



## **TÍTULO**

**Os Conselhos Sindicais Inter-regionais (CSIR) e os trabalhadores migrantes: os casos dos CSIR Norte de Portugal-Galiza e Alentejo-Extremadura**

## **TITLE**

**The Interregional Trade Union Councils (IRTUC) and the cross-border workers: the cases of the Galicia-Norte de Portugal and Alentejo-Extremadura IRTUCs**

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## TITLE OF PAPER

### The Interregional Trade Union Councils (IRTUC) and the cross-border workers: the cases of the Galicia-Norte de Portugal and Alentejo-Extremadura IRTUCs

#### RESUMO

Segundo Magone (2006), as regiões fronteiriças tenderam a ser negligenciadas pelos poderes públicos e pelos atores sociais durante muito tempo. Esta atitude só se alterou com o processo de integração europeia. Desde então, a cooperação entre as regiões e o aprofundar da sua interdependência passaram a constituir um elemento central para o sucesso do processo de integração.

O movimento sindical não ficou à margem deste processo. Em 1976, o primeiro Conselho Sindical Inter-regional (CSIR) foi fundado nas fronteiras entre a Alemanha, a França e o Luxemburgo.

Para Prince (1995) e Magone (2006), uma das mais importantes tarefas dos CSIR prende-se com as questões que afetam os trabalhadores que atravessam as fronteiras para poderem exercer as suas profissões, nomeadamente, o igual tratamento em termos de salários e de segurança social, o reconhecimento de qualificações, os impostos, etc., dadas as disparidades existentes.

Prince (1995) e Hammer (2010) sustentam que os CSIR se focam igualmente na tentativa de assegurar que os quadros legais e as convenções coletivas de trabalho, que são diferentes dos diversos lados das fronteiras, sejam aplicados com o intuito de evitar o *dumping* social. Com as suas atividades de informação e de aconselhamento no domínio legal, eles acabam por construir uma relação de confiança e de solidariedade com os trabalhadores. Para Hammer, os CSIR também contribuem para fazer crescer as capacidades dos sindicatos, ao facilitarem a constituição de redes sindicais transfronteiriças aos níveis setorial e de empresa e ao apoiá-las. Simultaneamente, assumem um papel de representação política face às autoridades regionais. Segundo Prince, alguns dos CSIR evoluíram gradualmente para o exercício de um conjunto mais vasto de atividades, atuando nos campos do emprego e das políticas sociais, da formação profissional, do desenvolvimento regional e do ambiente. Por seu turno, Noack (2001) refere que eles podem variar entre simples “*network nodes*” e “*inter-regional social partners*”, desempenhando uma função central no desenvolvimento regional.

Portugal e Espanha partilham uma longa fronteira com mais de 1 000Km sujeita a uma “dupla periferia”, como refere Covas (1997). Ao longo desta fronteira, podemos identificar quatro regiões, cada uma delas com um CSIR.

Esta comunicação tem por objetivo contribuir para um melhor conhecimento destas estruturas sindicais transfronteiriças. Baseada numa comparação entre os CSIR Norte de Portugal-Galiza e Alentejo-Extremadura, através de análise documental e de entrevistas com dirigentes sindicais, discutiremos a sua constituição, objetivos, estrutura organizacional e atividades, com especial enfoque para as relacionadas com os trabalhadores migrantes.

**Palavras-chave:** *Cooperação transfronteiriça, CSIR, regiões fronteiriças, sindicatos, trabalhadores migrantes*

## ABSTRACT

As some literature states, like Magone (2006), the border regions tended to be neglected by the European countries and by the social actors for a long time. This attitude only changed with the beginning of the European integration process. Since then, the cooperation between cross-border regions and the deepening of their interdependence and integration was seen as a key factor for the success of the integration.

The trade union movement does not stay apart from this process. In 1976, the first Interregional Trade Union Council (IRTUC) was born in the borders of Germany, France and Luxemburg.

According to Prince (1995) and Magone (2006), one of the most important tasks of the IRTUCs is related with the problems that affect the cross-border migrant workers, mainly the issues of equal treatment in terms of wages, social security, recognition of skills, taxation, etc., taking into account the disparities that characterise the cross-border regions.

Prince (1995) and Hammer (2010) also states that the IRTUCs are focused in ensuring that the legal and administrative frameworks and collective agreements, which are diverse in the different sides of the borders, are applied in order to avoid social dumping. With their activities of information and legal advice they build trust and solidarity with the workers. For Hammer, IRTUCs also contribute to enhance trade union capabilities, by facilitating and support cross-border networks at sectoral and workplace levels, and has a role of political representation facing to the regional authorities. For Prince, some of the IRTUCs have evolved gradually for a more broadened range of activities, acting in the fields of employment and social policies, vocational training, regional development and the environment. Noack (2001) refers that they can range from a mere “network node” to an “interregional social partner” with a key function in the regional development.

