months  of their apprenticeship, are not entitled to the National  Minimum Wage)
Failure to allow access to records relating to the NMW		agency workers and home-workers expressly covered
Protection from unfair dismissal related to NMW	✓	
Protection from detriment related to NMW <sup>40</sup>		✓
<b>Working Time</b>		
Rights to daily rest, weekly rest and rest breaks		agency workers expressly covered
Paid annual leave		✓  agency workers expressly covered
Right not to be dismissed in relation to working time	✓	
Right not to suffer detriment in relation to working time		agency workers expressly covered

<b>STATUTORY EMPLOYMENT RIGHT</b>	<b>EMPLOYEES ONLY</b>	<b>ALL WORKERS</b>
<b>Dispute Resolution</b>		
Right to a grievance procedure	✓	
Right to a disciplinary procedure	✓	
Right to be accompanied by a union rep or a colleague in a grievance or disciplinary hearing		✓
<b>Health and Safety</b>		
Right to a safe and healthy workplace		✓  includes some protection for self-employed workers working in employers' workplace
Right not to be dismissed on health and safety related grounds	✓	
Right not to suffer detriment for exercising rights on health and safety	✓	
Right to paid time off for safety reps	✓	
<b>Job Security / Unfair Dismissal</b>		
Statutory minimum notice periods	✓	

General right not to be unfairly dismissed or unfairly selected for redundancy	✓	
Protection for terms and conditions, continuity of employment and from dismissal in case of transfer of an undertaking	✓	
Right for union or workplace reps to be informed or consulted about collective redundancies or transfers of an undertaking of affected employees	✓	
Protection from dismissal on grounds of medical suspension, acting as occupational pension trustee, for making a protected disclosure, for asserting a statutory right	✓	
Right to statutory redundancy pay	✓	
Protection from dismissal relating to right to be accompanied in grievance and disciplinary procedures		This is the only unfair dismissal right which applies to non-employee workers

<b>STATUTORY EMPLOYMENT RIGHT</b>	<b>EMPLOYEES ONLY</b>	<b>ALL WORKERS</b>
<b>Family-Friendly / Carers' Rights</b>		
Paid time off for ante-natal care	✓	

Statutory Maternity Pay		✓
Rights to maternity leave and to return to the same or an equivalent job	✓	May have entitlement under sex discrimination legislation which applies to all workers, but are not automatically entitled
Protection from dismissal on grounds of pregnancy or maternity leave	✓	
Statutory Paternity Pay		✓
Statutory Paternity Leave	✓	
Right to request to work flexibly	expressly excludes agency workers who are employees	
Parental leave or time off for dependents	✓	
<b>Trade Union Rights</b>		
Right to statutory recognition		✓
Right not to be subjected to detriment on grounds of trade union membership or activities		✓
Protection from unfair dismissal on grounds of trade union membership or activities	✓	



Right to take industrial action (trade union immunities apply where action taken)		✓
Protection from unfair dismissal for participating in lawful industrial action	✓	
Protection from employer offering incentives for individual to opt out of union membership		✓
Rights to paid time off for union duties or training (including for union learning reps)	✓	
<b>‘Atypical Worker’ Rights</b>		
Equal treatment rights for part-time workers		✓
Equal treatment rights for those on fixed-term contracts	✓	
<b>Miscellaneous</b>		
Protection for whistleblowers		✓
Time-off rights relating to public duties, occupational pension scheme trustees, non-union employee representative roles	✓	