



**Danube University Krems**

Department for Migration and Globalization

# **Migrant Workers in Austria and Europe.**

## Challenges for Industrial Relations, in particular Trade Unions

Gudrun Biffl, Lea Rennert, Petra Aigner

October 2011



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# 1 Introduction

The focus of this research is on socio-economic, institutional and legal ramifications of Austrian trade unions and their policy towards migrant workers. We analyse the changing role of migrants in the Austrian labour market and the implications for union policy. With the rapid decline of trade union membership in private industries as a result of economic restructuring, trade unions in Austria are slow to realise that a change in trade union policy may be called for, in analogy to unions in the United States of America which increasingly focus on the services industries and their workforce, namely women and migrants.

Interviews with Austrian trade union officials are shedding light on the activities of unions and the role migrants play in a wider union policy context. The challenges for trade union policy of increasing worker mobility within the EU and of immigration of third country citizens are addressed. In addition, the question is raised as to what extent new developments in the area of services mobility (mode4) versus migration are fuelling union activities. In that context the question of migration versus integration is touched upon, in particular short-term and very short term work (including services mobility) versus settlement and labour market access. Another issue is irregular migrant work and the extent to which it is taken into account in union policy. Why Austrian trade union policy differs in this respect from union policy of the United States of America is another point of enquiry.

In Austria as well as in the EU in general, the focus of trade union policies relative to migrants remains on traditional industries and regular migrants; special migrant policies which address specific needs of migrants (combating discrimination, promoting equal opportunities and affirmative action programs, reducing vertical and horizontal segregation) hardly feature in Austrian union policies. In the meantime, the absence of organized voice among migrant workers (of EU-citizens as well as citizens of third countries) has exposed migrant workers to marginalisation and exploitation and relegated many of them to the informal sector. At the same time, the availability of cheap migrant labour has contributed to the weakening of trade unions themselves.

In contrast, immigrant workers in the US have become the focus of union policy, particularly in the area of health care workers (hospitals, nursing homes and home care), property service workers (building cleaning and security) and public service employees, thereby bringing about a turnaround in union membership. US trade unions have also recruited undocumented immigrant workers (Erickson et al., 2002). By giving migrants voice (Hirschmann, 1975), unionization ensures that they are not the vehicle whereby wages and working conditions of services workers are undercut. Thus, 'exit' as a sign of disenchantment with the unions, is no longer the chosen action on the part of workers, at least in certain services in the US.

This raises the question why Austrian trade unions continue to hang on to giving voice to insiders (Lindbeck & Snower, 1986; 1987). It is this policy stance which allows the build up of pressure on employment and working conditions in the formal sector. We contrast the actions and opinions of enterprise councils with the experiences of migrant workers in enterprises. These interviews show the disillusionment of migrants with Austrian trade unions and the slow awakening of trade unions to

the new challenges of an increasingly mobile, flexible and multicultural workforce in a growing services economy.

The research project is applying a variety of analytical and empirical methods. To help understand the dynamics of low-skill and high-skill migration in both formal and informal labour markets, the analysis moves beyond mainstream economic issues by including institutional and legal ramifications, systems of innovation as well as segmented and dual labour markets.

The study starts out with a description of the current state of migration in Austria, addressing the change in paradigm from a foreign worker model (from the 1960s to 1992) to a model of immigration largely modelled after the US-immigration model in 1992, which continues to be adapted to new challenges. It points at the role of migrants in shaping migration policy and its reluctance to adapt to the new challenges of increased integration and worker mobility within the EU and the implications of ageing for immigration policy.

These chapters are followed by an analysis of statistical data on migrants, their skills and relative wages and their role in the labour market. To gain a more qualitative insight into the working conditions a case study approach is presented, bringing discrimination, job security, social mobility and family life to the fore, and the individual experience with trade unions. This involves interviewing migrant men and women as well as human resource managers.

For more pervasive information on strategies of unions and works councils relative to migrants an online survey amongst union members who are active members of works councils has been undertaken. This information is complemented by interviews of trade union leaders.

The Austrian situation is contrasted with American experiences on the basis of a literature survey.

Based on the results of the research, implications for the future development of industrial relations and migration are drawn in the final chapter in view of the beginning of a process of open coordination of migration policy across the EU. Until recently, migration policy coordination and harmonisation has been restricted to asylum and refugee policies, largely avoiding the contentious issue of the industrial relations aspect of worker migration. In view of an expected further enlargement of the EU, it will be crucial for social cohesion to have a better understanding of the role of migrants in the development of working conditions and the role of unions in protecting them (decent work agenda). We hope that this research provides convincing arguments in favour of the inclusion of migration and integration in the European Employment Strategy and in trade union policy.

## 2 Migrant Workers in Austria

After WWII, Austria embarked upon the reconstruction of its economy. It took some 15 years for Austria to recover and re-establish economic growth. Austrian recovery was hampered by large refugee inflows from Central and Eastern European countries<sup>1</sup> on the one hand and substantial emigration of Austrians to overseas countries on the other (Horvath—Neyer 1996). The 'European Recovery Program' (1947, Marshall Plan) played a key role in ensuring recovery by providing the funds and support needed to repair and reconstruct infrastructure (rail network, roads and bridges, housing) and industrial plants.

By 1960, Austria achieved full employment with an unemployment rate of 2.6%. Labour supply started to dry up as many skilled Austrians migrated to Germany, Switzerland and other European countries in the wake of social security agreements, attracted by higher wages. Accordingly, Austria chose the temporary foreign worker model already established by Germany to attract migrant workers from abroad. Austria signed bilateral labour recruitment treaties: with Spain and Italy 1962, Turkey 1964 and Yugoslavia 1966. As the Austrian wage levels were very low in comparison to countries like Germany, Switzerland and France, it was not possible to attract sufficient numbers of foreign workers from Spain or Italy<sup>2</sup>. Accordingly, Austria established recruitment centres in Yugoslavia (Beograd) and participated in the running of the German recruitment centres in Turkey.

Annual quotas of foreign workers were agreed upon by the social partners of the various provinces taking local needs into account (Kontingente). Foreign worker employment within the quota followed quick administrative procedures (Kontingentverfahren); in this case employers did not have to go through labour market testing, an administrative procedure in place until today for individual employment contracts (Individualverfahren).

In the 1960s recruitment of foreign workers was costly for employers as they had to pay for all bureaucratic procedures as well as travel costs for the foreign workers<sup>3</sup>. On the other hand, the institutionalisation of migration allowed rapid recruitment of migrant workers, above all from Yugoslavia, followed by Turkey, as the costs of migration were small for the migrants. The share of foreign workers in total employment rose fast in the 1960s until 1973 (with a peak of 8.7% foreign workers), when the economic recession put a break on foreign worker recruitment. In the wake of the recession 35% of foreign workers lost their jobs, or rather did not get their work contract

---

<sup>1</sup> In 1947 the numbers of refugees made up 10% of the population (Nemschak 1955). Some 100,000 German speaking refugees and more than 100,000 Hungarians were integrated in Austria between 1945 and 1960 (Biffi 2011).

<sup>2</sup> The ÖGB wrote in its 1962 annual account (Tätigkeitsbericht): "Angesichts des Umstandes, dass die österreichischen Arbeitnehmer hinsichtlich des Lohnniveaus innerhalb der europäischen Industriestaaten vor Italien an vorletzter Stelle stehen, sodass mit einer Überschwemmung des österreichischen Arbeitsmarktes mit Fremdarbeitern nicht zu rechnen ist, konnte der ÖGB ein Fremdarbeiterabkommen treffen, ..." (ÖGB, 1963).

<sup>3</sup> Workers were recruited in the host country, received a 1 year contract, travel costs were borne by the employer as well as accommodation costs, which had to correspond to the local housing standards. For Germany see Mehrländer 1980, for Austria see Biffi — OECD-SOPEMI reports.

renewed. By then native labour supply growth had started to pick up again as women flowed into the labour market in larger numbers, not least because of the introduction of individual taxation in 1974, and as the baby-boomers started to enter the labour market.

By that time the system of quotas (“Kontingente”) had lost their former regulatory power. Chain migration had set in and migrants could enter as tourists and still get an employment contract with the employer<sup>4</sup>. The quotas continued to have their relevance, however, because they speeded up administrative procedures as the employer could thereby circumvent individual labour market testing.

The migratory process can be categorised into four stages (Böhning 1976, Biffli 1985/1986). In the beginnings, i.e. the first stage, the foreign workers were largely unskilled and semiskilled labourers in the construction sector and in export oriented industrial production. In the second stage foreign workers were increasingly concentrated in certain occupations and industries, in particular in consumer goods production, in particular textiles, leather, clothing, food processing, where they often had trade skills, and in metal industries. This means that they became increasingly complementary to native workers, while in the first stage they had been potentially substitutable but scarce labour. In the third stage, changes in labour supply and demand conditions, the latter being driven by economic restructuring, the demand for the specific skills of migrants declined. Accordingly, many migrants lost their jobs, often without access rights to unemployment benefits. But the numbers of migrant workers started to rise again in the wake of family reunification. By the mid to late 1980s the fourth phase of the migration process had been reached, i.e. de facto settlement connected with the creation of ethnic business and associations, which act as stepping stones for trade linkages with the origin countries of migrants.

## **2.1 Change in paradigm: from labour migration to immigration**

The Austrian foreign worker policy became obsolete with the fundamental changes in the economic and geo-political environment of Austria in the wake of the fall of the Iron Curtain and the demise of Yugoslavia. New regulations were called for which were more in line with immigration regulations in traditional immigration countries. Over time Austria had become an immigration country in real terms, i.e. foreigners had settled in Austria, without any regulation of family reunion. The settlement and eventual naturalisation of ‘guest workers’ became the source of further inflows of persons with similar skills.

Austria did not have the adequate legal nor institutional infrastructure to cope with the new challenges posed by the wave of immigration following the opening of the CEECs and the war in Yugoslavia. Consequently, Austria embarked upon a reform process of migration legislation. The first amendments referred to Alien Policy Law (1990), in the main to reduce illegal border crossings (Zurückschiebung, § 35 Fremdengesetz). The second amendments referred to asylum law as Austria had lost its role as exit port for refugees from the former communist CEECs. Also the Foreign Worker

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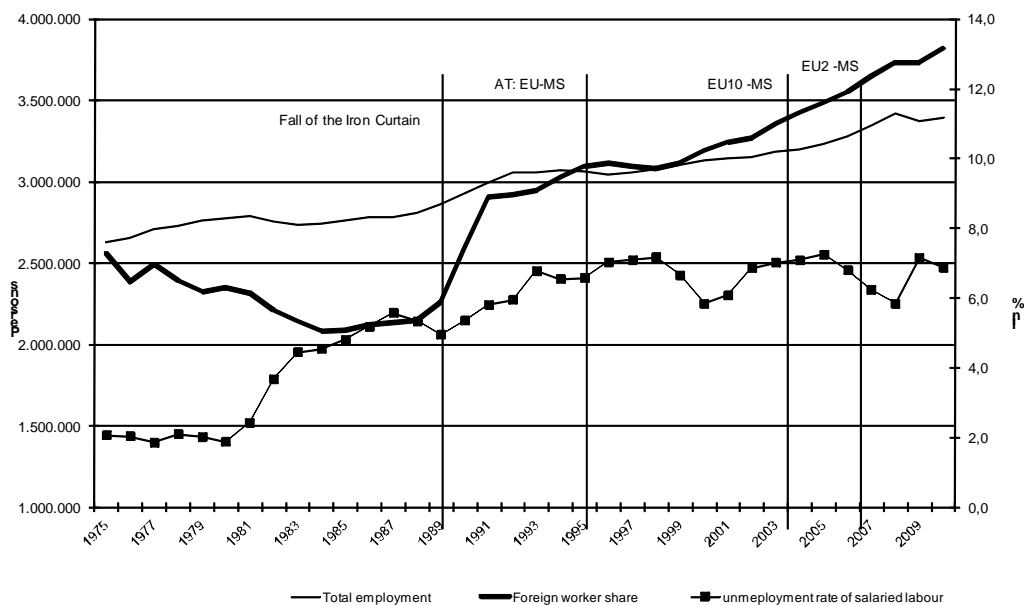
<sup>4</sup> This was in the interest of employers who could save recruitment costs; but it was also the objective of foreign workers themselves who in this way could bring in their family members and friends to work with them in the same company.

Law (AuslBG) was reformed in 1990, introducing a ceiling to foreign employment (10% of the total workforce between 1990 and 1994). This legislative reform was strongly advocated by the unions. It was meant to curb the inflow of workers into the labour market. To reinforce this policy a clamp down on clandestine work set in, raising fines and involving the labour market service (LMS) in the administrative procedures. Finally, in 1992, the legislation on residence rights of foreigners was re-regulated, aiming at reducing irregular immigration, requiring cooperation between the Ministry of Labour, the Ministry of the Interior, the provinces (Bundesländer) as well as the LMS.

With this set of reforms the change in paradigm from a labour migration model to an ‘immigration’ model was established and institutionalized. The social partners had lost their former leading role and were relegated to an advisory status. Family reunion and humanitarian inflows moved centre stage and the category of labour migration was more or less abandoned as family members were expected to fill labour demands.

In the wake of these events the share of foreigners in the workforce rose from 5.4% in 1988 to 9% in 1992 (273,000 employees, +123.000 or 82% versus 1988). In the ensuing economic recession of 1992-1993 competition increased above all amongst migrants. This resulted in an unprecedented rise in unemployment and the wage gap between natives and migrants opened up. The inflow of foreign workers could not be stopped, however. (Figure 1)

Figure 1: Development of employment, unemployment and foreign worker share in Austria 1975-2010



S: BALweb, HVS, LMS.

To the ‘surprise’ of the education system, not only the share of foreign workers increased as a result of immigration and settlement, but also the number and share of children in schools. The school system was slow to adapt to the new requirements just as many other institutions as well as the general public as the change in paradigm was not properly addressed. Not only migrants were hanging on to a ‘return illusion’ as a coping strategy, as integration was never an issue in the political debate, but also the general public and major decision makers like the unions.

In 2005, the legislation regarding foreigners has been revised fundamentally again, affecting asylum law, the regulation of residence and settlement of foreigners and Alien Police Law. The regulations have been overhauled, whereby the two legislative bodies involved in migration law, the Ministry of Labour and of the Interior, cooperated to systematise the law in accordance with EU Directives. The redrawing of legislation was thus to a large extent due to the efforts on the part of the EU to coordinate migration policy and to harmonise legislation.

While the employment of certain groups of third-country nationals is regulated in the Foreign Employment Act, e.g. for seasonal workers,<sup>5</sup> others are granted residence and work access by the Ministry of the Interior. The latter pertained to the immigration and settlement of third country citizens with key skills<sup>6</sup> (Schlüsselkraftverfahren). In addition, workers of the new EU Members States were allowed to access the labour market in 67 occupations designated as shortage occupations and health workers (skilled worker act of 2008).

#### *Admission and employment of third country nationals*

Depending on the purpose of the stay, the Austrian settlement and residence laws provide different residence titles (settlement and temporary residence permits and other residence titles sui generis). Settlement is characterised by a long-term perspective of stay in Austria, whilst a temporary residence permit allows only a temporary stay. In particular, EC –long term residence status and Austrian citizenship can only be obtained by third country citizens, if the migrant had a settlement permit. The total number of settlement permits is capped by annual quotas for various categories, while no quota limitations apply for temporary residence permits.

In the context of labour migration, the following settlement and temporary residence permits are most relevant:

1. “settlement permit – key worker”
2. “residence permit – intercompany transfers (Rotationskraft)”
3. “residence permit – persons on business assignments of third country firms without a registered office in Austria (Betriebsentsandter)”
4. “residence permit – special cases of paid employment” specified in the Foreign Employment Act, the most prominent being for researchers.

For the above permits, access to the labour market is linked to the residence permit in a so called “one stop shop procedure”, which means that the settlement and the work permit are issued in a single procedure. In addition, third country nationals who have a residence permit without the explicit right to enter the labour market may obtain a work permit on the basis of an employer nomination scheme, i.e. after labour market testing.<sup>7</sup>

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<sup>5</sup> Nowotny, I. Das Ausländerbeschäftigungsgesetz; Die Regelung des Zugangs von AusländerInnen zum österreichischen Arbeitsmarkt, in Fassmann: 2. Österreichischer Migrations- und Integrationsbericht, 2007 p. 55.

<sup>6</sup> Key workers are more narrowly defined by the Austrian laws than highly qualified workers in Article 2(b) of Council Directive 2009/50/EC.

<sup>7</sup> Art. 4b Aliens’ Employment Act

The work permits are subject to quota regulations: the total number of work permits is capped (Federal State quotas) to the extent that the number of employed and unemployed foreigners does not exceed 8% of the total dependent labour supply (291,000 for 2010) after the former 10% ceiling, taking into account that citizens of new EU-MS would soon be granted free mobility.<sup>8</sup> In some special cases a work permit can be granted by the governor beyond this quota up to a limit of 9% of the labour supply.

The requirements for a 'key worker' are in terms of a certain minimum earnings level rather than in terms of educational attainment levels such that young third country university graduates often could not qualify, as entry wages tended to be below this ceiling. The person's monthly gross earnings had to be 60 percent or beyond the social security contribution ceiling, i.e. be equal to or surpass EUR 2,412 in 2009. Moreover, prior work experience had to be proven in addition to key skills (competencies). Accordingly, the numbers of third country employees with those narrowly defined characteristics were fairly stable over time at some 900 persons on an annual average (the annual number of some 1,300 'key workers' includes also dependent children and partners, the latter making up some 40% of the total).

With the end of transition regulations for citizens of the EU-8 in 2011 new regulations came into effect by mid 2011, ending quota regulations for migrant worker inflows. More about this change later.

Depending on the length of stay, intercompany transferees and persons on business assignment need a work permit (duration of stay of more than six months) or a job confirmation (for the work visa D<sup>9</sup>, which is issued by the embassies for work of up to six months).<sup>10</sup>

According to the requirements of the Directive 2005/71/EC researchers have to provide a hosting agreement of a registered research institution. They do not need a work contract just as all other activities which are exempted in the Foreign Employment Act.<sup>11</sup>

Thus, persons with a residence permit on the basis of 'special cases of paid employment activity' are exempted from the foreign worker employment law and therefore do not need a work permit. Among the activities are inter alia diplomats, as well as their domestic service providers, representatives of religious groups, internationally renowned researchers, mariners/employees on cross border ships, top managers as well as their family members and household service providers.<sup>12</sup>

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<sup>8</sup> Art.12a Aliens' Employment Act

<sup>9</sup> Art. 24 Settlement and Residence Act.

<sup>10</sup> Art. 18 Aliens' Employment Act

<sup>11</sup> Art. 67 Settlement and Residence Act

<sup>12</sup> Highly skilled managers are third country nationals who have a leading position in the managing or executive board of an multinational company or who are internationally recognised researchers and who have a monthly gross income of 120% or more of the wage level at which no further rise in social security contributions has to be paid (in 2010 this meant an income of at least €4.900 per month).



As immigration of workers to Austria is highly controlled and limited, the Federal Ministry of Labour and Social Affairs can admit seasonal workers in tourism and in agriculture and forestry in order to meet seasonal peak demands for workers.<sup>13</sup> The work permit is limited to six months but can be extended by a further six months if this is foreseen in the regulation, after twelve months the seasonal worker is not allowed to apply for a further permit for two months in order to prohibit settlement via this channel. Annual quotas (Kontingente) are set by the Minister of Labour.

The right to and the conditions of family reunification depend on the status of the sponsor. Family reunion is uncapped for third country citizens who are partners of or are dependent children of an Austrian or EU citizen.<sup>14</sup> Only the inflow for settlement of third country citizens and of their family members is regulated by quotas.

Family members of EEA nationals or Austrian nationals are granted free access to the labour market. In most cases also family members of third country nationals have access to the labour market, namely when they have resided legally in Austria for 4 years, or when they have obtained a work permit on the basis of labour market testing or when they can carry out work on their own account.

## 2.2 Foreign Workers in Austria

In the face of significant industrial restructuring in the 1980s and 1990s and limited public investment in training and re-skilling of persons with migrant background – only the LMS invested heavily in the skilling of unemployed migrants - a skill-mismatch opened up. The change in the migration policy from migration which targeted workers to immigration of family members, without a significant skilled worker stream, resulted in an increasing skills mismatch (Biffi 2006). This situation was exacerbated by the limited attention to the educational needs of migrant youth (Biffi 2008).

In 2010, 451,300 foreign wage and salary earners were registered with social security authorities; that amounts to 13.4% of total employment in Austria. Of these, 42.3% were citizens of EU-27 member states (101,200 of the old EU-15 member states, and 89,500 from the new EU member states), while not quite two thirds (260,600 workers) were third country citizens. Even though third country citizens continue to make up the bulk of foreign workers, their share in total foreign employment is continuously decreasing, while the share of EU citizens from all member states is increasing. This general trend is also featured in the number of employment permits, which in 2010 were held by 242,600 persons, of which 25% were actually citizens of new EU member states (Biffi et al., 2010). These workers no longer need work permits after the transitional restrictions expire (in May 2011 for all states except Bulgaria and Romania). Therefore, it is to be expected that the share of foreign workers with employment permits will sink even lower than the rate of 55% of 2010 (Berger et al., 2011).

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<sup>13</sup> Art. 2 Settlement Regulation

<sup>14</sup> After 4 years of residence the permanent residence permit (which was issued on the basis of family reunion) may be transferred into a permanent settlement permit in its own right. For a detailed account of legislation, quotas, and actual inflows see *Biffi et al.*(2011).

In spite of the growing importance of migration from EU member states, which falls under the freedom of movement clause and is therefore not subject to restrictions of mobility (with the transitory exception of the new EU-MS), a quota system is still in place for third country migrants. Work migration for settlement to Austria from third countries is limited to highly skilled and remunerated workers; these numbers are augmented by seasonal or short-term labour inflows on the basis of temporary residence permits. In mid 2011 the quota regulation for skilled worker inflows has been abandoned for a point system of migration, the so called Red-White-Red card, modelled after the Canadian immigration regulation.

## **2.3 Entering the Austrian Labour Market**

In 2009, about 91,800 foreigners entered Austria; due to an outflow of 66,700, net migration amounted to only 25,700 foreigners. Of all the inflows, a little more than a quarter came from the old EU member states (mainly Germany) and another quarter from the new EU member states (EU10 and EU2). 45% were from third countries. In 2009, 15,800 asylum seekers entered the country, and another 17,200 migrants entered Austria on a temporary basis only (seasonal workers and foreign students). Only 55,400 migrants entered Austria with settlement rights: about two thirds due to EEA free mobility, and one third third-country citizens (mainly family members of Austrians). About one third of third-country inflows are subject to a quota. Temporary migration (more than 6 months of stay) is only partially recorded and not subject to quotas; this group includes students, researchers, artists, cross-border service providers, humanitarian cases etc. (Biffl 2010, 1).

When it comes to new migration, there are several groups of migrants that are faced with widely differing regulations: EU citizens from the old member states, EU citizens from the new member states, third country migrants, asylum seekers and short-term migrants such as seasonal workers. The section below outlines the legal framework governing their entry and stay.

### **2.3.1 EU Citizens from the Old Member States: Free Movement**

EU citizens from the old member states (EU-15) are granted freedom of movement under EU law. They are allowed to reside in Austria (or any EU member state) for a period of three months and can reside longer if they show proof of (self-) employment or sufficient funds/income and health insurance coverage. They do not require a residence permit but have to register at the municipality, just as any Austrian citizen, if they stay for more than 3 months (documentation of residence status). Their third country family members are allowed residence permits outside of quota regulations. Entry to the labour market is unrestricted.

### **2.3.2 EU Citizens from the New Member States: Transitional Provisions**

During the negotiations for the EU enlargement rounds of 2004 and 2007, Austria and several other EU member states negotiated “transitional provisions” that restricted citizens from the new member states from entering their labour markets freely, thereby differentiating between labour rights for citizens of new and old EU-MS. This was nothing new as the earlier Southern enlargement of the EU had similar regulations. In Austria, transitional provisions for 8 new member states from 2004 (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia) were put in place until May 2011, while the restrictions for the two new members of 2007 (Bulgaria and Romania) are in force until the end of 2012.

The inflow data indicate that Austria did not close entry to the labour market for citizens from the new EU-MS, but continued to apply labour market testing which otherwise only applies to third country citizens. According to that regulation, nationals of the eight out of the ten new EU - Member States<sup>15</sup> that joined the EU in 2004 and of Romania and Bulgaria, who joined the EU in 2007, can take up employment in Austria, if they are granted a work permit.

According to the principle of community preference when issuing work permits, preference is given to nationals of the new EU MS over third-country nationals. After one year of employment in Austria the person is granted free access to the Austrian labour market with a so-called “confirmation of free mobility”.<sup>16</sup> In addition, a law was passed in 2008, offering access to the labour market for skilled migrants from new EU-MS in occupations with scarcity of labour.<sup>17</sup> Starting in 2008, this list of high-demand professions (Mangelberufsliste), published by the Federal Minister for Economy and Labour, was expanded from 3 professions to 50 (Bundesministerium für Wirtschaft und Arbeit 2007) and, later that year, to 65 professions (Kreuzhuber 2008). Access to the labour market was granted subject to labour market testing.

Austrian labour unions were strongly in favour of the transitional restrictions and requested the implementation of an anti-dumping law in 2010 in view of the end of transitional regulations for the EU-8-MS. The objective of this law is to protect native workers, particularly low skilled ones, from unfair competition on the labour market.<sup>18</sup> Firms are faced by heavy fines if they do not grant equal labour rights to foreign workers.

The rise in unemployment of foreign workers in 2011, a time of economic boom which coincides with the fall of transition regulations, may be taken as a first sign of substitution of ‘long-term’ foreign workers, i.e. of migrants who have been residing in Austria for some time, allowing them to access unemployment benefits, by new immigrant workers. This development may be seen in the context of an increasing skills mismatch of foreign worker supply and demand due to different growth rates by skills.

The Austrian policy of social partners relative to migrants has a consistent picture: while the policy stance is on restrictions, signalled by quotas and labour market testing, there is a great deal of ‘flexibility’ in that preferential treatment is granted in response to labour market needs. Thus, in spite of transitional provisions that were negotiated in consultation with the social partners and under a lot of media attention, legal exceptions were granted to a system of quotas which comes across as restrictive and rigid. Accordingly, the Austrian migration policy remains quite permeable for

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<sup>15</sup> Of the 10 new EU- member states of 2004 free labour mobility was accorded to citizens from Cyprus and Malta, while citizens of the other 8 new MS had to wait until the lifting of the transition regulations in May 2011. Citizens of the next wave of enlargement of the EU of 2007, namely Bulgaria and Romania, have to wait until 31 December 2013 for the lifting of the transition regulations.

<sup>16</sup> Art. 32a Aliens’ Employment Act.

<sup>17</sup> Fachkräfte-BHZÜV 2008.

<sup>18</sup> „Lohn- und Sozialdumping-Bekämpfungsgesetz“ 2011; for more see press report of the Ministry <http://www.bmask.gv.at/cms/site/presseaussendung.html?doc=CMS1298370438587&channel=CH0016>

business and economic interests but continues to be restrictive for certain migrant groups. This process has created various new groups of migrant workers, each with their own set of rights and regulations, concerning both work and stay. This makes it hard for state authorities or unions, as well as migrants themselves, to ensure proper treatment, and creates legal uncertainty when problems arise. In addition, it puts workers who enjoy less legal rights (or less enforceable rights) in competition with those workers who enjoy the full protection of collectively bargained conditions and the Austrian social system. This, in turn, creates pressure to lower the existing labour standards for all.

### 2.3.3 Third country nationals

While citizens from the European Economic Area and their family members can move relatively freely between EU member states, this is not true for third-country nationals. Long-term immigration for third country nationals is restrictive, involving a lot of red tape except for third country family members of Austrian and EU residents and for key employees (Schlüsselkräfte) and their next of kin. While Austrian citizens and EU citizens can apply for their third country family members outside of quota regulations, highly skilled third country migrants (Schlüsselkräfte) and their family members came until mid 2011 within a quota. The ceiling was, however, set such that there was no actual limitation and rejection due to the ceiling. The person applying for settlement has, however, to provide documentation of a certain minimum income (family sponsorship) such that public funds are not compromised.

In general, third country citizens residing in Austria who want to unite with their family members are subject to quota regulations which put a ceiling on the number of permits issued per year by entry category. Family re-union (Familienzusammenführung)<sup>19</sup> is the biggest contributor, with a quota of 4,905 in 2010, followed by a quota of 2,450 for key employees and their family members (Schlüsselkräfte). The total number of third country migrants subject to quotas was capped at 8,145 residence permits for 2010 and 2011 (Biffel et al., 2010, 56). While the quota system means that third-country migrants may face waiting times, the number of people affected by quota “overflow” has been declining over recent years and in June 2010, it was expected to affect only 147 persons awaiting family reunion and 144 persons in all other quota categories, mainly key employees (Biffel et al 2010, 96). In 2009, about one third of all third country inflows were subject to a quota (Biffel 2010, 1).

On July 1, 2011 an amendment of the Residence Law (NAG) came into effect, introducing the so called “Red-White-Red-Card”. It replaces the quota-system for highly skilled third country citizens by a point system, modeled after the Canadian immigration model. It has three pillars, one for the highly skilled, another for scarce medium skills and the third for unskilled workers. Persons who obtain an R-W-R card have the right to settle and choose their work freely. Graduates from Austrian universities are granted job search visa to look for a job in Austria. If they find adequate employment, obtaining at least 45% of the social security contributions ceiling which amounts to monthly gross earnings of EUR 1,900€ in 2011, they get the R-W-R card. Also family members of such a card holder have the right to access the labour market freely. By the end of November 2011 some 500 R-W-R cards had been issued, 60 of them or 11% to university graduates. (Biffel et al., 2011, 61-63)

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<sup>19</sup> For a detailed account see Biffel et al., 2011.

As a result of increased screening and the community preference scheme, the inflow rate of third country immigrants is slowing down. In 2009 and 2010 the net inflow amounted to some 9,400 persons annually; in comparison: the net inflow was 13,300 in 2007. Accordingly, the proportion of third country migrants in total net inflows of migrants is declining, namely from 36% in 2009 to 30% in 2010. The largest third country nationality groups are from former Yugoslavia, in particular Serbia, Montenegro and Kosovo, and from Turkey.