Portugal and Spain share a long border of over 1 000Km subject to a “double periphery”, as referred by Covas (1997) in respect both to their countries and to the other countries of the EU. Along this border, we may identify four cross-border regions, which one having an IRTUC.

The purpose of this paper is to address some insights on IRTUCs institutionalization and activities. Based on a comparison of the IRTUC Norte de Portugal-Galicia and of the Alentejo-Extremadura one, through documental analysis and interviews with trade union officials, we will discuss its constitution, aims, organizational framework and activities focused on the cross-border workers.

**Keywords:** *Border regions, cross-border cooperation, IRTUC, migrant workers, trade unions*

## 1. INTRODUCTION

As some literature stresses, like Magone (2006), the border regions tended to be neglected by the European countries and by the social actors for a long time. This attitude only changed with the beginning of the European integration process. Since then, the cooperation between cross-border regions and the deepening of their interdependence and integration was seen as a key factor for the success of the integration.

The trade union movement does not stay apart from this process. In 1975, trade union officials from cross-border regions of Germany, France and Luxemburg facing to the crisis in the coal mines and in the steel industry began informal contacts because they believed that the economic and social problems that affected their regions were not only similar but were linked. In 1976 a structure was institutionalized and the first Interregional Trade Union Council (IRTUC) was born.

According to Prince (1995) and Magone (2006), one of the most important tasks of an IRTUC is related with the main problems that affect the cross-border workers, such as the equal treatment in terms of wages and social security, the recognition of skills, taxation, etc., taking into account the disparities that characterise the cross-border regions. Prince (1995) and Hammer (2010) also states that the IRTUCs are focused in ensuring that the legal and administrative frameworks and collective agreements, which are diverse in the different sides of the borders, are applied in order to avoid social dumping. With their activities of information and legal advice they build trust and solidarity among the workers. For Hammer, the IRTUCs also contribute to enhance trade union capabilities, by facilitating and support cross-border networks at sectoral and workplace levels, and play a role of political representation facing to the regional authorities. For Prince, some of the IRTUCs have evolved gradually for a more broadened range of activities, acting in the fields of employment and social policy, vocational training, regional development and the environment. The study of Noack (2001) allows us to conclude that they can range from a mere “*network node*” to an “*interregional social partner*”, what is conditioned by the role performed by the trade unions and the quality of the cross-border cooperation made possible in contexts marked by considerable disparities between regions in what concerns the industrial relations systems and the labour market institutions as pointed out by Hammer (2010).

Portugal and Spain share a long border of over 1 000Km subject to a “double periphery”, according to the words of Covas (1997), in respect both to their countries and to the other

countries of the EU. Along this border, we may identify four cross-border regions, which one having an IRTUC. The first one to be founded was the Norte de Portugal-Galicia IRTUC, in 1985. The other three were founded in the nineties: Beiras Nordeste-Castilla León and Alentejo-Extremadura, in 1994; Algarve-Andalucia, in 1995.

The purpose of this paper is to address some insights on IRTUC's institutionalization and activities. Based on a comparison of the IRTUC Norte de Portugal-Galicia and of the Alentejo-Extremadura one, through documental analysis and interviews with trade union officials, we will discuss their constitution, aims, organizational framework as well as their activities focused on the cross-border workers. We will devote particular attention to the activities of the Norte de Portugal-Galicia IRTUC because in this region the migratory flows are traditionally much more intense than in the Alentejo-Extremadura region.

## **2. THE CONSTRUCTION OF THE EURO-UNIONISM AT A REGIONAL LEVEL**

### **2.1. The establishment and development of the Interregional Trade Union Councils (IRTUCs)**

Despite the existence of a large amount of literature on the trade union movement and on industrial relations in Europe, the Interregional Trade Union Councils (IRTUCs) continue to be a black box in the studies in these fields, even though when academics focused their attention on cross-border trade union and bargaining coordination or on unilateral trade union cooperation, as mentioned by Hammer (2010).

These structures began to emerge in the 1970s. The first one was the Saar/Lor/Lux IRTUC (now Saar/Lor/Lux/Trier/Westpfalz IRTUC). With it, a new kind of trade union structure was born. It represents an institutionalized form of transnational trade union cooperation, in this case on a cross-border basis, in an era in which unions are still primarily organized at the national level, although all attempts to build the coordination and the solidarity between the different national trade union movements. It represents also a “bottom-up form of cooperation” as Hammer (2010: 353) said, since the initiative to its set up emanate from trade union officials that are situated in the rank and file of the union hierarchy and as they seek fundamentally to increase labour market control in a specific territory.

