

Shifting Labour Frontiers: the Recruitment of South Asian Migrant Workers to the European Union

Report of a webinar on the results of a study on the recruitment of Nepalese workers to Poland and their onward migration



Background

On 10 December 2018, the UN Global Compact for Safe, Orderly and Regular Migration was signed in Marrakesh. The international community had for several decades been trying to obtain more control on labour migration through international agreements, such as the ILO conventions on labour migration C181 and C034. However, not many countries ratified these conventions, and they have not had much impact on improving the working conditions of migrants and respecting their labour rights.

The important role of recruitment agencies in labour migration led the trade union confederation FNV and Mondiaal FNV to organize a first expert meeting on the role of recruitment agencies in labour migration and the role of trade unions in December 2018. This expert meeting agreed on the following course of action:

- Work together to promote the use of instruments that encourage fair practices, such as the ITUC's Recruitment Advisor Platform;
- Lobby for implementation of the Global Compact for Safe, Orderly and Regular Migration and for states to take responsibility for promoting fair recruitment;
- Investigate the role of recruitment agencies in labour migration of third country nationals (TCNs) to Europe.

As a result, Mondiaal FNV (Wilma Roos) and FNV (Imke van Gardingen) commissioned [research to examine the recruitment of South Asian Migrant Workers to the EU](#). The research was done under the auspices of the Internationaal Instituut van Sociale Geschiedenis (IISG) and conducted by Dovelyn Mendoza (IISG), Izabela Florczak (University of Lodz, Poland) and Rameshwar Nepal, a researcher from Nepal.

It explored the recruitment and working conditions of third country nationals from South Asia working as temporary migrant workers within the EU, with a special focus on Nepal as a country of origin and Poland as a country of destination and possibly transit. It reviewed relevant research and policy literature, developed analyses using primary migration data and documents, and elicited feedback from various stakeholders in the public and private sectors, both in Nepal and Poland, and directly from Nepalese migrants themselves.

Objectives of the webinar

- Present study: "Shifting Labour Frontiers: The Recruitment of South Asian Migrant Workers to the European Union"
- Share information on migration of third country migrants to and within Europe
- Share experiences between academic researchers, trade unions, politicians and NGOs
- Discuss future initiatives & involvement of FNV and Mondiaal FNV

Introduction

Wilma Roos (Mondiaal FNV) explained that FNV and Mondiaal FNV decided to commission this research and host this seminar because of the clear migration link between Europe/the Netherlands and Asia. Trade union officials from FNV increasingly come across workers from outside the European Union, so called third country nationals (TCNs), in their organising work.

Dovelyn explained from her research that an increasing number of TCNs enter the EU by obtaining a work permit for one of the EU member states. A vast number of these migrants originate from border regions like Ukraine, but also from Asia, for example India, Nepal, Bangladesh and the Philippines. A not yet identified number of workers go on to work in other EU member states.

She tried to answer the following questions: Why do they come to Europe? What is the context of their migration? What are the working conditions of these TCNs? How can trade unions and

politicians improve their situation? And how can trade unions be involved in future initiatives relating to them?

Presentations

The full webinar can be seen here: <https://vimeo.com/481149369/d3a5b2f6dc>

The webinar showed that research on migration can be addressed through a combination of trade union field work and academic research. **Migration frontiers are always shifting.** *Barbara Surdykowska (NSZZ Solidarnosc Poland)* illustrated this by pointing out that until recently, Poland was a country of origin of migrant workers, even until 2004, when the country entered the European Union. It is now a host country for TCNs, although the EU believes this to be a temporary situation. It is important to monitor these changes to be able to understand why these frontiers are shifting and what we can do.

Edwin Atema (union official of the Dutch Transport Workers' Sector of FNV) explained that in Romania, employers justify the recruitment of Nepalese workers with the argument that Romanian workers have been 'stolen' by Western European countries to drive trucks. This means that employers have to look for their workforce further away, but these workers also end up in Western countries.

Agnes Jongerius (MEP Dutch Labour Party) pointed out the **underlying factors** in this shift: the appalling working conditions in many countries and the enormous wage gap. People move to other countries in search of a better future and a higher wage. Also, local people in the host countries don't want to do the work done by migrants because of the low wages and bad working conditions in those sectors. She argued that we will not be able to deal with the migration issue adequately if we do not address the underlying factors.

The three researchers, Dovelyn Mendoza, Izabela Florzcak and Rameshwar Nepal, and *Deepa Dawadi (Director JTUCC, Nepal)* all highlighted the fact that migrant workers **pursue a dream**. They migrate to improve their lives and when they migrate to Europe, they also want to permanently settle in European countries, which is not the case for migration to Middle Eastern countries.

Migration from Nepal and other South Asian countries is a relatively recent phenomenon, so we do not know if these dreams come true and if these migrants are able to settle in European countries. Some of them even end up as undocumented immigrants when their contracts are terminated and they move on to other countries. This makes them even more **vulnerable to abuse**. They often end up in a situation in which they lose control over their own work and their own life, and they do not understand the contracts they sign. *Klara Boonstra (Professor of Labour Law VU University Amsterdam)* pointed out that although there is a lot of discussion about what the law should look like, there is a total **lack of compliance with and enforcement of the rules** that already exist. This is a situation that needs to be addressed urgently.