#### 2.3.4 Seasonal workers

There are several groups of migrants that work legally in Austria but are exempt from most labour market regulations: amongst them the most important groups are seasonal or temporary workers in agriculture and tourism: they enter on the basis of a quota (Kontingent), which is decided upon by the social partners and provinces and decreed by the federal minister of labour, social affairs and consumer protection; in addition posted workers enter, but this group outside of quotas.

Every year, Austria sets new contingents for short-term work permits in agriculture and tourism industries. As long as the transitional restrictions are in place, unskilled citizens of the new EU member states, as well as asylum seekers, are allowed to seek employment within these contingents for seasonal work. Short term seasonal permits present the only option for lower skilled third-country nationals without family ties to enter the Austrian labour market; they do not allow settlement or a transfer to long-term work permits.

In 2008, 81% of seasonal workers came from the new EU member states, and only 19% were third-country nationals (Österreichischer Nationalrat 2009). Table 1 provides insight into the development of the size and composition of the contingents for different types of seasonal work from 2000 to 2008. The number of short-term, seasonal work permits per year is larger than the total number of long-term residence permits granted via the quota system. The actual number of persons involved, however, is significantly higher still, as many seasonal workers, in particular harvesters, only work for a couple of days or weeks.

Table 1: Seasonal Workers in Austria, 2000 - 2008

	Tourism		Agriculture	
	Winter Tourism	Summer Tourism	Agriculture and Forestry	Harvest Workers
2000	3.045	2.920	9.900	no contingent
2001	6.925	6.190	11.086	4.745
2002	8.830	6.845	11.520	5.465
2003	9.220	6.720	11.914	6.295
2004	8.982	6.455	11.979	6.315
2005	8.895	5.902	11.884	6.315
2006	8.005	5.262	10.690	6.315
2007	7.855	5.335	11.100	6.815
2008	7.855	5.250	11.755	6.920

Source: Österreichischer Nationalrat 2009

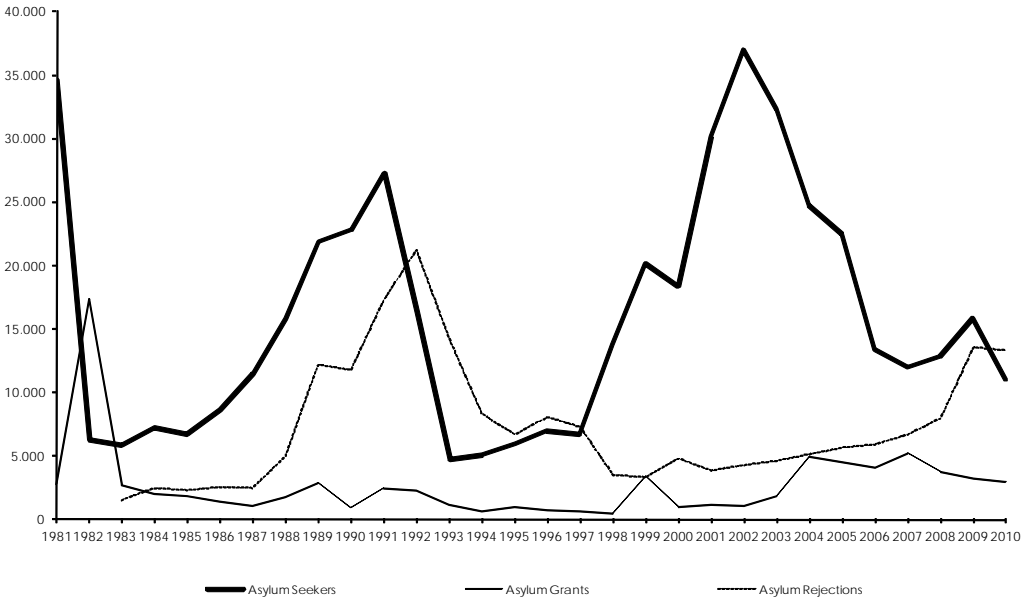
#### 2.3.5 Asylum Seekers

After several years of steady decline, the number of asylum seekers had started to rise again in 2008 and reached 15 800 in 2009. In 2010 the numbers declined again to 11,000. This decline was,

however, short lived. Inflows started to climb again from mid 2011 onwards. By the end of October 2011, Austria registered 11,900 asylum seekers, i.e. 31% more than a year ago. The main countries of origin continued to be Afghanistan and the Russian Federation, followed by Pakistan, Somalia and Iraq. The acceptance rate declined somewhat in 2010 to 18.3%, after 19.4% in 2009.

In 2010, asylum was granted in 3,000 cases and denied in 13,300 cases. Compared to 2009, these numbers represent a decrease in asylum acceptances. Figure 2 below shows the development of asylum applications, acceptances and rejections over time.

Figure 2: Asylum procedures – inflows, acceptances, rejections, 1981 - 2009



Data Source: Statistics Austria; Federal Ministry of the Interior (Bundesministerium für Inneres (BM.I)).

In January 2010, a comprehensive revision of the Alien Law came into effect. Several changes to tighten alien police and asylum legislation were introduced. The amendment redefined the offenses which may lead to detention of asylum seekers, and introduced the possibility to deprive, under certain conditions, delinquent refugees and beneficiaries of subsidiary protection of their status. Finally, the legal framework for granting residence permits to rejected asylum seekers based on humanitarian grounds was redefined. With July 2011 a one week mobility restriction outside the asylum reception centre was introduced for new arrivals of asylum seekers. From October 1, 2011 onwards asylum seekers who have had their claim rejected by the asylum court are automatically provided with legal counselling and support on further steps to take by one of the following NGOs: Diakonie, Volkshilfe or Human Rights Austria.

Asylum seekers receive only minimal funds and are severely restricted when it comes to access to legal employment. Accordingly, the majority of asylum seekers are dependent on individuals or charitable organisations for financial support, and work is often done in a grey area between volunteer work and informal employment (Biffi 2002, 361). Volunteer work in charitable institutions, however, can serve as a path towards a (somewhat) more secure livelihood and into networks that can help with legal issues and procedures.

## 2.4 Posted Workers

Just like freedom of mobility of goods and people, “Free movement of services” is one of the basic freedoms established in the Treaty of Rome. This freedom (which is granted to commercial enterprises, not persons) allows enterprises to post workers from one EU member state to another in order to provide services in another than the home country of the enterprise. This trade in services (mode 4) has been allowed and theoretically possible for the last four decades. Article 48(2), which stipulates equal treatment of native and foreign workers, was seen as covering posted workers as well (Dølvik and Visser 2009, 495). The Posted Worker Directive (PWD) was, however, adopted and implemented in 1999, in order to provide legal guidelines for the cross-border provision of services; the objective was to promote mode 4 while at the same time protecting the rights of the posted workers. At that point, the PWD was seen as a major breakthrough for European social policy. The PWD was, however, fraught with contradictions because it was only based on the framework of “freedom of services”, i.e. a trade agenda, and on human rights, not, however, on workers rights (Dølvik and Visser 2009, 496-7) – a fact that may explain why worker’s issues such as collectively bargained wages have not found their way into the document and are currently not enforceable for posted workers (see discussion of ECJ rulings on page 48).

For a long time, the numbers of posted workers were so low that their impact on national labour markets was, by and large, negligible. Only in the last decade did the numbers of posted workers begin to rise, a process that accelerated noticeably after EU enlargement of 2004. Dølvik and Visser (2009) maintain that the transitional agreements (TA), which cut off many other channels for labour migration, may have contributed to the rise in PW. In the same vein, Austria’s TAs, which temporarily limited the posting of workers in certain industries, may have contributed to the rise of ostensible “self-employment” among migrants. Since both these categories refer to classes of workers to whom social and labour regulations don’t apply to the same extent as to salaried workers, the eventual outcome could not be satisfactory from the perspective of a union. In this light the promotion of transitional arrangements by Austrian unions may have been ill-advised.

In spite of the transitional arrangements, Austria has in fact seen increasing numbers of both self-employed migrants and posted workers, with about 18,000 self-employed migrants entering from the new EU member states between 2004 and 2008, and an annual number of about 6,200 persons entering as posted workers in that time frame. The total of 24,000 migrants through these two channels is slightly higher than the number of regular workers entering from the new EU member states during that same time period (Biffl 2008, 9-10; Biffl, 2009). Krings (2009, 57) points to data that shows that in the Viennese construction sector alone, “between May 2004 and September 2005, Austrian nationals set up 120 new firms while Polish nationals set up a staggering 2340 new firms, most of which operate as one-person companies.” An analysis of the industry distribution reveals that the two channels are highly complementary, with a large number of self-employed migrants working in areas temporarily sheltered from competition through cross-border service providers (such as homecare and building services).

When it comes to posted workers, it is important to understand that there is a different logic in services mobility than in normal migration – in many ways, it resembles moving a production site to a foreign country rather than bringing in migrant workers. The posted workers tend to be concentrated

upon certain industries, namely construction and engineering, homecare and social services, metal industries, security and cleaning. While immigrants tend to come on an individual basis, posted workers tend to come in teams, implying a different role in the work organisation of companies.

The distinction between migration and trade in services is blurred in the case of temporary movements of labour. This can be exemplified by temporary workers in harvesting. In case the migrant worker (of third country origin) is employed by the local farmer, national immigration regulations apply, while in the case of harvesting services provision by a posted worker from a foreign leasing firm or labour contractor, GATS rules apply.

Given the increasing role of services in employment creation, the numbers of posted workers relative to migrant workers may increase quickly (Biffi, 2006). In view of strict wage regulations and control of working conditions in the case of migrants and the limited controls and controllability of wage and working conditions of posted workers, the posting of workers may actually take precedence over migration as a tool of companies to satisfy their labour demands in a flexible way. The recent ECJ rulings indicate that the EU means to promote the unrestricted movement of services<sup>20</sup>, i.e. short-term labour migration regulated by the Services Directive<sup>21</sup> rather than migration with a view to settlement.

The preference of posted workers (mode 4 services mobility) over migration may stem from the belief (WTO 2004) that the temporary character of posted work reduces the need for integration, a factor which tends to make immigration costly. This raises the question to what extent the preference of institutions like WTO to services mobility is the result of an underestimation of the social costs of trade (Biffi 2008, 12, Biffi 2009).

Accordingly, posted workers do not fit into either of the above-mentioned migrant categories. Usually working as a team in midlevel employment, they constitute a new type of competition that competes over both jobs and wages in the medium skills and wage bracket, where insider protection tended to prevail. This is a new phenomenon for unions and raises concern amongst union leaders, as the trade-migration distinction is somehow undermined.

Take, for example, countries with a lower average wage level than Austria, e.g. Slovakia. In this case the lower wages tend to be matched by lower productivity per hour, thereby somehow offsetting the wage gap. If, however, companies have the option to subcontract work to a Slovakian firm, letting them work as a team side by side the native workers in the Austrian plant, it can be expected that their productivity will match that of the Austrian workers, since they use the technology, machinery, infrastructure, etc., in Austria. The cheaper Slovakian workers may therefore be in direct competition with segments of the Austrian labour market that did not previously face this type of competition.

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<sup>20</sup> Editorial 'Mobility of Services and Posting of Workers in the Enlarged Europe – Challenges for Labour Market Regulation' (2006) 12(2) *Transfer* 137, 138.

<sup>21</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market [2006] O.J. L.376/36; see also Woolfson and Sommers, 2006.



Furthermore, posted workers are employed in their firm and country of origin, and therefore all labour-related taxes and contributions to the welfare state (income tax, social security contributions) are paid to their country of origin. Biffl (2009, 14) points out, that due to vastly different social policy and welfare regimes, it is exactly the labour taxes and welfare contributions that vary the most between different EU member states. These differences contribute greatly to the different wage levels within the EU. As cross-border service provision puts pressure on wages and jobs, it indirectly affects the funding of social protection systems thereby promoting convergence of social policy funding across the EU (Biffl, 2009, 13-14). Rising numbers of posted workers will therefore have an effect on the funding and affordability of European welfare states.

Contrary to the general assumption that the posting of workers is going to have limited impact on trade and employment, the issues mentioned above suggest that posted workers may have a larger impact on host labour markets than previously expected (Biffl 2008, 11-12). These effects will be more noticeable once the number of posted workers increases, a possibility that Biffl (2008, 10) deems very likely.

## 2.5 Labour market restrictions and work in the informal sector

Work in Austria's informal sector comes in many shapes. First, an important part of informal work is hidden in households; domestic work is usually done by women, many of them migrants, often working on an irregular basis. While often not defined as "informal work", there is no reason besides tradition to exclude domestic work from the analysis since it meets all criteria of informal work. International comparisons show that Austria organizes a far larger proportion of its care and family work outside of the formal market than other countries, e.g. France and the Nordic countries.

The different organisation of care work and other social services is the major explanatory factor for the significant differences in activity rates of women in the medium age bracket across the EU (Biffl 2004). This is the phase in life where women and men try to strike a balance between work and family life. A different set of taxes, transfer payments and public services in the various EU-MS results in a divergence of incentives to provide services, largely care work, at home or in the labour market. In the Nordic countries, a tax system based on individual taxation with high marginal tax rates provides the incentive for every family member to engage in market work. Thus, the state welfare system opened up formal sector employment opportunities for women, allowing female employment rates to rise to male levels. Accordingly, social services are organised by the state rather than the family at home. A solidaristic wage policy reduced the wage gap between men and women to one of the lowest in Europe in spite of a pronounced gender segmentation of work – men are predominantly working in private industries and women cluster in care-oriented public services<sup>22</sup>.

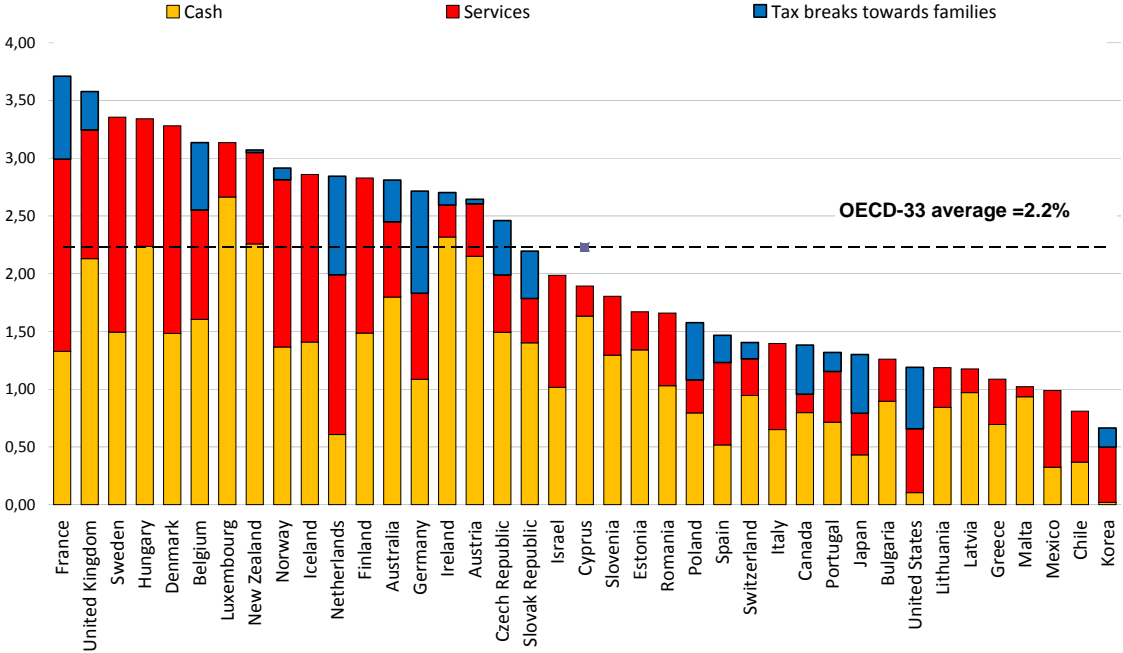
In contrast, in Austria a complex system of family allowances (tax rebates for single earner households and child care benefits) together with generous transfer payments to households (benefits for the disabled and (older) persons in need of care), promotes the provision of personal

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<sup>22</sup> Research on gender segregation of work demonstrates that high levels of occupational segregation of work exist in all modern industrial societies, also in Scandinavia. There is considerable consistency across countries in the extent to which women are concentrated in certain major occupational groups (Anker, 1998).

services by households rather than the market. While Austria has introduced a system of individual taxation in the early 1970s, it cannot completely offset the incentive provided by tax benefits and transfers for service provision in the household. As the cash payments to households are not sufficient to employ a professional care taker through the formal labour market, women tend to work part-time in the formal labour market and employ domestic helpers, often clandestine or self-employed migrant labour. As a result, employment rates of women in Austria are lower than in the Scandinavia, particularly if calculated on the basis of full-time equivalents.

Figure 3: Public spending on family benefits and its components in selected OECD countries (in % of GDP): 2007



S: OECD family data base.

Compared to other EU countries, Austria invested relatively little in the expansion of the so-called productive social infrastructure, i.e. affordable high quality child care, elderly care and other social services (Bock-Schappelwein et al. 2009). It can be taken from Figure 3 that public expenditures on family policy in Austria are higher than in the OECD on average, with 2.6% of GDP compared to 2.2% in 2007. The bulk of the money goes into cash benefits to the households: Cash benefits sum up to 27.4% of the household income of the working age population in Austria, compared to 15.8% in the OECD on average (OECD 2008: 103). Funding of institutionalised child care services on the other hand makes up only a small part of public expenditures.

In contrast, in the Nordic countries, the Netherlands, France, the UK and Germany a much higher proportion of public spending on child care goes into the provision of services by the formal labour market, either by public or private providers. The organisation of childcare services by the formal sector rather than by households or the informal sector does not only create employment opportunities but allows also the focus on specific needs of children, e.g. culturally sensitive care, via the division of labour and specialisation of services.

The limited outsourcing of domestic work, in particular care work, to the formal labour market in Austria aggravates labour scarcities in the formal labour market. This results in a pressure to raise skilled immigration — the introduction of the Red-White-Red Card of immigration in 2011 in Austria is evidence of this logic — and in faster urbanisation as people leave rural areas and move into towns. The latter is increasingly driven by outmigration of highly qualified women who need an adequate social infrastructure in order to improve their employment and earning opportunities.

Second, there is informal sector work (clandestine work) done by Austrian citizens or migrants — *Schwarzarbeit* (black work), — which is sometimes done on an independent, entrepreneurial scale in order to avoid taxes, but also includes non-declared work in small enterprises (tourism, retail trade, personal services such as hairdressers, etc.). It is estimated that the shadow economy contributes about 8.7% to GDP, and that about 10% of the volume of work in Austria is dedicated to such activities (Biffi 2002, 362). Contrary to popular belief, the relative share of foreigners who work in the informal sector is probably about as high as the share of Austrian citizens working informally (Biffi 2002, 362). While it is true that many migrants face legal and economic constraints that make clandestine work more likely, it is native Austrians who have the most opportunity to keep work in trades and professions off the books.

The reasons to turn to informal work are manifold. On the one hand, clandestine work is often treated as a trivial offence; accordingly, it is not prosecuted with fervour. On the other hand, there are ample unused labour resources which only wait to get a job, even if it is only an informal one. Undocumented stay *and* work is only one of several possibilities. Due to the structure of the immigration system, there is a category of migrants which resides in Austria legally, but which is either not allowed to work at all or which faces considerable barriers when it comes to accessing the formal labour market (basically labour market testing, which tends to exclude unskilled and semi-skilled workers who have not legally resided in Austria for 5 years). In 2010, 243,000 migrants were working in Austria with some form of employment permit (“Arbeitsbewilligung”); about 208,000 more migrants worked in Austria legally without such a permit (Biffi et al. 2011). The latter include EU citizens (with the exception of citizens from the new EU member states, who continue to face transitional restrictions) and close family members of Austrian and EU citizens, as well as long term residents who have already lived in Austria for more than five years, which makes them, eligible for the ‘green card’ (Daueraufenthaltsbewilligung). These groups can access the labour market without restrictions, just like Austrian citizens. Almost all other migrants are subject to various restrictions on the labour market, mostly labour market testing.

Work permits for migrants are administered and awarded by the Public Employment Service (AMS), the institution which carries out and oversees labour market testing. In principle, the potential employer of a third country migrant has to prove that there is no suitable candidate for the job in question among registered unemployed — a process that reduces employment opportunities for migrants with skills, which are in surplus, i.e. where there are many unemployed willing to take up the job. For industries and occupations with skill shortages (such as nursing and elder care), work permits are given freely. However, unskilled labourers tend to be left behind.

In addition, it happens that migrants and native workers on casual work contracts (*geringfügig Beschäftigte*) and with no other legal means of income prop up their earnings through informal work

– often by extending their working hours beyond those agreed upon in the contract, i.e. informally (Biffl 2002, 363). The accumulation of these circumstances, together with the sustained demand for informal work by small scale employers and households, pave the way for informal work.

Accordingly, most informal work done by migrants takes place in households, the construction sector, agriculture (often via seasonal work) and in tourism industries. Based on GDP data, a 2002 study coordinated by Biffl (Ed.) calculated that the number of migrants who participated in the shadow economy was unlikely to have exceeded 50,000 to 70,000 persons, or 35,000 full time equivalents (363). Adding up various estimations of different types of clandestine migrant work, the same study arrived at a tentative estimate of 47,000 persons, roughly composed of 10,000 migrants who augment a legal minor work contract (*geringfügige Beschäftigung*) with informal work, 10,000 third-country students who are not allowed to work legally beyond casual work, another 10,000 to 15,000 legally residing migrants who have difficulties obtaining a work permit, and about 10,000 migrants that work and reside illegally in Austria (364-5).

By definition, informal work does not conform to labour laws; pay and rest times are not regulated, there are no paid holidays or sick leave, and if a worker is mistreated or an employer withholds pay, there is no recourse to the justice system for the worker in question. In addition, the workers and their employers do not pay into the social security system, and the workers do not acquire any rights to future social security payments such as unemployment benefits or pensions.

Informal work introduces a group to the labour market which is out of the reach of labour rights and which, like any two-tiered system, presents a problem for trade unions. In general, a two-pronged strategy to combat informal work should be pursued: the one is focusing on the demand side for clandestine work, e.g. by reducing the size of the informal workforce and by raising the status of informal workers, thereby reducing the cost advantage of informal labour. The second should focus on the supply of informal work by reducing the incentives to engage in informal work, e.g. raising the fines for clandestine work and/or by reducing the taxes on low wage incomes, thereby reducing the wage advantage of informal work relative to formal low wage jobs.

A consequence of such a strategy would be, contrary to conventional wisdom, to reduce barriers to entry into the labour market for migrants who reside legally in Austria. The Austrian road is rather different in that barriers to entry are complemented by deportation in case of clandestine work and insufficient means to pay for one's livelihood (Biffl 2010). Austrian unions tend to be amongst the most ardent defendants of this policy stance (VÖGB 2008). They are also in favour of additional regulations to better control self-employment of migrants from new EU-MS in order to prevent *Scheinselbständigkeit* (ostensible self-employment) and exploitation (Österreichischer Gewerkschaftsbund 2008). In combination with the perpetuation of labour market access barriers, such additional regulations may close the only remaining loophole for migrants to find legal employment, thereby pushing them even more in the direction of the informal economy.

The Austrian policy is in stark contrast to practices in other countries where unions have stopped supporting restrictionist migration policy measures (see for example Avci and McDonald 2000 on the UK; Haus 1999 on France and Milkmann 2000 on the US).

## 2.6 Austrian Unions and Migrants

### 2.6.1 A tradition of restricting labour market access for migrants

The restrictionist policy stance of the Austrian unions relative to migrants has a long tradition. It dates back to the demise of the Austro-Hungarian Empire and the ensuing wave of migrant workers to Austria from the distant regions of the former Empire on the one hand and the role of unions in the reconstruction of Austria after WWII (Biffl – Dimmel eds., 2011: 129-141). Accordingly, the principle of the protection of the interests of natives (Inländerschutz) was introduced into labour law by the unions in the 1<sup>st</sup> Republic in 1925. The basic concept has remained in the foreign labour law (Ausländerbeschäftigungsgesetz) until its most recent reform in 2011; it has been abolished in view of its inconsistency with EU regulations in the wake of the implementation of the red-white-red card of immigration and the blue card. The protection of the interests of natives became increasingly hollowed with Austria's membership in the EU in 1995 and the equal treatment of EU citizens in the Austrian labour market.

The source of the restrictionist policy stance was thus the economic crisis at the time of the depression in the 1920s, which was accompanied by rampant unemployment and massive refugee inflows. What surprises today is that the unions insisted upon the retention of this regulation in the foreign worker law in the 1960s, as labour scarcities triggered off legislation in favour of labour immigration (Gächter 2000).

It is argued by Pollan (1990) that Austrian trade unions became so involved with macro-economic policy and growth that they started to disregard some of the typical international union policies towards and increasingly diverse workforce. Consequently, Austrian trade unions did not only favour restricting immigration as a means of protecting the indigenous workforce but also all developments which were challenging the male breadwinner model on the one hand and traditional employment patterns on the other.

In keeping with that tradition, the ÖGB supported the transitional arrangements that restricted access to the Austrian labour market for citizens of the new EU member states, and it favoured legislation that meant to combat *Scheinselbständigkeit* (fake self-employment) and exploitation by requiring special controls for businesses from the new member states, a law that was eventually repealed by the European Court of Justice - ECJ (Österreichischer Gewerkschaftsbund 2008). Accordingly, support for (fake) self-employed migrants is particularly low among union workplace representatives, as the (non-representative) survey conducted by the authors in 2010 indicates (see Chapter 5). As discussed above, such attempts to close every legal loophole to access the Austrian labour market may result in merely redirecting migrants from the new member states into informal parts of the Austrian labour market. In fact, Krings (2009, 57) quotes an Austrian union official saying, "there are huge numbers of illegally employed people, particularly in home care and in construction . . . This shows that the strategy of simply adopting restrictions for the transitional period is not necessarily working, because an underground economy is developing".

Consequently, clandestine work becomes a political issue in Austria after EU- enlargement, as mentioned earlier. While the actual numbers were not really known, certain aspects surfaced in 2006 when court cases brought to the light that home care work was largely organised outside legal channels. With eastern enlargement of the EU illegal employment of home care workers from

Central and Eastern European Countries gained momentum. In 2006, the estimated numbers of illegal workers in care work were in the order of 40,000 workers, mainly women from Slovakia. The organisation of care work in the household sector became a hot topic in public debate. It triggered off a reform of legislation in 2007, promoting the legalisation of clandestine care workers from new EU-MS. By 2008, some 20,000 legalisations were registered, many of them as self-employed. Thus the above average employment and labour supply growth in 2008 was to a certain extent a mirage and brought about by legalisation of clandestine care workers. The pronounced slow-down in measured productivity growth in 2008 has to be interpreted in that context as well.

With its fear of new migrants in the Austrian labour market, the ÖGB falls for the “lump of labour fallacy” - the faulty belief that there is a set amount of jobs in a society and that immigration would therefore reduce the number of jobs available for native workers (Nonnemann 2007, 15). This belief is often coupled with the assumption that Austria could continue to be a closed economy with a closed labour market, barred from competition from within and without, if just the right legal measures were taken (a belief that is outdated, at best, and altogether unachievable since Austria’s EU ascension). Furthermore, however, each immigrant that arrives creates new demand, and thereby increases the need for production and labour as well. Indeed, “[the] world’s richest countries are in many cases among the most densely populated, and there is no reason to assume that more migration is damaging to economic prosperity” (Nonnemann 2007, 16).

In addition, Austrian unions are forgoing the chance to build ties to immigrant workers, to present themselves as a partner for every worker who has a job in Austria, to increase their membership and to invigorate the union movement. Every time the ÖGB comes forward against migrant workers who try to make a living in Austria, they lose credibility with those who are not native Austrians but may very well be as open (or even more open) to union activities than their native counterparts.

### **2.6.2 Current activities of Austrian trade unions: reassessment of policy**

This chapter is based on interviews with five trade union officials, i.e. one leading official of proge<sup>23</sup>, the major blue collar workers union in manufacturing (10.2.2010)<sup>24</sup>, a focus group meeting with three leading union officials of vida (30.3.2011)<sup>25</sup>, a major services sector union<sup>26</sup>, an intensive interview of a union official engaged in organising international union-cooperation (6.7.2010)<sup>27</sup>.

With the end to transition regulations for citizens of the new EU-8-MS in May 2011, Austrian migration policy is entering a new stage, accepting market driven migration flows within the EU and actively promoting immigration of third country citizens and settlement of foreign graduates of Austrian universities. This reorientation of policy affects also Austrian trade unions. According to

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<sup>23</sup> For more see [http://www.proge.at/servlet/ContentServer?pagename=P01/Page/P01\\_Index&n=P01\\_0](http://www.proge.at/servlet/ContentServer?pagename=P01/Page/P01_Index&n=P01_0)

<sup>24</sup> The interview was carried out by Biffel and Rennert.

<sup>25</sup> The interview was carried out by Biffel and Aigner.

<sup>26</sup> Vida serves transport workers, social and personal services and health workers as well as private services workers, see: [http://www.vida.at/servlet/ContentServer?pagename=S03/Page/S03\\_Index&n=S03\\_0](http://www.vida.at/servlet/ContentServer?pagename=S03/Page/S03_Index&n=S03_0)

<sup>27</sup> The interview was carried out by Biffel and Aigner.

interviews of trade union officials, unions are starting to reach out to migrants and to integrate their grievances into their policies. According to a trade union official of vida, trade union members increasingly approach migrant workers on the shop floor and explain what trade unions can do for them; they show them their newsletter and tell them that they get this information for free if they join the union. They offer information also in the respective native tongue, which is highly appreciated by migrants, in particular by Turkish and Serbian migrants. One union leader of proge, stated that migrants are often more interested and willing to join the union than natives.

In order to reach migrants, union members are increasingly joining migrant associations. As one union official pointed out:

*“This takes up a lot of time and effort but it is the best way to gain their trust and to understand their problems and grievances. But you cannot just come, get the membership signed and then go. You must stay in contact and continue to be with them...mostly Saturday and Sunday.”<sup>28</sup> (Date of the interview 6.7.2011)*

These reach out activities are often the starting point for cross-border cooperation with unions. Thus, cooperation between Turkish, Czech, Slovak, Hungarian and Croat trade union officials could be established since 2008. This way the Austrian trade union officials are learning about union policy in other countries and their work practices. The Turkish head of trade unions was invited to union meetings in Austria, allowing him to address Turkish migrants. This was a successful endeavour, building bridges between institutions, countries and workers. A return visit was equally rewarding, according to the union leader. Similar activities are planned with trade union officials of other EU-MS.