Four main reasons had contributed to stimulate the further emergence and development of other IRTUCs. The first one, underlined by Hammer is linked to the economic and social problems that arise in the border regions, with the trade unions trying to avoid the “competitive adjustment at the expense of the workers” (2010: 353). The second is the

process of European integration that gives a growing importance to the cross-border cooperation and leads to the deepening of the labour markets' integration and the consequent increase in the number of cross-border workers as referred by Prince (1995). The third are the several enlargements of the EU with the accession of new member states to the club what increased significantly the migration flows, particularly in the ancient eastern borders of the EU. The fourth is the implementation of some European policies that have had a major impact on the border regions: structural policies aiming that regional economies become more interdependent and integrated, for what the INTERREG programme is crucial; cohesion policies (economic, social and territorial); and regional policies with the creation of the Euroregions in a first moment and of the Macroregions presently, what implies further cross-border cooperation.

The first IRTUCs were set up without any support from the European Trade Union Confederation (ETUC). This pan-European trade union confederation only began to give its support and incentive to the creation of these structures from the middle-1980s onwards and only recognized them formally in 1992. Henceforth, ETUC coordinates their activities. In 2010 there were 45 IRTUCs across Europe. However, under the same designation, many differences could be observed. Differences in the organizational structures, in the working methods and resources, in the dynamism put in the action, in the areas of activity or in the strategies implemented, because these structures are profoundly embeddedness in socio-economic and cultural contexts that vary from region to region, from country to country.

## **2.2. The foundation processes, organizational structures and resources**

The foundation process of an IRTUC usually begins with informal contacts between the trade union officials of the regional structures of the trade union confederations that are affiliated to the ETUC. These informal contacts are followed by some initiatives organized jointly. Sometimes, the exchange of experiences with other IRTUCs already established is important to the set up of the new structure. The second step is the institutionalization of the trade union cooperation with the foundation of the IRTUC. In this process is important the discussion and the signature of several documents by the unions involved, namely the joint statement where the partners stress their strategic commitment to cooperate and define the programmatic goals of the cooperation. They may range from a more narrow scope focused in the attempt to control the labour market to a more ambitious one, including matters like the environmental domain, as it happens in the joint statement of the Elbe/Neiße IRTUC founded in 1993 in the border regions of Germany, Poland and the former Czechoslovakia as described by Noack

(2001). Organizational details are regulated by other important documents like the constitution or the rules of procedure. In the case of the BoBa IRTUC established in the border regions of Germany and Czechoslovakia in the early 1990s, Noack mention that there is also a document that regulates the financial affairs and the procedures related to the elections.

Only the regional organizations in the cross-border regions of the national ETUC-affiliated confederations can be full-members of this structure. One regional organization of a confederation that is not affiliated to the pan-European confederation could have an observer status if all full-members agree in that.

In general, the IRTUCs internal structure comprises two bodies: the joint conference or general meeting and the executive committee. However, Noack (2001) notes that in the IRTUCs in the German-Polish-Czech borders, the president was considered a third statutory body, while Hammer (2010) referred that in the West Pannonia IRTUC, located in the Austrian-Hungarian border, there is a control commission.

The joint conference is the highest statutory body. It defines the strategy and elects the executive committee. In the IRTUCs studied by Noack, the decisions were taken by consensus, but their constitutions foresee the possibility of taking decisions by vote, requiring a qualified majority of three-quarters. In the majority of these IRTUCs, the joint conference is composed by an equal number of delegates from each trade union confederation. However, there are exceptions, like in the Saar/Lor/Lux IRTUC where the number of the delegates from each confederation depends on the size of their membership. On the other hand, the number of the delegates to the joint conference may differ strongly, ranging from 8 in the Pommerania IRTUC, established in the German-Polish border, and 18 in the BoBa one.

Frequently, the executive committee is composed by three or four representatives of each trade union confederation and meets several times in a year. It represents the IRTUC and organizes its activities according to the decisions taken by the joint conference. Decisions are usually also taken by consensus, but if voting is necessary, there is a provision in the constitutions requiring also a qualified majority of three-quarters. Finally, the president comes into office by a mechanism of rotation among all the trade union confederations that are full-members. Generally, the president rotates every year and has one vice-president or more.

The working methods and the resources can vary from one IRTUC to another, but for all of them they are the two major sources of problems. The administrative work is usually carried out by the staff of the trade union confederation of the incumbent president what implies a surcharge of work and make difficult its continuity. On the other hand, the trade union officials also suffer a surcharge of work, because they have many other tasks to carry out in their trade union confederations.

Noack (2001) and Hammer (2010) show some attempts that intend to solve, at least partially, this problem. The Elbe/Neiße IRTUC created, with funds from the INTERREG programme and from the state of Saxony, a liaison office with a staff of two persons that support all the work of the IRTUC, including the organization of events and the running of the cross-border projects. For its part, the Viadrina IRTUC receives support from a liaison office at the European University Viadrina in Frankfurt/Oder. Finally, the West Pannonia IRTUC established a staff project office with five full-time and high qualified employees for the running of the cross-border projects. The establishment of these offices could be a solution for many problems. However, the limited financial resources of the IRTUCs make it impossible in many cases. Other problem is related with the information and communication issues, domain in which Noack detected an important deficit.