Recruitment agencies play a very important role in the shifting frontiers of migration. The agencies decide on the direction of migration. When an agency approaches Nepalese workers, it indicates the country they can go to. Furthermore, agencies charge extremely high recruitment fees, which

makes migrant workers very vulnerable, because they are not able to pay the fee back if they quit their job. Therefore, recruitment agencies are an important target if we want to address this issue.

The **role of trade unions** is of course an important one, but *Leo Lucassen (director of IISG)* pointed out that many institutional arrangements obstruct unions' attempts to address this issue. Deepa Dawadi gave a detailed explanation of action taken by unions in Nepal, for example, providing pre-departure training so migrants are better informed when they arrive at their destination. This really makes a difference.

Conclusion

The webinar presentations showed that migration frontiers are always shifting. It is therefore important to conduct research, including in the field, to understand the dynamics behind these changes. It is important to identify underlying influences on migration, such as unequal wages and employment opportunities between countries. When migrating to Europe, Nepali migrants dream of settling down with their family, but they are often exploited even to the point of enduring modern slavery. They accumulate huge debts; their employment contracts are terminated; and they lose control of their own lives. Recruitment agencies play a big role in this, demanding high recruitment fees and deciding to which country migrants should go. Although trade unions are hindered by institutional arrangements, they play an important role in supporting migrant workers.

Mondiaal FNV will continue to support the South Asian unions and, together with FNV, the migrant workers who come to The Netherlands.

Questions from the floor¹

Is there information on which industries recruit migrants? What is the percentage working in the construction industry?

In 2018, 19,912 work permits were issued to Nepalese workers (which does not mean 19,912 Nepalese workers entered Poland). Of these, 2,155 were issued for construction and 6,159 for manufacturing.

Do you have any information from your research on the impact of the pandemic on migration from Nepal?

No, the Polish case study ended before the pandemic (it was conducted from December 2019 to February 2020). It is still a little bit too early to draw conclusions. However, data from Border Guard shows a huge decrease in the number of Nepalese workers who entered Poland during the third quarter of 2020.

Do employers discriminate against Nepalese workers more than against other migrant workers?

The case study did not include such a comparison. However, it has been proved that workers with a

¹ If you have other questions please get in touch with Wilma Roos (wilma.roos@fnv.nl)

greater understanding of Polish labour law and reality (i.e. Ukrainians) are treated better as they have more knowledge about their rights.

Did the research produce findings on average wages of Nepalese migrant workers in specific sectors and occupations in Poland? E.g. construction, general manufacturing, warehouse management?

No, the research did not cover those issues. The studies carried out are not sufficiently representative to provide an answer to questions about the average wages of Nepalese workers. Interviews with Nepalese workers revealed that they receive relatively low wages when doing unskilled work (in factories, warehouses). Higher wages are earned by those working in the catering industry.

Links to research and reports

Research report on Indian migrants in Poland from 2014

<https://www.pism.pl/file/e78d552b-597e-4187-9f12-3de475a1194d>

News article on careers in Poland

<https://www.careersinpoland.com/article/news/more-nepali-workers-head-to-poland>

The lack of labour rights for undocumented workers is documented in <https://picum.org/aworkerisaworker/>

Gefont: a long fight beyond border

https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gefont.org%2Fassets%2Fupload%2Fdownloads%2F_long_fight_beyond_border.pdf%3Ffbclid%3DIwAR1x224mYml-7vPFqxNTDgSrp4CwAXbQZjhTZLLHwx8Gev5SppX-gvtlcRg&h=AT3iDY6mbUN_n6z81y8AHkaq0Lq3B9V1RiBiJxpFpkF_ysPofPV-cm6jDUt9gXii0tBr0d8lZgqZ2I59ySdcbZQYwk2Xj-qopK2Na8-qV2XkOHDU2zrm_qz4Aqumc7V8P-0ism2f_s

Recruitment Advisor, a service provided by ITUC to allow migrant workers to rate their recruitment agencies and give more transparency to the recruitment market <https://www.recruitmentadvisor.org>

Gefont: ongoing fight beyond border

[https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gefont.org%2Fassets%2Fupload%2Fdownloads%2FO_n_going_fight_beyond_border_\(bilingual\).pdf%3Ffbclid%3DIwAR2kCHNG8BcfG4kKtckf6TcmMnUm9leyWrwTBb9h7ZJgnGrdZuTuE2-9cSY&h=AT3iDY6mbUN_n6z81y8AHkaq0Lq3B9V1RiBiJxpFpkF_ysPofPV-cm6jDUt9gXii0tBr0d8lZgqZ2I59ySdcbZQYwk2Xj-qopK2Na8-qV2XkOHDU2zrm_qz4Aqumc7V8P-0ism2f_s](https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gefont.org%2Fassets%2Fupload%2Fdownloads%2FO_n_going_fight_beyond_border_(bilingual).pdf%3Ffbclid%3DIwAR2kCHNG8BcfG4kKtckf6TcmMnUm9leyWrwTBb9h7ZJgnGrdZuTuE2-9cSY&h=AT3iDY6mbUN_n6z81y8AHkaq0Lq3B9V1RiBiJxpFpkF_ysPofPV-cm6jDUt9gXii0tBr0d8lZgqZ2I59ySdcbZQYwk2Xj-qopK2Na8-qV2XkOHDU2zrm_qz4Aqumc7V8P-0ism2f_s)

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BWI

<https://www.bwint.org/cms/bwi-releases-paper-on-europes-migration-flow-2065>