Today, the ÖGB is quite active in the border region (especially at the border between Austria and Hungary). Co-financed by the EU, Austrian trade unions have set up a joint program with Hungarian unions to support and represent seasonal workers and others that work across the border, truck drivers, for example. Consultations are offered in both German and Hungarian.

Close ties are also developing between Austrian and Czech vocational schools, whereby unions are inviting Czech apprentices to get some work experience in Austrian enterprises, alongside Austrian apprentices. This project was filmed and is readily available for dissemination. The positive feedback from all involved led to the decision to reach out in the same way to Poland and other countries. One of the major positive results of this encounter was, apart from having been a good learning experience, the reduction of fear and anxiety amongst the migrant and native participants.

The reach out of unions to apprentices has always been important; nowadays the focus is increasingly on migrant youth and the promotion of further education and training. According to the union official of Proge, this has become the most important route of recruitment of migrant union members, particularly in Vienna. This is how and where they inform youth about the role of unions and the difference to the role of the chamber of labour.

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<sup>28</sup> Translation of German transcript by Gudrun Biffli.

*“While the chamber of labour ensures labour and social rights, consumer protection and the like, we bargain for their wages and working conditions, ...we make sure that their job is decent”. (Date of the interview 6.7.2011)*

In the GPA (white collar workers union), several interest groups have been established in recent years, including one called work@migration, which offers legal advice to migrants and has published a set of policy recommendations. Work@migration is run “by migrants for migrants” and can therefore be considered a group of workers adhering to principles of self-organization while enjoying real integration into union bodies. Their policy recommendations are more radical than recommendations by other ÖGB bodies, as they include such demands as legal work for every legally residing migrant and citizenship for every child born in Austria, with the possibility of dual citizenship (GPA-djp, n.d.).

When it comes to racism and anti-foreigner sentiments, the ÖGB does include statements against racism in their mission statement and other official publications. Legal advice for migrants is offered at several locations, in languages such as Serbo-Croatian or Turkish.

In general, however, migrants have not found their way in larger numbers into regular union structures. This is acknowledged by the union officials interviewed. It also mirrors the response of migrants interviewed by the research team and by an online survey undertaken by the research team; migrant workers tend to be disenchanted with unions; in addition, also works council members tend to be hesitant in their support of migrant workers.

This is also the outcome of three non-representative focus group interviews, which were conducted by the ÖGB in 2005, two with (mostly Austrian) worker representatives (*Betriebsräte*, see Section [sub:Work-Site-Representation]) and one with migrant workers, focusing on relations between migrants and unions on the one hand and migrants and worker representatives on the other (Verband Österreichischer Gewerkschaftlicher Bildung 2005). The interviews revealed a large cultural divide between the (mostly Austrian) worker representatives (*Betriebsräte*) and the migrant workers; several of the worker representatives mentioned problems due to discrimination at their workplace and talked about the fact that there is little communication between workers born in Austria and those with a migrant background. Some worker representatives made statements that revealed stereotypes or racism in their own approach (especially when it came to religious Muslims). Communication problems were mentioned often, especially since in some industries many migrant workers don't speak German well. This issue, of course, is more problematic due to the scarcity of worker representatives who are migrants among the works councils and who can speak the languages of their colleagues. Many worker representatives mentioned, however, that the migrants in their workplace were very open to union activities - a fact that has received little research attention in Austria but which was also corroborated by talks with union officials. Quite in contrast, this behaviour pattern has been researched and documented extensively in the US (see, for example, Delgado 1993).

While the unions are taking a public stance against free migration from the new EU member states (despite the fact that, once the transitional restrictions are up, these migrants will enter the Austrian labour market with the same rights and conditions as native workers), there is comparatively little



mention of the issues the posted worker directive poses for unions and the Austrian labour market, and no long-term strategy to combat these problems seems to exist.

The union's interest in the topic of posted workers as well as the issue of migrant workers in general is, however, increasing. The authors' interviews with the trade union leaders revealed a level of awareness and concern when it comes to problems both outside and within the union movement that is far above what the public picture of the Austrian union movement would suggest. The union official of proge for example, said that posted work is above all a problem on construction sites; but also a case in the food processing industry came to his mind, namely in the area of meat-cutting, where posted workers are brought in in large numbers to process meat on the basis of mode 4 services mobility. The union official representing the interest of transport workers argued in the same vein, mentioning cases of reflagging of ships on the Danube, where the work-contract is with Cyprus, they hiring is done by a temp work agency (Verleihfirma) registered in Slovakia, and the actual work of the crew takes place on tourist boats along the Danube, between Krems and Budapest. These cases are reminiscent of the Viking case<sup>29</sup>. The Austrian transport union is aiming at the protection of the individual workers' rights, but has difficulties in identifying the legal competency, i.e. if it is a case of posted work and what 'national' labour law has to be adhered to.

Another case was brought to the fore by the head of the tourist workers unions, where a German entrepreneur bought a run-down hotel in Tyrol; he then organised winter-tourism on the basis of a club-membership, where skiing instructors were brought in from Germany on the basis of posted work, who were running the hotel and skiing business for a certain period of time and then return to Germany. This case was noticed by the local health insurance service since no health insurance contributions were paid.

The trade union officials are collecting such information in a quest to identify the implications for working conditions and wages in the industry. This is a tricky subject for the trade unions, as service providers offer a particular service at a defined price without identifying the composition of the cost, in particular the wage-cost component.

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<sup>29</sup> Case C-438/05 International Transport Workers' Federation (ITF) and Finnish Seamen's Union (FSU) v Viking Line, judgment of 11 December 2007[2008] All E.R. (EC) 127, where the ship-owner Viking was reflagging a passenger and cargo ferry and remanning it with Estonian crew who were paid lower wages, terms and conditions than the former Finnish crew

### 3 The Role of Migrants in the Austrian Labour Market today and their Earning Potential

The role of migrants in the Austrian labour market can only be understood in the context of the original policy objective, which was to enhance the competitiveness of export industries. The Austrian migration system channelled migrants mainly into manufacturing industries with a low capital to labour ratio, in particular, labour intensive industries like clothing, leather and textiles as well as tourism. To a lesser extent migrants flowed into the production of non-tradeables like construction, personal services, health and domestic services.

Thus, migrant workers tend to be concentrated in industries and occupations which are at the bottom end of the wage scale. These industries experience high competition in the national and global market either because of relatively common (global) technology and skills of workers and/or because of a limited concentration/market power of the industry. The jobs migrants tend to be concentrated in are not only faced by severe competitive pressure but exhibit also significant cyclical and/or seasonal employment instability.

Few migrants find employment in industries with a high capital/labour ratio and limited international competition. These were until the 1990s mainly banking, real estate and insurance, telecommunication and transport services, the high skill segment of health and education and the like. These sectors do not only offer employment security but tend to have above-average and rising wages.

A special case is the construction sector, which pays comparatively high wages to migrant and native workers alike. This is the result of the high degree of union density and thus the result of institutional rather than market forces.

Empirical research suggests that direct competition between immigrants and residents is relatively small in Austria as a result of pronounced segmentation of work. It is in the main unskilled and semi-skilled workers who face competition from migrants. This shows up in a negative wage impact on blue-collar workers. (Hofer—Huber 2001, Biffi 2000, Biffi et al. 2002) Micro-econometric estimates<sup>30</sup> indicate that the large scale immigration of unskilled migrants in the early 1990s, many of them refugees from former Yugoslavia, had a dampening effect on overall wages. The inflow also raised the wage gap between low skilled and medium to high skilled workers, resulted in substitution of largely older migrant workers with new inflows and contributed thus to a rise in unemployment.

In contrast, the more recent immigration of the early years of 2000 which tended to bring in migrants with a bipolar skill structure, had a comparatively small overall negative wage impact, a significant and, given the relatively small inflow of highly skilled migrants, surprisingly pronounced dampening of highly skilled (university graduates) wages, particularly of women. The dampening effect of migration on wages affects above all immobile workers who remain in those industries and occupations which were faced with an above average inflow of migrants and thus increased

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<sup>30</sup> Documented in European integration consortium 2009 and Bock-Schappelwein, Bremberger et al. 2009.

competition. In contrast, mobile workers who changed jobs and industry to avoid increasing competition by migrants experienced no losses in wage growth. Contrary to the early 1990s the recent inflows of migrants did not contribute much to a rise in unemployment.

Research into the effect of migration on unemployment in Austria indicates that the causal forces are complex and that the impact may differ in various economic development phases as the interplay between the supply side, i.e. the socio-economic composition of migrants, and the demand side, i.e. the economic development state, may change over time. On average, migrants tend to have higher unemployment rates than natives. The difference is to a large extent a result of the concentration of migrant employment upon certain industries and tasks and the different impact of economic restructuring and technological change upon various industries. In addition, migrants have on average a significantly lower educational attainment level than Austrians – explaining about two thirds of the difference in unemployment rates, given that unemployment rates are negatively correlated with the educational attainment level.<sup>31</sup>

The rationale for employing migrant workers translates into wage and/or unemployment effects of migrants relative to natives. In summary, it can be said that the pressure on wages and employment opportunities increases with the elasticity of substitution of migrant versus resident labour. This is to say that in occupations and jobs, in which migrants are complementary to natives, natives profit from migrant labour in terms of job opportunities and relative wages. In contrast, in jobs where migrants and natives are substitutes, the wages and employment of natives are adversely affected.

The major distinguishing factor between the effect of migration and trade on the labour market is that trade is acting directly on labour demand, in particular on the industrial composition, while migration is affecting the size and composition of labour supply and thus the productive potential. In any event, migration and trade are inevitably linked with greater wage inequality between industries in the destination countries of migrants.<sup>32</sup>

Migration introduced a social and economic stratification of workers into the Austrian labour market which was new to Austria, contributing to a deterioration of equity in labour markets.

## **3.1 Employment of migrants in the years of 2000**

### **3.1.1 The composition of foreign labour by nationality and gender**

The composition of foreign labour by nationality is changing. The most pronounced development of the past few years is the rising share of EU citizens in the foreign workforce. In the wake of EU enlargement in 2004 it rose to almost 35% and after EU enlargement of 2007 to almost 39%. In 2008, the share of EU-27 citizens in the foreign work force exceeds the share of workers from the region of pre-war Yugoslavia for the first time (38%). This shift marks a historic transition, especially in light of the fact that citizens from (former) Yugoslavia accounted for more than three quarters of foreign labour in Austria in 1970 and amounted to almost half of foreign workers up until 2002. Most of the foreign workers from the new EU MS are citizens from the Czech Republic, Slovakia, Poland and

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<sup>31</sup> For a detailed analysis see Biffi, G. (2007).

<sup>32</sup> This is in accordance with Samuelson (2004) and Andersen—Sorensen (2005).

Hungary, i.e., nationalities that made up a sizable proportion of the foreign workforce in Austria even before EU-enlargement. But the data indicate that the absolute number of workers from EU 27 countries follows a clear and steep rising trend (+12.3% from 2007 to 2008), while the absolute number of workers from the region of pre-war Yugoslavia and from Turkey is almost stagnating (+0.5 and +1.7%, respectively). Thus, the proportion of EU citizens working in Austria can be expected to continue to rise at the detriment of the source regions of the former foreign workers.

The share of EU citizens amongst foreign wage and salary earners is rising for every EU MS. The major influx is from Germany - Germans account for more than 80% of all EU 15 citizens in the Austrian workforce. But increasingly also Italians, French, Dutch, and British citizens take up work in Austria.

While the share of persons from the region of pre-war Yugoslavia is declining, it continues to be an important source region of migrants. Within that group, the share of persons from Croatia is rather small (3.6 % of all foreign workers in 2010). The proportion of Bosnians has increased rather more rapidly, as they received preferential treatment on humanitarian grounds when applying for work permits in the early 1990s and are now having their family members join them. In 2010, they accounted for 7.2 % of all foreign workers. The Slovenes, now a new EU-MS, account for 1.4 % of all foreign workers. More than half of all workers from pre-war Yugoslavia continue to have the "old" Yugoslavian citizenship. This indicates that they are immigrants who have been in Austria for a long time. They accounted for 20% of all foreign workers in 2010 (out of the 35% that include all the immigrants from the region of pre-war Yugoslavia).

The share of Turks in foreign employment has declined between 1989 and 1997 from 23.4 % to 17.7 percent. In 1998 their numbers increased again more than proportionately to a share of 18.2 % of all foreign workers – basically as a result of the implementation of the association agreement of Turkey with the EU (article 4c/2 AuslBG). According to the integration of the association agreement into the Austrian Foreign Worker Law, access to the labour market has to be granted (either a work permit or any other type of work entitlement) upon request of the eligible Turkish citizen. In 1999 the number of work permits for Turkish citizens rose proportionately such that their share in foreign employment remained stable at 18.2 percent. After 1999, the decline picked up again such that the share of Turks in foreign employment reached 12.1 % in 2010; this is their lowest share in foreign employment since the late 1970s. This is both the result of a reduction in inflows and of increases in the naturalisation rate.

The employment pattern by citizenship differs somewhat from the composition of work permits. The number of work permits has declined from 268,800 in 1994 to 211,200 by 2005. Since then the numbers have been on the rise again, reaching a level of 229,900 in 2010. The more recent upswing is to a certain extent due to the rising numbers of immigrants from the new EU member states who continue to need permits due to transition regulations which limit access rights to the labour market (labour market testing). In fact, immigrants from the new EU member states take up a rising number of employment permits, with more than 25% of all employment permits issued in 2010 (yearly average).

The gender composition of foreign employment differs greatly by country of origin. Women from the Federation of Yugoslavia have the highest share of foreign female employment, and continued to do

so in 2008 (45.7 percent). Next in line are Croatians (42.5 percent) and Bosnians (41.7 percent). The lowest proportion of women in total employment is amongst Macedonians (31.4 percent) but rising, and Turks (30.6 percent). The lifting of labour market entry barriers to Turkish citizens as a result of the implementation of agreements of the EU with Turkey in 1997 tended to raise the share of women in the employment of Turks in Austria from 24.8 % in 1997 to 30.6 % in 2008; the rise slowed down over time, partly due to limited work opportunities in their major skill segments. Women from CEECs have low proportions, largely because of a high degree of clandestine work, in particular in domestic and care services; but signs are for the better as female employment shares are rising, reaching 34.9 % in 2008, after 28.6 % in 2001. (Table 2)

**Table 2: Foreign workers of third countries by gender and selected nationalities**

*Annual average*

Nationalities	2001				2008			
	Male	Female	Total	Female in %	Male	Female	Total	Female in %
Yugoslavia	39,536	31,286	70,822	44.2%	22,076	18,613	40,688	45.7%
Croatia	15,587	10,299	25,886	39.8%	14,570	10,762	25,331	42.5%
Slovenia	4,403	1,602	6,005	26.7%	5,025	2,023	7,048	28.7%
Bosnia	23,968	17,013	40,981	41.5%	23,767	17,000	40,767	41.7%
Macedonia	3,403	936	4,339	21.6%	4,007	1,831	5,839	31.4%
Turkey	31,727	11,932	43,659	27.3%	20,667	9,114	29,781	30.6%
Others	34,356	14,013	48,369	29.0%	56,033	32,337	88,371	36.6%
of whom:								
Eastern Europe	26,825	10,726	37,551	28.6%	40,778	21,898	62,675	34.9%
Total	152,980	87,081	240,061	36.3%	146,145	91,680	237,825	38.5%

Source: Austrian Labour Market Service.

### 3.1.2 The industrial composition of foreign employment

The industrial composition of employment before and after 2007 can not be compared without a significant margin of error due to the introduction of a new industrial classification (ÖNACE 2008). Accordingly, we only present the employment structure by industries for 2010 and the differing degree of dependence on migrant labour in the various industries.

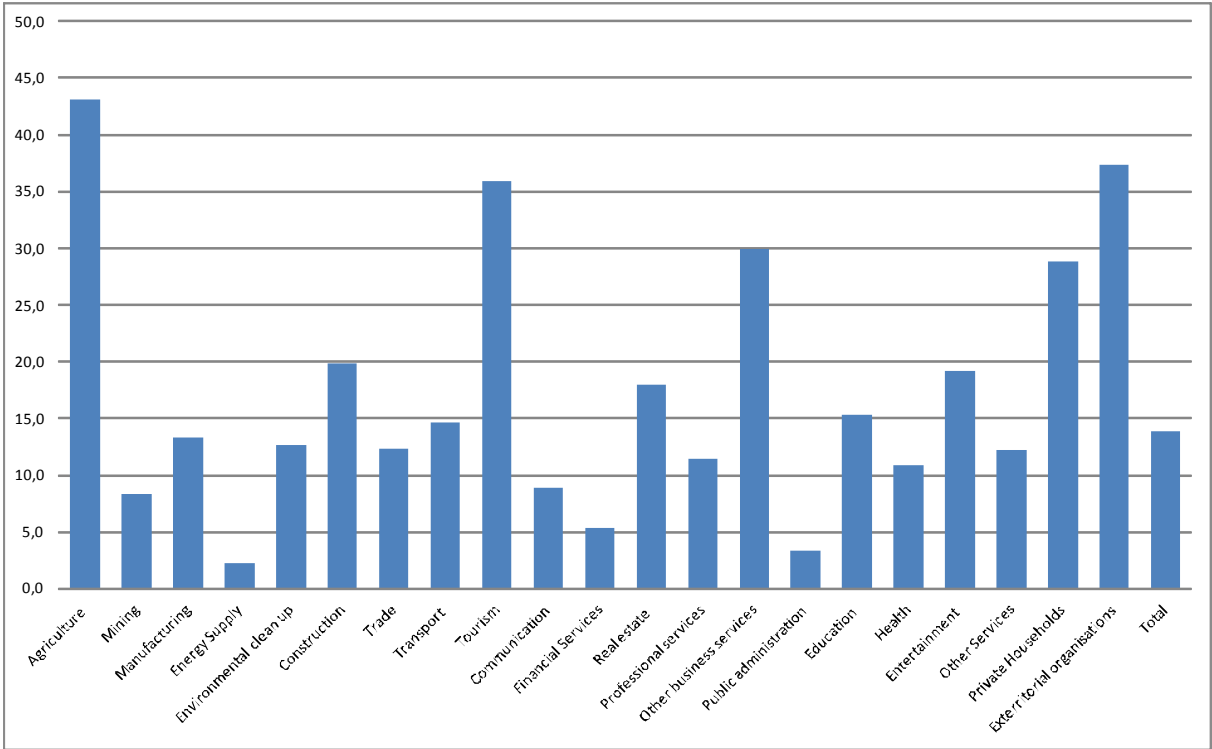
The average annual employment of wage and salary earners amounted to 3.3 million, of whom 451,100 or 13.8% were foreign workers. The share of foreign workers is highest in seasonal work, agriculture and forestry taking the lead with 43%, followed by tourism with 36% foreign employees.

Also business oriented services have a high share of foreign workers, particularly cleaning, which is featuring amongst 'other' business services (30%). In addition private households are important employers of migrants with 28.9% of the industry work force. Above average shares of foreign workers continue to work in construction (19.8%), in the entertainment business (19.2%) and in transport services (14.7%). With the increasing inflow of highly skilled workers education and research are becoming important employers of migrants (15.3%).

While Figure 4 provides insight into the dependence of certain industries on migrant labour it does not provide an adequate picture of the industrial composition of migrant labour. In fact, the majority of migrants (67%) is working in only five industries, manufacturing employing 17% of all migrants,

followed by tourism and trade - with each employing some 14% of all migrants, followed by other business services and construction, with each employing some 11% of all migrants.

Figure 4: Wage and salary earners: share of foreign workers by industry 2010



S: Social security data, BALI Web.

3.1.3 Break-down of employment by skills

A break-down of the employment stocks by skill level shows that 39% of total employment in 2009 accrued to the highly skilled group<sup>33</sup>, i.e. ISCO-88 classes of 1, 2 and 3, 51.8% to the skilled group of ISCO-88 groups 4-8 and 9.2% to the low skilled group of elementary occupations. Table 3 shows that workers with EU-15 citizenship are on average the best skilled group, 59.2% belonging to the highly skilled and only 3.9% to the low skilled. In contrast, citizens of EU-10 countries are less skilled than the Austrians, 30.9% belonging to the high skilled group and 17.7% to the low skilled one. A striking feature of this group of workers is that they have about the same proportion of persons with medium skills as Austrians (51.5%). Citizens of EU-2 countries have a somewhat smaller proportion of workers with medium skills (49.8%) but a significantly higher proportion of persons with low skills (35.8%). This share is only slightly below the share of low skilled workers of third country origin (36.5%). In contrast, the share of highly skilled workers is higher among third country citizens than among EU-2 workers (17.1%).

The proportion of foreign citizens amongst the employed changed somewhat over time: the share of migrants in high skilled jobs increased in the years of 2000 to 8.1% in 2009, and declined in the medium and low skill segment to 9.3% and 25% respectively in 2009.

<sup>33</sup> For definitions please refer to the appendix.

A disaggregation by nationals, other EU nationals plus third country nationals<sup>34</sup> and occupation shows that in 2009, of all highly skilled workers 4% were EU-14 nationals, 1% were EU-10 nationals, less than 1% were EU-2 nationals and 3% were third country citizens.

**Table 3: Workers by groups of citizenship and main category of employment, 2009**

Main Categories	Nationals		EU 15		EU 10		EU 2		TCNs		Total
	Total	%	Total	%	Total	%	Total	%	Total	%	%
A. Highly skilled	1.393.539	39,0%	62.282	59,2%	16.973	30,9%	2.936	14,4%	41.334	17,1%	<b>38,0%</b>
B. Skilled	1.849.662	51,8%	38.848	36,9%	28.312	51,5%	10.176	49,8%	112.585	46,5%	<b>51,1%</b>
C. Low skilled	327.833	9,2%	4.115	3,9%	9.723	17,7%	7.316	35,8%	88.310	36,5%	<b>10,9%</b>
<b>TOTAL</b>	<b>3.571.034</b>	<b>100,0%</b>	<b>105.245</b>	<b>100,0%</b>	<b>55.008</b>	<b>100,0%</b>	<b>20.428</b>	<b>100,0%</b>	<b>242.229</b>	<b>100,0%</b>	<b>100,0%</b>

Source: Labour Force Survey 2009.

**Table 4: Workers by groups of citizenship and main category of employment, 2009**

Nationality		A. Highly skilled	B. Skilled	C. Low skilled	Total
<b>Nationals</b>	abs.	<b>1.393.539</b>	<b>1.849.662</b>	<b>327.833</b>	<b>3.571.034</b>
	% of Total	<b>91,9%</b>	<b>90,7%</b>	<b>75,0%</b>	<b>89,0%</b>
<b>Foreign Nationals</b>	abs.	<b>123.525</b>	<b>189.921</b>	<b>109.464</b>	<b>422.910</b>
	% of Total	<b>8,1%</b>	<b>9,3%</b>	<b>25,0%</b>	<b>10,6%</b>
EU 15	abs.	62.282	38.848	4.115	<b>105.245</b>
	% of Total	4,1%	1,9%	0,9%	<b>2,6%</b>
EU 10	abs.	16.973	28.312	9.723	<b>55.008</b>
	% of Total	1,1%	1,4%	2,2%	<b>1,4%</b>
EU 2	abs.	2.936	10.176	7.316	<b>20428</b>
	% of Total	0,2%	0,5%	1,7%	<b>0,5%</b>
TCNs	abs.	41.334	112.585	88.310	<b>242229</b>
	% of Total	2,7%	5,5%	20,2%	<b>6,1%</b>
<b>Total</b>	<b>Total</b>	<b>1.517.064</b>	<b>2.039.583</b>	<b>437.297</b>	<b>3.993.944</b>

Source: Labour Force Survey 2009.

<sup>34</sup> The category "third-country nationals" also includes persons originating from Switzerland and non-EU EEA countries.

Of all skilled workers, 2% were migrants from another EU-15 country, 1% was from an EU-10 –MS, less than 1% were EU-2 nationals but 6% were from third countries.

Of all low skilled workers, 1% was from another EU-15 country, 2% were from an EU-10 country a further 2% were from an EU-2 country and 20% were from a third country.

Thus, the rising share of highly skilled migrants in total employment is due to above average increases of EU-14 and third country highly skilled workers. The declining share of skilled migrant workers is, in contrast, due to an above average fall in the number of medium skilled EU-10 and third country nationals. The share of low skilled migrant workers in total employment declined only in the case of third country citizens while rising for all EU groups, in particular from EU-10 countries.

The labour force data substantiate the notion that migrants from another EU-MS tend to have higher skills than third country citizens. The dynamics over time show that EU-14 citizens tend to satisfy growing skill demands increasingly while EU-10 and EU-2 citizens tend to be somewhat stronger represented in the low skill segment, and increasingly so. With the fall of transition regulations this trend is going to be reinforced.

Third country nationals, on the other hand have a very diverse skill composition, satisfying labour demand in all three skill levels. Over time, the share of highly skilled rises and the share of low skilled declines, a consequence of increasingly restrictive immigration regulation relative to third country migrants, in particular family reunion. Due to the legacy of the foreign worker model and strong refugee inflows in the early 1990s the great bulk remains in the low skilled segment, however, namely 88.300 or 36% of all third country workers in 2009.

Researchers are a specific category in the Austrian migration regulation, exempting them from the application of the Foreign Employment Act. In 2009, 11.1% of a total of 431,400 researchers were migrants, the majority from another EU-15 country (7.1% of all researchers). But also persons from EU-10, EU-2 and third countries are increasingly satisfying the demand for researchers. In 2009, 2.7% of all researchers were from third countries, 1.1% from EU-10 and 0.2% from EU-2 countries.

Seasonal workers may enter Austria either on the basis of a temporary employment permit granted by the Federal Ministry of Labour and Social Affairs, or as a result of a bilateral cross-border agreement (commuters from Hungary and Slovakia). These temporary work contracts are linked to employment contracts, which in both cases have a ceiling. In these cases the residence in Austria is an integral part of the work contract and does not need processing by the Ministry of the Interior. Consequently, they are not included in the third country citizenship residence register of the Ministry of the Interior. Accordingly, a large proportion of seasonal workers are commuters in border regions in the East and Southeast of Austria.

Seasonal work is not only an opportunity to work for non-resident third country migrants (or EU-12 countries for as long as the transition regulations apply) but also for third country migrants residing in Austria who do not have the resident permit which grants access to the labour market without prior labour market testing. As a consequence of the introduction of the 'green card' in 2003, which allows entry into the labour market without the firm having to apply for a work permit, the employment opportunities of unskilled migrants who have legally resided in Austria for 4 years



improved. Accordingly, the seasonal worker quota in agriculture, forestry and harvesting plus tourism could be reduced in 2003 from some 27,000 (sum of monthly contingents averaged over a year) to some 21,000 in 2004. The actual number of seasonal workers has been fluctuating around an annual average of some 12,000 ever since then. About two thirds of the seasonal foreign workers are working in agriculture and forestry and one third in tourism.

Seasonal foreign workers make up a fairly high proportion of foreign wage and salary earners in agriculture and forestry, namely some 80% to 90%. In contrast, only some 8% of all foreign workers in tourism are working on the basis of a seasonal work permit. The seasonal worker regulation is an important means to reduce clandestine work of third country migrants<sup>35</sup>. (Biffel et al. 2009)

### 3.1.3.1 Migrants and their skill composition by sex

A differentiation of the skill composition of employment by sex shows that, in 2009, men were on average somewhat better skilled than women. Of a total of 2.1 million employed men 39.6% were highly skilled - compared to 36.1% of the 1.9 million employed women, 55.1% were skilled (compared to 50.9% of women) and 12.7% were unskilled (compared to 13% of women). The best skilled men and women were citizens from another EU-15 country: 64.2 % of men and 53.3% of women were highly skilled and only 2.7% of men and 5.4% of women were low skilled. In contrast, 40.7% of Austrian men and 37% of Austrian women were highly skilled and 7.8% respectively 10.7% were low skilled. Women from another EU-15 country contributed thus more to skilled (2.1 vs 1.7%) and low skilled (1.1 vs 0.8%) and less to high skilled labour demand (3.8 vs 4.3% of high skilled labour) than third country men.

In the case of EU-10 and EU-2 citizenship women are working more than proportionately in Austria than men, namely 1.7% respectively 0.7% of all female employment compared to 1.1% respectively 0.4% of all male employment; their skill composition differs by sex. Women from EU-10 countries have a pronounced polarisation of their skill structure. While 35.9% of EU-10 female workers are highly skilled, compared to 24% of EU-10 men, 20.9% are low skilled – compared to 13.4% of their male counterparts.

EU-2 women are, in contrast, to a smaller extent than their male counterparts highly skilled (10.6% versus 19.8%), and the proportion of unskilled is significantly higher than in the case of EU-2 men (43% versus 25.4%).

**Table 5: Workers by groups of citizenship and main category of employment by sex, 2009**

	1. Nationals			2. (Other) EU-15 Nationals in Group <sup>3</sup>			3. EU-10 Nationals in Group <sup>4</sup>			4. EU-2 Nationals in Group <sup>4</sup>			5. Third Country Nationals in Group			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
A. Highly skilled□	40,7	37,1	39,0	64,2	53,3	59,2	24,0	35,9	30,9	19,8	10,6	14,4	18,2	15,5	17,1	39,6	36,1	38,0
B. Skilled□	51,5	52,2	51,8	33,1	41,4	36,9	62,6	43,2	51,5	54,8	46,3	49,8	53,3	36,9	46,5	51,2	50,9	51,1
C. Lowskilled□	7,8	10,7	9,2	2,7	5,4	3,9	13,4	20,9	17,7	25,4	43,0	35,8	28,5	47,7	36,5	9,2	13,0	10,9

Source: Labour Force Survey 2009.

<sup>35</sup> The quota as well as the number of seasonal permits is larger than the number of employed persons averaged over a year. In seasonal peak times the actual number of seasonal workers is quite high, e.g. in June 2009 some 12,000 harvesters and seasonal workers in agriculture and forestry were employed in addition to 3,600 seasonal workers in tourism.

Amongst third country citizens women have an even higher share of unskilled workers than EU-2 women (47.7%), but they also have a higher share of highly skilled (15.5%). Men of third countries are on average better skilled than their female counterparts. Migrant men tend to be much stronger represented in the medium skill bracket than migrant women.

### 3.1.3.2 Major nationalities of migrant workers and their skill composition

The ten major single nationalities of migrants in Austria represent 76% of all foreign citizens in the work force in 2009. They originate in the correct rank order from: Germany, Serbia-Montenegro, Bosnia-Herzegovina, Turkey, Croatia, Poland, Romania, Slovakia, Italy (in the main from South Tyrol) and Hungary. The rank order has changed from the early years of 2000 to 2009 in that the influx from Germany gained weight, overtaking immigrant numbers from Serbia-Montenegro and Bosnia-Herzegovina. Also the number of Romanians increased significantly since EU-membership in 2007 such that they jumped the queue to 7<sup>th</sup> place in 2009.