### **2.3. The fields of activity**

According to Magone (2006), Prince (1995) or Hammer (2010), the most important task of the IRTUCs is related to the problems that affect the cross-border workers, mainly equal treatment in terms of wages, social security or taxation, and the recognition of skills. In fact, this cross-border regions are characterised by considerable asymmetries what could led the companies to take advantage of them in order to depress wages. In a word, the main objective is to avoid the social dumping. The protection of the cross-border workers from double taxation or from a disadvantaged calculation of benefits, as the social insurance systems differ from country to country and, in consequence, from the place of residence and the place of work are other important objectives reported by Hammer (2010). Besides that, Noack states that some IRTUCs also focus their attention in issues like the employment policy; vocational training; economic, regional and structural policies; environmental protection; transport policy and socio-cultural relations.



For Hammer (2010), the cross-border trade union cooperation attempt to achieve its goals through information and advice; company and sector level cooperation and social partnership. We may add one more: organizing and mobilizing the workers.

The exchange of information and the support and advice are very important in the IRTUCs' activities due to the social, economic or legal differences that exist in the two or more sides of the borders. Exchange of information between trade union officials at sectoral and company levels and between them and the cross-border workers. Support and advice to the cross-border workers about their rights in wages, benefits, taxation and working conditions as they are defined in the collective agreements. Many channels could be mobilized to give information and advice. Hammer refers those used by the West Pannonia IRTUC: bilingual brochures on employment rights, taxes and benefits; guides on collective bargaining and on the establishment and rights of work councils; a dictionary on work and employment terminology; handbooks; picketed border crossings; organization of events; creation of decentralized structures of support and advice; use of the Austrian tradition of the *Stammtisch* for giving information outside the workplaces.

The establishment of trade union cooperation at sectoral and workplace levels is another way. However, according to Hammer, the disparities in union capacities, mainly in what concerns the presence of the unions in the workplaces, as well as those in the labour market institutions and in the industrial relations systems are key factors that could put in question the interregional trade union cooperation. Only with the overcoming of these disparities shall be possible that cross-border cooperation rather than "protecting the asymmetry" becomes "an actor in shaping labour market convergence", Hammer says (2010: 365).

The third function is the social partnership. As it happens in the West Pannonia IRTUC, the trade unions engaged in the establishment of interregional networks with the employers' associations, the public services and the education and vocational training institutions. Through this engagement, the trade unions not only acquired technical expertise in the matters concerned to the labour market control, including issues on social policy, vocational training or allocation of labour market funds, for example, but also enlarged its influence as they are consulted by the public services and can put in practice lobbying activity, pressing the national or the local authorities for the conclusion of agreements that regulate some of the issues they deal with. The involvement in the Euroregions and more recently in the Macroregions, allows the unions to work on ideas for the regional development, what is another way to extend their influence.

As a part of the trade union movement, the IRTUCs have also a relevant role to play in organizing and mobilizing the mobile cross-border and migrant workers, although the difficulties in doing so, taking into account the multiple obstacles that are posed to the trade unions action at this respect: language barriers; the fact that these workers are mainly located in the economic sectors, like agriculture, construction or the private services sector, where the unions are traditionally weak; the spread of non-standard forms of employment, such as temporary work, subcontracting arrangements and even illegal work; the temporary characteristic of many migratory flows, etc.. However, the recruitment and organization of these workers is a priority for the unions in order to overcome the crisis they are facing. This action can be seen as integrated in the “revitalization strategy” pointed out by several authors like Frege and Kelly (2004) that intend to revitalize the unions notably through the organization and mobilization of new groups of workers, which to be successful must be subordinated to an “organizing model” as Heery *et al.* (2000) notice.

### **3. THE EMERGENCE AND EVOLUTION OF THE NORTE DE PORTUGAL-GALICIA AND ALENTEJO-EXTREMADURA IRTUCs**

#### **3.1. The founding process**

In 1985, almost ten years after the set up of the Saar/Lor/Lux IRTUC, the first similar structure for cross-border cooperation involving trade union confederations from Portugal and Spain was created in the northwest of the Iberian Peninsula. The Norte de Portugal-Galicia IRTUC was the ninth that was set up in Europe and benefited from the experience of the IRTUCs already established. Today there is a particularly close relationship with the Castilla-León-Beira Nordeste IRTUC, because all these regions (except the Portuguese Beiras) belong to the Southwest European Regions (RESOE), one of the Macro-regions created recently as a new form of territorial division in the EU. On the other hand, Beiras belongs with Alentejo and Extremadura to the EUROACE region.

As it happened with similar structures, the founding processes of the two IRTUCs began with informal contacts between trade union officials from both sides of the border. After these informal contacts, joint statements were signed in both cases. They expressed the intention of the unions to found the IRTUCs.

In the case of the Norte de Portugal-Galicia structure, the contacts were established between the Galician General Workers' Union (UGT-G) and the Portuguese General Workers' Union (UGT-P), at that time the only two confederations in the Iberian countries that were affiliated

to the ETUC (UGT-P belongs to the ETUC since 1983). The joint statement they signed defined three specific goals for the new structure. If we compare them with those expressed in the joint statement that sealed the foundation of the Elbe-Neiße IRTUC quoted in Noack (2001), we may see that the objectives defined for the Norte de Portugal-Galicia IRTUC were narrower (for example, the environmental field was neglected) and vague. Besides that, nothing was said about the concrete initiatives to be implemented in order to achieve the “mutual understanding and the solidarity” between the workers of the two sides of the border. The joint statement also defined the organizational structure of the IRTUC, composed by three bodies: the general meeting or joint conference; the union committee (a statutory body that was not foreseen in the IRTUCs studied by Noack or Hammer) and the executive committee.

Some years later, the configuration of the governing bodies of this IRTUC was deeply revised, mainly in order to accommodate the two new members, CC.OO. and CGTP-IN, that became full-members after their affiliation to the ETUC (CC.OO. in 1990; CGTP-IN in 1994). So, on the 20<sup>th</sup> July 1995, the IRTUC was re-founded, as it is expressed in the preamble of the new IRTUCs constitution. A new era began, with these four confederations as full-members. Out of the IRTUC still remains the Galician Interunions Confederation (CIG), organization that is not affiliated to the ETUC but is the third most representative trade union confederation in Galicia with almost one-third of the workers’ delegates elected between 2006 and 2009, and the Workers’ Union (USO), that is affiliated to the ETUC since 2005. They do not have even an observer status. CGTP-IN tried to give that status to CIG, proposal that was not accepted by the other three confederations.

The four trade union confederations affiliated to the ETUC are also members of the Alentejo-Extremadura IRTUC, in this case since the beginning as its foundation only occurred after CGTP-IN has been accepted in the ETUC in 1994 following the second application for membership submitted in 1992 as the first, dated from 1979, had been rejected.

### **3.2. Structure, resources and fields of intervention**

The latest version of the constitution of the Norte de Portugal-Galicia IRTUC was approved in 2006. It expresses statutory objectives that are mainly labour market centred, what does not hamper this structure to intervene in fields that are related with a wide variety of policy areas. For example, in 2002, the IRTUC organized a conference on the sinking of the “*Prestige*” tanker near the Galician coast that had catastrophic consequences to the environment. Other

examples are the statements claiming the construction of the *TGV* line between Oporto and Vigo, the modernization of the airports in the region and the cross-border road infrastructures, or on the abolition of the tolls that were introduced recently in some Portuguese highways. We may also mention the proposals presented in the meetings with the local authorities on issues like the environment, the conservation of the historical patrimony, the economy and the R&D and innovation policies.

In a sense, the same applies to the Alentejo-Extremadura IRTUC, although this proves to be much less dynamic compared to its counterpart located further north. In addition to the support provided to the “*temporero*” workers, those that go to work in the fields of Extremadura, or to the Spanish doctors and nurses that work in the Alentejo region, the IRTUC is also involved in other areas. As an example, it has actively participated in the protests against the closure of the *Ramal de Cáceres*, the railway line that connected the Alentejo to the Extremadura.

Returning to the Norte de Portugal-Galicia IRTUC, with the new constitution, several changes were also made in what concerns the governing bodies. Now only two governing bodies are foreseen: the general meeting or joint conference and the executive committee. The union committee was abolished.

The general meeting remains the highest statutory body, but its composition was reduced from 24 to 20 members (five from each trade union confederation). New dispositions on it were introduced what bring the rules of this IRTUC more into line with the ones of other similar structures, like those studied by Noack. The competences of the general meeting are not only better formulated than in the founding document, but they are also extended. Above all, this body defines the strategy of the IRTUC and instructs the executive committee that is elected by it. As a rule, the decisions must be taken by consensus. If this is not possible, it is also provided that they could be taken by a qualified majority (a majority of the members and a majority of the organizations) if vote becomes necessary.

The executive committee, elected for a two years’ term of office, is the body that represents externally the IRTUC through its President, but its main task is to implement the strategy defined by the general meeting. Other tasks consist in making a permanent analysis of the economic and social situation. It is composed by eight members, being two representatives from each trade union confederation. One is the President and three are Vice-presidents. The office of the President rotates every two years, as it happens with the Alentejo-Extremadura

IRTUC, whose executive committee has a broader composition, since it is integrated by twelve members, being each confederation represented by three elements.

For the trade union officials interviewed, the lack of resources, human and material, is the major problem of the IRTUCs. There is neither head office nor staff working in full-time or equipment. The absence of a stable budget or a multi-year funding hampers the formulation of a work plan in the medium and long-terms. In the case of the northwest IRTUC, the lack of resources is not even more significant because there is in this Euroregion a EURES cross-border initiative that plays a key role in supporting the activity of the structure mediating the applications for funding.