The skill composition of migrant workers differs greatly by country of origin. Of the 4 top migrant nationalities, Germans have the highest proportion of highly skilled workers (56% highly skilled) and a fairly high proportion with medium skills (39%). In contrast, workers from the regions of former Yugoslavia and Turkey tend to have a fairly similar skill structure with some 10% highly skilled and an almost equal division between skilled and low skilled workers. Amongst them, migrants from Bosnia-Herzegovina tend to be somewhat better skilled than the other two categories.

Table 6: The top 4 migrant worker groups by skill level, 2009

	Total	A. Highly skilled	In %	B. Skilled	In %	C. Low skilled	In %
Germany	75.942	42.933	56,5%	29.816	39,3%	3.193	4,2%
Serbia-Montenegro	51.429	4.181	8,1%	23.834	46,3%	23.414	45,5%
Bosnia-Herzegovina	47.389	4.309	9,1%	24.555	51,8%	18.525	39,1%
Turkey	38.965	4.153	10,7%	17.681	45,4%	17.131	44,0%

Source: Labour Force Survey 2009. Shaded figures are statistically not reliable due to small sample size.

### 3.1.3.3 Some major occupations of economic migrants

Migrants make up 21% of all employees in housekeeping and restaurant services. The major group are third country nationals (12% of all workers), followed by other EU-15 nationals (5% of all workers in 2009, largely from Germany), by citizens of EU-10 countries (3%) and EU-2 countries (1%).

In personal care work some 8% are migrant workers, mostly female, evenly spread over the various source countries (3% of the total from third countries, 2% ex aequo from EU-15 and EU-10 and 1% from EU-2).

Of all health professionals except nursing 9% were migrants, basically from EU-15 (7%) and EU-10 (1%).

Nursing personnel is not captured in the occupational classification of 223, but rather in 323 (non-academic nursing and care), where more than 11% of all workers had a foreign citizenship in 2009.

The highest proportion of migrants is working as a labourer in manufacturing, construction, transport and mining (ISCO 93) with 22%, mainly persons from third countries (19%). In contrast, highly skilled

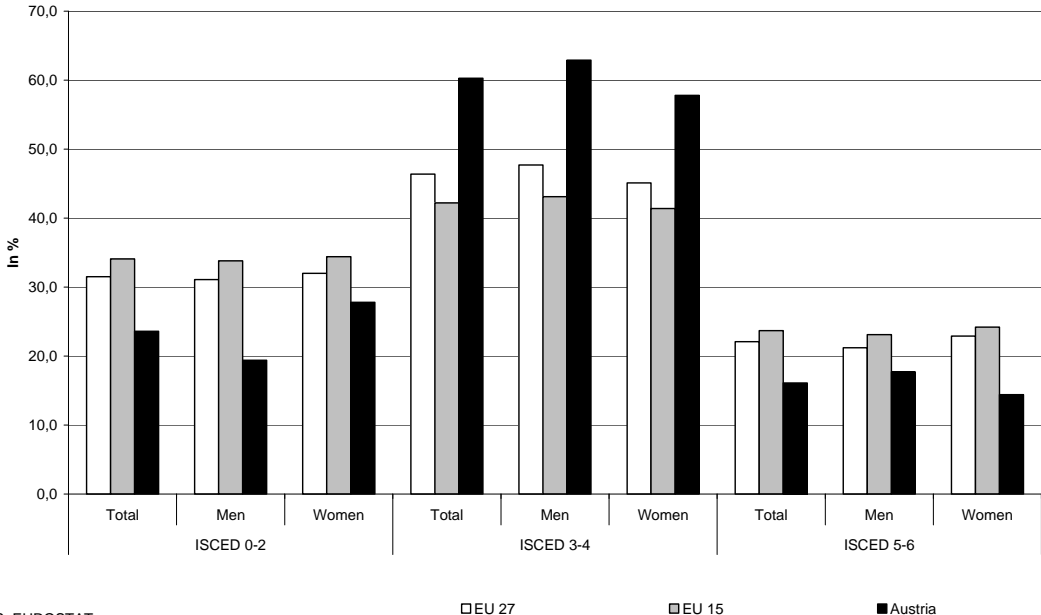
professionals in engineering and related professions are mainly from another EU-15 country (6% of the total), followed by EU-10 (4%) and third country nationals (3% of the total).

**3.1.4 Employment by educational attainment level**

Austria has in international comparison an above average proportion of workers in the medium skill bracket (ISCED 3-4). This group is very heterogeneous in terms of educational background, with a narrow academically oriented stream (Gymnasium), which prepares for university education in humanities, medicine, law, philosophy and the like, as well as streams of upper secondary education with a strong vocational orientation geared towards higher education either in the engineering or commercial/business fields. It comprises also the medium skills obtained through apprenticeship education and middle vocational schools as well as postsecondary non-tertiary education. Accordingly, the proportion of unskilled workers, defined as persons with high school as a maximum educational attainment level (ISCED 0-2), is fairly low just as the proportion of university graduates, basically all long-cycle university studies (ISCED 5-6).

In 2009, 23.6% of the Austrian population aged 15-64 had a low educational attainment level, i.e. compulsory education as the maximum educational attainment level (ISCED 0-2), compared to 34.1% in the EU 15 and 31.5% in the EU27. In contrast, the share of persons in the medium to upper medium skills segment (ISCED 3-4) amounts to 60.3% in Austria compared to 42.2% in the EU15 and 46.4% in the EU27. The share of university graduates (ISCED 5-6) is again relatively low with a share of 16.1% of the population aged 15-64, compared to 23.7% in the EU15 and 22.1% in the EU27.

Figure 5: Composition of Population (15-64 years old) by educational attainment level: 2009



With the introduction of short cycle university studies in the period 2000 to 2007, i.e. the bachelor, the proportion of university graduates is bound to rise reducing the share of the upper medium skill segment (Biffel et al 2010).

In international comparison, Austria has a pronounced gender gap of the educational attainment level. While the gender gap in the low skill segment amounts to less than one percentage point in the

EU 15/27 it amounts to 8.4 percentage points in Austria. Consequently, more men than women are university graduates in Austria (+3.3 percentage points), quite in contrast to the EU15/27 average, where the number of women tends to exceed that of the male counterparts.

Figure 6: Difference in the educational attainment level of the population and the workforce (15-64 years old): 2009

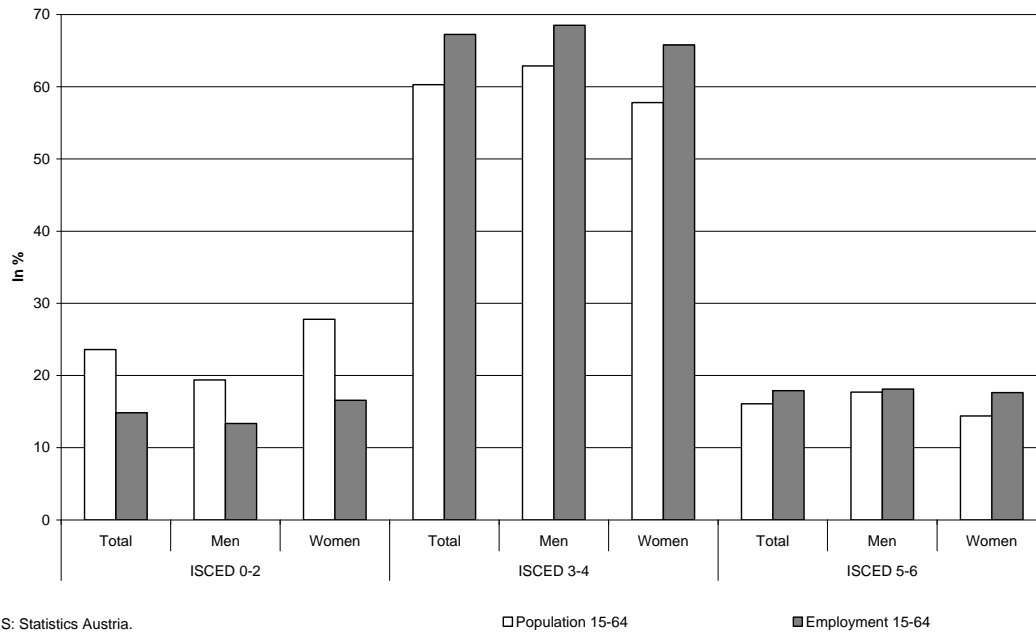
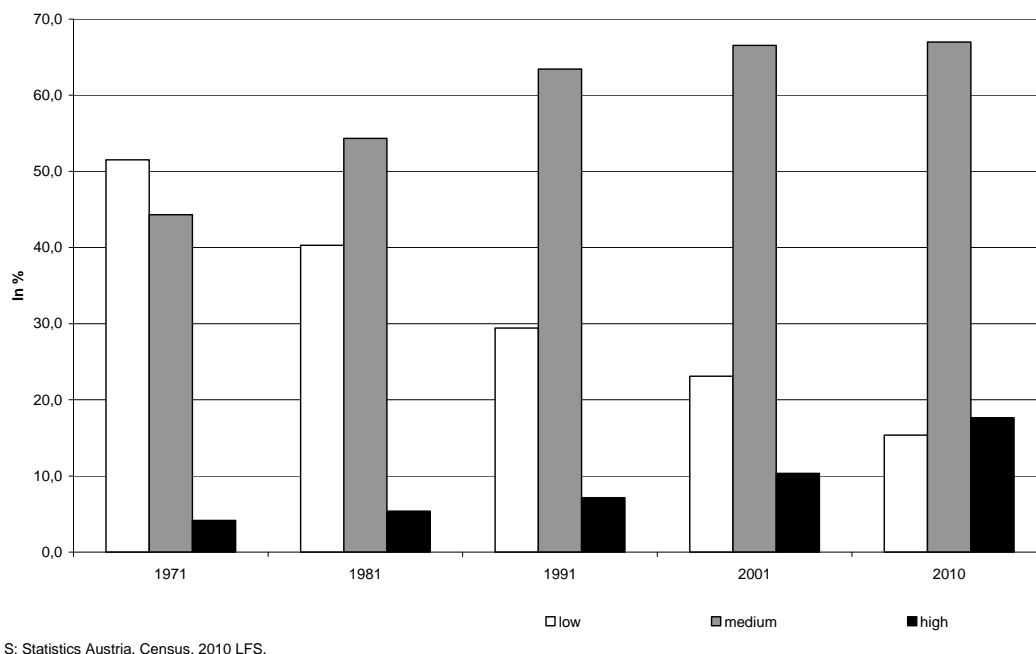


Figure 7: Skill composition of employment over time: Austria 1971 -2010



Another distinctive feature of the Austrian labour market is the gap in the labour force participation rate by educational attainment level, particularly in the case of women. Accordingly, the proportion of the unskilled amongst workers (ISCED 0-2) is significantly lower than in the population aged 15-64, above all in the case of women, while the share of university graduates is higher. This pattern is somehow linked to the limited outsourcing of household production to the labour market, indicating

that the balance between work and family life is not easy to obtain in Austria. (Figure 3) This situation results in a marked difference in fertility by educational attainment level on the one hand and a high poverty risk of single earner families with children, many of them migrants, on the other. (Biffl 2008, Neyer 2008)

As Figure 7 indicates, the long-term improvement of the skill composition of the labour force features above all in a rapidly declining trend of unskilled labourers (ISCED 0-2), a slow rise in the share of university graduates (ISCED 5-6) and a massive rise in the medium to upper medium skill bracket (ISCED 3-4) between 1971 and 2001. Ever since then the proportion of workers with medium skills more or less stagnates while the diverging trends at the upper and lower end of the skills' spectrum continue well into 2010. However, a slowdown in the decline of the share of unskilled workers can be discerned since the 1990s, and an acceleration in the rising trend of workers with university education.

#### *3.1.4.1 Employment by educational attainment level of nationals and foreigners*

In 2010, of the 3.5 million employees 398.000 or 11.5% were foreign citizens<sup>36</sup>. Of this number 163.000 or 41% were EU-27 citizens and 59% of third countries. Between 2004, the time of eastern enlargement of the EU, and 2010 the number of employees increased by 7.9% (+253.100); the bulk of the employment increase accrued to Austrian citizens (+194,100 or 77%), followed by EU citizens (+54,400 or 21%, while the number of third country citizens hardly rose at all (+4,600 or 2%). This development is largely due to a significant increase in the number of 'new' Austrians, i.e. third country citizens who acquired Austrian citizenship<sup>37</sup>. Citizens of another EU-MS see little reason for acquiring the Austrian citizenship.

The skill composition of migrants and Austrians differs, indicating a certain extent of complementarity in employment. Migrants tend to add in above all at the low and high end of the skill spectrum. While their share in total employment amounts to 11.5% on average, it reaches 20.4% among unskilled labourers (ISCED 0-2) and 12.9% among university graduates (ISCED 5-6). The polarisation of skills of migrants relative to Austrians holds for both men and women. On average 11.9% of male employees are foreigners (11% of female employment), but 13.6% of all male university graduates are foreigners (12% of all female graduates) and 21.8% of all unskilled men (19% of unskilled women). EU27 citizens tend to fill in the lack of university graduates while citizens of third countries tend to fill in at the lower end of the skills' spectrum.

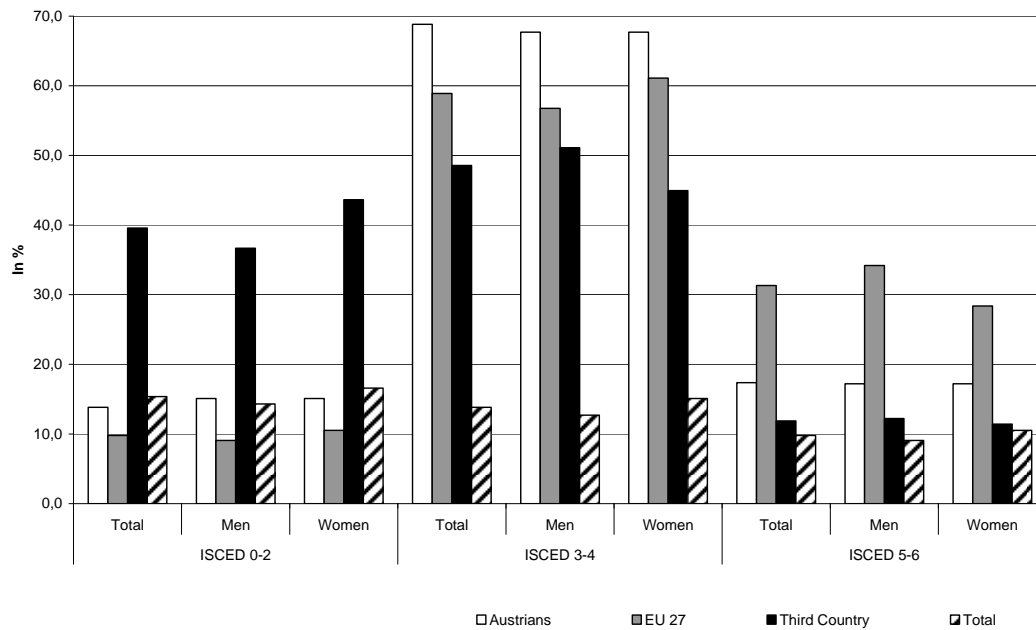
Citizens from another EU country represented 4.7% of all employees in 2010. They constituted, however, 8.3% of all employed university graduates (men: 8.5%, women: 8.1%) and only 3% of all unskilled labourers. In contrast, citizens from a third country represented 6.8% of all employees but 17.4% of all unskilled labourers (men 19%, women 15.9%).

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<sup>36</sup> Data taken from the LFS 2010, Statistics Austria..

<sup>37</sup> Between 2004 and 2010 142,300 foreigners acquired the Austrian citizenship, 92% of them were of third country origin.

Figure 8: Composition of employment by educational attainment level and citizenship: 2010



S: Statistics Austria. LFS.

Research into overqualification (Bock-Schappelwein et al 2009) indicates that education and training obtained in Austria is key to employment which is commensurate with the educational attainment level acquired. The duration of stay and employment is another important factor ensuring adequate employment. In the medium skill segment overqualification is fairly rare, particularly in the case of apprenticeship education. Only some 9% of Austrian employees with apprenticeship education are overqualified for their job. In the case of foreigners who have not received their training in Austria the share of overqualification is higher, amounting to some 21%; persons from Romania and former Yugoslavia are more often than others overqualified for their jobs (some 28%).

University graduates are more prone to work below their skill levels, in the main if they have not graduated from an Austrian university. This is above all the case for persons who migrate to Austria at a mature age (over 40). It appears to be particularly difficult for university graduates from Asia, Turkey and former Yugoslavia to transfer their knowledge and skills to the Austrian labour market. In these cases about two third tend to be overqualified for their jobs.

### 3.1.5 Earnings differences

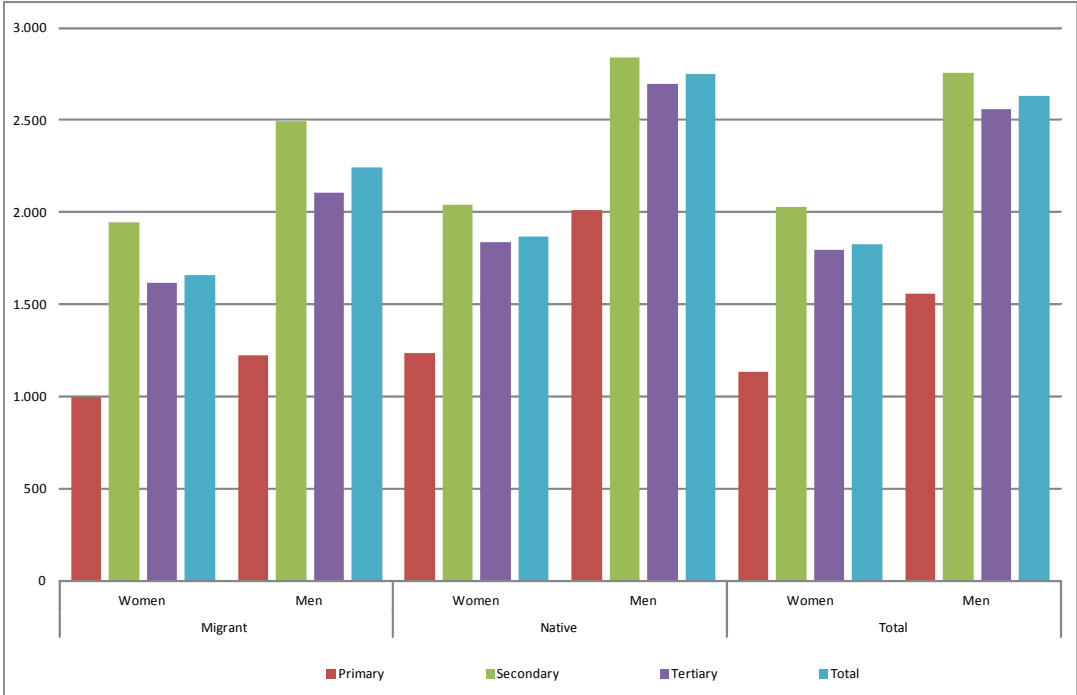
Adsera & Chiswick (2004) point out that earnings of immigrants are lower upon arrival than those of natives, particularly for foreigners born outside of the EU. The countries with the lowest differences between earnings of natives and migrants are found in Germany and Austria and the highest in Sweden (period of analysis 1994-2000, data from the European Community Household Panel - ECHP). These research results are corroborated by more recent data analyses.

According to social security data<sup>38</sup>, average monthly earnings in private industries in Austria amounted to €2,629 for men and € 1,827 for women in 2008. The earnings gap was thus somewhat

<sup>38</sup> The data is taken from the labour market data base of the data warehouse (AMDB), which is matching individual employment data (HVS) with registered unemployment data (LMS).

larger than the gender pay gap which is measuring hourly wage differences by sex (25.5% according to EU-SILC - EU wide Survey of Income and Living Conditions<sup>39</sup>). The differences in monthly average earnings between male and female migrants of the first generation are, in contrast, with 26% quite similar to the hourly wage gap. The gap between the earnings of migrant and native women respectively men is, however, less pronounced. It amounted to 11% for women and 18% for men. A large part of these earnings differences are a result of a different occupational and industrial composition of work and the sectoral differences in earnings.

Figure 9: Average monthly earnings (in €) in private industries by economic sector, migrant status and sex, Austria 2008



S: AMDB, LMS, HVS.

Women born outside of the EU face large wage gaps relative to native women; it is above all the Nordic countries, Southern European countries but also the UK with above average earnings gaps. In contrast, in Austria non-EU women tend to have on average higher earnings than native women. This is due to the low activity rate of third country women with a low educational attainment level and a high activity rate of highly skilled and career minded third country women. It corroborates other research results according to which Austrian women, also highly skilled ones, are facing a pronounced glass ceiling. Accordingly, the gender pay gap in Austria is amongst the highest in the EU and rising, quite in contrast to the trend in other EU-MS.

Earnings differences between native women and immigrant women decline with cultural and language proximity. Chiswick & Miller (1995) find that this is also true in other immigration countries. Earnings of migrants tend to converge after around 18 years of residence.

<sup>39</sup> For more see Geissberger – Till, 2009.

# 4 Migration and Organized Labour in Europe

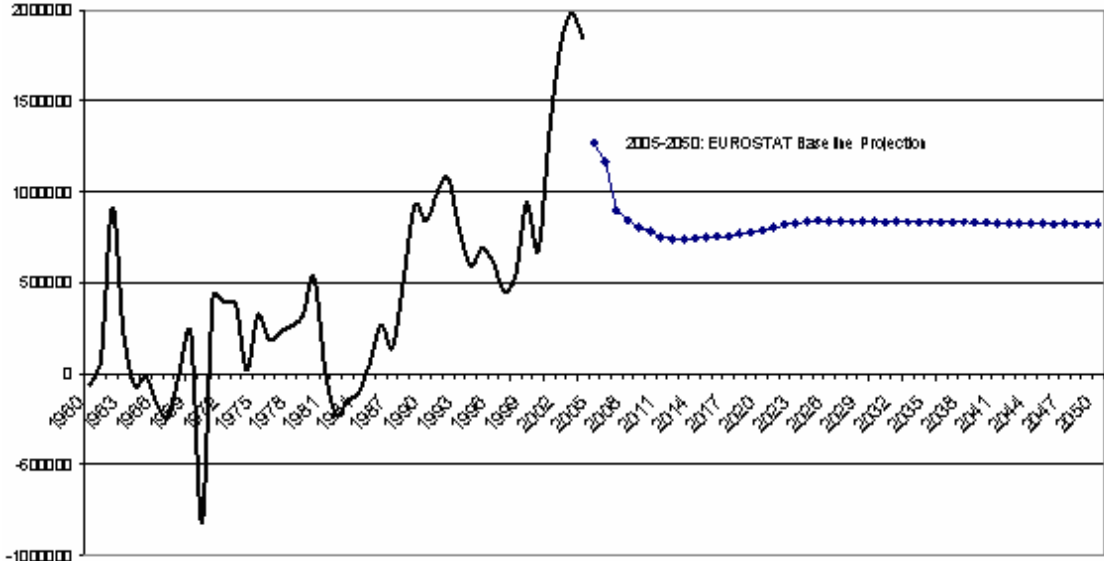
This chapter highlights major migration trends in Europe, analyzes challenges that migration presents for European trade unions and showcase international examples of trade union strategies and approaches concerning migrants.

## 4.1 Migrants and the European Labour Market

### 4.1.1 Migration in Europe

Net migration into the EU has risen over the past two decades, reaching a temporary high of almost 2 million in 2003/2004, according to Eurostat data. During those years, net inflows into the EU seem to have superseded net inflows into the US, another traditional recipient of migrant flows (European Commission 2007, 99). Even though migration flows are expected to peak in the coming years (Figure 10), migration has been and will remain a reality in virtually all EU countries. Furthermore, sustained immigration is also an objective of the Lisbon agenda in order to combat aging in the European Union.

Figure 10: Net migration into the EU-25 (projected from 2005)

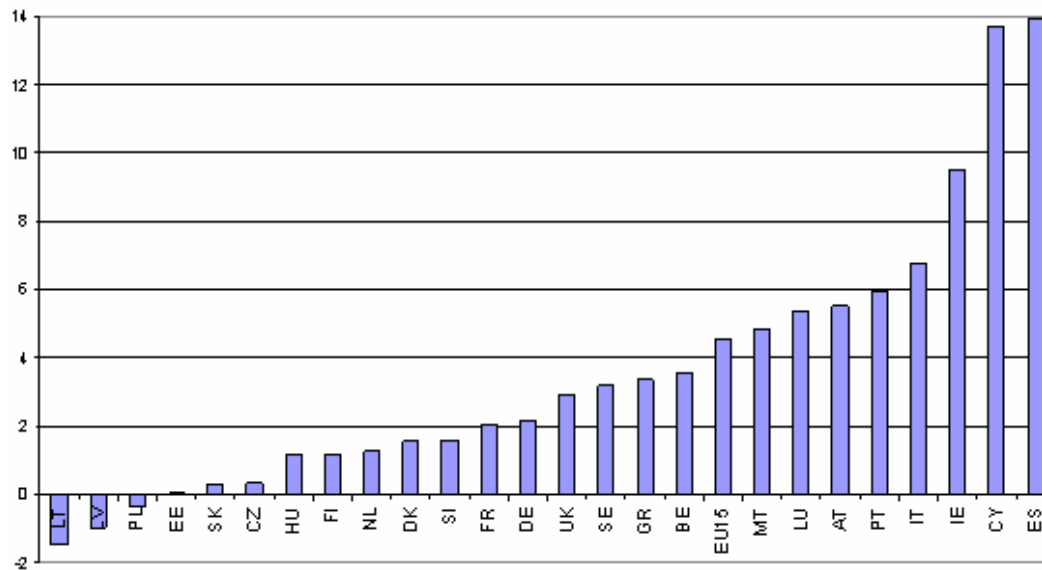


Source: Eurostat, National Data (European Commission 2007, 42); Net migration is defined as the population change not attributable to births and deaths.

Migration flows, however, have not been equally strong for all countries. On the contrary, between 2001 and 2004, they varied from a net outflow for Latvia, Lithuania and Poland to a net inflow of almost 14,000 migrants annually into Spain and Cyprus (see Figure 11). Austria has had the 6<sup>th</sup> highest net inflow between 2001 and 2004 out of the EU 25, with an average of about 40,200 migrants a year. This number supersedes the EU 15 average.



Figure 11: Annual Crude Net Migration Rate (Average 2001-2004, in thousands)



Source: Eurostat, National Data (European Commission 2007, 42)

EU countries have different migration regimes relative to third-country nationals; generally speaking, however, work migration is very limited for third-country nationals, with family reunion policies often representing the only remaining legal point of entry. Internal migration, on the other side, is one of the basic freedoms of EU citizens and cannot be curtailed indefinitely. The transitional restrictions that Austria, among other states, enacted to limit work migration from the new member states from the enlargement rounds of 2004 and 2007 ends in 2011 (EU-8) respectively by the end of 2013 (EU-2). All EU citizens will eventually have free access to all EU labour markets.

In 2008, even with the transitional restrictions still in force, more than 25% of all Austrian work permits were issued to citizens of the new EU member states. The total share of EU citizens as a percentage of the foreign labour force in Austria rose to almost 39% in 2008, thereby surpassing any other group (such as the countries of former Yugoslavia) or single nationality (Biffi 2009, 66-68). In light of these developments, it is obvious that European trade unions will have to decide not only how to approach migrants from third countries, but how to deal with mounting internal EU labour migration as well.

#### 4.1.2 Industrial Relations in Europe

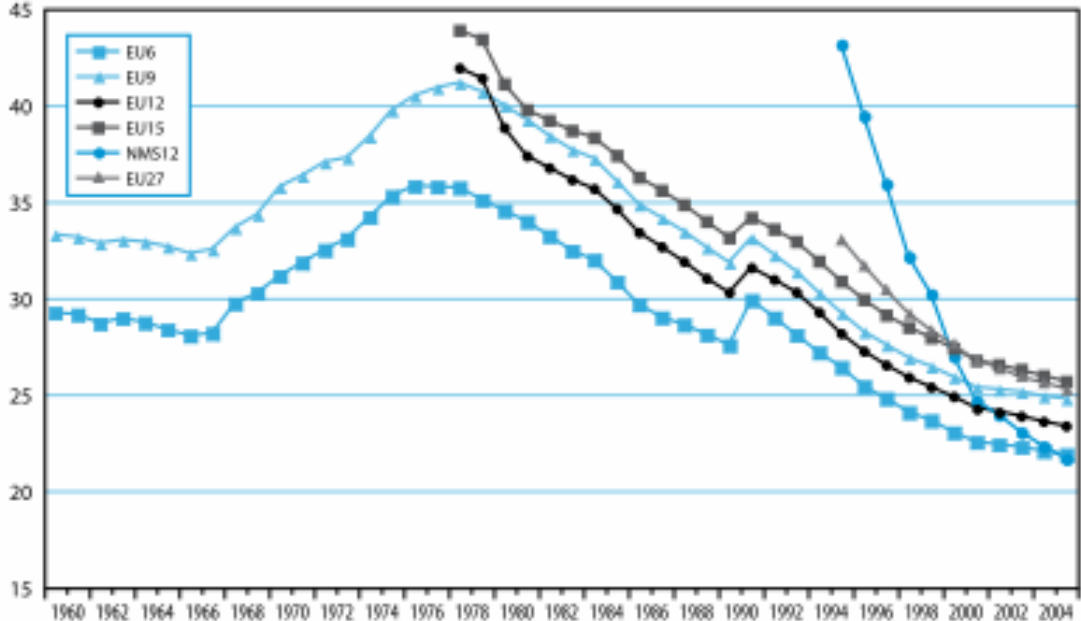
The European Commission specifies “four institutional pillars” that define and distinguish European Industrial Relations in spite of national differences (European Commission 2009, 19):

*“strong or reasonably established and publicly guaranteed trade unions; a degree of solidarity wage setting based on coordination at the sectoral level or above; a fairly generalized arrangement of information, consultation, and perhaps co-determination at the firm level based on the rights of workers and unions to be involved; and routine participation in tripartite policy arrangements”.*

Due to these “institutional pillars”, many labour unions in Europe have access to a wider variety of national or sectoral structures than labour unions in other countries. On average, 60 percent of employees are covered by collective bargaining agreements; the divergence between member

states, however, is high (European Commission 2009, 22-3). In general, the higher the level of bargaining (sectoral and above) in a given country, the higher the level of coverage, but only some national frameworks of industrial relations enable this form of multi-employer collective bargaining. While most continental, Western European states do allow some form of coordinated, multi-employer or sector based framework for collective bargaining, this is not true for the new member states of 2004, who – except for Slovenia and Slovakia – all have a system of single employer bargaining similar to the UK (Kohl and Platzer 2007, 616). Some authors believe that these institutional varieties are a natural (and maybe welcome) part of a diverse European Union. Others, however, claim that the inclusion of so many countries that lack a centralized system of collective bargaining might eventually tip the balance of institutional arrangements, even acting like a “Trojan horse” (compare Meardi 2002, cited in Kohl and Platzer 2007, 617) within the European Union. In general, several studies have concluded that EU national arrangements are in flux and are, on average, becoming more decentralized and fragmented (see European Commission 2009, 21-24, and others).

Figure 12: Net union density rates in the EU



Source: ICTWSS database, weighted arithmetic means (European Commission 2009, 20).

- NB:
- EU-6 (Belgium, France, (Federal Republic of) Germany, Italy, Luxembourg, the Netherlands),
  - EU-9 (+ Denmark, Ireland, United Kingdom),
  - EU-12 (+ Greece, Spain, Portugal),
  - EU-15 (+ Austria, Finland, Sweden),
  - NMS (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, Slovakia),
  - EU-27 (all).

In 2005, there were about 42 million employed union members in the EU (60 million when counting unemployed union members and retirees), down from over 50 million in the mid-nineties. This decline is mostly due to the membership losses in the new member states of 2004 and 2007, but since 1990, membership losses on a smaller scale have been reported in all other country groups as well. This trend, together with the rapidly expanding labour force, has led to a dramatic decline in trade union density all across the EU with particularly low rates in the new member states of 2004

and 2007 (see Figure 12). Today, only one in four EU workers has joined a union, down from one in three in the mid-nineties (European Commission 2009, 20).

With bargaining coverage and trade union density and power varying significantly across countries, it is not surprising to see that workers' rights and benefits vary significantly as well. This is particularly relevant when it comes to posted workers whose work contracts have to be set mainly in accordance with the (usually less favourable) laws of their home country, a fact that gives the employers a crucial monetary advantage and allows them to circumvent established practices of the receiving country.

#### **4.1.3 The EU and Workers' Rights**

In 1997, the European Employment Strategy (EES) was initiated; it has undergone several revisions in the years since then. The EES is mainly a framework for coordination and discussion between member states and the European commission about both national and EU-level employment strategies. Its focus is on full employment and high-quality jobs. Compared with the actual outcome of European labour market policies, however, these goals seem to be little more than lip service. Studying the future outlook of national employment models in the EU, Jill Rubery et al (2008, 504) detect a divide between the (professed) employment goals of the EU and the actual results: "a failure to link employment models to the production sphere" on the level of EU policy formulation and implementation. They state that

*"Competition policy as hard law is more effectively implemented than the EES and is posing more significant challenges to national employment and social models by promoting regime competition [...] with significant consequences for the organisation of employment and maintenance of labour standards."*

They conclude that the European social model with its emphasis on secure jobs and welfare will only be maintained if there is a true commitment to raising job quality on the ground.

A case in point is the impact of the Posted Workers Directive (PWD) on national labour markets (see below). The PWD, drawn up in 1996, aimed to find a balance between posted workers' rights and equal treatment on the one hand and service mobility on the other. The European Commission, however, has increasingly shifted towards a more neoliberal approach, safeguarding services mobility but not workers rights or host country interests, despite the original intent of the PWD. Studying the European Commissions publications and documents, Cremers et al (2007, 538-9) find that

*"In the EC documents, any reference to the Community Charter of Basic Rights of Workers has disappeared and the weight of power has shifted in favour of the free market hardliners, who seem to regard the [Posted Workers] Directive as an oddity in breach with the logic of the four freedoms."*

In that way, an already tight framework for ensuring equal treatment has become even tighter, while the issues at stake have risen since the EU ascension rounds of 2004 and 2007.

#### **4.1.4 Services Mobility and Posted Workers**

As outlined in Section 2.4 (Posted Workers), posted workers are not just another form of labour migration. Their economic impact on the host society is not comparable to that of traditional migrants, since the terms and costs of their employment mirrors the conditions in their country of origin and not the conditions of the workers around them. While the full extent of repercussions

remains to be seen, the effects are likely to become more pronounced as the numbers of posted workers continue to rise.

According to Dølvik and Visser (2009, 497), the number of posted workers started expanding rapidly after the EU enlargement of 2004, when transitional agreements in several countries kept the new EU citizens from migrating via more traditional routes. "From day one, cross-border posting of workers became the easiest channel for Westward labour migration", they remark, and argue that due to data inadequacies in the LFS when it comes to temporary labour migration, the European Commission has consistently downplayed the numbers of posted workers, which in fact may have reached up to 2.2 million between the years of 2004 and 2009, more than double the Commission's estimate of 2008 (Dølvik and Visser (2009, 497-9). Biffi (2008, 10) states that due to "the increasing role of services in employment creation, the numbers of posted workers relative to migrant workers may increase quickly" and goes on to point out that the difficulties in controlling labour standards of posted workers may be an additional incentive for businesses to choose posted workers over a traditional (migrant) labour force. For all these reasons, labour unions and other actors in the field of industrial relations in Europe are well advised to consider and respond to the policy issues surrounding posted workers, both on the national and the European level.

Almost all regulations surrounding the issue of posted workers are based on the Posted Workers Directive (PWD) mentioned above. The PWD states that for a hard core of labour conditions, no differences shall exist between posted workers and the labour force of the host state. However, in the last few years, several rulings by the European Court of Justice (ECJ) have narrowed the definition of that hard core, most prominently in the cases Laval, Viking, Ruffert and Luxembourg (often called the "Laval Quartet"). In several instances, the ECJ has ruled industrial action to be unlawful, as it was seen to unduly curtail the freedom of services. In this way, the EC has moved away from the goal of protecting posted workers rights towards a free-market attitude geared only towards enabling the free movement of services.

In response to these rulings, EU member states have started to introduce different kinds of measures designed to ensure equal treatment while still staying inside the tight framework of allowed "restrictions", such as enacting a general minimum wage or generalizing sectoral agreements, instituting requirements for registration, etc. However, even attempts to control and uphold the PWD's principles in practice (e.g., through registration, the requirement of a contract or legal representative on site) have been met with criticism and resistance from the EC, who want to permit only case-by-case prosecution (and discovery) of infringements (Cremers et al 2007, 537-8). This represents a move towards individualization instead of collective workers rights. Altogether, these recent court decisions have disturbing implications for both industrial action by trade unions and national sovereignty by EU member states to set and effectively police their own labour standards (Dølvik and Visser 2009).

## **4.2 A New Approach towards Migrants in Organized Labour**

Labour unions have always had to contend with issues of insiders and outsiders in the labour force, finding themselves on a spectrum ranging between solidarity and exclusion. Due to a variety of reasons, labour movements in several countries have started to change their approach towards

migrant workers in recent years from one of competition and restriction to outreach and cooperation.

#### 4.2.1 The Rational for a Pro-Migrant Stance

“By historical standards, migration today is very restricted”, writes Nonnemann (2007, 18). This is definitely true for the EU in relation to third countries, where new legislation, together with “stricter border controls, increased punitive employer sanctions, greater use of deportations, tighter visa requirements, redefinition of asylum criteria and the closer coordination of national policies across Europe” is designed to limit access for migrants, especially for “economic migrants” from the third world. Within the EU, however, the situation is different – constituting one of the basic freedoms, the free movement of workers cannot be curtailed indefinitely.

As Avci and McDonald point out, it would be logical to assume that labour unions would want to restrict access to the labour market for migrants in order to keep the labour supply low and thereby strengthen their relative power viz. employers (Avci & McDonald, 2000, 191-2). And many labour unions have, in fact, a tradition of favouring tight borders in an effort to keep the supply of labour low (for a discussion of this approach see Section 2.6.1). Within the EU, however, this is simply not an option anymore – even the transitional restrictions that have been enacted in states such as Austria have already expired or are due to expire soon. Accepting this reality has led labour unions in several countries to re-think their traditional approach towards migrant workers and strike new paths.

In addition, there has been a growing awareness among union leaders and others that in spite of restrictions such as EU-border controls or transitional agreements, “[it] is unrealistic to believe that illegal or irregular migration can be reduced or kept in check. [...] Restrictive measures merely ensure that legal migration is replaced by illegal forms of immigration” (Nonnemann 2007, 18). According to this view, tightening immigration controls as well as restrictions on labour market participation is either “not likely to work as migrants will enter the labour market clandestinely” (Donaghey and Teague 2007, 662) or may even *increase* the number of persons working in the shadow economy. An example of this mechanism can be seen in the case of home care workers who entered Austria in large numbers after the opening of the borders in the East. These women, largely EU-citizens from the new EU-MS (EU-12), could enter Austria legally, but due to Austria’s transitional restrictions they were not (yet) allowed access to the formal labour market. In spite of the magnitude of the issue it took Austria almost a decade to enact legislation that legalized some of that care work and aimed to establish a certain (low) degree of labour standards.

Any migrant who is barred from entering the formal labour market (be it as a regular migrant, an irregular migrant or an asylum seeker) may have no choice but to work in informal jobs. By definition, these informal jobs exist outside of all the wage and labour standards that unions have fought for. Therefore, the availability of informal labour, especially in low paid fields, exerts a noticeable downward pressure on wages (evident, for example, in the field of home care described above), thereby affecting formal sectors of the economy as well. On the other hand, while long-term migrants with regular access to the labour market may be subject to discrimination and other disadvantages, from the perspective of a union they are no different than native workers, since the same wage and labour regulations are in place for them. Persons with only limited access to the labour market (even those in possession of a (limited) work permit), however, are often totally

dependent on a particular job when it comes to both their livelihood and their migration status, and are therefore easier to threaten and exploit by their employers, who hold a larger sway over them than over other workers. For unions, these are good reasons to attempt labour market reform that would allow all residents to work in formal employment.

#### 4.2.2 Special Considerations over Posted Workers

Posted workers constitute a special group of migrant workers, since by definition they remain outsiders on a host country's labour market, hired and paid at conditions mirroring their home country and not those of the workers around them. Just as with workers in informal employment or migrants with severely restricted legal employment options, the availability of posted workers presents employers with a way to undercut the existing wage and labour standards and therefore presents a problem for unions. Furthermore, it is often very hard to assess posted workers' wages because they often come in form of a "package" that might include a place to stay and is based on a completely different social system with different costs and benefits. And, last but not least, recent ECJ rulings have even curtailed national states' options to police and uphold those labour standards that should be observed.

While individual member states have tried to adapt their own national laws to ensure more equal treatment of PWs inside the narrow confines deemed acceptable by the ECJ and EC, for example, by instituting national minimum wage laws where they don't exist, the success of these efforts has yet to be determined. Furthermore, such changes are not without consequences for national industrial relations systems; especially in countries where minimum wages were traditionally set by sectoral bargaining and not government decree, such as Austria. "[As] long as bargaining coverage remains the guiding framework for wage setting in general, statutory minimum wages might become a challenge for successful collective bargaining", concludes the European Commission (2009, 83) in its report on industrial relations in Europe. It is not surprising, therefore, that the question of a legal minimum wage remains contentious in Austria and especially within Austrian unions.

In light of these difficulties, Dølvik and Visser (2009, 506) argue that it is not sufficient to act on the national level, but that "the European construction itself needs correction" by refurbishing its priorities and placing "equal treatment" on top - before addressing free movement of labour and services, thus embedding the latter into a system of social security rights. They suggest focussing on bridging the rights between all different types of workers, including migrants, workers and the self-employed, and instituting a "social snake" or system of related minimum-wage-setting mechanisms covering the entire Union. Similarly, Donaghey and Teague (2007, 663) call for a "common EU minimum wage policy" as part of a "[commitment] to effective standard setting".

But it is not just EU bodies and governments that need to address these issues on a supra-national level. Donaghey and Teague point to the fact that employers are quite willing to establish the working conditions for their posted workers in cooperation with a union from their home country (usually new EU member states) at rates and standards far below what is common in the host countries, a practice that sets the national unions involved in direct conflict with each other. Admonishing labour unions to adapt to the changes that the increased labour migration brings, they emphasize that "[if] trade union peak organisations in Brussels do not acquire stronger legitimacy,

they will be unable to govern effectively the behaviour of constituent members in disputes over wage dumping” (Donaghey and Teague 2007, 663).

## 4.3 International Outlook

### 4.3.1 Trade Union Response in the US

The United States, a country that is notorious for few job benefits (especially compared to most of Western Europe), a large number of temporary and low-wage workers and its harsh anti-union climate, should also be known for something else: The tremendous effort and dedication that large parts of the US union movement have put forth in order to promote a pro-migrant, pro-legalization and anti-racist stance throughout the labour movement and in society.

While immigrant organizing and activity has always been part of the US labour movement, both through proper union activity (such as the United Farm Workers, or UFW, activities in the 1960s and 70s, for example) as well as through more spontaneous or even militant actions by individual groups of immigrant workers, this did not traditionally translate into pro-migrant union policies on a broader level. In fact, throughout most of the 20<sup>th</sup> century, most of American labour supported very restrictive immigration policies and immigrants were, first and foremost, seen as unwanted competition to American workers. Only in the second half of the 20<sup>th</sup> century did labour’s stance on *legal* immigration start to change, and only since the 1980s did parts of the labour movement start to promote the inclusion and representation of *undocumented* immigrants and workers as well. This change was largely due to an increase in illegal migration and their incorporation into the economy, coupled with the realization on the part of the unions that it was completely illusory to believe that this trend could be reversed or that the undocumented workers already in the country could be sent back. Instead, the *exploitation* of undocumented workers had to be stopped in order to prevent employers from using immigrants to undercut established wages and working conditions (Astor 2004, 3-4). Therefore, in line with a general turn towards organizing unorganized workers in US labour, organizing immigrants became a priority for many union locals in immigrant-rich sectors of the economy. One of the best known and well documented instances of immigrant unionization was the widely successful “Justice for Janitors” campaign that, with the help of innovative organizing strategies, won union representation for large parts of the heavily immigrant janitorial workforce of Los Angeles in the early 1990s.

Due to their legal situation and historic structures, labour unions in the US are, at their base, made up of local unions that depend on members in individual businesses in which employees have voted to be represented by that (and only that) particular labour union. Most of these local unions (or “locals”) have decided to join larger industry or craft based unions (for example, the Service Employees International Union, SEIU, or the United Farm Workers of America, UFWA), which are then, in turn, usually part of a large labour federation. Currently, the two big labour federations are the American Federation of Labor - Congress of Industrial Organization (AFL-CIO) and Change to Win, a group of unions that broke off from the AFL-CIO in 2005. The larger unions as well as the labour federations formulate larger policy issues, co-ordinate (local) union efforts and may also help out with resources, staff or training in target areas.



Eventually, it was not just outstanding union locals that put organizing and representing immigrants on the agenda. Since the turn of the century, the leadership of both the AFL-CIO and Change to Win have made immigration a top issue. In 2009, the two federations released a joint statement promoting comprehensive immigration reform in order to ensure that “all workers—immigrant and native-born—[...] have full and complete access to the protection of labor, health and safety and other laws” (AFL-CIO & Change to Win, 2009, 1).

The AFL-CIO (2006, 3) calls for immigration reform that satisfies the following five principles:

*(1) [Immigration reform] has to provide a mechanism for currently undocumented workers to be able to exercise their labor rights, which means it must provide a real path to legalization; (2) It must require the government to enforce labor and employment laws vigorously in order to remove the employers’ incentive to recruit and employ undocumented workers; (3) It must reject the creation of temporary worker programs (also known as “guest worker” programs) that harm workers; (4) It must guarantee that new foreign workers will be able to fully exercise their labor rights; (5) It must preserve social protections and guarantee civil rights and civil liberties to all.*

In relation to guest worker programs, the AFL-CIO (2006, 3) states, “We are a nation of citizens, not guests”, and goes on to argue that guest worker programs “essentially create a second class of citizens who remain marginalized with no voice in our democracy”. While Change to Win is internally split on the issue of guest worker programs (AFL-CIO 2006, 5), the joint statement mentioned above does not include a proposal to introduce a guest worker program.

#### **4.3.2 Trade Union Response in the UK**

Since 2004, the UK has faced a huge inflow from the new EU member states, with more than 680,000 migrants in the first three years alone, a fact that may have been largely due to labour shortages in several low-wage industries (Kings 2009, 54). Being one of only three countries that opened up its labour markets completely in 2004, it is significant to note that the British labour movement supported this move. Kings (2009, 58) quotes a British labour union official saying, “we didn’t want any transitional measures put in place . . . Generally speaking we are for workers having choices where they work”.

The attitude in British labour, however, was not always that way. During a Trades Union Congress (TUC) session in 1991, labour representatives also stated that “immigrants would form a new cheap labour pool, undermining the trade unions’ traditional bargaining power for their white workers” (cited by Avci and McDonalds 2000, 199). The remarkable change in British labour happened over a period of years during which anti-racism within the union movement was an important issue, prompting, for example, the establishment of black sections in the union. Anti-discrimination training was offered in TUC affiliates, and they were called upon to initiate disciplinary measures against racist members in the movement. As early as 1981, a TUC charter encouraged union members to take a stance on behalf of foreign workers and to draw them into their organization. While the TUC position on immigration is based on two theoretical pillars, namely human rights and racial discrimination, their practical concerns revolved around the effectiveness of workplace organization and the belief that immigration controls in the workplace would negatively affect the union’s ability to contact and recruit workers. In addition, the union frequently referred to the “untapped” labour pool that black workers represented. “While stopping short of endorsing illegal immigration”, Avci



and McDonald (2000, 200) write, “the unions’ concern was with the organization of the workforce, not their origin or ‘authorization status’”.

Similar to the situation in the US, British labour had also been faced with a hostile climate and a serious decline of union power and membership throughout the eighties. In the 1990s, British labour unions – like their US counterparts – focused with renewed energy on recruiting service workers, part-time workers and other largely unorganized parts of the newly emerging, “post-industrial” workforce for the union (Avci and McDonald 2000, 203). Until today, the institutional power of British labour is low and centralized bargaining has all but vanished. Therefore, their negotiating power is closely tied to their organizing efforts (Krings 2009, 61), and the effects of harsher immigration controls on workplace organizing were of special concern to them. Throughout the 1990s, the TUC was actively opposing anti-immigration legislation, both nationally and on the European level - not just where it concerned workplace policing, but also regarding asylum policies, racism and workplace discrimination in general (Avci and McDonald 2000, 203-5).

Without a doubt, British labour unions were initially responding to an existing immigrant workforce mainly from Commonwealth nations and to the political and historical background surrounding this issue in the UK, and later to the increasingly porous inner-European borders. But by advocating “the principle of dismantling the barriers between nations and allowing the free movement of all persons to the greatest extent possible” at a TUC congress in 1990 (cited in Avci and McDonald 2000, 201), British labour unions went above and beyond national issues and endorsed a non-protectionist and almost radical pro-immigrant worker stance. This is also based on self-interest: Krings (2009, 59) quotes an official of the TGWU (Transport and General Workers Union) saying, “We know that we’ve got to get them exactly the same conditions of the people living here. One, because it is morally right and two, because they are used to undercut the conditions of the people who are already here.” When the British government introduced transitional restrictions after the EU enlargement of 2007, the TUC opposed these measures, fearing more widespread exploitation of migrant workers, and the UCATT (Union of Construction, Allied Trades and Technicians) was concerned about possible bogus self-employment as a result of the restrictions and instead favoured “employment rights” for the migrant workers affected (Krings 2009, 59).

Over the years, British labour unions have run a number of campaigns designed to help (mainly) migrant workers, for example the “Justice for Cleaners” campaign which is modelled after the US-American “Justice for Janitors” campaign (see above) and also includes some activities outside of the workplace, such as cooperating with immigrant communities. Since government access of British unions generally is limited, they have not been as successful in ensuring the enforcement of immigrant worker’s rights as they would like. Therefore, cases of underpaid migrant workers do exist. The issue is, however, gaining some traction (Krings 2009, 59, 65).

#### **4.3.3 Trade Union Response in Germany**

German unions have traditionally enjoyed a high level of embeddedness in labour market institutions, with industrial trade unions that were the sole representative within a particular sector of the economy and could negotiate collectively bargained agreements for their industrial sector with their respective employers’ organisation. In addition, workers also have the right to be represented in works councils in their own business (Annesley 2006, 165).

Beginning in the 1990s, however, global changes as well as industrial restructuring have changed the economic landscape and led to new challenges for German unions. While traditional union strongholds are faced with economic restructuring and lay-offs, trade unions have not been able to gain a sufficient foothold in those parts of the economy that are growing (Grahl & Teague 2004, 564). As a result, German trade union density is decreasing – from about 36% in the early 1990s to around 28% in 2003 (Grahl & Teague 2004, 564), with a further downward trend between 2003 and 2008 (a 13.5% loss of membership in the DGB alone, which encompasses more than three fourths of all union members) (European Foundation for the Improvement of Living and Working Conditions 2009, pp. 5, 15, 23). In addition to these membership losses, global changes in the power structure between labour and management have led to both increased concessions made by works councils within some firms, which endanger industry-wide wage standards and agreements, and to increased workplace conflict in other firms that have attempted to actively prevent employers' representation at the firm level or to undermine collective bargaining efforts. As a result, the "institutional embeddedness" of unions in Germany has been weakened (Greer 2008, 603). These problems have only been exacerbated by the after-effects of German unification, which led to a number of institutional and economic challenges (Annesley 2006, 165).

In an attempt to revitalize and strengthen the union movement, German unions have since moved away from the principal of industrial unions and undertaken several large union mergers. One of the new unions created was Ver.di, which encompasses more than 2 million service workers (including public sector workers). Aiming to expand their membership base into non-traditional areas and to unionize newly emerging parts of the service sector, Ver.di has employed a number of new strategies, some of them successfully. However, Annesley (2006, 177) points out that the union as a whole "continues to rely on embedded institutions for its strength and [...] is weaker at developing sustainable strategies in new sectors or regions", and that it needs to allocate more resources in local union chapters, especially where conditions are bad. Despite these challenges, there are at least some local unions that are employing social movement tactics, as, for example, Greer's (2008) analysis of Hamburg's hospital sector shows.

Even though Germany restricted the inflow of migrants from the new EU member states through transitional agreements, almost 350,000 permits for seasonal workers (mainly from Poland) are issued per year on the basis of bilateral agreements. Like their Austrian counterparts, German unions opposed the free movement of labour and were in favour of transitional restrictions, but stressed that this should not be seen as anti-immigrant "[but] simply opposed to competition from cheap labour" (Krings 2009, 54-6). However, service providers employing posted workers had already entered Germany as early as the nineties, especially in the building industries, where in fact they competed with and often substituted native workers, who were more expensive for employers, with their own posted employees. Currently, this pattern may be repeating itself in industries such as meat, metal and electronics (Krings 2009, 56-7).

While Austrian unions took a protectionist stance all throughout the "Gastarbeiter" (guest worker) programs in the 1960s and 1970s, this was not true for their German counterparts who eventually became a strong force for integration (Krings 2009, 62). However, as Krings (2009, 62) points out, unemployment in recent years was much higher than during the Gastarbeiter era, and the weakening of the old industrial relations system has left unions fearing that they cannot ensure equal wages for

all. Therefore, like in Austria, German unions also favoured the transitional restrictions, as did almost all other political and social groups in both countries.

## 5 Survey of Austrian Union Work Council Representatives' Attitudes towards Migrants

In order to investigate the attitudes of trade union members towards migrant workers, the authors conducted an online survey among Austrian union work council representatives (*Betriebsräte*) in 2010. *Betriebsräte* from different trade unions, mainly proge and vida, were asked to participate in the online survey.

### 5.1 Methodology of the Survey

The online-survey (lime survey) was carried out between February 2010 and May 2010. It consisted of a standardized set of questions (multiple choice as well as some open, qualitative questions); both nominal and ratio scales were used to rate multiple choice answers. The participants remained anonymous. The interpretation of the results was aided by Excel and SPSS cross tabulation.

The participants were contacted by e-mail by leading trade union officials, who were supporting the research undertaking and willing to provide information and support throughout the research. These union representatives, in effect acting as gatekeepers between the targeted sample group of respondents and the researchers, forwarded the online survey link and asked for voluntary participation in the survey. In that sense, the sample was selected by non-probability convenience sampling methods. The study is non-representative.

The survey questions were intentionally chosen to reveal the respondent's true sentiments towards migrants, even where they might run counter to prevailing or commonly "accepted" attitudes within the trade union movement or within parts of society in general. In particular, Question Set 2 was designed to enable respondents to casually voice possible negative sentiments, including towards migrant workers in the union movement. An analysis of the answers of those respondents who chose not to give any or all personal information that was asked (such as gender, workplace information etc.) shows that concern for anonymity was greatest among those who held more negative views on migrants in trade unions than the average respondent. This may be seen as a confirmation of the need to put respondents at ease if true sentiments towards migrants shall be gathered<sup>40</sup>.

In total, 343 union members who were acting enterprise councils (*Betriebsräte*) participated in the study; the number of respondents answering each set of questions, however, varied significantly. Generally, the participation rate decreased over the course of the questionnaire (with a 100% response rate for question one, but only 50% for question 5); it appears that the respondents lost interest with the increasing number of questions. For question four, which gave participants the chance to mention examples of their unions' activities regarding migrants (open question), only between 12 and 23 persons (3.5 to 7%) responded.

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<sup>40</sup> The situation may be comparable to surveys conducted in Austria during election times, where raw data was known to frequently underestimate the percentage of people voting for the right-wing party FPÖ, presumably because some people are especially reluctant to state this preference in an interview situation.

## 5.2 Socio-Demographic Profile of Respondents

Of the 343 respondents, 150 stated their sex. Of those, 84% were male, a fact which reflects the prevalence of male *Betriebsräte* in most industries. In the analysis below, male and female averages correspond to only those respondents who stated their gender, while total averages include all response sets.

In terms of age, the youngest respondent was born in 1977 (age 33) and the oldest in 1949 (age 61).

152 persons answered questions about their nationality, country of origin and mother tongue. Of those, 148 were Austrian natives with German as their mother tongue, 3 participants were other EU nationals, and just one participant was a third country national. Similar to the gender breakdown of the sample (see above), these results again reflect the almost total absence of migrants in *Betriebsrat* positions, which is also due to the fact that the right of foreigners to run for *Betriebsrat* elections only came into effect in 2006.

The length of union membership years in the respective trade unions vary, with participants joining the union as early as 1972 and as late as 2009.

The majority of the respondents were members of trade union 'vida' (58%) followed by 'proge' (36%). Other trade unions, such as GDG, GÖD, GBH, amounted to no more than 1% each.

A breakdown of trade union membership by province reveals that the majority of respondents was active in Vienna (28%), followed by Upper Austrian union members (20%), and Lower Austrian union members (14%). A majority of respondents were active in the metal industry (33%), followed by the transport industry (20%) and the service industry (13%).

Asked about their activity level in the union, 29% of respondents replied that they were a union functionary and an additional 44% stated that they were very actively involved in the trade union. Only 27% were active to a lesser degree ("occasionally active" or "rarely active"). Asked about their formal position in the workplace, 120 respondents stated they were '*Betriebsratsvorsitzende*' (chairperson of the *Betriebsrat*, which can consist of more than one person in bigger companies) and an additional 17 stated they were *Betriebsrat* (but not chair).

## 5.3 The Perceived Importance of Representing Migrants

### 5.3.1 Question Set 1

In Question Set 1 of the survey, participants were asked to rate the importance of supporting different types of migrant workers at their workplaces. Ten categories of migrant workers were chosen:

1. Migrants who come into companies as temporary agency workers (Leiharbeit): "Temp Workers"
2. Legally residing migrants, who have been living and working in Austria for a long time: "Longterm Migrants"

3. New migrants or asylum seekers who would like to receive work permits: “New Migrants/Asylum Seekers”
4. Migrants from the old EU member states (EU15/before 2004): “Migrants from Old EU-MS”
5. Migrants from the new EU member states (EU12/after 2004): “Migrants from New EU-MS”
6. Third country migrants (not EU): “Third Country Migrants”
7. Migrants that live or work in Austria without documentation: “Undocumented Migrants”
8. Migrants that work in Austria as “Neue Selbständige” (“new self-employed”, e.g. persons who work with a Werkvertrag but are not part of a registered trade) or “Scheinselbständige” (“fake” entrepreneurs, who should actually be counted as dependent employees): “(Fake) Self-Employed Migrants”
9. Seasonal workers: “Saisonniers”
10. ‘Posted’ or ‘leased’ workers which continue to be employed at a firm from another EU country but work in Austria for the duration of a specific assignment: “Posted Workers”

For each of the above categories, the respondents had to rate how much they agree with the following statement: “It’s an important task of the union to assist the following group in their problems at work” (‘Es ist eine wichtige Aufgabe der Gewerkschaft, der folgenden Gruppe bei ihren Problemen am Arbeitsplatz zu helfen’).

The respondents could choose among 6 possible answers ranging from “totally correct” to “totally incorrect” (multiple choice; nominal scale). It was also possible not to answer.