The Galicia-Região Norte EURES dates from 1997 and like the others that were set up across EU, is a tripartite partnership which brings together public services concerning employment and vocational training, local authorities, universities, trade unions and employers' associations. It is important as a forum for the mutual understanding and for the implementation of the social dialogue. The Norte de Portugal-Galicia IRTUC is member of the EURES executive committee, what gives it the status of a social partner. So, adopting the typology of Noack (2001), we may say that this IRTUC nears the type labelled "interregional social partner" while its counterpart in the south is closer to the type "network node".

The social dialogue promoted through this EURES cross-border initiative is a positive aspect highlighted by the trade union officials when they evaluate the outcomes of the IRTUC. Inclusively, sometimes it seems that the work of the EURES is making indistinct from the trade union action. The IRTUC defends that the EURES cross-border could develop an even more useful work if it has the competence for the promotion and implementation of local plans for employment as well as of a plan for the whole Euroregion. For it, the EURES cross-border should be "a European public service of employment" with its own legal personality, instead of what happens now, as it is a structure that depends from the Xunta de Galicia and from the Commission of Coordination and Regional Development of the North of Portugal (CCDRN), rotating this dependency every two years accompanying the rotation of the Presidency of the Euroregion. Besides that, the IRTUC claims the reinforcement of its budget as well as of its staff.

### **3.3. Cross-border workers and the role of the IRTUCs**

The core of the work of the two IRTUCs, as it happens with similar structures, is linked to an attempt to control the labour market in face of the increased importance of the migratory flows.

After the Second World War, an inflow of migrant workers arrived to the countries that founded the EEC. They came mainly from the south-western regions of Europe and from the south and eastern borders of the Mediterranean Sea. In a global era, where we assist to an increasing importance of the transnationalization of the labour markets in the context of the flexible capitalism accompanied by the consecutive enlargements of the EU, the migratory flows in Europe have changed. Nowadays, the external migrations from the developing countries still remain, but the intra-European migrations, which had risen considerably in the recent years, are now the main type of labour migration in Europe, with a wrinkle east-west pattern, due to the great disparities in employment opportunities and in incomes across Europe. At the same time, the flows of mobile cross-border/commuter workers as well as the number of posted workers also raised considerably. This is reinforced by the active promotion of the free movement of people and the equal treatment of workers by EU institutions.

This situation adds a new challenge to the national trade union movements that fear the social dumping. Nevertheless this common concern, their attitudes and practices towards migrant labour seem to be quite different accordingly to Krings (2009a,b). For the author, in Germany and Austria the trade union confederations are profoundly concerned about the possible negative consequences to the labour standards and collective agreements derived from the flows of migrant workers from the Eastern European countries, demanding in consequence a “transitional period” and supporting a “law and order” approach for the illegal workers. On the contrary, in the UK and Ireland, the national trade union confederations are more open towards immigration. Inclusively, in Britain the unions have openly campaigned in defence of the illegal workers and have made efforts trying to organize the migrant workers.

For Krings, this differentiated attitudes, “with Britain and Austria probably representing the opposite end of the spectrum” (2009a: 188), are due to the different political, economic and institutional factors, mainly regarding the labour market and the collective bargaining, that distinguish two “varieties of capitalism”: the “liberal market economies” (UK and Ireland) and the “coordinated market economies” (Germany and Austria). Nevertheless, Krings also accounts that although influenced by these structural factors, the union policies are not

determined by them giving as an example the different policies that the individual unions carry on in the same country. Krings also emphasizes that all the national trade union confederations he studied defend the assumption that restrictive policies are not a solution and no one opposed itself to labour migrations. This is the policy of the ETUC.

For the pan-European trade union confederation, principles such as the free movement of workers within the boundaries of the EU and the equal treatment of all workers in its territory, along with social and political integration of migrant and ethnic minority workers are cornerstones of the construction of a sustainable social Europe and, though, they must be fulfilled. This is what is expressed in several key documents, from the ones adopted at the ETUC congresses till those that deal specifically with this matters, like the “Action Plan for an ETUC policy on migration, integration, and combating discrimination, racism and xenophobia” (2003) or the response of the ETUC to the European Commission’s Green Paper on Economic Migration (2005). The ETUC also adopted several resolutions on this field, and recently carried out a research project whose broader aim was to contribute to a “better workplace for all”. As a result of this project a brochure was edited (2011), where were identified three main areas of action for the trade unions, as well as their strengths and weaknesses in respect to migrations. The main areas of action identified are: information, advice and support of mobile and migrant workers; organization and recruitment of those workers; and their social integration and the role of the trade unions. For the ETUC this could be achieved at different levels – international, national, regional – and it is emphasized the necessity of transnational cooperation. The IRTUCs were given as a good example of this cooperation.

Which are the attitudes of the members of the two IRTUCs towards labour migrations? How do they deal with the migration flows? What initiatives do they promote in order to achieve their objectives?

The policies of the four members of the two IRTUCs are in line with the ETUC’s policy. As the pan-European trade union confederation, they consider that the fulfil of the free movement, the equal treatment and the social integration of mobile and migrant workers are essential to the construction of a sustainable social Europe.

Thus, in Spain CC.OO created in 1986 Information Centres for Foreign Workers (CITES) with the aim of giving information, advice, support and legal services for immigrants and for the development of actions against undeclared work. This confederation also implements

actions on social and labour insertion through professional and occupational training courses for immigrants. In its turn, Galician branch of UGT has a website specifically dedicated to the migration issues with information on legislation, employment issues and rights and duties of the migrant workers. In Portugal, CGTP-IN and UGT-P signed in 2010 an agreement with the High Commissioner for Immigration and Intercultural Dialogue in order to encourage the affiliation of mobile and migrant workers in the unions as a way to contribute to the deepening of labour rights and social integration. Besides that, in the 1990s, the Portuguese unions, mainly in the construction sector, gave an indispensable support to the migrant workers in the process of legalization of thousands of undocumented people. Some of those workers joined the unions and few became shop stewards or trade union officials. In 2008, the Portuguese CGTP-IN and the Brazilian Workers' Unique Confederation (CUT) organized an international meeting in Lisbon on the migration issues and CGTP-IN signed protocols with the Trades Union Congress (TUC), the Galician Interunions Confederation (CIG) or the General Confederation of Labour of Luxembourg (OGB-L).

In the interviews with the trade union officials it was clearly stressed the support of the IRTUCs to the principles of the free movement of workers, equal treatment and social integration of the mobile workers and the concerns on the practices of social dumping. For example, the Norte de Portugal-Galicia IRTUC organizes seminars where one of the aims is exactly the identification of the barriers to the free movement and the equal treatment of these workers. The seminars have a sectoral basis (on the shipbuilding industry, construction, fishery, the textile industry or the auto industry) or a thematic one (vocational training, collective bargaining in Galicia and Portugal and the cross-border cooperation).

In this sense, the IRTUC also develops a dialogue with cross-border institutions like the Galicia-North of Portugal Work Community, the European Grouping of Territorial Cooperation or the Atlantic Axe and participates in some European projects, like the vocational training project called "Ibermovilitas: cross-border mobility in employment", a partnership between the public services of employment of Portugal, Galicia, Castile and León, Extremadura and Andalucía. The same type of dialogue takes place between the Alentejo-Extremadura IRTUC and the public or private institutions in the region.

All these activities are seen by the trade union officials as a landmark that allow the unions to have a deeper participation in the cross-border institutions. As in other European regions where there are disparities in the labour markets between the two or more sides of the borders, in the northwest and in the south of the Iberian Peninsula the issues that arise are concerned



with the equal treatment in terms of wages, social protection, tax regimes or about the skills. For example, in the seminars on the construction sector and on the textile industry promoted by the Norte de Portugal-Galicia IRTUC, the existence of disparities in the skills' levels and the no recognition of the skills of the Portuguese workers in Galicia were considered as an obstacle to the free movement.

More difficult seems to be the cooperation involving trade union representatives from workplaces settled in the two sides of the borders or from companies that work in a subcontracting basis. This is especially important in the north of the Iberian Peninsula, where many companies were settled in the two sides of the border or have relationships in a subcontracting basis, being the subcontracted companies fundamentally settled in the North of Portugal. As it happens in the West Pannonia IRTUC, the weak presence of the trade unions in the workplaces in Portugal certainly hampers this kind of trade union cooperation.

Other important activity of the IRTUCs is to provide direct information to the cross-border workers. This is achieved fundamentally through picketed border crossings or by the distribution of leaflets. In order to ensure that the workers' rights are applied, these two IRTUCs advise the workers – and the employers also – that the cross-border mobility should be achieved through the public services of employment, especially the EURES cross-border initiative in the case of the north, and not through private companies. In a context of deep deregulation of the labour markets, with high levels of precariousness involving posted workers and agency labour and with the increase of the illegal work, one of the proposals of the Norte de Portugal-Galicia IRTUC approved in one of the recent seminars is the realization of a census of the cross-border flows on a regular basis in order to better understand their intensity. According to the IRTUC, this census may also contribute to the necessary struggle against illegal work.

This IRTUC is especially attentive to the social dumping. At this purpose, it requested the intervention of the labour inspectorate in the shipyards of Vigo in 2007. According to the newspaper *La Voz de Galicia*, there, 500 Portuguese workers, that daily crossed the border, earned wages 25% below of what was defined in the concerning collective agreement. In this convention there was also a clause requiring that the foreign companies that posted workers in the shipyards have to comply with the convention in order to avoid social dumping. As a consequence of the intervention of the labour inspectorate, several Portuguese companies were forbidden to continue to post workers in Galicia until they comply with the legislation. We may note that this intervention had a no expected consequence which was a surprise to the

unions: the Portuguese workers reacted negatively to the intervention, as they considered that it was preferable to earn lower wages than being unemployed. However, some time later many of the workers returned to the shipyards earning wages that comply with the collective agreement.