### 5.3.2 Response Averages

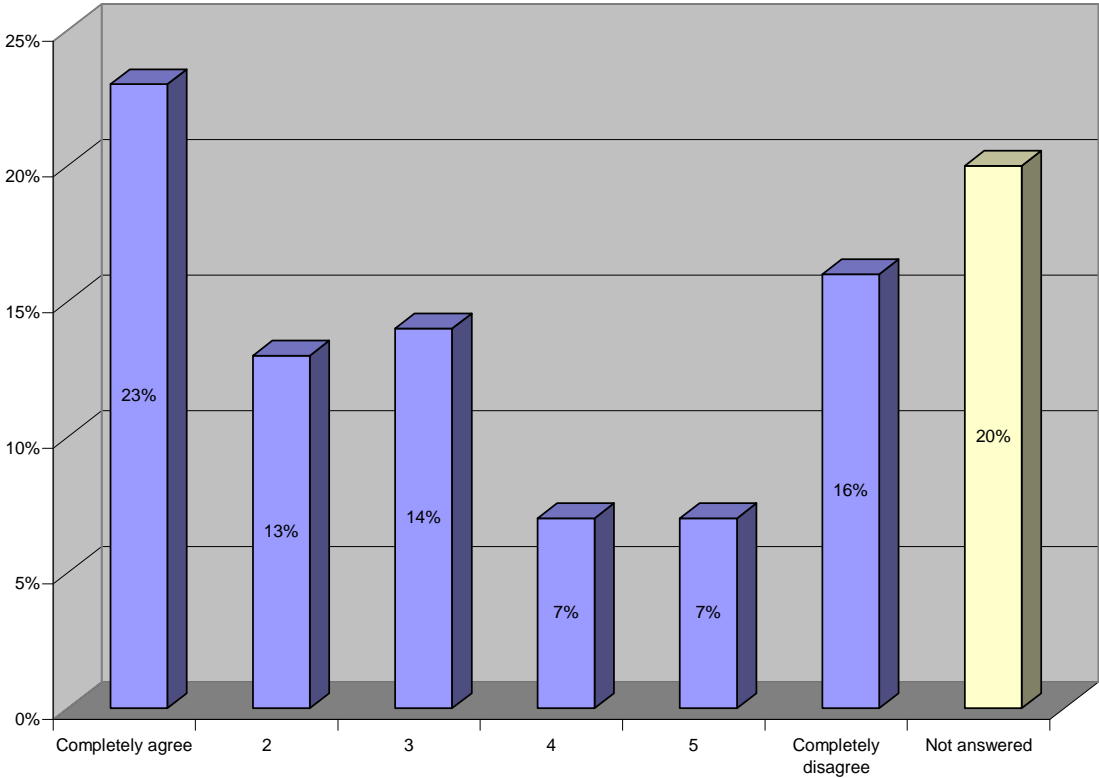
For this question, the response rate was 100% with all 343 respondents replying. On average (across all migrant groups), 36% were of the opinion that migrant workers of all categories need to be supported by trade unions, consisting of 13% and 26% in the top 2 answer categories, respectively. Conversely, 23% did not think supporting migrant workers was an important task of the union, consisting of 16% and 7% in the lowest two answer categories. A further 20% chose not to answer the question (see Figure 13 below).

Looking at the average response over all migrant groups, one can see that more respondents – about 50% - more or less agreed with the statement that unions should assist migrants in their workplaces than were opposed (about 30%). The 20% who chose not to answer this question were not included in the further analysis; it stands to reason, however, that some may have done so out of disapproval with the question or topic, which would suggest a higher number of people opposed to helping migrants than the aforementioned numbers indicate.

It is important to keep in mind, also, that results varied greatly between the different categories of migrant workers (see more below). The highest support was stated for long-term migrants, temp workers and seasonal workers. Long-term migrants are generally included in trade union efforts, since most of their interests are shared by their Austrian counterparts, and there have been union

initiatives focusing on both temp workers and seasonal workers. On the one hand, this may indicate that unions chose to engage migrant groups for whom support among the membership was already high. On the other hand, the above-average support for these groups may also reflect the fact that unions *did* engage with them, creating a better understanding and sympathy amongst the membership in the process. In this case, one might infer that support for union activities regarding other migrant groups would rise as well once the activities had become common practice.

**Figure 13: It's an important task of the union to assist the following group in their problems at work - Average responses over all migrant groups**



Source: Own survey; Averages over all categories

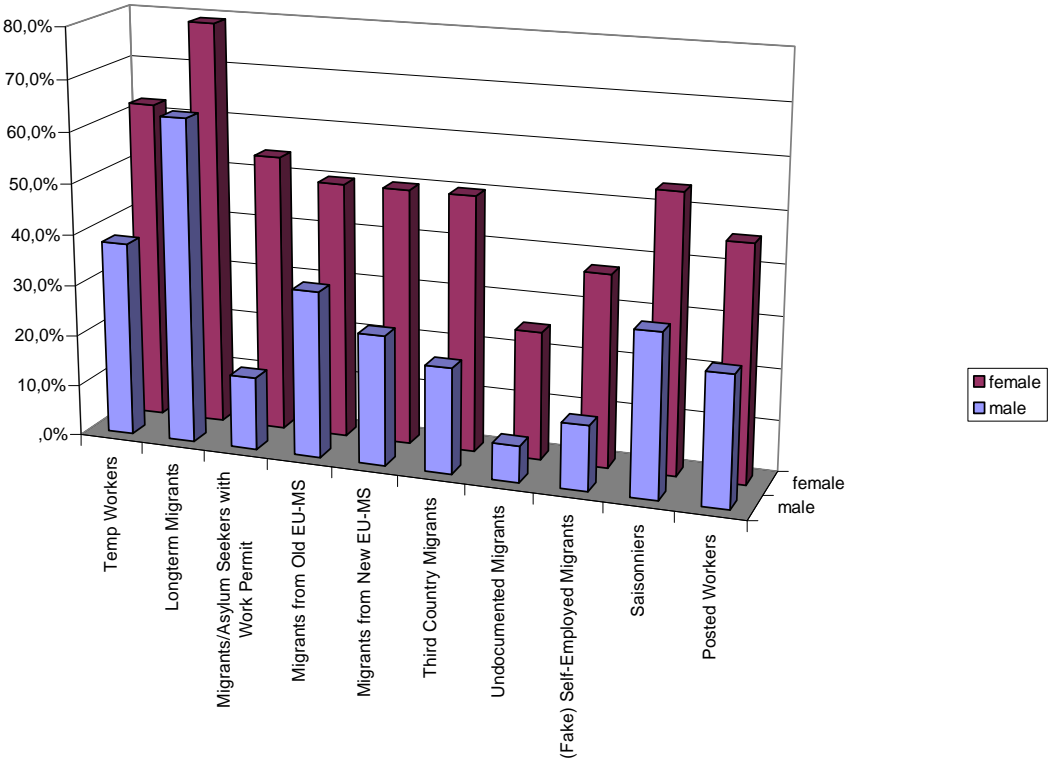
**5.3.3 Results by Migrant Category**

The answers regarding the need to support migrants vary significantly between the migrant groups in question. For some categories of migrant workers, support for integration in trade union activities was strong, while for others, it was virtually non-existent. Generally, the respondents were supportive of legally residing, integrated migrants, those working through temp agencies, those coming from EU15 countries and seasonal workers. Asylum seekers, EU12, Posted Workers and Third country Nationals were somewhat supported, while illegal migrants or (fake) self employed migrants received the lowest measures of support.

As can be seen in Figure 14 and Figure 15, there were marked differences between women and men, with female respondents being significantly more open towards migrants and their needs. Over all categories, women chose “completely agree” with the statement that it is an important task for unions to support various migrant groups on average 50.3% of the time – this is more than 20% higher than the corresponding average rate for men, 27.1%. The biggest differences between women

and men could be found in regard to migrants or asylum seekers with work permits (54.2% of women chose “completely agree”, but only 14.3% of men did), followed by third country migrants (with 50.0% of women choosing “completely agree”, but only 20.6% of men).

Figure 14: Percentage of respondents who think helping these migrant groups is an important task for the union ("agree strongly"), by gender



Source: Own survey; results for respondents who stated gender

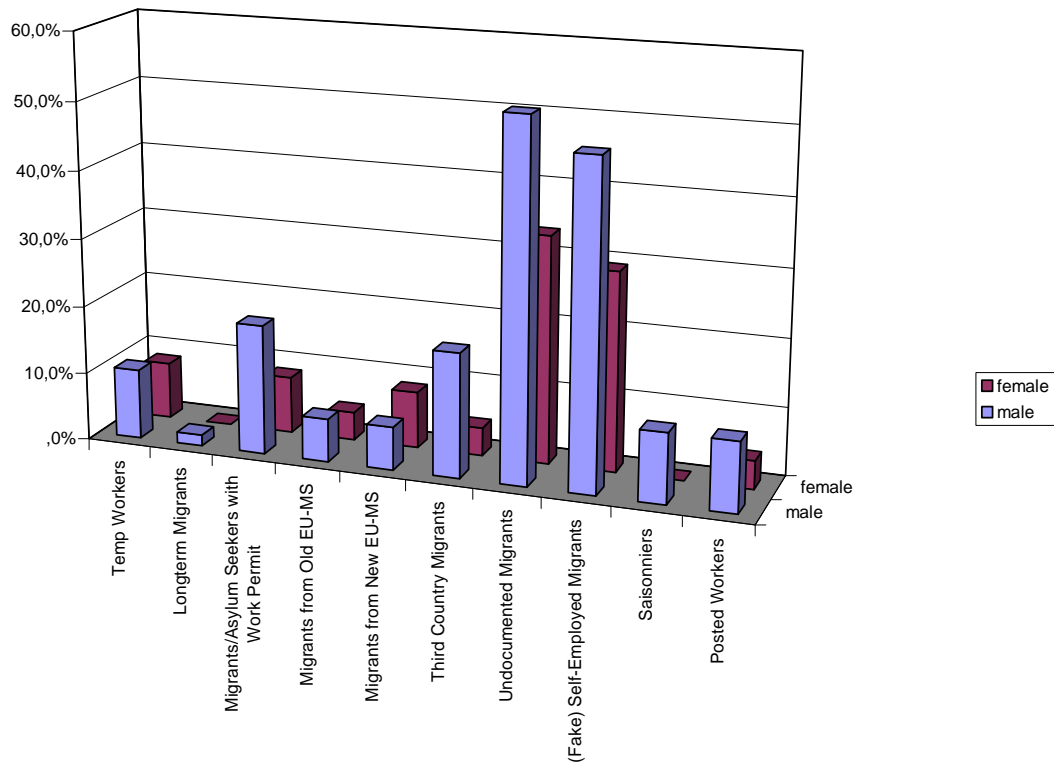
Correspondingly, women chose “completely disagree” less often than their male counterparts – a difference most pronounced when it came to undocumented migrants and (fake) self-employed migrants, the two groups with the least support overall (see Figure 15). A third of all female respondents, but more than half the men (52.4%) chose “completely disagree” when it came to supporting undocumented migrants, and 29.2% of women as compared to 47.6% of men chose “completely disagree” when it came to (fake) self-employed migrants.

Obviously, trade union members were very selective in their choice of category of migrant workers that were considered in need of trade union support. Taking these different results into account, it can be argued that the number of respondents who chose “Completely Agree”, “Strongly Agree” (2) and “Somewhat Agree” (3) constitute an “acceptance rate” of the particular migrant group in question when it comes to union activities with them or on their behalf. Figure 16 and Table 7 show both the respondents’ answers to Question Set 1 and the “Acceptance Rate” calculated on that basis.

While the acceptance rate does say anything about the current opinions of workplace representatives in our sample, it is important to keep in mind that these opinions are not set in stone, but can change over time. Especially the adoption of new policies and practices to represent migrants could very well result in more favourable opinions as union members and workplace representatives get used to a new status quo (on changing opinions, see also chapter 4.3.2).

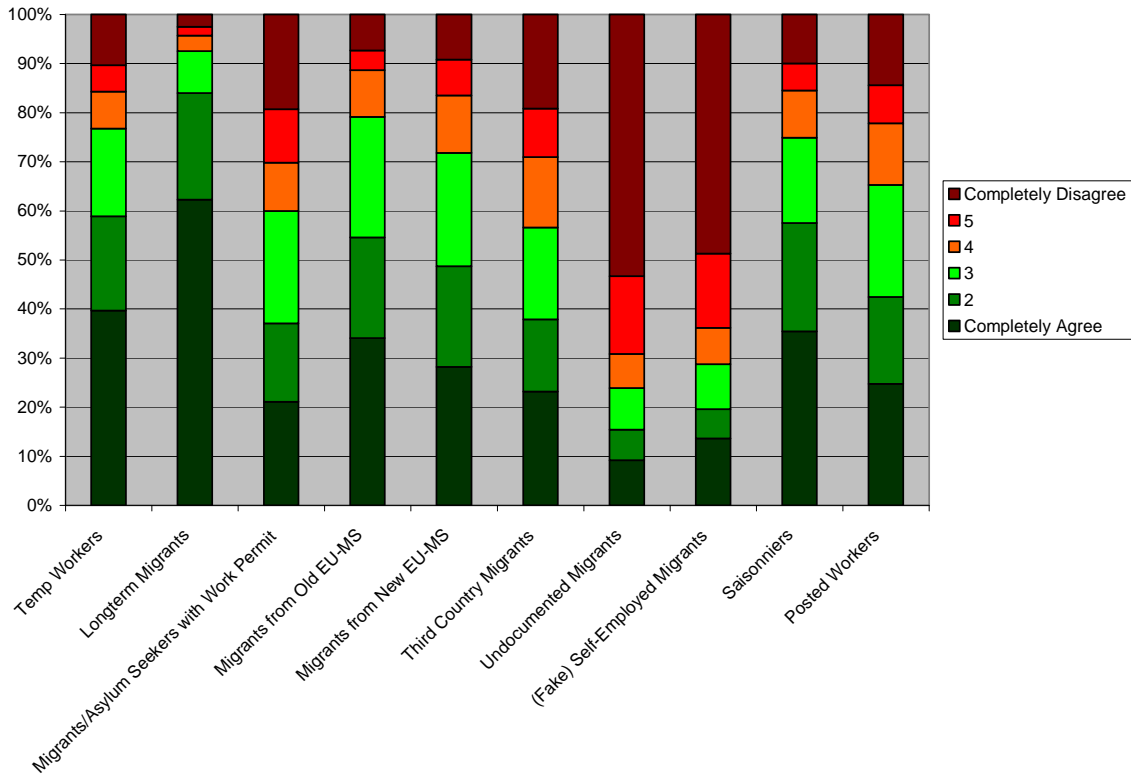


Figure 15: Percentage of respondents who DON'T think helping these migrant groups is an important task for the union ("disagree strongly"), by gender



Source: Own survey; results for respondents who stated gender

Figure 16: The "Acceptance Rate" for Various Migrant Groups, based on Question Set 1



Source: Own survey; Question Set 1.

Table 7: Question Set 1 Including “Acceptance Rate”

	Completely Agree	2	3	4	5	Completely Disagree	Acceptance Rate
Temp Workers	39,6%	19,3%	17,9%	7,5%	5,4%	10,4%	76,8%
Longterm Migrants	62,3%	21,7%	8,5%	3,2%	1,8%	2,5%	92,5%
Migrants/Asylum Seekers with Work Permit	21,1%	16,0%	22,9%	9,8%	10,9%	19,3%	60,0%
Migrants from Old EU-MS	34,1%	20,5%	24,5%	9,5%	4,0%	7,3%	79,1%
Migrants from New EU-MS	28,2%	20,5%	23,1%	11,7%	7,3%	9,2%	71,8%
Third Country Migrants	23,2%	14,7%	18,8%	14,3%	9,9%	19,1%	56,6%
Undocumented Migrants	9,2%	6,3%	8,5%	7,0%	15,8%	53,3%	23,9%
(Fake) Self-Employed Migrants	13,7%	5,9%	9,2%	7,4%	15,1%	48,7%	28,8%
Saisonniers	35,4%	22,1%	17,3%	9,6%	5,5%	10,0%	74,9%
Posted Workers	24,7%	17,7%	22,9%	12,5%	7,7%	14,4%	65,3%

Source: Own survey; Question set 1.

## 5.4 Reasons for Not Including Various Migrant Groups

### 5.4.1 Question Set 2

Question Set 2 was designed to assess the reasons why union representatives oppose the inclusion of various migrant groups into union efforts. Based on literature research and the authors own work, three hypotheses were chosen that may be useful for explaining opposition to working with migrants among trade union representatives:

- A. Insider/outsider phenomena
- B. “Cultural differences” as a barrier (including general anti-foreigner sentiment)
- C. A belief that there is no need to organize various migrant groups due to the (as of yet) relative power position of Austrian trade unions and their institutional entrenchment in *Sozialpartnerschaft*

These three hypotheses were the basis for the three answers (A, B and C) that respondents could choose to explain why they thought that a migrant group should not be included in trade union representation efforts (“Which reasons speak against integrating the following groups into the trade union and supporting their interests as a union?”). A fourth option (D) was provided for those who were in favour of including the respective migrant group in trade union efforts.

- A. Core members first: Austrian workers have different interests than this group; the union has to safeguard the interests of core members first.
- B. Cultural Differences: This group differs culturally/language-wise/ ... from other union members; it is difficult to integrate them into the union.
- C. Not necessary: The union is strong enough in other areas; it is not necessary to organize this group.
- D. I am not opposed: I am in favour of including this group in trade union efforts.

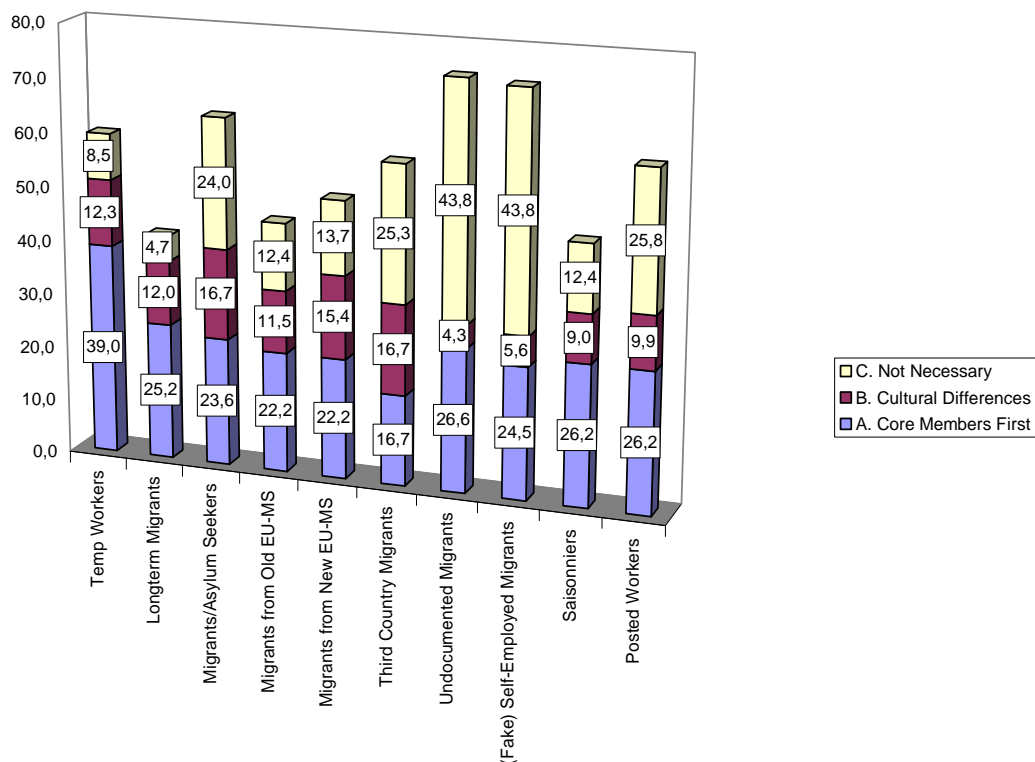
As in Question Set 1, the survey defined ten groups of migrants and asked the workers representatives to choose an answer for each group.

### 5.4.2 Responses

Approximately 32% of respondents did not answer these questions. Among those who responded, the reasons for not wanting to include various groups of migrants were quite different according to the group in question (see Figure 17 below).

The answers of women and men differed significantly only when it came to migrants with work permits and asylum seekers. Here, 66.7% of women but only 31% of men were not opposed to including them in trade union efforts. When it came to the reasons for non-inclusion, 28.6% of men but only 4.2% of women thought that the interests of core members should come first, and 16.7% of men but only 8.3% of women indicated cultural differences as the main reason.

Figure 17: Reasons for Opposing the Inclusion of the Following Groups into Trade Union Efforts



Source: Own survey; valid percent (Rest did not oppose).

Based on the hypotheses, we can conclude that Insider-Outsider sentiments are strongest when it comes to migrants who work as temp workers – 39% of respondents chose “core members first” (Answer A) as a reason not to include them in trade union efforts. Only 40% chose Answer D (“Not Opposed”), a number that roughly corresponds with the number of respondents who said in Question Set 1 that they “completely agree” that supporting temp workers is an important task for the unions.

Apart from migrant temp workers, Answer A (“Core members first”) was chosen as a reason for non-inclusion by about a quarter of respondents for all groups except “Third Country Migrants”, where a below-average amount of 16.7% of respondents chose Answer A. Except for migrant temp workers, we can therefore conclude that Insider-Outsider sentiment remains stable across all migrant groups, accounting for about 25% of all responses and 44% of negative responses.

Answer B (“Cultural Differences”) was chosen least often; it accounted for about 11% of all responses (about 21% of negative responses). The results ranged from 16.7% for third country migrants and asylum seekers down to only 4.3% for undocumented migrants. The latter may come as a surprise, but the limited visibility and total neglect of this group in public debate and the media may account for this result.

Answer C (“Not necessary”) accounted for about 21% of all responses (35% of negative responses); the results for this answer show the widest variation between migrant groups. The lowest percentage of respondents, a mere 4.7%, chose Answer C when it came to long-term migrants – a group where the necessity for inclusion is clearly not in question, and a group whose interests largely coincide with the general interests of union members, making representation easier to achieve than for other groups. The next-lowest result (8.5%) was recorded for migrant temp workers. This comparatively low number of respondents who thought representing migrant temp workers was not necessary may reflect the realization that temp-workers (Leiharbeit) do threaten the status quo in many industries as well as the large number of union initiatives and negotiations regarding temp workers in general that have been launched in recent years as a result.

About 13% of respondents deemed it not necessary to represent seasonal workers as well as migrants from the old and new EU member states and about 25% hold this opinion regarding asylum seekers, third-country migrants and posted workers. The highest number of respondents who chose Answer C was recorded for undocumented migrants and (fake) self-employed migrants with 43.8%. This progression of attitudes certainly reflects a hierarchy of solidarity, which is the least pronounced for those for whom political support in general is low in Austria. A number of union initiatives regarding seasonal workers may be reflected in the comparatively low rate of Answer C for that group, just as it is possible that the union campaigns against fake self-employed migrants had an influence on the high number of respondents who found supporting (fake) self-employed migrants unnecessary.

It is interesting to note that the two migrant groups that received the lowest measures of support in Question Set 1 (“It’s an important task of the union to assist ... in their problems at work”), namely undocumented migrants and (fake) self-employed migrants, were also seen as the group for which representation was seen as least necessary (Answer C in Question Set 2). In fact, these two migrant groups had the highest percentage of respondents choosing “not necessary” (Answer C) and the lowest percentage of respondents choosing “cultural differences” (Answer B) as a reason not to include this migrant group in trade union efforts. This result supports the authors’ hypothesis that the lower support for migrants by Austrian trade unions does not reflect anti-foreigner attitudes per se as much as a lack of solidarity coupled with the perception that, from the perspective of native union members or representatives, it is seen as simply not necessary to support these groups.

If trade unions therefore decide that supporting migrants is important for their long-term goals, the biggest challenge – but also the most promising avenue - will be to show members that including these migrant groups is in fact important and necessary for all of the union movement. In order to change union members’ attitudes, it would be important to educate them about economic factors that influence labour markets and trade union strength worldwide rather than to concentrate primarily on anti-racist initiatives, which are important, together with other strategies designed to

increase contact between natives and immigrants and between migrant groups within union structures.

## 5.5 Assessment of current inclusion of migrants in trade union efforts

### 5.5.1 Question Set 3

Question Set 3 asked respondents to assess if and how various migrants were included in trade union efforts today. As in Question Sets 1 and 2, the question was to be answered for each of the ten defined migrant groups (for details see questionnaire in the appendix). Three possible choices (A, B and C) were provided to specify the mode of inclusion used in daily work; one option (D) was provided for respondents who thought that the group was not included in trade union efforts, and one additional option (E) for respondents who did not know how the group in question was being included.

- A. Like Austrians: They receive advice and support from the union just the same as Austrian workers
- B. With special offers: There are special programs and offers in place for this group
- C. Always and everywhere: These groups' interests and problems are considered in all of the union's activities and demands; the union informs other members about these groups' problems and encourages understanding and cooperation
- D. Is not included: This group is not included in any of the above-mentioned ways
- E. Is Included, but I don't know how: I don't know how this group is included in the unions' efforts

### 5.5.2 Average Responses

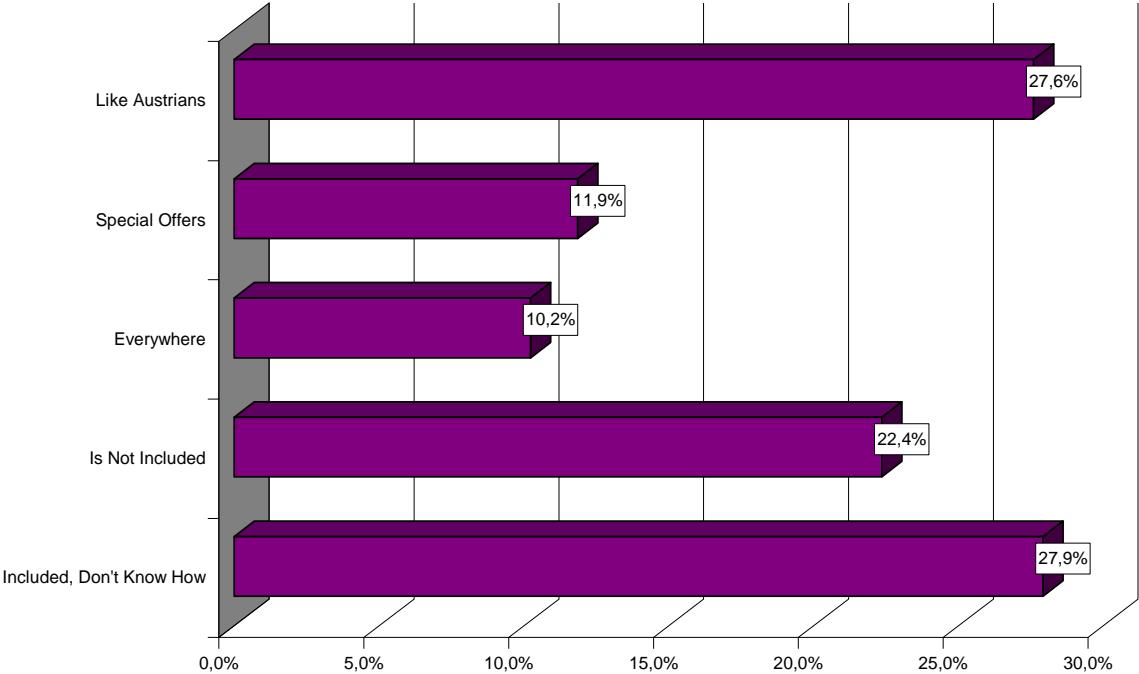
On average, 203 people answered the questions in Question Set 3. Figure 18 shows the average responses over all migrant groups. On average, about half of respondents chose one or the other of the three specific categories (Answers A, B and C), thereby showing that they believed the migrants in question to be included in one of the three ways mentioned. Mostly, migrant groups were believed to be included "like Austrians" (Answer A) – on average, 27.6% of respondents chose that category. 11.9% of respondents, on average, thought that the migrant group in question was included via "Special Offers" (Answer B). Only 10.2% of respondents, on average, stated that various migrant groups were included "always and everywhere" (Answer C).

Half of respondents, on average, either thought that the migrant group in question was not included in trade union efforts (22.4%), or stated that they were included but were not sure how (27.9%). Since the latter category ("Included, but not sure how") indicates a general lack of knowledge about possible trade union efforts for the group in question, it will be grouped together with "Not included" (Answer D) in the further analysis.

As with Question Sets 1 and 2, it is important to bear in mind that the results differed greatly for different migrant groups. Average results as presented here, however, can be used as a benchmark

when comparing the results for individual migrant categories (see below), and are also an indicator of the perception and prevalence of inclusiveness of union structures towards migrants in general.

**Figure 18: Average assessment of inclusion of various migrant groups into trade union efforts today**



Source: Own survey; average responses over all migrant groups (valid percent).

**5.5.3 Responses for individual migrant categories**

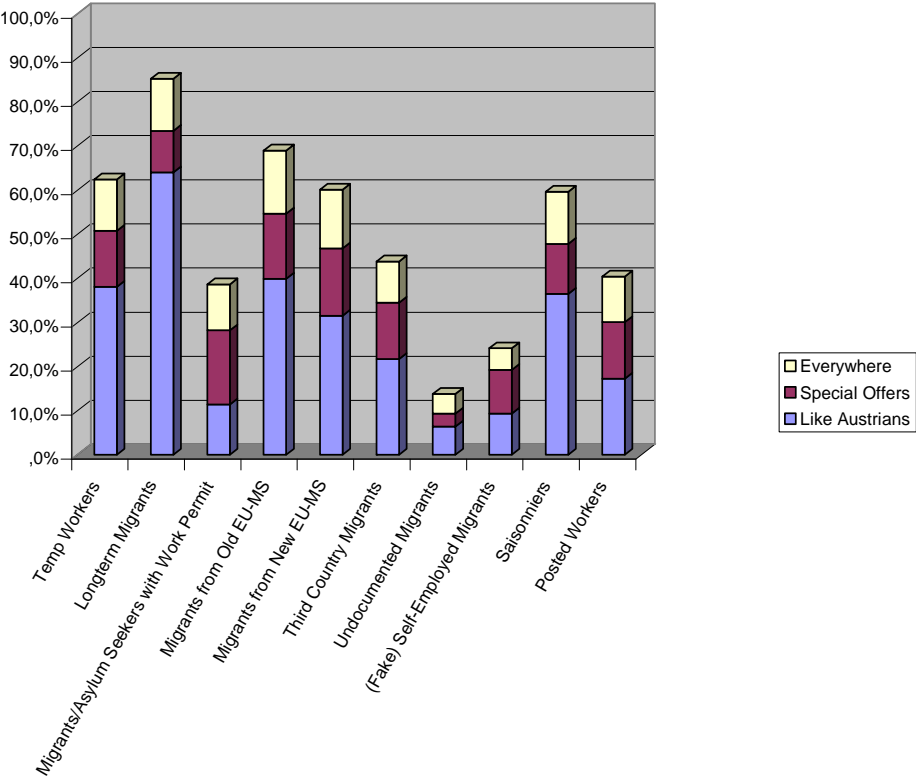
Figure 19 shows, for each group of migrants, the percentage of respondents who reported a specific mode of inclusion. As can be seen, results vary greatly between different migrant groups.