This case denoted a good cooperation between the labour inspectorates of the two countries. The IRTUC claims for the reinforcement of the labour inspectorate and in the seminar on the textile industry it was defended the creation of a cross-border labour inspectorate that could act in an integrated and coordinated mode.

This IRTUC had developed other similar interventions in companies in the construction sector in Galicia. The aim is always the same: to ensure that the Portuguese workers are covered by the collective agreements in force in the respective sector in Galicia instead of working without any rights and in extremely severe working conditions, what includes working long and unsocial hours.

As one trade union official told, there are yet many questions to overcome in order to have a real free movement of workers across borders. However, the trade union officials make a very positive assessment of the IRTUC's actions. Some important outcomes are highlighted, like the contribution for an improvement in health and safety at work. Other questions referred were the access to tax rights and unemployment benefits for workers in the country of work; the warning to companies that do not respect the legal frameworks; the cooperation with the public services and employers organizations in the both sides of the border or the introduction of the labour market issues in the media agenda.

Though positively evaluated, the cooperation with the Portuguese employers' associations is seen as somewhat difficult in both cases. For example, when the Norte de Portugal-Galicia IRTUC organize its initiatives, in particular the sectoral seminars, an invitation is made to the employers' associations in the both sides of the border. The Galician employers seem to be always more receptive to participate than their Portuguese counterparts.

In the agenda of the IRTUCs there is the intention to implement a Euroregion-wide collective bargaining in the future. For some trade union officials, this is the unique form to reduce the disparities that continue to exist in the two sides of the border and to ensure that the mobile workers do not undermine the wage standards. However, like it happens with the European-wide collective bargaining, despite all attempts to coordinate it at this level, the materialization of the dream of these trade union officials seems to be remote.

## 5. CONCLUSION

The new migrant flows, which arose in an era characterised by the transnationalization and the deregulation of the labour markets, put new challenges to a trade union movement in crisis and that is still primarily organized at the national level.

As Krings (2009a: 3) points out, quoting Anderson *et al.*, in view of the “significant wage differentials (...), migrants have an incentive to accept wages and work conditions that are poor by the standard of the host country, but good by the standard of the country of origin”. In face of the situation, the policy of the European trade union movement, expressed by the ETUC, supports the principle of the free movement of workers and, at the same time, claims to the fulfill of the principle of equal treatment for the natives of a country and the migrant workers and defend their social integration in the host societies.

The European trade union movement has already some successes in what concerns these matters, like the one on the draft of the Directive on services in the internal market, commonly known as Bolkenstein Directive. The success of this struggle led to a substantial amendment of the draft till the adoption of the Directive 2006/123/EC.

In order to be successful in this battle for the equal treatment and the social integration of the migrant workers, the international cooperation between trade unions is strategic, although at this moment it still remains weak as the ETUC recognizes. And the IRTUCs are an important example of this international cooperation.

Since the foundation of the first IRTUC this trade union structure accumulated a vast and rich patrimony in the attempt to control the labour markets in the cross-border regions that remains almost unknown due to the lack of studies.

Like the other IRTUCs, both the Norte de Portugal-Galicia and the Alentejo-Extremadura ones have to deal with increasing cross-border mobility and the threat of the social dumping. In order to avoid it, these IRTUCs participate in some cross-border institutions and in European-wide projects and organize events, mainly at a sectoral level, as the cooperation at the company level is still weak due in particular to the weakness of the trade unions presence in the Portuguese workplaces. Another important feature is the information and advice of the workers about their rights. Through the dialogue with the employers, the IRTUCs attempt to improve the work conditions in the workplaces. Through the intervention, at their request, of the public entities like the labour inspectorate, these IRTUCs try to overcome the illegal situations. An instructive example of this type of action was the complaint to the competent

authorities of the situation experienced by Portuguese workers in the Vigo shipyards mentioned above.

However, some weaknesses arise, which could hamper the achieving of this objective. They consist in the lack of human and material resources; in the weak presence of the unions in the workplaces, especially in the Portuguese side of the border; in the difficulty that the unions demonstrate to organize these mobile and migrant workers; in the difficulty of putting in practice the “external solidarity” referred by Levesque and Murray (2003), that is to establish alliances and coalitions with other social movements that support the migrant workers; or in the insufficiency of the use of the Internet. In fact, these IRTUCs do not have websites while the websites of the Portuguese members at the regional level do not exist at all, as it happens with several UGT structures, or are relatively poor and may not even be updated for a long time, as it is the case of the website of the *União dos Sindicatos de Beja – CGTP-IN*. The last but not the least, the major problem is the no existence of a Euroregion-wide collective bargaining procedure, whose implementation at this moment is very remote.

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