Generally, the type of inclusion most often reported was “like Austrians”, or Answer A. The variation, however, spanned from 64% of respondents stating that long-term migrants were included in trade union efforts “like Austrians”, but only 6.4% of respondents were thinking that undocumented migrants were included that way. Answer B, inclusion through “Special Offers” (Answer B), chosen on average 11.9% of the time, ranged from 16.8% for migrants or asylum seekers with work permits, followed by migrants from new (15.3%) and old (14.8%) EU member states all the way down to 3% for undocumented migrants. “Everywhere” (Answer C), chosen on average 10.2% of the time, ranged from 14.3% and 13.3% for migrants from old and new EU member states, respectively, down to 4.9% for (fake) self-employed migrants and 4.4% for undocumented migrants.

Looking at the combined percentages of respondents who chose either Answer A, B or C for each migrant group allows us to compare the amount of respondents who had a clear idea of how (and if) a specific migrant group was included in trade union efforts at all. The results vary from 85.2% of respondents who chose a specific mode of inclusion for long-term migrants to only 13.8% when it came to undocumented migrants. With 69% and 60.1%, migrants from the old and new EU member states, respectively, as well as temp workers (Leiharbeit) with 62.4% and seasonal workers with

59.6%, are all perceived to be included in a specific way by more than half of all respondents (an above average amount). Lower than average percentages of respondents chose a specific type of inclusion when it came to third-country migrants (43.8%), posted workers (40.4%), migrants or asylum seekers with work permits (38.6%), (fake) self-employed migrants (24.1%) and undocumented migrants (see above). While it is important to keep in mind that these numbers do not reflect actual trade union programmes or offers but instead respondents' assessment of these activities, the numbers are still indicative of members' perceptions of the importance that the union attaches to the needs of different migrant groups.

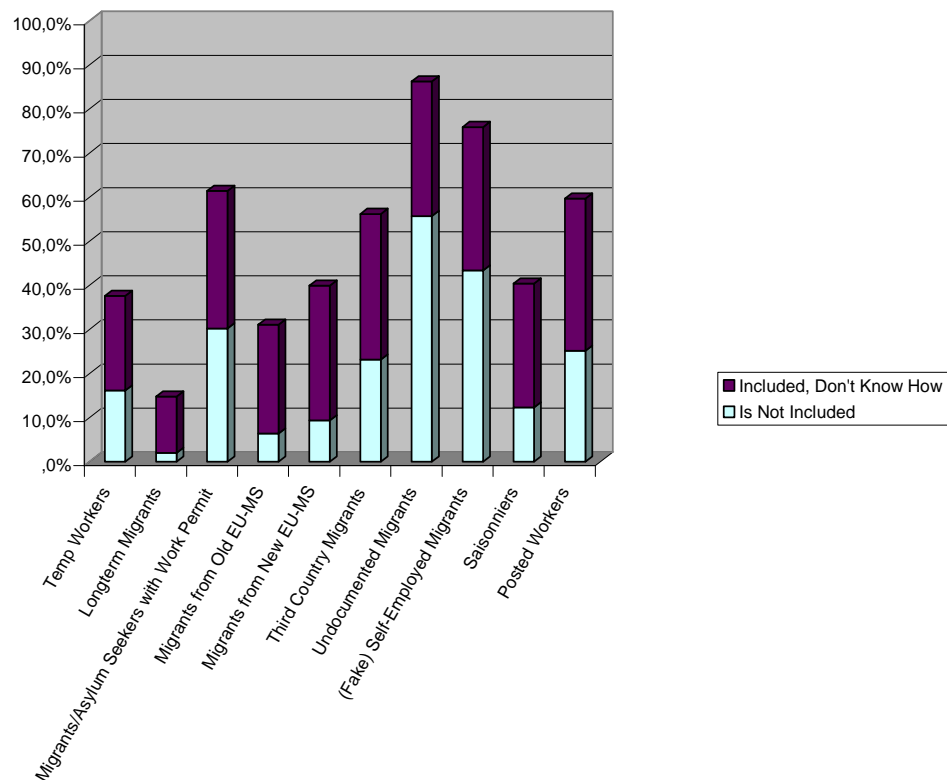
Figure 19: Inclusion of migrant groups in union efforts today; respondents reporting specific modes of inclusion



Source: Own survey (valid percent).

To complete the picture, Figure 20 shows the percentages of respondents who chose “Not included” (Answer D) or “Included, not sure how” (Answer E) for each migrant group (together with the data in Figure 19, the percentages add up to 100%). Not surprisingly, more than half the respondents (55.7%) stated that undocumented migrants were not included in trade union efforts, and 43.3% thought that (fake) self-employed migrants were not included. Further groups with more than average responses in the category “not included” (Answer D) were migrants or asylum seekers with work permits (30.2%), posted workers (25.1%) and third-country migrants (23.2%). On the other hand, only 2% of respondents thought that long-term migrants were not included in trade union efforts.

Figure 20: Inclusion of migrant groups in union efforts today; respondents reporting “not included” or “not sure how”



Source: Own survey (valid percent).

#### 5.5.4 Question 4 - Examples for Special Offers or Programs for Migrants

Question 4 asked respondents who had chosen “Special Offers” (Answer B) in Question Set 3 (see above) to specify what special offers they had in mind. This was an open ended question. Between 3.5% and 6.7% of respondents answered this question. Bearing in mind that Answer B was chosen on average 11.9% of the time, this represents a response rate between 29% and 56%.

The special offers mentioned ranged from legal support over translation services, information and brochures in different languages, cultural programs and tutoring to help with the recognition of degrees and certificates from migrants’ home countries. Some respondents argued that all services to natives on offer were also offered to various migrant workers, or cited membership in the trade union in itself as a “special offer”. Regarding undocumented migrants, cooperation with the LMS as well as a group discussion were mentioned.

### 5.6 Wishes for the Future

#### 5.6.1 Question Set 5

Question Set 5 asked respondents to state, provided they were in favour of including a particular group of migrants to a larger extent into trade union efforts, how this should be achieved. Three choices were offered which corresponded to Answers A, B and C of Question Set 3:

- A. Like Austrians: They should receive advice and support from the union just the same as Austrian workers
- B. With special offers: The union should develop special programs and offers for this group

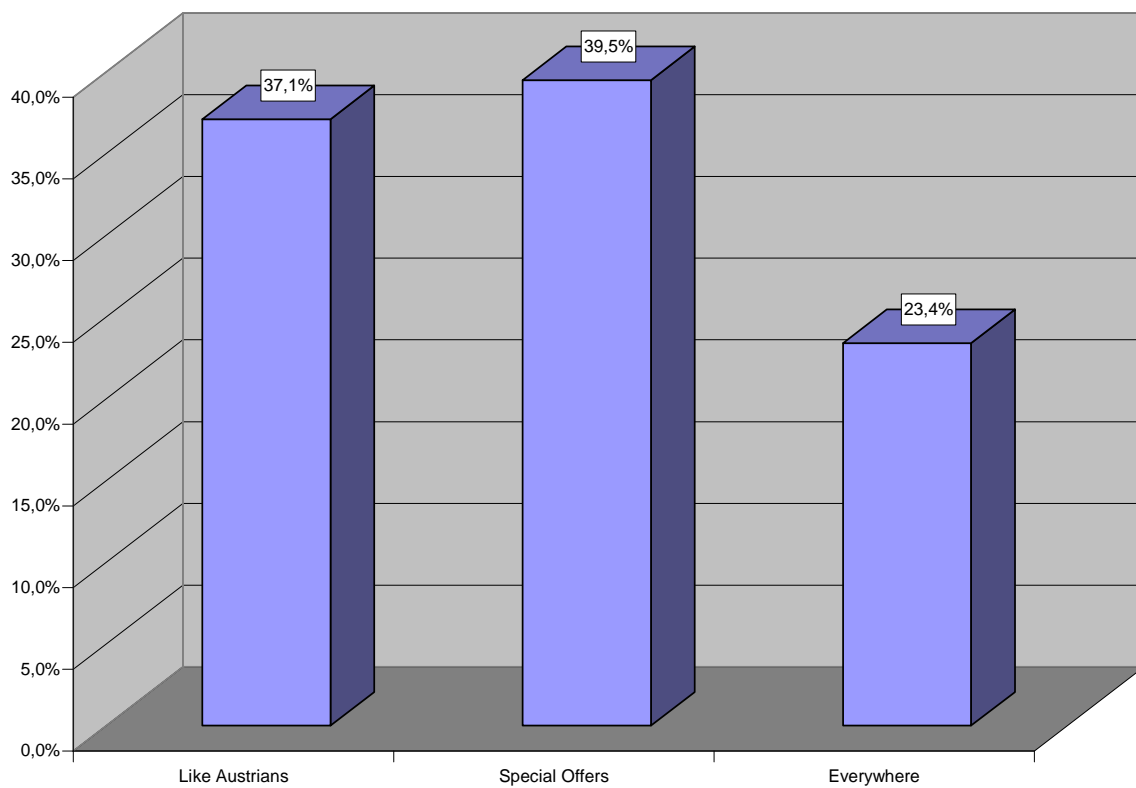


- C. Always and everywhere: This group’s interests and problems should be considered in all of the union’s activities and demands; the union should inform other members about this group’s problems and encourage understanding and cooperation

### 5.6.2 Averages over all migrant categories

Between 166 and 172 respondents answered these questions, amounting to about half of all respondents who started the survey. On average over all migrant categories, the most popular wish was to include migrants through “Special Offers” (Answer B), chosen by 39.5% of respondents; closely followed by “Like Austrians” (Answer A), chosen by 37.1% of respondents (see Figure 21). The idea to include migrants always and everywhere (Answer C) was only chosen by 23.4% of respondents.

Figure 21: Type of Inclusion Preferred; Total

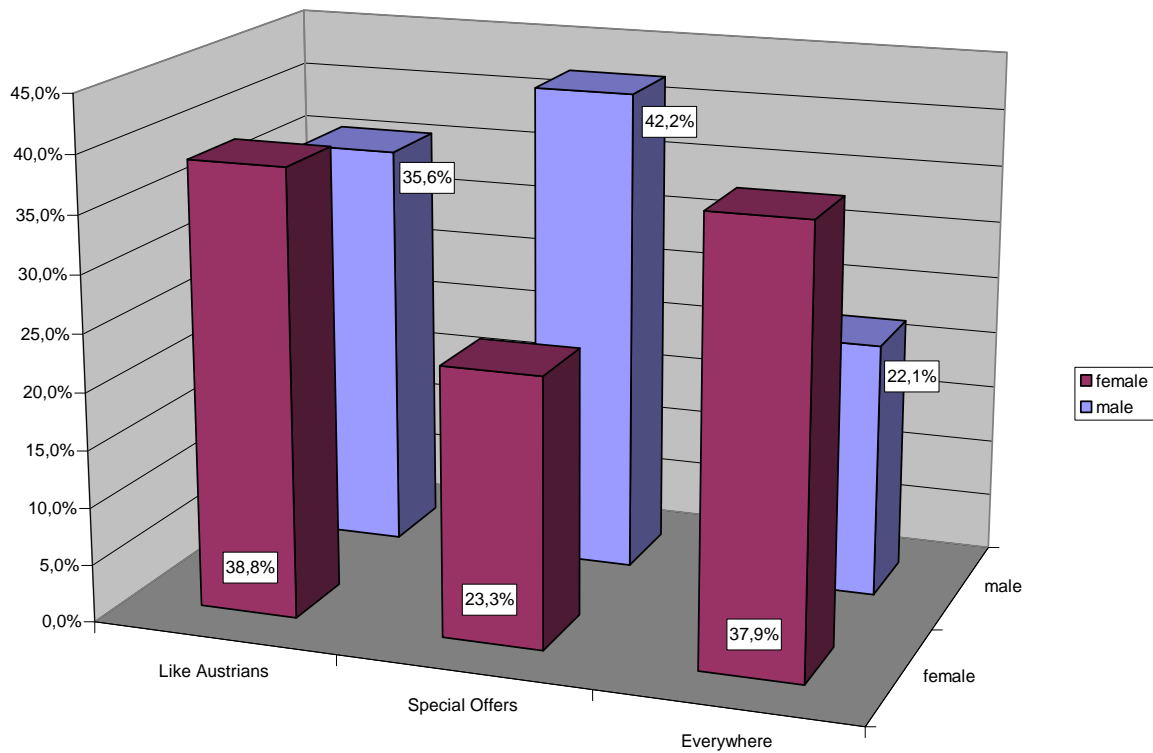


Source: Own survey; averages over all groups of migrants.

An analysis of responses by gender reveals, as in other cases before, large differences between women’s and men’s ideas over how to include migrants in future trade union efforts: With 37.9%, women were significantly more likely to opt for including migrants “always and everywhere” (see Figure 22). On average, only 23.3% of women opted for “Special Offers” as their preferred mode of including migrants.

These results, which show that female workplace representatives are significantly more open to an inclusive, “mainstreaming”-type approach, mirror the greater value that female respondents placed on including migrant interests in trade union efforts in general, as shown in Question Set 1 and in Figure 14 and Figure 15.

Figure 22: Type of Inclusion Preferred; by Gender



Source: Own survey; averages over all groups of migrants; valid percent, only respondents who stated gender.

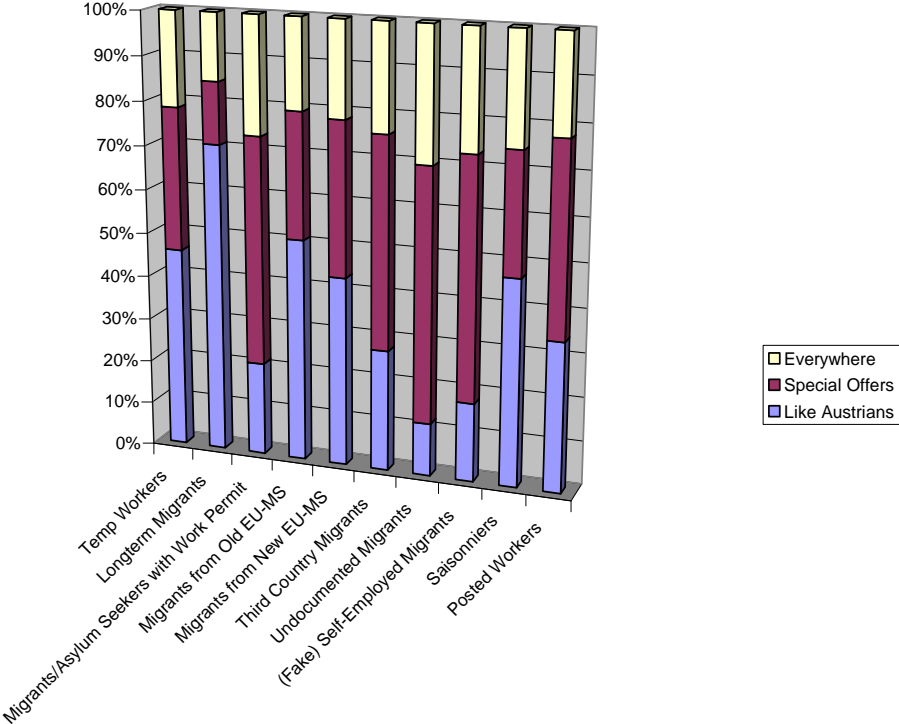
### 5.6.3 Responses by migrant category

As shown in Figure 23, the answers to Question Set 5 vary significantly between migrant groups. Furthermore, female workplace representatives gave very different answers than men, generally favouring a more inclusive approach (“Always and Everywhere” instead of “Special Offers”), as can be seen in Figure 24 and Figure 25.

When looking at total results in each migrant category, the percentages of Answer C, or of people wishing to include a migrant group “Always and Everywhere”, are the most stable over all categories with a standard deviation of only 4.2% (as compared to 14.2% for Answer B, “Special Offers”, and 17.9% for Answer A, “Like Austrians”). On the other hand, the percentage of respondents that chose “Like Austrians” varies greatly between categories, as does the percentage for Answer B, “Special Offers. However, while the percentages for Answer A generally correlate with the Acceptance Rate as defined above, the percentages for Answer B have an inverse relation to the Acceptance Rate, indicating that “Special Offers” are requested more frequently for such migrant groups that do not enjoy widespread acceptance within the union movement, according to our sample.

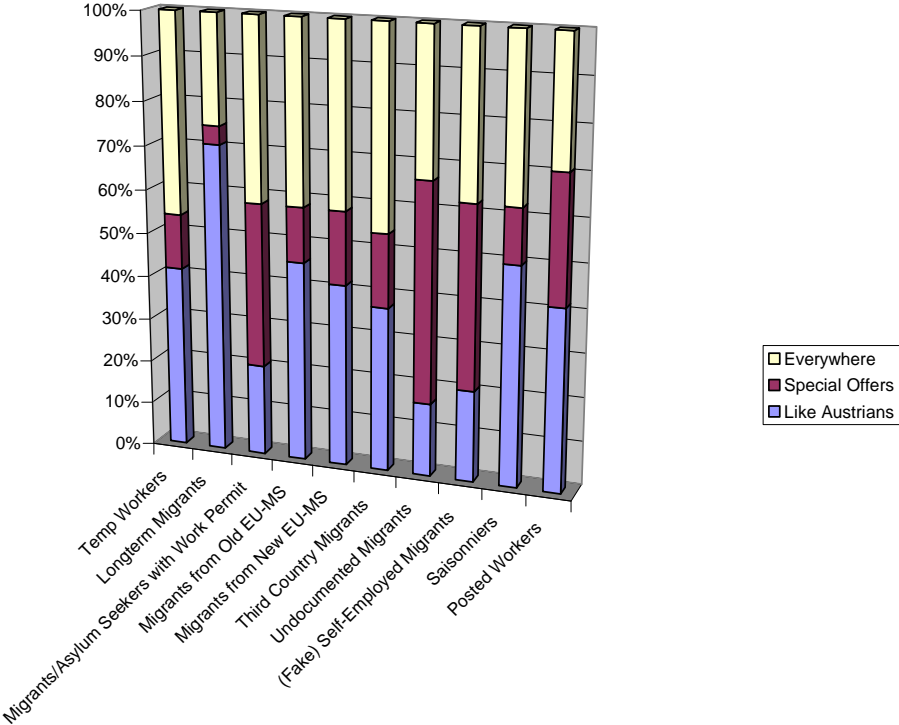
When comparing the percentages given in Question Set 5 to any of the answers given on earlier question sets, it is important to keep in mind that only about half of respondents chose to answer Question Set 5. Given that the instructions stated to answer Question Set 5 only if one is actually in favour of including these groups of migrants, we can expect the subset of respondents who chose to answer Question Set 5 to be more open to migrants in the union than average.

Figure 23: How should various migrant groups be included in future trade union efforts; Total



Source: Own survey; valid percent.

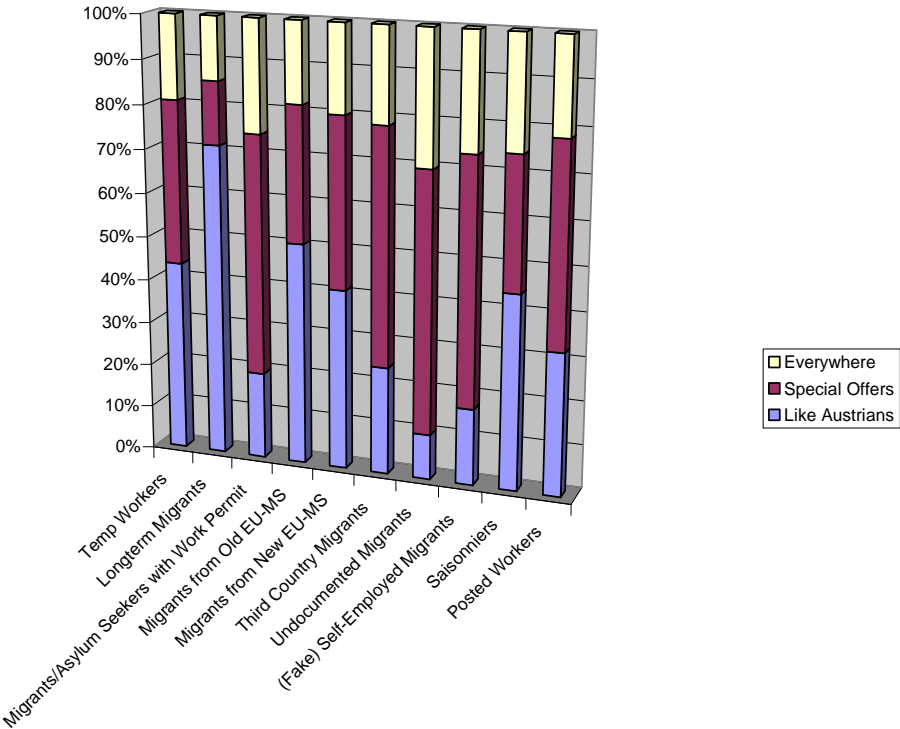
Figure 24: How should various migrant groups be included in future trade union efforts; Female respondents



Source: Own survey; valid percent; only respondents who stated gender.

The low response rate is not surprising and in fact corresponds with the 50% of respondents, who, on average, generally agreed with the statement that supporting migrant groups was an important task of the union (compare Figure 13). However, for that reason, percentages of Question Set 5 are not directly comparable to the percentages in earlier question sets.

Figure 25: How should various migrant groups be included in future trade union efforts; Male respondents



Source: Own survey; valid percent; only respondents who stated gender.

### 5.7 Factor Analysis of Survey Results

Factor analysis is a multivariate statistical method that is used to determine underlying factors that influence the values of multiple variables within a given set. Instead of proving or disproving existing hypotheses, factor analysis helps to gain insight into connections or commonalities between variables on the basis of the existing data alone, thereby allowing the researcher to discover unobserved broad forces behind the data that affect the results of more than one variable. In this way, factor analysis can be used to reduce the complexity of large amounts of recorded data by revealing broad trends affecting them all. The mathematical basis of factor analysis is correlation calculation.

The survey data for this study was submitted to a factor analysis<sup>41</sup>; the variables chosen for analysis were the ten migrant categories described above (see list in chapter 5.3.1). The Kaiser-Meyer-Olkin criterion or “measure of sampling adequacy” (MSA) was calculated, and its value of 0.873 indicated that the data was well suited for the analysis (generally, a value above 0.7 is considered good, see Backhaus et. al. 2003, 269 ff). An examination of the Communalities (extracted via Principal

<sup>41</sup> Thanks are due to Anna Faustmann for doing the calculations.

Component Analysis, see Table 8) show values of well above 0.5 for all but one variable (namely, 0.457 for seasonal workers). Principal Component Analysis also shows that 65.1% of total variance can be explained by the two factors chosen (see Table 9); this result is satisfactory.

**Table 8: Factor Analysis - Communalities**

Communalities			
		Initial	Extraction
Important to help...	Temp Workers	1,000	,552
Important to help...	Longterm Migrants	1,000	,558
Important to help...	Migrants/Asylum Seekers with Work Permit	1,000	,644
Important to help...	Migrants from Old EU-MS	1,000	,757
Important to help...	Migrants from New EU-MS	1,000	,804
Important to help...	Third Country Migrants	1,000	,675
Important to help...	Undocumented Migrants	1,000	,725
Important to help...	(Fake) Self-Employed Migrants	1,000	,757
Important to help...	Saisonniers	1,000	,457
Important to help...	Posted Workers	1,000	,577
Extraction Method: Principal Component Analysis			

**Table 9: Factor Analysis - Total Variance Explained**

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	5.222	52.220	52.220	5.222	52.220	52.220	3.394	33.936	33.936
2	1.284	12.839	65.058	1.284	12.839	65.058	3.112	31.122	65.058
3	.981	9.812	74.870						
4	.556	5.555	80.425						
5	.507	5.071	85.497						
6	.403	4.030	89.527						
7	.328	3.278	92.805						
8	.305	3.053	95.858						
9	.251	2.511	98.369						
10	.163	1.631	100.000						

Extraction Method: Principal Component Analysis.

The rotated component matrix shows the distribution of variables over the two components quite clearly (see Table 10). The first group is comprised of temp workers, long-term migrants, migrants or asylum seekers with work permits, migrants from both old and new EU member states, and third country migrants; the second group consists of undocumented migrants, (fake) self-employed migrants, seasonal workers and posted workers.

Table 10: Factor Analysis - Rotated Component Matrix

		Rotated Component Matrix(a)	
		Component	
		1	2
Important to help...	Temp Workers	0,580798	0,462855
Important to help...	Longterm Migrants	0,746843	0,017359
Important to help...	Migrants/Asylum Seekers with Work Permit	0,629847	0,496861
Important to help...	Migrants from Old EU-MS	0,849877	0,186301
Important to help...	Migrants from New EU-MS	0,838061	0,319289
Important to help...	Third Country Migrants	0,655552	0,495034
Important to help...	Undocumented Migrants	0,126570	0,842278
Important to help...	(Fake) Self-Employed Migrants	0,113061	0,862605
Important to help...	Saisonniers	0,359206	0,572595
Important to help...	Posted Workers	0,299290	0,698383
Extraction Method: Principal Component Analysis.			
Rotation Method: Varimax with Kaiser Normalization.			
a. Rotation converged in 3 iterations.			

The difference between these two groups seems to lie mainly in their respective proximity to the “normal” labour market; migrants in the first group are perceived as “normal” participants in the labour market and will subsequently be referred to as “close to the labour market”, while migrants in the second group are further removed from the “normal” or formal labour market (and, therefore, also from union members’ everyday life), and will subsequently be referred to as “distanced from the labour market”.

Based on the factor analysis of the survey data, we can conclude that union representatives had a different approach to migrant workers who are considered as close to the labour market, as opposed to those deemed as distant from the labour market. If we look at the answers for these two groups of migrants, it becomes apparent that migrants that are “close to the labour market” are seen in a more favourable light by union representatives and more deserving of assistance by unions than those who are seen as more distant from the formal labour market.

## 6 Case Studies: Interviews of Migrants

In order to get some insight into working conditions of migrants, their experiences with employers, colleagues, work council representatives (*Betriebsräte*), support institutions like NGOs and unions, social mobility, job security, discrimination as well as family life, a case study approach has been chosen. 21 individual migrants have been interviewed between June and November 2010<sup>42</sup>. The interviews followed a guideline (see appendix for the guideline) such that comparable information could be obtained on the above issues. The migrants were selected on the basis of a ‘Snowballing’ Method, approaching unions, migrant associations, support institutions like NGOs and works councils. The majority of the interviews were carried out in Upper Austria and in Vienna, as the diversity of migrants is particularly pronounced in these regions due to a long history of various forms of immigration.

One objective of the case study approach was to cover a wide range of source countries of migrants with diverse educational and occupational backgrounds, another to obtain a balance of women and men in the various age groups. Accordingly, the sample of migrants, which can be taken from Table 11, included 9 women and 12 men between the age of 20 and 60. The countries of origin encompassed 7 migrants from Bosnia, 5 from Turkey, 1 from Croatia, 1 from Russia, 1 from Iran, 2 from Kurdistan, 1 from Afghanistan, 1 from Nigeria, 1 from Kosovo and 1 from Hungary. The majority of migrants entered Austria in the 1990s (11), 3 arrived in the 1980s, 1 in the late 1970s, 4 arrived in the years of 2000, 2 were second generation migrants, one of them was born in Austria, the other in Germany, and 1 Bosnian did not want to disclose the year of arrival in Austria.

**Table 11: Demographic and socio-economic composition of interviewed migrants (M1-M21)**

Migrants	Sex	Age	Source country	Arrival in Austria	Duration of stay in Austria	Citizenship	Educational attainment level	Occupation/industry	Date of Interview
M1	F	50-60	Hungary	1983	27	Austria	Nurse	Hospital (Betriebsrätin)	20.09.2010
M2	F	50-60	Russia	2000	10	Austria	high school	Cleaning	21.09.2010
M3	F	27	Bosnia	1990	20	Austria	University	building cooperative soc.	15.9./20.9.2010
M4	M	50-60	Turkey	1980	30	Austria	ohne Angabe	Consulting	28.10.2010
M5	M	ca. 30	Bosnia	1990	20	Austria	high school	Cleaning	16.9./8.11.2010
M6	F	29	Bosnia	1992	18	Austria	high school	Trade	28.10.2010
M7	M	51	Kurdistan	1990	20	Austria	University	Social work, Refugee cons.	17.12.2010
M8	M	ca: 35	Bosnia	unkn.	unkn.	Austria	Matura	NGO	30.11.2010
M9	M	47	Croatia	1990	20	Austria	University	ÖGB (Regional union rep)	29.10.2010
M10	M	53	Bosnia	1992	18	Austria	University	Teacher	28.10.2010
M11	M	30	Kosovo	1992	18	Austria	Univ. Appl. Science	NGO	29.10.2010
M12	F	35	Turkey	1980	30	Austria	high school	NGO	28.10.2010
M13	F	33	Turkey (2.Gen)	born in AT	33	Austria	high school	Translator/Interpreter	30.11.2010
M14	M	21	Turkey	1992	18	Austria	high school	craftsman	28.10.2010
M15	M	42	Afghanistan	2000	10	Austria	University	Taxi-driver	22.10.2010
M16	M	27	Iran (2.Gen)	2000	10	Germany	Techn. College (HTL)	Taxi-driver	21.10.2010
M17	F	33	Kurdistan	2005	5	Austria	nurse	Care worker	28.10.2010
M18	M	45	Nigeria	1995	15	Austria	University	NGO-consultant	02.11.2010
M19	F	27	Bosnia	1990	20	Austria	high school	customer service	02.11.2010
M20	F	46	Bosnia	1993	17	Austria	University	Consultant	05.11.2010
M21	M	37	Turkey	1979	31	Austria	Apprenticeship	waiter	10.06.2010

The interviewees informed about their migration history, the problems they encountered and the support they received. The Hungarian nurse (M1), who came together with her husband to Austria in the 1980s, is a member of a works council. In this capacity she is actively promoting the interest of

<sup>42</sup> The interviews were carried out by P. Aigner, partly by telephone, in one occasion in combination with G.Biffli.

migrants, who are working in 'her' hospital. In her everyday work as 'Betriebsrätin' she often feels left alone with the challenges of an intra-cultural dialogue with migrants and natives. She voices a need for intercultural seminars, which, in her opinion, could be offered by unions, to provide information about the cultural background of certain behavior patterns. Of particular concern are behaviour patterns which are embedded in religious traditions, above all of Muslims. A better understanding for the diversity could be helpful in preventing misunderstandings and conflicts in everyday work. Her own major problems in Austria were to get her nursing degree, which she had obtained in Hungary, acknowledged in Austria.

The Russian woman (M2), who has been in Austria for 10 years, working as a cleaner in a cleaning company, is happy with her job and colleagues. She is convinced that German language skills are the most important factor for integration and communication. She is therefore very happy with the German language course, which is offered and paid by the enterprise.

The 27 year old Bosnian (M3) came as a child to Austria, together with her parents, in the wake of the Yugoslavian war. She had in spite of perfect German language skills -she graduated from an Austrian university – difficulties finding an adequate job. She identified her name as a source of discrimination, as firms tend to pre-select job applicants by names and other stereotypes. Once she found a job, she was happy on the job and sees no barriers to career developments.

The mature age Turkish migrant (M4) argues in that vein as well, namely that discrimination happens above all outside of the enterprise, in everyday life, as well as when looking for a job. He suggests that migrant associations should be included in firm networks, informing each other about job openings as well as prospective workers.

Also the 30year old Bosnian (M5) sees the major problem in the discrimination of migrants in society, particularly when you speak German with an accent. A foreign name plus a strong accent are important barriers for entry into employment.

In contrast, the 29 year old Bosnian woman (M6), who came to Austria at the age of 11 and who speaks German fluently and without accent, feels totally integrated. She has not experienced any discrimination. She would be happy, however, if enterprises or unions would target bi-cultural migrants as bridging persons and invest in them with that focus.

A 41 year old Kurdish migrant (M7), who came to Austria on his own at the age of 20 and carried out all sorts of jobs to make ends meet – he worked on the shop floor of a factory and as truck driver – has finally found 'his' job as consultant of refugees. He argues that migrants have to face up to various prejudices and stereotypes in everyday life. These reach into enterprises but can take subtle forms which often cannot be discerned and identified as discrimination.

A middle aged Bosnian migrant (M8) with intercultural and social pedagogy skills as a trainer states that his migrant background and cultural identity have, until now, not been seen as a resource to be tapped. He sees no career options for him with his specific skills.

*„It is rare that cultural diversity is seen as an asset. Sometimes I have been disadvantaged and discriminated against because of my cultural background.“*

(M8, 30.11.2010)



The 47year old union official from Croatia (M9), a linguist, states that it has taken a long time for unions to take an interest in migrants. He sees the major problem in the marginalisation of migrants because of stereotypes and prejudices, which should be tackled by social policy, but also in schools and in the work place.

The 53 year old Bosnian teacher (M10), who came with his family in 1992 to Austria, sees no career possibilities for himself. He is disappointed that his bilingual and bi-cultural skills are not utilised even though there would be a need for that, in his school as well as in the wider public.

The 30year old migrant from Kosovo (M11), who came at the age of 18 to Austria, argues that migrant workers are exploited in Austria, as they find above all jobs in low-wage occupations and industries. He sees insider-outsider hierarchies along ethnic/migrant lines in enterprises.

A 35year old Turkish migrant (M12), who has completed an apprenticeship education in Austria, sees no career options for herself in the enterprise. As a matter of fact, she sees herself as a victim of mobbing. She is very disenchanted with unions and argues that they should focus more on ensuring equal rights and opportunities of migrants. She also states that conflicts and misunderstandings do not only happen between migrants and natives but also and above all among migrants of various cultural origins and beliefs. She demands of unions to offer intercultural trainings and seminars and to bring them into enterprises to promote understanding and team spirit.

A new aspect is brought in by the 33year old Turkish second generation migrant (M13) by arguing in favour of the introduction of migrant employment quotas in relation to the proportion of migrants in the region. She believes that such a system would wipe out discrimination at the entry port into employment.

The 21year old Turkish migrant (M14), who came to Austria t the age of three, feels totally integrated and has never experienced discrimination. He is satisfied with the mateship amongst his work colleagues and in private life.

In contrast, the 42year old migrant from Afghanistan (M15) has a lot of grievances to tell. He came in the year 2000 to Austria, as a journalist. His qualification was not recognised in Austria; as a result he was working as a parcel delivery serviceman. A work accident turned him into an invalid, but he is happy to be able to continue to work as a taxi-driver. He sees a need in improving and speeding up the acknowledgement of skills which have been acquired abroad. In his view every interest group should push for improvements in that area, not least the unions.

The 27year old second generation migrant (M16), who was born in Germany to Iranian parents, cannot find a job commensurate with his education as an engineer (construction). He is tired of writing job applications and not getting any answer (because of his name?). He has therefore taken up the job as taxi-driver. He likes his job but resents being aggressed by clients who dislike migrants. He is encouraging social policy measures against discrimination.

The 33year old nurse from Kurdistan (M17) is a member of the works council, where she is focusing on supporting migrants. The hospital embraces diversity management, seeing the potential of a multicultural workforce. She is happy in her job and feels she can have a positive impact on the quality of working life.

In contrast, the 45-year-old Nigerian migrant (M18), who has graduated from an Austrian university and who is working in an NGO as a consultant of migrants, sees Austrian life and work wrought with discrimination. Be it the name, the accent, the colour or the clothing, all can elicit discrimination on the labour market, in housing, in schools... He sees together with many of the interviewees an insider-outsider hierarchy which it is hard to break down, at least for first-generation migrants. He suggests to overcome some of the hurdles by organising intercultural meetings, e.g. once a month a common breakfast with diverse food, which can break the ice and allows to talk about different traditions and behaviour patterns flowing from that.

The 27-year-old Bosnian customer service woman (M19) in a temp agency (Verleihfirma) is very happy in her job and feels appreciated. In her job she comes across many firms who do not want to employ migrants as they do not see their potential and expect problems. She suggests developing projects with such firms such that they can see the competencies of migrants thereby breaking the prejudice against migrants.

Another example of frustration with the difficulties encountered when trying to get her law degree recognised, which had been acquired abroad, is a 46-year-old Bosnian migrant (M20). She works now as a consultant. In that capacity she sees that it is not only natives who have difficulties understanding migrants but also vice versa. According to her experience, migrants often stereotype Austrians as they know little or not enough about their traditions. She thinks it would be worthwhile to confront the various culturally based behaviour patterns and beliefs in group seminars, including migrants and natives, to promote mutual understanding and respect.

The last migrant in this group of interviewees came as a child with his Turkish-Kurdish parents to Austria (M21), went to primary school and eventually took up an apprenticeship as waiter. At that time he joined the union ranks. He became an activist in favour of equal rights of migrants and is member of the Work@Migration group in the GPA, the white collar workers union. He has tried several jobs, worked in various restaurants, as a slide-developer with Kodak. He has a stable job with a large coffee house in Vienna now, has worked there for 10 years, and is head of the works council. He realises that there are only small margins for employers to differentiate between migrants and natives in terms of wages and working conditions. He appreciates the role of works councils for that outcome as well as a highly regulated labour market with transparency of minimum wages as set out in collective wage agreements.

Even though he has been living in Austria for over 30 years he does not have many truly Austrian friends but rather Austrians with various migrant backgrounds. He acknowledges that this may be a result of the job in tourist industries as people are always mobile. He says that it was easy to make friends in the old houses in Vienna, where he grew up, where one knew everybody in the house. But in the large council housing complexes, where he lives now, life is different; one becomes anonymous, and people do not help each other. He moved in with his wife, a Turkish citizen. His two sisters, who were already born in Austria, married an Austrian with Turkish migrant background. When asked about his 'mother tongue' he is uneasy. He is happy that he is able to speak Turkish and German well and that he can read poetry in both languages, which he considers very enriching. He resents being referred to in Austria as 'foreigner', as he has lived in Austria for almost his whole life and has been an Austrian citizen since the age of 14. He says:

*“Why should I try to become like an Austrian if I will never be accepted as an Austrian?” (M21, 10.6.2010)*

He says that even though his family went once a year on holidays to Turkey he feels closer to those he grew up with in Austria than his family in Turkey. No wonder that he accepts being referred to as foreigner in Turkey but does not want to be called that in Austria.

The individual experiences of migrants who were interviewed for the purpose of this research fit well with results of the integration barometer (Statistics Austria 2011). This is an indicator based on subjective feelings about the integration process on the basis of a sample survey of natives and migrants. The results of the opinion polls are sobering.

The opinions voiced by migrants are quite optimistic: the overwhelming majority of migrants say that they feel at home and welcome in Austria, namely 86.5%. Only 6.5% of migrants do not feel at home at all in Austria. The optimism of migrants relative to integration has even increased somewhat versus 2010. Women tend to have a feeling of belonging more often than men and youth more often than adults. The feeling of belonging correlates with the duration of stay in Austria and the socio-economic status. Migrants with higher educational attainment level and a high degree of integration into the labour market feel more at home in Austria than unskilled persons and migrants who are at the margin of the labour market. Also the country of origin counts: 91% of persons from former Yugoslavia feel at home in Austria but only 77% of Turkish migrants.

The optimistic view of migrants relative to integration is highly correlated with their improvement of their personal living conditions in Austria. The proportion of migrants who state that their living conditions have improved increased versus 2010 (from 29.5% to 32.3%), and the proportion of those who experienced a deterioration declined (from 30.5% to 22.2%).

In contrast, natives are less optimistic about the integration results: in 2011, 13.1% of the natives meant that integration was not working at all, compared to 17.9% in 2010, while 32.1% felt that it was working more or less ok (compared to 27.2% 2010). The pessimistic views on the integration process were not spread evenly across socio-economic groups and regions. Older persons and un- and semi-skilled workers are more pessimistic as well as Vienna and Upper Austria. The views are independent of the extent of contact with migrants, contrary to an often held hypothesis. The survey did not ask for the reasons for the views given, be it the political discourse, which is often anti-immigrant, or because of actual experiences and conflicts.

The proportion of natives who think that migrants are disadvantaged or discriminated is lower than the proportion of migrants who believe that they are disadvantaged (27.3% versus 37%). The proportion of migrants who feel that they are discriminated against is highest for unskilled and poor persons and above all of Turkish migrants. 54% of Turkish migrants say that they feel disadvantaged versus 29% of migrants from former Yugoslavia.

Finally, questions relative to xenophobia indicate that there is increasing recognition that immigration is meant to stay and that integration is a process everybody has to participate in. Accordingly, racist items and statements are only supported by 2.5% of the natives, while unquestioning voices in favour of migration has declined as well to 17%.

## 7 Resumé

Up till now, Austrian unions have chosen to support restrictions on immigration in the hopes that this would strengthen the position of Austrian workers. Three conditions, however, make this strategy less than prudent:

- (1) the existence of a relatively large immigrant workforce that has already been in the country for a long time and has adopted the Austrian citizenship,
- (2) the increasing integration of the European labour markets with increasing internal mobility of labour which can neither be curtailed (indefinitely) by the Austrian government nor by the unions, and
- (3) the availability of alternate channels for employers and migrants to enter the Austrian labour markets, i.e., through posted workers and self-employment.

All three conditions are effectively outside the control of the unions (and even the national government). If Austrian unions continue to pursue their anti-immigration stance, they risk alienating both old and new migrant workers, which would weaken union power in many low-wage sectors of the economy and make exploitation of migrant workers more likely; they would increase the odds that both migrants and employers will choose alternate channels such as posted workers and (bogus) self-employment instead of participating in the regular - and union protected - labour force, which would give rise to a sizable proportion of workers who can be used to undercut the wage and labour standards of traditional Austrian workers that have been negotiated through collective bargaining. Furthermore, due to the inexorable nature of EU integration, their approach would not even work.

A major challenge to overcome is the general negative public opinion regarding migrants, often fuelled by restrictionist union policy and rhetoric, and the substantial degree of discrimination and stereotyping of migrants. The increasing efforts to support integration of migrants, to appreciate their potential and to raise their career opportunities will help pave the way. The increasing focus on implementing structured integration measures in all policy areas, including schools, the labour market, housing and neighbourhoods, is complemented by the reform of migration policy towards a point based system of immigration. All these reforms are geared towards coordination of migration and integration management. Also information and media policy is slowly changing, moving away from a focus on problems and turning towards opportunities emanating from a greater diversity of people.

In this environment also unions are beginning to see that they will have to promote migrants and focus on their needs. This alone will not suffice, however, to give new vitality to the union movement. If the unions want to achieve that they will have to look for new target groups, which currently are marginalised or relegated to the informal sector. That it is possible to integrate them into the rank and file could be proven by the American union movement. This could also be a strategy for Austrian unions. It would, however, necessitate a diversification of union strategy akin to more recent social movements. This strategy would result in a more heterogeneous union membership which would be more in line with the labour market patterns of today. It would,

however, also be a breaking test for the trade union movement which may explain why one is reluctant to enter this policy debate.

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## 8 Appendix:

### 8.1 Definitions

**Economic Migrant:** A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside of their country of origin for seasonal work.

**Labour Migration:** Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

#### **a) Highly skilled migrant: *Derived from Article 2(b) of Council Directive 2009/50/EC***

This refers to a person falling within ILO ISCO-88 Classes 1, 2 and 3, e.g. a person who is qualified as a manager, executive, professional, technician or similar, who moves within the internal labour markets of trans-national corporations and international organisations, or who seeks employment through international labour markets for scarce skills.

In Austria, there is a distinction between *highly skilled*, referring to someone who has the required adequate and specific competence, as proven by higher educational qualifications, and/or extensive (vocational) experience; and *highly qualified*, referring to someone who has required adequate and specific competence, as proven by higher educational qualifications only. This distinction reflects the Austrian education and training system which has a strong vocational orientation. Accordingly, international comparability is at times difficult to achieve, in particular in the area of health and social services. Nursing in Austria does not require university education but is comparable to apprenticeship education in commercial and technical occupations without 'Matura' (university entrance requirement).

#### **b) Skilled migrants are persons whose skills fall within the ILO ISCO-88 Classes of:**

- Major Group 4: Clerks
- Major Group 5: Service Workers and Shop and Market Sales Workers
- Major Group 6: Skilled Agricultural and Fishery Workers
- Major Group 7: Craft and Related Trades Workers
- Major Group 8: Plant and Machine Operators and Assemblers

#### **c) Low skilled migrants are according to ISCO-88 classifications:**

- Major Group 9: Elementary Occupations

**d) Researcher: *Derived from Council Directive 2005/71/EC***

Is a third country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required.

**e) Seasonal Worker: *Derived from Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment***

Refers to a (Third Country National) worker who is resident in a third country but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment.

**Educational attainment level of workforce:**

Definitions follow CEDEFOP guidelines:

- low-skilled ISCED 0-2 (pre-primary and lower secondary education),
- medium-skilled ISCED 3-4 (upper and post-secondary education),
- highly skilled ISCED 5-6 (tertiary education).

## **8.2 Acronyms:**

HVS (Hauptverband der österreichischen Sozialversicherungsträger) = Federation of Austrian Social Security Institutions

LFS = Labour Force Survey

LMS = Labour Market Service

BMI = Federal Ministry of the Interior

IOM = International Organisation of Migration

## 8.3 Online Survey Questionnaire

### **Fragebogen Gewerkschaftsarbeit und MigrantInnen für BetriebsrätInnen der pro-ge (Die Produktions-Gewerkschaft)/ vida (Gewerkschaft für Verkehr, soziale, persönliche und Gesundheitsberufe, sowie private Dienstleistungen)**

Wir, das ist das Forschungsteam des Departments für Migration und Globalisierung an der Donau-Universität Krems, wenden uns mit diesem Fragebogen an Sie, um Ihre Einstellungen und Wünsche im Umgang mit Migranten und Migrantinnen in der Gewerkschaft und im Betrieb kennen zu lernen.

Mit Ihrer Teilnahme an dieser anonymen Umfrage helfen Sie uns und der Gewerkschaft, den richtigen Weg bei der Einbindung der Migranten und Migrantinnen in die gewerkschaftliche Arbeit zu finden.

Dieses Forschungsprojekt wird von der Österreichischen Nationalbank, dem Jubiläumsfonds, finanziert, von der Gewerkschaft unterstützt und vom Department für Migration und Globalisierung, Donau Universität Krems, durchgeführt.

Das Ausfüllen des Fragebogens dauert ca. 10-12 Minuten. Ganz einfach: Lesen Sie die Fragen aufmerksam durch und bitte lassen Sie keine Fragen aus.

Antworten Sie so, wie es Ihrer persönlichen Meinung am Besten entspricht. 5 Hauptfragen gilt es zuerst zu beantworten. Im Anschluss bitten wir Sie um einige Informationen über Ihren Betrieb und über sich selbst. Je nach Fragetyp können Sie entweder nur eine Antwort geben, oder aber mehrere Antwortmöglichkeiten wählen. Falls Sie eine Frage unabsichtlich auslassen, werden Sie am Ende der jeweiligen Seite darauf hingewiesen.

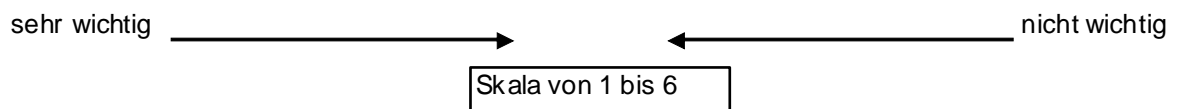
Es gibt keine richtigen oder falschen Antworten.

Der Fragebogen und Ihre Antworten bleiben natürlich völlig anonym!

Vielen Dank, dass Sie sich die Zeit nehmen und uns bei dieser Untersuchung helfen!

**(1) Wie weit ist es Aufgabe der Gewerkschaft, folgenden Gruppen bei ihren Problemen am Arbeitsplatz zu helfen?**

Bitte, auf einer Skala von 1 bis 6 Ihre Wertigkeit eintragen, wobei 1= sehr wichtig, darauf sollte sich die Gewerkschaft konzentrieren ...und 6 = nicht wichtig, das ist keine Aufgabe der Gewerkschaft, die Gewerkschaft ist für andere Dinge zuständig



	1	2	3	4	5	6
1. MigrantInnen, die als LeiharbeiterInnen in Firmen kommen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Legale MigrantInnen, die schon lange in Österreich leben und arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. (Neue) EinwanderInnen, die versuchen, eine Arbeitsbewilligung zu bekommen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. MigrantInnen aus den alten EU-Mitgliedsstaaten (vor 2004)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. MigrantInnen aus den neuen EU-Mitgliedstaaten (nach 2004/07)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. MigrantInnen aus Drittstaaten (außerhalb EU)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. MigrantInnen, die ohne Papiere in Österreich leben oder arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. MigrantInnen, die als „Neue Selbständige“ oder als „Scheinselbständige“ in Österreich arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. SaisonarbeiterInnen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. „Entsendete“ oder „überlassene“ Arbeitskräfte, die weiterhin in einer Firma aus einem anderen EU-Mitgliedsstaat angestellt sind, aber für einen bestimmten Auftrag in Österreich tätig werden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(2) Welche Gründe sprechen *dagegen*, die folgenden Gruppen in die gewerkschaftliche Arbeit zu integrieren und ihre Interessen gewerkschaftlich zu unterstützen? (mehrfache Auswahl möglich)**

A. Stamm-Mitglieder zuerst:

Österreichische ArbeitnehmerInnen haben andere Interessen als diese Gruppe; die Gewerkschaft muß zuerst die Interessen der Stamm-Mitgliedschaft wahren

B. Kulturelle Unterschiede:

Diese Gruppe unterscheidet sich kulturell/sprachlich/... von den anderen Gewerkschaftsmitgliedern; es ist schwer, sie in die Gewerkschaft zu integrieren

C. Nicht notwendig:

Die Gewerkschaft ist in anderen Bereichen stark genug; es ist nicht notwendig, diese Gruppe zu organisieren

A B C

- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| 1. MigrantInnen, die als LeiharbeiterInnen in Firmen kommen   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Legale MigrantInnen, die schon lange in Österreich leben und arbeiten  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. (Neue) EinwanderInnen, die versuchen, eine Arbeitsbewilligung zu bekommen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. MigrantInnen aus den alten EU-Mitgliedsstaaten (vor 2004)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. MigrantInnen aus den neuen EU-Mitgliedsstaaten (nach 2004/07)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. MigrantInnen aus Drittstaaten (außerhalb EU)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. MigrantInnen, die ohne Papiere in Österreich leben oder arbeiten   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. MigrantInnen, die als „Neue Selbständige“ oder als „Scheinselbständige“ in Österreich arbeiten   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. SaisonarbeiterInnen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. „Entsendete“ oder „überlassene“ Arbeitskräfte, die weiterhin in einer Firma aus einem anderen EU-Mitgliedsstaat angestellt sind, aber für einen bestimmten Auftrag in Österreich tätig werden | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**(3) Wie werden die folgenden Gruppen heute von Ihrer (Fach-)gewerkschaft in die tägliche Arbeit einbezogen? (mehrfache bzw. keine Auswahl möglich)**

A. Wie ÖsterreicherInnen:

Sie werden genauso wie österreichische ArbeitnehmerInnen von der Gewerkschaft beraten und betreut

B. Mit speziellen Angeboten:

Es gibt spezielle Programme und Angebote für diese Gruppe

C. Immer und Überall:

Die Interessen und Probleme dieser Gruppe werden bei allen gewerkschaftlichen Forderungen und Aktivitäten berücksichtigt; die Gewerkschaft informiert andere ArbeitnehmerInnen über die Probleme dieser Gruppe und fördert Verständnis und Zusammenarbeit

- |   | A                        | B                        | C                        |
|---|--------------------------|--------------------------|--------------------------|
| 1. MigrantInnen, die als LeiharbeiterInnen in Firmen kommen   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Legale MigrantInnen, die schon lange in Österreich leben und arbeiten  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. (Neue) EinwanderInnen, die versuchen, eine Arbeitsbewilligung zu bekommen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. MigrantInnen aus den alten EU-Mitgliedsstaaten (vor 2004)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. MigrantInnen aus den neuen EU-Mitgliedsstaaten (nach 2004/07)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. MigrantInnen aus Drittstaaten (außerhalb EU)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. MigrantInnen, die ohne Papiere in Österreich leben oder arbeiten   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. MigrantInnen, die als „Neue Selbständige“ oder als „Scheinselbständige“ in Österreich arbeiten   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. SaisonarbeiterInnen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. „Entsendete“ oder „überlassene“ Arbeitskräfte, die weiterhin in einer Firma aus einem anderen EU-Mitgliedsstaat angestellt sind, aber für einen bestimmten Auftrag in Österreich tätig werden | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**(4) Falls Sie bei Frage (3) ein oder mehrmals „B. Spezielle Angebote“ angekreuzt haben, geben Sie bitte jeweils ein bis zwei Beispiele an für die speziellen Programme oder Angebote, die für die jeweilige Gruppe angeboten werden:**

.....

**(5) Falls Sie möchten, dass die Gewerkschaft die folgenden Gruppen in ihrer Arbeit in Zukunft (mehr) berücksichtigt, wie sollte dies geschehen? (mehrfache Auswahl möglich)**

A. Wie ÖsterreicherInnen:

Sie sollten genauso wie österreichische ArbeitnehmerInnen von der Gewerkschaft beraten und betreut werden

B. Mit speziellen Angeboten:

Die Gewerkschaft sollte spezielle Programme und Angebote für diese Gruppe entwickeln

C. Immer und Überall:

Die Interessen und Probleme dieser Gruppe sollten bei allen gewerkschaftlichen Forderungen und Aktivitäten berücksichtigt werden; die Gewerkschaft sollte andere ArbeitnehmerInnen über die Probleme dieser Gruppe informieren und Verständnis und Zusammenarbeit fördern

	A	B	C
1. MigrantInnen, die als LeiharbeiterInnen in Firmen kommen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Legale MigrantInnen, die schon lange in Österreich leben und arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. (Neue) EinwanderInnen, die versuchen, eine Arbeitsbewilligung zu bekommen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. MigrantInnen aus den alten EU-Mitgliedsstaaten (vor 2004)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. MigrantInnen aus den neuen EU-Mitgliedsstaaten (nach 2004/07)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. MigrantInnen aus Drittstaaten (außerhalb EU)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. MigrantInnen, die ohne Papiere in Österreich leben oder arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. MigrantInnen, die als „Neue Selbständige“ oder als „Scheinselbständige“ in Österreich arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. SaisonarbeiterInnen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. „Entsendete“ oder „überlassene“ Arbeitskräfte, die weiterhin in einer Firma aus einem anderen EU-Mitgliedsstaat angestellt sind, aber für einen bestimmten Auftrag in Österreich tätig werden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(6) Bitte geben Sie uns einige Informationen über Ihren Betrieb:**

Zahl der MitarbeiterInnen im Betrieb:  < 10  11-50  51-100  101-500  > 500

Zahl der MigrantInnen im Betrieb (ungefähr): .....



In unserem Betrieb arbeiten MigrantInnen aus den folgenden Gruppen (Anzahl bitte schätzen):

	Ja	Nein	Anzahl
1. MigrantInnen, die als LeiharbeiterInnen in Firmen kommen	<input type="checkbox"/>	<input type="checkbox"/>	
2. Legale MigrantInnen, die schon lange in Österreich leben und arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	
3. (Neue) EinwanderInnen, die versuchen, eine Arbeitsbewilligung zu bekommen	<input type="checkbox"/>	<input type="checkbox"/>	
4. MigrantInnen aus den alten EU-Mitgliedsstaaten (vor 2004)	<input type="checkbox"/>	<input type="checkbox"/>	
5. MigrantInnen aus den neuen EU-Mitgliedsstaaten (nach 2004/07)	<input type="checkbox"/>	<input type="checkbox"/>	
6. MigrantInnen aus Drittstaaten (außerhalb EU)	<input type="checkbox"/>	<input type="checkbox"/>	
7. MigrantInnen, die ohne Papiere in Österreich leben oder arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	
8. MigrantInnen, die als „Neue Selbständige“ oder als „Scheinselbständige“ in Österreich arbeiten	<input type="checkbox"/>	<input type="checkbox"/>	
9. SaisonarbeiterInnen	<input type="checkbox"/>	<input type="checkbox"/>	
10. „Entsendete“ oder „überlassene“ Arbeitskräfte, die weiterhin in einer Firma aus einem anderen EU-Mitgliedsstaat angestellt sind, aber für einen bestimmten Auftrag in Österreich tätig werden	<input type="checkbox"/>	<input type="checkbox"/>	

Branche: ..... (DROPDOWN)

**(7) Bitte geben Sie uns einige Informationen über sich selbst:**

Ich bin  weiblich  männlich

Geburtsjahr: ..... (DROPDOWN)

Fachgewerkschaft, Organisation: ..... (DROPDOWN)

In diesem Bundesland aktiv: ..... (DROPDOWN)

Gewerkschaftsmitglied seit: ..... (DROPDOWN)

Ich bin in der Gewerkschaft  sehr aktiv  gelegentlich aktiv  wenig bis nicht aktiv

Ich bin GewerkschaftsfunktionärIn

Ich bin in meinem Betrieb  Betriebsrat  Betriebsratsvorsitzende/r   
Vertrauensperson

Staatsbürgerschaft:  Österreich  EU  Drittstaat (außerhalb EU)

Muttersprache: ..... (DROPDOWN)

**Vielen Dank für Ihre Teilnahme!**

## 8.4 Guideline for interviews with migrants

Sehr geehrte Frau..., sehr geehrter Herr...

**Wir, das Forschungsteam am Department für Migration und Globalisierung (Leitung: Prof. Gudrun Biffel) befassen uns im Rahmen eines Forschungsprojekts mit der Situation der MigrantInnen auf dem österreichischen Arbeitsmarkt, ihren Erfahrungen in Betrieben und mit Unterstützungseinrichtungen. Wir untersuchen innerbetriebliche Management Strategien und die Rolle des Betriebsrates bei der Förderung der Integration, des interkulturellen Dialogs und der Karriere. Dieses Interview findet anonym statt.**

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Dieses Forschungsprojekt wird von der Österreichischen Nationalbank, dem Jubiläumsfonds, finanziert, und von der Donau Universität Krems durchgeführt.

**Wir möchten nochmals herzlich dafür danken, dass Sie sich die Zeit nehmen, an unserem Interview teilzunehmen.**

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**Zwei Fragenblöcke:**

### **Block Eins: Suche nach Arbeit, Erfahrungen in der Arbeit, Unterstützungseinrichtungen**

1. Persönliche Daten je nach Migrationshintergrund (erste/zweite Generation)? Welche Qualifikationen haben Sie? entspricht Ihre Ausbildung den Anforderungen am Arbeitsplatz?
2. Wie sind Sie zu diesem Arbeitsplatz gekommen, hatten Sie Unterstützung von Einrichtungen, Freunden, Familie...?
3. Gefällt Ihnen ihre Arbeit? Entspricht diese ihren Qualifikationen und Berufswünschen?
4. Bitte skizzieren Sie kurz Ihren Betrieb und Ihre Stelle im Betrieb.
5. Haben Sie den Eindruck, dass es betriebsinterne Aufstiegsmöglichkeiten gibt?
6. Werden sie persönlich gefördert, gibt es Weiterbildungsprogramme, Supportstrukturen? (je nach Migrationshintergrund Frage umformulieren)
7. Bietet Ihnen der Betrieb Unterstützung an? Welche Programme /Unterstützungseinrichtungen gibt es? Gibt es Möglichkeiten der betrieblichen Weiterbildung
8. Erhalten Sie Unterstützung vom Betriebsrat, der Gewerkschaft?
9. Sind Sie selbst Gewerkschaftsmitglied/Betriebsratsmitglied?
10. Können sie außerhalb des Betriebs Supportmaßnahmen in Anspruch nehmen, die beim Arbeitsalltag unterstützend wirken?
11. Welche sind das?

### **Block Zwei: Soziales Umfeld, Erfahrungen mit Kollegenschaft**

12. Wie funktioniert der interkulturelle Dialog/die Kommunikation an Ihrem Arbeitsplatz?
13. Gibt es Hilfsstrukturen zur Förderung der Kommunikation?
14. Welche Gruppenbildungen finden statt, haben Sie auch Freundschaften am Arbeitsplatz geschlossen, wenn ja welche(mit welcher Berufs und Herkunftsgruppe)
15. Gibt es gruppenspezifische Dynamiken? Wie sind diese strukturiert?
16. Helfen MigrantInnen MigrantInnen innerhalb des Betriebs?

17. Welches sind die größten Schwierigkeiten, aus Ihrer Sicht, mit denen MigrantInnen in Betrieben und bei der betrieblichen Eingliederung konfrontiert sind? Religion, Sprache, Ablehnung, Diskriminierung, Vorurteile...
18. Wo sehen Sie Schwachstellen bzw. Verbesserungsmöglichkeiten zur Förderung der gesellschaftlichen und beruflichen Integration von Personen mit Migrationshintergrund?
19. Welche Rolle könnte, Ihrer Meinung nach, die Gewerkschaft spielen?